

# Amended Substitute House Bill 110

## Senate Finance Committee – Omnibus amendment summary

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### **HIGHLIGHTS (Health & Human Services)**

- Allows county level drug overdose and suicide fatality review committees to be established
- Provides additional funding for county JFS departments for fraud prevention activities, early fraud detection measures and public assistance program fraud investigations. Also, creates an Employment Incentive Program to incentivize individuals to achieve and maintain self-sufficiency through employment
- Provides an additional \$1.5M in FY22 for the Positive Education Program (PEP) supporting children with significant behavioral or developmental challenges
- Extends rate increase in sub bill for HCBS services to PASSPORT adult day services
- Appropriates federal funding for a number of initiatives including Ohio Council of YWCAs, Boys and Girls Clubs, Big Brothers, Big Sisters, Communities in Schools, Children’s Trust Fund and Kinship Caregiver programs
- Provides an additional \$10M per FY for public children services agencies of Ohio
- Designates fourth week of June as “Postpartum Cardiomyopathy Awareness Week”
- Provides \$50M in FY22 using one-time federal grants for reduced child care co-pays to make child care more affordable; and clarifies language that hero pay for child care workers previously appropriated in Senate Bill 109 is unaffected by the bill’s provisions

### **HIGHLIGHTS (Primary & Secondary)**

- Creates a process to establish Afterschool Child Enrichment Educational Savings Accounts for parents of eligible students whose family income is at or below 300% FPL; uses \$125M in federal funding over the biennium for this purpose
- Creates a structure permitting school districts to operate a school using an online learning model each school year
- Authorizes any school district subject to an academic distress commission (ADC) (Youngstown, East Cleveland and Lorain) to submit an improvement plan as an alternative to remaining under state oversight
- Revises the minimum amount of a payment in lieu of transportation offer to half the statewide average cost of pupil transportation for the previous year, rather than 50% of the cost of transporting that pupil
- Removes computer science education mandate from the bill but maintains requirement to develop a state plan for computer science education

# Amended Substitute House Bill 110

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### **HIGHLIGHTS (Local Government)**

- Appropriates \$11M in FY22 and \$12M FY23 (non GRF) for the Ohio Maritime Assistance Program, to issue grants to qualifying port authorities
- Expands eligibility for the Rural Industrial Park Loan Program to projects located in any rural area
- Increases force account limits for highway projects undertaken by unchartered municipalities, a county engineer or a board of township trustees

### **HIGHLIGHTS (General Government)**

- Increases funding for the Public Defender’s administration of Ohio’s indigent legal defense appropriations
- Increases funding for Ohio’s rape crisis centers by \$2.7M in FY22
- Restores funding for the Rapid DNA Pilot Project at BCII
- Increases appropriation for Domestic Violence programs by \$2.475M in FY22
- Appropriates \$2.5M in FY22 for the Crime Victim Compensation Program
- Restores \$4M each FY for additional School Safety Training Grants
- Provides \$300K per FY for at-risk youth services at the Cleveland Rape Crisis Center Human Trafficking Drop-in Center

### **HIGHLIGHTS (Finance / Tax)**

- Expands income tax deductions for families saving for college with contributions to 529 accounts, allowing deductions to apply to any 529 plan, not just Ohio’s

### **HIGHLIGHTS (Workforce and Higher Education)**

- Provides all needed funding for Central State University to meet federal land-grant university match requirements
- Specifies that the need-based financial aid distributed through the Short Term Certificates program is also available to students enrolled in Ohio Technical Centers
- Provides \$813K each FY for the Appalachian New Economy Workforce Partnership
- **Note:** This is not a complete list of changes made by the omnibus amendment. Please refer to official LSC / LBO documents for full analysis of changes
- **Note:** In a few summaries, rounded numbers were used. Please refer to the omnibus amendment text, and other materials for additional details and exact numbers

\_\_\_\_\_ 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
SC3877-1	Department of Mental Health and Addiction Services
SC3879-1	Doris Duke Woods
SC3884	Ohio Revised Limited Liability Company Act effective date
SC3886-3	Attorney General
SC3894	Department of Medicaid
SC3895-1	LSC Corrective amendment; Department of Education; Department of Development; Department of Higher Education
SC3896	LSC Technical amendment
SC3899	Department of Higher Education
SC3900-1	Department of Higher Education
SC3904	Veterans hunting and fishing benefits - remove provisions
SC3907	Expedited licensing inspections; Home health licensure
SC3908-1	Ohio History Connection
SC3909	Medical practitioner conscience clause

**SC4559 Omnibus**

Amendment No.	Subject
SC3911	Secretary of State
SC3912-1	Attorney General
SC3913-3	School financing - conforming changes
SC3917	Dispensing controlled substances in lockable containers
SC3920	Force accounts for local governments
SC3932-1	Department of Youth Services
SC3933	Existing qualified nonprofit corporation's implementation of a shoreline improvement project
SC3937	Department of Higher Education
SC3939-3	Pediatric behavioral health workforce support; Department of Mental Health and Addiction Services
SC3942	Department of Job and Family Services
SC3945	Department of Job and Family Services
SC3951	Department of Public Safety

SC4559 Omnibus

Amendment No.	Subject
SC3952-1	Municipal income tax temporary COVID-19 withholding rule
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
SC3986	Department of Development
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
SC4002	Township fiscal officer assistant compensation
SC4005-2	Department of Development
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**

Amendment No.	Subject
SC4030	Department of Job and Family Services
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
SC4049-1	Department of Higher Education
SC4051	Sealed records; certificate of qualification for employment
SC4059	Elimination of drainage improvement virtual meetings
SC4087	Department of Education
SC4094	Department of Higher Education
SC4099-1	Academic distress commissions
SC4108	Citizenship diploma seal and course grades

SC4559 Omnibus

Amendment No.	Subject
SC4111	Science diploma seal and course grades
SC4216	Prison term as sanction for community control violation
SC4226	Office of Budget and Management
SC4229	Disposition of financial gifts to support public health
SC4274	Raffles
SC4281	Secretary of State funding; Abolishment of the Citizens Education Fund and return of cash
SC4290	Department of Higher Education
SC4313	Ohio Code-Scholar Pilot Program; Department of Education
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**

Amendment No.	Subject
SC4403-1	Department of Commerce
SC4407-1	Department of Mental Health and Addiction Services
SC4417	Department of Job and Family Services
SC4424	Attorney General
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**

Amendment No.	Subject
SC4452	Department of Education
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
SC4472	ESC governing board subdistricts
SC4474	Malabar Farm: Agreements between ODNR and Foundation
SC4475-1	Illegal shipment of beer or wine
SC4477	Clinically appropriate alternatives and technical changes
SC4478	Department of Higher Education
SC4489	OCC call center
SC4492	Value-based purchasing supplemental rebate
SC4493-1	Department of Job and Family Services

SC4559 Omnibus

Amendment No.	Subject
SC4494-2	Ed Choice and Cleveland scholarship application procedures
SC4496	Department of Job and Family Services
SC4499-2	Transportation for community and chartered nonpublic school students - transportation plans; Payment in lieu of transportation
SC4501-1	Nursing bachelor's degree programs
SC4502-2	Variances from written transfer agreements
SC4503	Court settlements that nullify, suspend, or conflict with the Revised Code; General Assembly intervention in lawsuits
SC4505	Public Defender Commission
SC4506	Rural Industrial Park Loan program eligibility
SC4507-1	Court orders awarding money to the state
SC4509	Department of Job and Family Services
SC4511	Medicaid rates for ICFs/IID

**SC4559 Omnibus**

Amendment No.	Subject
SC4513	Payment in lieu of transportation; Department of Education
SC4515	Payment for school district with nuclear plant in its territory
SC4516	Teacher licensure disciplinary actions – human trafficking
SC4517	Designation of organization to receive Auxiliary Services funds
SC4519	Department of Rehabilitation and Correction
SC4520	Department of Natural Resources
SC4526	Legislative Service Commission
SC4536	Department of Job and Family Services
SC4546-1	Government-owned broadband networks
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
SC4551	Department of Aging
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 <del>1509.70</del> <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 " <del>E</del> "	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 "<del>(3)</del>"	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

(6) Any other information that the person believes is 213  
relevant to the bid" 214

In line 10390, strike through "shall be"; insert "is"; after 215  
"confidential" insert ", shall not be disclosed by the 216  
commission,"; strike through "shall" 217

In line 10391, strike through "not be disclosed before" and 218  
insert "is not a public record subject to inspection and copying 219  
under section 149.43 of the Revised Code until" 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  
"commission's" and strike the balance of the line 228

Strike through lines 10398 and 10399 229

In line 10400, strike through "section"; delete "155.34"; 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 " <del>1509.73</del> "	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 " <del>(c)</del> "	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

<b>Oil and Gas Land Management Commission changes</b>	289
<b>R.C. 1509.70 (155.30), 1509.71 (155.31), 1509.72 (155.32),</b>	290
<b>1509.73 (155.33), 1509.74 (155.34), 1509.75 (155.35), and 131.50</b>	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

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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  
5  
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 78  
Revised Code to practice medicine and surgery or osteopathic 79  
medicine and surgery. 80

The members described in divisions (A)(2)(a) to (c) of this 81  
section shall be representatives from the most populous county 82  
served by the committee. 83

(B)(1) The review committee shall invite the county coroner 84  
or, in the case of a regional review committee, the county coroner 85  
from the most populous county, to serve on the committee. The 86  
review committee shall extend the invitation each time a county 87  
coroner assumes the office. The coroner shall not be required to 88  
accept the invitation. If the coroner accepts the invitation, the 89  
coroner shall have the same authority, duties, and 90  
responsibilities as members described in division (A) of this 91  
section. 92

(2) The majority of the members of a review committee may 93  
invite additional members to serve on the committee. The 94  
additional members shall serve for a period of time determined by 95  
a majority of the members described in division (A) of this 96  
section. Each additional member shall have the same authority, 97  
duties, and responsibilities as members described in division (A) 98  
of this section. 99

(C) A vacancy in a drug overdose review committee shall be 100  
filled in the same manner as the original appointment. If the 101  
health commissioner who made the original appointment as described 102  
in division (A) of this section is no longer serving in that 103  
capacity, a successor of the commissioner shall fill the vacancy. 104

(D) A drug overdose fatality review committee member shall 105  
not receive any compensation for, and shall not be paid for any 106  
expenses incurred pursuant to, fulfilling the member's duties on 107

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

<u>addiction, and mental health services or the executive director's</u>	276
<u>designee;</u>	277
<u>(d) A physician authorized under Chapter 4731. of the Revised</u>	278
<u>Code to practice medicine and surgery or osteopathic medicine and</u>	279
<u>surgery.</u>	280
<u>(2) If a health commissioner is appointed under division (B)</u>	281
<u>of section 307.641 of the Revised Code to establish a suicide</u>	282
<u>fatality review committee, the commissioner shall select four</u>	283
<u>members to serve on the review committee along with the</u>	284
<u>commissioner. The review committee shall consist of the following:</u>	285
<u>(a) The chief of police of a police department or sheriff or</u>	286
<u>a designee of the chief or sheriff;</u>	287
<u>(b) A public health official or the official's designee;</u>	288
<u>(c) The executive director of a board of alcohol, drug</u>	289
<u>addiction, and mental health services or the executive director's</u>	290
<u>designee;</u>	291
<u>(d) A physician authorized under Chapter 4731. of the Revised</u>	292
<u>Code to practice medicine and surgery or osteopathic medicine and</u>	293
<u>surgery.</u>	294
<u>The members described in divisions (A)(2)(a) to (c) of this</u>	295
<u>section shall be representatives from the most populous county</u>	296
<u>served by the committee.</u>	297
<u>(B)(1) The review committee shall invite the county coroner</u>	298
<u>or, in the case of a regional review committee, the county coroner</u>	299
<u>from the most populous county, to serve on the committee. The</u>	300
<u>review committee shall extend the invitation each time a county</u>	301
<u>coroner assumes the office. The coroner shall not be required to</u>	302
<u>accept the invitation. If the coroner accepts the invitation, the</u>	303
<u>coroner shall have the same authority, duties, and</u>	304

responsibilities as members described in division (A) of this section. 305  
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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. An additional member has the same authority, duties, and responsibilities as members described in division (A) of this section. 307  
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(C) A vacancy in a suicide fatality review committee shall be filled in the same manner as the original appointment. 314  
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(D) A suicide 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 the committee unless compensation for, or payment for expenses incurred pursuant to, those duties is received pursuant to a member's regular employment. 316  
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**Sec. 307.643.** The purpose of a suicide fatality review committee is to decrease the incidence of preventable suicide deaths by doing all of the following: 322  
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(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities engaged in suicide prevention, education, or mental health treatment efforts; 325  
326  
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(B) Maintaining a comprehensive database of all suicide deaths that occur in the county or region served by the review committee in order to develop an understanding of the causes and incidence of those deaths; 328  
329  
330  
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
<b><u>Sec. 307.647. (A)(1) Notwithstanding section 3701.17 and any</u></b>	402
<b><u>other section of the Revised Code pertaining to confidentiality,</u></b>	403
<b><u>any individual, law enforcement agency, or other public or private</u></b>	404
<b><u>entity that provided services to a person whose death is being</u></b>	405
<b><u>reviewed by a suicide fatality review committee, on the request of</u></b>	406
<b><u>the review committee, shall submit to the review committee a</u></b>	407
<b><u>summary sheet of information.</u></b>	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 control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

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

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

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 certification to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination 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 determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or certificate or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure or certification to practice, to submit to treatment.

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

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

(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  
1725  
1726  
1727  
1728  
1729

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  
1746  
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1750

(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;



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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. The rules shall require cooperation with the child 124  
support enforcement program, to be verified as part of the 125  
requirement to fulfill individual employment and training 126  
programs. The rules shall be consistent with sections 5101.546 to 127  
5101.548 of the Revised Code. 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

<u>general for prosecution;</u>	333
<u>(3) Any improper program payments or expenditures and total monies recovered from those payments or expenditures;</u>	334
<u>(4) Aggregate data concerning improper program payments and ineligible recipients, reported as a percentage of those cases investigated and reviewed;</u>	336
<u>(5) The aggregate amount of funds expended by Ohio recipients through electronic benefit card transactions in each state other than Ohio.</u>	337
<u>(B) Not later than one hundred twenty days after the effective date of this section, the department shall submit a baseline report to the speaker of the house of representatives, the senate president, and the members of the standing legislative committees having jurisdiction over the supplemental nutrition assistance program. Thereafter, beginning one year after the effective date of this section, the department shall submit an updated report on a quarterly basis. The department shall submit these reports in accordance with section 101.68 of the Revised Code."</u>	338
After line 56021, insert:	339
<u>"Sec. 5120.212. Notwithstanding division (A) of section 5120.21 of the Revised Code, the department of rehabilitation and correction shall share the records described in that division with the director of job and family services to the extent necessary to effectuate the data matching agreement required under section 5101.041 of the Revised Code."</u>	340
After line 59656, insert:	341
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"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
<b>Section 307.____.</b> 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  
511  
512  
513

(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

<b>R.C. 5101.041 and 5120.212</b>	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
<b>Public assistance private sector tools</b>	613
<b>R.C. 125.70</b>	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
<b>Medicaid eligibility</b>	619
<b>R.C. 5163.52; Section 812.10</b>	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
<b>Post-COVID Medicaid redetermination</b>	628
<b>Section 333.____</b>	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  
667  
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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  
681  
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  
685  
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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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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 enforcement across public assistance benefit programs and	722
recommend additional ways compliance could be improved.	723
	724
-- The costs and benefits associated with implementing a requirement that each SNAP debit card include a color photograph	725
of at least one adult member of the household.	726
	727
Requires the task force to prepare and submit a report to the General Assembly.	728
	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 ".""

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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."

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\_\_\_\_\_ 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.

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

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

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

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39

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

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41

42

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

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44

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

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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  
89  
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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  
93  
94  
95  
96  
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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
<b>Department of Education</b>	208
<b>Sections 265.10 and 265.355</b>	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

<b>Agreements between counties and animal shelters</b>	44
<b>R.C. 955.15</b>	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:

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 5GE0 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

Sub. H.B. 110  
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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.

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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.

(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.

(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.

(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.

(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

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	526
or described in divisions (A)(3)(a) to (e) of section 109.572 of	527
the Revised Code.	528
(9) "Employee" means a person employed by a responsible party	529
in a full-time, part-time, or temporary direct-care position and a	530
person who works in such a position due to being referred to a	531
responsible party by an employment service. "Employee" does not	532
include a person who works in a direct-care position as a	533
volunteer.	534
(10) "PASSPORT administrative agency" has the same meaning as	535
in section 173.42 of the Revised Code.	536
(11) "Provider" has the same meaning as in section 173.39 of	537
the Revised Code.	538
(12) "Responsible party" means the following:	539
(a) An area agency on aging in the case of either of the	540
following:	541
(i) A person who is an applicant because the person is under	542
final consideration for employment with the agency in a full-time,	543
part-time, or temporary direct-care position or is referred to the	544
agency by an employment service for such a position;	545
(ii) A person who is an employee because the person is	546
employed by the agency in a full-time, part-time, or temporary	547
direct-care position or works in such a position due to being	548
referred to the agency by an employment service.	549
(b) A PASSPORT administrative agency in the case of either of	550
the following:	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: 757  
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(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. 761  
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(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: 764  
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(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant; 771  
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(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; 774  
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(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter; 778  
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(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. 781  
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(2) If a responsible party employs an applicant conditionally 785

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
<b>Sec. 173.381.</b> (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 <del>3701.881</del> <u>3740.11</u> 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
<del>3701.881</del> <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  
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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 <del>3701.881</del> <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	1476
podiatric medicine."	1477
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 <del>3701.881</del>	1499
<u>3740.01</u> 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  
1530  
1531

(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  
1533  
1534  
1535

(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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1538

(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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1555

(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</u>	1562
<u>services provided by an employee of a home health agency:</u>	1563
<u>(1) Hands-on bathing or assistance with a tub bath or shower;</u>	1564
<u>(2) Assistance with dressing, ambulation, and toileting;</u>	1565
<u>(3) Catheter care but not insertion;</u>	1566
<u>(4) Meal preparation and feeding.</u>	1567
<u>(I) "Hospice care program" and "pediatric respite care</u>	1568
<u>program" have the same meanings as in section 3712.01 of the</u>	1569
<u>Revised Code.</u>	1570
<u>(J) "Immediate family member" means a parent, stepparent,</u>	1571
<u>grandparent, legal guardian, grandchild, brother, sister,</u>	1572
<u>stepsibling, spouse, son, daughter, stepchild, aunt, uncle,</u>	1573
<u>mother-in-law, father-in-law, brother-in-law, sister-in-law,</u>	1574
<u>son-in-law, and daughter-in-law.</u>	1575
<u>(K) "Medical social services" means services provided by a</u>	1576
<u>social worker under the direction of a patient's attending</u>	1577
<u>physician.</u>	1578
<u>(L) "Minor drug possession offense" has the same meaning as</u>	1579
<u>in section 2925.01 of the Revised Code.</u>	1580
<u>(M) "Nonagency provider" means a person who provides direct</u>	1581
<u>care to an individual on a self-employed basis and does not</u>	1582
<u>employ, directly or through contract, another person to provide</u>	1583
<u>the services. "Nonagency provider" does not include any of the</u>	1584

<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  
1647

(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  
1652

(b) Hold the agency, or any employee of the agency, out as a provider of skilled home health services. 1653  
1654

(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
<b><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></b>	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, even though not certified for participation in the medicare program. 1694  
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(b) 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 fifty thousand dollars. 1697  
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(c) An application fee in the amount of two hundred fifty dollars. 1703  
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(2) An applicant applying on the basis of division (A)(1)(a)(iv) of this section shall provide documentation and comply with conditions as prescribed by rules adopted under section 3740.10 of the Revised Code. 1705  
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(B)(1) Except as provided in division (B)(2) of this section, a home health agency or nonagency provider seeking to provide nonmedical home health services shall apply to the department of health for a nonmedical home health services license. Except as provided in division (B)(3) of this section, the application shall include all of the following: 1709  
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(a) Fingerprint impressions of the primary owner of the home health agency or of the nonagency provider; 1715  
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(b) Copies of any documents filed and recorded with the secretary of state; 1717  
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(c) A notarized affidavit verifying the identity of the applicant; 1719  
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(d) If the applicant is a home health agency, a copy of the agency's criminal records check policy; 1721  
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<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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<del>regarding a patient;</del>	1833
<del>(c) For each home health agency individually, any other</del>	1834
<del>routine service or activity that the chief administrator of the</del>	1835
<del>home health agency designates as direct care.</del>	1836
<del>(6) "Disqualifying offense" means any of the offenses listed</del>	1837
<del>or described in divisions (A)(3)(a) to (c) of section 109.572 of</del>	1838
<del>the Revised Code.</del>	1839
<del>(7) "Employee" means a person employed by a home health</del>	1840
<del>agency in a full time, part time, or temporary position that</del>	1841
<del>involves providing direct care to an individual and a person who</del>	1842
<del>works in such a position due to being referred to a home health</del>	1843
<del>agency by an employment service.</del>	1844
<del>(8) "Home health agency" means a person or government entity,</del>	1845
<del>other than a nursing home, residential care facility, hospice care</del>	1846
<del>program, or pediatric respite care program, that has the primary</del>	1847
<del>function of providing any of the following services to a patient</del>	1848
<del>at a place of residence used as the patient's home:</del>	1849
<del>(a) Skilled nursing care;</del>	1850
<del>(b) Physical therapy;</del>	1851
<del>(c) Speech language pathology;</del>	1852
<del>(d) Occupational therapy;</del>	1853
<del>(e) Medical social services;</del>	1854
<del>(f) Home health aide services.</del>	1855
<del>(9) "Home health aide services" means any of the following</del>	1856
<del>services provided by an employee of a home health agency:</del>	1857
<del>(a) Hands on bathing or assistance with a tub bath or shower;</del>	1858
<del>(b) Assistance with dressing, ambulation, and toileting;</del>	1859

<del>(c) Catheter care but not insertion;</del>	1860
<del>(d) Meal preparation and feeding.</del>	1861
<del>(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.</del>	1862 1863 1864
<del>(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.</del>	1865 1866 1867
<del>(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.</del>	1868 1869
<del>(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.</del>	1870 1871 1872
<del>(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.</del>	1873 1874
<del>(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.</del>	1875 1876
<del>(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.</del>	1877 1878 1879
<del>(17) "Speech language pathology" has the same meaning as in section 4753.01 of the Revised Code.</del>	1880 1881
<del>(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.</del>	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  
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(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  
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(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  
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(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  
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(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  
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(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant; 2057  
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(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  
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(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 home health agency when the employment service receives the results.

(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency.

(3) A home health agency that employs an applicant conditionally pursuant to division (G)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the 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, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the home health agency shall terminate the applicant's employment unless circumstances specified in rules adopted under this section that permit the agency to employ the applicant exist and the agency chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the home health

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  
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(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  
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(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  
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(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  
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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. 2195  
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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  
2237  
2238  
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  
2241  
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
<b>Sec. 4719.01.</b> (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 2639  
the sale of an investment opportunity; 2640

(d) The person conducts all telephone solicitation activities 2641  
according to sections 310.3, 310.4, and 310.5 of the telemarketing 2642  
sales rules adopted by the federal trade commission in 16 C.F.R. 2643  
part 310; 2644

(e) Neither the person nor any of its principals has been 2645  
convicted of, pleaded guilty to, or has entered a plea of no 2646  
contest for a felony or a theft offense as defined in sections 2647  
2901.02 and 2913.01 of the Revised Code or similar law of another 2648  
state or of the United States; 2649

(f) Neither the person nor any of its principals has had 2650  
entered against them an injunction or a final judgment or order, 2651  
including an agreed judgment or order, an assurance of voluntary 2652  
compliance, or any similar instrument, in any civil or 2653  
administrative action involving engaging in a pattern of corrupt 2654  
practices, fraud, theft, embezzlement, fraudulent conversion, or 2655  
misappropriation of property; the use of any untrue, deceptive, or 2656  
misleading representation; or the use of any unfair, unlawful, 2657  
deceptive, or unconscionable trade act or practice. 2658

(26) An institution defined as a home health agency in 2659  
section ~~3701.881~~ 3740.01 of the Revised Code, that conducts all 2660  
telephone solicitation activities according to sections 310.3, 2661  
310.4, and 310.5 of the telemarketing sales rules adopted by the 2662  
federal trade commission in 16 C.F.R. part 310, and engages in 2663  
telephone solicitation only within the scope of the institution's 2664  
certification, accreditation, contract with the department of 2665  
aging, or status as a home health agency; and that meets one of 2666  
the following requirements: 2667

(a) The institution is certified as a provider of home health 2668

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 <del>3701.881</del> <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
<b>Sec. 5164.342.</b> (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

<b>Expedited licensing inspections</b>	3522
<b>R.C. 3721.02</b>	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
<b>Home health licensure</b>	3530
<b>R.C. 3740.01, 3740.02, 3740.03, 3740.04, 3740.05, 3740.07,</b>	3531
<b>3740.10, 3740.11, and 3740.99; conforming changes in other</b>	3532
<b>sections</b>	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  
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\_\_\_\_\_ 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

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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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47

48

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 ~~thirty~~ninety 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  
~~thirty~~ninety 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**

21

22

23

24

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.

25

26

27

28

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.

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.

(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.

(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.

(N) To reimburse costs the district incurred to store the records of a chartered nonpublic school that closes.

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

\_\_\_\_\_ moved to amend as follows:

After line 88600, insert:

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"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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(B) As used in this section:

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"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.

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"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."

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In line 89437, after "Sections" insert "701.\_\_\_\_,"; after "701.60" insert a comma

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The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

<b>Vax-A-Million database not a public record</b>	18
<b>Section 701._____ and 812.23</b>	19
Specifies the information in the Vax-A-Million database is	20
confidential and not public record.	21
The provision takes immediate effect when the bill becomes	22
law.	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.

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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

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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 <del>of development services</del> , 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

<b>Film and theater tax credit: production contractors</b>	317
<b>R.C. 122.85</b>	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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L-134-0001-5

\_\_\_\_\_ 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

(O) 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; 435-440

(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; 447-451

(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  
development (TMUD) by (1) extending the sunset date for certifying  
new TMUD projects by two years, to June 30, 2025; and (2) setting  
the maximum annual credit allotment for FY 2024 and 2025 at \$100  
million (the same limit that applies under current law to FY 2020  
to 2022, though no credits have been issued in FY 2020 or 2021).

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\_\_\_\_\_ 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.

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

\_\_\_\_\_ 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**

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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).

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

\_\_\_\_\_ 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.

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

\_\_\_\_\_ 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 1  
"3313.6011," 2

In line 246, after "3313.608," insert "3313.6011," 3

After line 26896, insert: 4

"**Sec. 3313.6011.** (A) As used in this section, "sexual 5  
activity" has the same meaning as in section 2907.01 of the 6  
Revised Code. 7

(B) Instruction in venereal disease education pursuant to 8  
division (A)(5)(c) of section 3313.60 of the Revised Code shall 9  
emphasize that abstinence from sexual activity is the only 10  
protection that is one hundred per cent effective against unwanted 11  
pregnancy, sexually transmitted disease, and the sexual 12  
transmission of a virus that causes acquired immunodeficiency 13  
syndrome. 14

(C) ~~In adopting minimum standards under section 3301.07 of~~ 15  
~~the Revised Code, the state board~~(1) The department of education 16  
shall require course material and instruction in venereal disease 17  
education courses taught pursuant to division (A)(5)(c) of section 18  
3313.60 of the Revised Code to do all of the following: 19

~~(1)~~(a) Stress that students should abstain from sexual 20

activity until after marriage;	21
<del>(2)</del> (b) Teach the potential physical, psychological, emotional, and social side effects of participating in sexual activity outside of marriage;	22 23 24
<del>(3)</del> (c) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;	25 26 27
<del>(4)</del> (d) Stress that sexually transmitted diseases are serious possible hazards of sexual activity;	28 29
<del>(5)</del> (e) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;	30 31
<del>(6)</del> (f) Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section 2907.04 of the Revised Code;	32 33 34
<del>(7)</del> (g) Emphasize adoption as an option for unintended pregnancies.	35 36
<u>(2) If a school district or school chooses to offer additional instruction in venereal disease or sexual education not specified in division (C)(1) of this section, the district or school shall notify all parents or guardians of that instruction, including the name of any instructor, vendor name, if applicable, and the name of the curriculum being used. No district or school shall offer that instruction to a student unless that student's parent or guardian has submitted written permission for that student to receive that instruction. Division (E) of this section does not apply to division (C)(2) of this section.</u>	37 38 39 40 41 42 43 44 45 46
<u>(3) Upon request, a school district or school shall provide any materials associated with the instruction offered under divisions (C)(1) and (2) of this section to a parent or guardian.</u>	47 48 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.

**SC4042X4**

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.

65

SYNOPSIS

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;

**SC4042X4**

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.

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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 rural business concern is a growth investment only if the rural business growth fund obtains an affidavit from the president or chief executive officer of the rural business concern attesting that the rural business concern sought and was denied similar financing from a commercial bank.

~~(G)~~(H) "Operating company" means any business that has its principal business operations in this state, has fewer than two hundred fifty employees and not more than fifteen million dollars in net income for the preceding taxable year, and that is none of the following:

- (1) A country club;
- (2) A racetrack or other facility used for gambling;
- (3) A store the principal purpose of which is the sale of alcoholic beverages for consumption off premises;
- (4) A massage parlor;
- (5) A hot tub facility;
- (6) A suntan facility;
- (7) A business engaged in the development or holding of intangibles for sale;
- (8) A private or commercial golf course;
- (9) A business that derives or projects to derive fifteen per cent or more of its net income from the rental or sale of real property, except any business that is a special purpose entity principally owned by a principal user of that property formed solely for the purpose of renting, either directly or indirectly, or selling real property back to such principal user if such principal user does not derive fifteen per cent or more of its

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
<del>(H)</del> (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
<b>Sec. 122.153.</b> (A) The <u>department of</u> development <del>services</del>	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)~~(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.



\_\_\_\_\_ moved to amend as follows:

1 In line 84497, delete "\$700,000 \$500,000" and insert  
2 "\$728,000 \$528,000"

3 In line 84519, add \$28,000 to each fiscal year

4 In line 84546, add \$28,000 to each fiscal year

5 After line 85469, insert:

6 "Of the foregoing appropriation item 235533, Program and  
7 Project Support, \$28,000 in each fiscal year shall be allocated  
8 to support Cincinnati Hillel at the University of Cincinnati."

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 \$28,000 in each fiscal year and earmarks the  
15 same amount to be allocated to support Cincinnati Hillel at the  
16 University of Cincinnati.

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 district that meets one of the following conditions: 2  
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(1) An academic distress commission was established for the district in 2013 by the superintendent of public instruction under former section 3302.10 of the Revised Code, as it existed prior to October 15, 2015, and a new academic distress commission was established for the district by the state superintendent under division (A)(2) of section 3302.10 of the Revised Code. 4  
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(2) An academic distress commission was established for the district in 2010 by the state superintendent under former section 3302.10 of the Revised Code, as it existed prior to October 15, 2015, and a new academic distress commission was established for the district under division (A)(2) of section 3302.10 of the Revised Code. 10  
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(3) An academic distress commission was established for the district by the state superintendent in 2018 under division (A)(1) of section 3302.10 of the Revised Code. 16  
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(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.

(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.

(E) During the school years that the district is implementing the plan approved by the state superintendent, the following apply:

(1) The district shall not be subject to section 3302.10 of the Revised Code.

(2) The district board shall reassume all powers granted to it under the Revised Code.

(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.

(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.

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

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

<b>R.C. 3302.103(D)</b>	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
<b>R.C. 3302.103(E)</b>	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
<b>R.C. 3302.103(F)</b>	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





**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.

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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

<b>Secretary of State funding</b>	49
<b>R.C. 111.27 and 3501.054; repeal of R.C. 111.29</b>	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
<b>Abolishment of the Citizens Education Fund and return of cash</b>	61
<b>Section 516.20</b>	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 20  
qualifying land, exclusive of improvements, for the tax year in 21  
which the land or interest in the land was acquired by the 22  
department of natural resources. 23

(B) On or before the thirtieth day of June of each year, 24  
beginning in 2022, the director of natural resources shall pay to 25  
the county treasurer of each county in which qualifying land is 26  
located, an amount equal to two and one-half per cent of the 27  
unimproved taxable value of qualifying land located within that 28  
county. The director shall draw the funds necessary to make such 29  
payments from the state park fund created under section 1546.21 of 30  
the Revised Code, the wildlife fund created under section 1531.17 31  
of the Revised Code, or both of those funds. 32

(C) Within thirty days of receiving a payment under division 33  
(B) of this section, the county treasurer shall distribute the 34  
money among the taxing units within the territory of which the 35  
county's qualifying land is located as follows: 36

(1) Sixty per cent of the money shall be distributed 37  
proportionally among school districts that include qualifying land 38  
located within the county based on the unimproved taxable value of 39  
that qualifying land located within the territory of each such 40  
school district. 41

(2) Forty per cent of the money shall be distributed 42  
proportionally among taxing units other than school districts that 43  
include qualifying land located within the county based on the 44  
unimproved taxable value of that qualifying land located within 45  
the territory of each such taxing unit. 46

(D) Moneys received by a school district or other taxing unit 47

under this section shall be used for any lawful purpose. 48

(E) If compensation is payable for land or interests in land 49  
under this section, no compensation shall be made payable under 50  
section 1531.27 of the Revised Code for the same land or 51  
interest." 52

After line 16156, insert: 53

"**Sec. 1531.17.** All fines, penalties, and forfeitures arising 54  
 from prosecutions, convictions, confiscations, or otherwise under 55  
 this chapter and Chapters 1517. and 1533. of the Revised Code, 56  
 unless otherwise directed by the director of natural resources, 57  
 shall be paid by the officer by whom collected to the director and 58  
 by the director paid into the state treasury to the credit of the 59  
 wildlife fund, which is hereby created, for the use of the 60  
 division of wildlife. All moneys received from the sale of wild 61  
 animals under division (J) of section 1531.06 of the Revised Code 62  
 shall be paid into the state treasury to the credit of the 63  
 wildlife fund for the use of the division. All moneys collected as 64  
 license fees on nets in the Lake Erie fishing district shall be 65  
 paid by the director into the state treasury to the credit of the 66  
 wildlife fund for use only in the betterment and the propagation 67  
 of fish therein or in otherwise propagating fish in such district. 68  
 All investment earnings of the fund shall be credited to the fund. 69  
 The wildlife fund shall not be used for compensation of personnel 70  
 employed by other divisions of the department of natural resources 71  
 who are assigned to law enforcement duties in aid of the division 72  
 of wildlife or for compensation of division of wildlife personnel 73  
 for activities related to the instruction of personnel of other 74  
 divisions. 75

The director of natural resources may use moneys from the 76

fund to make the payments required under section 1501.29 of the 77  
Revised Code." 78

After line 16530, insert: 79

"**Sec. 1546.21.** (A) The chief of the division of parks and 80  
watercraft shall collect all rentals from leases of state lands 81  
and moneys for pipe permits, dock licenses, concession fees, and 82  
special privileges of any nature from all lands and waters 83  
operated and administered by the division. The chief shall keep a 84  
record of all such payments showing the amounts received, from 85  
whom, and for what purpose collected. All such payments shall be 86  
credited to the state park fund, which is hereby created in the 87  
state treasury, except such revenues required to be set aside or 88  
paid into depositories or trust funds for the payment of bonds 89  
issued under sections 1501.12 to 1501.15 of the Revised Code, and 90  
to maintain the required reserves therefor as provided in the 91  
orders authorizing the issuance of such bonds or the trust 92  
agreements securing such bonds, and except such revenues required 93  
to be paid and credited pursuant to the bond proceedings 94  
applicable to obligations issued pursuant to section 154.22 of the 95  
Revised Code. All moneys derived from the operation of the lands, 96  
waters, facilities, and equipment by the division, except such 97  
revenues required to be set aside or paid into depositories or 98  
trust funds for the payment of bonds issued under sections 1501.12 99  
to 1501.15 of the Revised Code, and to maintain the required 100  
reserves therefor as provided in the orders authorizing the 101  
issuance of such bonds or the trust agreements securing such 102  
bonds, and except such revenues required to be paid and credited 103  
pursuant to the bond proceedings applicable to obligations issued 104  
pursuant to section 154.22 of the Revised Code, shall accrue to 105  
the credit of the state park fund. 106

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

<b>Tax reimbursements for DNR land</b>	134
<b>R.C. 1501.29, 1531.17, and 1546.21</b>	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
<b>GRF transfer to the Wildlife Fund</b>	146
<b>Section 512.___</b>	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 In line 82841, delete "\$15,000,000 \$15,000,000" and  
2 insert "\$15,500,000 \$15,500,000"

3 In line 82847, add \$500,000 to each fiscal year

4 In line 82878, add \$500,000 to each fiscal year

5 After line 83334, insert:

6 "Of the foregoing appropriation item 336504, Community  
7 Innovations, \$500,000 in each fiscal year shall be distributed  
8 to the Values-in-Action Foundation for the organization's Just  
9 Be Kind Program and Values-in-Action Workforce Training."

10 The motion was \_\_\_\_\_ agreed to.

11 SYNOPSIS

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

13 **Sections 337.10 and 337.90**

14 Increases GRF appropriation item 336504, Community  
15 Innovations, by \$500,000 in each fiscal year. Earmarks these  
16 funds for the Values-in-Action Foundation for the organization's  
17 Just Be Kind Program and Values-in-Action Workforce Training.







\_\_\_\_\_ 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.

16

SYNOPSIS

17

**Department of Mental Health and Addiction Services**

18

**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:

1

"**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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3  
4  
5  
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7

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 53  
formerly owned by John R. Dunkle 1125 +/- feet to a corner, thence 54  
southerly along the west line of said Dunkle parcel 1500+/- feet 55  
to an angle point in said line, thence easterly along said Dunkle 56  
lands 210 +/- feet to an angle point, thence southerly along said 57  
Dunkle lands 1150 +/- feet to the northeast corner of State of 58  
Ohio Highway Garage lands (Madison County Parcel Number 59  
29-00777.000), thence westerly along said Highway Garage lands and 60  
lands now or formerly owned by Tyrone J. Leach (Madison County 61  
Parcel Number 29-00569.000) and Kirkwood Cemetery (Madison County 62  
Parcel Numbers 29-00776.000 and 29-00816.000), 2000 +/- feet to a 63  
point on the east line of the State of Ohio Firearms Range 64  
(Madison County Parcel Number 29-000816.000), thence northerly 65  
along the said east line of the State of Ohio Firearms Range 1390 66  
+/- feet to a fence line projected from the east, thence easterly 67  
along said fence line 690 +/- feet to the west side of a farm 68  
drive, thence northwesterly following along the west side of the 69  
farm drive 280 +/- feet, 200 +/- feet and 280 +/- feet to a fence 70  
line projected from the west, said fence line being the north line 71  
of the State of Ohio Firearms Range, thence westerly along the 72  
said fence line and the north line of the State of Ohio Firearms 73  
Range 2115 +/- feet to the northwest corner of said State of Ohio 74  
Firearms Range thence, southerly along the west line of the State 75  
of Ohio Firearms Range, 860 +/- feet to a fence line, thence 76  
westerly along the fence line 955 +/- feet to the centerline of 77  
Roberts Mill Road, thence with the center of Roberts Mill Road to 78  
the beginning containing approximately 330 acres. 79

Begin at the southeast corner of lands now or formerly owned 80  
by Tom Farms, Inc. (Madison County Parcel Number 05-00066.000) 81  
said corner also being the northwest corner of State of Ohio lands 82  
(Madison County Parcel Number 05-00542.000) and also being in the 83

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  
certified check made payable to the Treasurer of State. The  
purchaser or purchasers shall pay the balance of the purchase  
price to the Director of Administrative Services within sixty days  
after receiving notice the bid has been accepted. A purchaser who  
does not complete the conditions of the sale as prescribed in this  
division shall forfeit as liquidated damages the ten percent of  
the purchase price paid to the state. If the purchaser fails to  
complete the purchase of the real estate, the Director of  
Administrative Services may accept the next highest bid, subject  
to the foregoing conditions. If the Director of Administrative  
Services rejects all bids, the Director may repeat the sealed bid  
auction or public auction or may use an alternative sale process  
that is acceptable to the Director of Administrative Services and  
the Director of Rehabilitation and Correction.

The Department of Rehabilitation and Correction shall pay  
advertising costs incident to the sale of the real estate.

(D) The real estate described in division (A) of this section  
may be conveyed as an entire tract or as multiple parcels as  
determined by the Director of Administrative Services and the  
Director of Rehabilitation and Correction. The real estate  
described in division (A) of this section may be conveyed to a  
single purchaser or multiple purchasers as determined by the  
Director of Administrative Services and the Director of  
Rehabilitation and Correction.

(E) Except as otherwise specified in this section, the  
purchaser or purchasers shall pay all costs associated with the  
purchase, closing and conveyance, including surveys, title  
evidence, title insurance, transfer costs and fees, recording  
costs and fees, taxes, and any other fees, assessments, and costs

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
<b>Section 753.____.</b> (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

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

28

29

30

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.

**SC4463**

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 SYNOPSIS42 **Department of Education**43 **Sections 265.10, 265.240, and 265.333**

44 Removes SLF Fund 7017 appropriation item 200616, Literacy  
45 Improvement, with appropriations of \$500,000 in each fiscal  
46 year, to be used to provide grants to expand the federally  
47 funded Model Demonstration Project for Early Identification of  
48 Students with Dyslexia Grant Program, which funds pilot programs  
49 to address the literacy needs of students in preschool through  
50 first grade, to additional schools. Moves the funding to the  
51 GRF.

52 Increases GRF appropriation item 200566, Literacy  
53 Improvement, by \$500,000 in each fiscal year and earmarks the  
54 same amounts to support the Dyslexia Grant Program.

55 Decreases GRF appropriation item 200550, Foundation Funding  
56 - All Students, by \$500,000 in each fiscal year.

57 Increases SLF Fund 7017 appropriation item 200612,  
58 Foundation Funding - All Students, by \$500,000 in each fiscal  
59 year.

60 Requires school districts, community schools, STEM schools,  
61 or chartered nonpublic schools wishing to participate to apply  
62 to the Superintendent of Public Instruction and the  
63 Superintendent to select participating districts and schools  
64 according to criteria determined by the Superintendent.

65 Permits the Department of Education to use up to 10% of the  
66 amount appropriated in each fiscal year for program  
67 administration and for support of districts and schools in  
68 identifying and serving students with dyslexia.



\_\_\_\_\_ 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.)

28

29

30

31

32

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34

\_\_\_\_\_ 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 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

**SC4494X2**

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.

\_\_\_\_\_ moved to amend as follows:

1 In line 81102, after the comma delete the balance of the  
2 line

3 In line 81103, after the first "in" insert "each"; delete  
4 "2023"

5 In line 81165, delete "\$500,000 in fiscal year 2022 and";  
6 after the second "in" insert "each"; delete "2023"

7 In line 81208, delete "\$500,000" and insert "\$250,000";  
8 after the first "in" insert "each"; delete "2023"

9 The motion was \_\_\_\_\_ agreed to.

10 SYNOPSIS

11 **Department of Job and Family Services**

12 **Sections 307.70 and 307.80**

13 Restores an earmark for the Ohio Alliance of Boys and Girls  
14 Clubs in GRF appropriation item 600410, TANF State Maintenance  
15 of Effort, to the Executive level by increasing the earmark by  
16 \$2,500,000 in FY 2022 to \$5,000,000 in that fiscal year (the FY  
17 2023 earmark remains unchanged at \$5,000,000).

18 Restores an earmark for Big Brothers Big Sisters of Central  
19 Ohio in FED Fund 3V60 appropriation item 600689, TANF Block

**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 these 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  
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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  
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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

Sub. H.B. 110  
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;

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(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.

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(D) The director shall consider each application for a variance independently without regard to any decision the director may have made on a prior occasion to grant or deny a variance to that ambulatory surgical facility or any other facility."

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In line 70879, after "3701.831," insert "3702.304,"

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After line 80735, insert:

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"Section 291.\_\_\_\_. Each ambulatory surgical facility that has been granted a variance from the written transfer agreement requirement of section 3702.303 of the Revised Code shall, within ninety days of the effective date of section 3702.304 of the Revised Code as amended by this act, submit to the director of health a complete variance application, in the form and manner specified by the director, demonstrating compliance with the requirements established by divisions (B)(2) and (3)(a) of section 3702.304 of the Revised Code, as amended by this act. If the director determines that a facility has failed to demonstrate compliance, the director shall rescind the variance."

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The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Variations from written transfer agreements**

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**R.C. 3702.304**

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Adds the following requirements to existing law governing variances from written transfer agreements for ambulatory surgical facilities (ASF):

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--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

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

\_\_\_\_\_ 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.

Sub. H.B. 110  
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

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\_\_\_\_\_ 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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EDUCD91

\_\_\_\_\_ 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

<b>Teacher licensure disciplinary actions—human trafficking</b>	146
<b>R.C. 3319.31(C)(1)</b>	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.

**SC4520**

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.

SC4548

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~~"

SC4548

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**

43

**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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63

(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.

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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**

23

24

25

26

27

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 134<sup>th</sup> 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.