

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

Am. Sub. H. B. No. 281

Representatives Jarrells, Young, T.

Cosponsors: Representatives Kelly, Smith, M., Liston, Blackshear, Crossman, O'Brien, Miranda, Sweeney, Denson, Upchurch, Smith, K., Lepore-Hagan, Crawley, Leland, Howse, West, Boggs, Sobacki, Skindell, Miller, A., Miller, J., Russo, Boyd, Brown, Brent, Robinson, Sheehy, Hicks-Hudson, Lightbody, Kick, Jones, Fraizer, Plummer, Edwards, Hoops, Gross, Click, Stewart, White, Ghanbari, Lipps, Abrams, Baldrige, Bird, Carfagna, Carruthers, Cross, Galonski, Ginter, Hall, Hillyer, Holmes, Ingram, John, Johnson, Koehler, Lampton, Lanese, LaRe, Manning, Oelslager, Patton, Pavliga, Ray, Riedel, Roemer, Stein, Swearingen, Sykes, Troy, Weinstein, Speaker Cupp

Senators Johnson, Antonio, Cirino, Craig, Gavarone, Hackett, Hicks-Hudson, Huffman, S., Kunze, Lang, Maharath, Manning, Martin, Reineke, Romanchuk, Rulli, Thomas, Wilson, Yuko

A BILL

To amend sections 1.02, 5.226, 9.03, 122.69,	1
125.22, 140.01, 145.012, 145.298, 149.01,	2
173.11, 173.12, 305.07, 306.551, 325.07, 339.11,	3
340.011, 340.03, 340.04, 340.15, 513.05,	4
737.051, 737.161, 749.02, 901.73, 918.05,	5
935.03, 955.011, 955.43, 959.07, 959.99,	6
1533.12, 1713.41, 1743.05, 1751.14, 1751.65,	7
2101.16, 2101.17, 2101.24, 2127.05, 2127.43,	8
2151.23, 2151.414, 2305.42, 2305.43, 2746.02,	9
2901.30, 2903.10, 2903.13, 2903.15, 2903.16,	10
2903.341, 2907.27, 2919.21, 2919.22, 2919.23,	11
2921.22, 2921.321, 2923.125, 2923.128,	12
2923.1213, 2923.13, 2925.01, 2925.02, 2929.15,	13
2929.20, 2931.02, 2935.33, 2945.25, 2945.37,	14
2945.38, 2945.39, 2945.40, 2945.401, 2945.42,	15

2949.29, 2967.22, 3113.06, 3113.08, 3304.31,	16
3313.55, 3313.65, 3313.71, 3313.74, 3319.232,	17
3335.41, 3335.42, 3335.50, 3335.51, 3335.55,	18
3353.01, 3375.82, 3501.18, 3501.29, 3503.12,	19
3505.23, 3506.12, 3506.19, 3701.046, 3701.243,	20
3701.507, 3701.53, 3701.65, 3701.79, 3701.81,	21
3702.55, 3707.06, 3707.20, 3707.22, 3707.29,	22
3707.30, 3719.011, 3719.061, 3719.61, 3719.70,	23
3721.011, 3721.30, 3781.111, 3781.112, 3781.19,	24
3791.031, 3901.491, 3901.501, 3923.24, 3923.241,	25
3999.16, 4105.13, 4111.06, 4112.02, 4112.12,	26
4112.13, 4115.33, 4121.61, 4123.343, 4123.57,	27
4123.58, 4123.68, 4123.70, 4123.71, 4141.01,	28
4173.02, 4501.21, 4503.04, 4503.042, 4503.44,	29
4506.07, 4507.06, 4507.08, 4508.01, 4508.03,	30
4508.04, 4511.01, 4511.69, 4517.01, 4517.12,	31
4521.01, 4521.02, 4521.10, 4551.05, 4741.221,	32
4747.12, 4766.01, 4905.79, 4933.122, 4961.08,	33
5101.56, 5101.60, 5104.015, 5104.017, 5104.018,	34
5104.019, 5107.26, 5109.16, 5109.18, 5119.01,	35
5119.10, 5119.14, 5119.21, 5119.311, 5119.33,	36
5119.331, 5119.333, 5119.34, 5119.40, 5119.42,	37
5119.50, 5119.60, 5119.61, 5119.70, 5119.90,	38
5119.91, 5119.92, 5119.93, 5120.051, 5120.17,	39
5120.44, 5121.56, 5122.01, 5122.03, 5122.05,	40
5122.10, 5122.11, 5122.111, 5122.13, 5122.141,	41
5122.15, 5122.19, 5122.21, 5122.27, 5122.271,	42
5122.28, 5122.30, 5122.311, 5122.36, 5122.39,	43
5122.43, 5123.651, 5126.38, 5139.54, 5149.30,	44
5153.01, 5153.16, 5153.163, 5164.15, 5165.03,	45
5305.22, 5321.01, 5501.05, 5501.07, 5515.08,	46
5531.12, 5537.03, 5709.45, 5733.04, 5733.56,	47

5733.98, 5747.03, 5905.02, 5907.06, 5907.09, 48
5924.115, 5924.503, 5924.504, 5924.506, and 49
6301.10 of the Revised Code to modify 50
terminology in the Revised Code regarding people 51
with mental illnesses and people with 52
disabilities, to change the name of a commission 53
to the Commission on African-Americans and 54
modify the membership of the Commission, and to 55
name this act the Mental Health and Disability 56
Terminology Act. 57

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

Section 1. That sections 1.02, 5.226, 9.03, 122.69, 58
125.22, 140.01, 145.012, 145.298, 149.01, 173.11, 173.12, 59
305.07, 306.551, 325.07, 339.11, 340.011, 340.03, 340.04, 60
340.15, 513.05, 737.051, 737.161, 749.02, 901.73, 918.05, 61
935.03, 955.011, 955.43, 959.07, 959.99, 1533.12, 1713.41, 62
1743.05, 1751.14, 1751.65, 2101.16, 2101.17, 2101.24, 2127.05, 63
2127.43, 2151.23, 2151.414, 2305.42, 2305.43, 2746.02, 2901.30, 64
2903.10, 2903.13, 2903.15, 2903.16, 2903.341, 2907.27, 2919.21, 65
2919.22, 2919.23, 2921.22, 2921.321, 2923.125, 2923.128, 66
2923.1213, 2923.13, 2925.01, 2925.02, 2929.15, 2929.20, 2931.02, 67
2935.33, 2945.25, 2945.37, 2945.38, 2945.39, 2945.40, 2945.401, 68
2945.42, 2949.29, 2967.22, 3113.06, 3113.08, 3304.31, 3313.55, 69
3313.65, 3313.71, 3313.74, 3319.232, 3335.41, 3335.42, 3335.50, 70
3335.51, 3335.55, 3353.01, 3375.82, 3501.18, 3501.29, 3503.12, 71
3505.23, 3506.12, 3506.19, 3701.046, 3701.243, 3701.507, 72
3701.53, 3701.65, 3701.79, 3701.81, 3702.55, 3707.06, 3707.20, 73
3707.22, 3707.29, 3707.30, 3719.011, 3719.061, 3719.61, 3719.70, 74

3721.011, 3721.30, 3781.111, 3781.112, 3781.19, 3791.031, 75
3901.491, 3901.501, 3923.24, 3923.241, 3999.16, 4105.13, 76
4111.06, 4112.02, 4112.12, 4112.13, 4115.33, 4121.61, 4123.343, 77
4123.57, 4123.58, 4123.68, 4123.70, 4123.71, 4141.01, 4173.02, 78
4501.21, 4503.04, 4503.042, 4503.44, 4506.07, 4507.06, 4507.08, 79
4508.01, 4508.03, 4508.04, 4511.01, 4511.69, 4517.01, 4517.12, 80
4521.01, 4521.02, 4521.10, 4551.05, 4741.221, 4747.12, 4766.01, 81
4905.79, 4933.122, 4961.08, 5101.56, 5101.60, 5104.015, 82
5104.017, 5104.018, 5104.019, 5107.26, 5109.16, 5109.18, 83
5119.01, 5119.10, 5119.14, 5119.21, 5119.311, 5119.33, 5119.331, 84
5119.333, 5119.34, 5119.40, 5119.42, 5119.50, 5119.60, 5119.61, 85
5119.70, 5119.90, 5119.91, 5119.92, 5119.93, 5120.051, 5120.17, 86
5120.44, 5121.56, 5122.01, 5122.03, 5122.05, 5122.10, 5122.11, 87
5122.111, 5122.13, 5122.141, 5122.15, 5122.19, 5122.21, 5122.27, 88
5122.271, 5122.28, 5122.30, 5122.311, 5122.36, 5122.39, 5122.43, 89
5123.651, 5126.38, 5139.54, 5149.30, 5153.01, 5153.16, 5153.163, 90
5164.15, 5165.03, 5305.22, 5321.01, 5501.05, 5501.07, 5515.08, 91
5531.12, 5537.03, 5709.45, 5733.04, 5733.56, 5733.98, 5747.03, 92
5905.02, 5907.06, 5907.09, 5924.115, 5924.503, 5924.504, 93
5924.506, and 6301.10 of the Revised Code be amended to read as 94
follows: 95

Sec. 1.02. As used in the Revised Code, unless the context 96
otherwise requires: 97

(A) "Whoever" includes all persons, natural and 98
artificial; partners; principals, agents, and employees; and all 99
officials, public or private. 100

(B) "Another," when used to designate the owner of 101
property which is the subject of an offense, includes not only 102
natural persons but also every other owner of property. 103

(C) "Of unsound mind" ~~includes all forms of derangement or~~ 104

~~intellectual disability~~ means that the person lacks the relevant
mental capacity. 105
106

(D) "Bond" includes an undertaking. 107

(E) "Undertaking" includes a bond. 108

(F) "And" may be read "or," and "or" may be read "and" if
the sense requires it. 109
110

(G) "Registered mail" includes certified mail and 111
"certified mail" includes registered mail. 112

Sec. 5.226. The first week of January is designated as 113
"Ohio Braille Literacy Week" in honor of Louis Braille, the 114
inventor of the Braille system used, in modified form, for 115
printing, writing, and musical notation for ~~the persons who are~~ 116
blind, and who was born on January 4, 1809, and became blind 117
from an accident at the age of three. 118

Sec. 9.03. (A) As used in this section: 119

(1) "Political subdivision" means any body corporate and 120
politic, except a municipal corporation that has adopted a 121
charter under Section 7 of Article XVIII, Ohio Constitution, and 122
except a county that has adopted a charter under Sections 3 and 123
4 of Article X, Ohio Constitution, to which both of the 124
following apply: 125

(a) It is responsible for governmental activities only in 126
a geographic area smaller than the state. 127

(b) It is subject to the sovereign immunity of the state. 128

(2) "Cigarettes" and "tobacco product" have the same 129
meanings as in section 5743.01 of the Revised Code. 130

(3) "Transaction" has the same meaning as in section 131

1315.51 of the Revised Code.	132
(4) "Campaign committee," "campaign fund," "candidate,"	133
"legislative campaign fund," "political action committee,"	134
"political committee," "political party," and "separate	135
segregated fund" have the same meanings as in section 3517.01 of	136
the Revised Code.	137
(B) Except as otherwise provided in division (C) of this	138
section, the governing body of a political subdivision may use	139
public funds to publish and distribute newsletters, or to use	140
any other means, to communicate information about the plans,	141
policies, and operations of the political subdivision to members	142
of the public within the political subdivision and to other	143
persons who may be affected by the political subdivision.	144
(C) Except as otherwise provided in division (A) (7) of	145
section 340.03 of the Revised Code, no governing body of a	146
political subdivision shall use public funds to do any of the	147
following:	148
(1) Publish, distribute, or otherwise communicate	149
information that does any of the following:	150
(a) Contains defamatory, libelous, or obscene matter;	151
(b) Promotes alcoholic beverages, cigarettes or other	152
tobacco products, or any illegal product, service, or activity;	153
(c) Promotes illegal discrimination on the basis of race,	154
color, religion, national origin, handicap <u>disability</u> , age, or	155
ancestry;	156
(d) Supports or opposes any labor organization or any	157
action by, on behalf of, or against any labor organization;	158
(e) Supports or opposes the nomination or election of a	159

candidate for public office, the investigation, prosecution, or 160
recall of a public official, or the passage of a levy or bond 161
issue. 162

(2) Compensate any employee of the political subdivision 163
for time spent on any activity to influence the outcome of an 164
election for any of the purposes described in division (C) (1) (e) 165
of this section. Division (C) (2) of this section does not 166
prohibit the use of public funds to compensate an employee of a 167
political subdivision for attending a public meeting to present 168
information about the political subdivision's finances, 169
activities, and governmental actions in a manner that is not 170
designed to influence the outcome of an election or the passage 171
of a levy or bond issue, even though the election, levy, or bond 172
issue is discussed or debated at the meeting. 173

(D) Except as otherwise provided in division (A) (7) of 174
section 340.03 of the Revised Code or in division (E) of this 175
section, no person shall knowingly conduct a direct or indirect 176
transaction of public funds to the benefit of any of the 177
following: 178

- (1) A campaign committee; 179
- (2) A political action committee; 180
- (3) A legislative campaign fund; 181
- (4) A political party; 182
- (5) A campaign fund; 183
- (6) A political committee; 184
- (7) A separate segregated fund; 185
- (8) A candidate. 186

(E) Division (D) of this section does not prohibit the 187
utilization of any person's own time to speak in support of or 188
in opposition to any candidate, recall, referendum, levy, or 189
bond issue unless prohibited by any other section of the Revised 190
Code. 191

(F) Nothing in this section prohibits or restricts any 192
political subdivision from sponsoring, participating in, or 193
doing any of the following: 194

(1) Charitable or public service advertising that is not 195
commercial in nature; 196

(2) Advertising of exhibitions, performances, programs, 197
products, or services that are provided by employees of a 198
political subdivision or are provided at or through premises 199
owned or operated by a political subdivision; 200

(3) Licensing an interest in a name or mark that is owned 201
or controlled by the political subdivision. 202

(G) Whoever violates division (D) of this section shall be 203
punished as provided in section 3599.40 of the Revised Code. 204

Sec. 122.69. (A) Any nonprofit agency or organization 205
seeking designation as a community action agency by the 206
community services division shall obtain the endorsement of the 207
chief elected officials of at least two-thirds of the municipal 208
corporations and the counties within the community to be served 209
by the agency or organization. 210

(B) Any nonprofit agency or organization that receives the 211
endorsement provided for in division (A) of this section shall 212
be designated by the division as the community action agency for 213
the community it serves and shall receive community services 214
block grant funds for any period of time that the nonprofit 215

agency or organization:	216
(1) Provides a range of services and opportunities having	217
a measurable and potentially major impact on the causes of	218
poverty in the community or those areas of the community where	219
poverty is a particularly acute problem. These activities may	220
include but shall not be limited to:	221
(a) Providing activities designed to assist low-income	222
persons, including elderly and handicapped low-income persons	223
<u>who are elderly and who have disabilities</u> , to:	224
(i) Secure and maintain meaningful employment, training,	225
work experience, and unsubsidized employment;	226
(ii) Attain an adequate education;	227
(iii) Make better use of available income;	228
(iv) Obtain and maintain adequate housing and a suitable	229
living environment;	230
(v) Obtain emergency assistance through loans or grants to	231
meet immediate and urgent individual and family needs, including	232
the need for health services, nutritious food, housing, and	233
employment-related assistance;	234
(vi) Remove obstacles and solve personal and family	235
problems that block the achievement of self-sufficiency;	236
(vii) Achieve greater participation in the affairs of the	237
community;	238
(viii) Undertake family planning, consistent with personal	239
and family goals and religious and moral convictions;	240
(ix) Obtain energy assistance, conservation, and	241
weatherization services.	242

(b) Providing, on an emergency basis, supplies and	243
services, nutritious foodstuffs, and related services necessary	244
to counteract conditions of starvation and malnutrition among	245
low-income persons;	246
(c) Coordinating and establishing links between government	247
and other social services programs to assure the effective	248
delivery of services to low-income individuals;	249
(d) Providing child care services, nutrition and health	250
services, transportation services, alcoholism and narcotic	251
addiction prevention and rehabilitation services, youth	252
development services, and community services to elderly and	253
handicapped persons <u>who are elderly and who have disabilities;</u>	254
(e) Encouraging entities in the private sector to	255
participate in efforts to ameliorate poverty in the community.	256
(2) Annually submits to the division a program plan and	257
budget for use of community services block grant funds for the	258
next federal fiscal year. At least ten days prior to its	259
submission to the division, a copy of the program plan and	260
budget shall be made available to the chief elected officials of	261
the municipal corporations and counties within the service area	262
in order to provide them the opportunity to review and comment	263
upon such plan and budget.	264
(3) Composes its board of directors in compliance with	265
section (c) (3) of section 675 of the "Community Services Block	266
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904, except that the	267
board shall consist of not less than fifteen nor more than	268
thirty-three members;	269
(4) Complies with the prohibitions against discrimination	270
and political activity, as provided in the "Community Services	271

Block Grant Act";	272
(5) Complies with fiscal and program requirements	273
established by development services agency rule.	274
Sec. 125.22. (A) The department of administrative services	275
shall establish the central service agency to perform routine	276
support for the following boards and commissions:	277
(1) Architects board;	278
(2) State chiropractic board;	279
(3) State cosmetology and barber board;	280
(4) Accountancy board;	281
(5) State dental board;	282
(6) Ohio occupational therapy, physical therapy, and	283
athletic trainers board;	284
(7) State board of registration for professional engineers	285
and surveyors;	286
(8) Board of embalmers and funeral directors;	287
(9) State board of psychology;	288
(10) Counselor, social worker, and marriage and family	289
therapist board;	290
(11) State veterinary medical licensing board;	291
(12) Commission on Hispanic-Latino affairs;	292
(13) Ohio commission <u>Commission on African American</u>	293
males <u>African-Americans</u> ;	294
(14) Chemical dependency professionals board;	295

(15) State vision professionals board;	296
(16) State speech and hearing professionals board.	297
(B) (1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	298 299 300 301 302 303
(a) Preparing and processing payroll and other personnel documents;	304 305
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	306 307
(c) Maintaining ledgers of accounts and balances;	308
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	309 310
(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	311 312 313
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	314 315 316
(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.	317 318 319 320
(C) The director of administrative services shall be the appointing authority for the agency.	321 322

(D) The agency shall determine the fees to be charged to 323
the boards and commissions, which shall be in proportion to the 324
services performed for each board or commission. 325

(E) Each board or commission named in division (A) of this 326
section and any other board or commission requesting services 327
from the agency shall pay these fees to the agency from the 328
general revenue fund maintenance account of the board or 329
commission or from such other fund as the operating expenses of 330
the board or commission are paid. Any amounts set aside for a 331
fiscal year by a board or commission to allow for the payment of 332
fees shall be used only for the services performed by the agency 333
in that fiscal year. All receipts collected by the agency shall 334
be deposited in the state treasury to the credit of the central 335
service agency fund, which is hereby created. All expenses 336
incurred by the agency in performing services for the boards or 337
commissions shall be paid from the fund. 338

(F) Nothing in this section shall be construed as a grant 339
of authority for the central service agency to initiate or deny 340
personnel or fiscal actions for the boards and commissions. 341

Sec. 140.01. As used in this chapter: 342

(A) "Hospital agency" means any public hospital agency or 343
any nonprofit hospital agency. 344

(B) "Public hospital agency" means any county, board of 345
county hospital trustees established pursuant to section 339.02 346
of the Revised Code, county hospital commission established 347
pursuant to section 339.14 of the Revised Code, municipal 348
corporation, new community authority organized under Chapter 349
349. of the Revised Code, joint township hospital district, 350
state or municipal university or college operating or authorized 351

to operate a hospital facility, or the state. 352

(C) "Nonprofit hospital agency" means a corporation or 353
association not for profit, no part of the net earnings of which 354
inures or may lawfully inure to the benefit of any private 355
shareholder or individual, that has authority to own or operate 356
a hospital facility or provides or is to provide services to one 357
or more other hospital agencies. 358

(D) "Governing body" means, in the case of a county, the 359
board of county commissioners or other legislative body; in the 360
case of a board of county hospital trustees, the board; in the 361
case of a county hospital commission, the commission; in the 362
case of a municipal corporation, the council or other 363
legislative authority; in the case of a new community authority, 364
its board of trustees; in the case of a joint township hospital 365
district, the joint township district hospital board; in the 366
case of a state or municipal university or college, its board of 367
trustees or board of directors; in the case of a nonprofit 368
hospital agency, the board of trustees or other body having 369
general management of the agency; and, in the case of the state, 370
the director of development services or the Ohio higher 371
educational facility commission. 372

(E) "Hospital facilities" means buildings, structures and 373
other improvements, additions thereto and extensions thereof, 374
furnishings, equipment, and real estate and interests in real 375
estate, used or to be used for or in connection with one or more 376
hospitals, emergency, intensive, intermediate, extended, long- 377
term, or self-care facilities, diagnostic and treatment and out- 378
patient facilities, facilities related to programs for home 379
health services, clinics, laboratories, public health centers, 380
research facilities, and rehabilitation facilities, for or 381

pertaining to diagnosis, treatment, care, or rehabilitation of 382
persons who are sick, ill, injured, infirm, or impaired, 383
~~disabled, or handicapped persons~~who have disabilities, or the 384
prevention, detection, and control of disease, and also includes 385
education, training, and food service facilities for health 386
professions personnel, housing facilities for such personnel and 387
their families, and parking and service facilities in connection 388
with any of the foregoing; and includes any one, part of, or any 389
combination of the foregoing; and further includes site 390
improvements, utilities, machinery, facilities, furnishings, and 391
any separate or connected buildings, structures, improvements, 392
sites, utilities, facilities, or equipment to be used in, or in 393
connection with the operation or maintenance of, or 394
supplementing or otherwise related to the services or facilities 395
to be provided by, any one or more of such hospital facilities. 396

(F) "Costs of hospital facilities" means the costs of 397
acquiring hospital facilities or interests in hospital 398
facilities, including membership interests in nonprofit hospital 399
agencies, costs of constructing hospital facilities, costs of 400
improving one or more hospital facilities, including 401
reconstructing, rehabilitating, remodeling, renovating, and 402
enlarging, costs of equipping and furnishing such facilities, 403
and all financing costs pertaining thereto, including, without 404
limitation thereto, costs of engineering, architectural, and 405
other professional services, designs, plans, specifications and 406
surveys, and estimates of cost, costs of tests and inspections, 407
the costs of any indemnity or surety bonds and premiums on 408
insurance, all related direct or allocable administrative 409
expenses pertaining thereto, fees and expenses of trustees, 410
depositories, and paying agents for the obligations, cost of 411
issuance of the obligations and financing charges and fees and 412

expenses of financial advisors, attorneys, accountants, 413
consultants and rating services in connection therewith, 414
capitalized interest on the obligations, amounts necessary to 415
establish reserves as required by the bond proceedings, the 416
reimbursement of all moneys advanced or applied by the hospital 417
agency or others or borrowed from others for the payment of any 418
item or items of costs of such facilities, and all other 419
expenses necessary or incident to planning or determining 420
feasibility or practicability with respect to such facilities, 421
and such other expenses as may be necessary or incident to the 422
acquisition, construction, reconstruction, rehabilitation, 423
remodeling, renovation, enlargement, improvement, equipment, and 424
furnishing of such facilities, the financing thereof, and the 425
placing of the same in use and operation, including any one, 426
part of, or combination of such classes of costs and expenses, 427
and means the costs of refinancing obligations issued by, or 428
reimbursement of money advanced by, nonprofit hospital agencies 429
or others the proceeds of which were used for the payment of 430
costs of hospital facilities, if the governing body of the 431
public hospital agency determines that the refinancing or 432
reimbursement advances the purposes of this chapter, whether or 433
not the refinancing or reimbursement is in conjunction with the 434
acquisition or construction of additional hospital facilities. 435

(G) "Hospital receipts" means all moneys received by or on 436
behalf of a hospital agency from or in connection with the 437
ownership, operation, acquisition, construction, improvement, 438
equipping, or financing of any hospital facilities, including, 439
without limitation thereto, any rentals and other moneys 440
received from the lease, sale, or other disposition of hospital 441
facilities, and any gifts, grants, interest subsidies, or other 442
moneys received under any federal program for assistance in 443

financing the costs of hospital facilities, and any other gifts, 444
grants, and donations, and receipts therefrom, available for 445
financing the costs of hospital facilities. 446

(H) "Obligations" means bonds, notes, or other evidences 447
of indebtedness or obligation, including interest coupons 448
pertaining thereto, issued or issuable by a public hospital 449
agency to pay costs of hospital facilities. 450

(I) "Bond service charges" means principal, interest, and 451
call premium, if any, required to be paid on obligations. 452

(J) "Bond proceedings" means one or more ordinances, 453
resolutions, trust agreements, indentures, and other agreements 454
or documents, and amendments and supplements to the foregoing, 455
or any combination thereof, authorizing or providing for the 456
terms, including any variable interest rates, and conditions 457
applicable to, or providing for the security of, obligations and 458
the provisions contained in such obligations. 459

(K) "Nursing home" has the same meaning as in division (A) 460
(1) of section 5701.13 of the Revised Code. 461

(L) "Residential care facility" has the same meaning as in 462
division (A) (2) of section 5701.13 of the Revised Code. 463

(M) "Independent living facility" means any self-care 464
facility or other housing facility designed or used as a 465
residence for elderly persons. An "independent living facility" 466
does not include a residential facility, or that part of a 467
residential facility, that is any of the following: 468

(1) A hospital required to be certified by section 3727.02 469
of the Revised Code; 470

(2) A nursing home or residential care facility; 471

(3) A facility operated by a hospice care program licensed 472
under section 3712.04 of the Revised Code and used for the 473
program's hospice patients; 474

(4) A residential facility licensed by the department of 475
mental health and addiction services under section 5119.34 of 476
the Revised Code that provides accommodations, supervision, and 477
personal care services for three to sixteen unrelated adults; 478

(5) A residential facility licensed by the department of 479
mental health and addiction services under section 5119.34 of 480
the Revised Code that is not a residential facility described in 481
division (M)(4) of this section; 482

(6) A facility licensed to operate an opioid treatment 483
program under section 5119.37 of the Revised Code; 484

(7) A community addiction services provider, as defined in 485
section 5119.01 of the Revised Code; 486

(8) A residential facility licensed under section 5123.19 487
of the Revised Code or a facility providing services under a 488
contract with the department of developmental disabilities under 489
section 5123.18 of the Revised Code; 490

(9) A residential facility used as part of a hospital to 491
provide housing for staff of the hospital or students pursuing a 492
course of study at the hospital. 493

Sec. 145.012. (A) "Public employee," as defined in 494
division (A) of section 145.01 of the Revised Code, does not 495
include any person: 496

(1) Who is employed by a private, temporary-help service 497
and performs services under the direction of a public employer 498
or is employed on a contractual basis as an independent 499

contractor under a personal service contract with a public employer;	500 501
(2) Who is an emergency employee serving on a temporary basis in case of fire, snow, earthquake, flood, or other similar emergency;	502 503 504
(3) Who is employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501;	505 506 507
(4) Who is an appointed member of either the motor vehicle salvage dealers board or the motor vehicle dealer's board whose rate and method of payment are determined pursuant to division (J) of section 124.15 of the Revised Code;	508 509 510 511
(5) Who is employed as an election worker and paid less than six hundred dollars per calendar year for that service;	512 513
(6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following:	514 515 516 517 518
(a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system;	519 520 521
(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;	522 523 524 525
(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire	526 527

pension fund to the public employees retirement system.	528
(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate;	529 530 531 532 533 534
(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	535 536
(9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code;	537 538 539
(10) Who is a member of the unemployment compensation advisory council;	540 541
(11) Who is an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code;	542 543 544
(12) Who is employed by the nonprofit entity established to provide advocacy services and a client assistance program for people with disabilities under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly and whose employment begins on or after October 1, 2012.	545 546 547 548 549
(B) No inmate of a correctional institution operated by the department of rehabilitation and correction, no patient in a hospital for the mentally ill or criminally insane persons with <u>mental illnesses</u> operated by the department of mental health and addiction services, no resident in an institution for persons with intellectual disabilities operated by the department of developmental disabilities, no resident admitted as a patient of	550 551 552 553 554 555 556

a veterans' home operated under Chapter 5907. of the Revised 557
Code, and no resident of a county home shall be considered as a 558
public employee for the purpose of establishing membership or 559
calculating service credit or benefits under this chapter. 560
Nothing in this division shall be construed to affect any 561
service credit attained by any person who was a public employee 562
before becoming an inmate, patient, or resident at any 563
institution listed in this division, or the payment of any 564
benefit for which such a person or such a person's beneficiaries 565
otherwise would be eligible. 566

Sec. 145.298. (A) As used in this section: 567

(1) "State employing unit" means an employing unit 568
described in division (A) (2) of section 145.297 of the Revised 569
Code, except that it does not mean an employing unit with fifty 570
or fewer employees. 571

(2) "State institution" means a state correctional 572
facility, a state institution for ~~the mentally ill~~persons with 573
mental illnesses, or a state institution for the care, 574
treatment, and training of persons with intellectual 575
disabilities. 576

(B) (1) Prior to July 17, 2009, in the event of a proposal 577
to close a state institution or lay off, within a six-month 578
period, a number of persons employed at an institution that 579
equals or exceeds the lesser of fifty or ten per cent of the 580
persons employed at the institution, the employing unit 581
responsible for the institution's operation shall establish a 582
retirement incentive plan for persons employed at the 583
institution. 584

(2) On and after July 17, 2009, in the event of a proposal 585

to close a state institution or lay off, within a six-month 586
period, a number of persons employed at an institution that 587
equals or exceeds the lesser of three hundred fifty or forty per 588
cent of the persons employed at the institution, the employing 589
unit responsible for the institution's operation shall establish 590
a retirement incentive plan for persons employed at the 591
institution. 592

(C) (1) Prior to July 17, 2009, in the event of a proposal, 593
other than the proposals described in division (B) of this 594
section, to lay off, within a six-month period, a number of 595
employees of a state employing unit that equals or exceeds the 596
lesser of fifty or ten per cent of the employing unit's 597
employees, the employing unit shall establish a retirement 598
incentive plan for employees of the employing unit. 599

(2) On and after July 17, 2009, in the event of a 600
proposal, other than the proposals described in division (B) of 601
this section, to lay off, within a six-month period, a number of 602
employees of a state employing unit that equals or exceeds the 603
lesser of three hundred fifty or forty per cent of the employing 604
unit's employees, the employing unit shall establish a 605
retirement incentive plan for employees of the employing unit. 606

(D) (1) A retirement incentive plan established under this 607
section shall be consistent with the requirements of section 608
145.297 of the Revised Code, except that the plan shall go into 609
effect at the time the layoffs or proposed closings are 610
announced and shall remain in effect until the date of the 611
layoffs or closings. 612

(2) If the employing unit already has a retirement 613
incentive plan in effect, the plan shall remain in effect at 614
least until the date of the layoffs or closings. The employing 615

unit may revise the existing plan to provide greater benefits, 616
but if it revises the plan, it shall give written notice of the 617
changes to all employees who have elected to participate in the 618
original plan, and it shall provide the greater benefits to all 619
employees who participate in the plan, whether their elections 620
to participate were made before or after the date of the 621
revision. 622

Sec. 149.01. Each elective state officer, the adjutant 623
general, the adult parole authority, the department of 624
agriculture, the director of administrative services, the public 625
utilities commission, the superintendent of insurance, the 626
superintendent of financial institutions, the superintendent of 627
purchases and printing, the fire marshal, the industrial 628
commission, the administrator of workers' compensation, the 629
state department of transportation, the department of health, 630
the state medical board, the state dental board, the board of 631
embalmers and funeral directors, the ~~Ohio commission for the~~ 632
~~blind~~ bureau of services for the visually impaired, the 633
accountancy board of Ohio, the state council of uniform state 634
laws, the board of commissioners of the sinking fund, the 635
department of taxation, the board of tax appeals, the division 636
of liquor control, the director of state armories, the trustees 637
of the Ohio state university, and every private or quasi-public 638
institution, association, board, or corporation receiving state 639
money for its use and purpose shall make annually, at the end of 640
each fiscal year, in quadruplicate, a report of the transactions 641
and proceedings of that office or department for that fiscal 642
year, excepting receipts and disbursements unless otherwise 643
specifically required by law. The report shall contain a summary 644
of the official acts of the officer, board, council, commission, 645
institution, association, or corporation and any suggestions and 646

recommendations that are proper. 647

One of the reports shall be filed with the governor, one 648
with the secretary of state, and one with the state library, and 649
one shall be kept on file in the office of the officer, board, 650
council, commission, institution, association, or corporation. 651
The reports shall be so filed by the first day of August, except 652
that the report of the treasurer of state shall be so filed by 653
the thirty-first day of December. 654

Sec. 173.11. The department of aging shall, as appropriate 655
and feasible and to the extent federal, state, and local funding 656
is available, develop a system of community multipurpose senior 657
centers for the purposes of: 658

(A) Providing centralized, coordinated medical, social, 659
supportive, and rehabilitative services to older adults; 660

(B) Encouraging older adults to maintain physical, social, 661
and emotional well-being and to live dignified and reasonably 662
independent lives in their own homes; 663

(C) Diminishing the rate of inappropriate entry and 664
placement of older adults in nursing homes, sheltered housing 665
for older adults, and related facilities. 666

The department shall, in accordance with Chapter 119. of 667
the Revised Code, adopt rules under which counties, townships, 668
municipal corporations, or local nonprofit organizations may 669
make application to the department to operate a multipurpose 670
senior center or to participate in a multipurpose senior center 671
program. Procedures shall be established for the maximum 672
feasible participation by older adults and representatives of 673
organizations of older adults in the planning of these programs. 674
The area agency on aging, established under the "Older Americans 675

Act of 1965," 79 Stat. 219, 42 U.S.C.A. 3001, as amended, shall 676
be given the opportunity to review and comment on all 677
applications for the establishment of a center or the expansion 678
of the scope of services provided by a senior center operated as 679
part of the social services system under the agency's area plan. 680

The department shall plan, coordinate, and monitor, and, 681
to the extent feasible, provide funds for services for older 682
adults under this section and section 173.12 of the Revised 683
Code. In order to carry out the purposes of such sections, the 684
department or the designated local entity may accept gifts and 685
grants and enter into contracts for the purchase of services. 686

The multipurpose senior centers shall be centrally located 687
and easily accessible to any public transportation available in 688
such location. The centers may provide transportation for older 689
adults who wish to utilize services available in the facility, 690
but are unable to reach it because of the lack of financial 691
resources or physical impairment. Centers shall be designed to 692
provide ease of access and use considering the infirmities of 693
~~frail and handicapped~~ older adults who are frail or who have 694
disabilities. Special safety features shall be provided as 695
unobtrusively as possible. In establishing the location of 696
multipurpose senior centers, the department shall, to the extent 697
feasible, give precedence to the use of existing buildings and 698
facilities, which may be renovated, over the construction of new 699
buildings and facilities. 700

Sec. 173.12. The services provided by a multipurpose 701
senior center shall be available to all residents of the area 702
served by the center who are sixty years of age or older, except 703
where legal requirements for the use of funds available for a 704
component program specify other age limits. Persons who receive 705

services from the center may be encouraged to make voluntary 706
contributions to the center, but no otherwise eligible person 707
shall be refused services because of inability to make a 708
contribution. 709

Services provided by the center may include, but are not 710
limited to, the following: 711

(A) Services available within the facility: 712

(1) Preventive medical services, diagnostic and treatment 713
services, emergency health services, and counseling on health 714
matters, which are provided on a regular basis by a licensed 715
physician, pharmacist, or registered nurse or other qualified 716
health professional; 717

(2) A program to locate full- or part-time employment 718
opportunities; 719

(3) Information and counseling by professional or other 720
persons specially trained or qualified to enable older adults to 721
make decisions on personal matters, including income, health, 722
housing, transportation, and social relationships; 723

(4) A listing of services available in the community for 724
older adults to assist in identifying the type of assistance 725
needed, to place them in contact with appropriate services, and 726
to determine whether services have been received and identified 727
needs met; 728

(5) Legal advice and assistance by an attorney or a legal 729
assistant acting under the supervision of an attorney; 730

(6) Recreation, social activities, and educational 731
activities. 732

(B) Services provided outside the facility: 733

(1) Routine health services necessary to help ~~functionally-~~ 734
~~impaired~~ older adults to with functional impairments maintain an 735
appropriate standard of personal health, provided to them in 736
their homes by licensed physicians, registered nurses, or other 737
qualified health service personnel; 738

(2) Household services, such as light housekeeping, 739
laundrying, meal preparation, personal and grocery shopping, 740
check cashing and bill paying, friendly visiting, minor 741
household repairs, and yard chores, that are necessary to help 742
~~functionally impaired~~ older adults with functional impairments 743
meet the normal demands of daily living; 744

(3) The delivery, on a regular schedule, of hot or cold 745
nourishing meals to ~~functionally impaired~~ older adults with 746
functional impairments and the determination of the nutritional 747
needs of such persons; 748

(4) Door-to-door vehicular transportation for ~~functionally-~~ 749
~~impaired~~ older adults with functional impairments or other older 750
adults. 751

Other services, including social and recreational 752
services, adult education courses, reassurance by telephone, 753
escort services, and housing assistance may be added to the 754
center's program as appropriate, to the extent that resources 755
are available. 756

Services may be furnished by public agencies or private 757
persons or organizations, but all services shall be coordinated 758
by a single management unit, operating within the center, that 759
is established, staffed, and equipped for this purpose. 760

The department of aging, or the local entity approved by 761
the department under section 173.11 of the Revised Code for the 762

operation of a center, may contract for any or all of the 763
services provided by the center with any other state agency, 764
county, township, municipal corporation, school district, 765
community or technical college district, health district, 766
person, or organization. 767

The department shall provide for the necessary insurance 768
coverage to protect all volunteers from the normal risks of 769
personal liability while they are acting within the scope of 770
their volunteer assignments for the provision of services under 771
this section. 772

As used in this section, "~~functionally impaired~~ older 773
adult with a functional impairment" means an individual sixty 774
years of age or older who requires help from others in order to 775
cope with the normal demands of daily living. 776

Sec. 305.07. (A) Special sessions of the board of county 777
commissioners may be held as often as the commissioners deem it 778
necessary. At a regular or special session, the board may make 779
any necessary order or contract in relation to the building, 780
furnishing, repairing, or insuring of public buildings or 781
bridges; the employment of janitors; the improvements or 782
enclosure of public grounds; the maintenance or support of 783
persons with developmental disabilities or ~~of the mentally-~~ 784
~~ill~~ persons with mental illnesses; the expenditure of any fund; 785
or the board may provide for the reconstruction or repair of any 786
bridge destroyed by fire, flood, or otherwise. The board shall 787
comply with division (F) of section 121.22 of the Revised Code. 788
The board may do any other official act not, by law, restricted 789
to a particular regular session. 790

(B) The board of county commissioners may provide by 791
resolution for the holding of special sessions of the board at a 792

location in the county other than the usual office of the board 793
at the county seat. The adoption of the resolution and the 794
location where the sessions will be held shall be entered on the 795
journal of the board. The board shall give reasonable public 796
notice of its action taken pursuant to this division, in 797
accordance with division (F) of section 121.22 of the Revised 798
Code. 799

Sec. 306.551. Any municipal corporation or township that 800
withdraws from a regional transit authority under section 306.55 801
of the Revised Code may enter into a contract with a regional 802
transit authority or other provider of transit services to 803
provide transportation service for ~~handicapped, disabled, or~~ 804
elderly persons who are elderly or who have disabilities and for 805
any other service the legislative authority of the municipal 806
corporation or township may determine to be appropriate. 807

Sec. 325.07. In addition to the compensation and salary 808
provided by section 325.06 of the Revised Code, the board of 809
county commissioners shall make allowances monthly to each 810
sheriff for the actual and necessary expenses incurred and 811
expended by the sheriff in pursuing within or without the state 812
or transporting persons accused or convicted of crimes and 813
offenses, for any expenses incurred in conveying and 814
transferring persons to or from any state hospital for ~~the~~ 815
mentally ill persons with mental illnesses, any institution for 816
persons with intellectual disabilities, any institution operated 817
by the youth commission, children's homes, county homes, and all 818
similar institutions, and for all expenses of maintaining 819
transportation facilities necessary to the proper administration 820
of the duties of the sheriff's office. 821

The board shall allow the sheriff the actual 822

transportation expense and telephone tolls expended by the 823
sheriff in serving civil processes and subpoenaing witnesses in 824
civil and criminal cases and before the grand jury, and it may 825
allow any other necessary transportation expense for the proper 826
administration of the duties of the sheriff's office. Each 827
sheriff shall file under oath a monthly report containing a 828
full, accurate, and itemized account of all the sheriff's actual 829
and necessary expenses, including telephone tolls and any other 830
transportation expense mentioned in this section, before the 831
expense is allowed by the board. The statement shall show the 832
number of the case, the court in which the service was rendered, 833
and the point from which a transportation vehicle was used. 834

For the purpose of making available to the sheriff funds 835
necessary in the performance of the duties required under this 836
section, the board may authorize, as an advancement to the 837
sheriff, a sum not exceeding fifty per cent of the sheriff's 838
annual salary, from appropriations made to the sheriff by the 839
board for pursuing prisoners within or without the state or for 840
transporting the prisoners to correctional institutions, or 841
both, and for transporting persons to the institutions 842
enumerated in this section, from which sum of money so advanced 843
the necessary expenses for the transportation or pursuance may 844
be paid by the sheriff. The county auditor shall draw a warrant 845
upon the county treasurer, in favor of the sheriff, as 846
authorized by the board. 847

After the itemized monthly report provided for in this 848
section has been filed by the sheriff and approved and allowed 849
by the board, the board shall restore to the fund the amount 850
expended and disbursed by the sheriff, as approved and allowed 851
by the board. 852

Any unexpended balance of such fund remaining in the hands 853
of the sheriff, at the end of each succeeding fiscal year, shall 854
be returned and paid into the county treasury by the sheriff. 855

Sec. 339.11. The board of county commissioners may enter 856
into an agreement with one or more corporations or associations 857
organized for charitable purposes or for the purpose of 858
maintaining and operating a hospital in any county in which such 859
hospital has been established, for the care of ~~the indigent sick~~ 860
~~and disabled persons who are sick or have disabilities,~~ including 861
indigent persons receiving the tuberculosis treatment specified 862
in section 339.73 of the Revised Code. The document used to 863
verify the agreement shall specify the terms that have been 864
agreed upon by the board and such corporations or associations. 865
Such board shall provide for the payment of the amount agreed 866
upon in one payment, or installments, or so much from year to 867
year as the parties stipulate. This section does not authorize 868
the payment of public funds to a sectarian institution, except 869
when the payment is made pursuant to sections 339.71 to 339.89 870
of the Revised Code. The board may employ the necessary and 871
properly qualified employees to assist it in carrying out all 872
responsibilities devolving upon such board by reason of any 873
agreement entered into in accordance with this section. 874

Sec. 340.011. (A) This chapter shall be interpreted to 875
accomplish all of the following: 876

(1) Establish a unified system of treatment for ~~mentally~~ 877
~~ill persons with mental illnesses~~ and persons with addictions; 878

(2) Establish a community support system available for 879
every alcohol, drug addiction, and mental health service 880
district; 881

(3) Protect the personal liberty of ~~mentally ill~~ persons 882
with mental illnesses so that they may be treated in the least 883
restrictive environment; 884

(4) Encourage the development of high quality, cost 885
effective, and comprehensive services, including culturally 886
sensitive services; 887

(5) Foster the development of comprehensive community 888
mental health services, based on recognized local needs, 889
especially for ~~severely mentally disabled children, adolescents,~~ 890
and adults persons with severe mental disabilities; 891

(6) Ensure that services provided meet minimum standards 892
established by the director of mental health and addiction 893
services; 894

(7) Promote the delivery of high quality and cost- 895
effective addiction and mental health services; 896

(8) Promote the participation of persons receiving mental 897
health services and addiction services in the planning, 898
delivery, and evaluation of these services. 899

(B) Nothing in Chapter 340., 5119., or 5122. of the 900
Revised Code shall be construed as requiring a board of county 901
commissioners to provide resources beyond the total amount set 902
forth in a budget and list of addiction services, mental health 903
services, and recovery supports required by section 340.08 of 904
the Revised Code and approved by the department of mental health 905
and addiction services under section 5119.22 of the Revised 906
Code. 907

Sec. 340.03. (A) Subject to rules issued by the director 908
of mental health and addiction services after consultation with 909
relevant constituencies as required by division (A) (10) of 910

section 5119.21 of the Revised Code, each board of alcohol, drug 911
addiction, and mental health services shall: 912

(1) Serve as the community addiction and mental health 913
planning agency for the county or counties under its 914
jurisdiction, and in so doing it shall: 915

(a) Evaluate the need for facility services, addiction 916
services, mental health services, and recovery supports; 917

(b) In cooperation with other local and regional planning 918
and funding bodies and with relevant ethnic organizations, 919
evaluate strengths and challenges and set priorities for 920
addiction services, mental health services, and recovery 921
supports. A board shall include treatment and prevention 922
services when setting priorities for addiction services and 923
mental health services. When a board sets priorities for 924
addiction services, the board shall consult with the county 925
commissioners of the counties in the board's service district 926
regarding the services described in section 340.15 of the 927
Revised Code and shall give priority to those services, except 928
that those services shall not have a priority over services 929
provided to pregnant women under programs developed in relation 930
to the mandate established in section 5119.17 of the Revised 931
Code. 932

(c) In accordance with guidelines issued by the director 933
of mental health and addiction services under division (F) of 934
section 5119.22 of the Revised Code, annually develop and submit 935
to the department of mental health and addiction services a 936
community addiction and mental health plan that addresses both 937
of the following: 938

(i) The needs of all residents of the district currently 939

receiving inpatient services in state-operated hospitals, the 940
needs of other populations as required by state or federal law 941
or programs, and the needs of all children subject to a 942
determination made pursuant to section 121.38 of the Revised 943
Code; 944

(ii) The department's priorities for facility services, 945
addiction services, mental health services, and recovery 946
supports during the period for which the plan will be in effect. 947
The department shall inform all of the boards of the 948
department's priorities in a timely manner that enables the 949
boards to know the department's priorities before the boards 950
develop and submit the plans. 951

In alcohol, drug addiction, and mental health service 952
districts that have separate alcohol and drug addiction services 953
and community mental health boards, the alcohol and drug 954
addiction services board shall submit a community addiction plan 955
and the community mental health board shall submit a community 956
mental health plan. Each board shall consult with its 957
counterpart in developing its plan and address the interaction 958
between the local addiction and mental health systems and 959
populations with regard to needs and priorities in developing 960
its plan. 961

The department shall approve or disapprove the plan, in 962
whole or in part, in accordance with division (G) of section 963
5119.22 of the Revised Code. Eligibility for state and federal 964
funding shall be contingent upon an approved plan or relevant 965
part of a plan. 966

If a board determines that it is necessary to amend an 967
approved plan, the board shall submit a proposed amendment to 968
the director. The director shall approve or disapprove all or 969

part of the amendment in accordance with division (H) of section 970
5119.22 of the Revised Code. 971

The board shall operate in accordance with the plan 972
approved by the department. 973

(d) Promote, arrange, and implement working agreements 974
with social agencies, both public and private, and with judicial 975
agencies. 976

(2) Investigate, or request another agency to investigate, 977
any complaint alleging abuse or neglect of any person receiving 978
addiction services, mental health services, or recovery supports 979
from a community addiction services provider or community mental 980
health services provider or alleging abuse or neglect of a 981
resident receiving addiction services or with mental illness or 982
severe mental disability residing in a residential facility 983
licensed under section 5119.34 of the Revised Code. If the 984
investigation substantiates the charge of abuse or neglect, the 985
board shall take whatever action it determines is necessary to 986
correct the situation, including notification of the appropriate 987
authorities. Upon request, the board shall provide information 988
about such investigations to the department. 989

(3) For the purpose of section 5119.36 of the Revised 990
Code, cooperate with the director of mental health and addiction 991
services in visiting and evaluating whether the certifiable 992
services and supports of a community addiction services provider 993
or community mental health services provider satisfy the 994
certification standards established by rules adopted under that 995
section; 996

(4) In accordance with criteria established under division 997
(D) of section 5119.22 of the Revised Code, conduct program 998

audits that review and evaluate the quality, effectiveness, and 999
efficiency of addiction services, mental health services, and 1000
recovery supports provided by community addiction services 1001
providers and community mental health services providers under 1002
contract with the board and submit the board's findings and 1003
recommendations to the department of mental health and addiction 1004
services; 1005

(5) In accordance with section 5119.34 of the Revised 1006
Code, review an application for a residential facility license 1007
and provide to the department of mental health and addiction 1008
services any information about the applicant or facility that 1009
the board would like the department to consider in reviewing the 1010
application; 1011

(6) Audit, in accordance with rules adopted by the auditor 1012
of state pursuant to section 117.20 of the Revised Code, at 1013
least annually all programs, addiction services, mental health 1014
services, and recovery supports provided under contract with the 1015
board. In so doing, the board may contract for or employ the 1016
services of private auditors. A copy of the fiscal audit report 1017
shall be provided to the director of mental health and addiction 1018
services, the auditor of state, and the county auditor of each 1019
county in the board's district. 1020

(7) Recruit and promote local financial support for 1021
addiction services, mental health services, and recovery 1022
supports from private and public sources; 1023

(8) In accordance with guidelines issued by the department 1024
as necessary to comply with state and federal laws pertaining to 1025
financial assistance, approve fee schedules and related charges 1026
or adopt a unit cost schedule or other methods of payment for 1027
addiction services, mental health services, and recovery 1028

supports provided by community addiction services providers and 1029
community mental health services providers that have contracted 1030
with the board under section 340.036 of the Revised Code; 1031

(9) Submit to the director and the county commissioners of 1032
the county or counties served by the board, and make available 1033
to the public, an annual report of the addiction services, 1034
mental health services, and recovery supports under the 1035
jurisdiction of the board, including a fiscal accounting; 1036

(10) Establish a method for evaluating referrals for 1037
court-ordered treatment and affidavits filed pursuant to section 1038
5122.11 of the Revised Code in order to assist the probate 1039
division of the court of common pleas in determining whether 1040
there is probable cause that a respondent is subject to court- 1041
ordered treatment and whether alternatives to hospitalization 1042
are available and appropriate; 1043

(11) Designate the treatment services, provider, facility, 1044
or other placement for each person involuntarily committed to 1045
the board pursuant to Chapter 5122. of the Revised Code. The 1046
board shall provide the least restrictive and most appropriate 1047
alternative that is available for any person involuntarily 1048
committed to it and shall assure that the list of addiction 1049
services, mental health services, and recovery supports 1050
submitted and approved in accordance with division (B) of 1051
section 340.08 of the Revised Code are available to ~~severely-~~ 1052
~~mentally disabled persons with severe mental~~ 1053
disabilities residing within its service district. The board 1054
shall establish the procedure for authorizing payment for the 1055
services and supports, which may include prior authorization in 1056
appropriate circumstances. In accordance with section 340.037 of 1057
the Revised Code, the board may provide addiction services and 1058

mental health services directly to a ~~severely mentally disabled~~ 1059
person with a severe mental disability when life or safety is 1060
endangered and when no community addiction services provider or 1061
community mental health services provider is available to 1062
provide the service. 1063

(12) Ensure that housing built, subsidized, renovated, 1064
rented, owned, or leased by the board or a community addiction 1065
services provider or community mental health services provider 1066
has been approved as meeting minimum fire safety standards and 1067
that persons residing in the housing have access to appropriate 1068
and necessary services, including culturally relevant services, 1069
from a community addiction services provider or community mental 1070
health services provider. This division does not apply to 1071
residential facilities licensed pursuant to section 5119.34 of 1072
the Revised Code. 1073

(13) Establish a mechanism for obtaining advice and 1074
involvement of persons receiving addiction services, mental 1075
health services, or recovery supports on matters pertaining to 1076
services and supports in the alcohol, drug addiction, and mental 1077
health service district; 1078

(14) Perform the duties required by rules adopted under 1079
section 5119.22 of the Revised Code regarding referrals by the 1080
board or community mental health services providers under 1081
contract with the board of individuals with mental illness or 1082
severe mental disability to class two residential facilities 1083
licensed under section 5119.34 of the Revised Code and effective 1084
arrangements for ongoing mental health services for the 1085
individuals. The board is accountable in the manner specified in 1086
the rules for ensuring that the ongoing mental health services 1087
are effectively arranged for the individuals. 1088

(B) Each board of alcohol, drug addiction, and mental health services shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter.

(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest shall be deposited in the treasury of the county, the treasurer of which is custodian of the alcohol, drug addiction, and mental health services funds to the credit of the board and shall be available for use by the board for purposes stated by the donor or grantor.

(D) No member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury or damages caused by any action or inaction taken within the scope of the member's official duties or the employee's employment, whether or not such action or inaction is expressly authorized by this section or any other section of the Revised Code, unless such action or inaction constitutes willful or wanton misconduct. Chapter 2744. of the Revised Code applies to any action or inaction by a member or employee of a board taken within the scope of the member's official duties or employee's employment. For the purposes of this division, the conduct of a member or employee shall not be considered willful or wanton misconduct if the member or employee acted in good faith and in a manner that the member or employee reasonably believed was in or was not opposed to the best interests of the board and, with

respect to any criminal action or proceeding, had no reasonable 1120
cause to believe the conduct was unlawful. 1121

(E) The meetings held by any committee established by a 1122
board of alcohol, drug addiction, and mental health services 1123
shall be considered to be meetings of a public body subject to 1124
section 121.22 of the Revised Code. 1125

(F) (1) A board of alcohol, drug addiction, and mental 1126
health services may establish a rule, operating procedure, 1127
standard, or bylaw to allow the executive director of the board 1128
to execute both of the following types of contracts valued at 1129
twenty-five thousand dollars or less, as determined by the 1130
board, on behalf of the board without the board's prior 1131
approval: 1132

(a) Emergency contracts for clinical services or recovery 1133
support services; 1134

(b) Standard service contracts pertaining to the board's 1135
operations. 1136

(2) If a board establishes a rule, operating procedure, 1137
standard, or bylaw under division (F) (1) of this section, both 1138
of the following shall be the case: 1139

(a) The board shall define the scope of contracts 1140
described in divisions (F) (1) (a) and (b) of this section in that 1141
rule, operating procedure, standard, or bylaw. 1142

(b) The board shall disclose the existence of a contract 1143
executed pursuant to the rule, operating procedure, standard, or 1144
bylaw at the first board meeting that occurs after the contract 1145
was executed and ensure that a record of that disclosure is 1146
included in the written minutes of that meeting. 1147

Sec. 340.04. Each board of alcohol, drug addiction, and 1148
mental health services shall employ a qualified mental health or 1149
addiction services professional with experience in 1150
administration or a professional administrator with experience 1151
in mental health services or addiction services to serve as 1152
executive director of the board and shall prescribe the 1153
director's duties. 1154

The board shall fix the compensation of the executive 1155
director. In addition to such compensation, the director shall 1156
be reimbursed for actual and necessary expenses incurred in the 1157
performance of the director's official duties. The board, by 1158
majority vote of the full membership, may remove the director 1159
for cause, upon written charges, after an opportunity has been 1160
afforded the director for a hearing before the board on request. 1161

The board may delegate to its executive director the 1162
authority to act in its behalf in the performance of its 1163
administrative duties. 1164

As used in this section, "mental health professional" and 1165
"addiction services professional" mean an individual who is 1166
qualified to work with ~~mentally ill~~ persons with mental 1167
illnesses or persons receiving addiction services, pursuant to 1168
standards established by the director of mental health and 1169
addiction services under Chapter 5119. of the Revised Code. 1170

Sec. 340.15. (A) A public children services agency that 1171
identifies a child by a risk assessment conducted pursuant to 1172
section 5153.16 of the Revised Code as being at imminent risk of 1173
being abused or neglected because of an addiction of a parent, 1174
guardian, or custodian of the child to a drug of abuse or 1175
alcohol shall refer the child's ~~addicted~~ parent, guardian, or 1176
custodian and, if the agency determines that the child needs 1177

alcohol and drug addiction services, the child to a community 1178
addiction services provider. A public children services agency 1179
that is sent a court order issued pursuant to division (B) of 1180
section 2151.3514 of the Revised Code shall refer the addicted 1181
parent or other caregiver of the child identified in the court 1182
order to a community addiction services provider. On receipt of 1183
a referral under this division and to the extent funding 1184
identified under division (A) (2) of section 340.08 of the 1185
Revised Code is available, the provider shall provide the 1186
following services to the ~~addicted~~ parent, guardian, custodian, 1187
or caregiver and child in need of addiction services: 1188

(1) If it is determined pursuant to an initial screening 1189
to be needed, assessment and appropriate treatment; 1190

(2) Documentation of progress in accordance with a 1191
treatment plan developed for the ~~addicted~~ parent, guardian, 1192
custodian, caregiver, or child; 1193

(3) If the referral is based on a court order issued 1194
pursuant to division (B) of section 2151.3514 of the Revised 1195
Code and the order requires the specified parent or other 1196
caregiver of the child to submit to alcohol or other drug 1197
testing during, after, or both during and after, treatment, 1198
testing in accordance with the court order. 1199

(B) The services described in division (A) of this section 1200
shall have a priority as provided in the community addiction and 1201
mental health plan and budget established pursuant to sections 1202
340.03 and 340.08 of the Revised Code. Once a referral has been 1203
received pursuant to this section, the public children services 1204
agency and the community addiction services provider shall, in 1205
accordance with 42 C.F.R. Part 2, share with each other any 1206
information concerning the persons and services described in 1207

that division that the agency and provider determine are 1208
necessary to share. If the referral is based on a court order 1209
issued pursuant to division (B) of section 2151.3514 of the 1210
Revised Code, the results and recommendations of the community 1211
addiction services provider also shall be provided and used as 1212
described in division (D) of that section. Information obtained 1213
or maintained by the agency or provider pursuant to this section 1214
that could enable the identification of any person described in 1215
division (A) of this section is not a public record subject to 1216
inspection or copying under section 149.43 of the Revised Code. 1217

Sec. 513.05. The board of township trustees may agree with 1218
a corporation organized for charitable purposes and not for 1219
profit or with a municipal corporation for the erection and 1220
management of a hospital suitably located, for the treatment of 1221
~~the sick and disabled persons~~ of the township who are sick or 1222
have disabilities, or for an addition to such hospital, and for 1223
a permanent interest therein to such extent and upon such terms 1224
as are agreed upon between the board and such corporation. The 1225
board shall provide for the payment of the amount agreed upon 1226
for such interest, either in one payment or in annual 1227
installments, as agreed. Such agreement shall not become 1228
operative until approved by a vote of the electors of such 1229
township under section 513.06 of the Revised Code. 1230

Sec. 737.051. (A) The legislative authority of a city may 1231
establish, by ordinance, an auxiliary police unit within the 1232
police department of the city, and provide for the regulation of 1233
auxiliary police officers. The director of public safety shall 1234
be the executive head of the auxiliary police unit, shall make 1235
all appointments and removals of auxiliary police officers, 1236
subject to any general rules prescribed by the legislative 1237
authority by ordinance, and shall prescribe rules for the 1238

organization, training, administration, control, and conduct of 1239
the auxiliary police unit. Members of the auxiliary police unit 1240
shall not be in the classified service of the city. 1241

(B) (1) The legislative authority of a city may establish, 1242
by ordinance, a parking enforcement unit within the police 1243
department of the city, and provide for the regulation of 1244
parking enforcement officers. The director of public safety 1245
shall be the executive head of the parking enforcement unit, 1246
shall make all appointments and removals of parking enforcement 1247
officers, subject to any general rules prescribed by the 1248
legislative authority by ordinance, and shall prescribe rules 1249
for the organization, training, administration, control, and 1250
conduct of the parking enforcement unit. The director may 1251
appoint parking enforcement officers who agree to serve for 1252
nominal compensation, and persons with physical disabilities may 1253
receive appointments as parking enforcement officers. 1254

(2) The authority of the parking enforcement officers 1255
shall be limited to the enforcement of ordinances governing 1256
parking in ~~handicapped-accessible~~ parking locations and fire 1257
lanes and any other parking ordinances specified in the 1258
ordinance creating the parking enforcement unit. Parking 1259
enforcement officers shall have no other powers. 1260

(3) The training the parking enforcement officers shall 1261
receive shall include instruction in general administrative 1262
rules and procedures governing the parking enforcement unit, the 1263
role of the judicial system as it relates to parking regulation 1264
and enforcement, proper techniques and methods relating to the 1265
enforcement of parking ordinances, human interaction skills, and 1266
first aid. 1267

Sec. 737.161. (A) The legislative authority of a village 1268

may establish, by ordinance, an auxiliary police unit within the 1269
police department of the village, and provide for the regulation 1270
of auxiliary police officers. The mayor shall be the executive 1271
head of the auxiliary police unit, shall make all appointments 1272
and removals of auxiliary police officers, subject to any 1273
general rules prescribed by the legislative authority by 1274
ordinance, and shall prescribe rules for the organization, 1275
training, administration, control, and conduct of the auxiliary 1276
police unit. The village marshal shall have exclusive control of 1277
the stationing and transferring of all auxiliary police 1278
officers, under such general rules as the mayor prescribes. 1279

(B) (1) The legislative authority of a village may 1280
establish, by ordinance, a parking enforcement unit within the 1281
police department of the village, and provide for the regulation 1282
of parking enforcement officers. The mayor shall be the 1283
executive head of the parking enforcement unit, shall make all 1284
appointments and removals of parking enforcement officers, 1285
subject to any general rules prescribed by the legislative 1286
authority by ordinance, and shall prescribe rules for the 1287
organization, training, administration, control, and conduct of 1288
the parking enforcement unit. The mayor may appoint parking 1289
enforcement officers who agree to serve for nominal 1290
compensation, and persons with physical disabilities may receive 1291
appointments as parking enforcement officers. 1292

(2) The authority of the parking enforcement officers 1293
shall be limited to the enforcement of ordinances governing 1294
parking in ~~handicapped~~-accessible parking locations and fire 1295
lanes and any other parking ordinances specified in the 1296
ordinance creating the parking enforcement unit. Parking 1297
enforcement officers shall have no other powers. 1298

(3) The training the parking enforcement officers shall 1299
receive shall include instruction in general administrative 1300
rules and procedures governing the parking enforcement unit, the 1301
role of the judicial system as it relates to parking regulation 1302
and enforcement, proper techniques and methods relating to the 1303
enforcement of parking ordinances, human interaction skills, and 1304
first aid. 1305

Sec. 749.02. The legislative authority of a municipal 1306
corporation may agree with a corporation organized for 1307
charitable purposes and not for profit, for the erection and 1308
management of a hospital suitably located for the treatment of 1309
~~the sick and disabled persons~~ of such municipal corporation who 1310
are sick or have disabilities, or for an addition to such 1311
hospital, and for a permanent interest therein to such extent 1312
and upon such terms as are agreed upon between them, and the 1313
legislative authority shall provide for the payment of the 1314
amount agreed upon for such interest, either in one payment or 1315
in annual installments, as is agreed upon. 1316

Such agreement shall not become operative until approved 1317
by a vote of the electors of the municipal corporation as 1318
provided in section 749.021 of the Revised Code. 1319

Sec. 901.73. (A) (1) The director of agriculture may 1320
inspect and investigate any matter involving livestock that is 1321
not present at an exhibition, but is registered or entered in an 1322
exhibition, or raised with the apparent intent of being so 1323
registered or entered, when the director reasonably suspects any 1324
of the following: 1325

(a) There has been a violation of section 901.76 or 1326
2925.09 of the Revised Code or a rule adopted under section 1327
901.72 of the Revised Code; 1328

(b) The livestock's health, safety, or welfare may be threatened; 1329
1330

(c) The livestock constitutes a threat to or may adversely affect food safety. 1331
1332

(2) The director may conduct random inspections and investigations regarding any matter involving livestock present at an exhibition. 1333
1334
1335

(3) With the consent of the property owner and the livestock owner, the director or the director's designee may enter at all reasonable times any premises, facility, pen, yard, vehicle, or means of conveyance for the purpose of sampling and testing livestock registered or entered in an exhibition or raised with the apparent intent of being so registered or entered. If the director or the director's designee is denied access to any premises, facility, pen, yard, vehicle, or means of conveyance by the property owner or to livestock by the livestock owner, and if the director reasonably suspects that food safety or the health, safety, or welfare of livestock is threatened, the director may apply to a court of competent jurisdiction in the county in which the premises, facility, pen, yard, vehicle, means of conveyance, or livestock are located for a search warrant authorizing access to the premises, facility, pen, yard, vehicle, means of conveyance, or livestock for the purposes of this section. The court shall issue the search warrant for the purposes requested if there is probable cause to believe that livestock is involved that is registered or entered in an exhibition or raised with the apparent intent of being so registered or entered, and that food safety or the health, safety, or welfare of livestock is threatened. The finding of probable cause may be based on hearsay, provided there is a 1336
1337
1338
1339
1340
1341
1342
1343
1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358

substantial basis for believing that the source of the hearsay 1359
is credible and that there is a factual basis for the 1360
information furnished. 1361

The director may designate employees of the department of 1362
agriculture, employees of the United States department of 1363
agriculture, licensed veterinarians, or employees or students of 1364
an approved or accredited veterinary school or college to 1365
perform the inspecting, sampling, and testing. The director may 1366
contract with laboratories, universities, or other persons or 1367
institutions, both public and private, to perform the livestock 1368
testing. 1369

(B) While the director or the director's designee is 1370
sampling or testing the livestock, the owner or custodian of the 1371
livestock shall render assistance in accordance with sections 1372
941.05 and 941.08 of the Revised Code. Any person who refuses to 1373
cooperate with the director or the director's designee in the 1374
inspection, sampling, and testing of livestock may be prohibited 1375
by the director acting under section 901.74 of the Revised Code 1376
from participating in any exhibition. 1377

(C) A person may register, enter, or exhibit at an 1378
exhibition only livestock owned by that person for the length of 1379
time specified by rule of the director, unless one of the 1380
following applies: 1381

(1) The livestock owner ~~suffers from~~has a recognized 1382
physical ~~handicap~~disability that prevents the owner from 1383
showing the livestock; 1384

(2) The sponsor provides written permission to someone 1385
other than the livestock owner to register, enter, or exhibit 1386
the livestock; 1387

(3) A rule of the director provides that this division 1388
shall not apply to an exhibition. 1389

Sec. 918.05. The director of agriculture may require an 1390
employee of an establishment to submit to a health examination 1391
by a physician at any time. No individual ~~suffering from~~having 1392
any communicable disease, including any communicable skin 1393
disease, and no person with infected wounds and no person who is 1394
a carrier of a communicable disease shall be employed in any 1395
capacity in an establishment. 1396

Sec. 935.03. (A) Division (A) of section 935.02 of the 1397
Revised Code does not apply to any of the following: 1398

(1) A person to which all of the following apply: 1399

(a) The person possesses a dangerous wild animal. 1400

(b) The person has been issued a license by the United 1401
States department of agriculture under the federal animal 1402
welfare act. 1403

(c) The director of agriculture has determined that the 1404
person is in the process of becoming an accredited member of the 1405
association of zoos and aquariums or the zoological association 1406
of America. 1407

(d) The director has informed the person that the person 1408
is exempt from division (A) of section 935.02 of the Revised 1409
Code. 1410

(2) An organization to which all of the following apply: 1411

(a) The organization possesses a dangerous wild animal. 1412

(b) The director has determined that the organization is 1413
in the process of being accredited or verified by the global 1414

federation of animal sanctuaries as a wildlife sanctuary.	1415
(c) The director has informed the organization that it is exempt from division (A) of section 935.02 of the Revised Code.	1416 1417
(3) A person whose possession of a dangerous wild animal is authorized by an unexpired permit issued under this chapter.	1418 1419
(B) Except for the purposes of divisions (A) and (B) of section 935.04 of the Revised Code, this chapter does not apply to any of the following:	1420 1421 1422
(1) A facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act;	1423 1424 1425 1426
(2) A research facility as defined in the federal animal welfare act;	1427 1428
(3) A research facility that is accredited by the association for the assessment and accreditation of laboratory animal care international;	1429 1430 1431
(4) A circus;	1432
(5) A wildlife rehabilitation facility that is issued a permit by the chief of the division of wildlife in rules adopted under section 1531.08 of the Revised Code and that rehabilitates dangerous wild animals or restricted snakes that are native to the state for the purpose of reintroduction into the wild;	1433 1434 1435 1436 1437
(6) A veterinarian that is providing temporary veterinary care to a dangerous wild animal or restricted snake;	1438 1439
(7) A wildlife sanctuary;	1440
(8) An individual who does not reside in this state, is	1441

traveling through this state with a dangerous wild animal or 1442
restricted snake, and does all of the following: 1443

(a) Confines the animal or snake in a cage at all times; 1444

(b) Confines the animal or snake in a cage that is not 1445
accessible to the public; 1446

(c) Does not exhibit the animal or snake; 1447

(d) Is in the state not more than forty-eight hours unless 1448
the animal or snake is receiving veterinary care. 1449

(9) An educational institution that displays a single 1450
dangerous wild animal as a sports mascot and that meets all of 1451
the following criteria: 1452

(a) An official of the educational institution has 1453
submitted an affidavit attesting that the institution will care 1454
for the animal as long as the animal lives and in a facility 1455
that is an accredited member of the association of zoos and 1456
aquariums or the zoological association of America. 1457

(b) The educational institution maintains a liability 1458
insurance policy with an insurer authorized or approved to write 1459
such insurance in this state that covers claims for injury or 1460
damage to persons or property caused by a dangerous wild animal. 1461
The amount of the insurance coverage shall be not less than one 1462
million dollars. 1463

(c) During display and transport, the educational 1464
institution confines the dangerous wild animal in a cage that 1465
does not permit physical contact between the animal and the 1466
public. 1467

(d) The educational institution began displaying a 1468
dangerous wild animal as a mascot prior to September 5, 2012. 1469

(10) Any person who has been issued a permit under section 1470
1533.08 of the Revised Code, provided that the permit lists each 1471
specimen of wild animal that is a dangerous wild animal or 1472
restricted snake in the person's possession; 1473

(11) Any person authorized to possess a dangerous wild 1474
animal or restricted snake under section 1531.25 of the Revised 1475
Code or rules adopted under it; 1476

(12) A ~~mobility impaired person~~ with a mobility 1477
impairment, as defined in section 955.011 of the Revised Code, 1478
who possesses a dangerous wild animal specified in division (C) 1479
(20) (h) of section 935.01 of the Revised Code that has been 1480
trained by a nonprofit agency or is in such training to assist 1481
the ~~mobility impaired person~~ with a mobility impairment; 1482

(13) A deaf or hearing-impaired person who possesses a 1483
dangerous wild animal specified in division (C) (20) (h) of 1484
section 935.01 of the Revised Code that has been trained by a 1485
nonprofit agency or is in such training to assist the deaf or 1486
hearing-impaired person; 1487

(14) A person who is blind, as defined in section 955.011 1488
of the Revised Code, and possesses a dangerous wild animal 1489
specified in division (C) (20) (h) of section 935.01 of the 1490
Revised Code that has been trained by a nonprofit agency or is 1491
in such training to assist the blind person. 1492

Sec. 955.011. (A) When an application is made for 1493
registration of an assistance dog and the owner can show proof 1494
by certificate or other means that the dog is an assistance dog, 1495
the owner of the dog shall be exempt from any fee for the 1496
registration. Registration for an assistance dog shall be 1497
permanent and not subject to annual renewal so long as the dog 1498

is an assistance dog. Certificates and tags stamped "Ohio 1499
Assistance Dog-Permanent Registration," with registration 1500
number, shall be issued upon registration of such a dog. Any 1501
~~certificate and tag stamped "Ohio Guide Dog Permanent~~ 1502
~~Registration" or "Ohio Hearing Dog Permanent Registration," with~~ 1503
~~registration number, that was issued for a dog in accordance~~ 1504
~~with this section as it existed prior to July 4, 1984, any~~ 1505
~~certificate and tag stamped "Ohio Handicapped Assistance Dog~~ 1506
~~Permanent Registration," with registration number, that was~~ 1507
~~issued for a dog in accordance with this section as it existed~~ 1508
~~on and after July 5, 1984, but prior to November 26, 2004, and~~ 1509
~~any~~ certificate and tag stamped "Ohio Service Dog-Permanent 1510
Registration," with registration number, that was issued for a 1511
dog in accordance with this section as it existed on and after 1512
November 26, 2004, but prior to June 30, 2006, shall remain in 1513
effect as valid proof of the registration of the dog on and 1514
after November 26, 2004. Duplicate certificates and tags for a 1515
dog registered in accordance with this section, upon proper 1516
proof of loss, shall be issued and no fee required. Each 1517
duplicate certificate and tag that is issued shall be stamped 1518
"Ohio Assistance Dog-Permanent Registration." 1519

(B) As used in this section and in sections 955.16 and 1520
955.43 of the Revised Code: 1521

(1) ~~"Mobility impaired person"~~ "Person with a mobility 1522
impairment" means any person, regardless of age, who is subject 1523
to a physiological ~~defect or deficiency~~ impairment regardless of 1524
its cause, nature, or extent that renders the person unable to 1525
move about without the aid of crutches, a wheelchair, or any 1526
other form of support, or that limits the person's functional 1527
ability to ambulate, climb, descend, sit, rise, or perform any 1528
related function. ~~"Mobility impaired person"~~ "Person with a 1529

mobility impairment" includes a person with a neurological or 1530
psychological disability that limits the person's functional 1531
ability to ambulate, climb, descend, sit, rise, or perform any 1532
related function. ~~"Mobility impaired person"~~ "Person with a 1533
mobility impairment" also includes a person with a seizure 1534
disorder and a person who is diagnosed with autism. 1535

(2) "Blind" means either of the following: 1536

(a) Vision twenty/two hundred or less in the better eye 1537
with proper correction; 1538

(b) Field defect in the better eye with proper correction 1539
that contracts the peripheral field so that the diameter of the 1540
visual field subtends an angle no greater than twenty degrees. 1541

(3) "Assistance dog" means a guide dog, hearing dog, or 1542
service dog that has been trained by a nonprofit special agency. 1543

(4) "Guide dog" means a dog that has been trained or is in 1544
training to assist a blind person. 1545

(5) "Hearing dog" means a dog that has been trained or is 1546
in training to assist a deaf or hearing-impaired person. 1547

(6) "Service dog" means a dog that has been trained or is 1548
in training to assist a ~~mobility impaired person~~ with a mobility 1549
impairment. 1550

Sec. 955.43. (A) When ~~either a person who is blind, deaf,~~ 1551
or hearing impaired, ~~or mobility impaired a person with a~~ 1552
mobility impairment, or a trainer of an assistance dog is 1553
accompanied by an assistance dog, the person or ~~the~~ trainer, as 1554
applicable, is entitled to the full and equal accommodations, 1555
advantages, facilities, and privileges of all public 1556
conveyances, hotels, lodging places, all places of public 1557

accommodation, amusement, or resort, all institutions of 1558
education, and other places to which the general public is 1559
invited, and may take the dog into such conveyances and places, 1560
subject only to the conditions and limitations applicable to all 1561
persons not so accompanied, except that: 1562

(1) The dog shall not occupy a seat in any public 1563
conveyance. 1564

(2) The dog shall be upon a leash while using the 1565
facilities of a common carrier. 1566

(3) Any dog in training to become an assistance dog shall 1567
be covered by a liability insurance policy provided by the 1568
nonprofit special agency engaged in such work protecting members 1569
of the public against personal injury or property damage caused 1570
by the dog. 1571

(B) No person shall deprive a person who is blind, deaf, 1572
or hearing impaired, ~~or mobility impaired~~ a person who has a 1573
mobility impairment, or a trainer of an assistance dog ~~who when~~ 1574
the person or trainer, as applicable, is accompanied by an 1575
assistance dog of any of the advantages, facilities, or 1576
privileges provided in division (A) of this section, ~~nor and no~~ 1577
person shall charge the person or trainer a fee or charge for 1578
the dog. 1579

(C) As used in this section, "institutions of education" 1580
means: 1581

(1) Any state university or college as defined in section 1582
3345.32 of the Revised Code; 1583

(2) Any private college or university that holds a 1584
certificate of authorization issued by the Ohio board of regents 1585
pursuant to Chapter 1713. of the Revised Code; 1586

(3) Any elementary or secondary school operated by a board of education;	1587 1588
(4) Any chartered or nonchartered nonpublic elementary or secondary school;	1589 1590
(5) Any school issued a certificate of registration by the state board of career colleges and schools.	1591 1592
Sec. 959.07. (A) As used in sections 959.07 to 959.10 of the Revised Code:	1593 1594
(1) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	1595 1596
(2) "Licensed veterinarian" has the same meaning as in section 4741.01 of the Revised Code.	1597 1598
(3) "Protective services" has the same meaning as in section 5101.60 of the Revised Code.	1599 1600
(4) "Officer" has the same meaning as in section 959.132 of the Revised Code.	1601 1602
(5) "Social service professional" means an employee or agent of a public children services agency or an employee or agent of a county department of job and family services with responsibility for protective services.	1603 1604 1605 1606
(6) "Older adult" means any person sixty years of age or older within this state who is handicapped <u>disabled</u> by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement.	1607 1608 1609 1610 1611 1612
(7) "Violation involving a companion animal" means any	1613

violation of section 959.01, 959.02, 959.03, 959.13, 959.131, 1614
959.15, 959.16, or 959.21 of the Revised Code involving a 1615
companion animal. 1616

(B) (1) No person listed in division (B) (2) of this section 1617
shall fail to immediately report a violation involving a 1618
companion animal to an officer who is not a dog warden or deputy 1619
dog warden when that person has knowledge or reasonable cause to 1620
suspect that such a violation has occurred or is occurring. 1621

(2) Division (B) (1) of this section applies to all of the 1622
following operating in an official or professional capacity: 1623

(a) A licensed veterinarian; 1624

(b) A social service professional; 1625

(c) A person licensed under Chapter 4757. of the Revised 1626
Code. 1627

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 1628
of the Revised Code is guilty of a minor misdemeanor. 1629

(B) Except as otherwise provided in this division, whoever 1630
violates section 959.02 of the Revised Code is guilty of a 1631
misdemeanor of the second degree. If the value of the animal 1632
killed or the injury done amounts to three hundred dollars or 1633
more, whoever violates section 959.02 of the Revised Code is 1634
guilty of a misdemeanor of the first degree. 1635

(C) Whoever violates section 959.03, 959.06, division (C) 1636
of section 959.09, 959.12, or 959.17 or division (A) of section 1637
959.15 of the Revised Code is guilty of a misdemeanor of the 1638
fourth degree. 1639

(D) Whoever violates division (A) of section 959.13 or 1640
section 959.21 of the Revised Code is guilty of a misdemeanor of 1641

the second degree. In addition, the court may order the offender 1642
to forfeit the animal or livestock and may provide for its 1643
disposition, including, but not limited to, the sale of the 1644
animal or livestock. If an animal or livestock is forfeited and 1645
sold pursuant to this division, the proceeds from the sale first 1646
shall be applied to pay the expenses incurred with regard to the 1647
care of the animal from the time it was taken from the custody 1648
of the former owner. The balance of the proceeds from the sale, 1649
if any, shall be paid to the former owner of the animal. 1650

(E) (1) Whoever violates division (B) of section 959.131 of 1651
the Revised Code is guilty of a misdemeanor of the first degree 1652
on a first offense and a felony of the fifth degree on each 1653
subsequent offense. 1654

(2) Whoever violates division (C) of section 959.131 of 1655
the Revised Code is guilty of a felony of the fifth degree. 1656

(3) Whoever violates section 959.01 of the Revised Code or 1657
division (D) of section 959.131 of the Revised Code is guilty of 1658
a misdemeanor of the second degree on a first offense and a 1659
misdemeanor of the first degree on each subsequent offense. 1660

(4) Whoever violates division (E) of section 959.131 of 1661
the Revised Code is guilty of a felony of the fifth degree. 1662

(5) Whoever violates division (F) of section 959.131 of 1663
the Revised Code is guilty of a misdemeanor of the first degree. 1664

(6) (a) A court may order a person who is convicted of or 1665
pleads guilty to a violation of section 959.131 of the Revised 1666
Code to forfeit to an impounding agency, as defined in section 1667
959.132 of the Revised Code, any or all of the companion animals 1668
in that person's ownership or care. The court also may prohibit 1669
or place limitations on the person's ability to own or care for 1670

any companion animals for a specified or indefinite period of 1671
time. 1672

(b) A court may order a person who is convicted of or 1673
pleads guilty to a violation of division (A) of section 959.13 1674
or section 959.131 of the Revised Code to reimburse an 1675
impounding agency for the reasonable and necessary costs 1676
incurred by the agency for the care of an animal or livestock 1677
that the agency impounded as a result of the investigation or 1678
prosecution of the violation, provided that the costs were not 1679
otherwise paid under section 959.132 of the Revised Code. 1680

(7) If a court has reason to believe that a person who is 1681
convicted of or pleads guilty to a violation of section 959.131 1682
or 959.21 of the Revised Code ~~suffers from~~ has a mental or 1683
emotional disorder that contributed to the violation, the court 1684
may impose as a community control sanction or as a condition of 1685
probation a requirement that the offender undergo psychological 1686
evaluation or counseling. The court shall order the offender to 1687
pay the costs of the evaluation or counseling. 1688

(F) Whoever violates section 959.14 of the Revised Code is 1689
guilty of a misdemeanor of the second degree on a first offense 1690
and a misdemeanor of the first degree on each subsequent 1691
offense. 1692

(G) Whoever violates section 959.05 or 959.20 of the 1693
Revised Code is guilty of a misdemeanor of the first degree. 1694

(H) Whoever violates section 959.16 of the Revised Code is 1695
guilty of a felony of the fourth degree for a first offense and 1696
a felony of the third degree on each subsequent offense. 1697

(I) Whoever violates division (B) or (C) of section 959.15 1698
of the Revised Code is guilty of a felony and shall be fined not 1699

more than ten thousand dollars. 1700

Sec. 1533.12. (A) (1) Except as otherwise provided in 1701
division (A) (2) of this section, every person on active duty in 1702
the armed forces of the United States who is stationed in this 1703
state and who wishes to engage in an activity for which a 1704
license, permit, or stamp is required under this chapter first 1705
shall obtain the requisite license, permit, or stamp. Such a 1706
person is eligible to obtain a resident hunting or fishing 1707
license regardless of whether the person qualifies as a resident 1708
of this state. To obtain a resident hunting or fishing license, 1709
the person shall present a card or other evidence identifying 1710
the person as being on active duty in the armed forces of the 1711
United States and as being stationed in this state. 1712

(2) Every person on active duty in the armed forces of the 1713
United States, while on leave or furlough, may take or catch 1714
fish of the kind lawfully permitted to be taken or caught within 1715
the state, may hunt any wild bird or wild quadruped lawfully 1716
permitted to be hunted within the state, and may trap fur- 1717
bearing animals lawfully permitted to be trapped within the 1718
state, without procuring a fishing license, a hunting license, a 1719
fur taker permit, or a wetlands habitat stamp required by this 1720
chapter, provided that the person shall carry on the person when 1721
fishing, hunting, or trapping, a card or other evidence 1722
identifying the person as being on active duty in the armed 1723
forces of the United States, and provided that the person is not 1724
otherwise violating any of the hunting, fishing, and trapping 1725
laws of this state. 1726

In order to hunt deer or wild turkey, any such person 1727
shall obtain a deer or wild turkey permit, as applicable, under 1728
section 1533.11 of the Revised Code. Such a person is eligible 1729

to obtain a deer or wild turkey permit at the resident rate, 1730
regardless of whether the person is a resident of this state. 1731
However, the person need not obtain a hunting license in order 1732
to obtain such a permit. 1733

(B) The chief of the division of wildlife shall provide by 1734
rule adopted under section 1531.10 of the Revised Code all of 1735
the following: 1736

(1) Every resident of this state with a disability that 1737
has been determined by the veterans administration to be 1738
permanently and totally disabling, who receives a pension or 1739
compensation from the veterans administration, and who received 1740
an honorable discharge from the armed forces of the United 1741
States, and every veteran to whom the registrar of motor 1742
vehicles has issued a set of license plates under section 1743
4503.41 of the Revised Code, shall be issued a fishing license, 1744
hunting license, fur taker permit, deer or wild turkey permit, 1745
or wetlands habitat stamp, or any combination of those licenses, 1746
permits, and stamp, free of charge on an annual, multi-year, or 1747
lifetime basis as determined appropriate by the chief when 1748
application is made to the chief in the manner prescribed by and 1749
on forms provided by the chief. 1750

(2) Every resident of the state who was born on or before 1751
December 31, 1937, shall be issued an annual fishing license, 1752
hunting license, fur taker permit, deer or wild turkey permit, 1753
or wetlands habitat stamp, or any combination of those licenses, 1754
permits, and stamp, free of charge when application is made to 1755
the chief in the manner prescribed by and on forms provided by 1756
the chief. 1757

(3) Every resident of state or county institutions, 1758
charitable institutions, and military homes in this state shall 1759

be issued an annual fishing license free of charge when 1760
application is made to the chief in the manner prescribed by and 1761
on forms provided by the chief. 1762

(4) ~~Any~~ As used in division (B) (4) of this section, 1763
"blind" and "person with a mobility impairment" have the same 1764
meanings as in section 955.011 of the Revised Code. 1765

Any person with a mobility ~~impaired~~-impairment or blind 1766
person, as defined in section 955.011 of the Revised Code, who 1767
is a resident of this state and who is unable to engage in 1768
fishing without the assistance of another person shall be issued 1769
an annual fishing license free of charge when application is 1770
made to the chief in the manner prescribed by and on forms 1771
provided by the chief. The person who is assisting the ~~mobility-~~ 1772
~~impaired~~ person with a mobility impairment or blind person may 1773
assist in taking or catching fish of the kind permitted to be 1774
taken or caught without procuring the license required under 1775
section 1533.32 of the Revised Code, provided that only one line 1776
is used by both persons. 1777

(5) As used in division (B) (5) of this section, "prisoner 1778
of war" means any regularly appointed, enrolled, enlisted, or 1779
inducted member of the military forces of the United States who 1780
was captured, separated, and incarcerated by an enemy of the 1781
United States. 1782

Any person who has been a prisoner of war, was honorably 1783
discharged from the military forces, and is a resident of this 1784
state shall be issued a fishing license, hunting license, fur 1785
taker permit, or wetlands habitat stamp, or any combination of 1786
those licenses, permits, and stamp, free of charge on an annual, 1787
multi-year, or lifetime basis as determined appropriate by the 1788
chief when application is made to the chief in the manner 1789

prescribed by and on forms provided by the chief. 1790

(C) The chief shall adopt rules pursuant to section 1791
1531.08 of the Revised Code designating not more than two days, 1792
which need not be consecutive, in each year as "free sport 1793
fishing days" on which any resident may exercise the privileges 1794
accorded the holder of a fishing license issued under section 1795
1533.32 of the Revised Code without procuring such a license, 1796
provided that the person is not otherwise violating any of the 1797
fishing laws of this state. 1798

Sec. 1713.41. No superintendent of a city hospital, city 1799
infirmary, county home, workhouse, hospital for ~~the mentally-~~ 1800
~~ill persons with mental illnesses,~~ or other charitable 1801
institution founded and supported in whole or in part at public 1802
expense, coroner, infirmary director, sheriff, or township 1803
trustee, shall fail to deliver a body of a deceased person when 1804
applied for, in conformity to law, or charge, receive, or accept 1805
money or other valuable consideration for the delivery. 1806

This section does not require the delivery of the body 1807
until twenty-four hours after death. 1808

Sec. 1743.05. Any corporation organized for the purpose of 1809
providing a home for deaf ~~and dumb~~ persons may enter into a 1810
contract with the board of county commissioners of any county, 1811
or with the proper officers of any municipal infirmary, for the 1812
care and maintenance in such home of any deaf ~~and dumb~~ person 1813
who is an inmate of the county home or of such municipal 1814
infirmary, or who is entitled to admission thereto. In every 1815
such case the county home or municipal infirmary, during the 1816
period the person remains in such home for deaf ~~and dumb~~ 1817
persons, shall pay to such corporation, annually, a sum equal to 1818
the per capita cost of maintaining inmates in the county home or 1819

municipal infirmary. 1820

When any deaf ~~and dumb~~ person is maintained in a county 1821
home or municipal infirmary, and in the judgment of the county 1822
department of job and family services should be removed to a 1823
home incorporated to provide a home for deaf ~~and dumb~~ persons, 1824
such department may order the removal of the person from the 1825
county home or municipal infirmary to such home. The 1826
transportation of the person to such home and the person's 1827
maintenance shall be paid for by the board of county 1828
commissioners or the proper officers of the municipal infirmary. 1829

Sec. 1751.14. (A) Notwithstanding section 3901.71 of the 1830
Revised Code, any policy, contract, or agreement for health care 1831
services authorized by this chapter that is issued, delivered, 1832
or renewed in this state and that provides that coverage of an 1833
unmarried dependent child will terminate upon attainment of the 1834
limiting age for dependent children specified in the policy, 1835
contract, or agreement, shall also provide in substance both of 1836
the following: 1837

(1) Once an unmarried child has attained the limiting age 1838
for dependent children, as provided in the policy, contract, or 1839
agreement, upon the request of the subscriber, the health 1840
insuring corporation shall offer to cover the unmarried child 1841
until the child attains twenty-six years of age if all of the 1842
following are true: 1843

(a) The child is the natural child, stepchild, or adopted 1844
child of the subscriber. 1845

(b) The child is a resident of this state or a full-time 1846
student at an accredited public or private institution of higher 1847
education. 1848

(c) The child is not employed by an employer that offers 1849
any health benefit plan under which the child is eligible for 1850
coverage. 1851

(d) The child is not eligible for coverage under the 1852
medicaid program or the medicare program. 1853

(2) That attainment of the limiting age for dependent 1854
children shall not operate to terminate the coverage of a 1855
dependent child if the child is and continues to be both of the 1856
following: 1857

(a) Incapable of self-sustaining employment by reason of 1858
physical ~~handicap~~ disability or intellectual disability; 1859

(b) Primarily dependent upon the subscriber for support 1860
and maintenance. 1861

(B) Proof of incapacity and dependence for purposes of 1862
division (A) (2) of this section shall be furnished to the health 1863
insuring corporation within thirty-one days of the child's 1864
attainment of the limiting age. Upon request, but not more 1865
frequently than annually, the health insuring corporation may 1866
require proof satisfactory to it of the continuance of such 1867
incapacity and dependency. 1868

(C) Nothing in this section shall do any of the following: 1869

(1) Require that any policy, contract, or agreement offer 1870
coverage for dependent children or provide coverage for an 1871
unmarried dependent child's children as dependents on the 1872
policy, contract, or agreement; 1873

(2) Require an employer to pay for any part of the premium 1874
for an unmarried dependent child that has attained the limiting 1875
age for dependents, as provided in the policy, contract, or 1876

agreement; 1877

(3) Require an employer to offer health insurance coverage 1878
to the dependents of any employee. 1879

(D) This section does not apply to any health insuring 1880
corporation policy, contract, or agreement offering only 1881
supplemental health care services or specialty health care 1882
services. 1883

(E) As used in this section, "health benefit plan" has the 1884
same meaning as in section 3924.01 of the Revised Code and also 1885
includes both of the following: 1886

(1) A public employee benefit plan; 1887

(2) A health benefit plan as regulated under the "Employee 1888
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 1889

Sec. 1751.65. (A) As used in this section, "genetic 1890
screening or testing" means a laboratory test of a person's 1891
genes or chromosomes ~~for abnormalities, defects, or~~ 1892
~~deficiencies, genotypes, mutations, or chromosomal changes,~~ 1893
including carrier status, that are linked to physical or mental 1894
disorders or impairments, or that indicate a susceptibility to 1895
illness, disease, or other disorders, whether physical or 1896
mental, which test is a direct test ~~for abnormalities, defects,~~ 1897
~~or deficiencies, genotypes, mutations, or chromosomal changes,~~ 1898
and not an indirect manifestation of genetic disorders. 1899

(B) No health insuring corporation shall do either of the 1900
following: 1901

(1) Consider any information obtained from genetic 1902
screening or testing in processing an application for coverage 1903
for health care services under an individual or group policy, 1904

contract, or agreement or in determining insurability under such 1905
a policy, contract, or agreement; 1906

(2) Inquire, directly or indirectly, into the results of 1907
genetic screening or testing or use such information, in whole 1908
or in part, to cancel, refuse to issue or renew, limit benefits 1909
under, or set premiums for, an individual or group policy, 1910
contract, or agreement. 1911

(C) Any health insuring corporation that has engaged in, 1912
is engaged in, or is about to engage in a violation of division 1913
(B) of this section is subject to the jurisdiction of the 1914
superintendent of insurance under section 3901.04 of the Revised 1915
Code. 1916

Sec. 2101.16. (A) Except as provided in section 2101.164 1917
of the Revised Code, the fees enumerated in this division shall 1918
be charged and collected, if possible, by the probate judge and 1919
shall be in full for all services rendered in the respective 1920
proceedings: 1921

1922

	1	2	3
A	(1)	Account, in addition to advertising charges	
B		_____	\$12.00
C		Waivers and proof of notice of hearing on account, per page, minimum one dollar	
D		_____	\$1.00

E	(2)	Account of distribution, in addition to advertising charges	
F		_____	\$7.00
G	(3)	Adoption of child, petition for	
H		_____	\$50.00
I	(4)	Alter or cancel contract for sale or purchase of real property, complaint to	
J		_____	\$20.00
K	(5)	Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	
L		_____	\$5.00
M	(6)	Appropriation suit, per day, hearing in	
N		_____	\$20.00
O	(7)	Birth, application for registration of	
P		_____	\$7.00
Q	(8)	Birth record, application to correct	
R		_____	\$5.00
S	(9)	Bond, application for new or additional	
T		_____	\$5.00

U	(10) Bond, application for release of surety or reduction of	
V	_____	\$5.00
W	(11) Bond, receipt for securities deposited in lieu of	
X	_____	\$5.00
Y	(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	
Z	_____	\$1.00
AA	(13) Citation and issuing citation, application for	
AB	_____	\$5.00
AC	(14) Change of name, petition for	
AD	_____	\$20.00
AE	(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	
AF	_____	\$10.00
AG	(16) Claim, application to compromise or settle	
AH	_____	\$10.00
AI	(17) Claim, authority to present	
AJ	_____	\$10.00
AK	(18) Commissioner, appointment of	

AL	_____	\$5.00
AM	(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	
AN	_____	\$5.00
AO	(20) Competency, application to procure adjudication of	
AP	_____	\$20.00
AQ	(21) Complete contract, application to	
AR	_____	\$10.00
AS	(22) Concealment of assets, citation for	
AT	_____	\$10.00
AU	(23) Construction of will, complaint for	
AV	_____	\$20.00
AW	(24) Continue decedent's business, application to	
AX	_____	\$10.00
AY	Monthly reports of operation	
AZ	_____	\$5.00
BA	(25) Declaratory judgment, complaint for	
BB	_____	\$20.00
BC	(26) Deposit of will	

BD	_____	\$5.00
BE	(27) Designation of heir	
BF	_____	\$20.00
BG	(28) Distribution in kind, application, assent, and order for	
BH	_____	\$5.00
BI	(29) Distribution under section 2109.36 of the Revised Code, application for an order of	
BJ	_____	\$7.00
BK	(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	
BL	_____	\$15.00
BM	(31) Exceptions to any proceeding named in this section, contest of appointment or	
BN	_____	\$10.00
BO	(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	
BP	_____	\$10.00
BQ	(33) Election of surviving spouse under will	
BR	_____	\$5.00

BS	(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	
BT	_____	\$35.00
BU	(35) Foreign will, application to record	
BV	_____	\$10.00
BW	Record of foreign will, additional, per page	
BX	_____	\$1.00
BY	(36) Forms when supplied by the probate court, not to exceed	
BZ	_____	\$10.00
CA	(37) Heirship, complaint to determine	
CB	_____	\$20.00
CC	(38) Injunction proceedings	
CD	_____	\$20.00
CE	(39) Improve real property, petition to	
CF	_____	\$20.00
CG	(40) Inventory with appraisement	
CH	_____	\$10.00
CI	(41) Inventory without appraisement	

CJ	_____	\$7.00
CK	(42) Investment or expenditure of funds, application for	
CL	_____	\$10.00
CM	(43) Invest in real property, application to	
CN	_____	\$10.00
CO	(44) Lease for oil, gas, coal, or other mineral, petition to	
CP	_____	\$20.00
CQ	(45) Lease or lease and improve real property, petition to	
CR	_____	\$20.00
CS	(46) Marriage license	
CT	_____	\$10.00
CU	Certified abstract of each marriage	
CV	_____	\$2.00
CW	(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of	
CX	_____	\$10.00
CY	(48) Mortgage or mortgage and repair or improve real property, complaint to	
CZ	_____	\$20.00

DA	(49) Newly discovered assets, report of	
DB	_____	\$7.00
DC	(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	
DD	_____	\$20.00
DE	(51) Power of attorney or revocation of power, bonding company	
DF	_____	\$10.00
DG	(52) Presumption of death, petition to establish	
DH	_____	\$20.00
DI	(53) Probating will	
DJ	_____	\$15.00
DK	Proof of notice to beneficiaries	
DL	_____	\$5.00
DM	(54) Purchase personal property, application of surviving spouse to	
DN	_____	\$10.00
DO	(55) Purchase real property at appraised value, petition of surviving spouse to	
DP	_____	\$20.00

DQ	(56) Receipts in addition to advertising charges, application and order to record	
DR	_____	\$5.00
DS	Record of those receipts, additional, per page	
DT	_____	\$1.00
DU	(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	
DV	_____	\$1.00
DW	(58) Release of estate by mortgagee or other lienholder	
DX	_____	\$5.00
DY	(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	
DZ	_____	\$60.00
EA	(60) Removal of fiduciary, application for	
EB	_____	\$10.00
EC	(61) Requalification of executor or administrator	
ED	_____	\$10.00
EE	(62) Resignation of fiduciary	

EF	_____	\$5.00
EG	(63) Sale bill, public sale of personal property	
EH	_____	\$10.00
EI	(64) Sale of personal property and report, application for	
EJ	_____	\$10.00
EK	(65) Sale of real property, petition for	
EL	_____	\$25.00
EM	(66) Terminate guardianship, petition to	
EN	_____	\$10.00
EO	(67) Transfer of real property, application, entry, and certificate for	
EP	_____	\$7.00
EQ	(68) Unclaimed money, application to invest	
ER	_____	\$7.00
ES	(69) Vacate approval of account or order of distribution, motion to	
ET	_____	\$10.00
EU	(70) Writ of execution	
EV	_____	\$5.00

EW	(71) Writ of possession	
EX	_____	\$5.00
EY	(72) Wrongful death, application and settlement of claim for	
EZ	_____	\$20.00
FA	(73) Year's allowance, petition to review	
FB	_____	\$7.00
FC	(74) Guardian's report, filing and review of	
FD	_____	\$5.00
FE	(75) Mentally ill person <u>Person with a mental illness</u> subject to court order, filing of affidavit and proceedings for	
FF	_____	\$25.00

(B) (1) In relation to an application for the appointment	1923
of a guardian or the review of a report of a guardian under	1924
section 2111.49 of the Revised Code, the probate court, pursuant	1925
to court order or in accordance with a court rule, may direct	1926
that the applicant or the estate pay any or all of the expenses	1927
of an investigation conducted pursuant to section 2111.041 or	1928
division (A) (2) of section 2111.49 of the Revised Code. If the	1929
investigation is conducted by a public employee or investigator	1930
who is paid by the county, the fees for the investigation shall	1931
be paid into the county treasury. If the court finds that an	1932
alleged incompetent or a ward is indigent, the court may waive	1933
the costs, fees, and expenses of an investigation.	1934

(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.

(3) In relation to the filing of an affidavit of mental illness for a ~~mentally ill person~~ with a mental illness subject to court order, the court may waive the fee under division (A) (75) of this section if the court finds that the affiant is indigent or for good cause shown.

(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A) (34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A) (59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.

(D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the probate court or by order of the probate judge shall be the same as provided for similar services in the court of common pleas.

(E) The probate court, by rule, may require an advance deposit for costs, not to exceed one hundred twenty-five dollars, at the time application is made for an appointment as executor or administrator or at the time a will is presented for probate.

(F) (1) Thirty dollars of the fifty-dollar fee collected 1965
pursuant to division (A) (3) of this section shall be deposited 1966
into the "putative father registry fund," which is hereby 1967
created in the state treasury. The department of job and family 1968
services shall use the money in the fund to fund the 1969
department's costs of performing its duties related to the 1970
putative father registry established under section 3107.062 of 1971
the Revised Code. 1972

(2) If the department determines that money in the 1973
putative father registry fund is more than is needed for its 1974
duties related to the putative father registry, the department 1975
may use the surplus moneys in the fund as permitted in division 1976
(C) of section 2151.3534, division (B) of section 2151.3530, or 1977
section 5103.155 of the Revised Code. 1978

Sec. 2101.17. The fees enumerated in this section shall be 1979
paid to the probate court from the county treasury upon the 1980
warrant of the county auditor which shall issue upon the 1981
certificate of the probate judge and shall be in full for all 1982
services rendered in the respective proceedings as follows: 1983

1984

1

2

3

A (A) For each hearing to determine if a person is
~~a mentally ill~~ an individual with a mental
illness subject to hospitalization when the
person is committed to a state hospital or to
relatives

B

_____ \$ 12.00;

C	(B)	When the person is discharged	
D		_____	7.00;
E	(C)	For order of return of a mentally ill person <u>with a mental illness</u> to a state hospital or removal therefrom	
F		_____	2.00;
G	(D)	For proceedings for committing a person to an institution for persons with intellectual disabilities	
H		_____	10.00;
I	(E)	For habeas corpus proceedings when a person is confined under color of proceedings in a criminal case and is discharged	
J		_____	10.00;
K	(F)	When acting as a juvenile judge, for each case filed against a delinquent, dependent, unruly, or neglected child, or a juvenile traffic offender	
L		_____	5.00;
M	(G)	For proceedings to take a child from parents or other persons having control thereof	
N		_____	5.00.

Sec. 2101.24. (A) (1) Except as otherwise provided by law,

1985

the probate court has exclusive jurisdiction:	1986
(a) To take the proof of wills and to admit to record	1987
authenticated copies of wills executed, proved, and allowed in	1988
the courts of any other state, territory, or country. If the	1989
probate judge is unavoidably absent, any judge of the court of	1990
common pleas may take proof of wills and approve bonds to be	1991
given, but the record of these acts shall be preserved in the	1992
usual records of the probate court.	1993
(b) To grant and revoke letters testamentary and of	1994
administration;	1995
(c) To direct and control the conduct and settle the	1996
accounts of executors and administrators and order the	1997
distribution of estates;	1998
(d) To appoint the attorney general to serve as the	1999
administrator of an estate pursuant to section 2113.06 of the	2000
Revised Code;	2001
(e) To appoint and remove guardians, conservators, and	2002
testamentary trustees, direct and control their conduct, and	2003
settle their accounts;	2004
(f) To grant marriage licenses;	2005
(g) To make inquests respecting persons who are so	2006
mentally impaired as a result of a mental or physical illness or	2007
disability, as a result of intellectual disability, or as a	2008
result of chronic substance abuse, that they are unable to	2009
manage their property and affairs effectively, subject to	2010
guardianship;	2011
(h) To qualify assignees, appoint and qualify trustees and	2012
commissioners of insolvents, control their conduct, and settle	2013

their accounts;	2014
(i) To authorize the sale of lands, equitable estates, or interests in lands or equitable estates, and the assignments of inchoate dower in such cases of sale, on petition by executors, administrators, and guardians;	2015 2016 2017 2018
(j) To authorize the completion of real property contracts on petition of executors and administrators;	2019 2020
(k) To construe wills;	2021
(l) To render declaratory judgments, including, but not limited to, those rendered pursuant to Chapter 5817. of the Revised Code;	2022 2023 2024
(m) To direct and control the conduct of fiduciaries and settle their accounts;	2025 2026
(n) To authorize the sale or lease of any estate created by will if the estate is held in trust, on petition by the trustee;	2027 2028 2029
(o) To terminate a testamentary trust in any case in which a court of equity may do so;	2030 2031
(p) To hear and determine actions to contest the validity of wills;	2032 2033
(q) To make a determination of the presumption of death of missing persons and to adjudicate the property rights and obligations of all parties affected by the presumption;	2034 2035 2036
(r) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;	2037 2038
(s) To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;	2039 2040

(t) To hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section 5122.141 or 5122.15 of the Revised Code;

(u) To hear and determine actions relating to durable powers of attorney for health care as described in division (D) of section 1337.16 of the Revised Code;

(v) To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;

(w) To hear and determine complaints that pertain to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment in connection with certain patients allegedly in a terminal condition or in a permanently unconscious state pursuant to division (E) of section 2133.08 of the Revised Code, in accordance with that division;

(x) To hear and determine applications that pertain to the withholding or withdrawal of nutrition and hydration from certain patients allegedly in a permanently unconscious state pursuant to section 2133.09 of the Revised Code, in accordance with that section;

(y) To hear and determine applications of attending physicians in accordance with division (B) of section 2133.15 of the Revised Code;

(z) To hear and determine actions relative to the use or continuation of comfort care in connection with certain principals under durable powers of attorney for health care, declarants under declarations, or patients in accordance with division (E) of either section 1337.16 or 2133.12 of the Revised Code;

(aa) To hear and determine applications for an order 2070
relieving an estate from administration under section 2113.03 of 2071
the Revised Code; 2072

(bb) To hear and determine applications for an order 2073
granting a summary release from administration under section 2074
2113.031 of the Revised Code; 2075

(cc) To hear and determine actions relating to the 2076
exercise of the right of disposition, in accordance with section 2077
2108.90 of the Revised Code; 2078

(dd) To hear and determine actions relating to the 2079
disinterment and reinterment of human remains under section 2080
517.23 of the Revised Code; 2081

(ee) To hear and determine petitions for an order for 2082
treatment of a person ~~suffering from~~experiencing alcohol and 2083
other drug abuse filed under section 5119.93 of the Revised Code 2084
and to order treatment of that nature in accordance with, and 2085
take other actions afforded to the court under, sections 5119.90 2086
to 5119.98 of the Revised Code. 2087

(2) In addition to the exclusive jurisdiction conferred 2088
upon the probate court by division (A) (1) of this section, the 2089
probate court shall have exclusive jurisdiction over a 2090
particular subject matter if both of the following apply: 2091

(a) Another section of the Revised Code expressly confers 2092
jurisdiction over that subject matter upon the probate court. 2093

(b) No section of the Revised Code expressly confers 2094
jurisdiction over that subject matter upon any other court or 2095
agency. 2096

(B) (1) The probate court has concurrent jurisdiction with, 2097

and the same powers at law and in equity as, the general 2098
division of the court of common pleas to issue writs and orders, 2099
and to hear and determine actions as follows: 2100

(a) If jurisdiction relative to a particular subject 2101
matter is stated to be concurrent in a section of the Revised 2102
Code or has been construed by judicial decision to be 2103
concurrent, any action that involves that subject matter; 2104

(b) Any action that involves an inter vivos trust; a trust 2105
created pursuant to section 5815.28 of the Revised Code; a 2106
charitable trust or foundation; subject to divisions (A) (1) (t) 2107
and (y) of this section, a power of attorney, including, but not 2108
limited to, a durable power of attorney; the medical treatment 2109
of a competent adult; or a writ of habeas corpus; 2110

(c) Subject to section 2101.31 of the Revised Code, any 2111
action with respect to a probate estate, guardianship, trust, or 2112
post-death dispute that involves any of the following: 2113

(i) A designation or removal of a beneficiary of a life 2114
insurance policy, annuity contract, retirement plan, brokerage 2115
account, security account, bank account, real property, or 2116
tangible personal property; 2117

(ii) A designation or removal of a payable-on-death 2118
beneficiary or transfer-on-death beneficiary; 2119

(iii) A change in the title to any asset involving a joint 2120
and survivorship interest; 2121

(iv) An alleged gift; 2122

(v) The passing of assets upon the death of an individual 2123
otherwise than by will, intestate succession, or trust. 2124

(2) Any action that involves a concurrent jurisdiction 2125

subject matter and that is before the probate court may be 2126
transferred by the probate court, on its order, to the general 2127
division of the court of common pleas. 2128

(3) Notwithstanding that the probate court has exclusive 2129
jurisdiction to render declaratory judgments under Chapter 5817. 2130
of the Revised Code, the probate court may transfer the 2131
proceeding to the general division of the court of common pleas 2132
pursuant to division (A) of section 5817.04 of the Revised Code. 2133

(C) The probate court has plenary power at law and in 2134
equity to dispose fully of any matter that is properly before 2135
the court, unless the power is expressly otherwise limited or 2136
denied by a section of the Revised Code. 2137

(D) The jurisdiction acquired by a probate court over a 2138
matter or proceeding is exclusive of that of any other probate 2139
court, except when otherwise provided by law. 2140

Sec. 2127.05. Whenever necessary for the education, 2141
support, or the payment of the just debts of the ward, or for 2142
the discharge of liens on the real property of the ward, 2143
whenever the real property of the ward is suffering unavoidable 2144
waste, or a better investment of its value can be made, or 2145
whenever it appears that a sale of the real property will be for 2146
the benefit of the ward or the ward's children, the guardian of 2147
the person and estate or of the estate only of a minor, ~~person~~ 2148
~~unable to manage the person's property because of mental illness~~ 2149
~~or deficiency, habitual drunkard, confined person incompetent~~ 2150
adult, or other person under disability may commence a civil 2151
action in the probate court for authority to sell all or any 2152
part of the real property of the ward. If it appears to the 2153
advantage of the ward to lay out all or any part of the real 2154
property in town lots, application for that authority may also 2155

be made in the action. 2156

When the same person is guardian for two or more wards 2157
whose real property is owned by them jointly or in common, the 2158
actions may be joined, and in one complaint the guardian may ask 2159
for the sale of the interest of all or any number of the 2160
guardian's wards in the real property. If different persons are 2161
guardians of wards interested jointly or in common in the same 2162
real property, they may join as parties plaintiff in the same 2163
action. On the hearing, in either case, the court may authorize 2164
the sale of the interest of one or more of the wards. 2165

Sec. 2127.43. This chapter extends to an action brought by 2166
the trustee of a nonresident minor or ~~mentally ill or deficient~~ 2167
person with a mental illness or mental impairment to sell the 2168
real property of the ward. 2169

Sec. 2151.23. (A) The juvenile court has exclusive 2170
original jurisdiction under the Revised Code as follows: 2171

(1) Concerning any child who on or about the date 2172
specified in the complaint, indictment, or information is 2173
alleged to have violated section 2151.87 of the Revised Code or 2174
an order issued under that section or to be a juvenile traffic 2175
offender or a delinquent, unruly, abused, neglected, or 2176
dependent child and, based on and in relation to the allegation 2177
pertaining to the child, concerning the parent, guardian, or 2178
other person having care of a child who is alleged to be an 2179
unruly child for being an habitual truant or who is alleged to 2180
be a delinquent child for violating a court order regarding the 2181
child's prior adjudication as an unruly child for being an 2182
habitual truant; 2183

(2) Subject to divisions (G), (I), (K), and (V) of section 2184

2301.03 of the Revised Code, to determine the custody of any 2185
child not a ward of another court of this state; 2186

(3) To hear and determine any application for a writ of 2187
habeas corpus involving the custody of a child; 2188

(4) To exercise the powers and jurisdiction given the 2189
probate division of the court of common pleas in Chapter 5122. 2190
of the Revised Code, if the court has probable cause to believe 2191
that a child otherwise within the jurisdiction of the court is a 2192
~~mentally ill person with a mental illness~~ subject to court 2193
order, as defined in section 5122.01 of the Revised Code; 2194

(5) To hear and determine all criminal cases charging 2195
adults with the violation of any section of this chapter; 2196

(6) To hear and determine all criminal cases in which an 2197
adult is charged with a violation of division (C) of section 2198
2919.21, division (B)(1) of section 2919.22, section 2919.222, 2199
division (B) of section 2919.23, or section 2919.24 of the 2200
Revised Code, provided the charge is not included in an 2201
indictment that also charges the alleged adult offender with the 2202
commission of a felony arising out of the same actions that are 2203
the basis of the alleged violation of division (C) of section 2204
2919.21, division (B)(1) of section 2919.22, section 2919.222, 2205
division (B) of section 2919.23, or section 2919.24 of the 2206
Revised Code; 2207

(7) Under the interstate compact on juveniles in section 2208
2151.56 of the Revised Code; 2209

(8) Concerning any child who is to be taken into custody 2210
pursuant to section 2151.31 of the Revised Code, upon being 2211
notified of the intent to take the child into custody and the 2212
reasons for taking the child into custody; 2213

(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	2214 2215 2216 2217
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	2218 2219
(11) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	2220 2221 2222 2223 2224 2225 2226 2227
(12) Concerning an action commenced under section 121.38 of the Revised Code;	2228 2229
(13) To hear and determine violations of section 3321.38 of the Revised Code;	2230 2231
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	2232 2233 2234 2235 2236
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and	2237 2238 2239 2240 2241 2242

Chapter 2950. of the Revised Code to magistrates appointed by	2243
the juvenile court judge in accordance with Juvenile Rule 40;	2244
(16) To hear and determine a petition for a protection	2245
order against a child under section 2151.34 or 3113.31 of the	2246
Revised Code and to enforce a protection order issued or a	2247
consent agreement approved under either section against a child	2248
until a date certain but not later than the date the child	2249
attains nineteen years of age;	2250
(17) Concerning emancipated young adults under sections	2251
2151.45 to 2151.455 of the Revised Code.	2252
(B) Except as provided in divisions (G) and (I) of section	2253
2301.03 of the Revised Code, the juvenile court has original	2254
jurisdiction under the Revised Code:	2255
(1) To hear and determine all cases of misdemeanors	2256
charging adults with any act or omission with respect to any	2257
child, which act or omission is a violation of any state law or	2258
any municipal ordinance;	2259
(2) To determine the paternity of any child alleged to	2260
have been born out of wedlock pursuant to sections 3111.01 to	2261
3111.18 of the Revised Code;	2262
(3) Under the uniform interstate family support act in	2263
Chapter 3115. of the Revised Code;	2264
(4) To hear and determine an application for an order for	2265
the support of any child, if the child is not a ward of another	2266
court of this state;	2267
(5) To hear and determine an action commenced under	2268
section 3111.28 of the Revised Code;	2269
(6) To hear and determine a motion filed under section	2270

3119.961 of the Revised Code;	2271
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	2272 2273 2274
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	2275 2276 2277
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	2278 2279 2280 2281
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.	2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297
(D) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear	2298 2299

and determine all matters as to custody and support of children 2300
duly certified by the court of common pleas to the juvenile 2301
court after a divorce decree has been granted, including 2302
jurisdiction to modify the judgment and decree of the court of 2303
common pleas as the same relate to the custody and support of 2304
children. 2305

(E) The juvenile court, except as provided in division (I) 2306
of section 2301.03 of the Revised Code, has jurisdiction to hear 2307
and determine the case of any child certified to the court by 2308
any court of competent jurisdiction if the child comes within 2309
the jurisdiction of the juvenile court as defined by this 2310
section. 2311

(F) (1) The juvenile court shall exercise its jurisdiction 2312
in child custody matters in accordance with sections 3109.04 and 2313
3127.01 to 3127.53 of the Revised Code and, as applicable, 2314
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 2315
Revised Code. 2316

(2) The juvenile court shall exercise its jurisdiction in 2317
child support matters in accordance with section 3109.05 of the 2318
Revised Code. 2319

(G) Any juvenile court that makes or modifies an order for 2320
child support shall comply with Chapters 3119., 3121., 3123., 2321
and 3125. of the Revised Code. If any person required to pay 2322
child support under an order made by a juvenile court on or 2323
after April 15, 1985, or modified on or after December 1, 1986, 2324
is found in contempt of court for failure to make support 2325
payments under the order, the court that makes the finding, in 2326
addition to any other penalty or remedy imposed, shall assess 2327
all court costs arising out of the contempt proceeding against 2328
the person and require the person to pay any reasonable 2329

attorney's fees of any adverse party, as determined by the 2330
court, that arose in relation to the act of contempt. 2331

(H) If a child who is charged with an act that would be an 2332
offense if committed by an adult was fourteen years of age or 2333
older and under eighteen years of age at the time of the alleged 2334
act and if the case is transferred for criminal prosecution 2335
pursuant to section 2152.12 of the Revised Code, except as 2336
provided in section 2152.121 of the Revised Code, the juvenile 2337
court does not have jurisdiction to hear or determine the case 2338
subsequent to the transfer. The court to which the case is 2339
transferred for criminal prosecution pursuant to that section 2340
has jurisdiction subsequent to the transfer to hear and 2341
determine the case in the same manner as if the case originally 2342
had been commenced in that court, subject to section 2152.121 of 2343
the Revised Code, including, but not limited to, jurisdiction to 2344
accept a plea of guilty or another plea authorized by Criminal 2345
Rule 11 or another section of the Revised Code and jurisdiction 2346
to accept a verdict and to enter a judgment of conviction 2347
pursuant to the Rules of Criminal Procedure against the child 2348
for the commission of the offense that was the basis of the 2349
transfer of the case for criminal prosecution, whether the 2350
conviction is for the same degree or a lesser degree of the 2351
offense charged, for the commission of a lesser-included 2352
offense, or for the commission of another offense that is 2353
different from the offense charged. 2354

(I) If a person under eighteen years of age allegedly 2355
commits an act that would be a felony if committed by an adult 2356
and if the person is not taken into custody or apprehended for 2357
that act until after the person attains twenty-one years of age, 2358
the juvenile court does not have jurisdiction to hear or 2359
determine any portion of the case charging the person with 2360

committing that act. In those circumstances, divisions (A) and 2361
(B) of section 2152.12 of the Revised Code do not apply 2362
regarding the act, and the case charging the person with 2363
committing the act shall be a criminal prosecution commenced and 2364
heard in the appropriate court having jurisdiction of the 2365
offense as if the person had been eighteen years of age or older 2366
when the person committed the act. All proceedings pertaining to 2367
the act shall be within the jurisdiction of the court having 2368
jurisdiction of the offense, and that court has all the 2369
authority and duties in the case that it has in other criminal 2370
cases in that court. 2371

(J) In exercising its exclusive original jurisdiction 2372
under division (A)(16) of this section with respect to any 2373
proceedings brought under section 2151.34 or 3113.31 of the 2374
Revised Code in which the respondent is a child, the juvenile 2375
court retains all dispositional powers consistent with existing 2376
rules of juvenile procedure and may also exercise its discretion 2377
to adjudicate proceedings as provided in sections 2151.34 and 2378
3113.31 of the Revised Code, including the issuance of 2379
protection orders or the approval of consent agreements under 2380
those sections. 2381

Sec. 2151.414. (A)(1) Upon the filing of a motion pursuant 2382
to section 2151.413 of the Revised Code for permanent custody of 2383
a child, the court shall schedule a hearing and give notice of 2384
the filing of the motion and of the hearing, in accordance with 2385
section 2151.29 of the Revised Code, to all parties to the 2386
action and to the child's guardian ad litem. The notice also 2387
shall contain a full explanation that the granting of permanent 2388
custody permanently divests the parents of their parental 2389
rights, a full explanation of their right to be represented by 2390
counsel and to have counsel appointed pursuant to Chapter 120. 2391

of the Revised Code if they are indigent, and the name and 2392
telephone number of the court employee designated by the court 2393
pursuant to section 2151.314 of the Revised Code to arrange for 2394
the prompt appointment of counsel for indigent persons. 2395

The court shall conduct a hearing in accordance with 2396
section 2151.35 of the Revised Code to determine if it is in the 2397
best interest of the child to permanently terminate parental 2398
rights and grant permanent custody to the agency that filed the 2399
motion. The adjudication that the child is an abused, neglected, 2400
or dependent child and any dispositional order that has been 2401
issued in the case under section 2151.353 of the Revised Code 2402
pursuant to the adjudication shall not be readjudicated at the 2403
hearing and shall not be affected by a denial of the motion for 2404
permanent custody. 2405

(2) The court shall hold the hearing scheduled pursuant to 2406
division (A) (1) of this section not later than one hundred 2407
twenty days after the agency files the motion for permanent 2408
custody, except that, for good cause shown, the court may 2409
continue the hearing for a reasonable period of time beyond the 2410
one-hundred-twenty-day deadline. The court shall issue an order 2411
that grants, denies, or otherwise disposes of the motion for 2412
permanent custody, and journalize the order, not later than two 2413
hundred days after the agency files the motion. 2414

If a motion is made under division (D) (2) of section 2415
2151.413 of the Revised Code and no dispositional hearing has 2416
been held in the case, the court may hear the motion in the 2417
dispositional hearing required by division (B) of section 2418
2151.35 of the Revised Code. If the court issues an order 2419
pursuant to section 2151.353 of the Revised Code granting 2420
permanent custody of the child to the agency, the court shall 2421

immediately dismiss the motion made under division (D) (2) of 2422
section 2151.413 of the Revised Code. 2423

The failure of the court to comply with the time periods 2424
set forth in division (A) (2) of this section does not affect the 2425
authority of the court to issue any order under this chapter and 2426
does not provide any basis for attacking the jurisdiction of the 2427
court or the validity of any order of the court. 2428

(B) (1) Except as provided in division (B) (2) of this 2429
section, the court may grant permanent custody of a child to a 2430
movant if the court determines at the hearing held pursuant to 2431
division (A) of this section, by clear and convincing evidence, 2432
that it is in the best interest of the child to grant permanent 2433
custody of the child to the agency that filed the motion for 2434
permanent custody and that any of the following apply: 2435

(a) The child is not abandoned or orphaned, has not been 2436
in the temporary custody of one or more public children services 2437
agencies or private child placing agencies for twelve or more 2438
months of a consecutive twenty-two-month period, or has not been 2439
in the temporary custody of one or more public children services 2440
agencies or private child placing agencies for twelve or more 2441
months of a consecutive twenty-two-month period if, as described 2442
in division (D) (1) of section 2151.413 of the Revised Code, the 2443
child was previously in the temporary custody of an equivalent 2444
agency in another state, and the child cannot be placed with 2445
either of the child's parents within a reasonable time or should 2446
not be placed with the child's parents. 2447

(b) The child is abandoned. 2448

(c) The child is orphaned, and there are no relatives of 2449
the child who are able to take permanent custody. 2450

(d) The child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D) (1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state.

(e) The child or another child in the custody of the parent or parents from whose custody the child has been removed has been adjudicated an abused, neglected, or dependent child on three separate occasions by any court in this state or another state.

For the purposes of division (B) (1) of this section, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code or the date that is sixty days after the removal of the child from home.

(2) With respect to a motion made pursuant to division (D) (2) of section 2151.413 of the Revised Code, the court shall grant permanent custody of the child to the movant if the court determines in accordance with division (E) of this section that the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent and determines in accordance with division (D) of this section that permanent custody is in the child's best interest.

(C) In making the determinations required by this section or division (A) (4) of section 2151.353 of the Revised Code, a

court shall not consider the effect the granting of permanent custody to the agency would have upon any parent of the child. A written report of the guardian ad litem of the child shall be submitted to the court prior to or at the time of the hearing held pursuant to division (A) of this section or section 2151.35 of the Revised Code but shall not be submitted under oath.

If the court grants permanent custody of a child to a movant under this division, the court, upon the request of any party, shall file a written opinion setting forth its findings of fact and conclusions of law in relation to the proceeding. The court shall not deny an agency's motion for permanent custody solely because the agency failed to implement any particular aspect of the child's case plan.

(D) (1) In determining the best interest of a child at a hearing held pursuant to division (A) of this section or for the purposes of division (A) (4) or (5) of section 2151.353 or division (C) of section 2151.415 of the Revised Code, the court shall consider all relevant factors, including, but not limited to, the following:

(a) The interaction and interrelationship of the child with the child's parents, siblings, relatives, foster caregivers and out-of-home providers, and any other person who may significantly affect the child;

(b) The wishes of the child, as expressed directly by the child or through the child's guardian ad litem, with due regard for the maturity of the child;

(c) The custodial history of the child, including whether the child has been in the temporary custody of one or more public children services agencies or private child placing

agencies for twelve or more months of a consecutive twenty-two- 2510
month period, or the child has been in the temporary custody of 2511
one or more public children services agencies or private child 2512
placing agencies for twelve or more months of a consecutive 2513
twenty-two-month period and, as described in division (D) (1) of 2514
section 2151.413 of the Revised Code, the child was previously 2515
in the temporary custody of an equivalent agency in another 2516
state; 2517

(d) The child's need for a legally secure permanent 2518
placement and whether that type of placement can be achieved 2519
without a grant of permanent custody to the agency; 2520

(e) Whether any of the factors in divisions (E) (7) to (11) 2521
of this section apply in relation to the parents and child. 2522

For the purposes of division (D) (1) of this section, a 2523
child shall be considered to have entered the temporary custody 2524
of an agency on the earlier of the date the child is adjudicated 2525
pursuant to section 2151.28 of the Revised Code or the date that 2526
is sixty days after the removal of the child from home. 2527

(2) If all of the following apply, permanent custody is in 2528
the best interest of the child, and the court shall commit the 2529
child to the permanent custody of a public children services 2530
agency or private child placing agency: 2531

(a) The court determines by clear and convincing evidence 2532
that one or more of the factors in division (E) of this section 2533
exist and the child cannot be placed with one of the child's 2534
parents within a reasonable time or should not be placed with 2535
either parent. 2536

(b) The child has been in an agency's custody for two 2537
years or longer, and no longer qualifies for temporary custody 2538

pursuant to division (D) of section 2151.415 of the Revised Code. 2539
2540

(c) The child does not meet the requirements for a planned permanent living arrangement pursuant to division (A) (5) of section 2151.353 of the Revised Code. 2541
2542
2543

(d) Prior to the dispositional hearing, no relative or other interested person has filed, or has been identified in, a motion for legal custody of the child. 2544
2545
2546

(E) In determining at a hearing held pursuant to division (A) of this section or for the purposes of division (A) (4) of section 2151.353 of the Revised Code whether a child cannot be placed with either parent within a reasonable period of time or should not be placed with the parents, the court shall consider all relevant evidence. If the court determines, by clear and convincing evidence, at a hearing held pursuant to division (A) of this section or for the purposes of division (A) (4) of section 2151.353 of the Revised Code that one or more of the following exist as to each of the child's parents, the court shall enter a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent: 2547
2548
2549
2550
2551
2552
2553
2554
2555
2556
2557
2558
2559

(1) Following the placement of the child outside the child's home and notwithstanding reasonable case planning and diligent efforts by the agency to assist the parents to remedy the problems that initially caused the child to be placed outside the home, the parent has failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child's home. In determining whether the parents have substantially remedied those conditions, the court shall consider parental utilization of 2560
2561
2562
2563
2564
2565
2566
2567
2568

medical, psychiatric, psychological, and other social and 2569
rehabilitative services and material resources that were made 2570
available to the parents for the purpose of changing parental 2571
conduct to allow them to resume and maintain parental duties. 2572

(2) Chronic mental illness, chronic emotional illness, 2573
intellectual disability, physical disability, or chemical 2574
dependency of the parent that is so severe that it makes the 2575
parent unable to provide an adequate permanent home for the 2576
child at the present time and, as anticipated, within one year 2577
after the court holds the hearing pursuant to division (A) of 2578
this section or for the purposes of division (A)(4) of section 2579
2151.353 of the Revised Code; 2580

(3) The parent committed any abuse as described in section 2581
2151.031 of the Revised Code against the child, caused the child 2582
to suffer any neglect as described in section 2151.03 of the 2583
Revised Code, or allowed the child to suffer any neglect as 2584
described in section 2151.03 of the Revised Code between the 2585
date that the original complaint alleging abuse or neglect was 2586
filed and the date of the filing of the motion for permanent 2587
custody; 2588

(4) The parent has demonstrated a lack of commitment 2589
toward the child by failing to regularly support, visit, or 2590
communicate with the child when able to do so, or by other 2591
actions showing an unwillingness to provide an adequate 2592
permanent home for the child; 2593

(5) The parent is incarcerated for an offense committed 2594
against the child or a sibling of the child; 2595

(6) The parent has been convicted of or pleaded guilty to 2596
an offense under division (A) or (C) of section 2919.22 or under 2597

section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 2598
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.23, 2599
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2600
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 2919.25, 2601
2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the Revised 2602
Code, and the child or a sibling of the child was a victim of 2603
the offense, or the parent has been convicted of or pleaded 2604
guilty to an offense under section 2903.04 of the Revised Code, 2605
a sibling of the child was the victim of the offense, and the 2606
parent who committed the offense poses an ongoing danger to the 2607
child or a sibling of the child. 2608

(7) The parent has been convicted of or pleaded guilty to 2609
one of the following: 2610

(a) An offense under section 2903.01, 2903.02, or 2903.03 2611
of the Revised Code or under an existing or former law of this 2612
state, any other state, or the United States that is 2613
substantially equivalent to an offense described in those 2614
sections and the victim of the offense was a sibling of the 2615
child or the victim was another child who lived in the parent's 2616
household at the time of the offense; 2617

(b) An offense under section 2903.11, 2903.12, or 2903.13 2618
of the Revised Code or under an existing or former law of this 2619
state, any other state, or the United States that is 2620
substantially equivalent to an offense described in those 2621
sections and the victim of the offense is the child, a sibling 2622
of the child, or another child who lived in the parent's 2623
household at the time of the offense; 2624

(c) An offense under division (B) (2) of section 2919.22 of 2625
the Revised Code or under an existing or former law of this 2626
state, any other state, or the United States that is 2627

substantially equivalent to the offense described in that 2628
section and the child, a sibling of the child, or another child 2629
who lived in the parent's household at the time of the offense 2630
is the victim of the offense; 2631

(d) An offense under section 2907.02, 2907.03, 2907.04, 2632
2907.05, or 2907.06 of the Revised Code or under an existing or 2633
former law of this state, any other state, or the United States 2634
that is substantially equivalent to an offense described in 2635
those sections and the victim of the offense is the child, a 2636
sibling of the child, or another child who lived in the parent's 2637
household at the time of the offense; 2638

(e) An offense under section 2905.32, 2907.21, or 2907.22 2639
of the Revised Code or under an existing or former law of this 2640
state, any other state, or the United States that is 2641
substantially equivalent to the offense described in that 2642
section and the victim of the offense is the child, a sibling of 2643
the child, or another child who lived in the parent's household 2644
at the time of the offense; 2645

(f) A conspiracy or attempt to commit, or complicity in 2646
committing, an offense described in division (E) (7) (a), (d), or 2647
(e) of this section. 2648

(8) The parent has repeatedly withheld medical treatment 2649
or food from the child when the parent has the means to provide 2650
the treatment or food, and, in the case of withheld medical 2651
treatment, the parent withheld it for a purpose other than to 2652
treat the physical or mental illness or ~~defect~~ disability of the 2653
child by spiritual means through prayer alone in accordance with 2654
the tenets of a recognized religious body. 2655

(9) The parent has placed the child at substantial risk of 2656

harm two or more times due to alcohol or drug abuse and has 2657
rejected treatment two or more times or refused to participate 2658
in further treatment two or more times after a case plan issued 2659
pursuant to section 2151.412 of the Revised Code requiring 2660
treatment of the parent was journalized as part of a 2661
dispositional order issued with respect to the child or an order 2662
was issued by any other court requiring treatment of the parent. 2663

(10) The parent has abandoned the child. 2664

(11) The parent has had parental rights involuntarily 2665
terminated with respect to a sibling of the child pursuant to 2666
this section or section 2151.353 or 2151.415 of the Revised 2667
Code, or under an existing or former law of this state, any 2668
other state, or the United States that is substantially 2669
equivalent to those sections, and the parent has failed to 2670
provide clear and convincing evidence to prove that, 2671
notwithstanding the prior termination, the parent can provide a 2672
legally secure permanent placement and adequate care for the 2673
health, welfare, and safety of the child. 2674

(12) The parent is incarcerated at the time of the filing 2675
of the motion for permanent custody or the dispositional hearing 2676
of the child and will not be available to care for the child for 2677
at least eighteen months after the filing of the motion for 2678
permanent custody or the dispositional hearing. 2679

(13) The parent is repeatedly incarcerated, and the 2680
repeated incarceration prevents the parent from providing care 2681
for the child. 2682

(14) The parent for any reason is unwilling to provide 2683
food, clothing, shelter, and other basic necessities for the 2684
child or to prevent the child from suffering physical, 2685

emotional, or sexual abuse or physical, emotional, or mental 2686
neglect. 2687

(15) The parent has committed abuse as described in 2688
section 2151.031 of the Revised Code against the child or caused 2689
or allowed the child to suffer neglect as described in section 2690
2151.03 of the Revised Code, and the court determines that the 2691
seriousness, nature, or likelihood of recurrence of the abuse or 2692
neglect makes the child's placement with the child's parent a 2693
threat to the child's safety. 2694

(16) Any other factor the court considers relevant. 2695

(F) The parents of a child for whom the court has issued 2696
an order granting permanent custody pursuant to this section, 2697
upon the issuance of the order, cease to be parties to the 2698
action. This division is not intended to eliminate or restrict 2699
any right of the parents to appeal the granting of permanent 2700
custody of their child to a movant pursuant to this section. 2701

Sec. 2305.42. (A) A person who ~~suffers from~~ has epilepsy, 2702
diabetes, a cardiac condition, or any other type of illness that 2703
causes temporary blackouts, semiconscious periods, or complete 2704
unconsciousness, or who ~~suffers from~~ has a condition requiring 2705
specific medication or medical treatment, is allergic to certain 2706
medications or items used in medical treatment, wears contact 2707
lenses, has religious objections to certain forms of medication 2708
or medical treatment, or is unable to communicate coherently or 2709
effectively in the English language, is authorized and 2710
encouraged to wear an identifying device. 2711

(B) Any person may carry an identification card. 2712

(C) By wearing an identifying device a person gives ~~his~~ 2713
consent for any law enforcement officer or medical practitioner 2714

who finds ~~him~~the person in a disabled condition to make a 2715
reasonable search of ~~his~~the person's clothing or other effects 2716
for an identification card. 2717

Sec. 2305.43. (A) A law enforcement officer shall make a 2718
diligent effort to determine whether any disabled person ~~he~~the 2719
officer finds is an epileptic or a diabetic, or ~~suffers from~~has 2720
some other type of illness that would cause the condition. 2721
Whenever feasible, this effort shall be made before the person 2722
is charged with a crime or taken to a place of detention. 2723

(B) In seeking to determine whether a disabled person 2724
~~suffers from~~has an illness, a law enforcement officer may make 2725
a reasonable search for an identifying device and an 2726
identification card and examine them for emergency information. 2727
The law enforcement officer may not search for an identifying 2728
device or an identification card in a manner or to an extent 2729
that would appear to a reasonable person in the circumstances to 2730
cause an unreasonable risk of worsening the disabled person's 2731
condition. 2732

(C) A law enforcement officer who finds a disabled person 2733
without an identifying device or identification card is not 2734
relieved of ~~his~~the duty to that person to make a diligent effort 2735
to ascertain the existence of any illness causing the disabled 2736
condition. 2737

(D) A cause of action against a law enforcement officer 2738
does not arise from ~~his~~the officer making a reasonable search of 2739
the disabled person to locate an identifying device or 2740
identification card, even though the person is not wearing an 2741
identifying device or carrying an identification card. 2742

(E) A law enforcement officer who determines or has reason 2743

to believe that a disabled person ~~is suffering from~~ has an 2744
illness causing ~~his~~ the person's condition shall promptly notify 2745
the person's physician, if practicable. If the officer is unable 2746
to ascertain the physician's identity or to communicate with 2747
~~him~~ the physician, the officer shall make a reasonable effort to 2748
cause the disabled person to be transported immediately to a 2749
medical practitioner or to a facility where medical treatment is 2750
available. If the officer believes it unduly dangerous to move 2751
the disabled person, ~~he~~ the officer shall make a reasonable 2752
effort to obtain the assistance of a medical practitioner. 2753

Sec. 2746.02. A court of record of this state shall tax as 2754
costs or otherwise require the payment of fees for the following 2755
services rendered, as compensation for the following persons, or 2756
as part of the sentence imposed by the court, or any other of 2757
the following fees that are applicable in a particular case: 2758

(A) In a felony case, financial sanctions, as provided in 2759
section 2929.18 of the Revised Code; 2760

(B) In any criminal case, the costs of prosecution, as 2761
provided in section 2947.23 of the Revised Code; 2762

(C) In a misdemeanor case in which the offender is 2763
sentenced to a jail term, the local detention facility is 2764
covered by a policy adopted by the facility's governing 2765
authority requiring reimbursement for the costs of confinement, 2766
and the offender is presented with an itemized bill pursuant to 2767
section 2929.37 of the Revised Code for such costs, the costs of 2768
confinement, as provided in section 2929.24 of the Revised Code; 2769

(D) In a case in which an offender is sentenced for 2770
endangering children in violation of section 2919.22 of the 2771
Revised Code, the costs of the offender's supervised community 2772

service work, as provided in section 2919.22 of the Revised Code;	2773 2774
(E) In a case in which a defendant is charged with any of certain sexual assault or prostitution-related offenses and is found to be suffering from <u>have</u> a venereal disease in an infectious stage, the cost of medical treatment, as provided in section 2907.27 of the Revised Code;	2775 2776 2777 2778 2779
(F) In a case in which a defendant is charged with harassment with a bodily substance, the cost of medical testing, as provided in section 2921.38 of the Revised Code;	2780 2781 2782
(G) In a case in which a defendant is charged with violating a protection order in violation of section 2919.27 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the costs of any evaluation and preceding examination of the defendant, as provided in section 2919.271 of the Revised Code;	2783 2784 2785 2786 2787 2788
(H) Presentence psychological or psychiatric reports, as provided in section 2947.06 of the Revised Code;	2789 2790
(I) In a criminal proceeding, the taking of a deposition of a person who is imprisoned in a detention facility or state correctional institution within this state or who is in the custody of the department of youth services, as provided in section 2945.47 of the Revised Code;	2791 2792 2793 2794 2795
(J) In a case in which a person is convicted of or pleads guilty to any offense other than a parking violation or in which a child is found to be a delinquent child or a juvenile traffic offender for an act that, if committed by an adult, would be an offense other than a parking violation, additional costs and bail, if applicable, as provided in sections 2743.70 and	2796 2797 2798 2799 2800 2801

2949.091 of the Revised Code, but subject to waiver as provided 2802
in section 2949.092 of the Revised Code; 2803

(K) In a case in which a person is convicted of or pleads 2804
guilty to a moving violation or in which a child is found to be 2805
a juvenile traffic offender for an act which, if committed by an 2806
adult, would be a moving violation, additional costs and bail, 2807
if applicable, as provided in sections 2949.093 and 2949.094 of 2808
the Revised Code, but subject to waiver as provided in section 2809
2949.092 of the Revised Code; 2810

(L) In a case in which a defendant is convicted of 2811
abandoning a junk vessel or outboard motor without notifying the 2812
appropriate law enforcement officer, the cost incurred by the 2813
state or a political subdivision in disposing of the vessel or 2814
motor, as provided in section 1547.99 of the Revised Code; 2815

(M) The costs of electronic monitoring in the following 2816
cases: 2817

(1) In a misdemeanor case in which the offender is 2818
convicted of any of certain prostitution-related offenses and a 2819
specification under section 2941.1421 of the Revised Code, as 2820
provided in section 2929.24 of the Revised Code; 2821

(2) In a case in which the court issues a criminal 2822
protection order against a minor upon a petition alleging that 2823
the respondent committed any of certain assault, menacing, or 2824
trespass offenses, a sexually oriented offense, or an offense 2825
under a municipal ordinance that is substantially equivalent to 2826
any of those offenses, as provided in section 2151.34 of the 2827
Revised Code; 2828

(3) In a case in which the court issues a protection order 2829
against an adult upon a petition alleging that the respondent 2830

committed menacing by stalking or a sexually oriented offense, 2831
as provided in section 2903.214 of the Revised Code; 2832

(4) In a case in which an offender is convicted of 2833
violating a protection order, as provided in section 2919.27 of 2834
the Revised Code; 2835

(5) In a case in which the offender is convicted of any 2836
sexually oriented offense and is a tier III sex offender/child- 2837
victim offender relative to that offense, as provided in section 2838
2929.13 of the Revised Code. 2839

(N) In a proceeding for post-conviction relief, a 2840
transcript, as provided in section 2953.21 of the Revised Code; 2841

(O) In a proceeding for the sealing of a conviction 2842
record, the fees provided for in section 2953.32 of the Revised 2843
Code. 2844

Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32 2845
of the Revised Code: 2846

(1) "Information" means information that can be integrated 2847
into the computer system and that relates to the physical or 2848
mental description of a minor including, but not limited to, 2849
height, weight, color of hair and eyes, use of eyeglasses or 2850
contact lenses, skin coloring, physical or mental 2851
~~handicaps~~disabilities, special medical conditions or needs, 2852
abnormalities, problems, scars and marks, and distinguishing 2853
characteristics, and other information that could assist in 2854
identifying a minor including, but not limited to, full name and 2855
nickname, date and place of birth, age, names and addresses of 2856
parents and other relatives, fingerprints, dental records, 2857
photographs, social security number, driver's license number, 2858
credit card numbers, bank account numbers, and clothing. 2859

(2) "Minor" means a person under eighteen years of age.	2860
(3) "Missing children" or "missing child" means either of the following:	2861 2862
(a) A minor who has run away from or who otherwise is missing from the home of, or the care, custody, and control of, the minor's parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or other person having responsibility for the care of the minor;	2863 2864 2865 2866 2867
(b) A minor who is missing and about whom there is reason to believe the minor could be the victim of a violation of section 2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996.	2868 2869 2870 2871 2872
(B) When a law enforcement agency in this state that has jurisdiction in the matter is informed that a minor is or may be a missing child and that the person providing the information wishes to file a missing child report, the law enforcement agency shall take that report. Upon taking the report, the law enforcement agency shall take prompt action upon it, including, but not limited to, concerted efforts to locate the missing child. No law enforcement agency in this state shall have a rule or policy that prohibits or discourages the filing of or the taking of action upon a missing child report, within a specified period following the discovery or formulation of a belief that a minor is or could be a missing child.	2873 2874 2875 2876 2877 2878 2879 2880 2881 2882 2883 2884
(C) If a missing child report is made to a law enforcement agency in this state that has jurisdiction in the matter, the law enforcement agency shall gather readily available information about the missing child and integrate it into the	2885 2886 2887 2888

national crime information center computer immediately following 2889
the making of the report. The law enforcement agency shall make 2890
reasonable efforts to acquire additional information about the 2891
missing child following the transmittal of the initially 2892
available information, and promptly integrate any additional 2893
information acquired into such computer systems. 2894

Whenever a law enforcement agency integrates information 2895
about a missing child into the national crime information center 2896
computer, the law enforcement agency promptly shall notify the 2897
missing child's parents, parent who is the residential parent 2898
and legal custodian, guardian, or legal custodian, or any other 2899
person responsible for the care of the missing child, that it 2900
has so integrated the information. 2901

The parents, parent who is the residential parent and 2902
legal custodian, guardian, legal custodian, or other person 2903
responsible for the care of the missing child shall provide 2904
available information upon request, and may provide information 2905
voluntarily, to the law enforcement agency during the 2906
information gathering process. The law enforcement agency also 2907
may obtain available information about the missing child from 2908
other persons, subject to constitutional and statutory 2909
limitations. 2910

(D) Upon the filing of a missing child report, the law 2911
enforcement agency involved may notify the public or nonpublic 2912
school in which the missing child is or was most recently 2913
enrolled, as ascertained by the agency, that the child is the 2914
subject of a missing child report and that the child's school 2915
records are to be marked in accordance with section 3313.672 of 2916
the Revised Code. 2917

(E) Upon the filing of a missing child report, the law 2918

enforcement agency involved promptly shall make a reasonable 2919
attempt to notify other law enforcement agencies within its 2920
county and, if the agency has jurisdiction in a municipal 2921
corporation or township that borders another county, to notify 2922
the law enforcement agency for the municipal corporation or 2923
township in the other county with which it shares the border, 2924
that it has taken a missing child report and may be requesting 2925
assistance or cooperation in the case, and provide relevant 2926
information to the other law enforcement agencies. The agency 2927
may notify additional law enforcement agencies, or appropriate 2928
public children services agencies, about the case, request their 2929
assistance or cooperation in the case, and provide them with 2930
relevant information. 2931

Upon request from a law enforcement agency, a public 2932
children services agency shall grant the law enforcement agency 2933
access to all information concerning a missing child that the 2934
agency possesses that may be relevant to the law enforcement 2935
agency in investigating a missing child report concerning that 2936
child. The information obtained by the law enforcement agency 2937
shall be used only to further the investigation to locate the 2938
missing child. 2939

(F) Upon request, law enforcement agencies in this state 2940
shall provide assistance to, and cooperate with, other law 2941
enforcement agencies in their investigation of missing child 2942
cases. The assistance and cooperation under this paragraph shall 2943
be pursuant to any terms agreed upon by the law enforcement 2944
agencies, which may include the provision of law enforcement 2945
services or the use of law enforcement equipment or the 2946
interchange of services and equipment among the cooperating law 2947
enforcement agencies. Chapter 2744. of the Revised Code, insofar 2948
as it applies to the operation of law enforcement agencies, 2949

shall apply to the cooperating political subdivisions and to the law enforcement agency employees when they are rendering services pursuant to this paragraph outside the territory of the political subdivision by which they are employed. Law enforcement agency employees rendering services outside the territory of the political subdivision in which they are employed, pursuant to this paragraph, shall be entitled to participate in any indemnity fund established by their employer to the same extent as if they were rendering service within the territory of their employing political subdivision. Those law enforcement agency employees also shall be entitled to all the rights and benefits of Chapter 4123. of the Revised Code to the same extent as if rendering services within the territory of their employing political subdivision.

The information in any missing child report made to a law enforcement agency shall be made available, upon request, to law enforcement personnel of this state, other states, and the federal government when the law enforcement personnel indicate that the request is to aid in identifying or locating a missing child or the possible identification of a deceased minor who, upon discovery, cannot be identified.

(G) When a missing child has not been located within thirty days after the date on which the missing child report pertaining to the child was filed with a law enforcement agency, that law enforcement agency shall request the missing child's parents, parent who is the residential parent and legal custodian, guardian, or legal custodian, or any other person responsible for the care of the missing child, to provide written consent for the law enforcement agency to contact the missing child's dentist and request the missing child's dental records. Upon receipt of such written consent, the dentist shall

release a copy of the missing child's dental records to the law 2981
enforcement agency and shall provide and encode the records in 2982
such form as requested by the law enforcement agency. The law 2983
enforcement agency then shall integrate information in the 2984
records into the national crime information center computer in 2985
order to compare the records to those of unidentified deceased 2986
persons. This division does not prevent a law enforcement agency 2987
from seeking consent to obtain copies of a missing child's 2988
dental records, or prevent a missing child's parents, parent who 2989
is the residential parent and legal custodian, guardian, or 2990
legal custodian, or any other person responsible for the care of 2991
the missing child, from granting consent for the release of 2992
copies of the missing child's dental records to a law 2993
enforcement agency, at any time. 2994

(H) A missing child's parents, parent who is the 2995
residential parent and legal custodian, guardian, or legal 2996
custodian, or any other persons responsible for the care of a 2997
missing child, immediately shall notify the law enforcement 2998
agency with which they filed the missing child report whenever 2999
the child has returned to their home or to their care, custody, 3000
and control, has been released if the missing child was the 3001
victim of an offense listed in division (A) (3) (b) of this 3002
section, or otherwise has been located. Upon such notification 3003
or upon otherwise learning that a missing child has returned to 3004
the home of, or to the care, custody, and control of the missing 3005
child's parents, parent who is the residential parent and legal 3006
custodian, guardian, legal custodian, or other person 3007
responsible for the missing child's care, has been released if 3008
the missing child was the victim of an offense listed in 3009
division (A) (3) (b) of this section, or otherwise has been 3010
located, the law enforcement agency involved promptly shall 3011

integrate the fact that the minor no longer is a missing child 3012
into the national crime information center computer and shall 3013
inform any school that was notified under division (D) of this 3014
section that the minor is no longer a missing child. 3015

Sec. 2903.10. As used in sections 2903.13 and 2903.16 of 3016
the Revised Code: 3017

(A) ~~"Functionally impaired person"~~ "Person with a 3018
functional impairment" means any person who has a physical or 3019
mental impairment that prevents ~~him~~ the person from providing for 3020
~~his~~ the person's own care or protection or whose infirmities 3021
caused by aging prevent ~~him~~ the person from providing for ~~his~~ the 3022
person's own care or protection. 3023

(B) "Caretaker" means a person who assumes the duty to 3024
provide for the care and protection of a ~~functionally impaired~~ 3025
person with a functional impairment on a voluntary basis, by 3026
contract, through receipt of payment for care and protection, as 3027
a result of a family relationship, or by order of a court of 3028
competent jurisdiction. "Caretaker" does not include a person 3029
who owns, operates, or administers, or who is an agent or 3030
employee of, a care facility, as defined in section 2903.33 of 3031
the Revised Code. 3032

Sec. 2903.13. (A) No person shall knowingly cause or 3033
attempt to cause physical harm to another or to another's 3034
unborn. 3035

(B) No person shall recklessly cause serious physical harm 3036
to another or to another's unborn. 3037

(C) (1) Whoever violates this section is guilty of assault, 3038
and the court shall sentence the offender as provided in this 3039
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 3040

(8), (9), and (10) of this section. Except as otherwise provided 3041
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 3042
section, assault is a misdemeanor of the first degree. 3043

(2) Except as otherwise provided in this division, if the 3044
offense is committed by a caretaker against a ~~functionally-~~ 3045
~~impaired person with a functional impairment~~ under the 3046
caretaker's care, assault is a felony of the fourth degree. If 3047
the offense is committed by a caretaker against a ~~functionally-~~ 3048
~~impaired person with a functional impairment~~ under the 3049
caretaker's care, if the offender previously has been convicted 3050
of or pleaded guilty to a violation of this section or section 3051
2903.11 or 2903.16 of the Revised Code, and if in relation to 3052
the previous conviction the offender was a caretaker and the 3053
victim was a ~~functionally impaired person with a functional~~ 3054
~~impairment~~ under the offender's care, assault is a felony of the 3055
third degree. 3056

(3) If the offense occurs in or on the grounds of a state 3057
correctional institution or an institution of the department of 3058
youth services, the victim of the offense is an employee of the 3059
department of rehabilitation and correction or the department of 3060
youth services, and the offense is committed by a person 3061
incarcerated in the state correctional institution or by a 3062
person institutionalized in the department of youth services 3063
institution pursuant to a commitment to the department of youth 3064
services, assault is a felony of the third degree. 3065

(4) If the offense is committed in any of the following 3066
circumstances, assault is a felony of the fifth degree: 3067

(a) The offense occurs in or on the grounds of a local 3068
correctional facility, the victim of the offense is an employee 3069
of the local correctional facility or a probation department or 3070

is on the premises of the facility for business purposes or as a 3071
visitor, and the offense is committed by a person who is under 3072
custody in the facility subsequent to the person's arrest for 3073
any crime or delinquent act, subsequent to the person's being 3074
charged with or convicted of any crime, or subsequent to the 3075
person's being alleged to be or adjudicated a delinquent child. 3076

(b) The offense occurs off the grounds of a state 3077
correctional institution and off the grounds of an institution 3078
of the department of youth services, the victim of the offense 3079
is an employee of the department of rehabilitation and 3080
correction, the department of youth services, or a probation 3081
department, the offense occurs during the employee's official 3082
work hours and while the employee is engaged in official work 3083
responsibilities, and the offense is committed by a person 3084
incarcerated in a state correctional institution or 3085
institutionalized in the department of youth services who 3086
temporarily is outside of the institution for any purpose, by a 3087
parolee, by an offender under transitional control, under a 3088
community control sanction, or on an escorted visit, by a person 3089
under post-release control, or by an offender under any other 3090
type of supervision by a government agency. 3091

(c) The offense occurs off the grounds of a local 3092
correctional facility, the victim of the offense is an employee 3093
of the local correctional facility or a probation department, 3094
the offense occurs during the employee's official work hours and 3095
while the employee is engaged in official work responsibilities, 3096
and the offense is committed by a person who is under custody in 3097
the facility subsequent to the person's arrest for any crime or 3098
delinquent act, subsequent to the person being charged with or 3099
convicted of any crime, or subsequent to the person being 3100
alleged to be or adjudicated a delinquent child and who 3101

temporarily is outside of the facility for any purpose or by a 3102
parolee, by an offender under transitional control, under a 3103
community control sanction, or on an escorted visit, by a person 3104
under post-release control, or by an offender under any other 3105
type of supervision by a government agency. 3106

(d) The victim of the offense is a school teacher or 3107
administrator or a school bus operator, and the offense occurs 3108
in a school, on school premises, in a school building, on a 3109
school bus, or while the victim is outside of school premises or 3110
a school bus and is engaged in duties or official 3111
responsibilities associated with the victim's employment or 3112
position as a school teacher or administrator or a school bus 3113
operator, including, but not limited to, driving, accompanying, 3114
or chaperoning students at or on class or field trips, athletic 3115
events, or other school extracurricular activities or functions 3116
outside of school premises. 3117

(5) If the victim of the offense is a peace officer or an 3118
investigator of the bureau of criminal identification and 3119
investigation, a firefighter, or a person performing emergency 3120
medical service, while in the performance of their official 3121
duties, assault is a felony of the fourth degree. 3122

(6) If the victim of the offense is a peace officer or an 3123
investigator of the bureau of criminal identification and 3124
investigation and if the victim suffered serious physical harm 3125
as a result of the commission of the offense, assault is a 3126
felony of the fourth degree, and the court, pursuant to division 3127
(F) of section 2929.13 of the Revised Code, shall impose as a 3128
mandatory prison term one of the prison terms prescribed for a 3129
felony of the fourth degree that is at least twelve months in 3130
duration. 3131

(7) If the victim of the offense is an officer or employee 3132
of a public children services agency or a private child placing 3133
agency and the offense relates to the officer's or employee's 3134
performance or anticipated performance of official 3135
responsibilities or duties, assault is either a felony of the 3136
fifth degree or, if the offender previously has been convicted 3137
of or pleaded guilty to an offense of violence, the victim of 3138
that prior offense was an officer or employee of a public 3139
children services agency or private child placing agency, and 3140
that prior offense related to the officer's or employee's 3141
performance or anticipated performance of official 3142
responsibilities or duties, a felony of the fourth degree. 3143

(8) If the victim of the offense is a health care 3144
professional of a hospital, a health care worker of a hospital, 3145
or a security officer of a hospital whom the offender knows or 3146
has reasonable cause to know is a health care professional of a 3147
hospital, a health care worker of a hospital, or a security 3148
officer of a hospital, if the victim is engaged in the 3149
performance of the victim's duties, and if the hospital offers 3150
de-escalation or crisis intervention training for such 3151
professionals, workers, or officers, assault is one of the 3152
following: 3153

(a) Except as otherwise provided in division (C) (8) (b) of 3154
this section, assault committed in the specified circumstances 3155
is a misdemeanor of the first degree. Notwithstanding the fine 3156
specified in division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of 3157
the Revised Code for a misdemeanor of the first degree, in 3158
sentencing the offender under this division and if the court 3159
decides to impose a fine, the court may impose upon the offender 3160
a fine of not more than five thousand dollars. 3161

(b) If the offender previously has been convicted of or 3162
pleaded guilty to one or more assault or homicide offenses 3163
committed against hospital personnel, assault committed in the 3164
specified circumstances is a felony of the fifth degree. 3165

(9) If the victim of the offense is a judge, magistrate, 3166
prosecutor, or court official or employee whom the offender 3167
knows or has reasonable cause to know is a judge, magistrate, 3168
prosecutor, or court official or employee, and if the victim is 3169
engaged in the performance of the victim's duties, assault is 3170
one of the following: 3171

(a) Except as otherwise provided in division ~~(C) (8) (b)~~ (C) 3172
(9) (b) of this section, assault committed in the specified 3173
circumstances is a misdemeanor of the first degree. In 3174
sentencing the offender under this division, if the court 3175
decides to impose a fine, notwithstanding the fine specified in 3176
division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of the Revised 3177
Code for a misdemeanor of the first degree, the court may impose 3178
upon the offender a fine of not more than five thousand dollars. 3179

(b) If the offender previously has been convicted of or 3180
pleaded guilty to one or more assault or homicide offenses 3181
committed against justice system personnel, assault committed in 3182
the specified circumstances is a felony of the fifth degree. 3183

(10) If an offender who is convicted of or pleads guilty 3184
to assault when it is a misdemeanor also is convicted of or 3185
pleads guilty to a specification as described in section 3186
2941.1423 of the Revised Code that was included in the 3187
indictment, count in the indictment, or information charging the 3188
offense, the court shall sentence the offender to a mandatory 3189
jail term as provided in division (G) of section 2929.24 of the 3190
Revised Code. 3191

If an offender who is convicted of or pleads guilty to assault when it is a felony also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in division (C) (6) of this section, the court shall sentence the offender to a mandatory prison term as provided in division (B) (8) of section 2929.14 of the Revised Code.

(D) As used in this section:

(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.

(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.

(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.

(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in

the operation of the facility. 3221

(6) "School teacher or administrator" means either of the 3222
following: 3223

(a) A person who is employed in the public schools of the 3224
state under a contract described in section 3311.77 or 3319.08 3225
of the Revised Code in a position in which the person is 3226
required to have a certificate issued pursuant to sections 3227
3319.22 to 3319.311 of the Revised Code. 3228

(b) A person who is employed by a nonpublic school for 3229
which the state board of education prescribes minimum standards 3230
under section 3301.07 of the Revised Code and who is 3231
certificated in accordance with section 3301.071 of the Revised 3232
Code. 3233

(7) "Community control sanction" has the same meaning as 3234
in section 2929.01 of the Revised Code. 3235

(8) "Escorted visit" means an escorted visit granted under 3236
section 2967.27 of the Revised Code. 3237

(9) "Post-release control" and "transitional control" have 3238
the same meanings as in section 2967.01 of the Revised Code. 3239

(10) "Investigator of the bureau of criminal 3240
identification and investigation" has the same meaning as in 3241
section 2903.11 of the Revised Code. 3242

(11) "Health care professional" and "health care worker" 3243
have the same meanings as in section 2305.234 of the Revised 3244
Code. 3245

(12) "Assault or homicide offense committed against 3246
hospital personnel" means a violation of this section or of 3247
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 3248

2903.12, or 2903.14 of the Revised Code committed in 3249
circumstances in which all of the following apply: 3250

(a) The victim of the offense was a health care 3251
professional of a hospital, a health care worker of a hospital, 3252
or a security officer of a hospital. 3253

(b) The offender knew or had reasonable cause to know that 3254
the victim was a health care professional of a hospital, a 3255
health care worker of a hospital, or a security officer of a 3256
hospital. 3257

(c) The victim was engaged in the performance of the 3258
victim's duties. 3259

(d) The hospital offered de-escalation or crisis 3260
intervention training for such professionals, workers, or 3261
officers. 3262

(13) "De-escalation or crisis intervention training" means 3263
de-escalation or crisis intervention training for health care 3264
professionals of a hospital, health care workers of a hospital, 3265
and security officers of a hospital to facilitate interaction 3266
with patients, members of a patient's family, and visitors, 3267
including those with mental impairments. 3268

(14) "Assault or homicide offense committed against 3269
justice system personnel" means a violation of this section or 3270
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 3271
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 3272
circumstances in which the victim of the offense was a judge, 3273
magistrate, prosecutor, or court official or employee whom the 3274
offender knew or had reasonable cause to know was a judge, 3275
magistrate, prosecutor, or court official or employee, and the 3276
victim was engaged in the performance of the victim's duties. 3277

(15) "Court official or employee" means any official or 3278
employee of a court created under the constitution or statutes 3279
of this state or of a United States court located in this state. 3280

(16) "Judge" means a judge of a court created under the 3281
constitution or statutes of this state or of a United States 3282
court located in this state. 3283

(17) "Magistrate" means an individual who is appointed by 3284
a court of record of this state and who has the powers and may 3285
perform the functions specified in Civil Rule 53, Criminal Rule 3286
19, or Juvenile Rule 40, or an individual who is appointed by a 3287
United States court located in this state who has similar powers 3288
and functions. 3289

(18) "Prosecutor" has the same meaning as in section 3290
2935.01 of the Revised Code. 3291

(19) (a) "Hospital" means, subject to division (D) (19) (b) 3292
of this section, an institution classified as a hospital under 3293
section 3701.01 of the Revised Code in which are provided to 3294
patients diagnostic, medical, surgical, obstetrical, 3295
psychiatric, or rehabilitation care or a hospital operated by a 3296
health maintenance organization. 3297

(b) "Hospital" does not include any of the following: 3298

(i) A facility licensed under Chapter 3721. of the Revised 3299
Code, a health care facility operated by the department of 3300
mental health and addiction services or the department of 3301
developmental disabilities, a health maintenance organization 3302
that does not operate a hospital, or the office of any private, 3303
licensed health care professional, whether organized for 3304
individual or group practice; 3305

(ii) An institution for the sick that is operated 3306

exclusively for patients who use spiritual means for healing and 3307
for whom the acceptance of medical care is inconsistent with 3308
their religious beliefs, accredited by a national accrediting 3309
organization, exempt from federal income taxation under section 3310
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 3311
U.S.C. 1, as amended, and providing twenty-four-hour nursing 3312
care pursuant to the exemption in division (E) of section 3313
4723.32 of the Revised Code from the licensing requirements of 3314
Chapter 4723. of the Revised Code. 3315

(20) "Health maintenance organization" has the same 3316
meaning as in section 3727.01 of the Revised Code. 3317

Sec. 2903.15. (A) No parent, guardian, custodian, or 3318
person having custody of a child under eighteen years of age or 3319
of a ~~mentally or physically handicapped child with a mental or~~ 3320
physical disability under twenty-one years of age shall cause 3321
serious physical harm to the child, or the death of the child, 3322
as a proximate result of permitting the child to be abused, to 3323
be tortured, to be administered corporal punishment or other 3324
physical disciplinary measure, or to be physically restrained in 3325
a cruel manner or for a prolonged period. 3326

(B) It is an affirmative defense to a charge under this 3327
section that the defendant did not have readily available a 3328
means to prevent the harm to the child or the death of the child 3329
and that the defendant took timely and reasonable steps to 3330
summon aid. 3331

(C) Whoever violates this section is guilty of permitting 3332
child abuse. If the violation of this section causes serious 3333
physical harm to the child, permitting child abuse is a felony 3334
of the third degree. If the violation of this section causes the 3335
death of the child, permitting child abuse is a felony of the 3336

first degree. 3337

Sec. 2903.16. (A) No caretaker shall knowingly fail to 3338
provide a ~~functionally impaired person~~ with a functional 3339
impairment under the caretaker's care with any treatment, care, 3340
goods, or service that is necessary to maintain the health or 3341
safety of the ~~functionally impaired person~~ with a functional 3342
impairment when this failure results in physical harm or serious 3343
physical harm to the ~~functionally impaired person~~ with a 3344
functional impairment. 3345

(B) No caretaker shall recklessly fail to provide a 3346
~~functionally impaired person~~ with a functional impairment under 3347
the caretaker's care with any treatment, care, goods, or service 3348
that is necessary to maintain the health or safety of the 3349
~~functionally impaired person~~ with a functional impairment when 3350
this failure results in serious physical harm to the 3351
~~functionally impaired person~~ with a functional impairment. 3352

(C) (1) Whoever violates division (A) of this section is 3353
guilty of knowingly failing to provide for a ~~functionally-~~ 3354
~~impaired person~~ with a functional impairment, a misdemeanor of 3355
the first degree. If the ~~functionally impaired person~~ with a 3356
functional impairment under the offender's care suffers serious 3357
physical harm as a result of the violation of this section, a 3358
violation of division (A) of this section is a felony of the 3359
fourth degree. 3360

(2) Whoever violates division (B) of this section is 3361
guilty of recklessly failing to provide for a ~~functionally-~~ 3362
~~impaired person~~ with a functional impairment, a misdemeanor of 3363
the second degree. If the ~~functionally impaired person~~ with a 3364
functional impairment under the offender's care suffers serious 3365
physical harm as a result of the violation of this section, a 3366

violation of division (B) of this section is a felony of the 3367
fourth degree. 3368

Sec. 2903.341. (A) As used in this section: 3369

(1) "Developmental disabilities caretaker" means any 3370
developmental disabilities employee or any person who assumes 3371
the duty to provide for the care and protection of a person with 3372
a developmental disability on a voluntary basis, by contract, 3373
through receipt of payment for care and protection, as a result 3374
of a family relationship, or by order of a court of competent 3375
jurisdiction. "Developmental disabilities caretaker" includes a 3376
person who is an employee of a care facility and a person who is 3377
an employee of an entity under contract with a provider. 3378
"Developmental disabilities caretaker" does not include a person 3379
who owns, operates, or administers a care facility or who is an 3380
agent of a care facility unless that person also personally 3381
provides care to a person with a developmental disability. 3382

(2) "Developmental disabilities employee" has the same 3383
meaning as in section 5123.50 of the Revised Code. 3384

(3) "Developmental disability" has the same meaning as in 3385
section 5123.01 of the Revised Code. 3386

(B) No developmental disabilities caretaker shall create a 3387
substantial risk to the health or safety of a person with a 3388
developmental disability. A developmental disabilities caretaker 3389
does not create a substantial risk to the health or safety of a 3390
person with a developmental disability under this division when 3391
the developmental disabilities caretaker treats a physical or 3392
mental illness or ~~defect~~ disability of the person with a 3393
developmental disability by spiritual means through prayer 3394
alone, in accordance with the tenets of a recognized religious 3395

body. 3396

(C) No person who owns, operates, or administers a care 3397
facility or who is an agent of a care facility shall condone, or 3398
knowingly permit, any conduct by a developmental disabilities 3399
caretaker who is employed by or under the control of the owner, 3400
operator, administrator, or agent that is in violation of 3401
division (B) of this section and that involves a person with a 3402
developmental disability who is under the care of the owner, 3403
operator, administrator, or agent. A person who relies upon 3404
treatment by spiritual means through prayer alone, in accordance 3405
with the tenets of a recognized religious denomination, shall 3406
not be considered endangered under this division for that reason 3407
alone. 3408

(D) (1) It is an affirmative defense to a charge of a 3409
violation of division (B) or (C) of this section that the 3410
actor's conduct was committed in good faith solely because the 3411
actor was ordered to commit the conduct by a person to whom one 3412
of the following applies: 3413

(a) The person has supervisory authority over the actor. 3414

(b) The person has authority over the actor's conduct 3415
pursuant to a contract for the provision of services. 3416

(2) It is an affirmative defense to a charge of a 3417
violation of division (C) of this section that the person who 3418
owns, operates, or administers a care facility or who is an 3419
agent of a care facility and who is charged with the violation 3420
is following the individual service plan for the involved person 3421
with a developmental disability or that the admission, 3422
discharge, and transfer rule set forth in the Administrative 3423
Code is being followed. 3424

(3) It is an affirmative defense to a charge of a 3425
violation of division (C) of this section that the actor did not 3426
have readily available a means to prevent either the harm to the 3427
person with a developmental disability or the death of such a 3428
person and the actor took reasonable steps to summon aid. 3429

(E) (1) Except as provided in division (E) (2) or (E) (3) of 3430
this section, whoever violates division (B) or (C) of this 3431
section is guilty of patient endangerment, a misdemeanor of the 3432
first degree. 3433

(2) If the offender previously has been convicted of, or 3434
pleaded guilty to, a violation of this section, patient 3435
endangerment is a felony of the fourth degree. 3436

(3) If the violation results in serious physical harm to 3437
the person with a developmental disability, patient endangerment 3438
is a felony of the third degree. 3439

Sec. 2907.27. (A) (1) If a person is charged with a 3440
violation of section 2907.02, 2907.03, 2907.04, 2907.24, 3441
2907.241, or 2907.25 of the Revised Code or with a violation of 3442
a municipal ordinance that is substantially equivalent to any of 3443
those sections, the arresting authorities or a court, upon the 3444
request of the prosecutor in the case or upon the request of the 3445
victim, shall cause the accused to submit to one or more 3446
appropriate tests to determine if the accused ~~is suffering from~~ 3447
has a venereal disease. 3448

(2) If the accused is found to ~~be suffering from~~ have a 3449
venereal disease in an infectious stage, the accused shall be 3450
required to submit to medical treatment for that disease. The 3451
cost of the medical treatment shall be charged to and paid by 3452
the accused who undergoes the treatment. If the accused is 3453

indigent, the court shall order the accused to report to a 3454
facility operated by a city health district or a general health 3455
district for treatment. If the accused is convicted of or pleads 3456
guilty to the offense with which the accused is charged and is 3457
placed under a community control sanction, a condition of 3458
community control shall be that the offender submit to and 3459
faithfully follow a course of medical treatment for the venereal 3460
disease. If the offender does not seek the required medical 3461
treatment, the court may revoke the offender's community control 3462
and order the offender to undergo medical treatment during the 3463
period of the offender's incarceration and to pay the cost of 3464
that treatment. 3465

(B) (1) (a) If a person is charged with a violation of 3466
division (B) of section 2903.11 or of section 2907.02, 2907.03, 3467
2907.04, 2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the 3468
Revised Code, with a violation of a municipal ordinance that is 3469
substantially equivalent to that division or any of those 3470
sections, or with a violation of a statute or municipal 3471
ordinance in which by force or threat of force the accused 3472
compelled the victim to engage in sexual activity, the court, 3473
upon the request of the prosecutor in the case, upon the request 3474
of the victim, or upon the request of any other person whom the 3475
court reasonably believes had contact with the accused in 3476
circumstances related to the violation that could have resulted 3477
in the transmission to that person of the human immunodeficiency 3478
virus, shall cause the accused to submit to one or more tests 3479
designated by the director of health under section 3701.241 of 3480
the Revised Code to determine if the accused is infected with 3481
HIV. The court shall cause the accused to submit to the test or 3482
tests within forty-eight hours after the indictment, 3483
information, or complaint is presented. The court shall order 3484

follow-up tests for HIV as may be medically appropriate. 3485

(b) The court, upon the request of the prosecutor in the 3486
case, upon the request of the victim with the agreement of the 3487
prosecutor, or upon the request of any other person with the 3488
agreement of the prosecutor, may cause an accused who is charged 3489
with a violation of any division or section of the Revised Code 3490
or any municipal ordinance not described in division (B) (1) (a) 3491
of this section to submit to one or more tests so designated by 3492
the director of health if the circumstances of the violation 3493
indicate probable cause to believe that the accused, if the 3494
accused is infected with HIV, might have transmitted HIV to any 3495
of the following persons in committing the violation: 3496

(i) In relation to a request made by the prosecuting 3497
attorney, to the victim or to any other person; 3498

(ii) In relation to a request made by the victim, to the 3499
victim making the request; 3500

(iii) In relation to a request made by any other person, 3501
to the person making the request. 3502

(c) The results of a test conducted under division (B) (1) 3503
(a) of this section shall be provided as soon as practicable to 3504
the victim, or the parent or guardian of the victim, and the 3505
accused. The results of any follow-up test conducted under that 3506
division also shall be provided as soon as practicable to the 3507
victim, or the parent or guardian of the victim, and the 3508
accused. The results of a test performed under division (B) (1) 3509
(b) of this section shall be communicated in confidence to the 3510
court, the court shall inform the accused of the result, and the 3511
court shall inform the victim that the test was performed and 3512
that the victim has a right to receive the results on request. 3513

Additionally, for a test under either division (B) (1) (a) or (b) 3514
of this section, all of the following apply: 3515

(i) If the test was performed upon the request of a person 3516
other than the prosecutor in the case and other than the victim, 3517
the court shall inform the person who made the request that the 3518
test was performed and that the person has a right to receive 3519
the results upon request. 3520

(ii) Regardless of who made the request that was the basis 3521
of the test being performed, if the court reasonably believes 3522
that, in circumstances related to the violation, a person other 3523
than the victim had contact with the accused that could have 3524
resulted in the transmission of HIV to that person, the court 3525
may inform that person that the test was performed and that the 3526
person has a right to receive the results of the test on 3527
request. 3528

(iii) If the accused tests positive for HIV, the test 3529
results shall be reported to the department of health in 3530
accordance with section 3701.24 of the Revised Code and to the 3531
sheriff, head of the state correctional institution, or other 3532
person in charge of any jail or prison in which the accused is 3533
incarcerated. 3534

(iv) If the accused tests positive for HIV and the accused 3535
was charged with, and was convicted of or pleaded guilty to, a 3536
violation of section 2907.24, 2907.241, or 2907.25 of the 3537
Revised Code or a violation of a municipal ordinance that is 3538
substantially equivalent to any of those sections, the test 3539
results also shall be reported to the law enforcement agency 3540
that arrested the accused, and the law enforcement agency may 3541
use the test results as the basis for any future charge of a 3542
violation of division (B) of any of those sections or a 3543

violation of a municipal ordinance that is substantially 3544
equivalent to division (B) of any of those sections. 3545

(v) Except as otherwise provided in the first paragraph in 3546
division (B)(1)(c) of this section or in division (B)(1)(c)(i), 3547
(ii), (iii), or (iv) of this section, no disclosure of the test 3548
results or the fact that a test was performed shall be made, 3549
other than as evidence in a grand jury proceeding or as evidence 3550
in a judicial proceeding in accordance with the Rules of 3551
Evidence. 3552

(vi) If the test result is negative, and the charge has 3553
not been dismissed or if the accused has been convicted of the 3554
charge or a different offense arising out of the same 3555
circumstances as the offense charged, the court shall order that 3556
the test be repeated not earlier than three months nor later 3557
than six months after the original test. 3558

(2) If an accused who is free on bond refuses to submit to 3559
a test ordered by the court pursuant to division (B)(1) of this 3560
section, the court may order that the accused's bond be revoked 3561
and that the accused be incarcerated until the test is 3562
performed. If an accused who is incarcerated refuses to submit 3563
to a test ordered by the court pursuant to division (B)(1) of 3564
this section, the court shall order the person in charge of the 3565
jail or prison in which the accused is incarcerated to take any 3566
action necessary to facilitate the performance of the test, 3567
including the forcible restraint of the accused for the purpose 3568
of drawing blood to be used in the test. 3569

(3) A state agency, a political subdivision of the state, 3570
or an employee of a state agency or of a political subdivision 3571
of the state is immune from liability in a civil action to 3572
recover damages for injury, death, or loss to person or property 3573

allegedly caused by any act or omission in connection with the 3574
performance of the duties required under division (B) (2) of this 3575
section unless the acts or omissions are with malicious purpose, 3576
in bad faith, or in a wanton or reckless manner. 3577

(C) Nothing in this section shall be construed to prevent 3578
a court in which a person is charged with any offense specified 3579
in division (A) (1) or (B) (1) (a) of this section from ordering at 3580
any time during which the complaint, information, or indictment 3581
is pending, that the accused submit to one or more appropriate 3582
tests to determine if the accused ~~is suffering from~~ has a 3583
venereal disease or ~~from~~ HIV. 3584

(D) As used in this section: 3585

(1) "Community control sanction" has the same meaning as 3586
in section 2929.01 of the Revised Code. 3587

(2) "HIV" means the human immunodeficiency virus. 3588

Sec. 2919.21. (A) No person shall abandon, or fail to 3589
provide adequate support to: 3590

(1) The person's spouse, as required by law; 3591

(2) The person's child who is under age eighteen, or 3592
~~mentally or physically handicapped~~ the persons' child with a 3593
mental or physical disability who is under age twenty-one; 3594

(3) The person's aged or infirm parent or adoptive parent, 3595
who from lack of ability and means is unable to provide 3596
adequately for the parent's own support. 3597

(B) (1) No person shall abandon, or fail to provide support 3598
as established by a court order to, another person whom, by 3599
court order or decree, the person: 3600

(a) Is legally obligated to support; or 3601

(b) Was legally obligated to support, and an amount for 3602
support: 3603

(i) Was due and owing prior to the date the person's duty 3604
to pay current support terminated; and 3605

(ii) Remains unpaid. 3606

(2) The period of limitation under section 2901.13 of the 3607
Revised Code applicable to division (B) (1) (b) of this section 3608
shall begin to run on the date the person's duty to pay current 3609
support terminates. 3610

(C) No person shall aid, abet, induce, cause, encourage, 3611
or contribute to a child or a ward of the juvenile court 3612
becoming a dependent child, as defined in section 2151.04 of the 3613
Revised Code, or a neglected child, as defined in section 3614
2151.03 of the Revised Code. 3615

(D) It is an affirmative defense to a charge of failure to 3616
provide adequate support under division (A) of this section or a 3617
charge of failure to provide support established by a court 3618
order under division (B) of this section that the accused was 3619
unable to provide adequate support or the established support 3620
but did provide the support that was within the accused's 3621
ability and means. 3622

(E) It is an affirmative defense to a charge under 3623
division (A) (3) of this section that the parent abandoned the 3624
accused or failed to support the accused as required by law, 3625
while the accused was under age eighteen, or ~~was mentally had a~~ 3626
mental or physically handicapped physical disability and was 3627
under age twenty-one. 3628

(F) It is not a defense to a charge under division (B) of this section that the person whom a court has ordered the accused to support is being adequately supported by someone other than the accused.

(G) (1) Except as otherwise provided in this division, whoever violates division (A) or (B) of this section is guilty of nonsupport of dependents, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) (2) or (B) of this section or if the offender has failed to provide support under division (A) (2) or (B) of this section for a total accumulated period of twenty-six weeks out of one hundred four consecutive weeks, whether or not the twenty-six weeks were consecutive, then a violation of division (A) (2) or (B) of this section is a felony of the fifth degree. If the offender previously has been convicted of or pleaded guilty to a felony violation of this section, a violation of division (A) (2) or (B) of this section is a felony of the fourth degree.

If the violation of division (A) or (B) of this section is a felony, all of the following apply to the sentencing of the offender:

(a) Except as otherwise provided in division (G) (1) (b) of this section, the court in imposing sentence on the offender shall first consider placing the offender on one or more community control sanctions under section 2929.16, 2929.17, or 2929.18 of the Revised Code, with an emphasis under the sanctions on intervention for nonsupport, obtaining or maintaining employment, or another related condition.

(b) The preference for placement on community control sanctions described in division (G) (1) (a) of this section does

not apply to any offender to whom one or more of the following 3659
applies: 3660

(i) The court determines that the imposition of a prison 3661
term on the offender is consistent with the purposes and 3662
principles of sentencing set forth in section 2929.11 of the 3663
Revised Code. 3664

(ii) The offender previously was convicted of or pleaded 3665
guilty to a violation of this section that was a felony, and the 3666
offender was sentenced to a prison term for that violation. 3667

(iii) The offender previously was convicted of or pleaded 3668
guilty to a violation of this section that was a felony, the 3669
offender was sentenced to one or more community control 3670
sanctions of a type described in division (G) (1) (a) of this 3671
section for that violation, and the offender failed to comply 3672
with the conditions of any of those community control sanctions. 3673

(2) If the offender is guilty of nonsupport of dependents 3674
by reason of failing to provide support to the offender's child 3675
as required by a child support order issued on or after April 3676
15, 1985, pursuant to section 2151.23, 2151.231, 2151.232, 3677
2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, 3115.401, 3678
or former section 3115.31 of the Revised Code, the court, in 3679
addition to any other sentence imposed, shall assess all court 3680
costs arising out of the charge against the person and require 3681
the person to pay any reasonable attorney's fees of any adverse 3682
party other than the state, as determined by the court, that 3683
arose in relation to the charge. 3684

(3) Whoever violates division (C) of this section is 3685
guilty of contributing to the nonsupport of dependents, a 3686
misdemeanor of the first degree. Each day of violation of 3687

division (C) of this section is a separate offense. 3688

Sec. 2919.22. (A) No person, who is the parent, guardian, 3689
custodian, person having custody or control, or person in loco 3690
parentis of a child under eighteen years of age or a ~~mentally or~~ 3691
~~physically handicapped~~ child with a mental or physical 3692
disability under twenty-one years of age, shall create a 3693
substantial risk to the health or safety of the child, by 3694
violating a duty of care, protection, or support. It is not a 3695
violation of a duty of care, protection, or support under this 3696
division when the parent, guardian, custodian, or person having 3697
custody or control of a child treats the physical or mental 3698
illness or ~~defect~~ disability of the child by spiritual means 3699
through prayer alone, in accordance with the tenets of a 3700
recognized religious body. 3701

(B) No person shall do any of the following to a child 3702
under eighteen years of age or a ~~mentally or physically~~ 3703
~~handicapped~~ child with a mental or physical disability under 3704
twenty-one years of age: 3705

(1) Abuse the child; 3706

(2) Torture or cruelly abuse the child; 3707

(3) Administer corporal punishment or other physical 3708
disciplinary measure, or physically restrain the child in a 3709
cruel manner or for a prolonged period, which punishment, 3710
discipline, or restraint is excessive under the circumstances 3711
and creates a substantial risk of serious physical harm to the 3712
child; 3713

(4) Repeatedly administer unwarranted disciplinary 3714
measures to the child, when there is a substantial risk that 3715
such conduct, if continued, will seriously impair or retard the 3716

child's mental health or development; 3717

(5) Entice, coerce, permit, encourage, compel, hire, 3718
employ, use, or allow the child to act, model, or in any other 3719
way participate in, or be photographed for, the production, 3720
presentation, dissemination, or advertisement of any material or 3721
performance that the offender knows or reasonably should know is 3722
obscene, is sexually oriented matter, or is nudity-oriented 3723
matter; 3724

(6) Allow the child to be on the same parcel of real 3725
property and within one hundred feet of, or, in the case of more 3726
than one housing unit on the same parcel of real property, in 3727
the same housing unit and within one hundred feet of, any act in 3728
violation of section 2925.04 or 2925.041 of the Revised Code 3729
when the person knows that the act is occurring, whether or not 3730
any person is prosecuted for or convicted of the violation of 3731
section 2925.04 or 2925.041 of the Revised Code that is the 3732
basis of the violation of this division. 3733

(C) (1) No person shall operate a vehicle, streetcar, or 3734
trackless trolley within this state in violation of division (A) 3735
of section 4511.19 of the Revised Code when one or more children 3736
under eighteen years of age are in the vehicle, streetcar, or 3737
trackless trolley. Notwithstanding any other provision of law, a 3738
person may be convicted at the same trial or proceeding of a 3739
violation of this division and a violation of division (A) of 3740
section 4511.19 of the Revised Code that constitutes the basis 3741
of the charge of the violation of this division. For purposes of 3742
sections 4511.191 to 4511.197 of the Revised Code and all 3743
related provisions of law, a person arrested for a violation of 3744
this division shall be considered to be under arrest for 3745
operating a vehicle while under the influence of alcohol, a drug 3746

of abuse, or a combination of them or for operating a vehicle 3747
with a prohibited concentration of alcohol, a controlled 3748
substance, or a metabolite of a controlled substance in the 3749
whole blood, blood serum or plasma, breath, or urine. 3750

(2) As used in division (C) (1) of this section: 3751

(a) "Controlled substance" has the same meaning as in 3752
section 3719.01 of the Revised Code. 3753

(b) "Vehicle," "streetcar," and "trackless trolley" have 3754
the same meanings as in section 4511.01 of the Revised Code. 3755

(D) (1) Division (B) (5) of this section does not apply to 3756
any material or performance that is produced, presented, or 3757
disseminated for a bona fide medical, scientific, educational, 3758
religious, governmental, judicial, or other proper purpose, by 3759
or to a physician, psychologist, sociologist, scientist, 3760
teacher, person pursuing bona fide studies or research, 3761
librarian, member of the clergy, prosecutor, judge, or other 3762
person having a proper interest in the material or performance. 3763

(2) Mistake of age is not a defense to a charge under 3764
division (B) (5) of this section. 3765

(3) In a prosecution under division (B) (5) of this 3766
section, the trier of fact may infer that an actor, model, or 3767
participant in the material or performance involved is a 3768
juvenile if the material or performance, through its title, 3769
text, visual representation, or otherwise, represents or depicts 3770
the actor, model, or participant as a juvenile. 3771

(4) As used in this division and division (B) (5) of this 3772
section: 3773

(a) "Material," "performance," "obscene," and "sexual 3774

activity" have the same meanings as in section 2907.01 of the Revised Code. 3775
3776

(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest. 3777
3778
3779
3780

(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality. 3781
3782
3783

(E) (1) Whoever violates this section is guilty of endangering children. 3784
3785

(2) If the offender violates division (A) or (B) (1) of this section, endangering children is one of the following, and, in the circumstances described in division (E) (2) (e) of this section, that division applies: 3786
3787
3788
3789

(a) Except as otherwise provided in division (E) (2) (b), (c), or (d) of this section, a misdemeanor of the first degree; 3790
3791

(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E) (2) (c) or (d) of this section, a felony of the fourth degree; 3792
3793
3794
3795
3796

(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree; 3797
3798
3799

(d) If the violation is a violation of division (B) (1) of this section and results in serious physical harm to the child involved, a felony of the second degree. 3800
3801
3802

(e) If the violation is a felony violation of division (B) 3803
(1) of this section and the offender also is convicted of or 3804
pleads guilty to a specification as described in section 3805
2941.1422 of the Revised Code that was included in the 3806
indictment, count in the indictment, or information charging the 3807
offense, the court shall sentence the offender to a mandatory 3808
prison term as provided in division (B) (7) of section 2929.14 of 3809
the Revised Code and shall order the offender to make 3810
restitution as provided in division (B) (8) of section 2929.18 of 3811
the Revised Code. 3812

(3) If the offender violates division (B) (2), (3), (4), or 3813
(6) of this section, except as otherwise provided in this 3814
division, endangering children is a felony of the third degree. 3815
If the violation results in serious physical harm to the child 3816
involved, or if the offender previously has been convicted of an 3817
offense under this section or of any offense involving neglect, 3818
abandonment, contributing to the delinquency of, or physical 3819
abuse of a child, endangering children is a felony of the second 3820
degree. If the offender violates division (B) (2), (3), or (4) of 3821
this section and the offender also is convicted of or pleads 3822
guilty to a specification as described in section 2941.1422 of 3823
the Revised Code that was included in the indictment, count in 3824
the indictment, or information charging the offense, the court 3825
shall sentence the offender to a mandatory prison term as 3826
provided in division (B) (7) of section 2929.14 of the Revised 3827
Code and shall order the offender to make restitution as 3828
provided in division (B) (8) of section 2929.18 of the Revised 3829
Code. If the offender violates division (B) (6) of this section 3830
and the drug involved is methamphetamine, the court shall impose 3831
a mandatory prison term on the offender as follows: 3832

(a) If the violation is a violation of division (B) (6) of 3833

this section that is a felony of the third degree under division 3834
(E) (3) of this section and the drug involved is methamphetamine, 3835
except as otherwise provided in this division, the court shall 3836
impose as a mandatory prison term one of the prison terms 3837
prescribed for a felony of the third degree that is not less 3838
than two years. If the violation is a violation of division (B) 3839
(6) of this section that is a felony of the third degree under 3840
division (E) (3) of this section, if the drug involved is 3841
methamphetamine, and if the offender previously has been 3842
convicted of or pleaded guilty to a violation of division (B) (6) 3843
of this section, a violation of division (A) of section 2925.04 3844
of the Revised Code, or a violation of division (A) of section 3845
2925.041 of the Revised Code, the court shall impose as a 3846
mandatory prison term one of the prison terms prescribed for a 3847
felony of the third degree that is not less than five years. 3848

(b) If the violation is a violation of division (B) (6) of 3849
this section that is a felony of the second degree under 3850
division (E) (3) of this section and the drug involved is 3851
methamphetamine, except as otherwise provided in this division, 3852
the court shall impose as a mandatory prison term one of the 3853
definite prison terms prescribed for a felony of the second 3854
degree in division (A) (2) (b) of section 2929.14 of the Revised 3855
Code that is not less than three years, except that if the 3856
violation is committed on or after the effective date of this 3857
amendment, the court shall impose as the minimum prison term for 3858
the offense a mandatory prison term that is one of the minimum 3859
terms prescribed for a felony of the second degree in division 3860
(A) (2) (a) of that section that is not less than three years. If 3861
the violation is a violation of division (B) (6) of this section 3862
that is a felony of the second degree under division (E) (3) of 3863
this section, if the drug involved is methamphetamine, and if 3864

the offender previously has been convicted of or pleaded guilty 3865
to a violation of division (B) (6) of this section, a violation 3866
of division (A) of section 2925.04 of the Revised Code, or a 3867
violation of division (A) of section 2925.041 of the Revised 3868
Code, the court shall impose as a mandatory prison term one of 3869
the definite prison terms prescribed for a felony of the second 3870
degree in division (A) (2) (b) of section 2929.14 of the Revised 3871
Code that is not less than five years, except that if the 3872
violation is committed on or after ~~the effective date of this~~ 3873
~~amendment~~ March 22, 2019, the court shall impose as the minimum 3874
prison term for the offense a mandatory prison term that is one 3875
of the terms prescribed for a felony of the second degree in 3876
division (A) (2) (a) of that section that is not less than five 3877
years. 3878

(4) If the offender violates division (B) (5) of this 3879
section, endangering children is a felony of the second degree. 3880
If the offender also is convicted of or pleads guilty to a 3881
specification as described in section 2941.1422 of the Revised 3882
Code that was included in the indictment, count in the 3883
indictment, or information charging the offense, the court shall 3884
sentence the offender to a mandatory prison term as provided in 3885
division (B) (7) of section 2929.14 of the Revised Code and shall 3886
order the offender to make restitution as provided in division 3887
(B) (8) of section 2929.18 of the Revised Code. 3888

(5) If the offender violates division (C) of this section, 3889
the offender shall be punished as follows: 3890

(a) Except as otherwise provided in division (E) (5) (b) or 3891
(c) of this section, endangering children in violation of 3892
division (C) of this section is a misdemeanor of the first 3893
degree. 3894

(b) If the violation results in serious physical harm to 3895
the child involved or the offender previously has been convicted 3896
of an offense under this section or any offense involving 3897
neglect, abandonment, contributing to the delinquency of, or 3898
physical abuse of a child, except as otherwise provided in 3899
division (E) (5) (c) of this section, endangering children in 3900
violation of division (C) of this section is a felony of the 3901
fifth degree. 3902

(c) If the violation results in serious physical harm to 3903
the child involved and if the offender previously has been 3904
convicted of a violation of division (C) of this section, 3905
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 3906
of the Revised Code as it existed prior to March 23, 2000, or 3907
section 2903.04 of the Revised Code in a case in which the 3908
offender was subject to the sanctions described in division (D) 3909
of that section, endangering children in violation of division 3910
(C) of this section is a felony of the fourth degree. 3911

(d) In addition to any term of imprisonment, fine, or 3912
other sentence, penalty, or sanction it imposes upon the 3913
offender pursuant to division (E) (5) (a), (b), or (c) of this 3914
section or pursuant to any other provision of law and in 3915
addition to any suspension of the offender's driver's or 3916
commercial driver's license or permit or nonresident operating 3917
privilege under Chapter 4506., 4509., 4510., or 4511. of the 3918
Revised Code or under any other provision of law, the court also 3919
may impose upon the offender a class seven suspension of the 3920
offender's driver's or commercial driver's license or permit or 3921
nonresident operating privilege from the range specified in 3922
division (A) (7) of section 4510.02 of the Revised Code. 3923

(e) In addition to any term of imprisonment, fine, or 3924

other sentence, penalty, or sanction imposed upon the offender 3925
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 3926
or pursuant to any other provision of law for the violation of 3927
division (C) of this section, if as part of the same trial or 3928
proceeding the offender also is convicted of or pleads guilty to 3929
a separate charge charging the violation of division (A) of 3930
section 4511.19 of the Revised Code that was the basis of the 3931
charge of the violation of division (C) of this section, the 3932
offender also shall be sentenced in accordance with section 3933
4511.19 of the Revised Code for that violation of division (A) 3934
of section 4511.19 of the Revised Code. 3935

(F) (1) (a) A court may require an offender to perform not 3936
more than two hundred hours of supervised community service work 3937
under the authority of an agency, subdivision, or charitable 3938
organization. The requirement shall be part of the community 3939
control sanction or sentence of the offender, and the court 3940
shall impose the community service in accordance with and 3941
subject to divisions (F) (1) (a) and (b) of this section. The 3942
court may require an offender whom it requires to perform 3943
supervised community service work as part of the offender's 3944
community control sanction or sentence to pay the court a 3945
reasonable fee to cover the costs of the offender's 3946
participation in the work, including, but not limited to, the 3947
costs of procuring a policy or policies of liability insurance 3948
to cover the period during which the offender will perform the 3949
work. If the court requires the offender to perform supervised 3950
community service work as part of the offender's community 3951
control sanction or sentence, the court shall do so in 3952
accordance with the following limitations and criteria: 3953

(i) The court shall require that the community service 3954
work be performed after completion of the term of imprisonment 3955

or jail term imposed upon the offender for the violation of 3956
division (C) of this section, if applicable. 3957

(ii) The supervised community service work shall be 3958
subject to the limitations set forth in divisions (B) (1), (2), 3959
and (3) of section 2951.02 of the Revised Code. 3960

(iii) The community service work shall be supervised in 3961
the manner described in division (B) (4) of section 2951.02 of 3962
the Revised Code by an official or person with the 3963
qualifications described in that division. The official or 3964
person periodically shall report in writing to the court 3965
concerning the conduct of the offender in performing the work. 3966

(iv) The court shall inform the offender in writing that 3967
if the offender does not adequately perform, as determined by 3968
the court, all of the required community service work, the court 3969
may order that the offender be committed to a jail or workhouse 3970
for a period of time that does not exceed the term of 3971
imprisonment that the court could have imposed upon the offender 3972
for the violation of division (C) of this section, reduced by 3973
the total amount of time that the offender actually was 3974
imprisoned under the sentence or term that was imposed upon the 3975
offender for that violation and by the total amount of time that 3976
the offender was confined for any reason arising out of the 3977
offense for which the offender was convicted and sentenced as 3978
described in sections 2949.08 and 2967.191 of the Revised Code, 3979
and that, if the court orders that the offender be so committed, 3980
the court is authorized, but not required, to grant the offender 3981
credit upon the period of the commitment for the community 3982
service work that the offender adequately performed. 3983

(b) If a court, pursuant to division (F) (1) (a) of this 3984
section, orders an offender to perform community service work as 3985

part of the offender's community control sanction or sentence 3986
and if the offender does not adequately perform all of the 3987
required community service work, as determined by the court, the 3988
court may order that the offender be committed to a jail or 3989
workhouse for a period of time that does not exceed the term of 3990
imprisonment that the court could have imposed upon the offender 3991
for the violation of division (C) of this section, reduced by 3992
the total amount of time that the offender actually was 3993
imprisoned under the sentence or term that was imposed upon the 3994
offender for that violation and by the total amount of time that 3995
the offender was confined for any reason arising out of the 3996
offense for which the offender was convicted and sentenced as 3997
described in sections 2949.08 and 2967.191 of the Revised Code. 3998
The court may order that a person committed pursuant to this 3999
division shall receive hour-for-hour credit upon the period of 4000
the commitment for the community service work that the offender 4001
adequately performed. No commitment pursuant to this division 4002
shall exceed the period of the term of imprisonment that the 4003
sentencing court could have imposed upon the offender for the 4004
violation of division (C) of this section, reduced by the total 4005
amount of time that the offender actually was imprisoned under 4006
that sentence or term and by the total amount of time that the 4007
offender was confined for any reason arising out of the offense 4008
for which the offender was convicted and sentenced as described 4009
in sections 2949.08 and 2967.191 of the Revised Code. 4010

(2) Division (F)(1) of this section does not limit or 4011
affect the authority of the court to suspend the sentence 4012
imposed upon a misdemeanor offender and place the offender under 4013
a community control sanction pursuant to section 2929.25 of the 4014
Revised Code, to require a misdemeanor or felony offender to 4015
perform supervised community service work in accordance with 4016

division (B) of section 2951.02 of the Revised Code, or to place a felony offender under a community control sanction.

(G) (1) If a court suspends an offender's driver's or commercial driver's license or permit or nonresident operating privilege under division (E) (5) (d) of this section, the period of the suspension shall be consecutive to, and commence after, the period of suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege that is imposed under Chapter 4506., 4509., 4510., or 4511. of the Revised Code or under any other provision of law in relation to the violation of division (C) of this section that is the basis of the suspension under division (E) (5) (d) of this section or in relation to the violation of division (A) of section 4511.19 of the Revised Code that is the basis for that violation of division (C) of this section.

(2) An offender is not entitled to request, and the court shall not grant to the offender, limited driving privileges if the offender's license, permit, or privilege has been suspended under division (E) (5) (d) of this section and the offender, within the preceding six years, has been convicted of or pleaded guilty to three or more violations of one or more of the following:

(a) Division (C) of this section;

(b) Any equivalent offense, as defined in section 4511.181 of the Revised Code.

(H) (1) If a person violates division (C) of this section and if, at the time of the violation, there were two or more children under eighteen years of age in the motor vehicle involved in the violation, the offender may be convicted of a

violation of division (C) of this section for each of the 4046
children, but the court may sentence the offender for only one 4047
of the violations. 4048

(2) (a) If a person is convicted of or pleads guilty to a 4049
violation of division (C) of this section but the person is not 4050
also convicted of and does not also plead guilty to a separate 4051
charge charging the violation of division (A) of section 4511.19 4052
of the Revised Code that was the basis of the charge of the 4053
violation of division (C) of this section, both of the following 4054
apply: 4055

(i) For purposes of the provisions of section 4511.19 of 4056
the Revised Code that set forth the penalties and sanctions for 4057
a violation of division (A) of section 4511.19 of the Revised 4058
Code, the conviction of or plea of guilty to the violation of 4059
division (C) of this section shall not constitute a violation of 4060
division (A) of section 4511.19 of the Revised Code; 4061

(ii) For purposes of any provision of law that refers to a 4062
conviction of or plea of guilty to a violation of division (A) 4063
of section 4511.19 of the Revised Code and that is not described 4064
in division (H) (2) (a) (i) of this section, the conviction of or 4065
plea of guilty to the violation of division (C) of this section 4066
shall constitute a conviction of or plea of guilty to a 4067
violation of division (A) of section 4511.19 of the Revised 4068
Code. 4069

(b) If a person is convicted of or pleads guilty to a 4070
violation of division (C) of this section and the person also is 4071
convicted of or pleads guilty to a separate charge charging the 4072
violation of division (A) of section 4511.19 of the Revised Code 4073
that was the basis of the charge of the violation of division 4074
(C) of this section, the conviction of or plea of guilty to the 4075

violation of division (C) of this section shall not constitute, 4076
for purposes of any provision of law that refers to a conviction 4077
of or plea of guilty to a violation of division (A) of section 4078
4511.19 of the Revised Code, a conviction of or plea of guilty 4079
to a violation of division (A) of section 4511.19 of the Revised 4080
Code. 4081

(I) As used in this section: 4082

(1) "Community control sanction" has the same meaning as 4083
in section 2929.01 of the Revised Code; 4084

(2) "Limited driving privileges" has the same meaning as 4085
in section 4501.01 of the Revised Code; 4086

(3) "Methamphetamine" has the same meaning as in section 4087
2925.01 of the Revised Code. 4088

Sec. 2919.23. (A) No person, knowing the person is without 4089
privilege to do so or being reckless in that regard, shall 4090
entice, take, keep, or harbor a person identified in division 4091
(A) (1), (2), or (3) of this section from the parent, guardian, 4092
or custodian of the person identified in division (A) (1), (2), 4093
or (3) of this section: 4094

(1) A child under the age of eighteen, or a ~~mentally or~~ 4095
~~physically handicapped~~ child with a mental or physical 4096
disability under the age of twenty-one; 4097

(2) A person committed by law to an institution for 4098
delinquent, unruly, neglected, abused, or dependent children; 4099

(3) A person committed by law to an institution for ~~the~~ 4100
~~mentally ill~~ persons with mental illnesses or an institution for 4101
persons with intellectual disabilities. 4102

(B) No person shall aid, abet, induce, cause, or encourage 4103

a child or a ward of the juvenile court who has been committed 4104
to the custody of any person, department, or public or private 4105
institution to leave the custody of that person, department, or 4106
institution without legal consent. 4107

(C) It is an affirmative defense to a charge of enticing 4108
or taking under division (A) (1) of this section, that the actor 4109
reasonably believed that the actor's conduct was necessary to 4110
preserve the child's health or safety. It is an affirmative 4111
defense to a charge of keeping or harboring under division (A) 4112
of this section, that the actor in good faith gave notice to law 4113
enforcement or judicial authorities within a reasonable time 4114
after the child or committed person came under the actor's 4115
shelter, protection, or influence. 4116

(D) (1) Whoever violates this section is guilty of 4117
interference with custody. 4118

(2) Except as otherwise provided in this division, a 4119
violation of division (A) (1) of this section is a misdemeanor of 4120
the first degree. If the child who is the subject of a violation 4121
of division (A) (1) of this section is removed from the state or 4122
if the offender previously has been convicted of an offense 4123
under this section, a violation of division (A) (1) of this 4124
section is a felony of the fifth degree. If the child who is the 4125
subject of a violation of division (A) (1) of this section 4126
suffers physical harm as a result of the violation, a violation 4127
of division (A) (1) of this section is a felony of the fourth 4128
degree. 4129

(3) A violation of division (A) (2) or (3) of this section 4130
is a misdemeanor of the third degree. 4131

(4) A violation of division (B) of this section is a 4132

misdemeanor of the first degree. Each day of violation of 4133
division (B) of this section is a separate offense. 4134

Sec. 2921.22. (A) (1) Except as provided in division (A) (2) 4135
of this section, no person, knowing that a felony has been or is 4136
being committed, shall knowingly fail to report such information 4137
to law enforcement authorities. 4138

(2) No person, knowing that a violation of division (B) of 4139
section 2913.04 of the Revised Code has been, or is being 4140
committed or that the person has received information derived 4141
from such a violation, shall knowingly fail to report the 4142
violation to law enforcement authorities. 4143

(B) Except for conditions that are within the scope of 4144
division (E) of this section, no person giving aid to a sick or 4145
injured person shall negligently fail to report to law 4146
enforcement authorities any gunshot or stab wound treated or 4147
observed by the person, or any serious physical harm to persons 4148
that the person knows or has reasonable cause to believe 4149
resulted from an offense of violence. 4150

(C) No person who discovers the body or acquires the first 4151
knowledge of the death of a person shall fail to report the 4152
death immediately to a physician or advanced practice registered 4153
nurse whom the person knows to be treating the deceased for a 4154
condition from which death at such time would not be unexpected, 4155
or to a law enforcement officer, an ambulance service, an 4156
emergency squad, or the coroner in a political subdivision in 4157
which the body is discovered, the death is believed to have 4158
occurred, or knowledge concerning the death is obtained. For 4159
purposes of this division, "advanced practice registered nurse" 4160
does not include a certified registered nurse anesthetist. 4161

(D) No person shall fail to provide upon request of the 4162
person to whom a report required by division (C) of this section 4163
was made, or to any law enforcement officer who has reasonable 4164
cause to assert the authority to investigate the circumstances 4165
surrounding the death, any facts within the person's knowledge 4166
that may have a bearing on the investigation of the death. 4167

(E) (1) As used in this division, "burn injury" means any 4168
of the following: 4169

(a) Second or third degree burns; 4170

(b) Any burns to the upper respiratory tract or laryngeal 4171
edema due to the inhalation of superheated air; 4172

(c) Any burn injury or wound that may result in death; 4173

(d) Any physical harm to persons caused by or as the 4174
result of the use of fireworks, novelties and trick noisemakers, 4175
and wire sparklers, as each is defined by section 3743.01 of the 4176
Revised Code. 4177

(2) No physician, nurse, physician assistant, or limited 4178
practitioner who, outside a hospital, sanitarium, or other 4179
medical facility, attends or treats a person who has sustained a 4180
burn injury that is inflicted by an explosion or other 4181
incendiary device or that shows evidence of having been 4182
inflicted in a violent, malicious, or criminal manner shall fail 4183
to report the burn injury immediately to the local arson, or 4184
fire and explosion investigation, bureau, if there is a bureau 4185
of this type in the jurisdiction in which the person is attended 4186
or treated, or otherwise to local law enforcement authorities. 4187

(3) No manager, superintendent, or other person in charge 4188
of a hospital, sanitarium, or other medical facility in which a 4189
person is attended or treated for any burn injury that is 4190

inflicted by an explosion or other incendiary device or that 4191
shows evidence of having been inflicted in a violent, malicious, 4192
or criminal manner shall fail to report the burn injury 4193
immediately to the local arson, or fire and explosion 4194
investigation, bureau, if there is a bureau of this type in the 4195
jurisdiction in which the person is attended or treated, or 4196
otherwise to local law enforcement authorities. 4197

(4) No person who is required to report any burn injury 4198
under division (E) (2) or (3) of this section shall fail to file, 4199
within three working days after attending or treating the 4200
victim, a written report of the burn injury with the office of 4201
the state fire marshal. The report shall comply with the uniform 4202
standard developed by the state fire marshal pursuant to 4203
division (A) (15) of section 3737.22 of the Revised Code. 4204

(5) Anyone participating in the making of reports under 4205
division (E) of this section or anyone participating in a 4206
judicial proceeding resulting from the reports is immune from 4207
any civil or criminal liability that otherwise might be incurred 4208
or imposed as a result of such actions. Notwithstanding section 4209
4731.22 of the Revised Code, the physician-patient relationship 4210
or advanced practice registered nurse-patient relationship is 4211
not a ground for excluding evidence regarding a person's burn 4212
injury or the cause of the burn injury in any judicial 4213
proceeding resulting from a report submitted under division (E) 4214
of this section. 4215

(F) (1) Any doctor of medicine or osteopathic medicine, 4216
hospital intern or resident, nurse, psychologist, social worker, 4217
independent social worker, social work assistant, licensed 4218
professional clinical counselor, licensed professional 4219
counselor, independent marriage and family therapist, or 4220

marriage and family therapist who knows or has reasonable cause 4221
to believe that a patient or client has been the victim of 4222
domestic violence, as defined in section 3113.31 of the Revised 4223
Code, shall note that knowledge or belief and the basis for it 4224
in the patient's or client's records. 4225

(2) Notwithstanding section 4731.22 of the Revised Code, 4226
the physician-patient privilege or advanced practice registered 4227
nurse-patient privilege shall not be a ground for excluding any 4228
information regarding the report containing the knowledge or 4229
belief noted under division (F) (1) of this section, and the 4230
information may be admitted as evidence in accordance with the 4231
Rules of Evidence. 4232

(G) Divisions (A) and (D) of this section do not require 4233
disclosure of information, when any of the following applies: 4234

(1) The information is privileged by reason of the 4235
relationship between attorney and client; physician and patient; 4236
advanced practice registered nurse and patient; licensed 4237
psychologist or licensed school psychologist and client; 4238
licensed professional clinical counselor, licensed professional 4239
counselor, independent social worker, social worker, independent 4240
marriage and family therapist, or marriage and family therapist 4241
and client; member of the clergy, rabbi, minister, or priest and 4242
any person communicating information confidentially to the 4243
member of the clergy, rabbi, minister, or priest for a religious 4244
counseling purpose of a professional character; husband and 4245
wife; or a communications assistant and those who are a party to 4246
a telecommunications relay service call. 4247

(2) The information would tend to incriminate a member of 4248
the actor's immediate family. 4249

(3) Disclosure of the information would amount to 4250
revealing a news source, privileged under section 2739.04 or 4251
2739.12 of the Revised Code. 4252

(4) Disclosure of the information would amount to 4253
disclosure by a member of the ordained clergy of an organized 4254
religious body of a confidential communication made to that 4255
member of the clergy in that member's capacity as a member of 4256
the clergy by a person seeking the aid or counsel of that member 4257
of the clergy. 4258

(5) Disclosure would amount to revealing information 4259
acquired by the actor in the course of the actor's duties in 4260
connection with a bona fide program of treatment or services for 4261
~~drug dependent persons~~ with drug dependencies or persons in 4262
danger of drug dependence, which program is maintained or 4263
conducted by a hospital, clinic, person, agency, or community 4264
addiction services provider whose alcohol and drug addiction 4265
services are certified pursuant to section 5119.36 of the 4266
Revised Code. 4267

(6) Disclosure would amount to revealing information 4268
acquired by the actor in the course of the actor's duties in 4269
connection with a bona fide program for providing counseling 4270
services to victims of crimes that are violations of section 4271
2907.02 or 2907.05 of the Revised Code or to victims of 4272
felonious sexual penetration in violation of former section 4273
2907.12 of the Revised Code. As used in this division, 4274
"counseling services" include services provided in an informal 4275
setting by a person who, by education or experience, is 4276
competent to provide those services. 4277

(H) No disclosure of information pursuant to this section 4278
gives rise to any liability or recrimination for a breach of 4279

privilege or confidence. 4280

(I) Whoever violates division (A) or (B) of this section 4281
is guilty of failure to report a crime. Violation of division 4282
(A) (1) of this section is a misdemeanor of the fourth degree. 4283
Violation of division (A) (2) or (B) of this section is a 4284
misdemeanor of the second degree. 4285

(J) Whoever violates division (C) or (D) of this section 4286
is guilty of failure to report knowledge of a death, a 4287
misdemeanor of the fourth degree. 4288

(K) (1) Whoever negligently violates division (E) of this 4289
section is guilty of a minor misdemeanor. 4290

(2) Whoever knowingly violates division (E) of this 4291
section is guilty of a misdemeanor of the second degree. 4292

(L) As used in this section, "nurse" includes an advanced 4293
practice registered nurse, registered nurse, and licensed 4294
practical nurse. 4295

Sec. 2921.321. (A) No person shall knowingly cause, or 4296
attempt to cause, physical harm to a police dog or horse in 4297
either of the following circumstances: 4298

(1) The police dog or horse is assisting a law enforcement 4299
officer in the performance of the officer's official duties at 4300
the time the physical harm is caused or attempted. 4301

(2) The police dog or horse is not assisting a law 4302
enforcement officer in the performance of the officer's official 4303
duties at the time the physical harm is caused or attempted, but 4304
the offender has actual knowledge that the dog or horse is a 4305
police dog or horse. 4306

(B) No person shall recklessly do any of the following: 4307

- (1) Taunt, torment, or strike a police dog or horse; 4308
- (2) Throw an object or substance at a police dog or horse; 4309
- (3) Interfere with or obstruct a police dog or horse, or 4310
interfere with or obstruct a law enforcement officer who is 4311
being assisted by a police dog or horse, in a manner that does 4312
any of the following: 4313
- (a) Inhibits or restricts the law enforcement officer's 4314
control of the police dog or horse; 4315
- (b) Deprives the law enforcement officer of control of the 4316
police dog or horse; 4317
- (c) Releases the police dog or horse from its area of 4318
control; 4319
- (d) Enters the area of control of the police dog or horse 4320
without the consent of the law enforcement officer, including 4321
placing food or any other object or substance into that area; 4322
- (e) Inhibits or restricts the ability of the police dog or 4323
horse to assist a law enforcement officer. 4324
- (4) Engage in any conduct that is likely to cause serious 4325
physical injury or death to a police dog or horse; 4326
- (5) If the person is the owner, keeper, or harbinger of a 4327
dog, fail to reasonably restrain the dog from taunting, 4328
tormenting, chasing, approaching in a menacing fashion or 4329
apparent attitude of attack, or attempting to bite or otherwise 4330
endanger a police dog or horse that at the time of the conduct, 4331
the police dog or horse is assisting a law enforcement officer 4332
in the performance of the officer's duties or that the person 4333
knows is a police dog or horse. 4334

(C) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

(1) The dog, at the time the physical harm is caused or attempted, is assisting or serving a person who is blind, deaf, or hearing impaired, ~~or a person with a mobility impaired person-~~ at the time the physical harm is caused or attempted impairment.

(2) The dog, at the time the physical harm is caused or attempted, is not assisting or serving a person who is blind, deaf, or hearing impaired, ~~or a person with a mobility impaired-~~ person at the time the physical harm is caused or attempted impairment, but the offender has actual knowledge that the dog is an assistance dog.

(D) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike an assistance dog;

(2) Throw an object or substance at an assistance dog;

(3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a person who is blind, deaf, or hearing impaired, ~~or a person with a mobility impaired person-~~ impairment who is being assisted or served by an assistance dog, in a manner that does any of the following:

(a) Inhibits or restricts the assisted or served person's control of the dog;

(b) Deprives the assisted or served person of control of the dog;

(c) Releases the dog from its area of control;

(d) Enters the area of control of the dog without the

consent of the assisted or served person, including placing food 4362
or any other object or substance into that area; 4363

(e) Inhibits or restricts the ability of the dog to assist 4364
the assisted or served person. 4365

(4) Engage in any conduct that is likely to cause serious 4366
physical injury or death to an assistance dog; 4367

(5) If the person is the owner, keeper, or harbinger of a 4368
dog, fail to reasonably restrain the dog from taunting, 4369
tormenting, chasing, approaching in a menacing fashion or 4370
apparent attitude of attack, or attempting to bite or otherwise 4371
endanger an assistance dog that at the time of the conduct is 4372
assisting or serving a person who is blind, deaf, or hearing 4373
impaired, or a person with a mobility impaired person impairment 4374
or that the person knows is an assistance dog. 4375

(E) (1) Whoever violates division (A) of this section is 4376
guilty of assaulting a police dog or horse, and shall be 4377
punished as provided in divisions (E) (1) (a) and (b) of this 4378
section. 4379

(a) Except as otherwise provided in this division, 4380
assaulting a police dog or horse is a misdemeanor of the second 4381
degree. If the violation results in the death of the police dog 4382
or horse, assaulting a police dog or horse is a felony of the 4383
third degree and the court shall impose as a mandatory prison 4384
term one of the definite prison terms prescribed in division (A) 4385
(3) (b) of section 2929.14 of the Revised Code for a felony of 4386
the third degree. If the violation results in serious physical 4387
harm to the police dog or horse other than its death, assaulting 4388
a police dog or horse is a felony of the fourth degree. If the 4389
violation results in physical harm to the police dog or horse 4390

other than death or serious physical harm, assaulting a police 4391
dog or horse is a misdemeanor of the first degree. 4392

(b) In addition to any other sanction imposed for 4393
assaulting a police dog or horse, if the violation of division 4394
(A) of this section results in the death of the police dog or 4395
horse, the sentencing court shall impose as a financial sanction 4396
a mandatory fine under division (B)(10) of section 2929.18 of 4397
the Revised Code. The fine shall be paid to the law enforcement 4398
agency that was served by the police dog or horse that was 4399
killed, and shall be used by that agency only for one or more of 4400
the following purposes: 4401

(i) If the dog or horse was not owned by the agency, the 4402
payment to the owner of the dog or horse of the cost of the dog 4403
or horse and the cost of the training of the dog or horse to 4404
qualify it as a police dog or horse, if that cost has not 4405
previously been paid by the agency; 4406

(ii) After payment of the costs described in division (E) 4407
(1)(b)(i) of this section, if applicable, payment of the cost of 4408
replacing the dog or horse that was killed; 4409

(iii) After payment of the costs described in division (E) 4410
(1)(b)(i) of this section, if applicable, payment of the cost of 4411
training the replacement dog or horse to qualify it as a police 4412
dog or horse; 4413

(iv) After payment of the costs described in division (E) 4414
(1)(b)(i) of this section, if applicable, payment of the cost of 4415
further training of the replacement dog or horse that is needed 4416
to train it to the level of training that had been achieved by 4417
the dog or horse that was killed. 4418

(2) Whoever violates division (B) of this section is 4419

guilty of harassing a police dog or horse. Except as otherwise 4420
provided in this division, harassing a police dog or horse is a 4421
misdemeanor of the second degree. If the violation results in 4422
the death of the police dog or horse, harassing a police dog or 4423
horse is a felony of the third degree. If the violation results 4424
in serious physical harm to the police dog or horse, but does 4425
not result in its death, harassing a police dog or horse, is a 4426
felony of the fourth degree. If the violation results in 4427
physical harm to the police dog or horse, but does not result in 4428
its death or in serious physical harm to it, harassing a police 4429
dog or horse is a misdemeanor of the first degree. 4430

(3) Whoever violates division (C) of this section is 4431
guilty of assaulting an assistance dog. Except as otherwise 4432
provided in this division, assaulting an assistance dog is a 4433
misdemeanor of the second degree. If the violation results in 4434
the death of the assistance dog, assaulting an assistance dog is 4435
a felony of the third degree. If the violation results in 4436
serious physical harm to the assistance dog other than its 4437
death, assaulting an assistance dog is a felony of the fourth 4438
degree. If the violation results in physical harm to the 4439
assistance dog other than death or serious physical harm, 4440
assaulting an assistance dog is a misdemeanor of the first 4441
degree. 4442

(4) Whoever violates division (D) of this section is 4443
guilty of harassing an assistance dog. Except as otherwise 4444
provided in this division, harassing an assistance dog is a 4445
misdemeanor of the second degree. If the violation results in 4446
the death of the assistance dog, harassing an assistance dog is 4447
a felony of the third degree. If the violation results in 4448
serious physical harm to the assistance dog, but does not result 4449
in its death, harassing an assistance dog is a felony of the 4450

fourth degree. If the violation results in physical harm to the 4451
assistance dog, but does not result in its death or in serious 4452
physical harm to it, harassing an assistance dog is a 4453
misdemeanor of the first degree. 4454

(5) In addition to any other sanction or penalty imposed 4455
for the offense under this section, Chapter 2929., or any other 4456
provision of the Revised Code, whoever violates division (A), 4457
(B), (C), or (D) of this section is responsible for the payment 4458
of all of the following: 4459

(a) Any veterinary bill or bill for medication incurred as 4460
a result of the violation by the police department regarding a 4461
violation of division (A) or (B) of this section or by the 4462
person who is blind, deaf, or hearing impaired, or the person 4463
with a mobility impaired person impairment assisted or served by 4464
the assistance dog regarding a violation of division (C) or (D) 4465
of this section; 4466

(b) The cost of any damaged equipment that results from 4467
the violation; 4468

(c) If the violation did not result in the death of the 4469
police dog or horse or the assistance dog that was the subject 4470
of the violation and if, as a result of that dog or horse being 4471
the subject of the violation, the dog or horse needs further 4472
training or retraining to be able to continue in the capacity of 4473
a police dog or horse or an assistance dog, the cost of any 4474
further training or retraining of that dog or horse by a law 4475
enforcement officer or by the person who is blind, deaf, or 4476
hearing impaired, or the person with a mobility impaired person- 4477
impairment assisted or served by the assistance dog; 4478

(d) If the violation resulted in the death of the 4479

assistance dog that was the subject of the violation or resulted 4480
in serious physical harm to the police dog or horse or the 4481
assistance dog or horse that was the subject of the violation to 4482
the extent that the dog or horse needs to be replaced on either 4483
a temporary or a permanent basis, the cost of replacing that dog 4484
or horse and of any further training of a new police dog or 4485
horse or a new assistance dog by a law enforcement officer or by 4486
the person who is blind, deaf, or hearing impaired, or the 4487
person with a mobility impaired person impairment assisted or 4488
served by the assistance dog, which replacement or training is 4489
required because of the death of or the serious physical harm to 4490
the dog or horse that was the subject of the violation. 4491

(F) This section does not apply to a licensed veterinarian 4492
whose conduct is in accordance with Chapter 4741. of the Revised 4493
Code. 4494

(G) This section only applies to an offender who knows or 4495
should know at the time of the violation that the police dog or 4496
horse or assistance dog that is the subject of a violation under 4497
this section is a police dog or horse or an assistance dog. 4498

(H) As used in this section: 4499

(1) "Physical harm" means any injury, illness, or other 4500
physiological impairment, regardless of its gravity or duration. 4501

(2) "Police dog or horse" means a dog or horse that has 4502
been trained, and may be used, to assist law enforcement 4503
officers in the performance of their official duties. 4504

(3) "Serious physical harm" means any of the following: 4505

(a) Any physical harm that carries a substantial risk of 4506
death; 4507

(b) Any physical harm that causes permanent maiming or 4508
that involves some temporary, substantial maiming; 4509

(c) Any physical harm that causes acute pain of a duration 4510
that results in substantial suffering. 4511

(4) "Assistance dog," "blind," and "~~mobility impaired~~ 4512
~~person~~" "person with a mobility impairment" have the same 4513
meanings as in section 955.011 of the Revised Code. 4514

Sec. 2923.125. It is the intent of the general assembly 4515
that Ohio concealed handgun license law be compliant with the 4516
national instant criminal background check system, that the 4517
bureau of alcohol, tobacco, firearms, and explosives is able to 4518
determine that Ohio law is compliant with the national instant 4519
criminal background check system, and that no person shall be 4520
eligible to receive a concealed handgun license permit under 4521
section 2923.125 or 2923.1213 of the Revised Code unless the 4522
person is eligible lawfully to receive or possess a firearm in 4523
the United States. 4524

(A) This section applies with respect to the application 4525
for and issuance by this state of concealed handgun licenses 4526
other than concealed handgun licenses on a temporary emergency 4527
basis that are issued under section 2923.1213 of the Revised 4528
Code. Upon the request of a person who wishes to obtain a 4529
concealed handgun license with respect to which this section 4530
applies or to renew a concealed handgun license with respect to 4531
which this section applies, a sheriff, as provided in division 4532
(I) of this section, shall provide to the person free of charge 4533
an application form and the web site address at which a 4534
printable version of the application form that can be downloaded 4535
and the pamphlet described in division (B) of section 109.731 of 4536
the Revised Code may be found. A sheriff shall accept a 4537

completed application form and the fee, items, materials, and 4538
information specified in divisions (B) (1) to (5) of this section 4539
at the times and in the manners described in division (I) of 4540
this section. 4541

(B) An applicant for a concealed handgun license who is a 4542
resident of this state shall submit a completed application form 4543
and all of the material and information described in divisions 4544
(B) (1) to (6) of this section to the sheriff of the county in 4545
which the applicant resides or to the sheriff of any county 4546
adjacent to the county in which the applicant resides. An 4547
applicant for a license who resides in another state shall 4548
submit a completed application form and all of the material and 4549
information described in divisions (B) (1) to (7) of this section 4550
to the sheriff of the county in which the applicant is employed 4551
or to the sheriff of any county adjacent to the county in which 4552
the applicant is employed: 4553

(1) (a) A nonrefundable license fee as described in either 4554
of the following: 4555

(i) For an applicant who has been a resident of this state 4556
for five or more years, a fee of sixty-seven dollars; 4557

(ii) For an applicant who has been a resident of this 4558
state for less than five years or who is not a resident of this 4559
state, but who is employed in this state, a fee of sixty-seven 4560
dollars plus the actual cost of having a background check 4561
performed by the federal bureau of investigation. 4562

(b) No sheriff shall require an applicant to pay for the 4563
cost of a background check performed by the bureau of criminal 4564
identification and investigation. 4565

(c) A sheriff shall waive the payment of the license fee 4566

described in division (B) (1) (a) of this section in connection 4567
with an initial or renewal application for a license that is 4568
submitted by an applicant who is an active or reserve member of 4569
the armed forces of the United States or has retired from or was 4570
honorably discharged from military service in the active or 4571
reserve armed forces of the United States, a retired peace 4572
officer, a retired person described in division (B) (1) (b) of 4573
section 109.77 of the Revised Code, or a retired federal law 4574
enforcement officer who, prior to retirement, was authorized 4575
under federal law to carry a firearm in the course of duty, 4576
unless the retired peace officer, person, or federal law 4577
enforcement officer retired as the result of a mental 4578
disability. 4579

(d) The sheriff shall deposit all fees paid by an 4580
applicant under division (B) (1) (a) of this section into the 4581
sheriff's concealed handgun license issuance fund established 4582
pursuant to section 311.42 of the Revised Code. The county shall 4583
distribute the fees in accordance with section 311.42 of the 4584
Revised Code. 4585

(2) A color photograph of the applicant that was taken 4586
within thirty days prior to the date of the application; 4587

(3) One or more of the following competency 4588
certifications, each of which shall reflect that, regarding a 4589
certification described in division (B) (3) (a), (b), (c), (e), or 4590
(f) of this section, within the three years immediately 4591
preceding the application the applicant has performed that to 4592
which the competency certification relates and that, regarding a 4593
certification described in division (B) (3) (d) of this section, 4594
the applicant currently is an active or reserve member of the 4595
armed forces of the United States, the applicant has retired 4596

from or was honorably discharged from military service in the 4597
active or reserve armed forces of the United States, or within 4598
the ten years immediately preceding the application the 4599
retirement of the peace officer, person described in division 4600
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 4601
enforcement officer to which the competency certification 4602
relates occurred: 4603

(a) An original or photocopy of a certificate of 4604
completion of a firearms safety, training, or requalification or 4605
firearms safety instructor course, class, or program that was 4606
offered by or under the auspices of a national gun advocacy 4607
organization and that complies with the requirements set forth 4608
in division (G) of this section; 4609

(b) An original or photocopy of a certificate of 4610
completion of a firearms safety, training, or requalification or 4611
firearms safety instructor course, class, or program that 4612
satisfies all of the following criteria: 4613

(i) It was open to members of the general public. 4614

(ii) It utilized qualified instructors who were certified 4615
by a national gun advocacy organization, the executive director 4616
of the Ohio peace officer training commission pursuant to 4617
section 109.75 or 109.78 of the Revised Code, or a governmental 4618
official or entity of another state. 4619

(iii) It was offered by or under the auspices of a law 4620
enforcement agency of this or another state or the United 4621
States, a public or private college, university, or other 4622
similar postsecondary educational institution located in this or 4623
another state, a firearms training school located in this or 4624
another state, or another type of public or private entity or 4625

organization located in this or another state. 4626

(iv) It complies with the requirements set forth in 4627
division (G) of this section. 4628

(c) An original or photocopy of a certificate of 4629
completion of a state, county, municipal, or department of 4630
natural resources peace officer training school that is approved 4631
by the executive director of the Ohio peace officer training 4632
commission pursuant to section 109.75 of the Revised Code and 4633
that complies with the requirements set forth in division (G) of 4634
this section, or the applicant has satisfactorily completed and 4635
been issued a certificate of completion of a basic firearms 4636
training program, a firearms requalification training program, 4637
or another basic training program described in section 109.78 or 4638
109.801 of the Revised Code that complies with the requirements 4639
set forth in division (G) of this section; 4640

(d) A document that evidences both of the following: 4641

(i) That the applicant is an active or reserve member of 4642
the armed forces of the United States, has retired from or was 4643
honorably discharged from military service in the active or 4644
reserve armed forces of the United States, is a retired trooper 4645
of the state highway patrol, or is a retired peace officer or 4646
federal law enforcement officer described in division (B) (1) of 4647
this section or a retired person described in division (B) (1) (b) 4648
of section 109.77 of the Revised Code and division (B) (1) of 4649
this section; 4650

(ii) That, through participation in the military service 4651
or through the former employment described in division (B) (3) (d) 4652
(i) of this section, the applicant acquired experience with 4653
handling handguns or other firearms, and the experience so 4654

acquired was equivalent to training that the applicant could 4655
have acquired in a course, class, or program described in 4656
division (B) (3) (a), (b), or (c) of this section. 4657

(e) A certificate or another similar document that 4658
evidences satisfactory completion of a firearms training, 4659
safety, or requalification or firearms safety instructor course, 4660
class, or program that is not otherwise described in division 4661
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 4662
by an instructor who was certified by an official or entity of 4663
the government of this or another state or the United States or 4664
by a national gun advocacy organization, and that complies with 4665
the requirements set forth in division (G) of this section; 4666

(f) An affidavit that attests to the applicant's 4667
satisfactory completion of a course, class, or program described 4668
in division (B) (3) (a), (b), (c), or (e) of this section and that 4669
is subscribed by the applicant's instructor or an authorized 4670
representative of the entity that offered the course, class, or 4671
program or under whose auspices the course, class, or program 4672
was offered; 4673

(g) A document that evidences that the applicant has 4674
successfully completed the Ohio peace officer training program 4675
described in section 109.79 of the Revised Code. 4676

(4) A certification by the applicant that the applicant 4677
has read the pamphlet prepared by the Ohio peace officer 4678
training commission pursuant to section 109.731 of the Revised 4679
Code that reviews firearms, dispute resolution, and use of 4680
deadly force matters. 4681

(5) A set of fingerprints of the applicant provided as 4682
described in section 311.41 of the Revised Code through use of 4683

an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of such a reading device, on a standard impression sheet prescribed pursuant to division (C) (2) of section 109.572 of the Revised Code.

(6) If the applicant is not a citizen or national of the United States, the name of the applicant's country of citizenship and the applicant's alien registration number issued by the United States citizenship and immigration services agency.

(7) If the applicant resides in another state, adequate proof of employment in Ohio.

(C) Upon receipt of the completed application form, supporting documentation, and, if not waived, license fee of an applicant under this section, a sheriff, in the manner specified in section 311.41 of the Revised Code, shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code.

(D) (1) Except as provided in division (D) (3) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a concealed handgun license under this section, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the information available through the system, shall issue to the applicant a concealed handgun license that shall expire as described in division (D) (2) (a) of this section if all of the following apply:

(a) The applicant is legally living in the United States. 4713
For purposes of division (D) (1) (a) of this section, if a person 4714
is absent from the United States in compliance with military or 4715
naval orders as an active or reserve member of the armed forces 4716
of the United States and if prior to leaving the United States 4717
the person was legally living in the United States, the person, 4718
solely by reason of that absence, shall not be considered to 4719
have lost the person's status as living in the United States. 4720

(b) The applicant is at least twenty-one years of age. 4721

(c) The applicant is not a fugitive from justice. 4722

(d) The applicant is not under indictment for or otherwise 4723
charged with a felony; an offense under Chapter 2925., 3719., or 4724
4729. of the Revised Code that involves the illegal possession, 4725
use, sale, administration, or distribution of or trafficking in 4726
a drug of abuse; a misdemeanor offense of violence; or a 4727
violation of section 2903.14 or 2923.1211 of the Revised Code. 4728

(e) Except as otherwise provided in division (D) (4) or (5) 4729
of this section, the applicant has not been convicted of or 4730
pleaded guilty to a felony or an offense under Chapter 2925., 4731
3719., or 4729. of the Revised Code that involves the illegal 4732
possession, use, sale, administration, or distribution of or 4733
trafficking in a drug of abuse; has not been adjudicated a 4734
delinquent child for committing an act that if committed by an 4735
adult would be a felony or would be an offense under Chapter 4736
2925., 3719., or 4729. of the Revised Code that involves the 4737
illegal possession, use, sale, administration, or distribution 4738
of or trafficking in a drug of abuse; has not been convicted of, 4739
pleaded guilty to, or adjudicated a delinquent child for 4740
committing a violation of section 2903.13 of the Revised Code 4741
when the victim of the violation is a peace officer, regardless 4742

of whether the applicant was sentenced under division (C) (4) of 4743
that section; and has not been convicted of, pleaded guilty to, 4744
or adjudicated a delinquent child for committing any other 4745
offense that is not previously described in this division that 4746
is a misdemeanor punishable by imprisonment for a term exceeding 4747
one year. 4748

(f) Except as otherwise provided in division (D) (4) or (5) 4749
of this section, the applicant, within three years of the date 4750
of the application, has not been convicted of or pleaded guilty 4751
to a misdemeanor offense of violence other than a misdemeanor 4752
violation of section 2921.33 of the Revised Code or a violation 4753
of section 2903.13 of the Revised Code when the victim of the 4754
violation is a peace officer, or a misdemeanor violation of 4755
section 2923.1211 of the Revised Code; and has not been 4756
adjudicated a delinquent child for committing an act that if 4757
committed by an adult would be a misdemeanor offense of violence 4758
other than a misdemeanor violation of section 2921.33 of the 4759
Revised Code or a violation of section 2903.13 of the Revised 4760
Code when the victim of the violation is a peace officer or for 4761
committing an act that if committed by an adult would be a 4762
misdemeanor violation of section 2923.1211 of the Revised Code. 4763

(g) Except as otherwise provided in division (D) (1) (e) of 4764
this section, the applicant, within five years of the date of 4765
the application, has not been convicted of, pleaded guilty to, 4766
or adjudicated a delinquent child for committing two or more 4767
violations of section 2903.13 or 2903.14 of the Revised Code. 4768

(h) Except as otherwise provided in division (D) (4) or (5) 4769
of this section, the applicant, within ten years of the date of 4770
the application, has not been convicted of, pleaded guilty to, 4771
or adjudicated a delinquent child for committing a violation of 4772

section 2921.33 of the Revised Code. 4773

(i) The applicant ~~has not been adjudicated as a mental~~ 4774
~~defective,~~ has not been committed to any mental institution, is 4775
not under adjudication of mental incompetence, has not been 4776
found by a court to be a ~~mentally ill person with a mental~~ 4777
illness subject to court order, and is not an involuntary 4778
patient other than one who is a patient only for purposes of 4779
observation. As used in this division, "~~mentally ill person with~~ 4780
a mental illness subject to court order" and "patient" have the 4781
same meanings as in section 5122.01 of the Revised Code. 4782

(j) The applicant is not currently subject to a civil 4783
protection order, a temporary protection order, or a protection 4784
order issued by a court of another state. 4785

(k) The applicant certifies that the applicant desires a 4786
legal means to carry a concealed handgun for defense of the 4787
applicant or a member of the applicant's family while engaged in 4788
lawful activity. 4789

(l) The applicant submits a competency certification of 4790
the type described in division (B) (3) of this section and 4791
submits a certification of the type described in division (B) (4) 4792
of this section regarding the applicant's reading of the 4793
pamphlet prepared by the Ohio peace officer training commission 4794
pursuant to section 109.731 of the Revised Code. 4795

(m) The applicant currently is not subject to a suspension 4796
imposed under division (A) (2) of section 2923.128 of the Revised 4797
Code of a concealed handgun license that previously was issued 4798
to the applicant under this section or section 2923.1213 of the 4799
Revised Code or a similar suspension imposed by another state 4800
regarding a concealed handgun license issued by that state. 4801

(n) If the applicant resides in another state, the 4802
applicant is employed in this state. 4803

(o) The applicant certifies that the applicant is not an 4804
unlawful user of or addicted to any controlled substance as 4805
defined in 21 U.S.C. 802. 4806

(p) If the applicant is not a United States citizen, the 4807
applicant is an alien and has not been admitted to the United 4808
States under a nonimmigrant visa, as defined in the "Immigration 4809
and Nationality Act," 8 U.S.C. 1101(a)(26). 4810

(q) The applicant has not been discharged from the armed 4811
forces of the United States under dishonorable conditions. 4812

(r) The applicant certifies that the applicant has not 4813
renounced the applicant's United States citizenship, if 4814
applicable. 4815

(s) The applicant has not been convicted of, pleaded 4816
guilty to, or adjudicated a delinquent child for committing a 4817
violation of section 2919.25 of the Revised Code or a similar 4818
violation in another state. 4819

(2) (a) A concealed handgun license that a sheriff issues 4820
under division (D)(1) of this section shall expire five years 4821
after the date of issuance. 4822

If a sheriff issues a license under this section, the 4823
sheriff shall place on the license a unique combination of 4824
letters and numbers identifying the license in accordance with 4825
the procedure prescribed by the Ohio peace officer training 4826
commission pursuant to section 109.731 of the Revised Code. 4827

(b) If a sheriff denies an application under this section 4828
because the applicant does not satisfy the criteria described in 4829

division (D) (1) of this section, the sheriff shall specify the 4830
grounds for the denial in a written notice to the applicant. The 4831
applicant may appeal the denial pursuant to section 119.12 of 4832
the Revised Code in the county served by the sheriff who denied 4833
the application. If the denial was as a result of the criminal 4834
records check conducted pursuant to section 311.41 of the 4835
Revised Code and if, pursuant to section 2923.127 of the Revised 4836
Code, the applicant challenges the criminal records check 4837
results using the appropriate challenge and review procedure 4838
specified in that section, the time for filing the appeal 4839
pursuant to section 119.12 of the Revised Code and this division 4840
is tolled during the pendency of the request or the challenge 4841
and review. 4842

(c) If the court in an appeal under section 119.12 of the 4843
Revised Code and division (D) (2) (b) of this section enters a 4844
judgment sustaining the sheriff's refusal to grant to the 4845
applicant a concealed handgun license, the applicant may file a 4846
new application beginning one year after the judgment is 4847
entered. If the court enters a judgment in favor of the 4848
applicant, that judgment shall not restrict the authority of a 4849
sheriff to suspend or revoke the license pursuant to section 4850
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 4851
the license for any proper cause that may occur after the date 4852
the judgment is entered. In the appeal, the court shall have 4853
full power to dispose of all costs. 4854

(3) If the sheriff with whom an application for a 4855
concealed handgun license was filed under this section becomes 4856
aware that the applicant has been arrested for or otherwise 4857
charged with an offense that would disqualify the applicant from 4858
holding the license, the sheriff shall suspend the processing of 4859
the application until the disposition of the case arising from 4860

the arrest or charge. 4861

(4) If an applicant has been convicted of or pleaded 4862
guilty to an offense identified in division (D)(1)(e), (f), or 4863
(h) of this section or has been adjudicated a delinquent child 4864
for committing an act or violation identified in any of those 4865
divisions, and if a court has ordered the sealing or expungement 4866
of the records of that conviction, guilty plea, or adjudication 4867
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 4868
2953.36, or section 2953.37 of the Revised Code or the applicant 4869
has been relieved under operation of law or legal process from 4870
the disability imposed pursuant to section 2923.13 of the 4871
Revised Code relative to that conviction, guilty plea, or 4872
adjudication, the sheriff with whom the application was 4873
submitted shall not consider the conviction, guilty plea, or 4874
adjudication in making a determination under division (D)(1) or 4875
(F) of this section or, in relation to an application for a 4876
concealed handgun license on a temporary emergency basis 4877
submitted under section 2923.1213 of the Revised Code, in making 4878
a determination under division (B)(2) of that section. 4879

(5) If an applicant has been convicted of or pleaded 4880
guilty to a minor misdemeanor offense or has been adjudicated a 4881
delinquent child for committing an act or violation that is a 4882
minor misdemeanor offense, the sheriff with whom the application 4883
was submitted shall not consider the conviction, guilty plea, or 4884
adjudication in making a determination under division (D)(1) or 4885
(F) of this section or, in relation to an application for a 4886
concealed handgun license on a temporary basis submitted under 4887
section 2923.1213 of the Revised Code, in making a determination 4888
under division (B)(2) of that section. 4889

(E) If a concealed handgun license issued under this 4890

section is lost or is destroyed, the licensee may obtain from 4891
the sheriff who issued that license a duplicate license upon the 4892
payment of a fee of fifteen dollars and the submission of an 4893
affidavit attesting to the loss or destruction of the license. 4894
The sheriff, in accordance with the procedures prescribed in 4895
section 109.731 of the Revised Code, shall place on the 4896
replacement license a combination of identifying numbers 4897
different from the combination on the license that is being 4898
replaced. 4899

(F) (1) (a) Except as provided in division (F) (1) (b) of this 4900
section, a licensee who wishes to renew a concealed handgun 4901
license issued under this section may do so at any time before 4902
the expiration date of the license or at any time after the 4903
expiration date of the license by filing with the sheriff of the 4904
county in which the applicant resides or with the sheriff of an 4905
adjacent county, or in the case of an applicant who resides in 4906
another state with the sheriff of the county that issued the 4907
applicant's previous concealed handgun license an application 4908
for renewal of the license obtained pursuant to division (D) of 4909
this section, a certification by the applicant that, subsequent 4910
to the issuance of the license, the applicant has reread the 4911
pamphlet prepared by the Ohio peace officer training commission 4912
pursuant to section 109.731 of the Revised Code that reviews 4913
firearms, dispute resolution, and use of deadly force matters, 4914
and a nonrefundable license renewal fee in an amount determined 4915
pursuant to division (F) (4) of this section unless the fee is 4916
waived. 4917

(b) A person on active duty in the armed forces of the 4918
United States or in service with the peace corps, volunteers in 4919
service to America, or the foreign service of the United States 4920
is exempt from the license requirements of this section for the 4921

period of the person's active duty or service and for six months 4922
thereafter, provided the person was a licensee under this 4923
section at the time the person commenced the person's active 4924
duty or service or had obtained a license while on active duty 4925
or service. The spouse or a dependent of any such person on 4926
active duty or in service also is exempt from the license 4927
requirements of this section for the period of the person's 4928
active duty or service and for six months thereafter, provided 4929
the spouse or dependent was a licensee under this section at the 4930
time the person commenced the active duty or service or had 4931
obtained a license while the person was on active duty or 4932
service, and provided further that the person's active duty or 4933
service resulted in the spouse or dependent relocating outside 4934
of this state during the period of the active duty or service. 4935
This division does not prevent such a person or the person's 4936
spouse or dependent from making an application for the renewal 4937
of a concealed handgun license during the period of the person's 4938
active duty or service. 4939

(2) A sheriff shall accept a completed renewal 4940
application, the license renewal fee, and the information 4941
specified in division (F)(1) of this section at the times and in 4942
the manners described in division (I) of this section. Upon 4943
receipt of a completed renewal application, of certification 4944
that the applicant has reread the specified pamphlet prepared by 4945
the Ohio peace officer training commission, and of a license 4946
renewal fee unless the fee is waived, a sheriff, in the manner 4947
specified in section 311.41 of the Revised Code shall conduct or 4948
cause to be conducted the criminal records check and the 4949
incompetency records check described in section 311.41 of the 4950
Revised Code. The sheriff shall renew the license if the sheriff 4951
determines that the applicant continues to satisfy the 4952

requirements described in division (D) (1) of this section, 4953
except that the applicant is not required to meet the 4954
requirements of division (D) (1) (1) of this section. A renewed 4955
license shall expire five years after the date of issuance. A 4956
renewed license is subject to division (E) of this section and 4957
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 4958
shall comply with divisions (D) (2) and (3) of this section when 4959
the circumstances described in those divisions apply to a 4960
requested license renewal. If a sheriff denies the renewal of a 4961
concealed handgun license, the applicant may appeal the denial, 4962
or challenge the criminal record check results that were the 4963
basis of the denial if applicable, in the same manner as 4964
specified in division (D) (2) (b) of this section and in section 4965
2923.127 of the Revised Code, regarding the denial of a license 4966
under this section. 4967

(3) A renewal application submitted pursuant to division 4968
(F) of this section shall only require the licensee to list on 4969
the application form information and matters occurring since the 4970
date of the licensee's last application for a license pursuant 4971
to division (B) or (F) of this section. A sheriff conducting the 4972
criminal records check and the incompetency records check 4973
described in section 311.41 of the Revised Code shall conduct 4974
the check only from the date of the licensee's last application 4975
for a license pursuant to division (B) or (F) of this section 4976
through the date of the renewal application submitted pursuant 4977
to division (F) of this section. 4978

(4) An applicant for a renewal concealed handgun license 4979
under this section shall submit to the sheriff of the county in 4980
which the applicant resides or to the sheriff of any county 4981
adjacent to the county in which the applicant resides, or in the 4982
case of an applicant who resides in another state to the sheriff 4983

of the county that issued the applicant's previous concealed 4984
handgun license, a nonrefundable license fee as described in 4985
either of the following: 4986

(a) For an applicant who has been a resident of this state 4987
for five or more years, a fee of fifty dollars; 4988

(b) For an applicant who has been a resident of this state 4989
for less than five years or who is not a resident of this state 4990
but who is employed in this state, a fee of fifty dollars plus 4991
the actual cost of having a background check performed by the 4992
federal bureau of investigation. 4993

(5) The concealed handgun license of a licensee who is no 4994
longer a resident of this state or no longer employed in this 4995
state, as applicable, is valid until the date of expiration on 4996
the license, and the licensee is prohibited from renewing the 4997
concealed handgun license. 4998

(G) (1) Each course, class, or program described in 4999
division (B) (3) (a), (b), (c), or (e) of this section shall 5000
provide to each person who takes the course, class, or program 5001
the web site address at which the pamphlet prepared by the Ohio 5002
peace officer training commission pursuant to section 109.731 of 5003
the Revised Code that reviews firearms, dispute resolution, and 5004
use of deadly force matters may be found. Each such course, 5005
class, or program described in one of those divisions shall 5006
include at least eight hours of training in the safe handling 5007
and use of a firearm that shall include training, provided as 5008
described in division (G) (3) of this section, on all of the 5009
following: 5010

(a) The ability to name, explain, and demonstrate the 5011
rules for safe handling of a handgun and proper storage 5012

practices for handguns and ammunition; 5013

(b) The ability to demonstrate and explain how to handle 5014
ammunition in a safe manner; 5015

(c) The ability to demonstrate the knowledge, skills, and 5016
attitude necessary to shoot a handgun in a safe manner; 5017

(d) Gun handling training; 5018

(e) A minimum of two hours of in-person training that 5019
consists of range time and live-fire training. 5020

(2) To satisfactorily complete the course, class, or 5021
program described in division (B) (3) (a), (b), (c), or (e) of 5022
this section, the applicant shall pass a competency examination 5023
that shall include both of the following: 5024

(a) A written section, provided as described in division 5025
(G) (3) of this section, on the ability to name and explain the 5026
rules for the safe handling of a handgun and proper storage 5027
practices for handguns and ammunition; 5028

(b) An in-person physical demonstration of competence in 5029
the use of a handgun and in the rules for safe handling and 5030
storage of a handgun and a physical demonstration of the 5031
attitude necessary to shoot a handgun in a safe manner. 5032

(3) (a) Except as otherwise provided in this division, the 5033
training specified in division (G) (1) (a) of this section shall 5034
be provided to the person receiving the training in person by an 5035
instructor. If the training specified in division (G) (1) (a) of 5036
this section is provided by a course, class, or program 5037
described in division (B) (3) (a) of this section, or it is 5038
provided by a course, class, or program described in division 5039
(B) (3) (b), (c), or (e) of this section and the instructor is a 5040

qualified instructor certified by a national gun advocacy 5041
organization, the training so specified, other than the training 5042
that requires the person receiving the training to demonstrate 5043
handling abilities, may be provided online or as a combination 5044
of in-person and online training, as long as the online training 5045
includes an interactive component that regularly engages the 5046
person. 5047

(b) Except as otherwise provided in this division, the 5048
written section of the competency examination specified in 5049
division (G) (2) (a) of this section shall be administered to the 5050
person taking the competency examination in person by an 5051
instructor. If the training specified in division (G) (1) (a) of 5052
this section is provided to the person receiving the training by 5053
a course, class, or program described in division (B) (3) (a) of 5054
this section, or it is provided by a course, class, or program 5055
described in division (B) (3) (b), (c), or (e) of this section and 5056
the instructor is a qualified instructor certified by a national 5057
gun advocacy organization, the written section of the competency 5058
examination specified in division (G) (2) (a) of this section may 5059
be administered online, as long as the online training includes 5060
an interactive component that regularly engages the person. 5061

(4) The competency certification described in division (B) 5062
(3) (a), (b), (c), or (e) of this section shall be dated and 5063
shall attest that the course, class, or program the applicant 5064
successfully completed met the requirements described in 5065
division (G) (1) of this section and that the applicant passed 5066
the competency examination described in division (G) (2) of this 5067
section. 5068

(H) Upon deciding to issue a concealed handgun license, 5069
deciding to issue a replacement concealed handgun license, or 5070

deciding to renew a concealed handgun license pursuant to this 5071
section, and before actually issuing or renewing the license, 5072
the sheriff shall make available through the law enforcement 5073
automated data system all information contained on the license. 5074
If the license subsequently is suspended under division (A) (1) 5075
or (2) of section 2923.128 of the Revised Code, revoked pursuant 5076
to division (B) (1) of section 2923.128 of the Revised Code, or 5077
lost or destroyed, the sheriff also shall make available through 5078
the law enforcement automated data system a notation of that 5079
fact. The superintendent of the state highway patrol shall 5080
ensure that the law enforcement automated data system is so 5081
configured as to permit the transmission through the system of 5082
the information specified in this division. 5083

(I) (1) A sheriff shall accept a completed application form 5084
or renewal application, and the fee, items, materials, and 5085
information specified in divisions (B) (1) to (5) or division (F) 5086
of this section, whichever is applicable, and shall provide an 5087
application form or renewal application to any person during at 5088
least fifteen hours a week and shall provide the web site 5089
address at which a printable version of the application form 5090
that can be downloaded and the pamphlet described in division 5091
(B) of section 109.731 of the Revised Code may be found at any 5092
time, upon request. The sheriff shall post notice of the hours 5093
during which the sheriff is available to accept or provide the 5094
information described in this division. 5095

(2) A sheriff shall transmit a notice to the attorney 5096
general, in a manner determined by the attorney general, every 5097
time a license is issued that waived payment under division (B) 5098
(1) (c) of this section for an applicant who is an active or 5099
reserve member of the armed forces of the United States or has 5100
retired from or was honorably discharged from military service 5101

in the active or reserve armed forces of the United States. The 5102
attorney general shall monitor and inform sheriffs issuing 5103
licenses under this section when the amount of license fee 5104
payments waived and transmitted to the attorney general reach 5105
one million five hundred thousand dollars each year. Once a 5106
sheriff is informed that the payments waived reached one million 5107
five hundred thousand dollars in any year, a sheriff shall no 5108
longer waive payment of a license fee for an applicant who is an 5109
active or reserve member of the armed forces of the United 5110
States or has retired from or was honorably discharged from 5111
military service in the active or reserve armed forces of the 5112
United States for the remainder of that year. 5113

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 5114
concealed handgun license is arrested for or otherwise charged 5115
with an offense described in division (D) (1) (d) of section 5116
2923.125 of the Revised Code or with a violation of section 5117
2923.15 of the Revised Code or becomes subject to a temporary 5118
protection order or to a protection order issued by a court of 5119
another state that is substantially equivalent to a temporary 5120
protection order, the sheriff who issued the license shall 5121
suspend it and shall comply with division (A) (3) of this section 5122
upon becoming aware of the arrest, charge, or protection order. 5123
Upon suspending the license, the sheriff also shall comply with 5124
division (H) of section 2923.125 of the Revised Code. 5125

(b) A suspension under division (A) (1) (a) of this section 5126
shall be considered as beginning on the date that the licensee 5127
is arrested for or otherwise charged with an offense described 5128
in that division or on the date the appropriate court issued the 5129
protection order described in that division, irrespective of 5130
when the sheriff notifies the licensee under division (A) (3) of 5131
this section. The suspension shall end on the date on which the 5132

charges are dismissed or the licensee is found not guilty of the 5133
offense described in division (A) (1) (a) of this section or, 5134
subject to division (B) of this section, on the date the 5135
appropriate court terminates the protection order described in 5136
that division. If the suspension so ends, the sheriff shall 5137
return the license or temporary emergency license to the 5138
licensee. 5139

(2) (a) If a licensee holding a valid concealed handgun 5140
license is convicted of or pleads guilty to a misdemeanor 5141
violation of division (B) (1), (2), or (4) of section 2923.12 of 5142
the Revised Code or of division (E) (1), (2), (3), or (5) of 5143
section 2923.16 of the Revised Code, except as provided in 5144
division (A) (2) (c) of this section and subject to division (C) 5145
of this section, the sheriff who issued the license shall 5146
suspend it and shall comply with division (A) (3) of this section 5147
upon becoming aware of the conviction or guilty plea. Upon 5148
suspending the license, the sheriff also shall comply with 5149
division (H) of section 2923.125 of the Revised Code. 5150

(b) A suspension under division (A) (2) (a) of this section 5151
shall be considered as beginning on the date that the licensee 5152
is convicted of or pleads guilty to the offense described in 5153
that division, irrespective of when the sheriff notifies the 5154
licensee under division (A) (3) of this section. If the 5155
suspension is imposed for a misdemeanor violation of division 5156
(B) (1) or (2) of section 2923.12 of the Revised Code or of 5157
division (E) (1), (2), or (3) of section 2923.16 of the Revised 5158
Code, it shall end on the date that is one year after the date 5159
that the licensee is convicted of or pleads guilty to that 5160
violation. If the suspension is imposed for a misdemeanor 5161
violation of division (B) (4) of section 2923.12 of the Revised 5162
Code or of division (E) (5) of section 2923.16 of the Revised 5163

Code, it shall end on the date that is two years after the date 5164
that the licensee is convicted of or pleads guilty to that 5165
violation. If the licensee's license was issued under section 5166
2923.125 of the Revised Code and the license remains valid after 5167
the suspension ends as described in this division, when the 5168
suspension ends, the sheriff shall return the license to the 5169
licensee. If the licensee's license was issued under section 5170
2923.125 of the Revised Code and the license expires before the 5171
suspension ends as described in this division, or if the 5172
licensee's license was issued under section 2923.1213 of the 5173
Revised Code, the licensee is not eligible to apply for a new 5174
license under section 2923.125 or 2923.1213 of the Revised Code 5175
or to renew the license under section 2923.125 of the Revised 5176
Code until after the suspension ends as described in this 5177
division. 5178

(c) The license of a licensee who is convicted of or 5179
pleads guilty to a violation of division (B) (1) of section 5180
2923.12 or division (E) (1) or (2) of section 2923.16 of the 5181
Revised Code shall not be suspended pursuant to division (A) (2) 5182
(a) of this section if, at the time of the stop of the licensee 5183
for a law enforcement purpose, for a traffic stop, or for a 5184
purpose defined in section 5503.34 of the Revised Code that was 5185
the basis of the violation, any law enforcement officer involved 5186
with the stop or the employee of the motor carrier enforcement 5187
unit who made the stop had actual knowledge of the licensee's 5188
status as a licensee. 5189

(3) Upon becoming aware of an arrest, charge, or 5190
protection order described in division (A) (1) (a) of this section 5191
with respect to a licensee who was issued a concealed handgun 5192
license, or a conviction of or plea of guilty to a misdemeanor 5193
offense described in division (A) (2) (a) of this section with 5194

respect to a licensee who was issued a concealed handgun license 5195
and with respect to which division (A) (2) (c) of this section 5196
does not apply, subject to division (C) of this section, the 5197
sheriff who issued the licensee's license shall notify the 5198
licensee, by certified mail, return receipt requested, at the 5199
licensee's last known residence address that the license has 5200
been suspended and that the licensee is required to surrender 5201
the license at the sheriff's office within ten days of the date 5202
on which the notice was mailed. If the suspension is pursuant to 5203
division (A) (2) of this section, the notice shall identify the 5204
date on which the suspension ends. 5205

(B) (1) A sheriff who issues a concealed handgun license to 5206
a licensee shall revoke the license in accordance with division 5207
(B) (2) of this section upon becoming aware that the licensee 5208
satisfies any of the following: 5209

(a) The licensee is under twenty-one years of age. 5210

(b) Subject to division (C) of this section, at the time 5211
of the issuance of the license, the licensee did not satisfy the 5212
eligibility requirements of division (D) (1) (c), (d), (e), (f), 5213
(g), or (h) of section 2923.125 of the Revised Code. 5214

(c) Subject to division (C) of this section, on or after 5215
the date on which the license was issued, the licensee is 5216
convicted of or pleads guilty to a violation of section 2923.15 5217
of the Revised Code or an offense described in division (D) (1) 5218
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 5219

(d) On or after the date on which the license was issued, 5220
the licensee becomes subject to a civil protection order or to a 5221
protection order issued by a court of another state that is 5222
substantially equivalent to a civil protection order. 5223

(e) The licensee knowingly carries a concealed handgun 5224
into a place that the licensee knows is an unauthorized place 5225
specified in division (B) of section 2923.126 of the Revised 5226
Code. 5227

(f) On or after the date on which the license was issued, 5228
the licensee is ~~adjudicated as a~~ under adjudication of mental 5229
~~defective incompetence~~ or is committed to a mental institution. 5230

(g) At the time of the issuance of the license, the 5231
licensee did not meet the residency requirements described in 5232
division (D) (1) of section 2923.125 of the Revised Code and 5233
currently does not meet the residency requirements described in 5234
that division. 5235

(h) Regarding a license issued under section 2923.125 of 5236
the Revised Code, the competency certificate the licensee 5237
submitted was forged or otherwise was fraudulent. 5238

(2) Upon becoming aware of any circumstance listed in 5239
division (B) (1) of this section that applies to a particular 5240
licensee who was issued a concealed handgun license, subject to 5241
division (C) of this section, the sheriff who issued the license 5242
to the licensee shall notify the licensee, by certified mail, 5243
return receipt requested, at the licensee's last known residence 5244
address that the license is subject to revocation and that the 5245
licensee may come to the sheriff's office and contest the 5246
sheriff's proposed revocation within fourteen days of the date 5247
on which the notice was mailed. After the fourteen-day period 5248
and after consideration of any information that the licensee 5249
provides during that period, if the sheriff determines on the 5250
basis of the information of which the sheriff is aware that the 5251
licensee is described in division (B) (1) of this section and no 5252
longer satisfies the requirements described in division (D) (1) 5253

of section 2923.125 of the Revised Code that are applicable to 5254
the licensee's type of license, the sheriff shall revoke the 5255
license, notify the licensee of that fact, and require the 5256
licensee to surrender the license. Upon revoking the license, 5257
the sheriff also shall comply with division (H) of section 5258
2923.125 of the Revised Code. 5259

(C) If a sheriff who issues a concealed handgun license to 5260
a licensee becomes aware that at the time of the issuance of the 5261
license the licensee had been convicted of or pleaded guilty to 5262
an offense identified in division (D) (1) (e), (f), or (h) of 5263
section 2923.125 of the Revised Code or had been adjudicated a 5264
delinquent child for committing an act or violation identified 5265
in any of those divisions or becomes aware that on or after the 5266
date on which the license was issued the licensee has been 5267
convicted of or pleaded guilty to an offense identified in 5268
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 5269
shall not consider that conviction, guilty plea, or adjudication 5270
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 5271
(1), and (B) (2) of this section if a court has ordered the 5272
sealing or expungement of the records of that conviction, guilty 5273
plea, or adjudication pursuant to sections 2151.355 to 2151.358 5274
or sections 2953.31 to 2953.36 of the Revised Code or the 5275
licensee has been relieved under operation of law or legal 5276
process from the disability imposed pursuant to section 2923.13 5277
of the Revised Code relative to that conviction, guilty plea, or 5278
adjudication. 5279

(D) As used in this section, "motor carrier enforcement 5280
unit" has the same meaning as in section 2923.16 of the Revised 5281
Code. 5282

Sec. 2923.1213. (A) As used in this section: 5283

(1) "Evidence of imminent danger" means any of the	5284
following:	5285
(a) A statement sworn by the person seeking to carry a	5286
concealed handgun that is made under threat of perjury and that	5287
states that the person has reasonable cause to fear a criminal	5288
attack upon the person or a member of the person's family, such	5289
as would justify a prudent person in going armed;	5290
(b) A written document prepared by a governmental entity	5291
or public official describing the facts that give the person	5292
seeking to carry a concealed handgun reasonable cause to fear a	5293
criminal attack upon the person or a member of the person's	5294
family, such as would justify a prudent person in going armed.	5295
Written documents of this nature include, but are not limited	5296
to, any temporary protection order, civil protection order,	5297
protection order issued by another state, or other court order,	5298
any court report, and any report filed with or made by a law	5299
enforcement agency or prosecutor.	5300
(2) "Prosecutor" has the same meaning as in section	5301
2935.01 of the Revised Code.	5302
(B) (1) A person seeking a concealed handgun license on a	5303
temporary emergency basis shall submit to the sheriff of the	5304
county in which the person resides or, if the person usually	5305
resides in another state, to the sheriff of the county in which	5306
the person is temporarily staying, all of the following:	5307
(a) Evidence of imminent danger to the person or a member	5308
of the person's family;	5309
(b) A sworn affidavit that contains all of the information	5310
required to be on the license and attesting that the person is	5311
legally living in the United States; is at least twenty-one	5312

years of age; is not a fugitive from justice; is not under 5313
indictment for or otherwise charged with an offense identified 5314
in division (D) (1) (d) of section 2923.125 of the Revised Code; 5315
has not been convicted of or pleaded guilty to an offense, and 5316
has not been adjudicated a delinquent child for committing an 5317
act, identified in division (D) (1) (e) of that section and to 5318
which division (B) (3) of this section does not apply; within 5319
three years of the date of the submission, has not been 5320
convicted of or pleaded guilty to an offense, and has not been 5321
adjudicated a delinquent child for committing an act, identified 5322
in division (D) (1) (f) of that section and to which division (B) 5323
(3) of this section does not apply; within five years of the 5324
date of the submission, has not been convicted of, pleaded 5325
guilty, or adjudicated a delinquent child for committing two or 5326
more violations identified in division (D) (1) (g) of that 5327
section; within ten years of the date of the submission, has not 5328
been convicted of, pleaded guilty, or adjudicated a delinquent 5329
child for committing a violation identified in division (D) (1) 5330
(h) of that section and to which division (B) (3) of this section 5331
does not apply; ~~has not been adjudicated as a mental defective,~~ 5332
has not been committed to any mental institution, is not under 5333
adjudication of mental incompetence, has not been found by a 5334
court to be a ~~mentally ill person with a mental illness~~ subject 5335
to court order, and is not an involuntary patient other than one 5336
who is a patient only for purposes of observation, as described 5337
in division (D) (1) (i) of that section; is not currently subject 5338
to a civil protection order, a temporary protection order, or a 5339
protection order issued by a court of another state, as 5340
described in division (D) (1) (j) of that section; is not 5341
currently subject to a suspension imposed under division (A) (2) 5342
of section 2923.128 of the Revised Code of a concealed handgun 5343
license that previously was issued to the person or a similar 5344

suspension imposed by another state regarding a concealed 5345
handgun license issued by that state; is not an unlawful user of 5346
or addicted to any controlled substance as defined in 21 U.S.C. 5347
802; if applicable, is an alien and has not been admitted to the 5348
United States under a nonimmigrant visa, as defined in the 5349
"Immigration and Nationality Act," 8 U.S.C. 1101(a)(26); has not 5350
been discharged from the armed forces of the United States under 5351
dishonorable conditions; if applicable, has not renounced the 5352
applicant's United States citizenship; and has not been 5353
convicted of, pleaded guilty to, or been adjudicated a 5354
delinquent child for committing a violation identified in 5355
division (D)(1)(s) of section 2923.125 of the Revised Code; 5356

(c) A nonrefundable temporary emergency license fee as 5357
described in either of the following: 5358

(i) For an applicant who has been a resident of this state 5359
for five or more years, a fee of fifteen dollars plus the actual 5360
cost of having a background check performed by the bureau of 5361
criminal identification and investigation pursuant to section 5362
311.41 of the Revised Code; 5363

(ii) For an applicant who has been a resident of this 5364
state for less than five years or who is not a resident of this 5365
state, but is temporarily staying in this state, a fee of 5366
fifteen dollars plus the actual cost of having background checks 5367
performed by the federal bureau of investigation and the bureau 5368
of criminal identification and investigation pursuant to section 5369
311.41 of the Revised Code. 5370

(d) A set of fingerprints of the applicant provided as 5371
described in section 311.41 of the Revised Code through use of 5372
an electronic fingerprint reading device or, if the sheriff to 5373
whom the application is submitted does not possess and does not 5374

have ready access to the use of an electronic fingerprint 5375
reading device, on a standard impression sheet prescribed 5376
pursuant to division (C) (2) of section 109.572 of the Revised 5377
Code. If the fingerprints are provided on a standard impression 5378
sheet, the person also shall provide the person's social 5379
security number to the sheriff. 5380

(2) A sheriff shall accept the evidence of imminent 5381
danger, the sworn affidavit, the fee, and the set of 5382
fingerprints required under division (B) (1) of this section at 5383
the times and in the manners described in division (I) of this 5384
section. Upon receipt of the evidence of imminent danger, the 5385
sworn affidavit, the fee, and the set of fingerprints required 5386
under division (B) (1) of this section, the sheriff, in the 5387
manner specified in section 311.41 of the Revised Code, 5388
immediately shall conduct or cause to be conducted the criminal 5389
records check and the incompetency records check described in 5390
section 311.41 of the Revised Code. Immediately upon receipt of 5391
the results of the records checks, the sheriff shall review the 5392
information and shall determine whether the criteria set forth 5393
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 5394
of the Revised Code apply regarding the person. If the sheriff 5395
determines that all of the criteria set forth in divisions (D) 5396
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 5397
Code apply regarding the person, the sheriff shall immediately 5398
make available through the law enforcement automated data system 5399
all information that will be contained on the temporary 5400
emergency license for the person if one is issued, and the 5401
superintendent of the state highway patrol shall ensure that the 5402
system is so configured as to permit the transmission through 5403
the system of that information. Upon making that information 5404
available through the law enforcement automated data system, the 5405

sheriff shall immediately issue to the person a concealed 5406
handgun license on a temporary emergency basis. 5407

If the sheriff denies the issuance of a license on a 5408
temporary emergency basis to the person, the sheriff shall 5409
specify the grounds for the denial in a written notice to the 5410
person. The person may appeal the denial, or challenge criminal 5411
records check results that were the basis of the denial if 5412
applicable, in the same manners specified in division (D) (2) of 5413
section 2923.125 and in section 2923.127 of the Revised Code, 5414
regarding the denial of an application for a concealed handgun 5415
license under that section. 5416

The license on a temporary emergency basis issued under 5417
this division shall be in the form, and shall include all of the 5418
information, described in divisions (A) (2) (a) and (d) of section 5419
109.731 of the Revised Code, and also shall include a unique 5420
combination of identifying letters and numbers in accordance 5421
with division (A) (2) (c) of that section. 5422

The license on a temporary emergency basis issued under 5423
this division is valid for ninety days and may not be renewed. A 5424
person who has been issued a license on a temporary emergency 5425
basis under this division shall not be issued another license on 5426
a temporary emergency basis unless at least four years has 5427
expired since the issuance of the prior license on a temporary 5428
emergency basis. 5429

(3) If a person seeking a concealed handgun license on a 5430
temporary emergency basis has been convicted of or pleaded 5431
guilty to an offense identified in division (D) (1) (e), (f), or 5432
(h) of section 2923.125 of the Revised Code or has been 5433
adjudicated a delinquent child for committing an act or 5434
violation identified in any of those divisions, and if a court 5435

has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the Revised Code or the applicant has been relieved under operation of law or legal process from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction, guilty plea, or adjudication, the conviction, guilty plea, or adjudication shall not be relevant for purposes of the sworn affidavit described in division (B)(1)(b) of this section, and the person may complete, and swear to the truth of, the affidavit as if the conviction, guilty plea, or adjudication never had occurred.

(4) The sheriff shall waive the payment pursuant to division (B)(1)(c) of this section of the license fee in connection with an application that is submitted by an applicant who is a retired peace officer, a retired person described in division (B)(1)(b) of section 109.77 of the Revised Code, or a retired federal law enforcement officer who, prior to retirement, was authorized under federal law to carry a firearm in the course of duty, unless the retired peace officer, person, or federal law enforcement officer retired as the result of a mental disability.

The sheriff shall deposit all fees paid by an applicant under division (B)(1)(c) of this section into the sheriff's concealed handgun license issuance fund established pursuant to section 311.42 of the Revised Code.

(C) A person who holds a concealed handgun license on a temporary emergency basis has the same right to carry a concealed handgun as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code, and any

exceptions to the prohibitions contained in section 1547.69 and 5466
sections 2923.12 to 2923.16 of the Revised Code for a licensee 5467
under section 2923.125 of the Revised Code apply to a licensee 5468
under this section. The person is subject to the same 5469
restrictions, and to all other procedures, duties, and 5470
sanctions, that apply to a person who carries a license issued 5471
under section 2923.125 of the Revised Code, other than the 5472
license renewal procedures set forth in that section. 5473

(D) A sheriff who issues a concealed handgun license on a 5474
temporary emergency basis under this section shall not require a 5475
person seeking to carry a concealed handgun in accordance with 5476
this section to submit a competency certificate as a 5477
prerequisite for issuing the license and shall comply with 5478
division (H) of section 2923.125 of the Revised Code in regards 5479
to the license. The sheriff shall suspend or revoke the license 5480
in accordance with section 2923.128 of the Revised Code. In 5481
addition to the suspension or revocation procedures set forth in 5482
section 2923.128 of the Revised Code, the sheriff may revoke the 5483
license upon receiving information, verifiable by public 5484
documents, that the person is not eligible to possess a firearm 5485
under either the laws of this state or of the United States or 5486
that the person committed perjury in obtaining the license; if 5487
the sheriff revokes a license under this additional authority, 5488
the sheriff shall notify the person, by certified mail, return 5489
receipt requested, at the person's last known residence address 5490
that the license has been revoked and that the person is 5491
required to surrender the license at the sheriff's office within 5492
ten days of the date on which the notice was mailed. Division 5493
(H) of section 2923.125 of the Revised Code applies regarding 5494
any suspension or revocation of a concealed handgun license on a 5495
temporary emergency basis. 5496

(E) A sheriff who issues a concealed handgun license on a temporary emergency basis under this section shall retain, for the entire period during which the license is in effect, the evidence of imminent danger that the person submitted to the sheriff and that was the basis for the license, or a copy of that evidence, as appropriate.

(F) If a concealed handgun license on a temporary emergency basis issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.

(G) The attorney general shall prescribe, and shall make available to sheriffs, a standard form to be used under division (B) of this section by a person who applies for a concealed handgun license on a temporary emergency basis on the basis of imminent danger of a type described in division (A) (1) (a) of this section. The attorney general shall design the form to enable applicants to provide the information that is required by law to be collected, and shall update the form as necessary. Burdens or restrictions to obtaining a concealed handgun license that are not expressly prescribed in law shall not be incorporated into the form. The attorney general shall post a printable version of the form on the web site of the attorney general and shall provide the address of the web site to any person who requests the form.

(H) A sheriff who receives any fees paid by a person under 5527
this section shall deposit all fees so paid into the sheriff's 5528
concealed handgun license issuance expense fund established 5529
under section 311.42 of the Revised Code. 5530

(I) A sheriff shall accept evidence of imminent danger, a 5531
sworn affidavit, the fee, and the set of fingerprints specified 5532
in division (B) (1) of this section at any time during normal 5533
business hours. In no case shall a sheriff require an 5534
appointment, or designate a specific period of time, for the 5535
submission or acceptance of evidence of imminent danger, a sworn 5536
affidavit, the fee, and the set of fingerprints specified in 5537
division (B) (1) of this section, or for the provision to any 5538
person of a standard form to be used for a person to apply for a 5539
concealed handgun license on a temporary emergency basis. 5540

Sec. 2923.13. (A) Unless relieved from disability under 5541
operation of law or legal process, no person shall knowingly 5542
acquire, have, carry, or use any firearm or dangerous ordnance, 5543
if any of the following apply: 5544

(1) The person is a fugitive from justice. 5545

(2) The person is under indictment for or has been 5546
convicted of any felony offense of violence or has been 5547
adjudicated a delinquent child for the commission of an offense 5548
that, if committed by an adult, would have been a felony offense 5549
of violence. 5550

(3) The person is under indictment for or has been 5551
convicted of any felony offense involving the illegal 5552
possession, use, sale, administration, distribution, or 5553
trafficking in any drug of abuse or has been adjudicated a 5554
delinquent child for the commission of an offense that, if 5555

committed by an adult, would have been a felony offense 5556
involving the illegal possession, use, sale, administration, 5557
distribution, or trafficking in any drug of abuse. 5558

(4) The person ~~is~~ has a drug dependent dependency, is in 5559
danger of drug dependence, or ~~a~~ has chronic alcoholic alcoholism. 5560

(5) The person is under adjudication of mental 5561
incompetence, ~~has been adjudicated as a mental defective~~, has 5562
been committed to a mental institution, has been found by a 5563
court to be a ~~mentally ill person~~ with a mental illness subject 5564
to court order, or is an involuntary patient other than one who 5565
is a patient only for purposes of observation. As used in this 5566
division, "~~mentally ill person~~ with a mental illness subject to 5567
court order" and "patient" have the same meanings as in section 5568
5122.01 of the Revised Code. 5569

(B) Whoever violates this section is guilty of having 5570
weapons while under disability, a felony of the third degree. 5571

(C) For the purposes of this section, "under operation of 5572
law or legal process" shall not itself include mere completion, 5573
termination, or expiration of a sentence imposed as a result of 5574
a criminal conviction. 5575

Sec. 2925.01. As used in this chapter: 5576

(A) "Administer," "controlled substance," "controlled 5577
substance analog," "dispense," "distribute," "hypodermic," 5578
"manufacturer," "official written order," "person," 5579
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 5580
"schedule III," "schedule IV," "schedule V," and "wholesaler" 5581
have the same meanings as in section 3719.01 of the Revised 5582
Code. 5583

(B) "~~Drug dependent person~~" and "~~drug~~ Drug of abuse" and 5584

"person with a drug dependency" have the same meanings as in 5585
section 3719.011 of the Revised Code. 5586

(C) "Drug," "dangerous drug," "licensed health 5587
professional authorized to prescribe drugs," and "prescription" 5588
have the same meanings as in section 4729.01 of the Revised 5589
Code. 5590

(D) "Bulk amount" of a controlled substance means any of 5591
the following: 5592

(1) For any compound, mixture, preparation, or substance 5593
included in schedule I, schedule II, or schedule III, with the 5594
exception of any controlled substance analog, marihuana, 5595
cocaine, L.S.D., heroin, any fentanyl-related compound, and 5596
hashish and except as provided in division (D) (2), (5), or (6) 5597
of this section, whichever of the following is applicable: 5598

(a) An amount equal to or exceeding ten grams or twenty- 5599
five unit doses of a compound, mixture, preparation, or 5600
substance that is or contains any amount of a schedule I opiate 5601
or opium derivative; 5602

(b) An amount equal to or exceeding ten grams of a 5603
compound, mixture, preparation, or substance that is or contains 5604
any amount of raw or gum opium; 5605

(c) An amount equal to or exceeding thirty grams or ten 5606
unit doses of a compound, mixture, preparation, or substance 5607
that is or contains any amount of a schedule I hallucinogen 5608
other than tetrahydrocannabinol or lysergic acid amide, or a 5609
schedule I stimulant or depressant; 5610

(d) An amount equal to or exceeding twenty grams or five 5611
times the maximum daily dose in the usual dose range specified 5612
in a standard pharmaceutical reference manual of a compound, 5613

mixture, preparation, or substance that is or contains any 5614
amount of a schedule II opiate or opium derivative; 5615

(e) An amount equal to or exceeding five grams or ten unit 5616
doses of a compound, mixture, preparation, or substance that is 5617
or contains any amount of phencyclidine; 5618

(f) An amount equal to or exceeding one hundred twenty 5619
grams or thirty times the maximum daily dose in the usual dose 5620
range specified in a standard pharmaceutical reference manual of 5621
a compound, mixture, preparation, or substance that is or 5622
contains any amount of a schedule II stimulant that is in a 5623
final dosage form manufactured by a person authorized by the 5624
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 5625
U.S.C.A. 301, as amended, and the federal drug abuse control 5626
laws, as defined in section 3719.01 of the Revised Code, that is 5627
or contains any amount of a schedule II depressant substance or 5628
a schedule II hallucinogenic substance; 5629

(g) An amount equal to or exceeding three grams of a 5630
compound, mixture, preparation, or substance that is or contains 5631
any amount of a schedule II stimulant, or any of its salts or 5632
isomers, that is not in a final dosage form manufactured by a 5633
person authorized by the Federal Food, Drug, and Cosmetic Act 5634
and the federal drug abuse control laws. 5635

(2) An amount equal to or exceeding one hundred twenty 5636
grams or thirty times the maximum daily dose in the usual dose 5637
range specified in a standard pharmaceutical reference manual of 5638
a compound, mixture, preparation, or substance that is or 5639
contains any amount of a schedule III or IV substance other than 5640
an anabolic steroid or a schedule III opiate or opium 5641
derivative; 5642

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code and the sentencing provisions set forth in divisions (C) (10) (b) and (C) (11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (D) (1), (2), (3), (4), or (5) of this section for the other schedule III, IV, or V controlled substance that is combined with the fentanyl-related compound.

(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing,	5673
or tilling.	5674
(G) "Drug abuse offense" means any of the following:	5675
(1) A violation of division (A) of section 2913.02 that	5676
constitutes theft of drugs, or a violation of section 2925.02,	5677
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	5678
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	5679
or 2925.37 of the Revised Code;	5680
(2) A violation of an existing or former law of this or	5681
any other state or of the United States that is substantially	5682
equivalent to any section listed in division (G) (1) of this	5683
section;	5684
(3) An offense under an existing or former law of this or	5685
any other state, or of the United States, of which planting,	5686
cultivating, harvesting, processing, making, manufacturing,	5687
producing, shipping, transporting, delivering, acquiring,	5688
possessing, storing, distributing, dispensing, selling, inducing	5689
another to use, administering to another, using, or otherwise	5690
dealing with a controlled substance is an element;	5691
(4) A conspiracy to commit, attempt to commit, or	5692
complicity in committing or attempting to commit any offense	5693
under division (G) (1), (2), or (3) of this section.	5694
(H) "Felony drug abuse offense" means any drug abuse	5695
offense that would constitute a felony under the laws of this	5696
state, any other state, or the United States.	5697
(I) "Harmful intoxicant" does not include beer or	5698
intoxicating liquor but means any of the following:	5699
(1) Any compound, mixture, preparation, or substance the	5700

gas, fumes, or vapor of which when inhaled can induce 5701
intoxication, excitement, giddiness, irrational behavior, 5702
depression, stupefaction, paralysis, unconsciousness, 5703
asphyxiation, or other harmful physiological effects, and 5704
includes, but is not limited to, any of the following: 5705

(a) Any volatile organic solvent, plastic cement, model 5706
cement, fingernail polish remover, lacquer thinner, cleaning 5707
fluid, gasoline, or other preparation containing a volatile 5708
organic solvent; 5709

(b) Any aerosol propellant; 5710

(c) Any fluorocarbon refrigerant; 5711

(d) Any anesthetic gas. 5712

(2) Gamma Butyrolactone; 5713

(3) 1,4 Butanediol. 5714

(J) "Manufacture" means to plant, cultivate, harvest, 5715
process, make, prepare, or otherwise engage in any part of the 5716
production of a drug, by propagation, extraction, chemical 5717
synthesis, or compounding, or any combination of the same, and 5718
includes packaging, repackaging, labeling, and other activities 5719
incident to production. 5720

(K) "Possess" or "possession" means having control over a 5721
thing or substance, but may not be inferred solely from mere 5722
access to the thing or substance through ownership or occupation 5723
of the premises upon which the thing or substance is found. 5724

(L) "Sample drug" means a drug or pharmaceutical 5725
preparation that would be hazardous to health or safety if used 5726
without the supervision of a licensed health professional 5727
authorized to prescribe drugs, or a drug of abuse, and that, at 5728

one time, had been placed in a container plainly marked as a 5729
sample by a manufacturer. 5730

(M) "Standard pharmaceutical reference manual" means the 5731
current edition, with cumulative changes if any, of references 5732
that are approved by the state board of pharmacy. 5733

(N) "Juvenile" means a person under eighteen years of age. 5734

(O) "Counterfeit controlled substance" means any of the 5735
following: 5736

(1) Any drug that bears, or whose container or label 5737
bears, a trademark, trade name, or other identifying mark used 5738
without authorization of the owner of rights to that trademark, 5739
trade name, or identifying mark; 5740

(2) Any unmarked or unlabeled substance that is 5741
represented to be a controlled substance manufactured, 5742
processed, packed, or distributed by a person other than the 5743
person that manufactured, processed, packed, or distributed it; 5744

(3) Any substance that is represented to be a controlled 5745
substance but is not a controlled substance or is a different 5746
controlled substance; 5747

(4) Any substance other than a controlled substance that a 5748
reasonable person would believe to be a controlled substance 5749
because of its similarity in shape, size, and color, or its 5750
markings, labeling, packaging, distribution, or the price for 5751
which it is sold or offered for sale. 5752

(P) An offense is "committed in the vicinity of a school" 5753
if the offender commits the offense on school premises, in a 5754
school building, or within one thousand feet of the boundaries 5755
of any school premises, regardless of whether the offender knows 5756

the offense is being committed on school premises, in a school 5757
building, or within one thousand feet of the boundaries of any 5758
school premises. 5759

(Q) "School" means any school operated by a board of 5760
education, any community school established under Chapter 3314. 5761
of the Revised Code, or any nonpublic school for which the state 5762
board of education prescribes minimum standards under section 5763
3301.07 of the Revised Code, whether or not any instruction, 5764
extracurricular activities, or training provided by the school 5765
is being conducted at the time a criminal offense is committed. 5766

(R) "School premises" means either of the following: 5767

(1) The parcel of real property on which any school is 5768
situated, whether or not any instruction, extracurricular 5769
activities, or training provided by the school is being 5770
conducted on the premises at the time a criminal offense is 5771
committed; 5772

(2) Any other parcel of real property that is owned or 5773
leased by a board of education of a school, the governing 5774
authority of a community school established under Chapter 3314. 5775
of the Revised Code, or the governing body of a nonpublic school 5776
for which the state board of education prescribes minimum 5777
standards under section 3301.07 of the Revised Code and on which 5778
some of the instruction, extracurricular activities, or training 5779
of the school is conducted, whether or not any instruction, 5780
extracurricular activities, or training provided by the school 5781
is being conducted on the parcel of real property at the time a 5782
criminal offense is committed. 5783

(S) "School building" means any building in which any of 5784
the instruction, extracurricular activities, or training 5785

provided by a school is conducted, whether or not any 5786
instruction, extracurricular activities, or training provided by 5787
the school is being conducted in the school building at the time 5788
a criminal offense is committed. 5789

(T) "Disciplinary counsel" means the disciplinary counsel 5790
appointed by the board of commissioners on grievances and 5791
discipline of the supreme court under the Rules for the 5792
Government of the Bar of Ohio. 5793

(U) "Certified grievance committee" means a duly 5794
constituted and organized committee of the Ohio state bar 5795
association or of one or more local bar associations of the 5796
state of Ohio that complies with the criteria set forth in Rule 5797
V, section 6 of the Rules for the Government of the Bar of Ohio. 5798

(V) "Professional license" means any license, permit, 5799
certificate, registration, qualification, admission, temporary 5800
license, temporary permit, temporary certificate, or temporary 5801
registration that is described in divisions (W)(1) to (37) of 5802
this section and that qualifies a person as a professionally 5803
licensed person. 5804

(W) "Professionally licensed person" means any of the 5805
following: 5806

(1) A person who has received a certificate or temporary 5807
certificate as a certified public accountant or who has 5808
registered as a public accountant under Chapter 4701. of the 5809
Revised Code and who holds an Ohio permit issued under that 5810
chapter; 5811

(2) A person who holds a certificate of qualification to 5812
practice architecture issued or renewed and registered under 5813
Chapter 4703. of the Revised Code; 5814

(3) A person who is registered as a landscape architect	5815
under Chapter 4703. of the Revised Code or who holds a permit as	5816
a landscape architect issued under that chapter;	5817
(4) A person licensed under Chapter 4707. of the Revised	5818
Code;	5819
(5) A person who has been issued a certificate of	5820
registration as a registered barber under Chapter 4709. of the	5821
Revised Code;	5822
(6) A person licensed and regulated to engage in the	5823
business of a debt pooling company by a legislative authority,	5824
under authority of Chapter 4710. of the Revised Code;	5825
(7) A person who has been issued a cosmetologist's	5826
license, hair designer's license, manicurist's license,	5827
esthetician's license, natural hair stylist's license, advanced	5828
cosmetologist's license, advanced hair designer's license,	5829
advanced manicurist's license, advanced esthetician's license,	5830
advanced natural hair stylist's license, cosmetology	5831
instructor's license, hair design instructor's license,	5832
manicurist instructor's license, esthetics instructor's license,	5833
natural hair style instructor's license, independent	5834
contractor's license, or tanning facility permit under Chapter	5835
4713. of the Revised Code;	5836
(8) A person who has been issued a license to practice	5837
dentistry, a general anesthesia permit, a conscious sedation	5838
permit, a limited resident's license, a limited teaching	5839
license, a dental hygienist's license, or a dental hygienist's	5840
teacher's certificate under Chapter 4715. of the Revised Code;	5841
(9) A person who has been issued an embalmer's license, a	5842
funeral director's license, a funeral home license, or a	5843

crematory license, or who has been registered for an embalmer's 5844
or funeral director's apprenticeship under Chapter 4717. of the 5845
Revised Code; 5846

(10) A person who has been licensed as a registered nurse 5847
or practical nurse, or who has been issued a certificate for the 5848
practice of nurse-midwifery under Chapter 4723. of the Revised 5849
Code; 5850

(11) A person who has been licensed to practice optometry 5851
or to engage in optical dispensing under Chapter 4725. of the 5852
Revised Code; 5853

(12) A person licensed to act as a pawnbroker under 5854
Chapter 4727. of the Revised Code; 5855

(13) A person licensed to act as a precious metals dealer 5856
under Chapter 4728. of the Revised Code; 5857

(14) A person licensed under Chapter 4729. of the Revised 5858
Code as a pharmacist or pharmacy intern or registered under that 5859
chapter as a registered pharmacy technician, certified pharmacy 5860
technician, or pharmacy technician trainee; 5861

(15) A person licensed under Chapter 4729. of the Revised 5862
Code as a manufacturer of dangerous drugs, outsourcing facility, 5863
third-party logistics provider, repackager of dangerous drugs, 5864
wholesale distributor of dangerous drugs, or terminal 5865
distributor of dangerous drugs; 5866

(16) A person who is authorized to practice as a physician 5867
assistant under Chapter 4730. of the Revised Code; 5868

(17) A person who has been issued a license to practice 5869
medicine and surgery, osteopathic medicine and surgery, or 5870
podiatric medicine and surgery under Chapter 4731. of the 5871

Revised Code or has been issued a certificate to practice a	5872
limited branch of medicine under that chapter;	5873
(18) A person licensed as a psychologist or school	5874
psychologist under Chapter 4732. of the Revised Code;	5875
(19) A person registered to practice the profession of	5876
engineering or surveying under Chapter 4733. of the Revised	5877
Code;	5878
(20) A person who has been issued a license to practice	5879
chiropractic under Chapter 4734. of the Revised Code;	5880
(21) A person licensed to act as a real estate broker or	5881
real estate salesperson under Chapter 4735. of the Revised Code;	5882
(22) A person registered as a registered environmental	5883
health specialist under Chapter 4736. of the Revised Code;	5884
(23) A person licensed to operate or maintain a junkyard	5885
under Chapter 4737. of the Revised Code;	5886
(24) A person who has been issued a motor vehicle salvage	5887
dealer's license under Chapter 4738. of the Revised Code;	5888
(25) A person who has been licensed to act as a steam	5889
engineer under Chapter 4739. of the Revised Code;	5890
(26) A person who has been issued a license or temporary	5891
permit to practice veterinary medicine or any of its branches,	5892
or who is registered as a graduate animal technician under	5893
Chapter 4741. of the Revised Code;	5894
(27) A person who has been issued a hearing aid dealer's	5895
or fitter's license or trainee permit under Chapter 4747. of the	5896
Revised Code;	5897
(28) A person who has been issued a class A, class B, or	5898

class C license or who has been registered as an investigator or	5899
security guard employee under Chapter 4749. of the Revised Code;	5900
(29) A person licensed to practice as a nursing home	5901
administrator under Chapter 4751. of the Revised Code;	5902
(30) A person licensed to practice as a speech-language	5903
pathologist or audiologist under Chapter 4753. of the Revised	5904
Code;	5905
(31) A person issued a license as an occupational	5906
therapist or physical therapist under Chapter 4755. of the	5907
Revised Code;	5908
(32) A person who is licensed as a licensed professional	5909
clinical counselor, licensed professional counselor, social	5910
worker, independent social worker, independent marriage and	5911
family therapist, or marriage and family therapist, or	5912
registered as a social work assistant under Chapter 4757. of the	5913
Revised Code;	5914
(33) A person issued a license to practice dietetics under	5915
Chapter 4759. of the Revised Code;	5916
(34) A person who has been issued a license or limited	5917
permit to practice respiratory therapy under Chapter 4761. of	5918
the Revised Code;	5919
(35) A person who has been issued a real estate appraiser	5920
certificate under Chapter 4763. of the Revised Code;	5921
(36) A person who has been issued a home inspector license	5922
under Chapter 4764. of the Revised Code;	5923
(37) A person who has been admitted to the bar by order of	5924
the supreme court in compliance with its prescribed and	5925
published rules.	5926

(X) "Cocaine" means any of the following:	5927
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	5928 5929
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	5930 5931 5932 5933
(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	5934 5935 5936 5937 5938 5939
(Y) "L.S.D." means lysergic acid diethylamide.	5940
(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	5941 5942
(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	5943 5944 5945
(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.	5946 5947
"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.	5948 5949 5950 5951 5952
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include	5953 5954

hashish. 5955

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense. 5956
5957
5958
5959
5960
5961
5962

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. 5963
5964
5965
5966
5967
5968

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code. 5969
5970

(EE) "Minor drug possession offense" means either of the following: 5971
5972

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996; 5973
5974

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree. 5975
5976
5977

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code. 5978
5979

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code. 5980
5981

(HH) "Public premises" means any hotel, restaurant, 5982

tavern, store, arena, hall, or other place of public	5983
accommodation, business, amusement, or resort.	5984
(II) "Methamphetamine" means methamphetamine, any salt,	5985
isomer, or salt of an isomer of methamphetamine, or any	5986
compound, mixture, preparation, or substance containing	5987
methamphetamine or any salt, isomer, or salt of an isomer of	5988
methamphetamine.	5989
(JJ) "Deception" has the same meaning as in section	5990
2913.01 of the Revised Code.	5991
(KK) "Fentanyl-related compound" means any of the	5992
following:	5993
(1) Fentanyl;	5994
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	5995
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	5996
phenylethyl)-4-(N-propanilido) piperidine);	5997
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	5998
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	5999
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	6000
piperidinyl] -N-phenylpropanamide);	6001
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	6002
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	6003
phenylpropanamide);	6004
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	6005
piperidyl]-N- phenylpropanamide);	6006
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	6007
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	6008
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	6009

phenethyl)-4- piperidinyl]propanamide;	6010
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- piperidinyl]- propanamide;	6011 6012
(10) Alfentanil;	6013
(11) Carfentanil;	6014
(12) Remifentanil;	6015
(13) Sufentanil;	6016
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- phenethyl)-4- piperidinyl]-N-phenylacetamide); and	6017 6018
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- fluorofentanyl:	6019 6020 6021 6022 6023 6024 6025
(a) A chemical scaffold consisting of both of the following:	6026 6027
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	6028 6029
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	6030 6031 6032
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	6033 6034 6035
(c) An alkyl or aryl substitution off the ring nitrogen of	6036

the chemical scaffold; and 6037

(d) The compound has not been approved for medical use by 6038
the United States food and drug administration. 6039

(LL) "First degree felony mandatory prison term" means one 6040
of the definite prison terms prescribed in division (A) (1) (b) of 6041
section 2929.14 of the Revised Code for a felony of the first 6042
degree, except that if the violation for which sentence is being 6043
imposed is committed on or after March 22, 2019, it means one of 6044
the minimum prison terms prescribed in division (A) (1) (a) of 6045
that section for a felony of the first degree. 6046

(MM) "Second degree felony mandatory prison term" means 6047
one of the definite prison terms prescribed in division (A) (2) 6048
(b) of section 2929.14 of the Revised Code for a felony of the 6049
second degree, except that if the violation for which sentence 6050
is being imposed is committed on or after March 22, 2019, it 6051
means one of the minimum prison terms prescribed in division (A) 6052
(2) (a) of that section for a felony of the second degree. 6053

(NN) "Maximum first degree felony mandatory prison term" 6054
means the maximum definite prison term prescribed in division 6055
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 6056
the first degree, except that if the violation for which 6057
sentence is being imposed is committed on or after March 22, 6058
2019, it means the longest minimum prison term prescribed in 6059
division (A) (1) (a) of that section for a felony of the first 6060
degree. 6061

(OO) "Maximum second degree felony mandatory prison term" 6062
means the maximum definite prison term prescribed in division 6063
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 6064
the second degree, except that if the violation for which 6065

sentence is being imposed is committed on or after March 22, 6066
2019, it means the longest minimum prison term prescribed in 6067
division (A) (2) (a) of that section for a felony of the second 6068
degree. 6069

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 6070
as in section 928.01 of the Revised Code. 6071

Sec. 2925.02. (A) No person shall knowingly do any of the 6072
following: 6073

(1) By force, threat, or deception, administer to another 6074
or induce or cause another to use a controlled substance; 6075

(2) By any means, administer or furnish to another or 6076
induce or cause another to use a controlled substance with 6077
purpose to cause serious physical harm to the other person, or 6078
with purpose to cause the other person to become ~~drug dependent~~a 6079
person with drug dependency; 6080

(3) By any means, administer or furnish to another or 6081
induce or cause another to use a controlled substance, and 6082
thereby cause serious physical harm to the other person, or 6083
cause the other person to become ~~drug dependent~~a person with 6084
drug dependency; 6085

(4) By any means, do any of the following: 6086

(a) Furnish or administer a controlled substance to a 6087
juvenile who is at least two years the offender's junior, when 6088
the offender knows the age of the juvenile or is reckless in 6089
that regard; 6090

(b) Induce or cause a juvenile who is at least two years 6091
the offender's junior to use a controlled substance, when the 6092
offender knows the age of the juvenile or is reckless in that 6093

regard; 6094

(c) Induce or cause a juvenile who is at least two years 6095
the offender's junior to commit a felony drug abuse offense, 6096
when the offender knows the age of the juvenile or is reckless 6097
in that regard; 6098

(d) Use a juvenile, whether or not the offender knows the 6099
age of the juvenile, to perform any surveillance activity that 6100
is intended to prevent the detection of the offender or any 6101
other person in the commission of a felony drug abuse offense or 6102
to prevent the arrest of the offender or any other person for 6103
the commission of a felony drug abuse offense. 6104

(5) By any means, furnish or administer a controlled 6105
substance to a pregnant woman or induce or cause a pregnant 6106
woman to use a controlled substance, when the offender knows 6107
that the woman is pregnant or is reckless in that regard. 6108

(B) Division (A) (1), (3), (4), or (5) of this section does 6109
not apply to manufacturers, wholesalers, licensed health 6110
professionals authorized to prescribe drugs, pharmacists, owners 6111
of pharmacies, and other persons whose conduct is in accordance 6112
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 6113
4741. of the Revised Code. 6114

(C) Whoever violates this section is guilty of corrupting 6115
another with drugs. The penalty for the offense shall be 6116
determined as follows: 6117

(1) If the offense is a violation of division (A) (1), (2), 6118
(3), or (4) of this section and the drug involved is any 6119
compound, mixture, preparation, or substance included in 6120
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 6121
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 6122

morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C)(1)(b) of this section, corrupting another with drugs committed in those circumstances is a felony of the second degree and, subject to division (E) of this section, the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(2) If the offense is a violation of division (A)(1), (2), (3), or (4) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C)(2)(b) of this section, corrupting another with drugs committed in those circumstances is a felony of the second degree and there is a presumption for a prison term for the offense.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony

mandatory prison term. 6152

(3) If the offense is a violation of division (A) (1), (2), 6153
(3), or (4) of this section and the drug involved is marihuana, 6154
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 6155
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 6156
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 6157
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 6158
offender shall be punished as follows: 6159

(a) Except as otherwise provided in division (C) (3) (b) of 6160
this section, corrupting another with drugs committed in those 6161
circumstances is a felony of the fourth degree and division (C) 6162
of section 2929.13 of the Revised Code applies in determining 6163
whether to impose a prison term on the offender. 6164

(b) If the offense was committed in the vicinity of a 6165
school, corrupting another with drugs committed in those 6166
circumstances is a felony of the third degree and division (C) 6167
of section 2929.13 of the Revised Code applies in determining 6168
whether to impose a prison term on the offender. 6169

(4) If the offense is a violation of division (A) (5) of 6170
this section and the drug involved is any compound, mixture, 6171
preparation, or substance included in schedule I or II, with the 6172
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 6173
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 6174
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 6175
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 6176
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 6177
felony of the first degree and, subject to division (E) of this 6178
section, the court shall impose as a mandatory prison term a 6179
first degree felony mandatory prison term. 6180

(5) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, corrupting another with drugs is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(6) If the offense is a violation of division (A) (5) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. The court also shall do all of the following that are applicable regarding the offender:

(1) (a) If the violation is a felony of the first, second, 6212
or third degree, the court shall impose upon the offender the 6213
mandatory fine specified for the offense under division (B) (1) 6214
of section 2929.18 of the Revised Code unless, as specified in 6215
that division, the court determines that the offender is 6216
indigent. 6217

(b) Notwithstanding any contrary provision of section 6218
3719.21 of the Revised Code, any mandatory fine imposed pursuant 6219
to division (D) (1) (a) of this section and any fine imposed for a 6220
violation of this section pursuant to division (A) of section 6221
2929.18 of the Revised Code shall be paid by the clerk of the 6222
court in accordance with and subject to the requirements of, and 6223
shall be used as specified in, division (F) of section 2925.03 6224
of the Revised Code. 6225

(c) If a person is charged with any violation of this 6226
section that is a felony of the first, second, or third degree, 6227
posts bail, and forfeits the bail, the forfeited bail shall be 6228
paid by the clerk of the court pursuant to division (D) (1) (b) of 6229
this section as if it were a fine imposed for a violation of 6230
this section. 6231

(2) If the offender is a professionally licensed person, 6232
in addition to any other sanction imposed for a violation of 6233
this section, the court immediately shall comply with section 6234
2925.38 of the Revised Code. 6235

(E) Notwithstanding the prison term otherwise authorized 6236
or required for the offense under division (C) of this section 6237
and sections 2929.13 and 2929.14 of the Revised Code, if the 6238
violation of division (A) of this section involves the sale, 6239
offer to sell, or possession of a schedule I or II controlled 6240
substance, with the exception of marihuana, 1-Pentyl-3-(1- 6241

naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 6242
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 6243
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 6244
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 6245
if the court imposing sentence upon the offender finds that the 6246
offender as a result of the violation is a major drug offender 6247
and is guilty of a specification of the type described in 6248
division (A) of section 2941.1410 of the Revised Code, the 6249
court, in lieu of the prison term that otherwise is authorized 6250
or required, shall impose upon the offender the mandatory prison 6251
term specified in division (B) (3) (a) of section 2929.14 of the 6252
Revised Code. 6253

(F) (1) If the sentencing court suspends the offender's 6254
driver's or commercial driver's license or permit under division 6255
(D) of this section, the offender, at any time after the 6256
expiration of two years from the day on which the offender's 6257
sentence was imposed or from the day on which the offender 6258
finally was released from a prison term under the sentence, 6259
whichever is later, may file a motion with the sentencing court 6260
requesting termination of the suspension. Upon the filing of the 6261
motion and the court's finding of good cause for the 6262
determination, the court may terminate the suspension. 6263

(2) Any offender who received a mandatory suspension of 6264
the offender's driver's or commercial driver's license or permit 6265
under this section prior to September 13, 2016, may file a 6266
motion with the sentencing court requesting the termination of 6267
the suspension. However, an offender who pleaded guilty to or 6268
was convicted of a violation of section 4511.19 of the Revised 6269
Code or a substantially similar municipal ordinance or law of 6270
another state or the United States that arose out of the same 6271
set of circumstances as the violation for which the offender's 6272

license or permit was suspended under this section shall not 6273
file such a motion. 6274

Upon the filing of a motion under division (F) (2) of this 6275
section, the sentencing court, in its discretion, may terminate 6276
the suspension. 6277

Sec. 2929.15. (A) (1) If in sentencing an offender for a 6278
felony the court is not required to impose a prison term, a 6279
mandatory prison term, or a term of life imprisonment upon the 6280
offender, the court may directly impose a sentence that consists 6281
of one or more community control sanctions authorized pursuant 6282
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 6283
the court is sentencing an offender for a fourth degree felony 6284
OVI offense under division (G) (1) of section 2929.13 of the 6285
Revised Code, in addition to the mandatory term of local 6286
incarceration imposed under that division and the mandatory fine 6287
required by division (B) (3) of section 2929.18 of the Revised 6288
Code, the court may impose upon the offender a community control 6289
sanction or combination of community control sanctions in 6290
accordance with sections 2929.16 and 2929.17 of the Revised 6291
Code. If the court is sentencing an offender for a third or 6292
fourth degree felony OVI offense under division (G) (2) of 6293
section 2929.13 of the Revised Code, in addition to the 6294
mandatory prison term or mandatory prison term and additional 6295
prison term imposed under that division, the court also may 6296
impose upon the offender a community control sanction or 6297
combination of community control sanctions under section 2929.16 6298
or 2929.17 of the Revised Code, but the offender shall serve all 6299
of the prison terms so imposed prior to serving the community 6300
control sanction. 6301

The duration of all community control sanctions imposed on 6302

an offender under this division shall not exceed five years. If 6303
the offender absconds or otherwise leaves the jurisdiction of 6304
the court in which the offender resides without obtaining 6305
permission from the court or the offender's probation officer to 6306
leave the jurisdiction of the court, or if the offender is 6307
confined in any institution for the commission of any offense 6308
while under a community control sanction, the period of the 6309
community control sanction ceases to run until the offender is 6310
brought before the court for its further action. If the court 6311
sentences the offender to one or more nonresidential sanctions 6312
under section 2929.17 of the Revised Code, the court shall 6313
impose as a condition of the nonresidential sanctions that, 6314
during the period of the sanctions, the offender must abide by 6315
the law and must not leave the state without the permission of 6316
the court or the offender's probation officer. The court may 6317
impose any other conditions of release under a community control 6318
sanction that the court considers appropriate, including, but 6319
not limited to, requiring that the offender not ingest or be 6320
injected with a drug of abuse and submit to random drug testing 6321
as provided in division (D) of this section to determine whether 6322
the offender ingested or was injected with a drug of abuse and 6323
requiring that the results of the drug test indicate that the 6324
offender did not ingest or was not injected with a drug of 6325
abuse. 6326

(2) (a) If a court sentences an offender to any community 6327
control sanction or combination of community control sanctions 6328
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 6329
the Revised Code, the court shall place the offender under the 6330
general control and supervision of a department of probation in 6331
the county that serves the court for purposes of reporting to 6332
the court a violation of any condition of the sanctions, any 6333

condition of release under a community control sanction imposed 6334
by the court, a violation of law, or the departure of the 6335
offender from this state without the permission of the court or 6336
the offender's probation officer. Alternatively, if the offender 6337
resides in another county and a county department of probation 6338
has been established in that county or that county is served by 6339
a multicounty probation department established under section 6340
2301.27 of the Revised Code, the court may request the court of 6341
common pleas of that county to receive the offender into the 6342
general control and supervision of that county or multicounty 6343
department of probation for purposes of reporting to the court a 6344
violation of any condition of the sanctions, any condition of 6345
release under a community control sanction imposed by the court, 6346
a violation of law, or the departure of the offender from this 6347
state without the permission of the court or the offender's 6348
probation officer, subject to the jurisdiction of the trial 6349
judge over and with respect to the person of the offender, and 6350
to the rules governing that department of probation. 6351

If there is no department of probation in the county that 6352
serves the court, the court shall place the offender, regardless 6353
of the offender's county of residence, under the general control 6354
and supervision of the adult parole authority or an entity 6355
authorized under division (B) of section 2301.27 of the Revised 6356
Code to provide probation and supervisory services to counties 6357
for purposes of reporting to the court a violation of any of the 6358
sanctions, any condition of release under a community control 6359
sanction imposed by the court, a violation of law, or the 6360
departure of the offender from this state without the permission 6361
of the court or the offender's probation officer. 6362

(b) If the court imposing sentence on an offender 6363
sentences the offender to any community control sanction or 6364

combination of community control sanctions authorized pursuant 6365
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 6366
if the offender violates any condition of the sanctions, 6367
violates any condition of release under a community control 6368
sanction imposed by the court, violates any law, or departs the 6369
state without the permission of the court or the offender's 6370
probation officer, the public or private person or entity that 6371
operates or administers the sanction or the program or activity 6372
that comprises the sanction shall report the violation or 6373
departure directly to the sentencing court, or shall report the 6374
violation or departure to the county or multicounty department 6375
of probation with general control and supervision over the 6376
offender under division (A)(2)(a) of this section or the officer 6377
of that department who supervises the offender, or, if there is 6378
no such department with general control and supervision over the 6379
offender under that division, to the adult parole authority or 6380
an entity authorized under division (B) of section 2301.27 of 6381
the Revised Code to provide probation and supervisory services 6382
to the county. If the public or private person or entity that 6383
operates or administers the sanction or the program or activity 6384
that comprises the sanction reports the violation or departure 6385
to the county or multicounty department of probation, the adult 6386
parole authority, or any other entity providing probation and 6387
supervisory services to the county, the department's, 6388
authority's, or other entity's officers may treat the offender 6389
as if the offender were on probation and in violation of the 6390
probation, and shall report the violation of the condition of 6391
the sanction, any condition of release under a community control 6392
sanction imposed by the court, the violation of law, or the 6393
departure from the state without the required permission to the 6394
sentencing court. 6395

(3) If an offender who is eligible for community control 6396
sanctions under this section admits to ~~being having a drug~~ 6397
~~addicted addiction~~ or the court has reason to believe that the 6398
offender ~~is~~ has a drug addicted addiction, and if the offense for 6399
which the offender is being sentenced was related to the 6400
addiction, the court may require that the offender be assessed 6401
by a properly credentialed professional within a specified 6402
period of time and shall require the professional to file a 6403
written assessment of the offender with the court. If a court 6404
imposes treatment and recovery support services as a community 6405
control sanction, the court shall direct the level and type of 6406
treatment and recovery support services after consideration of 6407
the written assessment, if available at the time of sentencing, 6408
and recommendations of the professional and other treatment and 6409
recovery support services providers. 6410

(4) If an assessment completed pursuant to division (A) (3) 6411
of this section indicates that the offender ~~is addicted~~ has an 6412
addiction to drugs or alcohol, the court may include in any 6413
community control sanction imposed for a violation of section 6414
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 6415
2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code a 6416
requirement that the offender participate in alcohol and drug 6417
addiction services and recovery supports certified under section 6418
5119.36 of the Revised Code or offered by a properly 6419
credentialed community addiction services provider. 6420

(B) (1) If the conditions of a community control sanction 6421
imposed for a felony are violated or if the offender violates a 6422
law or leaves the state without the permission of the court or 6423
the offender's probation officer, the sentencing court may 6424
impose on the violator one or more of the following penalties: 6425

(a) A longer time under the same sanction if the total 6426
time under the sanctions does not exceed the five-year limit 6427
specified in division (A) of this section; 6428

(b) A more restrictive sanction under section 2929.16, 6429
2929.17, or 2929.18 of the Revised Code, including but not 6430
limited to, a new term in a community-based correctional 6431
facility, halfway house, or jail pursuant to division (A)(6) of 6432
section 2929.16 of the Revised Code; 6433

(c) A prison term on the offender pursuant to section 6434
2929.14 of the Revised Code and division (B)(3) of this section, 6435
provided that a prison term imposed under this division is 6436
subject to the following limitations, as applicable: 6437

(i) If the prison term is imposed for any technical 6438
violation of the conditions of a community control sanction 6439
imposed for a felony of the fifth degree, the prison term shall 6440
not exceed ninety days, provided that if the remaining period of 6441
community control at the time of the violation or the remaining 6442
period of the suspended prison sentence at that time is less 6443
than ninety days, the prison term shall not exceed the length of 6444
the remaining period of community control or the remaining 6445
period of the suspended prison sentence. If the court imposes a 6446
prison term as described in this division, division (B)(2)(b) of 6447
this section applies. 6448

(ii) If the prison term is imposed for any technical 6449
violation of the conditions of a community control sanction 6450
imposed for a felony of the fourth degree that is not an offense 6451
of violence and is not a sexually oriented offense, the prison 6452
term shall not exceed one hundred eighty days, provided that if 6453
the remaining period of the community control at the time of the 6454
violation or the remaining period of the suspended prison 6455

sentence at that time is less than one hundred eighty days, the 6456
prison term shall not exceed the length of the remaining period 6457
of community control or the remaining period of the suspended 6458
prison sentence. If the court imposes a prison term as described 6459
in this division, division (B) (2) (b) of this section applies. 6460

(2) (a) If an offender was acting pursuant to division (B) 6461
(2) (b) of section 2925.11 of the Revised Code and in so doing 6462
violated the conditions of a community control sanction based on 6463
a minor drug possession offense, as defined in section 2925.11 6464
of the Revised Code, the sentencing court may consider the 6465
offender's conduct in seeking or obtaining medical assistance 6466
for another in good faith or for self or may consider the 6467
offender being the subject of another person seeking or 6468
obtaining medical assistance in accordance with that division as 6469
a mitigating factor before imposing any of the penalties 6470
described in division (B) (1) of this section. 6471

(b) If a court imposes a prison term on an offender under 6472
division (B) (1) (c) (i) or (ii) of this section for a technical 6473
violation of the conditions of a community control sanction, one 6474
of the following is applicable with respect to the time that the 6475
offender spends in prison under the term: 6476

(i) Subject to division (B) (2) (b) (ii) of this section, it 6477
shall be credited against the offender's community control 6478
sanction that was being served at the time of the violation, and 6479
the remaining time under that community control sanction shall 6480
be reduced by the time that the offender spends in prison under 6481
the prison term. The offender upon release from the prison term 6482
shall continue serving the remaining time under the community 6483
control sanction, as reduced under this division. 6484

(ii) If the offender at the time of the violation was 6485

6486 serving a community control sanction as part of a suspended
6487 prison sentence, it shall be credited against the offender's
6488 community control sanction that was being served at the time of
6489 the violation and against the suspended prison sentence, and the
6490 remaining time under that community control sanction and under
6491 the suspended prison sentence shall be reduced by the time that
6492 the offender spends in prison under the prison term. The
6493 offender upon release from the prison term shall continue
6494 serving the remaining time under the community control sanction,
6495 as reduced under this division.

6496 (c) A court is not limited in the number of times it may
6497 sentence an offender to a prison term under division (B) (1) (c)
6498 of this section for a violation of the conditions of a community
6499 control sanction or for a violation of a law or leaving the
6500 state without the permission of the court or the offender's
6501 probation officer. If an offender who is under a community
6502 control sanction violates the conditions of the sanction or
6503 violates a law or leaves the state without the permission of the
6504 court or the offender's probation officer, is sentenced to a
6505 prison term for the violation or conduct, is released from the
6506 term after serving it, and subsequently violates the conditions
6507 of the sanction or violates a law or leaves the state without
6508 the permission of the court or the offender's probation officer,
6509 the court may impose a new prison term sanction on the offender
6510 under division (B) (1) (c) of this section for the subsequent
6511 violation or conduct.

6512 (3) The prison term, if any, imposed on a violator
6513 pursuant to this division and division (B) (1) of this section
6514 shall be within the range of prison terms described in this
6515 division and shall not exceed the prison term specified in the
6516 notice provided to the offender at the sentencing hearing

pursuant to division (B)(2) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to division (B)(1) of this section by the time the offender successfully spent under the sanction that was initially imposed. Except as otherwise specified in this division, the prison term imposed under this division and division (B)(1) of this section shall be within the range of prison terms available as a definite term for the offense for which the sanction that was violated was imposed. If the offense for which the sanction that was violated was imposed is a felony of the first or second degree committed on or after March 22, 2019, the prison term so imposed under this division shall be within the range of prison terms available as a minimum term for the offense under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code.

(C) If an offender, for a significant period of time, fulfills the conditions of a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary manner, the court may reduce the period of time under the sanction or impose a less restrictive sanction, but the court shall not permit the offender to violate any law or permit the offender to leave the state without the permission of the court or the offender's probation officer.

(D)(1) If a court under division (A)(1) of this section imposes a condition of release under a community control sanction that requires the offender to submit to random drug testing, the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A)(2)(a) of this section may cause the offender to submit to random drug testing

performed by a laboratory or entity that has entered into a 6548
contract with any of the governmental entities or officers 6549
authorized to enter into a contract with that laboratory or 6550
entity under section 341.26, 753.33, or 5120.63 of the Revised 6551
Code. 6552

(2) If no laboratory or entity described in division (D) 6553
(1) of this section has entered into a contract as specified in 6554
that division, the department of probation, the adult parole 6555
authority, or any other entity that has general control and 6556
supervision of the offender under division (A) (2) (a) of this 6557
section shall cause the offender to submit to random drug 6558
testing performed by a reputable public laboratory to determine 6559
whether the individual who is the subject of the drug test 6560
ingested or was injected with a drug of abuse. 6561

(3) A laboratory or entity that has entered into a 6562
contract pursuant to section 341.26, 753.33, or 5120.63 of the 6563
Revised Code shall perform the random drug tests under division 6564
(D) (1) of this section in accordance with the applicable 6565
standards that are included in the terms of that contract. A 6566
public laboratory shall perform the random drug tests under 6567
division (D) (2) of this section in accordance with the standards 6568
set forth in the policies and procedures established by the 6569
department of rehabilitation and correction pursuant to section 6570
5120.63 of the Revised Code. An offender who is required under 6571
division (A) (1) of this section to submit to random drug testing 6572
as a condition of release under a community control sanction and 6573
whose test results indicate that the offender ingested or was 6574
injected with a drug of abuse shall pay the fee for the drug 6575
test if the department of probation, the adult parole authority, 6576
or any other entity that has general control and supervision of 6577
the offender requires payment of a fee. A laboratory or entity 6578

that performs the random drug testing on an offender under 6579
division (D) (1) or (2) of this section shall transmit the 6580
results of the drug test to the appropriate department of 6581
probation, the adult parole authority, or any other entity that 6582
has general control and supervision of the offender under 6583
division (A) (2) (a) of this section. 6584

(E) As used in this section, "technical violation" means a 6585
violation of the conditions of a community control sanction 6586
imposed for a felony of the fifth degree, or for a felony of the 6587
fourth degree that is not an offense of violence and is not a 6588
sexually oriented offense, and to which neither of the following 6589
applies: 6590

(1) The violation consists of a new criminal offense that 6591
is a felony or that is a misdemeanor other than a minor 6592
misdemeanor, and the violation is committed while under the 6593
community control sanction. 6594

(2) The violation consists of or includes the offender's 6595
articulated or demonstrated refusal to participate in the 6596
community control sanction imposed on the offender or any of its 6597
conditions, and the refusal demonstrates to the court that the 6598
offender has abandoned the objects of the community control 6599
sanction or condition. 6600

Sec. 2929.20. (A) As used in this section: 6601

(1) (a) Except as provided in division (A) (1) (b) of this 6602
section, "eligible offender" means any person who, on or after 6603
April 7, 2009, is serving a stated prison term that includes one 6604
or more nonmandatory prison terms. 6605

(b) "Eligible offender" does not include any person who, 6606
on or after April 7, 2009, is serving a stated prison term for 6607

any of the following criminal offenses that was a felony and was committed while the person held a public office in this state:

(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised Code;

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 2921.12 of the Revised Code, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A) (1) (b) (i) of this section;

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A) (1) (b) (ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A) (1) (b) (i) or described in division (A) (1) (b) (iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A) (1) (b) (ii) or described in division (A) (1) (b) (iv) of this section, if the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense

attempted, or constituting the offense in which the offender was 6637
complicit was or would have been related to the duties of the 6638
offender's public office or to the offender's actions as a 6639
public official holding that public office. 6640

(2) "Nonmandatory prison term" means a prison term that is 6641
not a mandatory prison term. 6642

(3) "Public office" means any elected federal, state, or 6643
local government office in this state. 6644

(4) "Victim's representative" has the same meaning as in 6645
section 2930.01 of the Revised Code. 6646

(5) "Imminent danger of death," "medically incapacitated," 6647
and "terminal illness" have the same meanings as in section 6648
2967.05 of the Revised Code. 6649

(6) "Aggregated nonmandatory prison term or terms" means 6650
the aggregate of the following: 6651

(a) All nonmandatory definite prison terms; 6652

(b) With respect to any non-life felony indefinite prison 6653
term, all nonmandatory minimum prison terms imposed as part of 6654
the non-life felony indefinite prison term or terms. 6655

(B) On the motion of an eligible offender or upon its own 6656
motion, the sentencing court may reduce the eligible offender's 6657
aggregated nonmandatory prison term or terms through a judicial 6658
release under this section. 6659

(C) An eligible offender may file a motion for judicial 6660
release with the sentencing court within the following 6661
applicable periods: 6662

(1) If the aggregated nonmandatory prison term or terms is 6663

less than two years, the eligible offender may file the motion 6664
at any time after the offender is delivered to a state 6665
correctional institution or, if the prison term includes a 6666
mandatory prison term or terms, at any time after the expiration 6667
of all mandatory prison terms. 6668

(2) If the aggregated nonmandatory prison term or terms is 6669
at least two years but less than five years, the eligible 6670
offender may file the motion not earlier than one hundred eighty 6671
days after the offender is delivered to a state correctional 6672
institution or, if the prison term includes a mandatory prison 6673
term or terms, not earlier than one hundred eighty days after 6674
the expiration of all mandatory prison terms. 6675

(3) If the aggregated nonmandatory prison term or terms is 6676
five years, the eligible offender may file the motion not 6677
earlier than the date on which the eligible offender has served 6678
four years of the offender's stated prison term or, if the 6679
prison term includes a mandatory prison term or terms, not 6680
earlier than four years after the expiration of all mandatory 6681
prison terms. 6682

(4) If the aggregated nonmandatory prison term or terms is 6683
more than five years but not more than ten years, the eligible 6684
offender may file the motion not earlier than the date on which 6685
the eligible offender has served five years of the offender's 6686
stated prison term or, if the prison term includes a mandatory 6687
prison term or terms, not earlier than five years after the 6688
expiration of all mandatory prison terms. 6689

(5) If the aggregated nonmandatory prison term or terms is 6690
more than ten years, the eligible offender may file the motion 6691
not earlier than the later of the date on which the offender has 6692
served one-half of the offender's stated prison term or the date 6693

specified in division (C) (4) of this section. 6694

(D) Upon receipt of a timely motion for judicial release 6695
filed by an eligible offender under division (C) of this section 6696
or upon the sentencing court's own motion made within the 6697
appropriate time specified in that division, the court may deny 6698
the motion without a hearing or schedule a hearing on the 6699
motion. The court shall not grant the motion without a hearing. 6700
If a court denies a motion without a hearing, the court later 6701
may consider judicial release for that eligible offender on a 6702
subsequent motion filed by that eligible offender unless the 6703
court denies the motion with prejudice. If a court denies a 6704
motion with prejudice, the court may later consider judicial 6705
release on its own motion. If a court denies a motion after a 6706
hearing, the court shall not consider a subsequent motion for 6707
that eligible offender. The court shall hold only one hearing 6708
for any eligible offender. 6709

A hearing under this section shall be conducted in open 6710
court not less than thirty or more than sixty days after the 6711
motion is filed, provided that the court may delay the hearing 6712
for one hundred eighty additional days. If the court holds a 6713
hearing, the court shall enter a ruling on the motion within ten 6714
days after the hearing. If the court denies the motion without a 6715
hearing, the court shall enter its ruling on the motion within 6716
sixty days after the motion is filed. 6717

(E) If a court schedules a hearing under division (D) of 6718
this section, the court shall notify the eligible offender and 6719
the head of the state correctional institution in which the 6720
eligible offender is confined prior to the hearing. The head of 6721
the state correctional institution immediately shall notify the 6722
appropriate person at the department of rehabilitation and 6723

correction of the hearing, and the department within twenty-four 6724
hours after receipt of the notice, shall post on the database it 6725
maintains pursuant to section 5120.66 of the Revised Code the 6726
offender's name and all of the information specified in division 6727
(A) (1) (c) (i) of that section. If the court schedules a hearing 6728
for judicial release, the court promptly shall give notice of 6729
the hearing to the prosecuting attorney of the county in which 6730
the eligible offender was indicted. Upon receipt of the notice 6731
from the court, the prosecuting attorney shall do whichever of 6732
the following is applicable: 6733

(1) Subject to division (E) (2) of this section, notify the 6734
victim of the offense or the victim's representative pursuant to 6735
division (B) of section 2930.16 of the Revised Code; 6736

(2) If the offense was an offense of violence that is a 6737
felony of the first, second, or third degree, except as 6738
otherwise provided in this division, notify the victim or the 6739
victim's representative of the hearing regardless of whether the 6740
victim or victim's representative has requested the 6741
notification. The notice of the hearing shall not be given under 6742
this division to a victim or victim's representative if the 6743
victim or victim's representative has requested pursuant to 6744
division (B) (2) of section 2930.03 of the Revised Code that the 6745
victim or the victim's representative not be provided the 6746
notice. If notice is to be provided to a victim or victim's 6747
representative under this division, the prosecuting attorney may 6748
give the notice by any reasonable means, including regular mail, 6749
telephone, and electronic mail, in accordance with division (D) 6750
(1) of section 2930.16 of the Revised Code. If the notice is 6751
based on an offense committed prior to March 22, 2013, the 6752
notice also shall include the opt-out information described in 6753
division (D) (1) of section 2930.16 of the Revised Code. The 6754

prosecuting attorney, in accordance with division (D) (2) of 6755
section 2930.16 of the Revised Code, shall keep a record of all 6756
attempts to provide the notice, and of all notices provided, 6757
under this division. Division (E) (2) of this section, and the 6758
notice-related provisions of division (K) of this section, 6759
division (D) (1) of section 2930.16, division (H) of section 6760
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 6761
(b) of section 2967.26, division (D) (1) of section 2967.28, and 6762
division (A) (2) of section 5149.101 of the Revised Code enacted 6763
in the act in which division (E) (2) of this section was enacted, 6764
shall be known as "Roberta's Law." 6765

(F) Upon an offender's successful completion of 6766
rehabilitative activities, the head of the state correctional 6767
institution may notify the sentencing court of the successful 6768
completion of the activities. 6769

(G) Prior to the date of the hearing on a motion for 6770
judicial release under this section, the head of the state 6771
correctional institution in which the eligible offender is 6772
confined shall send to the court an institutional summary report 6773
on the eligible offender's conduct in the institution and in any 6774
institution from which the eligible offender may have been 6775
transferred. Upon the request of the prosecuting attorney of the 6776
county in which the eligible offender was indicted or of any law 6777
enforcement agency, the head of the state correctional 6778
institution, at the same time the person sends the institutional 6779
summary report to the court, also shall send a copy of the 6780
report to the requesting prosecuting attorney and law 6781
enforcement agencies. The institutional summary report shall 6782
cover the eligible offender's participation in school, 6783
vocational training, work, treatment, and other rehabilitative 6784
activities and any disciplinary action taken against the 6785

eligible offender. The report shall be made part of the record 6786
of the hearing. A presentence investigation report is not 6787
required for judicial release. 6788

(H) If the court grants a hearing on a motion for judicial 6789
release under this section, the eligible offender shall attend 6790
the hearing if ordered to do so by the court. Upon receipt of a 6791
copy of the journal entry containing the order, the head of the 6792
state correctional institution in which the eligible offender is 6793
incarcerated shall deliver the eligible offender to the sheriff 6794
of the county in which the hearing is to be held. The sheriff 6795
shall convey the eligible offender to and from the hearing. 6796

(I) At the hearing on a motion for judicial release under 6797
this section, the court shall afford the eligible offender and 6798
the eligible offender's attorney an opportunity to present 6799
written and, if present, oral information relevant to the 6800
motion. The court shall afford a similar opportunity to the 6801
prosecuting attorney, the victim or the victim's representative, 6802
and any other person the court determines is likely to present 6803
additional relevant information. The court shall consider any 6804
statement of a victim made pursuant to section 2930.14 or 6805
2930.17 of the Revised Code, any victim impact statement 6806
prepared pursuant to section 2947.051 of the Revised Code, and 6807
any report made under division (G) of this section. The court 6808
may consider any written statement of any person submitted to 6809
the court pursuant to division (L) of this section. After ruling 6810
on the motion, the court shall notify the victim of the ruling 6811
in accordance with sections 2930.03 and 2930.16 of the Revised 6812
Code. 6813

(J) (1) A court shall not grant a judicial release under 6814
this section to an eligible offender who is imprisoned for a 6815

felony of the first or second degree, or to an eligible offender 6816
who committed an offense under Chapter 2925. or 3719. of the 6817
Revised Code and for whom there was a presumption under section 6818
2929.13 of the Revised Code in favor of a prison term, unless 6819
the court, with reference to factors under section 2929.12 of 6820
the Revised Code, finds both of the following: 6821

(a) That a sanction other than a prison term would 6822
adequately punish the offender and protect the public from 6823
future criminal violations by the eligible offender because the 6824
applicable factors indicating a lesser likelihood of recidivism 6825
outweigh the applicable factors indicating a greater likelihood 6826
of recidivism; 6827

(b) That a sanction other than a prison term would not 6828
demean the seriousness of the offense because factors indicating 6829
that the eligible offender's conduct in committing the offense 6830
was less serious than conduct normally constituting the offense 6831
outweigh factors indicating that the eligible offender's conduct 6832
was more serious than conduct normally constituting the offense. 6833

(2) A court that grants a judicial release to an eligible 6834
offender under division (J)(1) of this section shall specify on 6835
the record both findings required in that division and also 6836
shall list all the factors described in that division that were 6837
presented at the hearing. 6838

(K) If the court grants a motion for judicial release 6839
under this section, the court shall order the release of the 6840
eligible offender, shall place the eligible offender under an 6841
appropriate community control sanction, under appropriate 6842
conditions, and under the supervision of the department of 6843
probation serving the court and shall reserve the right to 6844
reimpose the sentence that it reduced if the offender violates 6845

the sanction. If the court reimposes the reduced sentence, it 6846
may do so either concurrently with, or consecutive to, any new 6847
sentence imposed upon the eligible offender as a result of the 6848
violation that is a new offense. Except as provided in division 6849
(R) (2) of this section, the period of community control shall be 6850
no longer than five years. The court, in its discretion, may 6851
reduce the period of community control by the amount of time the 6852
eligible offender spent in jail or prison for the offense and in 6853
prison. If the court made any findings pursuant to division (J) 6854
(1) of this section, the court shall serve a copy of the 6855
findings upon counsel for the parties within fifteen days after 6856
the date on which the court grants the motion for judicial 6857
release. 6858

If the court grants a motion for judicial release, the 6859
court shall notify the appropriate person at the department of 6860
rehabilitation and correction, and the department shall post 6861
notice of the release on the database it maintains pursuant to 6862
section 5120.66 of the Revised Code. The court also shall notify 6863
the prosecuting attorney of the county in which the eligible 6864
offender was indicted that the motion has been granted. Unless 6865
the victim or the victim's representative has requested pursuant 6866
to division (B) (2) of section 2930.03 of the Revised Code that 6867
the victim or victim's representative not be provided the 6868
notice, the prosecuting attorney shall notify the victim or the 6869
victim's representative of the judicial release in any manner, 6870
and in accordance with the same procedures, pursuant to which 6871
the prosecuting attorney is authorized to provide notice of the 6872
hearing pursuant to division (E) (2) of this section. If the 6873
notice is based on an offense committed prior to March 22, 2013, 6874
the notice to the victim or victim's representative also shall 6875
include the opt-out information described in division (D) (1) of 6876

section 2930.16 of the Revised Code. 6877

(L) In addition to and independent of the right of a 6878
victim to make a statement pursuant to section 2930.14, 2930.17, 6879
or 2946.051 of the Revised Code and any right of a person to 6880
present written information or make a statement pursuant to 6881
division (I) of this section, any person may submit to the 6882
court, at any time prior to the hearing on the offender's motion 6883
for judicial release, a written statement concerning the effects 6884
of the offender's crime or crimes, the circumstances surrounding 6885
the crime or crimes, the manner in which the crime or crimes 6886
were perpetrated, and the person's opinion as to whether the 6887
offender should be released. 6888

(M) The changes to this section that are made on September 6889
30, 2011, apply to any judicial release decision made on or 6890
after September 30, 2011, for any eligible offender. 6891

(N) Notwithstanding the eligibility requirements specified 6892
in division (A) of this section and the filing time frames 6893
specified in division (C) of this section and notwithstanding 6894
the findings required under division (J) of this section, the 6895
sentencing court, upon the court's own motion and after 6896
considering whether the release of the offender into society 6897
would create undue risk to public safety, may grant a judicial 6898
release to an offender who is not serving a life sentence at any 6899
time during the offender's imposed sentence when the director of 6900
rehabilitation and correction certifies to the sentencing court 6901
through the chief medical officer for the department of 6902
rehabilitation and correction that the offender is in imminent 6903
danger of death, is medically incapacitated, or ~~is suffering~~ 6904
~~from~~ has a terminal illness. 6905

(O) The director of rehabilitation and correction shall 6906

not certify any offender under division (N) of this section who 6907
is serving a death sentence. 6908

(P) A motion made by the court under division (N) of this 6909
section is subject to the notice, hearing, and other procedural 6910
requirements specified in divisions (D), (E), (G), (H), (I), 6911
(K), and (L) of this section, except for the following: 6912

(1) The court may waive the offender's appearance at any 6913
hearing scheduled by the court if the offender's condition makes 6914
it impossible for the offender to participate meaningfully in 6915
the proceeding. 6916

(2) The court may grant the motion without a hearing, 6917
provided that the prosecuting attorney and victim or victim's 6918
representative to whom notice of the hearing was provided under 6919
division (E) of this section indicate that they do not wish to 6920
participate in the hearing or present information relevant to 6921
the motion. 6922

(Q) The court may request health care records from the 6923
department of rehabilitation and correction to verify the 6924
certification made under division (N) of this section. 6925

(R) (1) If the court grants judicial release under division 6926
(N) of this section, the court shall do all of the following: 6927

(a) Order the release of the offender; 6928

(b) Place the offender under an appropriate community 6929
control sanction, under appropriate conditions; 6930

(c) Place the offender under the supervision of the 6931
department of probation serving the court or under the 6932
supervision of the adult parole authority. 6933

(2) The court, in its discretion, may revoke the judicial 6934

release if the offender violates the community control sanction 6935
described in division (R) (1) of this section. The period of that 6936
community control is not subject to the five-year limitation 6937
described in division (K) of this section and shall not expire 6938
earlier than the date on which all of the offender's mandatory 6939
prison terms expire. 6940

(S) If the health of an offender who is released under 6941
division (N) of this section improves so that the offender is no 6942
longer terminally ill, medically incapacitated, or in imminent 6943
danger of death, the court shall, upon the court's own motion, 6944
revoke the judicial release. The court shall not grant the 6945
motion without a hearing unless the offender waives a hearing. 6946
If a hearing is held, the court shall afford the offender and 6947
the offender's attorney an opportunity to present written and, 6948
if the offender or the offender's attorney is present, oral 6949
information relevant to the motion. The court shall afford a 6950
similar opportunity to the prosecuting attorney, the victim or 6951
the victim's representative, and any other person the court 6952
determines is likely to present additional relevant information. 6953
A court that grants a motion under this division shall specify 6954
its findings on the record. 6955

Sec. 2931.02. A judge of a county court is a conservator 6956
of the peace and has jurisdiction in criminal cases throughout 6957
~~his the judge's~~ area of jurisdiction. ~~He~~ The judge of a county 6958
court may hear complaints of the peace and issue search 6959
warrants. Judges of county courts have jurisdiction on sworn 6960
complaint, to issue a warrant for the arrest of a person charged 6961
with the commission of a felony where it is made to appear that 6962
such person has fled or is outside this state and it is 6963
necessary or desirable to extradite such person. Judges of 6964
county courts have jurisdiction within their respective areas of 6965

jurisdiction in all cases of violation of any law relating to:	6966
(A) Adulteration or deception in the sale of dairy products and other food, drink, drugs, and medicines;	6967 6968
(B) Prevention of cruelty to animals and children;	6969
(C) The abandonment, nonsupport, or ill treatment of a child under eighteen years of age or a physically and mentally handicapped child under the age of eighteen years by its <u>the child's</u> parents;	6970 6971 6972 6973
(D) The abandonment, or ill treatment of a child under eighteen years of age or a physically and mentally handicapped child under the age of eighteen years by its <u>the child's</u> guardian;	6974 6975 6976 6977
(E) The employment of a child under fourteen years of age in public exhibitions or vocations injurious to health, life, or morals, or which will cause or permit him <u>the child</u> to suffer unnecessary physical or mental pain;	6978 6979 6980 6981
(F) The regulation, restriction, or prohibition of the employment of females and minors;	6982 6983
(G) The torturing, unlawfully punishing, ill treating, or depriving anyone of necessary food, clothing, or shelter;	6984 6985
(H) Any violation of Chapters 4301. and 4303. of the Revised Code, or keeping a place where intoxicating liquor is sold, given away, or furnished in violation of any law prohibiting such acts;	6986 6987 6988 6989
(I) The shipping, selling, using, permitting the use of, branding, or having unlawful quantities of illuminating oil for or in a mine;	6990 6991 6992

(J) The sale, shipment, or adulteration of commercial feeds;	6993 6994
(K) The use of dust-creating machinery in workshops and factories;	6995 6996
(L) The conducting of a pharmacy, or retail drug or chemical store, or the dispensing or selling of drugs, chemicals, poisons, or pharmaceutical preparations therein;	6997 6998 6999
(M) The failure to place and keep in a sanitary condition a bakery, confectionery, creamery, dairy barn, milk depot, laboratory, hotel, restaurant, eating house, packing house, slaughterhouse, ice cream factory, or place where a food product is manufactured, packed, stored, deposited, collected, prepared, produced, or sold for any purpose, or for the violation of any law relating to public health;	7000 7001 7002 7003 7004 7005 7006
(N) Inspection of steam boilers, and of laws licensing steam engineers and boiler operators;	7007 7008
(O) Prevention of short weighing and measuring and all violations of the weights and measures laws;	7009 7010
(P) Laws relating to the practice of medicine or surgery, or any of its branches;	7011 7012
(Q) Laws relating to the filling or refilling of registered containers by other than the owner, or the defacing of the marks of ownership thereon;	7013 7014 7015
(R) Offenses arising from or growing out of the violation of conservation laws.	7016 7017
Sec. 2935.33. (A) If a person charged with a misdemeanor is taken before a judge of a court of record and if it appears to the judge that the person is an alcoholic <u>has alcoholism</u> or	7018 7019 7020

is ~~suffering from~~experiencing acute alcohol intoxication and 7021
that the person would benefit from services provided by a 7022
community addiction services provider, the judge may place the 7023
person temporarily with a community addiction services provider 7024
in the area in which the court has jurisdiction for inpatient 7025
care and treatment for an indefinite period not exceeding five 7026
days. The commitment does not limit the right to release on 7027
bail. The judge may dismiss a charge of a violation of division 7028
(B) of section 2917.11 of the Revised Code or of a municipal 7029
ordinance substantially equivalent to that division if the 7030
defendant complies with all the conditions of treatment ordered 7031
by the court. 7032

The court may order that any fines or court costs 7033
collected by the court from defendants who have received 7034
inpatient care from a community addiction services provider be 7035
paid, for the benefit of the program, to the board of alcohol, 7036
drug addiction, and mental health services of the alcohol, drug 7037
addiction, and mental health service district in which the 7038
community addiction services provider is located or to the 7039
director of mental health and addiction services. 7040

(B) If a person is being sentenced for a violation of 7041
division (B) of section 2917.11 or section 4511.19 of the 7042
Revised Code, a misdemeanor violation of section 2919.25 of the 7043
Revised Code, a misdemeanor violation of section 2919.27 of the 7044
Revised Code involving a protection order issued or consent 7045
agreement approved pursuant to section 2919.26 or 3113.31 of the 7046
Revised Code, or a violation of a municipal ordinance 7047
substantially equivalent to that division or any of those 7048
sections and if it appears to the judge at the time of 7049
sentencing that the person ~~is an alcoholic~~has alcoholism or is 7050
~~suffering from~~experiencing acute alcohol intoxication and that, 7051

in lieu of imprisonment, the person would benefit from services 7052
provided by a community addiction services provider, the court 7053
may commit the person to close supervision in any facility in 7054
the area in which the court has jurisdiction that is, or is 7055
operated by, such a services provider. Such close supervision 7056
may include outpatient services and part-time release, except 7057
that a person convicted of a violation of division (A) of 7058
section 4511.19 of the Revised Code shall be confined to the 7059
facility for at least three days and except that a person 7060
convicted of a misdemeanor violation of section 2919.25 of the 7061
Revised Code, a misdemeanor violation of section 2919.27 of the 7062
Revised Code involving a protection order issued or consent 7063
agreement approved pursuant to section 2919.26 or 3113.31 of the 7064
Revised Code, or a violation of a substantially equivalent 7065
municipal ordinance shall be confined to the facility in 7066
accordance with the order of commitment. A commitment of a 7067
person to a facility for purposes of close supervision shall not 7068
exceed the maximum term for which the person could be 7069
imprisoned. 7070

(C) A law enforcement officer who finds a person subject 7071
to prosecution for violation of division (B) of section 2917.11 7072
of the Revised Code or a municipal ordinance substantially 7073
equivalent to that division and who has reasonable cause to 7074
believe that the person ~~is an alcoholic~~ has alcoholism or is 7075
~~suffering from~~ experiencing acute alcohol intoxication and would 7076
benefit from immediate treatment immediately may place the 7077
person with a community addiction services provider in the area 7078
in which the person is found, for emergency treatment, in lieu 7079
of other arrest procedures, for a maximum period of forty-eight 7080
hours. During that time, if the person desires to leave such 7081
custody, the person shall be released forthwith. 7082

(D) As used in this section: 7083

(1) "~~Alcoholic~~" and "~~community~~" Community addiction 7084
services provider" ~~have~~ has the same ~~meanings~~ meaning as in 7085
section 5119.01 of the Revised Code; 7086

(2) "Acute alcohol intoxication" means a heavy consumption 7087
of alcohol over a relatively short period of time, resulting in 7088
dysfunction of the brain centers controlling behavior, speech, 7089
and memory and causing characteristic withdrawal symptoms. 7090

Sec. 2945.25. A person called as a juror in a criminal 7091
case may be challenged for the following causes: 7092

(A) That ~~he~~ the person was a member of the grand jury that 7093
found the indictment in the case; 7094

(B) That ~~he~~ the person is possessed of a state of mind 7095
evincing enmity or bias toward the defendant or the state; but 7096
no person summoned as a juror shall be disqualified by reason of 7097
a previously formed or expressed opinion with reference to the 7098
guilt or innocence of the accused, if the court is satisfied, 7099
from examination of the juror or from other evidence, that ~~he~~ the 7100
juror will render an impartial verdict according to the law and 7101
the evidence submitted to the jury at the trial; 7102

(C) In the trial of a capital offense, that ~~he~~ the person 7103
unequivocally states that under no circumstances will ~~he~~ the 7104
person follow the instructions of a trial judge and consider 7105
fairly the imposition of a sentence of death in a particular 7106
case. A prospective juror's conscientious or religious 7107
opposition to the death penalty in and of itself is not grounds 7108
for a challenge for cause. All parties shall be given wide 7109
latitude in voir dire questioning in this regard. 7110

(D) That ~~he~~ the person is related by consanguinity or 7111

affinity within the fifth degree to the person alleged to be 7112
injured or attempted to be injured by the offense charged, or to 7113
the person on whose complaint the prosecution was instituted, or 7114
to the defendant; 7115

(E) That ~~he~~the person served on a petit jury drawn in the 7116
same cause against the same defendant, and that jury was 7117
discharged after hearing the evidence or rendering a verdict on 7118
the evidence that was set aside; 7119

(F) That ~~he~~the person served as a juror in a civil case 7120
brought against the defendant for the same act; 7121

(G) That ~~he~~the person has been subpoenaed in good faith as 7122
a witness in the case; 7123

(H) That ~~he~~the person is a chronic alcoholic~~has chronic~~
alcoholism, or a drug dependent person~~dependency~~; 7124
7125

(I) That ~~he~~the person has been convicted of a crime that 7126
by law disqualifies ~~him~~the person from serving on a jury; 7127

(J) That ~~he~~the person has an action pending between ~~him~~
the person and the state or the defendant; 7128
7129

(K) That ~~he~~the person or ~~his~~the person's spouse is a party 7130
to another action then pending in any court in which an attorney 7131
in the cause then on trial is an attorney, either for or against 7132
~~him~~the person; 7133

(L) That ~~he~~the person is the person alleged to be injured 7134
or attempted to be injured by the offense charged, or is the 7135
person on whose complaint the prosecution was instituted, or the 7136
defendant; 7137

(M) That ~~he~~the person is the employer or employee, or the 7138
spouse, parent, son, or daughter of the employer or employee, or 7139

the counselor, agent, or attorney of any person included in 7140
division (L) of this section; 7141

(N) That English is not ~~his~~the person's native language, 7142
and ~~his~~the person's knowledge of English is insufficient to 7143
permit ~~him~~the person to understand the facts and law in the 7144
case; 7145

(O) That ~~he~~the person otherwise is unsuitable for any 7146
other cause to serve as a juror. 7147

The validity of each challenge listed in this section 7148
shall be determined by the court. 7149

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 7150
of the Revised Code: 7151

(1) "Prosecutor" means a prosecuting attorney or a city 7152
director of law, village solicitor, or similar chief legal 7153
officer of a municipal corporation who has authority to 7154
prosecute a criminal case that is before the court or the 7155
criminal case in which a defendant in a criminal case has been 7156
found incompetent to stand trial or not guilty by reason of 7157
insanity. 7158

(2) "Examiner" means either of the following: 7159

(a) A psychiatrist or a licensed clinical psychologist who 7160
satisfies the criteria of division (I) of section 5122.01 of the 7161
Revised Code or is employed by a certified forensic center 7162
designated by the department of mental health and addiction 7163
services to conduct examinations or evaluations. 7164

(b) For purposes of a separate intellectual disability 7165
evaluation that is ordered by a court pursuant to division (H) 7166
of section 2945.371 of the Revised Code, a psychologist 7167

designated by the director of developmental disabilities 7168
pursuant to that section to conduct that separate intellectual 7169
disability evaluation. 7170

(3) "Nonsecured status" means any unsupervised, off- 7171
grounds movement or trial visit from a hospital or institution, 7172
or any conditional release, that is granted to a person who is 7173
found incompetent to stand trial and is committed pursuant to 7174
section 2945.39 of the Revised Code or to a person who is found 7175
not guilty by reason of insanity and is committed pursuant to 7176
section 2945.40 of the Revised Code. 7177

(4) "Unsupervised, off-grounds movement" includes only 7178
off-grounds privileges that are unsupervised and that have an 7179
expectation of return to the hospital or institution on a daily 7180
basis. 7181

(5) "Trial visit" means a patient privilege of a longer 7182
stated duration of unsupervised community contact with an 7183
expectation of return to the hospital or institution at 7184
designated times. 7185

(6) "Conditional release" means a commitment status under 7186
which the trial court at any time may revoke a person's 7187
conditional release and order the rehospitalization or 7188
reinstitutionalization of the person as described in division 7189
(A) of section 2945.402 of the Revised Code and pursuant to 7190
which a person who is found incompetent to stand trial or a 7191
person who is found not guilty by reason of insanity lives and 7192
receives treatment in the community for a period of time that 7193
does not exceed the maximum prison term or term of imprisonment 7194
that the person could have received for the offense in question 7195
had the person been convicted of the offense instead of being 7196
found incompetent to stand trial on the charge of the offense or 7197

being found not guilty by reason of insanity relative to the 7198
offense. 7199

(7) "Licensed clinical psychologist," "~~mentally ill person~~ 7200
with a mental illness subject to court order," and 7201
"psychiatrist" have the same meanings as in section 5122.01 of 7202
the Revised Code. 7203

(8) "Person with an intellectual disability subject to 7204
institutionalization by court order" has the same meaning as in 7205
section 5123.01 of the Revised Code. 7206

(B) In a criminal action in a court of common pleas, a 7207
county court, or a municipal court, the court, prosecutor, or 7208
defense may raise the issue of the defendant's competence to 7209
stand trial. If the issue is raised before the trial has 7210
commenced, the court shall hold a hearing on the issue as 7211
provided in this section. If the issue is raised after the trial 7212
has commenced, the court shall hold a hearing on the issue only 7213
for good cause shown or on the court's own motion. 7214

(C) The court shall conduct the hearing required or 7215
authorized under division (B) of this section within thirty days 7216
after the issue is raised, unless the defendant has been 7217
referred for evaluation in which case the court shall conduct 7218
the hearing within ten days after the filing of the report of 7219
the evaluation or, in the case of a defendant who is ordered by 7220
the court pursuant to division (H) of section 2945.371 of the 7221
Revised Code to undergo a separate intellectual disability 7222
evaluation conducted by a psychologist designated by the 7223
director of developmental disabilities, within ten days after 7224
the filing of the report of the separate intellectual disability 7225
evaluation under that division. A hearing may be continued for 7226
good cause. 7227

(D) The defendant shall be represented by counsel at the hearing conducted under division (C) of this section. If the defendant is unable to obtain counsel, the court shall appoint counsel under Chapter 120. of the Revised Code or under the authority recognized in division (C) of section 120.06, division (E) of section 120.16, division (E) of section 120.26, or section 2941.51 of the Revised Code before proceeding with the hearing.

(E) The prosecutor and defense counsel may submit evidence on the issue of the defendant's competence to stand trial. A written report of the evaluation of the defendant may be admitted into evidence at the hearing by stipulation, but, if either the prosecution or defense objects to its admission, the report may be admitted under sections 2317.36 to 2317.38 of the Revised Code or any other applicable statute or rule.

(F) The court shall not find a defendant incompetent to stand trial solely because the defendant is receiving or has received treatment as a voluntary or involuntary ~~mentally ill~~ patient with a mental illness under Chapter 5122. or a voluntary or involuntary resident with an intellectual disability under Chapter 5123. of the Revised Code or because the defendant is receiving or has received psychotropic drugs or other medication, even if the defendant might become incompetent to stand trial without the drugs or medication.

(G) A defendant is presumed to be competent to stand trial. If, after a hearing, the court finds by a preponderance of the evidence that, because of the defendant's present mental condition, the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense, the court shall find

the defendant incompetent to stand trial and shall enter an 7258
order authorized by section 2945.38 of the Revised Code. 7259

(H) Municipal courts shall follow the procedures set forth 7260
in sections 2945.37 to 2945.402 of the Revised Code. Except as 7261
provided in section 2945.371 of the Revised Code, a municipal 7262
court shall not order an evaluation of the defendant's 7263
competence to stand trial or the defendant's mental condition at 7264
the time of the commission of the offense to be conducted at any 7265
hospital operated by the department of mental health and 7266
addiction services. Those evaluations shall be performed through 7267
community resources including, but not limited to, certified 7268
forensic centers, court probation departments, and community 7269
mental health services providers. All expenses of the 7270
evaluations shall be borne by the legislative authority of the 7271
municipal court, as defined in section 1901.03 of the Revised 7272
Code, and shall be taxed as costs in the case. If a defendant is 7273
found incompetent to stand trial or not guilty by reason of 7274
insanity, a municipal court may commit the defendant as provided 7275
in sections 2945.38 to 2945.402 of the Revised Code. 7276

Sec. 2945.38. (A) If the issue of a defendant's competence 7277
to stand trial is raised and if the court, upon conducting the 7278
hearing provided for in section 2945.37 of the Revised Code, 7279
finds that the defendant is competent to stand trial, the 7280
defendant shall be proceeded against as provided by law. If the 7281
court finds the defendant competent to stand trial and the 7282
defendant is receiving psychotropic drugs or other medication, 7283
the court may authorize the continued administration of the 7284
drugs or medication or other appropriate treatment in order to 7285
maintain the defendant's competence to stand trial, unless the 7286
defendant's attending physician advises the court against 7287
continuation of the drugs, other medication, or treatment. 7288

(B) (1) (a) If, after taking into consideration all relevant reports, information, and other evidence, the court finds that the defendant is incompetent to stand trial and that there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment, the court shall order the defendant to undergo treatment. If the defendant has been charged with a felony offense and if, after taking into consideration all relevant reports, information, and other evidence, the court finds that the defendant is incompetent to stand trial, but the court is unable at that time to determine whether there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment, the court shall order continuing evaluation and treatment of the defendant for a period not to exceed four months to determine whether there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment.

(b) The court order for the defendant to undergo treatment or continuing evaluation and treatment under division (B) (1) (a) of this section shall specify that the defendant, if determined to require mental health treatment or continuing evaluation and treatment, either shall be committed to the department of mental health and addiction services for treatment or continuing evaluation and treatment at a hospital, facility, or agency, as determined to be clinically appropriate by the department of mental health and addiction services or shall be committed to a facility certified by the department of mental health and addiction services as being qualified to treat mental illness, to a public or community mental health facility, or to a

psychiatrist or another mental health professional for treatment 7320
or continuing evaluation and treatment. Prior to placing the 7321
defendant, the department of mental health and addiction 7322
services shall obtain court approval for that placement 7323
following a hearing. The court order for the defendant to 7324
undergo treatment or continuing evaluation and treatment under 7325
division (B) (1) (a) of this section shall specify that the 7326
defendant, if determined to require treatment or continuing 7327
evaluation and treatment for an intellectual disability, shall 7328
receive treatment or continuing evaluation and treatment at an 7329
institution or facility operated by the department of 7330
developmental disabilities, at a facility certified by the 7331
department of developmental disabilities as being qualified to 7332
treat intellectual disabilities, at a public or private 7333
intellectual disabilities facility, or by a psychiatrist or 7334
another intellectual disabilities professional. In any case, the 7335
order may restrict the defendant's freedom of movement as the 7336
court considers necessary. The prosecutor in the defendant's 7337
case shall send to the chief clinical officer of the hospital, 7338
facility, or agency where the defendant is placed by the 7339
department of mental health and addiction services, or to the 7340
managing officer of the institution, the director of the program 7341
or facility, or the person to which the defendant is committed, 7342
copies of relevant police reports and other background 7343
information that pertains to the defendant and is available to 7344
the prosecutor unless the prosecutor determines that the release 7345
of any of the information in the police reports or any of the 7346
other background information to unauthorized persons would 7347
interfere with the effective prosecution of any person or would 7348
create a substantial risk of harm to any person. 7349

In determining the place of commitment, the court shall 7350

consider the extent to which the person is a danger to the 7351
person and to others, the need for security, and the type of 7352
crime involved and shall order the least restrictive alternative 7353
available that is consistent with public safety and treatment 7354
goals. In weighing these factors, the court shall give 7355
preference to protecting public safety. 7356

(c) If the defendant is found incompetent to stand trial, 7357
if the chief clinical officer of the hospital, facility, or 7358
agency where the defendant is placed, or the managing officer of 7359
the institution, the director of the program or facility, or the 7360
person to which the defendant is committed for treatment or 7361
continuing evaluation and treatment under division (B) (1) (b) of 7362
this section determines that medication is necessary to restore 7363
the defendant's competency to stand trial, and if the defendant 7364
lacks the capacity to give informed consent or refuses 7365
medication, the chief clinical officer of the hospital, 7366
facility, or agency where the defendant is placed, or the 7367
managing officer of the institution, the director of the program 7368
or facility, or the person to which the defendant is committed 7369
for treatment or continuing evaluation and treatment may 7370
petition the court for authorization for the involuntary 7371
administration of medication. The court shall hold a hearing on 7372
the petition within five days of the filing of the petition if 7373
the petition was filed in a municipal court or a county court 7374
regarding an incompetent defendant charged with a misdemeanor or 7375
within ten days of the filing of the petition if the petition 7376
was filed in a court of common pleas regarding an incompetent 7377
defendant charged with a felony offense. Following the hearing, 7378
the court may authorize the involuntary administration of 7379
medication or may dismiss the petition. 7380

(2) If the court finds that the defendant is incompetent 7381

to stand trial and that, even if the defendant is provided with 7382
a course of treatment, there is not a substantial probability 7383
that the defendant will become competent to stand trial within 7384
one year, the court shall order the discharge of the defendant, 7385
unless upon motion of the prosecutor or on its own motion, the 7386
court either seeks to retain jurisdiction over the defendant 7387
pursuant to section 2945.39 of the Revised Code or files an 7388
affidavit in the probate court for the civil commitment of the 7389
defendant pursuant to Chapter 5122. or 5123. of the Revised Code 7390
alleging that the defendant is a ~~mentally ill person~~ with a 7391
mental illness subject to court order or a person with an 7392
intellectual disability subject to institutionalization by court 7393
order. If an affidavit is filed in the probate court, the trial 7394
court shall send to the probate court copies of all written 7395
reports of the defendant's mental condition that were prepared 7396
pursuant to section 2945.371 of the Revised Code. 7397

The trial court may issue the temporary order of detention 7398
that a probate court may issue under section 5122.11 or 5123.71 7399
of the Revised Code, to remain in effect until the probable 7400
cause or initial hearing in the probate court. Further 7401
proceedings in the probate court are civil proceedings governed 7402
by Chapter 5122. or 5123. of the Revised Code. 7403

(C) No defendant shall be required to undergo treatment, 7404
including any continuing evaluation and treatment, under 7405
division (B) (1) of this section for longer than whichever of the 7406
following periods is applicable: 7407

(1) One year, if the most serious offense with which the 7408
defendant is charged is one of the following offenses: 7409

(a) Aggravated murder, murder, or an offense of violence 7410
for which a sentence of death or life imprisonment may be 7411

imposed; 7412

(b) An offense of violence that is a felony of the first 7413
or second degree; 7414

(c) A conspiracy to commit, an attempt to commit, or 7415
complicity in the commission of an offense described in division 7416
(C) (1) (a) or (b) of this section if the conspiracy, attempt, or 7417
complicity is a felony of the first or second degree. 7418

(2) Six months, if the most serious offense with which the 7419
defendant is charged is a felony other than a felony described 7420
in division (C) (1) of this section; 7421

(3) Sixty days, if the most serious offense with which the 7422
defendant is charged is a misdemeanor of the first or second 7423
degree; 7424

(4) Thirty days, if the most serious offense with which 7425
the defendant is charged is a misdemeanor of the third or fourth 7426
degree, a minor misdemeanor, or an unclassified misdemeanor. 7427

(D) Any defendant who is committed pursuant to this 7428
section shall not voluntarily admit the defendant or be 7429
voluntarily admitted to a hospital or institution pursuant to 7430
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised 7431
Code. 7432

(E) Except as otherwise provided in this division, a 7433
defendant who is charged with an offense and is committed by the 7434
court under this section to the department of mental health and 7435
addiction services or is committed to an institution or facility 7436
for the treatment of intellectual disabilities shall not be 7437
granted unsupervised on-grounds movement, supervised off-grounds 7438
movement, or nonsecured status except in accordance with the 7439
court order. The court may grant a defendant supervised off- 7440

grounds movement to obtain medical treatment or specialized 7441
habilitation treatment services if the person who supervises the 7442
treatment or the continuing evaluation and treatment of the 7443
defendant ordered under division (B) (1) (a) of this section 7444
informs the court that the treatment or continuing evaluation 7445
and treatment cannot be provided at the hospital or facility 7446
where the defendant is placed by the department of mental health 7447
and addiction services or the institution or facility to which 7448
the defendant is committed. The chief clinical officer of the 7449
hospital or facility where the defendant is placed by the 7450
department of mental health and addiction services or the 7451
managing officer of the institution or director of the facility 7452
to which the defendant is committed, or a designee of any of 7453
those persons, may grant a defendant movement to a medical 7454
facility for an emergency medical situation with appropriate 7455
supervision to ensure the safety of the defendant, staff, and 7456
community during that emergency medical situation. The chief 7457
clinical officer of the hospital or facility where the defendant 7458
is placed by the department of mental health and addiction 7459
services or the managing officer of the institution or director 7460
of the facility to which the defendant is committed shall notify 7461
the court within twenty-four hours of the defendant's movement 7462
to the medical facility for an emergency medical situation under 7463
this division. 7464

(F) The person who supervises the treatment or continuing 7465
evaluation and treatment of a defendant ordered to undergo 7466
treatment or continuing evaluation and treatment under division 7467
(B) (1) (a) of this section shall file a written report with the 7468
court at the following times: 7469

(1) Whenever the person believes the defendant is capable 7470
of understanding the nature and objective of the proceedings 7471

against the defendant and of assisting in the defendant's 7472
defense; 7473

(2) For a felony offense, fourteen days before expiration 7474
of the maximum time for treatment as specified in division (C) 7475
of this section and fourteen days before the expiration of the 7476
maximum time for continuing evaluation and treatment as 7477
specified in division (B)(1)(a) of this section, and, for a 7478
misdemeanor offense, ten days before the expiration of the 7479
maximum time for treatment, as specified in division (C) of this 7480
section; 7481

(3) At a minimum, after each six months of treatment; 7482

(4) Whenever the person who supervises the treatment or 7483
continuing evaluation and treatment of a defendant ordered under 7484
division (B)(1)(a) of this section believes that there is not a 7485
substantial probability that the defendant will become capable 7486
of understanding the nature and objective of the proceedings 7487
against the defendant or of assisting in the defendant's defense 7488
even if the defendant is provided with a course of treatment. 7489

(G) A report under division (F) of this section shall 7490
contain the examiner's findings, the facts in reasonable detail 7491
on which the findings are based, and the examiner's opinion as 7492
to the defendant's capability of understanding the nature and 7493
objective of the proceedings against the defendant and of 7494
assisting in the defendant's defense. If, in the examiner's 7495
opinion, the defendant remains incapable of understanding the 7496
nature and objective of the proceedings against the defendant 7497
and of assisting in the defendant's defense and there is a 7498
substantial probability that the defendant will become capable 7499
of understanding the nature and objective of the proceedings 7500
against the defendant and of assisting in the defendant's 7501

defense if the defendant is provided with a course of treatment, 7502
if in the examiner's opinion the defendant ~~remains mentally ill~~ 7503
~~or~~ continues to have a mental illness or an intellectual 7504
disability, and if the maximum time for treatment as specified 7505
in division (C) of this section has not expired, the report also 7506
shall contain the examiner's recommendation as to the least 7507
restrictive placement or commitment alternative that is 7508
consistent with the defendant's treatment needs for restoration 7509
to competency and with the safety of the community. The court 7510
shall provide copies of the report to the prosecutor and defense 7511
counsel. 7512

(H) If a defendant is committed pursuant to division (B) 7513
(1) of this section, within ten days after the treating 7514
physician of the defendant or the examiner of the defendant who 7515
is employed or retained by the treating facility advises that 7516
there is not a substantial probability that the defendant will 7517
become capable of understanding the nature and objective of the 7518
proceedings against the defendant or of assisting in the 7519
defendant's defense even if the defendant is provided with a 7520
course of treatment, within ten days after the expiration of the 7521
maximum time for treatment as specified in division (C) of this 7522
section, within ten days after the expiration of the maximum 7523
time for continuing evaluation and treatment as specified in 7524
division (B) (1) (a) of this section, within thirty days after a 7525
defendant's request for a hearing that is made after six months 7526
of treatment, or within thirty days after being advised by the 7527
treating physician or examiner that the defendant is competent 7528
to stand trial, whichever is the earliest, the court shall 7529
conduct another hearing to determine if the defendant is 7530
competent to stand trial and shall do whichever of the following 7531
is applicable: 7532

(1) If the court finds that the defendant is competent to stand trial, the defendant shall be proceeded against as provided by law.

(2) If the court finds that the defendant is incompetent to stand trial, but that there is a substantial probability that the defendant will become competent to stand trial if the defendant is provided with a course of treatment, and the maximum time for treatment as specified in division (C) of this section has not expired, the court, after consideration of the examiner's recommendation, shall order that treatment be continued, may change the facility or program at which the treatment is to be continued, and shall specify whether the treatment is to be continued at the same or a different facility or program.

(3) If the court finds that the defendant is incompetent to stand trial, if the defendant is charged with an offense listed in division (C)(1) of this section, and if the court finds that there is not a substantial probability that the defendant will become competent to stand trial even if the defendant is provided with a course of treatment, or if the maximum time for treatment relative to that offense as specified in division (C) of this section has expired, further proceedings shall be as provided in sections 2945.39, 2945.401, and 2945.402 of the Revised Code.

(4) If the court finds that the defendant is incompetent to stand trial, if the most serious offense with which the defendant is charged is a misdemeanor or a felony other than a felony listed in division (C)(1) of this section, and if the court finds that there is not a substantial probability that the defendant will become competent to stand trial even if the

defendant is provided with a course of treatment, or if the 7563
maximum time for treatment relative to that offense as specified 7564
in division (C) of this section has expired, the court shall 7565
dismiss the indictment, information, or complaint against the 7566
defendant. A dismissal under this division is not a bar to 7567
further prosecution based on the same conduct. The court shall 7568
discharge the defendant unless the court or prosecutor files an 7569
affidavit in probate court for civil commitment pursuant to 7570
Chapter 5122. or 5123. of the Revised Code. If an affidavit for 7571
civil commitment is filed, the court may detain the defendant 7572
for ten days pending civil commitment. All of the following 7573
provisions apply to persons charged with a misdemeanor or a 7574
felony other than a felony listed in division (C)(1) of this 7575
section who are committed by the probate court subsequent to the 7576
court's or prosecutor's filing of an affidavit for civil 7577
commitment under authority of this division: 7578

(a) The chief clinical officer of the entity, hospital, or 7579
facility, the managing officer of the institution, the director 7580
of the program, or the person to which the defendant is 7581
committed or admitted shall do all of the following: 7582

(i) Notify the prosecutor, in writing, of the discharge of 7583
the defendant, send the notice at least ten days prior to the 7584
discharge unless the discharge is by the probate court, and 7585
state in the notice the date on which the defendant will be 7586
discharged; 7587

(ii) Notify the prosecutor, in writing, when the defendant 7588
is absent without leave or is granted unsupervised, off-grounds 7589
movement, and send this notice promptly after the discovery of 7590
the absence without leave or prior to the granting of the 7591
unsupervised, off-grounds movement, whichever is applicable; 7592

(iii) Notify the prosecutor, in writing, of the change of
the defendant's commitment or admission to voluntary status,
send the notice promptly upon learning of the change to
voluntary status, and state in the notice the date on which the
defendant was committed or admitted on a voluntary status.

(b) Upon receiving notice that the defendant will be
granted unsupervised, off-grounds movement, the prosecutor
either shall re-indict the defendant or promptly notify the
court that the prosecutor does not intend to prosecute the
charges against the defendant.

(I) If a defendant is convicted of a crime and sentenced
to a jail or workhouse, the defendant's sentence shall be
reduced by the total number of days the defendant is confined
for evaluation to determine the defendant's competence to stand
trial or treatment under this section and sections 2945.37 and
2945.371 of the Revised Code or by the total number of days the
defendant is confined for evaluation to determine the
defendant's mental condition at the time of the offense charged.

Sec. 2945.39. (A) If a defendant who is charged with an
offense described in division (C) (1) of section 2945.38 of the
Revised Code is found incompetent to stand trial, after the
expiration of the maximum time for treatment as specified in
division (C) of that section or after the court finds that there
is not a substantial probability that the defendant will become
competent to stand trial even if the defendant is provided with
a course of treatment, one of the following applies:

(1) The court or the prosecutor may file an affidavit in
probate court for civil commitment of the defendant in the
manner provided in Chapter 5122. or 5123. of the Revised Code.
If the court or prosecutor files an affidavit for civil

commitment, the court may detain the defendant for ten days 7623
pending civil commitment. If the probate court commits the 7624
defendant subsequent to the court's or prosecutor's filing of an 7625
affidavit for civil commitment, the chief clinical officer of 7626
the entity, hospital, or facility, the managing officer of the 7627
institution, the director of the program, or the person to which 7628
the defendant is committed or admitted shall send to the 7629
prosecutor the notices described in divisions (H) (4) (a) (i) to 7630
(iii) of section 2945.38 of the Revised Code within the periods 7631
of time and under the circumstances specified in those 7632
divisions. 7633

(2) On the motion of the prosecutor or on its own motion, 7634
the court may retain jurisdiction over the defendant if, at a 7635
hearing, the court finds both of the following by clear and 7636
convincing evidence: 7637

(a) The defendant committed the offense with which the 7638
defendant is charged. 7639

(b) The defendant is a ~~mentally ill person with a mental~~ 7640
illness subject to court order or a person with an intellectual 7641
disability subject to institutionalization by court order. 7642

(B) In making its determination under division (A) (2) of 7643
this section as to whether to retain jurisdiction over the 7644
defendant, the court may consider all relevant evidence, 7645
including, but not limited to, any relevant psychiatric, 7646
psychological, or medical testimony or reports, the acts 7647
constituting the offense charged, and any history of the 7648
defendant that is relevant to the defendant's ability to conform 7649
to the law. 7650

(C) If the court conducts a hearing as described in 7651

division (A) (2) of this section and if the court does not make 7652
both findings described in divisions (A) (2) (a) and (b) of this 7653
section by clear and convincing evidence, the court shall 7654
dismiss the indictment, information, or complaint against the 7655
defendant. Upon the dismissal, the court shall discharge the 7656
defendant unless the court or prosecutor files an affidavit in 7657
probate court for civil commitment of the defendant pursuant to 7658
Chapter 5122. or 5123. of the Revised Code. If the court or 7659
prosecutor files an affidavit for civil commitment, the court 7660
may order that the defendant be detained for up to ten days 7661
pending the civil commitment. If the probate court commits the 7662
defendant subsequent to the court's or prosecutor's filing of an 7663
affidavit for civil commitment, the chief clinical officer of 7664
the entity, hospital, or facility, the managing officer of the 7665
institution, the director of the program, or the person to which 7666
the defendant is committed or admitted shall send to the 7667
prosecutor the notices described in divisions (H) (4) (a) (i) to 7668
(iii) of section 2945.38 of the Revised Code within the periods 7669
of time and under the circumstances specified in those 7670
divisions. A dismissal of charges under this division is not a 7671
bar to further criminal proceedings based on the same conduct. 7672

(D) (1) If the court conducts a hearing as described in 7673
division (A) (2) of this section and if the court makes the 7674
findings described in divisions (A) (2) (a) and (b) of this 7675
section by clear and convincing evidence, the court shall commit 7676
the defendant, if determined to require mental health treatment, 7677
either to the department of mental health and addiction services 7678
for treatment at a hospital, facility, or agency as determined 7679
clinically appropriate by the department of mental health and 7680
addiction services or to another medical or psychiatric 7681
facility, as appropriate. Prior to placing the defendant, the 7682

department of mental health and addiction services shall obtain 7683
court approval for that placement. If the court conducts such a 7684
hearing and if it makes those findings by clear and convincing 7685
evidence, the court shall commit the defendant, if determined to 7686
require treatment for an intellectual disability, to a facility 7687
operated by the department of developmental disabilities, or 7688
another facility, as appropriate. In determining the place of 7689
commitment, the court shall consider the extent to which the 7690
person is a danger to the person and to others, the need for 7691
security, and the type of crime involved and shall order the 7692
least restrictive alternative available that is consistent with 7693
public safety and the welfare of the defendant. In weighing 7694
these factors, the court shall give preference to protecting 7695
public safety. 7696

(2) If a court makes a commitment of a defendant under 7697
division (D)(1) of this section, the prosecutor shall send to 7698
the hospital, facility, or agency where the defendant is placed 7699
by the department of mental health and addiction services or to 7700
the defendant's place of commitment all reports of the 7701
defendant's current mental condition and, except as otherwise 7702
provided in this division, any other relevant information, 7703
including, but not limited to, a transcript of the hearing held 7704
pursuant to division (A)(2) of this section, copies of relevant 7705
police reports, and copies of any prior arrest and conviction 7706
records that pertain to the defendant and that the prosecutor 7707
possesses. The prosecutor shall send the reports of the 7708
defendant's current mental condition in every case of 7709
commitment, and, unless the prosecutor determines that the 7710
release of any of the other relevant information to unauthorized 7711
persons would interfere with the effective prosecution of any 7712
person or would create a substantial risk of harm to any person, 7713

the prosecutor also shall send the other relevant information. 7714
Upon admission of a defendant committed under division (D) (1) of 7715
this section, the place of commitment shall send to the board of 7716
alcohol, drug addiction, and mental health services or the 7717
community mental health board serving the county in which the 7718
charges against the defendant were filed a copy of all reports 7719
of the defendant's current mental condition and a copy of the 7720
other relevant information provided by the prosecutor under this 7721
division, including, if provided, a transcript of the hearing 7722
held pursuant to division (A) (2) of this section, the relevant 7723
police reports, and the prior arrest and conviction records that 7724
pertain to the defendant and that the prosecutor possesses. 7725

(3) If a court makes a commitment under division (D) (1) of 7726
this section, all further proceedings shall be in accordance 7727
with sections 2945.401 and 2945.402 of the Revised Code. 7728

Sec. 2945.40. (A) If a person is found not guilty by 7729
reason of insanity, the verdict shall state that finding, and 7730
the trial court shall conduct a full hearing to determine 7731
whether the person is a ~~mentally ill person with a mental~~ 7732
illness subject to court order or a person with an intellectual 7733
disability subject to institutionalization by court order. Prior 7734
to the hearing, if the trial judge believes that there is 7735
probable cause that the person found not guilty by reason of 7736
insanity is a ~~mentally ill person with a mental illness~~ subject 7737
to court order or a person with an intellectual disability 7738
subject to institutionalization by court order, the trial judge 7739
may issue a temporary order of detention for that person to 7740
remain in effect for ten court days or until the hearing, 7741
whichever occurs first. 7742

Any person detained pursuant to a temporary order of 7743

detention issued under this division shall be held in a suitable facility, taking into consideration the place and type of confinement prior to and during trial.

(B) The court shall hold the hearing under division (A) of this section to determine whether the person found not guilty by reason of insanity is a ~~mentally ill person~~ with a mental illness subject to court order or a person with an intellectual disability subject to institutionalization by court order within ten court days after the finding of not guilty by reason of insanity. Failure to conduct the hearing within the ten-day period shall cause the immediate discharge of the respondent, unless the judge grants a continuance for not longer than ten court days for good cause shown or for any period of time upon motion of the respondent.

(C) If a person is found not guilty by reason of insanity, the person has the right to attend all hearings conducted pursuant to sections 2945.37 to 2945.402 of the Revised Code. At any hearing conducted pursuant to one of those sections, the court shall inform the person that the person has all of the following rights:

(1) The right to be represented by counsel and to have that counsel provided at public expense if the person is indigent, with the counsel to be appointed by the court under Chapter 120. of the Revised Code or under the authority recognized in division (C) of section 120.06, division (E) of section 120.16, division (E) of section 120.26, or section 2941.51 of the Revised Code;

(2) The right to have independent expert evaluation and to have that independent expert evaluation provided at public expense if the person is indigent;

(3) The right to subpoena witnesses and documents, to 7774
present evidence on the person's behalf, and to cross-examine 7775
witnesses against the person; 7776

(4) The right to testify in the person's own behalf and to 7777
not be compelled to testify; 7778

(5) The right to have copies of any relevant medical or 7779
mental health document in the custody of the state or of any 7780
place of commitment other than a document for which the court 7781
finds that the release to the person of information contained in 7782
the document would create a substantial risk of harm to any 7783
person. 7784

(D) The hearing under division (A) of this section shall 7785
be open to the public, and the court shall conduct the hearing 7786
in accordance with the Rules of Civil Procedure. The court shall 7787
make and maintain a full transcript and record of the hearing 7788
proceedings. The court may consider all relevant evidence, 7789
including, but not limited to, any relevant psychiatric, 7790
psychological, or medical testimony or reports, the acts 7791
constituting the offense in relation to which the person was 7792
found not guilty by reason of insanity, and any history of the 7793
person that is relevant to the person's ability to conform to 7794
the law. 7795

(E) Upon completion of the hearing under division (A) of 7796
this section, if the court finds there is not clear and 7797
convincing evidence that the person is a ~~mentally ill~~ person 7798
with a mental illness subject to court order or a person with an 7799
intellectual disability subject to institutionalization by court 7800
order, the court shall discharge the person, unless a detainer 7801
has been placed upon the person by the department of 7802
rehabilitation and correction, in which case the person shall be 7803

returned to that department.

7804

(F) If, at the hearing under division (A) of this section,
the court finds by clear and convincing evidence that the person
is a ~~mentally ill person~~ with a mental illness subject to court
order, the court shall commit the person either to the
department of mental health and addiction services for treatment
in a hospital, facility, or agency as determined clinically
appropriate by the department of mental health and addiction
services or to another medical or psychiatric facility, as
appropriate. Prior to placing the defendant, the department of
mental health and addiction services shall obtain court approval
for that placement. If, at the hearing under division (A) of
this section, the court determines by clear and convincing
evidence that the person requires treatment for an intellectual
disability, it shall commit the person to a facility operated by
the department of developmental disabilities or another
facility, as appropriate. Further proceedings shall be in
accordance with sections 2945.401 and 2945.402 of the Revised
Code. In determining the place of commitment, the court shall
consider the extent to which the person is a danger to the
person and to others, the need for security, and the type of
crime involved and shall order the least restrictive alternative
available that is consistent with public safety and the welfare
of the person. In weighing these factors, the court shall give
preference to protecting public safety.

7805

7806

7807

7808

7809

7810

7811

7812

7813

7814

7815

7816

7817

7818

7819

7820

7821

7822

7823

7824

7825

7826

7827

7828

(G) If a court makes a commitment of a person under
division (F) of this section, the prosecutor shall send to the
hospital, facility, or agency where the person is placed by the
department of mental health and addiction services or to the
defendant's place of commitment all reports of the person's
current mental condition, and, except as otherwise provided in

7829

7830

7831

7832

7833

7834

this division, any other relevant information, including, but 7835
not limited to, a transcript of the hearing held pursuant to 7836
division (A) of this section, copies of relevant police reports, 7837
and copies of any prior arrest and conviction records that 7838
pertain to the person and that the prosecutor possesses. The 7839
prosecutor shall send the reports of the person's current mental 7840
condition in every case of commitment, and, unless the 7841
prosecutor determines that the release of any of the other 7842
relevant information to unauthorized persons would interfere 7843
with the effective prosecution of any person or would create a 7844
substantial risk of harm to any person, the prosecutor also 7845
shall send the other relevant information. Upon admission of a 7846
person committed under division (F) of this section, the place 7847
of commitment shall send to the board of alcohol, drug 7848
addiction, and mental health services or the community mental 7849
health board serving the county in which the charges against the 7850
person were filed a copy of all reports of the person's current 7851
mental condition and a copy of the other relevant information 7852
provided by the prosecutor under this division, including, if 7853
provided, a transcript of the hearing held pursuant to division 7854
(A) of this section, the relevant police reports, and the prior 7855
arrest and conviction records that pertain to the person and 7856
that the prosecutor possesses. 7857

(H) A person who is committed pursuant to this section 7858
shall not voluntarily admit the person or be voluntarily 7859
admitted to a hospital or institution pursuant to section 7860
5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 7861

Sec. 2945.401. (A) A defendant found incompetent to stand 7862
trial and committed pursuant to section 2945.39 of the Revised 7863
Code or a person found not guilty by reason of insanity and 7864
committed pursuant to section 2945.40 of the Revised Code shall 7865

remain subject to the jurisdiction of the trial court pursuant 7866
to that commitment, and to the provisions of this section, until 7867
the final termination of the commitment as described in division 7868
(J) (1) of this section. If the jurisdiction is terminated under 7869
this division because of the final termination of the commitment 7870
resulting from the expiration of the maximum prison term or term 7871
of imprisonment described in division (J) (1) (b) of this section, 7872
the court or prosecutor may file an affidavit for the civil 7873
commitment of the defendant or person pursuant to Chapter 5122. 7874
or 5123. of the Revised Code. 7875

(B) A hearing conducted under any provision of sections 7876
2945.37 to 2945.402 of the Revised Code shall not be conducted 7877
in accordance with Chapters 5122. and 5123. of the Revised Code. 7878
Any person who is committed pursuant to section 2945.39 or 7879
2945.40 of the Revised Code shall not voluntarily admit the 7880
person or be voluntarily admitted to a hospital or institution 7881
pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the 7882
Revised Code. All other provisions of Chapters 5122. and 5123. 7883
of the Revised Code regarding hospitalization or 7884
institutionalization shall apply to the extent they are not in 7885
conflict with this chapter. A commitment under section 2945.39 7886
or 2945.40 of the Revised Code shall not be terminated and the 7887
conditions of the commitment shall not be changed except as 7888
otherwise provided in division (D) (2) of this section with 7889
respect to a person with an intellectual disability subject to 7890
institutionalization by court order or except by order of the 7891
trial court. 7892

(C) The department of mental health and addiction services 7893
or the institution, facility, or program to which a defendant or 7894
person has been committed under section 2945.39 or 2945.40 of 7895
the Revised Code shall report in writing to the trial court, at 7896

the times specified in this division, as to whether the 7897
defendant or person remains a ~~mentally ill~~ person with a mental 7898
illness subject to court order or a person with an intellectual 7899
disability subject to institutionalization by court order and, 7900
in the case of a defendant committed under section 2945.39 of 7901
the Revised Code, as to whether the defendant remains 7902
incompetent to stand trial. The department, institution, 7903
facility, or program shall make the reports after the initial 7904
six months of treatment and every two years after the initial 7905
report is made. The trial court shall provide copies of the 7906
reports to the prosecutor and to the counsel for the defendant 7907
or person. Within thirty days after its receipt pursuant to this 7908
division of a report from the department, institution, facility, 7909
or program, the trial court shall hold a hearing on the 7910
continued commitment of the defendant or person or on any 7911
changes in the conditions of the commitment of the defendant or 7912
person. The defendant or person may request a change in the 7913
conditions of confinement, and the trial court shall conduct a 7914
hearing on that request if six months or more have elapsed since 7915
the most recent hearing was conducted under this section. 7916

(D) (1) Except as otherwise provided in division (D) (2) of 7917
this section, when a defendant or person has been committed 7918
under section 2945.39 or 2945.40 of the Revised Code, at any 7919
time after evaluating the risks to public safety and the welfare 7920
of the defendant or person, the designee of the department of 7921
mental health and addiction services or the managing officer of 7922
the institution or director of the facility or program to which 7923
the defendant or person is committed may recommend a termination 7924
of the defendant's or person's commitment or a change in the 7925
conditions of the defendant's or person's commitment. 7926

Except as otherwise provided in division (D) (2) of this 7927

section, if the designee of the department of mental health and 7928
addiction services recommends on-grounds unsupervised movement, 7929
off-grounds supervised movement, or nonsecured status for the 7930
defendant or person or termination of the defendant's or 7931
person's commitment, the following provisions apply: 7932

(a) If the department's designee recommends on-grounds 7933
unsupervised movement or off-grounds supervised movement, the 7934
department's designee shall file with the trial court an 7935
application for approval of the movement and shall send a copy 7936
of the application to the prosecutor. Within fifteen days after 7937
receiving the application, the prosecutor may request a hearing 7938
on the application and, if a hearing is requested, shall so 7939
inform the department's designee. If the prosecutor does not 7940
request a hearing within the fifteen-day period, the trial court 7941
shall approve the application by entering its order approving 7942
the requested movement or, within five days after the expiration 7943
of the fifteen-day period, shall set a date for a hearing on the 7944
application. If the prosecutor requests a hearing on the 7945
application within the fifteen-day period, the trial court shall 7946
hold a hearing on the application within thirty days after the 7947
hearing is requested. If the trial court, within five days after 7948
the expiration of the fifteen-day period, sets a date for a 7949
hearing on the application, the trial court shall hold the 7950
hearing within thirty days after setting the hearing date. At 7951
least fifteen days before any hearing is held under this 7952
division, the trial court shall give the prosecutor written 7953
notice of the date, time, and place of the hearing. At the 7954
conclusion of each hearing conducted under this division, the 7955
trial court either shall approve or disapprove the application 7956
and shall enter its order accordingly. 7957

(b) If the department's designee recommends termination of 7958

the defendant's or person's commitment at any time or if the 7959
department's designee recommends the first of any nonsecured 7960
status for the defendant or person, the department's designee 7961
shall send written notice of this recommendation to the trial 7962
court and to the local forensic center. The local forensic 7963
center shall evaluate the committed defendant or person and, 7964
within thirty days after its receipt of the written notice, 7965
shall submit to the trial court and the department's designee a 7966
written report of the evaluation. The trial court shall provide 7967
a copy of the department's designee's written notice and of the 7968
local forensic center's written report to the prosecutor and to 7969
the counsel for the defendant or person. Upon the local forensic 7970
center's submission of the report to the trial court and the 7971
department's designee, all of the following apply: 7972

(i) If the forensic center disagrees with the 7973
recommendation of the department's designee, it shall inform the 7974
department's designee and the trial court of its decision and 7975
the reasons for the decision. The department's designee, after 7976
consideration of the forensic center's decision, shall either 7977
withdraw, proceed with, or modify and proceed with the 7978
recommendation. If the department's designee proceeds with, or 7979
modifies and proceeds with, the recommendation, the department's 7980
designee shall proceed in accordance with division (D) (1) (b) 7981
(iii) of this section. 7982

(ii) If the forensic center agrees with the recommendation 7983
of the department's designee, it shall inform the department's 7984
designee and the trial court of its decision and the reasons for 7985
the decision, and the department's designee shall proceed in 7986
accordance with division (D) (1) (b) (iii) of this section. 7987

(iii) If the forensic center disagrees with the 7988

recommendation of the department's designee and the department's 7989
designee proceeds with, or modifies and proceeds with, the 7990
recommendation or if the forensic center agrees with the 7991
recommendation of the department's designee, the department's 7992
designee shall work with community mental health services 7993
providers, programs, facilities, or boards of alcohol, drug 7994
addiction, and mental health services or community mental health 7995
boards to develop a plan to implement the recommendation. If the 7996
defendant or person is on medication, the plan shall include, 7997
but shall not be limited to, a system to monitor the defendant's 7998
or person's compliance with the prescribed medication treatment 7999
plan. The system shall include a schedule that clearly states 8000
when the defendant or person shall report for a medication 8001
compliance check. The medication compliance checks shall be 8002
based upon the effective duration of the prescribed medication, 8003
taking into account the route by which it is taken, and shall be 8004
scheduled at intervals sufficiently close together to detect a 8005
potential increase in mental illness symptoms that the 8006
medication is intended to prevent. 8007

The department's designee, after consultation with the 8008
board of alcohol, drug addiction, and mental health services or 8009
the community mental health board serving the area, shall send 8010
the recommendation and plan developed under division (D) (1) (b) 8011
(iii) of this section, in writing, to the trial court, the 8012
prosecutor, and the counsel for the committed defendant or 8013
person. The trial court shall conduct a hearing on the 8014
recommendation and plan developed under division (D) (1) (b) (iii) 8015
of this section. Divisions (D) (1) (c) and (d) and (E) to (J) of 8016
this section apply regarding the hearing. 8017

(c) If the department's designee's recommendation is for 8018
nonsecured status or termination of commitment, the prosecutor 8019

may obtain an independent expert evaluation of the defendant's 8020
or person's mental condition, and the trial court may continue 8021
the hearing on the recommendation for a period of not more than 8022
thirty days to permit time for the evaluation. 8023

The prosecutor may introduce the evaluation report or 8024
present other evidence at the hearing in accordance with the 8025
Rules of Evidence. 8026

(d) The trial court shall schedule the hearing on a 8027
department's designee's recommendation for nonsecured status or 8028
termination of commitment and shall give reasonable notice to 8029
the prosecutor and the counsel for the defendant or person. 8030
Unless continued for independent evaluation at the prosecutor's 8031
request or for other good cause, the hearing shall be held 8032
within thirty days after the trial court's receipt of the 8033
recommendation and plan. 8034

(2) (a) Division (D) (1) of this section does not apply to 8035
on-grounds unsupervised movement of a defendant or person who 8036
has been committed under section 2945.39 or 2945.40 of the 8037
Revised Code, who is a person with an intellectual disability 8038
subject to institutionalization by court order, and who is being 8039
provided residential habilitation, care, and treatment in a 8040
facility operated by the department of developmental 8041
disabilities. 8042

(b) If, pursuant to section 2945.39 of the Revised Code, 8043
the trial court commits a defendant who is found incompetent to 8044
stand trial and who is a person with an intellectual disability 8045
subject to institutionalization by court order, if the defendant 8046
is being provided residential habilitation, care, and treatment 8047
in a facility operated by the department of developmental 8048
disabilities, if an individual who is conducting a survey for 8049

the department of health to determine the facility's compliance 8050
with the certification requirements of the medicaid program 8051
cites the defendant's receipt of the residential habilitation, 8052
care, and treatment in the facility as being inappropriate under 8053
the certification requirements, if the defendant's receipt of 8054
the residential habilitation, care, and treatment in the 8055
facility potentially jeopardizes the facility's continued 8056
receipt of federal medicaid moneys, and if as a result of the 8057
citation the chief clinical officer of the facility determines 8058
that the conditions of the defendant's commitment should be 8059
changed, the department of developmental disabilities may cause 8060
the defendant to be removed from the particular facility and, 8061
after evaluating the risks to public safety and the welfare of 8062
the defendant and after determining whether another type of 8063
placement is consistent with the certification requirements, may 8064
place the defendant in another facility that the department 8065
selects as an appropriate facility for the defendant's continued 8066
receipt of residential habilitation, care, and treatment and 8067
that is a no less secure setting than the facility in which the 8068
defendant had been placed at the time of the citation. Within 8069
three days after the defendant's removal and alternative 8070
placement under the circumstances described in division (D) (2) 8071
(b) of this section, the department of developmental 8072
disabilities shall notify the trial court and the prosecutor in 8073
writing of the removal and alternative placement. 8074

The trial court shall set a date for a hearing on the 8075
removal and alternative placement, and the hearing shall be held 8076
within twenty-one days after the trial court's receipt of the 8077
notice from the department of developmental disabilities. At 8078
least ten days before the hearing is held, the trial court shall 8079
give the prosecutor, the department of developmental 8080

disabilities, and the counsel for the defendant written notice 8081
of the date, time, and place of the hearing. At the hearing, the 8082
trial court shall consider the citation issued by the individual 8083
who conducted the survey for the department of health to be 8084
prima-facie evidence of the fact that the defendant's commitment 8085
to the particular facility was inappropriate under the 8086
certification requirements of the medicaid program and 8087
potentially jeopardizes the particular facility's continued 8088
receipt of federal medicaid moneys. At the conclusion of the 8089
hearing, the trial court may approve or disapprove the 8090
defendant's removal and alternative placement. If the trial 8091
court approves the defendant's removal and alternative 8092
placement, the department of developmental disabilities may 8093
continue the defendant's alternative placement. If the trial 8094
court disapproves the defendant's removal and alternative 8095
placement, it shall enter an order modifying the defendant's 8096
removal and alternative placement, but that order shall not 8097
require the department of developmental disabilities to replace 8098
the defendant for purposes of continued residential 8099
habilitation, care, and treatment in the facility associated 8100
with the citation issued by the individual who conducted the 8101
survey for the department of health. 8102

(E) In making a determination under this section regarding 8103
nonsecured status or termination of commitment, the trial court 8104
shall consider all relevant factors, including, but not limited 8105
to, all of the following: 8106

(1) Whether, in the trial court's view, the defendant or 8107
person currently represents a substantial risk of physical harm 8108
to the defendant or person or others; 8109

(2) Psychiatric and medical testimony as to the current 8110

mental and physical condition of the defendant or person; 8111

(3) Whether the defendant or person has insight into the 8112
defendant's or person's condition so that the defendant or 8113
person will continue treatment as prescribed or seek 8114
professional assistance as needed; 8115

(4) The grounds upon which the state relies for the 8116
proposed commitment; 8117

(5) Any past history that is relevant to establish the 8118
defendant's or person's degree of conformity to the laws, rules, 8119
regulations, and values of society; 8120

(6) If there is evidence that the defendant's or person's 8121
mental illness is in a state of remission, the medically 8122
suggested cause and degree of the remission and the probability 8123
that the defendant or person will continue treatment to maintain 8124
the remissive state of the defendant's or person's illness 8125
should the defendant's or person's commitment conditions be 8126
altered. 8127

(F) At any hearing held pursuant to division (C) or (D) (1) 8128
or (2) of this section, the defendant or the person shall have 8129
all the rights of a defendant or person at a commitment hearing 8130
as described in section 2945.40 of the Revised Code. 8131

(G) In a hearing held pursuant to division (C) or (D) (1) 8132
of this section, the prosecutor has the burden of proof as 8133
follows: 8134

(1) For a recommendation of termination of commitment, to 8135
show by clear and convincing evidence that the defendant or 8136
person remains a ~~mentally ill person~~ with a mental illness 8137
subject to court order or a person with an intellectual 8138
disability subject to institutionalization by court order; 8139

(2) For a recommendation for a change in the conditions of 8140
the commitment to a less restrictive status, to show by clear 8141
and convincing evidence that the proposed change represents a 8142
threat to public safety or a threat to the safety of any person. 8143

(H) In a hearing held pursuant to division (C) or (D) (1) 8144
or (2) of this section, the prosecutor shall represent the state 8145
or the public interest. 8146

(I) At the conclusion of a hearing conducted under 8147
division (D) (1) of this section regarding a recommendation from 8148
the designee of the department of mental health and addiction 8149
services, managing officer of the institution, or director of a 8150
facility or program, the trial court may approve, disapprove, or 8151
modify the recommendation and shall enter an order accordingly. 8152

(J) (1) A defendant or person who has been committed 8153
pursuant to section 2945.39 or 2945.40 of the Revised Code 8154
continues to be under the jurisdiction of the trial court until 8155
the final termination of the commitment. For purposes of 8156
division (J) of this section, the final termination of a 8157
commitment occurs upon the earlier of one of the following: 8158

(a) The defendant or person no longer is a ~~mentally ill~~ 8159
person with a mental illness subject to court order or a person 8160
with an intellectual disability subject to institutionalization 8161
by court order, as determined by the trial court; 8162

(b) The expiration of the maximum prison term or term of 8163
imprisonment that the defendant or person could have received if 8164
the defendant or person had been convicted of the most serious 8165
offense with which the defendant or person is charged or in 8166
relation to which the defendant or person was found not guilty 8167
by reason of insanity; 8168

(c) The trial court enters an order terminating the 8169
commitment under the circumstances described in division (J) (2) 8170
(a) (ii) of this section. 8171

(2) (a) If a defendant is found incompetent to stand trial 8172
and committed pursuant to section 2945.39 of the Revised Code, 8173
if neither of the circumstances described in divisions (J) (1) (a) 8174
and (b) of this section applies to that defendant, and if a 8175
report filed with the trial court pursuant to division (C) of 8176
this section indicates that the defendant presently is competent 8177
to stand trial or if, at any other time during the period of the 8178
defendant's commitment, the prosecutor, the counsel for the 8179
defendant, or the designee of the department of mental health 8180
and addiction services or the managing officer of the 8181
institution or director of the facility or program to which the 8182
defendant is committed files an application with the trial court 8183
alleging that the defendant presently is competent to stand 8184
trial and requesting a hearing on the competency issue or the 8185
trial court otherwise has reasonable cause to believe that the 8186
defendant presently is competent to stand trial and determines 8187
on its own motion to hold a hearing on the competency issue, the 8188
trial court shall schedule a hearing on the competency of the 8189
defendant to stand trial, shall give the prosecutor, the counsel 8190
for the defendant, and the department's designee or the managing 8191
officer of the institution or the director of the facility to 8192
which the defendant is committed notice of the date, time, and 8193
place of the hearing at least fifteen days before the hearing, 8194
and shall conduct the hearing within thirty days of the filing 8195
of the application or of its own motion. If, at the conclusion 8196
of the hearing, the trial court determines that the defendant 8197
presently is capable of understanding the nature and objective 8198
of the proceedings against the defendant and of assisting in the 8199

defendant's defense, the trial court shall order that the 8200
defendant is competent to stand trial and shall be proceeded 8201
against as provided by law with respect to the applicable 8202
offenses described in division (C) (1) of section 2945.38 of the 8203
Revised Code and shall enter whichever of the following 8204
additional orders is appropriate: 8205

(i) If the trial court determines that the defendant 8206
remains a ~~mentally ill~~ person with a mental illness subject to 8207
court order or a person with an intellectual disability subject 8208
to institutionalization by court order, the trial court shall 8209
order that the defendant's commitment to the department of 8210
mental health and addiction services or to an institution, 8211
facility, or program for the treatment of intellectual 8212
disabilities be continued during the pendency of the trial on 8213
the applicable offenses described in division (C) (1) of section 8214
2945.38 of the Revised Code. 8215

(ii) If the trial court determines that the defendant no 8216
longer is a ~~mentally ill~~ person with a mental illness subject to 8217
court order or a person with an intellectual disability subject 8218
to institutionalization by court order, the trial court shall 8219
order that the defendant's commitment to the department of 8220
mental health and addiction services or to an institution, 8221
facility, or program for the treatment of intellectual 8222
disabilities shall not be continued during the pendency of the 8223
trial on the applicable offenses described in division (C) (1) of 8224
section 2945.38 of the Revised Code. This order shall be a final 8225
termination of the commitment for purposes of division (J) (1) (c) 8226
of this section. 8227

(b) If, at the conclusion of the hearing described in 8228
division (J) (2) (a) of this section, the trial court determines 8229

that the defendant remains incapable of understanding the nature 8230
and objective of the proceedings against the defendant or of 8231
assisting in the defendant's defense, the trial court shall 8232
order that the defendant continues to be incompetent to stand 8233
trial, that the defendant's commitment to the department of 8234
mental health and addiction services or to an institution, 8235
facility, or program for the treatment of intellectual 8236
disabilities shall be continued, and that the defendant remains 8237
subject to the jurisdiction of the trial court pursuant to that 8238
commitment, and to the provisions of this section, until the 8239
final termination of the commitment as described in division (J) 8240
(1) of this section. 8241

Sec. 2945.42. No person is disqualified as a witness in a 8242
criminal prosecution by reason of the person's interest in the 8243
prosecution as a party or otherwise or by reason of the person's 8244
conviction of crime. Husband and wife are competent witnesses to 8245
testify in behalf of each other in all criminal prosecutions and 8246
to testify against each other in all actions, prosecutions, and 8247
proceedings for personal injury of either by the other, bigamy, 8248
or failure to provide for, neglect of, or cruelty to their 8249
children under eighteen years of age or their ~~physically or~~ 8250
~~mentally handicapped~~ child with a mental or physical disability 8251
under twenty-one years of age. A spouse may testify against his 8252
or her spouse in a prosecution under a provision of sections 8253
2903.11 to 2903.13, 2919.21, 2919.22, or 2919.25 of the Revised 8254
Code for cruelty to, neglect of, or abandonment of such spouse, 8255
in a prosecution against his or her spouse under section 8256
2903.211 or 2911.211, of the Revised Code for the commission of 8257
the offense against the spouse who is testifying, in a 8258
prosecution under section 2919.27 of the Revised Code involving 8259
a protection order issued or consent agreement approved pursuant 8260

to section 2919.26 or 3113.31 of the Revised Code for the 8261
commission of the offense against the spouse who is testifying, 8262
or in a prosecution under section 2907.02 of the Revised Code 8263
for the commission of rape or under former section 2907.12 of 8264
the Revised Code for felonious sexual penetration against such 8265
spouse in a case in which the offense can be committed against a 8266
spouse. Such interest, conviction, or relationship may be shown 8267
for the purpose of affecting the credibility of the witness. 8268
Husband or wife shall not testify concerning a communication 8269
made by one to the other, or act done by either in the presence 8270
of the other, during coverture, unless the communication was 8271
made or act done in the known presence or hearing of a third 8272
person competent to be a witness, or in case of personal injury 8273
by either the husband or wife to the other, or rape or the 8274
former offense of felonious sexual penetration in a case in 8275
which the offense can be committed against a spouse, or bigamy, 8276
or failure to provide for, or neglect or cruelty of either to 8277
their children under eighteen years of age or their ~~physically-~~ 8278
~~or mentally handicapped~~ child with a mental or physical 8279
disability under twenty-one years of age, violation of a 8280
protection order or consent agreement, or neglect or abandonment 8281
of a spouse under a provision of those sections. The presence or 8282
whereabouts of the husband or wife is not an act under this 8283
section. The rule is the same if the marital relation has ceased 8284
to exist. 8285

Sec. 2949.29. (A) The prosecuting attorney, the convict, 8286
and the convict's counsel shall attend an inquiry commenced as 8287
provided in section 2949.28 of the Revised Code. The prosecuting 8288
attorney and the convict or the convict's counsel may produce, 8289
examine, and cross-examine witnesses, and all findings shall be 8290
in writing signed by the judge. If it is found that the convict 8291

is not insane, the sentence shall be executed at the time 8292
previously appointed, unless that time has passed pending 8293
completion of the inquiry, in which case the judge conducting 8294
the inquiry, if authorized by the supreme court, shall appoint a 8295
time for execution of the sentence to be effective fifteen days 8296
from the date of the entry of the judge's findings in the 8297
inquiry. 8298

(B) If it is found that the convict is insane and if 8299
authorized by the supreme court, the judge shall continue any 8300
stay of execution of the sentence previously issued, order the 8301
convict to be confined in the area at which other convicts 8302
sentenced to death are confined or in a maximum security medical 8303
or psychiatric facility operated by the department of 8304
rehabilitation and correction, and order treatment of the 8305
convict. Thereafter, the court at any time may conduct and, on 8306
motion of the prosecuting attorney, shall conduct a hearing 8307
pursuant to division (A) of this section to continue the inquiry 8308
into the convict's insanity and, as provided in section 2949.28 8309
of the Revised Code, may appoint one or more psychiatrists or 8310
psychologists to make a further examination of the convict and 8311
to submit a report to the court. If the court finds at the 8312
hearing that the convict is not insane and if the time 8313
previously appointed for execution of the sentence has not 8314
passed, the sentence shall be executed at the previously 8315
appointed time. If the court finds at the hearing that the 8316
convict is not insane and if the time previously appointed for 8317
execution of the sentence has passed, the judge who conducts the 8318
hearing, if authorized by the supreme court, shall appoint a new 8319
time for execution of the sentence to be effective fifteen days 8320
from the date of the entry of the judge's findings in the 8321
hearing. 8322

(C) In all proceedings under this section, the convict is 8323
presumed not to be insane, and the court shall find that the 8324
convict is not insane unless the court finds by a preponderance 8325
of the evidence that the convict is insane. 8326

(D) Proceedings for inquiry into the insanity of any 8327
convict sentenced to death shall be exclusively pursuant to this 8328
section, section 2949.28 of the Revised Code, and the Rules of 8329
Evidence. Neither Chapter 5122. or 5123. of the Revised Code nor 8330
any other provision of the Revised Code nor any other rule 8331
concerning ~~mentally ill~~ persons with mental illnesses, persons 8332
with intellectual disabilities, or insane persons applies to any 8333
proceeding for inquiry into the insanity of any convict 8334
sentenced to death. 8335

Sec. 2967.22. Whenever it is brought to the attention of 8336
the adult parole authority or a department of probation that a 8337
parolee, person under a community control sanction, person under 8338
transitional control, or releasee appears to be a ~~mentally ill~~ 8339
person with a mental illness subject to court order, as defined 8340
in section 5122.01 of the Revised Code, or a person with an 8341
intellectual disability subject to institutionalization by court 8342
order, as defined in section 5123.01 of the Revised Code, the 8343
parole or probation officer, subject to the approval of the 8344
chief of the adult parole authority, the designee of the chief 8345
of the adult parole authority, or the chief probation officer, 8346
may file an affidavit under section 5122.11 or 5123.71 of the 8347
Revised Code. A parolee, person under a community control 8348
sanction, or releasee who is involuntarily detained under 8349
Chapter 5122. or 5123. of the Revised Code shall receive credit 8350
against the period of parole or community control or the term of 8351
post-release control for the period of involuntary detention. 8352

If a parolee, person under a community control sanction, 8353
person under transitional control, or releasee escapes from an 8354
institution or facility within the department of mental health 8355
and addiction services or the department of developmental 8356
disabilities, the superintendent of the institution immediately 8357
shall notify the chief of the adult parole authority or the 8358
chief probation officer. Notwithstanding the provisions of 8359
section 5122.26 of the Revised Code, the procedure for the 8360
apprehension, detention, and return of the parolee, person under 8361
a community control sanction, person under transitional control, 8362
or releasee is the same as that provided for the apprehension, 8363
detention, and return of persons who escape from institutions 8364
operated by the department of rehabilitation and correction. If 8365
the escaped parolee, person under transitional control, or 8366
releasee is not apprehended and returned to the custody of the 8367
department of mental health and addiction services or the 8368
department of developmental disabilities within ninety days 8369
after the escape, the parolee, person under transitional 8370
control, or releasee shall be discharged from the custody of the 8371
department of mental health and addiction services or the 8372
department of developmental disabilities and returned to the 8373
custody of the department of rehabilitation and correction. If 8374
the escaped person under a community control sanction is not 8375
apprehended and returned to the custody of the department of 8376
mental health and addiction services or the department of 8377
developmental disabilities within ninety days after the escape, 8378
the person under a community control sanction shall be 8379
discharged from the custody of the department of mental health 8380
and addiction services or the department of developmental 8381
disabilities and returned to the custody of the court that 8382
sentenced that person. 8383

Sec. 3113.06. No father, or mother when she is charged 8384
with the maintenance, of a child under eighteen years of age, or 8385
a ~~mentally or physically handicapped child~~ with a mental or 8386
physical disability under age twenty-one, who is legally a ward 8387
of a public children services agency or is the recipient of aid 8388
pursuant to Chapter 5107. of the Revised Code, shall neglect or 8389
refuse to pay such agency the reasonable cost of maintaining 8390
such child when such father or mother is able to do so by reason 8391
of property, labor, or earnings. 8392

An offense under this section shall be held committed in 8393
the county in which the agency is located. The agency shall file 8394
charges against any parent who violates this section, unless the 8395
agency files charges under section 2919.21 of the Revised Code, 8396
or unless charges of nonsupport are filed by a relative or 8397
guardian of the child, or unless an action to enforce support is 8398
brought under Chapter 3115. of the Revised Code. 8399

Sec. 3113.08. Upon failure of the father or mother of a 8400
child under eighteen years of age, or of a ~~physically or~~ 8401
~~mentally handicapped child~~ with a mental or physical disability 8402
under twenty-one years of age, or the husband of a pregnant 8403
woman to comply with any order and undertaking provided for in 8404
sections 3113.01 to 3113.14, ~~inclusive,~~ of the Revised Code, 8405
such person may be arrested by the sheriff or other officer, on 8406
a warrant issued on the praecipe of the prosecuting attorney, 8407
and brought before the court of common pleas for sentence. 8408
Thereupon the court may pass sentence, or for good cause shown, 8409
may modify the order as to the time and amount of payments, or 8410
take a new undertaking and further suspend sentence, whichever 8411
is for the best interests of such child or pregnant woman and of 8412
the public. 8413

Sec. 3304.31. (A) Licenses issued by the bureau of 8414
services for the visually impaired under section 3304.29 of the 8415
Revised Code shall be in effect until suspended or revoked. 8416
Except as provided in division (B) of this section, the bureau 8417
may deny, revoke, or suspend a license or otherwise discipline a 8418
licensee upon proof that the licensee is guilty of fraud or 8419
deceit in procuring or attempting to procure a license, is 8420
guilty of a felony or a crime of moral turpitude, is addicted to 8421
the use of habit-forming drugs or alcohol, or is mentally 8422
incompetent. Such license may also be denied, revoked, or 8423
suspended on proof of violation by the applicant or licensee of 8424
the rules established by the bureau for the operation of 8425
suitable vending facilities by ~~the~~ individuals who are blind or 8426
if a licensee fails to maintain a vending facility as a suitable 8427
vending facility. 8428

(B) The bureau shall not refuse to issue a license to an 8429
applicant because of a conviction of or plea of guilty to an 8430
offense unless the refusal is in accordance with section 9.79 of 8431
the Revised Code. 8432

(C) Any individual who is blind and who has had the 8433
individual's license suspended or revoked or the individual's 8434
application denied by the bureau may reapply for a license and 8435
may be reinstated or be granted a license by the bureau upon 8436
presentation of satisfactory evidence that there is no longer 8437
cause for such suspension, revocation, or denial. Before the 8438
bureau may revoke, deny, or suspend a license, or otherwise 8439
discipline a licensee, written charges must be filed by the 8440
director of the bureau and a hearing shall be held as provided 8441
in Chapter 119. of the Revised Code. 8442

Sec. 3313.55. The board of education of any school 8443

district in which is located a state, district, county, or 8444
municipal hospital for children with epilepsy or any public 8445
institution, except state institutions for the care and 8446
treatment of delinquent, unstable, or socially maladjusted 8447
children, shall make provision for the education of all educable 8448
children therein; except that in the event another school 8449
district within the same county or an adjoining county is the 8450
source of sixty per cent or more of the children in said 8451
hospital or institution, the board of that school district shall 8452
make provision for the education of all the children therein. In 8453
any case in which a board provides educational facilities under 8454
this section, the board that provides the facilities shall be 8455
entitled to all moneys authorized for the attendance of pupils 8456
as provided in Chapter 3317. of the Revised Code, tuition as 8457
provided in section 3317.08 of the Revised Code, and such 8458
additional compensation as is provided for ~~crippled~~ children 8459
with disabilities in sections 3323.01 to 3323.12 of the Revised 8460
Code. Any board that provides the educational facilities for 8461
children in county or municipal institutions established for the 8462
care and treatment of children who are delinquent, unstable, or 8463
socially maladjusted shall not be entitled to any moneys 8464
provided for ~~crippled~~ children with disabilities in sections 8465
3323.01 to 3323.12 of the Revised Code. 8466

Sec. 3313.65. (A) As used in this section and section 8467
3313.64 of the Revised Code: 8468

(1) A person is "in a residential facility" if the person 8469
is a resident or a resident patient of an institution, home, or 8470
other residential facility that is: 8471

(a) Licensed as a nursing home, residential care facility, 8472
or home for the aging by the director of health under section 8473

3721.02 of the Revised Code;	8474
(b) Maintained as a county home or district home by the board of county commissioners or a joint board of county commissioners under Chapter 5155. of the Revised Code;	8475 8476 8477
(c) Operated or administered by a board of alcohol, drug addiction, and mental health services under section 340.037 of the Revised Code, or provides residential care pursuant to contracts made under section 340.036 of the Revised Code;	8478 8479 8480 8481
(d) Maintained as a state institution for the mentally ill <u>persons with mental illnesses</u> under Chapter 5119. of the Revised Code;	8482 8483 8484
(e) Licensed by the department of mental health and addiction services under section 5119.33 or 5119.34 of the Revised Code;	8485 8486 8487
(f) Licensed as a residential facility by the department of developmental disabilities under section 5123.19 of the Revised Code;	8488 8489 8490
(g) Operated by the veteran's administration or another agency of the United States government;	8491 8492
(h) Operated by the Ohio veterans' home.	8493
(2) A person is "in a correctional facility" if any of the following apply:	8494 8495
(a) The person is an Ohio resident and is:	8496
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	8497 8498
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	8499 8500

(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority.

(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned.

(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal.

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

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

(B) If the circumstances described in division (C) of this section apply, the determination of what school district must admit a child to its schools and what district, if any, is liable for tuition shall be made in accordance with this

section, rather than section 3313.64 of the Revised Code. 8530

(C) A child who does not reside in the school district in 8531
which the child's parent resides and for whom a tuition 8532
obligation previously has not been established under division 8533
(C) (2) of section 3313.64 of the Revised Code shall be admitted 8534
to the schools of the district in which the child resides if at 8535
least one of the child's parents is in a residential or 8536
correctional facility or a juvenile residential placement and 8537
the other parent, if living and not in such a facility or 8538
placement, is not known to reside in this state. 8539

(D) Regardless of who has custody or care of the child, 8540
whether the child resides in a home, or whether the child 8541
receives special education, if a district admits a child under 8542
division (C) of this section, tuition shall be paid to that 8543
district as follows: 8544

(1) If the child's parent is in a juvenile residential 8545
placement, by the district in which the child's parent resided 8546
at the time the parent became subject to the jurisdiction of the 8547
juvenile court; 8548

(2) If the child's parent is in a correctional facility, 8549
by the district in which the child's parent resided at the time 8550
the sentence was imposed; 8551

(3) If the child's parent is in a residential facility, by 8552
the district in which the parent resided at the time the parent 8553
was admitted to the residential facility, except that if the 8554
parent was transferred from another residential facility, 8555
tuition shall be paid by the district in which the parent 8556
resided at the time the parent was admitted to the facility from 8557
which the parent first was transferred; 8558

(4) In the event of a disagreement as to which school district is liable for tuition under division (C) (1), (2), or (3) of this section, the superintendent of public instruction shall determine which district shall pay tuition.

(E) If a child covered by division (D) of this section receives special education in accordance with Chapter 3323. of the Revised Code, the tuition shall be paid in accordance with section 3323.13 or 3323.14 of the Revised Code. Tuition for children who do not receive special education shall be paid in accordance with division (J) of section 3313.64 of the Revised Code.

Sec. 3313.71. School physicians may make examinations, which shall include tests to determine the existence of hearing defects, and diagnoses of all children referred to them. They may make such examination of teachers and other school employees and inspection of school buildings as in their opinion the protection of health of the pupils, teachers, and other school employees requires.

Boards of education shall require and provide, in accordance with section 3313.67 of the Revised Code, such tests and examinations for tuberculosis of pupils in selected grades and of school employees as may be required by the director of health.

Boards may require annual tuberculin tests of any grades. All pupils with positive reactions to the test shall have chest x-rays and all positive reactions and x-ray findings shall be reported promptly to the county record bureau of tuberculosis cases provided for in section 339.74 of the Revised Code. Boards shall waive the required test where a pupil presents a written statement from the pupil's family physician certifying that such

test has been given and that such pupil is free from 8589
tuberculosis in a communicable stage, or that such test is 8590
inadvisable for medical reasons, or from the pupil's parent or 8591
guardian objecting to such test because of religious 8592
convictions. 8593

Whenever a pupil, teacher, or other school employee is 8594
found to be ill or ~~suffering from~~ have tuberculosis in a 8595
communicable stage or other communicable disease, the school 8596
physician shall promptly send such pupil, teacher, or other 8597
school employee home, with a statement, in the case of a pupil, 8598
to the pupil's parents or guardian, briefly setting forth the 8599
discovered facts, and advising that the family physician be 8600
consulted. School physicians shall keep accurate card-index 8601
records of all examinations, and said records, that they may be 8602
uniform throughout the state, shall be according to the form 8603
prescribed by the state board of education, and the reports 8604
shall be made according to the method of said form. If the 8605
parent or guardian of any pupil or any teacher or other school 8606
employee, after notice from the board of education, furnishes 8607
within two weeks thereafter the written certificate of any 8608
reputable physician that the pupil, teacher, or other school 8609
employee has been examined, in such cases the service of the 8610
school physician shall be dispensed with, and such certificate 8611
shall be furnished by such parent or guardian, as required by 8612
the board of education. Such individual records shall not be 8613
open to the public and shall be solely for the use of the boards 8614
of education and boards of health officer. If any teacher or 8615
other school employee is found to have tuberculosis in a 8616
communicable stage or other communicable disease, the teacher's 8617
or employee's employment shall be discontinued or suspended upon 8618
such terms as to salary as the board deems just until the school 8619

physician has certified to a recovery from such disease. The 8620
methods of making the tuberculin tests and chest x-rays required 8621
by this section shall be such as are approved by the director of 8622
health. 8623

This section shall apply to all elementary and high 8624
schools for which the state board of education sets minimum 8625
standards pursuant to section 3301.07 of the Revised Code. 8626

Sec. 3313.74. No person shall establish any institution to 8627
house or care for persons ~~suffering from~~ having a communicable 8628
disease, as defined by the director of health, within two 8629
thousand feet of any public, private, or parochial school 8630
operating under the standards set by the school laws or school 8631
land used for recreational purposes in connection with school 8632
activities. 8633

This section does not apply to members of an established 8634
household ~~suffering from~~ having such ailments. 8635

Sec. 3319.232. The state board of education shall adopt 8636
standards for attaining a license for teaching students with 8637
visual disabilities that require the licensee to demonstrate 8638
competency in reading and writing braille. The standards for 8639
demonstrating competency shall be ~~consistent with~~ developed with 8640
reference to those adopted for ~~teachers~~ transcribers by the 8641
national library service for the blind and ~~physically~~ 8642
~~handicapped of the~~ print disabled, library of congress. 8643

Sec. 3335.41. The board of trustees of the Ohio state 8644
university shall operate and manage a neuropsychiatric service 8645
of the college of medicine which shall be a center for teaching 8646
and research in the fields of neurology and psychiatry and a 8647
center for the treatment and care of persons ~~suffering from~~ 8648

having mental, nervous, or allied diseases. The university shall 8649
conduct graduate training programs in neurology and psychiatry, 8650
with a view towards securing and maintaining academic and 8651
professional accreditation of such programs. 8652

The board of trustees, on the recommendation of the 8653
president and other administrative officers of the university, 8654
shall adopt rules and regulations for the operation of the 8655
neuropsychiatric service. 8656

The board of trustees may enter into agreements with other 8657
public and private agencies for cooperative efforts in teaching 8658
and research in the fields of neurology and psychiatry and for 8659
the treatment of persons ~~suffering from~~ having mental, nervous, 8660
or allied diseases. 8661

Sec. 3335.42. The board of trustees of the Ohio state 8662
university shall operate and manage a treatment service for 8663
tuberculosis and other diseases as part of the college of 8664
medicine, which service shall be a center for teaching and 8665
research in the fields of tuberculosis and other diseases and a 8666
center for treatment of patients ~~suffering from~~ having such 8667
diseases. 8668

The board of trustees, on the recommendation of the 8669
president and other administrative officers of the university, 8670
shall adopt rules for the operation of the treatment service 8671
established under this section. 8672

The board of trustees may enter into agreements with the 8673
director of the department of health for cooperative efforts in 8674
research in the fields of tuberculosis and other diseases and 8675
for the treatment of patients, ~~suffering from~~ having such 8676
diseases, as may be under jurisdiction of the department of 8677

health. The board may enter into agreements with other public 8678
and private agencies for cooperative efforts in teaching, 8679
research, and patient care in the fields of tuberculosis and 8680
other diseases. 8681

Sec. 3335.50. The board of trustees of the Ohio state 8682
university shall establish and operate an organization known as 8683
the "Ohio rehabilitation center" for the development and 8684
application of means and methods for restoring ~~physically-~~ 8685
~~handicapped persons~~ with physical disabilities to positions of 8686
improved social and economic ~~usefulness~~ participation. The center 8687
shall be under the control of the board of trustees of the 8688
university through the regular university administrative and 8689
fiscal officers. 8690

Sec. 3335.51. The objectives of the Ohio rehabilitation 8691
center shall be to rehabilitate ~~handicapped or disabled~~ persons 8692
with disabilities whose rehabilitation requires extended 8693
residential care or intensive study and services; to cooperate 8694
with, aid, and supplement such public and private projects for 8695
rehabilitation as may be established in the various communities 8696
of the state; to provide training for persons seeking competence 8697
in the several disciplines pertaining to the field of 8698
rehabilitation; to conduct research and demonstrations in 8699
connection with the problems and techniques of rehabilitation; 8700
to disseminate information and promote public understanding 8701
respecting the problems incident to the rehabilitation of ~~the-~~ 8702
~~handicapped persons~~ with disabilities and their return to 8703
~~productive usefulness~~ social and economic participation; and to 8704
afford such other services of rehabilitation as the center may 8705
develop for the benefit of citizens of this state. 8706

Sec. 3335.55. Every department, office, or institution of 8707

the state and any political subdivision thereof may make such 8708
arrangements or contracts with the board of trustees of the Ohio 8709
state university for use of the Ohio rehabilitation center as 8710
may be appropriate in order to provide for the rehabilitation in 8711
any proper case of ~~disabled or handicapped persons~~ with 8712
disabilities in respect of whom such department, office, or 8713
institution or political subdivision is responsible or exercises 8714
supervision under any law of the state or ordinance or 8715
regulation of a political subdivision thereof. Every appropriate 8716
effort shall be made to rehabilitate and restore to social and 8717
economic ~~usefulness~~ participation all persons who are or may 8718
probably become charges of the state or of a political 8719
subdivision. Whenever any law of the state makes provision for 8720
or authorizes payment for medical services, hospital services, 8721
or for the care of any ~~disabled or handicapped persons~~ with 8722
disabilities, such provision or authorization shall be deemed to 8723
include rehabilitation of such person. Any such arrangement or 8724
contract may establish the charges which shall be paid for 8725
rehabilitation services and facilities. 8726

Sec. 3353.01. As used in this chapter: 8727

(A) "Educational television or radio" means television or 8728
radio programs which serve the educational needs of the 8729
community and which meet the requirements of the federal 8730
communications commission for noncommercial educational 8731
television or radio. 8732

(B) "Educational telecommunications network" means a 8733
system of connected educational television, radio, or radio 8734
reading service facilities and coordinated programs established 8735
and operated or controlled by the broadcast educational media 8736
commission, pursuant to this chapter. 8737

(C) "Transmission" means the sending out of television, 8738
radio, or radio reading service programs, either directly to the 8739
public, or to broadcasting stations or services for simultaneous 8740
broadcast or rebroadcast. 8741

(D) "Transmission facilities" means structures, equipment, 8742
material, and services used in the transmission of educational 8743
television, radio, or radio reading service programs. 8744

(E) "Interconnection facilities" means the equipment, 8745
material, and services used to link one location to another 8746
location or to several locations by means of telephone line, 8747
coaxial cable, microwave relays, or other available 8748
technologies. 8749

(F) "Broadcasting station" means a properly licensed 8750
noncommercial educational television or radio station, 8751
appropriately staffed and equipped to produce programs or 8752
lessons and to broadcast programs. 8753

(G) "Radio reading service" means a nonprofit organization 8754
that disseminates news and other information to persons who are 8755
blind and physically handicapped persons with other print 8756
disabilities. 8757

(H) "Affiliate" means an educational telecommunication 8758
entity, including a television or radio broadcasting station or 8759
radio reading service. 8760

Sec. 3375.82. The state library board shall administer all 8761
grants and shall provide for the expenditure of all funds 8762
appropriated for the essential library services support program. 8763
All grants shall be made under rules adopted by the state 8764
library board and under the terms of written agreements between 8765
the state library board and the recipient. Such rules shall be 8766

designed to: 8767

(A) Ensure every resident of Ohio access to essential 8768
public library services; 8769

(B) Provide adequate library materials to satisfy the 8770
reference and research needs of the people of this state; 8771

(C) Assure and encourage local initiative and 8772
responsibility and support for library services; 8773

(D) Encourage the formation of viable regional library 8774
systems and library systems providing a full range of library 8775
services; 8776

(E) Develop adequate standards for services, resources, 8777
and programs that will serve as a source of information and 8778
inspiration to persons of all ages, ~~handicapped persons~~ with 8779
disabilities, and disadvantaged persons, and will encourage 8780
continuing education beyond the years of formal education; 8781

(F) Encourage adequate financing of public libraries from 8782
local, state, and other library financial resources. 8783

Sec. 3501.18. (A) The board of elections may divide a 8784
political subdivision within its jurisdiction into precincts, 8785
establish, define, divide, rearrange, and combine the several 8786
election precincts within its jurisdiction, and change the 8787
location of the polling place for each precinct when it is 8788
necessary to maintain the requirements as to the number of 8789
voters in a precinct and to provide for the convenience of the 8790
voters and the proper conduct of elections. No change in the 8791
number of precincts or in precinct boundaries shall be made 8792
during the twenty-five days immediately preceding a primary or 8793
general election or between the first day of January and the day 8794
on which the members of county central committees are elected in 8795

the years in which those committees are elected. Except as 8796
otherwise provided in division (C) of this section, each 8797
precinct shall contain a number of electors, not to exceed one 8798
thousand four hundred, that the board of elections determines to 8799
be a reasonable number after taking into consideration the type 8800
and amount of available equipment, prior voter turnout, the size 8801
and location of each selected polling place, available parking, 8802
availability of an adequate number of poll workers, and ~~handicap~~ 8803
accessibility for persons with disabilities and other 8804
accessibility to the polling place. 8805

If the board changes the boundaries of a precinct after 8806
the filing of a local option election petition pursuant to 8807
sections 4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised 8808
Code that calls for a local option election to be held in that 8809
precinct, the local option election shall be held in the area 8810
that constituted the precinct at the time the local option 8811
petition was filed, regardless of the change in the boundaries. 8812

If the board changes the boundaries of a precinct in order 8813
to meet the requirements of division (B)(1) of this section in a 8814
manner that causes a member of a county central committee to no 8815
longer qualify as a representative of an election precinct in 8816
the county, of a ward of a city in the county, or of a township 8817
in the county, the member shall continue to represent the 8818
precinct, ward, or township for the remainder of the member's 8819
term, regardless of the change in boundaries. 8820

In an emergency, the board may provide more than one 8821
polling place in a precinct. In order to provide for the 8822
convenience of the voters, the board may locate polling places 8823
for voting or registration outside the boundaries of precincts, 8824
provided that the nearest public school or public building shall 8825

be used if the board determines it to be available and suitable 8826
for use as a polling place. Except in an emergency, no change in 8827
the number or location of the polling places in a precinct shall 8828
be made during the twenty-five days immediately preceding a 8829
primary or general election. 8830

Electors who have failed to respond within thirty days to 8831
any confirmation notice shall not be counted in determining the 8832
size of any precinct under this section. 8833

(B) (1) Except as otherwise provided in division (B) (2) of 8834
this section, a board of elections shall determine all precinct 8835
boundaries using geographical units used by the United States 8836
department of commerce, bureau of the census, in reporting the 8837
decennial census of Ohio. 8838

(2) The board of elections may apply to the secretary of 8839
state for a waiver from the requirement of division (B) (1) of 8840
this section when it is not feasible to comply with that 8841
requirement because of unusual physical boundaries or 8842
residential development practices that would cause unusual 8843
hardship for voters. The board shall identify the affected 8844
precincts and census units, explain the reason for the waiver 8845
request, and include a map illustrating where the census units 8846
will be split because of the requested waiver. If the secretary 8847
of state approves the waiver and so notifies the board of 8848
elections in writing, the board may change a precinct boundary 8849
as necessary under this section, notwithstanding the requirement 8850
in division (B) (1) of this section. 8851

(C) The board of elections may apply to the secretary of 8852
state for a waiver from the requirement of division (A) of this 8853
section regarding the number of electors in a precinct when the 8854
use of geographical units used by the United States department 8855

of commerce, bureau of the census, will cause a precinct to 8856
contain more than one thousand four hundred electors. The board 8857
shall identify the affected precincts and census units, explain 8858
the reason for the waiver request, and include a map 8859
illustrating where census units will be split because of the 8860
requested waiver. If the secretary of state approves the waiver 8861
and so notifies the board of elections in writing, the board may 8862
change a precinct boundary as necessary to meet the requirements 8863
of division (B) (1) of this section. 8864

Sec. 3501.29. (A) The board of elections shall provide for 8865
each precinct a polling place and provide adequate facilities at 8866
each polling place for conducting the election. The board shall 8867
provide a sufficient number of screened or curtained voting 8868
compartments to which electors may retire and conveniently mark 8869
their ballots, protected from the observation of others. Each 8870
voting compartment shall be provided at all times with writing 8871
implements, instructions how to vote, and other necessary 8872
conveniences for marking the ballot. The voting location manager 8873
shall ensure that the voting compartments at all times are 8874
adequately lighted and contain the necessary supplies. The board 8875
shall utilize, in so far as practicable, rooms in public schools 8876
and other public buildings for polling places. Upon application 8877
of the board of elections, the authority which has the control 8878
of any building or grounds supported by taxation under the laws 8879
of this state, shall make available the necessary space therein 8880
for the purpose of holding elections and adequate space for the 8881
storage of voting machines, without charge for the use thereof. 8882
A reasonable sum may be paid for necessary janitorial service. 8883
When polling places are established in private buildings, the 8884
board may pay a reasonable rental therefor, and also the cost of 8885
liability insurance covering the premises when used for election 8886

purposes, or the board may purchase a single liability policy 8887
covering the board and the owners of the premises when used for 8888
election purposes. When removable buildings are supplied by the 8889
board, they shall be constructed under the contract let to the 8890
lowest and best bidder, and the board shall observe all 8891
ordinances and regulations then in force as to safety. The board 8892
shall remove all such buildings from streets and other public 8893
places within thirty days after an election, unless another 8894
election is to be held within ninety days. 8895

(B) (1) Except as otherwise provided in this section, the 8896
board shall ensure all of the following: 8897

(a) That polling places are free of barriers that would 8898
impede ingress and egress of ~~handicapped persons with~~ 8899
disabilities; 8900

(b) That the minimum number of ~~special-accessible parking~~ 8901
~~locations, also known as handicapped parking spaces or~~ 8902
~~disability parking spaces, for handicapped persons with mobility~~ 8903
disabilities are designated at each polling place in accordance 8904
with 28 C.F.R. Part 36, Appendix A, and in compliance with 8905
division (E) of section 4511.69 of the Revised Code; 8906

(c) That the entrances of polling places are level or are 8907
provided with a nonskid ramp that meets the requirements of the 8908
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 8909
U.S.C. 12101; 8910

(d) That doors are a minimum of thirty-two inches wide. 8911

(2) Notwithstanding division (B) (1) (a), (c), or (d) of 8912
this section, certain polling places may be specifically 8913
exempted by the secretary of state upon certification by a board 8914
of elections that a good faith, but unsuccessful, effort has 8915

been made to modify, or change the location of, such polling places. 8916
8917

(C) At any polling place that is exempted from compliance 8918
by the secretary of state, the board of elections shall permit 8919
any ~~handicapped~~ elector with a disability who travels to that 8920
elector's polling place, but who is unable to enter the polling 8921
place, to vote, with the assistance of two polling place 8922
officials of major political parties, in the vehicle that 8923
conveyed that elector to the polling place, or to receive and 8924
cast that elector's ballot at the door of the polling place. 8925

(D) The secretary of state shall: 8926

(1) Work with other state agencies to facilitate the 8927
distribution of information and technical assistance to boards 8928
of elections to meet the requirements of division (B) of this 8929
section; 8930

(2) Work with organizations that represent or provide 8931
services to ~~handicapped, disabled, or elderly~~ citizens who are 8932
elderly or who have disabilities to effect a wide dissemination 8933
of information about the availability of absentee voting, voting 8934
in the voter's vehicle or at the door of the polling place, or 8935
other election services to ~~handicapped, disabled, or elderly~~ 8936
citizens who are elderly or who have disabilities. 8937

(E) Before the day of an election, the director of the 8938
board of elections of each county shall sign a statement 8939
verifying that each polling place that will be used in that 8940
county at that election meets the requirements of division (B) 8941
(1)(b) of this section. The signed statement shall be sent to 8942
the secretary of state by certified mail or electronically. 8943

(F) As used in this section, ~~"handicapped"~~ "disabled" 8944

means having lost the use of one or both legs, one or both arms, 8945
or any combination thereof, or being blind or so severely 8946
~~disabled-impaired~~ as to be unable to move about without the aid 8947
of crutches or a wheelchair. 8948

Sec. 3503.12. All registrations shall be carefully 8949
checked, and in case any person is found to have registered more 8950
than once, the additional registration forms shall be canceled 8951
by the board of elections. 8952

Six weeks prior to the day of a special, primary, or 8953
general election, the board shall publish notices in one or more 8954
newspapers of general circulation advertising the places, dates, 8955
times, methods of registration, and voter qualifications for 8956
registration. 8957

The board shall establish a schedule or program to assure 8958
to the extent reasonably possible that, on or before November 1, 8959
1980, all registration places shall be free of barriers that 8960
would impede the ingress and egress of ~~handicapped~~ persons with 8961
disabilities. Entrances shall be level or shall be provided with 8962
a nonskid ramp of not over eight per cent gradient, and doors 8963
shall be a minimum of thirty-two inches wide. Registration 8964
places located at polling places shall, however, comply with the 8965
requirements of section 3501.29 of the Revised Code for the 8966
elimination of barriers. 8967

As used in this section, ~~"handicapped"~~ "persons with 8968
disabilities" means ~~having~~ persons who have lost the use of one 8969
or both legs, one or both arms, or any combination thereof, or 8970
~~being~~ are blind or so severely ~~disabled-impaired~~ as to be unable 8971
to move about without the aid of crutches or a wheelchair. 8972

Sec. 3505.23. Except as otherwise provided in this 8973

section, no voter shall be allowed to occupy a voting 8974
compartment or use a voting machine more than ten minutes when 8975
all the voting compartments or machines are in use and voters 8976
are waiting to occupy them. The ten-minute time limit shall not 8977
apply to any person who requires the use of a ~~disabled~~ 8978
~~accessible~~ an accessible voting machine as required under the 8979
"Help America Vote Act of 2002," 116 Stat. 1704, 42 U.S.C. 8980
15481. 8981

Except as otherwise provided by section 3505.24 of the 8982
Revised Code, no voter shall occupy a voting compartment or 8983
machine with another person or speak to anyone, nor shall anyone 8984
speak to the voter, while the voter is in a voting compartment 8985
or machine. 8986

In precincts that do not use voting machines the following 8987
procedure shall be followed: 8988

If a voter tears, soils, defaces, or erroneously marks a 8989
ballot the voter may return it to the precinct election 8990
officials and a second ballot shall be issued to the voter. 8991
Before returning a torn, soiled, defaced, or erroneously marked 8992
ballot, the voter shall fold it so as to conceal any marks the 8993
voter made upon it, but the voter shall not remove Stub A 8994
therefrom. If the voter tears, soils, defaces, or erroneously 8995
marks such second ballot, the voter may return it to the 8996
precinct election officials, and a third ballot shall be issued 8997
to the voter. In no case shall more than three ballots be issued 8998
to a voter. Upon receiving a returned torn, soiled, defaced, or 8999
erroneously marked ballot the precinct election officials shall 9000
detach Stub A therefrom, write "Defaced" on the back of such 9001
ballot, and place the stub and the ballot in the separate 9002
containers provided therefor. 9003

No elector shall leave the polling place until the elector returns to the precinct election officials every ballot issued to the elector with Stub A on each ballot attached thereto, regardless of whether the elector has or has not placed any marks upon the ballot.

Before leaving the voting compartment, the voter shall fold each ballot marked by the voter so that no part of the face of the ballot is visible, and so that the printing thereon indicating the kind of ballot it is and the facsimile signatures of the members of the board of elections are visible. The voter shall then leave the voting compartment, deliver the voter's ballots, and state the voter's name to the precinct election official having charge of the ballot box, who shall announce the name, detach Stub A from each ballot, and announce the number on the stubs. The precinct election officials in charge of the poll lists or poll books shall check to ascertain whether the number so announced is the number on Stub B of the ballots issued to such voter, and if no discrepancy appears to exist, the precinct election official in charge of the ballot box shall, in the presence of the voter, deposit each such ballot in the ballot box and shall place Stub A from each ballot in the container provided therefor. The voter shall then immediately leave the polling place.

No ballot delivered by a voter to the precinct election official in charge of the ballot box with Stub A detached therefrom, and only ballots provided in accordance with Title XXXV of the Revised Code, shall be voted or deposited in the ballot box.

In marking a presidential ballot, the voter shall record the vote in the manner provided on the ballot next to the names

of the candidates for the offices of president and vice- 9034
president. Such ballot shall be considered and counted as a vote 9035
for each of the candidates for election as presidential elector 9036
whose names were certified to the secretary of state by the 9037
political party of such nominees for president and vice- 9038
president. 9039

In marking an office type ballot or nonpartisan ballot, 9040
the voter shall record the vote in the manner provided on the 9041
ballot next to the name of each candidate for whom the voter 9042
desires to vote. 9043

In marking a primary election ballot, the voter shall 9044
record the vote in the manner provided on the ballot next to the 9045
name of each candidate for whom the voter desires to vote. If 9046
the voter desires to vote for the nomination of a person whose 9047
name is not printed on the primary election ballot, the voter 9048
may do so by writing such person's name on the ballot in the 9049
proper place provided for such purpose. 9050

In marking a questions and issues ballot, the voter shall 9051
record the vote in the manner provided on the ballot at the left 9052
or at the right of "YES" or "NO" or other words of similar 9053
import which are printed on the ballot to enable the voter to 9054
indicate how the voter votes in connection with each question or 9055
issue upon which the voter desires to vote. 9056

In marking any ballot on which a blank space has been 9057
provided wherein an elector may write in the name of a person 9058
for whom the elector desires to vote, the elector shall write 9059
such person's name in such blank space and on no other place on 9060
the ballot. Unless specific provision is made by statute, no 9061
blank space shall be provided on a ballot for write-in votes, 9062
and any names written on a ballot other than in a blank space 9063

provided therefor shall not be counted or recorded. 9064

Sec. 3506.12. In counties where marking devices, automatic 9065
tabulating equipment, voting machines, or any combination of 9066
these are in use or are to be used, the board of elections: 9067

(A) May combine, rearrange, and enlarge precincts; but the 9068
board shall arrange for a sufficient number of these devices to 9069
accommodate the number of electors in each precinct as 9070
determined by the number of votes cast in that precinct at the 9071
most recent election for the office of governor, taking into 9072
consideration the size and location of each selected polling 9073
place, available parking, handicap-accessibility for persons 9074
with disabilities and other accessibility to the polling place, 9075
and the number of candidates and issues to be voted on. 9076
Notwithstanding section 3501.22 of the Revised Code, the board 9077
may appoint more than four precinct officers to each precinct if 9078
this is made necessary by the number of voting machines to be 9079
used in that precinct. 9080

(B) Except as otherwise provided in this division, shall 9081
establish one or more counting stations to receive voted ballots 9082
and other precinct election supplies after the polling precincts 9083
are closed. Those stations shall be under the supervision and 9084
direction of the board of elections. Processing and counting of 9085
voted ballots, and the preparation of summary sheets, shall be 9086
done in the presence of observers approved by the board. A 9087
certified copy of the summary sheet for the precinct shall be 9088
posted at each counting station immediately after completion of 9089
the summary sheet. 9090

Sec. 3506.19. On and after the first federal election that 9091
occurs after January 1, 2006, unless required sooner by the Help 9092
America Vote Act of 2002, each polling location shall have 9093

available for use at all elections at least one direct recording 9094
electronic voting machine or marking device that is accessible 9095
for individuals with disabilities, including nonvisual 9096
accessibility for ~~the~~ persons who are blind and visually 9097
impaired, in a manner that provides the same opportunity for 9098
access and participation, including privacy and independence, as 9099
for other voters. 9100

Sec. 3701.046. The director of health is authorized to 9101
make grants for women's health services from funds appropriated 9102
for that purpose by the general assembly. 9103

None of the funds received through grants for women's 9104
health services shall be used to provide abortion services. None 9105
of the funds received through these grants shall be used for 9106
counseling for or referrals for abortion, except in the case of 9107
a medical emergency. These funds shall be distributed by the 9108
director to programs that the department of health determines 9109
will provide services that are physically and financially 9110
separate from abortion-providing and abortion-promoting 9111
activities, and that do not include counseling for or referrals 9112
for abortion, other than in the case of medical emergency. 9113

These women's health services include and are limited to 9114
the following: pelvic examinations and laboratory testing; 9115
breast examinations and patient education on breast cancer; 9116
screening for cervical cancer; screening and treatment for 9117
sexually transmitted diseases and HIV screening; voluntary 9118
choice of contraception, including abstinence and natural family 9119
planning; patient education and pre-pregnancy counseling on the 9120
dangers of smoking, alcohol, and drug use during pregnancy; 9121
education on sexual coercion and violence in relationships; and 9122
prenatal care or referral for prenatal care. These health care 9123

services shall be provided in a medical clinic setting by 9124
persons authorized under Chapter 4731. of the Revised Code to 9125
practice medicine and surgery or osteopathic medicine and 9126
surgery; authorized under Chapter 4730. of the Revised Code to 9127
practice as a physician assistant; licensed under Chapter 4723. 9128
of the Revised Code as a registered nurse or licensed practical 9129
nurse; or licensed under Chapter 4757. of the Revised Code as a 9130
social worker, independent social worker, licensed professional 9131
clinical counselor, or licensed professional counselor. 9132

The director shall adopt rules under Chapter 119. of the 9133
Revised Code specifying reasonable eligibility standards that 9134
must be met to receive the state funding and provide reasonable 9135
methods by which a grantee wishing to be eligible for federal 9136
funding may comply with these requirements for state funding 9137
without losing its eligibility for federal funding. 9138

Each applicant for these funds shall provide sufficient 9139
assurance to the director of all of the following: 9140

(A) The program shall not discriminate in the provision of 9141
services based on an individual's religion, race, national 9142
origin, ~~handicapping condition~~ disability, age, sex, number of 9143
pregnancies, or marital status; 9144

(B) The program shall provide services without subjecting 9145
individuals to any coercion to accept services or to employ any 9146
particular methods of family planning; 9147

(C) Acceptance of services shall be solely on a voluntary 9148
basis and may not be made a prerequisite to eligibility for, or 9149
receipt of, any other service, assistance from, or participation 9150
in, any other program of the service provider; 9151

(D) Any charges for services provided by the program shall 9152

be based on the patient's ability to pay and priority in the 9153
provision of services shall be given to persons from low-income 9154
families. 9155

In distributing these grant funds, the director shall give 9156
priority to grant requests from local departments of health for 9157
women's health services to be provided directly by personnel of 9158
the local department of health. The director shall issue a 9159
single request for proposals for all grants for women's health 9160
services. The director shall send a notification of this request 9161
for proposals to every local department of health in this state 9162
and shall place a notification on the department's web site. The 9163
director shall allow at least thirty days after issuing this 9164
notification before closing the period to receive applications. 9165

After the closing date for receiving grant applications, 9166
the director shall first consider grant applications from local 9167
departments of health that apply for grants for women's health 9168
services to be provided directly by personnel of the local 9169
department of health. Local departments of health that apply for 9170
grants for women's health services to be provided directly by 9171
personnel of the local department of health need not provide all 9172
the listed women's health services in order to qualify for a 9173
grant. However, in prioritizing awards among local departments 9174
of health that qualify for funding under this paragraph, the 9175
director may consider, among other reasonable factors, the 9176
comprehensiveness of the women's health services to be offered, 9177
provided that no local department of health shall be 9178
discriminated against in the process of awarding these grant 9179
funds because the applicant does not provide contraception. 9180

If funds remain after awarding grants to all local 9181
departments of health that qualify for the priority, the 9182

director may make grants to other applicants. Awards to other 9183
applicants may be made to those applicants that will offer all 9184
eight of the listed women's health services or that will offer 9185
all of the services except contraception. No applicant shall be 9186
discriminated against in the process of awarding these grant 9187
funds because the applicant does not provide contraception. 9188

Sec. 3701.243. (A) Except as provided in this section or 9189
section 3701.248 of the Revised Code, no person or agency of 9190
state or local government that acquires the information while 9191
providing any health care service or while in the employ of a 9192
health care facility or health care provider shall disclose or 9193
compel another to disclose any of the following: 9194

(1) The identity of any individual on whom an HIV test is 9195
performed; 9196

(2) The results of an HIV test in a form that identifies 9197
the individual tested; 9198

(3) The identity of any individual diagnosed as having 9199
AIDS or an AIDS-related condition. 9200

(B) (1) Except as provided in divisions (B) (2), (C), (D), 9201
and (F) of this section, the results of an HIV test or the 9202
identity of an individual on whom an HIV test is performed or 9203
who is diagnosed as having AIDS or an AIDS-related condition may 9204
be disclosed only to the following: 9205

(a) The individual who was tested or the individual's 9206
legal guardian, and the individual's spouse or any sexual 9207
partner; 9208

(b) A person to whom disclosure is authorized by a written 9209
release, executed by the individual tested or by the 9210
individual's legal guardian and specifying to whom disclosure of 9211

the test results or diagnosis is authorized and the time period 9212
during which the release is to be effective; 9213

(c) Any physician who treats the individual; 9214

(d) The department of health or a health commissioner to 9215
which reports are made under section 3701.24 of the Revised 9216
Code; 9217

(e) A health care facility or provider that procures, 9218
processes, distributes, or uses a human body part from a 9219
deceased individual, donated for a purpose specified in Chapter 9220
2108. of the Revised Code, and that needs medical information 9221
about the deceased individual to ensure that the body part is 9222
medically acceptable for its intended purpose; 9223

(f) Health care facility staff committees or accreditation 9224
or oversight review organizations conducting program monitoring, 9225
program evaluation, or service reviews; 9226

(g) A health care provider, emergency medical services 9227
worker, or peace officer who sustained a significant exposure to 9228
the body fluids of another individual, if that individual was 9229
tested pursuant to division (E)(6) of section 3701.242 of the 9230
Revised Code, except that the identity of the individual tested 9231
shall not be revealed; 9232

(h) To law enforcement authorities pursuant to a search 9233
warrant or a subpoena issued by or at the request of a grand 9234
jury, a prosecuting attorney, a city director of law or similar 9235
chief legal officer of a municipal corporation, or a village 9236
solicitor, in connection with a criminal investigation or 9237
prosecution. 9238

(2) The results of an HIV test or a diagnosis of AIDS or 9239
an AIDS-related condition may be disclosed to a health care 9240

provider, or an authorized agent or employee of a health care 9241
facility or a health care provider, if the provider, agent, or 9242
employee has a medical need to know the information and is 9243
participating in the diagnosis, care, or treatment of the 9244
individual on whom the test was performed or who has been 9245
diagnosed as having AIDS or an AIDS-related condition. 9246

This division does not impose a standard of disclosure 9247
different from the standard for disclosure of all other specific 9248
information about a patient to health care providers and 9249
facilities. Disclosure may not be requested or made solely for 9250
the purpose of identifying an individual who has a positive HIV 9251
test result or has been diagnosed as having AIDS or an AIDS- 9252
related condition in order to refuse to treat the individual. 9253
Referral of an individual to another health care provider or 9254
facility based on reasonable professional judgment does not 9255
constitute refusal to treat the individual. 9256

(3) Not later than ninety days after November 1, 1989, 9257
each health care facility in this state shall establish a 9258
protocol to be followed by employees and individuals affiliated 9259
with the facility in making disclosures authorized by division 9260
(B) (2) of this section. A person employed by or affiliated with 9261
a health care facility who determines in accordance with the 9262
protocol established by the facility that a disclosure is 9263
authorized by division (B) (2) of this section is immune from 9264
liability to any person in a civil action for damages for 9265
injury, death, or loss to person or property resulting from the 9266
disclosure. 9267

(C) (1) Any person or government agency may seek access to 9268
or authority to disclose the HIV test records of an individual 9269
in accordance with the following provisions: 9270

(a) The person or government agency shall bring an action 9271
in a court of common pleas requesting disclosure of or authority 9272
to disclose the results of an HIV test of a specific individual, 9273
who shall be identified in the complaint by a pseudonym but 9274
whose name shall be communicated to the court confidentially, 9275
pursuant to a court order restricting the use of the name. The 9276
court shall provide the individual with notice and an 9277
opportunity to participate in the proceedings if the individual 9278
is not named as a party. Proceedings shall be conducted in 9279
chambers unless the individual agrees to a hearing in open 9280
court. 9281

(b) The court may issue an order granting the plaintiff 9282
access to or authority to disclose the test results only if the 9283
court finds by clear and convincing evidence that the plaintiff 9284
has demonstrated a compelling need for disclosure of the 9285
information that cannot be accommodated by other means. In 9286
assessing compelling need, the court shall weigh the need for 9287
disclosure against the privacy right of the individual tested 9288
and against any disservice to the public interest that might 9289
result from the disclosure, such as discrimination against the 9290
individual or the deterrence of others from being tested. 9291

(c) If the court issues an order, it shall guard against 9292
unauthorized disclosure by specifying the persons who may have 9293
access to the information, the purposes for which the 9294
information shall be used, and prohibitions against future 9295
disclosure. 9296

(2) A person or government agency that considers it 9297
necessary to disclose the results of an HIV test of a specific 9298
individual in an action in which it is a party may seek 9299
authority for the disclosure by filing an in camera motion with 9300

the court in which the action is being heard. In hearing the 9301
motion, the court shall employ procedures for confidentiality 9302
similar to those specified in division (C)(1) of this section. 9303
The court shall grant the motion only if it finds by clear and 9304
convincing evidence that a compelling need for the disclosure 9305
has been demonstrated. 9306

(3) Except for an order issued in a criminal prosecution 9307
or an order under division (C)(1) or (2) of this section 9308
granting disclosure of the result of an HIV test of a specific 9309
individual, a court shall not compel a blood bank, hospital 9310
blood center, or blood collection facility to disclose the 9311
result of HIV tests performed on the blood of voluntary donors 9312
in a way that reveals the identity of any donor. 9313

(4) In a civil action in which the plaintiff seeks to 9314
recover damages from an individual defendant based on an 9315
allegation that the plaintiff contracted the HIV virus as a 9316
result of actions of the defendant, the prohibitions against 9317
disclosure in this section do not bar discovery of the results 9318
of any HIV test given to the defendant or any diagnosis that the 9319
defendant ~~suffers from~~ has AIDS or an AIDS-related condition. 9320

(D) The results of an HIV test or the identity of an 9321
individual on whom an HIV test is performed or who is diagnosed 9322
as having AIDS or an AIDS-related condition may be disclosed to 9323
a federal, state, or local government agency, or the official 9324
representative of such an agency, for purposes of the medicaid 9325
program, the medicare program, or any other public assistance 9326
program. 9327

(E) Any disclosure pursuant to this section shall be in 9328
writing and accompanied by a written statement that includes the 9329
following or substantially similar language: "This information 9330

has been disclosed to you from confidential records protected 9331
from disclosure by state law. You shall make no further 9332
disclosure of this information without the specific, written, 9333
and informed release of the individual to whom it pertains, or 9334
as otherwise permitted by state law. A general authorization for 9335
the release of medical or other information is not sufficient 9336
for the purpose of the release of HIV test results or 9337
diagnoses." 9338

(F) An individual who knows that the individual has 9339
received a positive result on an HIV test or has been diagnosed 9340
as having AIDS or an AIDS-related condition shall disclose this 9341
information to any other person with whom the individual intends 9342
to make common use of a hypodermic needle or engage in sexual 9343
conduct as defined in section 2907.01 of the Revised Code. An 9344
individual's compliance with this division does not prohibit a 9345
prosecution of the individual for a violation of division (B) of 9346
section 2903.11 of the Revised Code. 9347

(G) Nothing in this section prohibits the introduction of 9348
evidence concerning an HIV test of a specific individual in a 9349
criminal proceeding. 9350

Sec. 3701.507. (A) To assist in implementing sections 9351
3701.503 to 3701.509 of the Revised Code, the medically 9352
handicapped children's medical advisory council created in 9353
section 3701.025 of the Revised Code shall appoint a permanent 9354
infant hearing screening subcommittee. The subcommittee shall 9355
consist of the following members: 9356

(1) One otolaryngologist; 9357

(2) One neonatologist; 9358

(3) One pediatrician; 9359

- | | |
|--|--------------|
| (4) One neurologist; | 9360 |
| (5) One hospital administrator; | 9361 |
| (6) Two or more audiologists who are experienced in infant hearing screening and evaluation; | 9362
9363 |
| (7) One speech-language pathologist licensed under section 4753.07 of the Revised Code; | 9364
9365 |
| (8) Two persons who are each a parent of a hearing-impaired child; | 9366
9367 |
| (9) One geneticist; | 9368 |
| (10) One epidemiologist; | 9369 |
| (11) One adult who is deaf or hearing impaired; | 9370 |
| (12) One representative from an organization for the <u>persons who are</u> deaf or hearing impaired; | 9371
9372 |
| (13) One family advocate; | 9373 |
| (14) One nurse from a well-baby neonatal nursery; | 9374 |
| (15) One nurse from a special care neonatal nursery; | 9375 |
| (16) One teacher of the <u>persons who are</u> deaf who works with infants and toddlers; | 9376
9377 |
| (17) One representative of the health insurance industry; | 9378 |
| (18) One representative of the bureau for children with medical handicaps <u>program</u> ; | 9379
9380 |
| (19) One representative of the department of education; | 9381 |
| (20) One representative of the department of medicaid; | 9382 |
| (21) Any other person the advisory council appoints. | 9383 |

(B) The infant hearing subcommittee shall:	9384
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	9385 9386 9387
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	9388 9389 9390
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	9391 9392 9393 9394
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	9395 9396 9397 9398
(b) Identification of locations where hearing evaluations may be conducted;	9399 9400
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	9401 9402
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	9403 9404
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	9405 9406
(f) Preparation of the information required by section 3701.506 of the Revised Code.	9407 9408
Sec. 3701.53. The health commissioner of a city or general health district shall:	9409 9410

(A) Investigate each case of inflammation of eyes of the newborn or gonorrhoeal ophthalmia as filed with ~~him~~the health commissioner and any other such case that comes to ~~his~~the health commissioner's attention;

(B) Report all cases of inflammation of the eyes of the newborn or gonorrhoeal ophthalmia, and the result of all such investigations, as the department of health directs;

(C) Conform to such other rules and regulations as the department promulgates for ~~his~~the health commissioner's further guidance;

(D) Determine the nature of the inflammation of the eyes in any case reported to ~~him~~the health commissioner, and refer immediately to the ~~Ohio commission for the blind~~ bureau of services for the visually impaired, any inflammation of the eyes, for such treatment as the ~~commission~~ bureau deems necessary.

Sec. 3701.65. (A) There is hereby created in the state treasury the "choose life" fund. The fund shall consist of the contributions that are paid to the registrar of motor vehicles by applicants who voluntarily elect to obtain "choose life" license plates pursuant to section 4503.91 of the Revised Code and any money returned to the fund under division (E) (1) (d) of this section. All investment earnings of the fund shall be credited to the fund.

(B) (1) At least annually, the director of health shall distribute the money in the fund to any private, nonprofit organization that is eligible to receive funds under this section and that applies for funding under division (C) of this section.

(2) The director shall allocate the funds to each county 9440
in proportion to the number of "choose life" license plates 9441
issued during the preceding year to vehicles registered in each 9442
county. The director shall distribute funds allocated for a 9443
county as follows: 9444

(a) To one or more eligible organizations located within 9445
the county; 9446

(b) If no eligible organization located within the county 9447
applies for funding, to one or more eligible organizations 9448
located in contiguous counties; 9449

(c) If no eligible organization located within the county 9450
or a contiguous county applies for funding, to one or more 9451
eligible organizations within any other county. 9452

(3) The director shall ensure that any funds allocated for 9453
a county are distributed equally among eligible organizations 9454
that apply for funding within the county. 9455

(C) Any organization seeking funds under this section 9456
annually shall apply for distribution of the funds based on the 9457
county in which the organization is located. An organization 9458
also may apply for funding in a county in which it is not 9459
located if it demonstrates that it provides services for 9460
pregnant women residing in that county. The director shall 9461
develop an application form and may determine the schedule and 9462
procedures that an organization shall follow when annually 9463
applying for funds. The application shall inform the applicant 9464
of the conditions for receiving and using funds under division 9465
(E) of this section. The application shall require evidence that 9466
the organization meets all of the following requirements: 9467

(1) Is a private, nonprofit organization; 9468

- (2) Is committed to counseling pregnant women about the option of adoption; 9469
9470
- (3) Provides services within the state to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women; 9471
9472
9473
- (4) Does not charge women for any services received; 9474
- (5) Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising; 9475
9476
9477
9478
- (6) Does not discriminate in its provision of any services on the basis of race, religion, color, age, marital status, national origin, ~~handicap~~disability, gender, or age; 9479
9480
9481
- (7) If the organization is applying for funding in a county in which it is not located, provides services for pregnant women residing in that county. 9482
9483
9484
- (D) The director shall not distribute funds to an organization that does not provide verifiable evidence of the requirements specified in the application under division (C) of this section and shall not provide additional funds to any organization that fails to comply with division (E) of this section in regard to its previous receipt of funds under this section. 9485
9486
9487
9488
9489
9490
9491
- (E) (1) An organization receiving funds under this section shall do all of the following: 9492
9493
- (a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants 9494
9495
9496

awaiting placement with adoptive parents, including clothing, 9497
housing, medical care, food, utilities, and transportation; 9498

(b) Use not more than forty per cent of the funds 9499
distributed to it for counseling, training, or advertising; 9500

(c) Not use any of the funds distributed to it for 9501
administrative expenses, legal expenses, or capital 9502
expenditures; 9503

(d) Annually return to the fund created under division (A) 9504
of this section any unused money that exceeds ten per cent of 9505
the money distributed to the organization. 9506

(2) The organization annually shall submit to the director 9507
an audited financial statement verifying its compliance with 9508
division (E) (1) of this section. 9509

(F) The director, in accordance with Chapter 119. of the 9510
Revised Code, shall adopt rules to implement this section. 9511

It is not the intent of the general assembly that the 9512
department create a new position within the department to 9513
implement and administer this section. It is the intent of the 9514
general assembly that the implementation and administration of 9515
this section be accomplished by existing department personnel. 9516

(G) If funds that have been allocated to a county for any 9517
previous year have not been distributed to one or more eligible 9518
organizations, the director may distribute those funds in 9519
accordance with this section. 9520

Sec. 3701.79. (A) As used in this section: 9521

(1) "Abortion" has the same meaning as in section 2919.11 9522
of the Revised Code. 9523

- (2) "Abortion report" means a form completed pursuant to 9524
division (C) of this section. 9525
- (3) "Ambulatory surgical facility" has the same meaning as 9526
in section 3702.30 of the Revised Code. 9527
- (4) "Department" means the department of health. 9528
- (5) "Hospital" means any building, structure, institution, 9529
or place devoted primarily to the maintenance and operation of 9530
facilities for the diagnosis, treatment, and medical or surgical 9531
care for three or more unrelated individuals ~~suffering from~~ 9532
having illness, disease, injury, or deformity, and regularly 9533
making available at least clinical laboratory services, 9534
diagnostic x-ray services, treatment facilities for surgery or 9535
obstetrical care, or other definitive medical treatment. 9536
"Hospital" does not include a "home" as defined in section 9537
3721.01 of the Revised Code. 9538
- (6) "Physician's office" means an office or portion of an 9539
office that is used to provide medical or surgical services to 9540
the physician's patients. "Physician's office" does not mean an 9541
ambulatory surgical facility, a hospital, or a hospital 9542
emergency department. 9543
- (7) "Postabortion care" means care given after the uterus 9544
has been evacuated by abortion. 9545
- (B) The department shall be responsible for collecting and 9546
collating abortion data reported to the department as required 9547
by this section. 9548
- (C) The attending physician shall complete an individual 9549
abortion report for the abortion of each zygote, blastocyte, 9550
embryo, or fetus the physician performs. The report shall be 9551
confidential and shall not contain the woman's name. The report 9552

shall include, but is not limited to, all of the following, 9553
insofar as the patient makes the data available that is not 9554
within the physician's knowledge: 9555

(1) Patient number; 9556

(2) The name and address of the facility in which the 9557
abortion was performed, and whether the facility is a hospital, 9558
ambulatory surgical facility, physician's office, or other 9559
facility; 9560

(3) The date of the abortion; 9561

(4) If a surgical abortion, the method of final 9562
disposition of the fetal remains under Chapter 3726. of the 9563
Revised Code; 9564

(5) All of the following regarding the woman on whom the 9565
abortion was performed: 9566

(a) Zip code of residence; 9567

(b) Age; 9568

(c) Race; 9569

(d) Marital status; 9570

(e) Number of previous pregnancies; 9571

(f) Years of education; 9572

(g) Number of living children; 9573

(h) Number of zygotes, blastocytes, embryos, or fetuses 9574
previously aborted; 9575

(i) Date of last induced abortion; 9576

(j) Date of last live birth; 9577

(k) Method of contraception at the time of conception;	9578
(l) Date of the first day of the last menstrual period;	9579
(m) Medical condition at the time of the abortion;	9580
(n) Rh-type;	9581
(o) The number of weeks of gestation at the time of the abortion.	9582 9583
(6) The type of abortion procedure performed;	9584
(7) Complications by type;	9585
(8) Written acknowledgment by the attending physician that the pregnant woman is not seeking the abortion, in whole or in part, because of any of the following:	9586 9587 9588
(a) A test result indicating Down syndrome in an unborn child;	9589 9590
(b) A prenatal diagnosis of Down syndrome in an unborn child;	9591 9592
(c) Any other reason to believe that an unborn child has Down syndrome.	9593 9594
(9) Type of procedure performed after the abortion;	9595
(10) Type of family planning recommended;	9596
(11) Type of additional counseling given;	9597
(12) Signature of attending physician.	9598
(D) The physician who completed the abortion report under division (C) of this section shall submit the abortion report to the department within fifteen days after the woman is discharged.	9599 9600 9601 9602

(E) The appropriate vital records report or certificate 9603
shall be made out after the twentieth week of gestation. 9604

(F) A copy of the abortion report shall be made part of 9605
the medical record of the patient of the facility in which the 9606
abortion was performed. 9607

(G) Each hospital shall file monthly and annual reports 9608
listing the total number of women who have undergone a post- 9609
twelve-week-gestation abortion and received postabortion care. 9610
The annual report shall be filed following the conclusion of the 9611
state's fiscal year. Each report shall be filed within thirty 9612
days after the end of the applicable reporting period. 9613

(H) Each case in which a physician treats a post abortion 9614
complication shall be reported on a postabortion complication 9615
form. The report shall be made upon a form prescribed by the 9616
department, shall be signed by the attending physician, and 9617
shall be confidential. 9618

(I) (1) Not later than the first day of October of each 9619
year, the department shall issue an annual report of the 9620
abortion data reported to the department for the previous 9621
calendar year as required by this section. The annual report 9622
shall include at least the following information: 9623

(a) The total number of zygotes, blastocytes, embryos, or 9624
fetuses that were aborted; 9625

(b) The number of abortions performed on Ohio and out-of- 9626
state residents; 9627

(c) The number of abortions performed, sorted by each of 9628
the following: 9629

(i) The age of the woman on whom the abortion was 9630

performed, using the following categories: under fifteen years 9631
of age, fifteen to nineteen years of age, twenty to twenty-four 9632
years of age, twenty-five to twenty-nine years of age, thirty to 9633
thirty-four years of age, thirty-five to thirty-nine years of 9634
age, forty to forty-four years of age, forty-five years of age 9635
or older; 9636

(ii) The race and Hispanic ethnicity of the woman on whom 9637
the abortion was performed; 9638

(iii) The education level of the woman on whom the 9639
abortion was performed, using the following categories or their 9640
equivalents: less than ninth grade, ninth through twelfth grade, 9641
one or more years of college; 9642

(iv) The marital status of the woman on whom the abortion 9643
was performed; 9644

(v) The number of living children of the woman on whom the 9645
abortion was performed, using the following categories: none, 9646
one, or two or more; 9647

(vi) The number of weeks of gestation of the woman at the 9648
time the abortion was performed, using the following categories: 9649
less than nine weeks, nine to twelve weeks, thirteen to nineteen 9650
weeks, or twenty weeks or more; 9651

(vii) The county in which the abortion was performed; 9652

(viii) The type of abortion procedure performed; 9653

(ix) The number of zygotes, blastocytes, embryos, or 9654
fetuses previously aborted by the woman on whom the abortion was 9655
performed; 9656

(x) The type of facility in which the abortion was 9657
performed; 9658

(xi) For Ohio residents, the county of residence of the woman on whom the abortion was performed. 9659
9660

(2) The report also shall indicate the number and type of the abortion complications reported to the department either on the abortion report required under division (C) of this section or the postabortion complication report required under division (H) of this section. 9661
9662
9663
9664
9665

(3) In addition to the annual report required under division (I)(1) of this section, the department shall make available, on request, the number of abortions performed by zip code of residence. 9666
9667
9668
9669

(J) The director of health shall implement this section and shall apply to the court of common pleas for temporary or permanent injunctions restraining a violation or threatened violation of its requirements. This action is an additional remedy not dependent on the adequacy of the remedy at law. 9670
9671
9672
9673
9674

Sec. 3701.81. (A) No person, knowing or having reasonable cause to believe that ~~he is suffering from~~ the person has a dangerous, contagious disease, shall knowingly fail to take reasonable measures to prevent exposing ~~himself~~ self to other persons, except when seeking medical aid. 9675
9676
9677
9678
9679

(B) No person, having charge or care of a person whom ~~he~~ the person having charge or care knows or has reasonable cause to believe ~~is suffering from~~ has a dangerous, contagious disease, shall recklessly fail to take reasonable measures to protect others from exposure to the contagion, and to inform health authorities of the existence of the contagion. 9680
9681
9682
9683
9684
9685

(C) No person, having charge of a public conveyance or place of public accommodation, amusement, resort, or trade, and 9686
9687

knowing or having reasonable cause to believe that persons using 9688
such conveyance or place have been or are being exposed to a 9689
dangerous, contagious disease, shall negligently fail to take 9690
reasonable measures to protect the public from exposure to the 9691
contagion, and to inform health authorities of the existence of 9692
the contagion. 9693

Sec. 3702.55. A person that the director of health 9694
determines has violated section 3702.53 of the Revised Code 9695
shall cease conducting the activity that constitutes the 9696
violation or utilizing the facility resulting from the violation 9697
not later than thirty days after the person receives the notice 9698
mailed under section 3702.532 of the Revised Code or, if the 9699
person appeals the director's determination under section 9700
3702.60 of the Revised Code, thirty days after the person 9701
receives an order upholding the director's determination that is 9702
not subject to further appeal. 9703

If any person determined to have violated section 3702.53 9704
of the Revised Code fails to cease conducting an activity or 9705
using a facility as required by this section or if the person 9706
continues to seek payment or reimbursement for services rendered 9707
or costs incurred in conducting the activity as prohibited by 9708
section 3702.56 of the Revised Code, in addition to the 9709
penalties imposed under section 3702.54 or 3702.541 of the 9710
Revised Code: 9711

(A) The director of health may refuse to include any beds 9712
involved in the activity in the bed capacity of a hospital for 9713
purposes of registration under section 3701.07 of the Revised 9714
Code; 9715

(B) The director of health may refuse to license, or may 9716
revoke a license or reduce bed capacity previously granted to, a 9717

hospice care program under section 3712.04 of the Revised Code; 9718
a nursing home, residential care facility, or home for the aging 9719
under section 3721.02 of the Revised Code; or any beds within 9720
any of those facilities that are involved in the activity; 9721

(C) A political subdivision certified under section 9722
3721.09 of the Revised Code may refuse to license, or may revoke 9723
a license or reduce bed capacity previously granted to, a 9724
nursing home, residential care facility, or home for the aging, 9725
or any beds within any of those facilities that are involved in 9726
the activity; 9727

(D) The director of mental health and addiction services 9728
may refuse to license under section 5119.33 of the Revised Code, 9729
or may revoke a license or reduce bed capacity previously 9730
granted to, a hospital receiving ~~mentally ill persons with~~ 9731
mental illnesses or beds within such a hospital that are 9732
involved in the activity; 9733

(E) The department of medicaid may refuse to enter into a 9734
provider agreement that includes a facility, beds, or services 9735
that result from the activity. 9736

Sec. 3707.06. (A) Each physician or other person called to 9737
attend a person ~~suffering from having~~ cholera, plague, yellow 9738
fever, typhus fever, diphtheria, typhoid fever, or any other 9739
disease dangerous to the public health, or required by the 9740
department of health to be reported, shall report to the health 9741
commissioner within whose jurisdiction the sick person is found 9742
the name, age, sex, and color of the patient, and the house and 9743
place in which the sick person may be found. In like manner, the 9744
owner or agent of the owner of a building in which a person 9745
resides who has any of the listed diseases, or in which are the 9746
remains of a person having died of any of the listed diseases, 9747

and the head of the family, immediately after becoming aware of 9748
the fact, shall give notice thereof to the health commissioner. 9749

(B) No person shall fail to comply with the reporting 9750
requirements of division (A) of this section. 9751

(C) Information reported under this section that is 9752
protected health information pursuant to section 3701.17 of the 9753
Revised Code shall be released only in accordance with that 9754
section. Information that does not identify an individual may be 9755
released in summary, statistical, or aggregate form. 9756

Sec. 3707.20. No person, who ~~is suffering from~~ has a 9757
contagious or infectious disease, or who has been exposed to a 9758
contagious or infectious disease, may be sent or admitted to a 9759
prison; jail; workhouse; infirmary; children's home; state 9760
hospital or institution for ~~the persons who are blind, the~~ 9761
~~mentally ill~~ persons with mental illnesses, or persons with 9762
intellectual disabilities; school for the blind or deaf; or 9763
other state or county benevolent institution without first 9764
making known the facts concerning the illness or exposure to the 9765
superintendent or other person in charge thereof. When a 9766
dangerous, contagious, or infectious disease is in a jail or 9767
prison and a prisoner in the jail or prison exposed to the 9768
disease is sentenced to a state correctional institution, the 9769
prisoner shall be confined and isolated in the jail or prison or 9770
other proper place, upon the order of the proper court, for any 9771
time that is necessary to establish the fact that the prisoner 9772
has not contracted the disease. 9773

Sec. 3707.22. The trustees or managers of any institution 9774
mentioned in section 3707.21 of the Revised Code may contract 9775
for the care, treatment, or detention of any persons affected 9776
with or exposed to any disease mentioned in such section with 9777

any corporation having a hospital or other proper place for the 9778
isolation or care of persons ~~suffering from~~ having or exposed to 9779
contagious disease, and may remove such persons to such hospital 9780
or place. In the case of persons detained in an institution as 9781
punishment for a crime, an order for such removal shall be 9782
obtained from the court which imposed the punishment. In an 9783
order for such removal, the court may require such provisions to 9784
be made for safely guarding the prisoner while in such hospital 9785
or place as it deems necessary. 9786

Sec. 3707.29. The legislative authority of a municipal 9787
corporation may purchase land within or without its boundaries 9788
and erect thereon suitable hospital buildings for the isolation, 9789
care, or treatment of persons ~~suffering from~~ having dangerous 9790
contagious disease, and provide for the maintenance thereof. The 9791
plans and specifications for such buildings shall be approved by 9792
the board of health of the city or general health district in 9793
which such hospital is to be located. 9794

The legislative authority may issue bonds and apply the 9795
proceeds thereof to such construction if, at an election held 9796
for that purpose, two-thirds of the votes cast are in favor 9797
thereof. Such bonds may not exceed twenty-five thousand dollars, 9798
with a rate or rates of interest not to exceed the rate provided 9799
in section 9.95 of the Revised Code, and the principal shall be 9800
paid within ten years. After the erection of such buildings, the 9801
legislative authority each year may make such appropriations for 9802
their care, use, and maintenance as are necessary. 9803

Sec. 3707.30. Hospital buildings constructed under section 9804
3707.29 of the Revised Code shall be under the care and control 9805
of the board of health of the city or general health district in 9806
which such buildings are located. The board shall appoint all 9807

employees or other persons necessary to the use, care, and 9808
maintenance thereof, and shall regulate the entrance of patients 9809
thereto and their care and treatment. 9810

When a person ~~suffering from~~having a dangerous contagious 9811
disease is found in a hotel, lodginghouse, boardinghouse, 9812
tenement house, or other public place in the municipal 9813
corporation, the board, if it deems it necessary for the 9814
protection of the public health, may remove such person to such 9815
hospital, where all needful provisions shall be made for ~~his~~the 9816
person's care and treatment. If such person is able, the expense 9817
so incurred shall be paid by ~~him~~the person. 9818

Sec. 3719.011. As used in the Revised Code: 9819

(A) "Drug of abuse" means any controlled substance as 9820
defined in section 3719.01 of the Revised Code, any harmful 9821
intoxicant as defined in section 2925.01 of the Revised Code, 9822
and any dangerous drug as defined in section 4729.01 of the 9823
Revised Code. 9824

(B) ~~"Drug dependent person"~~"Person with a drug 9825
dependency" means any person who, by reason of the use of any 9826
drug of abuse, is physically, psychologically, or physically and 9827
psychologically dependent upon the use of such drug, to the 9828
detriment of the person's health or welfare. 9829

(C) "Person in danger of becoming a ~~drug dependent person~~ 9830
with a drug dependency" means any person who, by reason of the 9831
person's habitual or incontinent use of any drug of abuse, is in 9832
imminent danger of becoming a ~~drug dependent person~~ with a drug 9833
dependency. 9834

Sec. 3719.061. (A) (1) As used in this section: 9835

(a) "Another adult authorized to consent to the minor's 9836

medical treatment" means an adult to whom a minor's parent or guardian has given written authorization to consent to the minor's medical treatment.

(b) "Emergency facility" means a hospital emergency department or any other facility that provides emergency care.

(c) "Medical emergency" means a situation that in a prescriber's good faith medical judgment creates an immediate threat of serious risk to the life or physical health of a minor.

(d) "Minor" means an individual under eighteen years of age who is not emancipated.

(2) For purposes of this section, an individual under eighteen years of age is emancipated only if the individual has married, has entered the armed services of the United States, has become employed and self-sustaining, or otherwise has become independent from the care and control of the individual's parent, guardian, or custodian.

(B) Except as provided in division (C) of this section, before issuing for a minor the first prescription in a single course of treatment for an opioid analgesic, regardless of whether the dosage is modified during that course of treatment, a prescriber shall do all of the following:

(1) As part of the prescriber's examination of the minor, assess whether the minor has ever ~~suffered~~had, or ~~is~~ currently ~~suffering~~has, from mental health or substance abuse disorders and whether the minor has taken or is currently taking prescription drugs for treatment of those disorders;

(2) Discuss with the minor and the minor's parent, guardian, or another adult authorized to consent to the minor's

medical treatment all of the following: 9866

(a) The risks of addiction and overdose associated with 9867
opioid analgesics; 9868

(b) The increased risk of addiction to controlled 9869
substances of individuals ~~suffering from~~ having both mental 9870
health and substance abuse disorders; 9871

(c) The dangers of taking opioid analgesics with 9872
benzodiazepines, alcohol, or other central nervous system 9873
depressants; 9874

(d) Any other information in the patient counseling 9875
information section of the labeling for the opioid analgesic 9876
required under 21 C.F.R. 201.57(c)(18). 9877

(3) Obtain written consent for the prescription from the 9878
minor's parent, guardian, or, subject to division (E) of this 9879
section, another adult authorized to consent to the minor's 9880
medical treatment. 9881

The prescriber shall record the consent on a form, which 9882
shall be known as the "Start Talking!" consent form. The form 9883
shall be separate from any other document the prescriber uses to 9884
obtain informed consent for other treatment provided to the 9885
minor. The form shall contain all of the following: 9886

(a) The name and quantity of the opioid analgesic being 9887
prescribed and the amount of the initial dose; 9888

(b) A statement indicating that a controlled substance is 9889
a drug or other substance that the United States drug 9890
enforcement administration has identified as having a potential 9891
for abuse; 9892

(c) A statement certifying that the prescriber discussed 9893

with the minor and the minor's parent, guardian, or another 9894
adult authorized to consent to the minor's medical treatment the 9895
matters described in division (B) (2) of this section; 9896

(d) The number of refills, if any, authorized by the 9897
prescription; 9898

(e) The signature of the minor's parent, guardian, or 9899
another adult authorized to consent to the minor's medical 9900
treatment and the date of signing. 9901

(C) (1) The requirements of division (B) of this section do 9902
not apply if the minor's treatment with an opioid analgesic 9903
meets any of the following criteria: 9904

(a) The treatment is associated with or incident to a 9905
medical emergency. 9906

(b) The treatment is associated with or incident to 9907
surgery, regardless of whether the surgery is performed on an 9908
inpatient or outpatient basis. 9909

(c) In the prescriber's professional judgment, fulfilling 9910
the requirements of division (B) of this section with respect to 9911
the minor's treatment would be a detriment to the minor's health 9912
or safety. 9913

(d) Except as provided in division (D) of this section, 9914
the treatment is rendered in a hospital, emergency facility, 9915
ambulatory surgical facility, nursing home, pediatric respite 9916
care program, residential care facility, freestanding 9917
rehabilitation facility, or similar institutional facility. 9918

(2) The requirements of division (B) of this section do 9919
not apply to a prescription for an opioid analgesic that a 9920
prescriber issues to a minor at the time of discharge from a 9921

facility or other location described in division (C) (1) (d) of 9922
this section. 9923

(D) The exemption in division (C) (1) (d) of this section 9924
does not apply to treatment rendered in a prescriber's office 9925
that is located on the premises of or adjacent to a facility or 9926
other location described in that division. 9927

(E) If the individual who signs the consent form required 9928
by division (B) (3) of this section is another adult authorized 9929
to consent to the minor's medical treatment, the prescriber 9930
shall prescribe not more than a single, seventy-two-hour supply 9931
and indicate on the prescription the quantity that is to be 9932
dispensed pursuant to the prescription. 9933

(F) A signed "Start Talking!" consent form obtained under 9934
this section shall be maintained in the minor's medical record. 9935

Sec. 3719.61. Nothing in the laws dealing with drugs of 9936
abuse shall be construed to prohibit treatment of ~~narcotic drug~~ 9937
~~dependent persons~~ with narcotic drug dependencies by the 9938
continuing maintenance of their dependence through an opioid 9939
treatment program licensed and operated in accordance with 9940
section 5119.37 of the Revised Code and the rules adopted under 9941
that section. 9942

Sec. 3719.70. (A) When testimony, information, or other 9943
evidence in the possession of a person who uses, possesses, or 9944
trafficks in any drug of abuse appears necessary to an 9945
investigation by law enforcement authorities into illicit 9946
sources of any drug of abuse, or appears necessary to 9947
successfully institute, maintain, or conclude a prosecution for 9948
any drug abuse offense, as defined in section 2925.01 of the 9949
Revised Code, a judge of the court of common pleas may grant to 9950

that person immunity from prosecution for any offense based upon 9951
the testimony, information, or other evidence furnished by that 9952
person, other than a prosecution of that person for giving false 9953
testimony, information, or other evidence. 9954

(B) (1) When a person is convicted of any misdemeanor drug 9955
abuse offense, the court, in determining whether to place the 9956
person under a community control sanction pursuant to section 9957
2929.25 of the Revised Code, shall take into consideration 9958
whether the person truthfully has revealed all information 9959
within the person's knowledge concerning illicit traffic in or 9960
use of drugs of abuse and, when required, has testified as to 9961
that information in any proceeding to obtain a search or arrest 9962
warrant against another or to prosecute another for any offense 9963
involving a drug of abuse. The information shall include, but is 9964
not limited to, the identity and whereabouts of accomplices, 9965
accessories, aiders, and abettors, if any, of the person or 9966
persons from whom any drug of abuse was obtained or to whom any 9967
drug of abuse was distributed, and of persons known or believed 9968
to be ~~drug dependent~~ persons with drug dependencies, together 9969
with the location of any place or places where and the manner in 9970
which any drug of abuse is illegally cultivated, manufactured, 9971
sold, possessed, or used. The information also shall include all 9972
facts and circumstances surrounding any illicit traffic in or 9973
use of drugs of abuse of that nature. 9974

(2) If a person otherwise is eligible for intervention in 9975
lieu of conviction and being ordered to a period of 9976
rehabilitation under section 2951.041 of the Revised Code but 9977
the person has failed to cooperate with law enforcement 9978
authorities by providing them with the types of information 9979
described in division (B) (1) of this section, the person's lack 9980
of cooperation may be considered by the court under section 9981

2951.041 of the Revised Code in determining whether to stay all 9982
criminal proceedings and order the person to a requested period 9983
of intervention. 9984

(C) In the absence of a competent and voluntary waiver of 9985
the right against self-incrimination, no information or 9986
testimony furnished pursuant to division (B) of this section 9987
shall be used in a prosecution of the person furnishing it for 9988
any offense other than a prosecution of that person for giving 9989
false testimony, information, or other evidence. 9990

Sec. 3721.011. (A) In addition to providing 9991
accommodations, supervision, and personal care services to its 9992
residents, a residential care facility may do the following: 9993

(1) Provide the following skilled nursing care to its 9994
residents: 9995

(a) Supervision of special diets; 9996

(b) Application of dressings, in accordance with rules 9997
adopted under section 3721.04 of the Revised Code; 9998

(c) Subject to division (B)(1) of this section, 9999
administration of medication. 10000

(2) Subject to division (C) of this section, provide other 10001
skilled nursing care on a part-time, intermittent basis for not 10002
more than a total of one hundred twenty days in a twelve-month 10003
period; 10004

(3) Provide skilled nursing care for more than one hundred 10005
twenty days in a twelve-month period to a resident when the 10006
requirements of division (D) of this section are met. 10007

A residential care facility may not admit or retain an 10008
individual requiring skilled nursing care that is not authorized 10009

by this section. A residential care facility may not provide 10010
skilled nursing care beyond the limits established by this 10011
section. 10012

(B) (1) A residential care facility may admit or retain an 10013
individual requiring medication, including biologicals, only if 10014
the individual's personal physician has determined in writing 10015
that the individual is capable of self-administering the 10016
medication or the facility provides for the medication to be 10017
administered to the individual by a home health agency certified 10018
under Title XVIII of the "Social Security Act," 79 Stat. 620 10019
(1965), 42 U.S.C. 1395, as amended; a hospice care program 10020
licensed under Chapter 3712. of the Revised Code; or a member of 10021
the staff of the residential care facility who is qualified to 10022
perform medication administration. Medication may be 10023
administered in a residential care facility only by the 10024
following persons authorized by law to administer medication: 10025

(a) A registered nurse licensed under Chapter 4723. of the 10026
Revised Code; 10027

(b) A licensed practical nurse licensed under Chapter 10028
4723. of the Revised Code who holds proof of successful 10029
completion of a course in medication administration approved by 10030
the board of nursing and who administers the medication only at 10031
the direction of a registered nurse or a physician authorized 10032
under Chapter 4731. of the Revised Code to practice medicine and 10033
surgery or osteopathic medicine and surgery; 10034

(c) A medication aide certified under Chapter 4723. of the 10035
Revised Code; 10036

(d) A physician authorized under Chapter 4731. of the 10037
Revised Code to practice medicine and surgery or osteopathic 10038

medicine and surgery. 10039

(2) In assisting a resident with self-administration of 10040
medication, any member of the staff of a residential care 10041
facility may do the following: 10042

(a) Remind a resident when to take medication and watch to 10043
ensure that the resident follows the directions on the 10044
container; 10045

(b) Assist a resident by taking the medication from the 10046
locked area where it is stored, in accordance with rules adopted 10047
pursuant to section 3721.04 of the Revised Code, and handing it 10048
to the resident. If the resident is physically unable to open 10049
the container, a staff member may open the container for the 10050
resident. 10051

(c) Assist a resident who is physically impaired but 10052
~~mentally alert-resident~~, such as a resident with arthritis, 10053
cerebral palsy, or Parkinson's disease, in removing oral or 10054
topical medication from containers and in consuming or applying 10055
the medication, upon request by or with the consent of the 10056
resident. If a resident is physically unable to place a dose of 10057
medicine to the resident's mouth without spilling it, a staff 10058
member may place the dose in a container and place the container 10059
to the mouth of the resident. 10060

(C) Except as provided in division (D) of this section, a 10061
residential care facility may admit or retain individuals who 10062
require skilled nursing care beyond the supervision of special 10063
diets, application of dressings, or administration of 10064
medication, only if the care will be provided on a part-time, 10065
intermittent basis for not more than a total of one hundred 10066
twenty days in any twelve-month period. In accordance with 10067

Chapter 119. of the Revised Code, the director of health shall 10068
adopt rules specifying what constitutes the need for skilled 10069
nursing care on a part-time, intermittent basis. The director 10070
shall adopt rules that are consistent with rules pertaining to 10071
home health care adopted by the medicaid director for the 10072
medicaid program. Skilled nursing care provided pursuant to this 10073
division may be provided by a home health agency certified for 10074
participation in the medicare program, a hospice care program 10075
licensed under Chapter 3712. of the Revised Code, or a member of 10076
the staff of a residential care facility who is qualified to 10077
perform skilled nursing care. 10078

A residential care facility that provides skilled nursing 10079
care pursuant to this division shall do both of the following: 10080

(1) Evaluate each resident receiving the skilled nursing 10081
care at least once every seven days to determine whether the 10082
resident should be transferred to a nursing home; 10083

(2) Meet the skilled nursing care needs of each resident 10084
receiving the care. 10085

(D) (1) A residential care facility may admit or retain an 10086
individual who requires skilled nursing care for more than one 10087
hundred twenty days in any twelve-month period only if the 10088
facility has entered into a written agreement with each of the 10089
following: 10090

(a) The individual or individual's sponsor; 10091

(b) The individual's personal physician; 10092

(c) Unless the individual's personal physician oversees 10093
the skilled nursing care, the provider of the skilled nursing 10094
care; 10095

(d) If the individual is a hospice patient as defined in section 3712.01 of the Revised Code, a hospice care program licensed under Chapter 3712. of the Revised Code.

(2) The agreement required by division (D)(1) of this section shall include all of the following provisions:

(a) That the individual will be provided skilled nursing care in the facility only if a determination has been made that the individual's needs can be met at the facility;

(b) That the individual will be retained in the facility only if periodic redeterminations are made that the individual's needs are being met at the facility;

(c) That the redeterminations will be made according to a schedule specified in the agreement;

(d) If the individual is a hospice patient, that the individual has been given an opportunity to choose the hospice care program that best meets the individual's needs;

(e) Unless the individual is a hospice patient, that the individual's personal physician has determined that the skilled nursing care the individual needs is routine.

(E) Notwithstanding any other provision of this chapter, a residential care facility in which residents receive skilled nursing care pursuant to this section is not a nursing home.

Sec. 3721.30. (A) (1) A competency evaluation program approved by the director of health under division (A) of section 3721.31 of the Revised Code or conducted by the director under division (C) of that section shall evaluate the competency of a nurse aide in the following areas:

(a) Basic nursing skills;

(b) Personal care skills;	10124
(c) Recognition of mental health and social service needs;	10125
(d) Care of cognitively impaired residents <u>with cognitive impairments</u> ;	10126 10127
(e) Basic restorative services;	10128
(f) Residents' rights;	10129
(g) Any other area specified by rule of the director.	10130
(2) Any competency evaluation program approved or conducted by the director may include a written examination, but shall permit a nurse aide, at the nurse aide's option, to establish competency in another manner approved by the director. A nurse aide shall be permitted to have the competency evaluation conducted at the long-term care facility at which the nurse aide is or will be employed, unless the facility has been determined by the director or the United States secretary of health and human services to have been out of compliance with the requirements of subsection (b), (c), or (d) of section 1819 or 1919 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, within the previous two years.	10131 10132 10133 10134 10135 10136 10137 10138 10139 10140 10141 10142
(B) A training and competency evaluation program approved or conducted by the director under section 3721.31 of the Revised Code shall consist of training and competency evaluation specified by the director in rules adopted under division (C) of this section, including a minimum of seventy-five hours divided between skills training and classroom instruction in the following topic areas:	10143 10144 10145 10146 10147 10148 10149
(1) Basic nursing skills;	10150
(2) Personal care skills;	10151

(3) Recognition of mental health and social service needs;	10152
(4) Care of cognitively impaired residents <u>with cognitive impairments</u> ;	10153 10154
(5) Basic restorative services;	10155
(6) Residents' rights;	10156
(7) Needs of various groups of long-term care facility residents and patients;	10157 10158
(8) Other topic areas specified by rule of the director.	10159
(C) In accordance with Chapter 119. of the Revised Code, the director shall adopt rules establishing procedures and criteria for approval of competency evaluation programs and training and competency evaluation programs. The requirements established by rules shall be no less stringent than the requirements, guidelines, and procedures established by the United States secretary of health and human services under sections 1819 and 1919 of the "Social Security Act." The director also shall adopt rules governing all of the following:	10160 10161 10162 10163 10164 10165 10166 10167 10168
(1) Procedures for determination of an individual's competency to perform services as a nurse aide;	10169 10170
(2) The curriculum of training and competency evaluation programs;	10171 10172
(3) The clinical supervision and physical facilities used for competency evaluation programs and training and competency evaluation programs;	10173 10174 10175
(4) The number of hours of training required in training and competency evaluation programs;	10176 10177
(5) The qualifications for instructors, coordinators, and	10178

evaluators of competency evaluation programs and training and competency evaluation programs;	10179 10180
(6) Requirements that approved competency evaluation programs and training and competency evaluation programs must meet to retain approval;	10181 10182 10183
(7) Standards for successful completion of a competency evaluation program or training and competency evaluation program;	10184 10185 10186
(8) Procedures and criteria for review and reapproval of competency evaluation programs and training and competency evaluation programs;	10187 10188 10189
(9) Fees for application for approval or reapproval of competency evaluation programs, training and competency evaluation programs, and programs to train instructors and coordinators for training and competency evaluation programs and evaluators for competency evaluation programs;	10190 10191 10192 10193 10194
(10) Fees for participation in any competency evaluation program, training and competency evaluation program, or other program conducted by the director under section 3721.31 of the Revised Code;	10195 10196 10197 10198
(11) Procedures for reporting to the nurse aide registry established under section 3721.32 of the Revised Code whether or not individuals participating in competency evaluation programs and training and competency evaluation programs have successfully completed the programs.	10199 10200 10201 10202 10203
(D) In accordance with Chapter 119. of the Revised Code, the director may adopt rules prescribing criteria and procedures for approval of training programs for instructors and coordinators for training and competency evaluation programs,	10204 10205 10206 10207

and for evaluators for competency evaluation programs. The 10208
director may adopt other rules that ~~he~~the director considers 10209
necessary for the administration and enforcement of sections 10210
3721.28 to 3721.34 of the Revised Code or for compliance with 10211
requirements, guidelines, or procedures issued by the United 10212
States secretary of health and human services for implementation 10213
of section 1819 or 1919 of the "Social Security Act." 10214

(E) No person or government entity shall impose on a nurse 10215
aide any charge for participation in any competency evaluation 10216
program or training and competency evaluation program approved 10217
or conducted by the director under section 3721.31 of the 10218
Revised Code, including any charge for textbooks, other required 10219
course materials, or a competency evaluation. 10220

(F) No person or government entity shall require that an 10221
individual used by the person or government entity as a nurse 10222
aide or seeking employment as a nurse aide pay or repay, either 10223
before or while the individual is employed by the person or 10224
government entity or when the individual leaves the person or 10225
government entity's employ, any costs associated with the 10226
individual's participation in a competency evaluation program or 10227
training and competency evaluation program approved or conducted 10228
by the director. 10229

Sec. 3781.111. (A) In addition to the powers conferred by 10230
any other section of the Revised Code, the board of building 10231
standards shall adopt standards and rules to facilitate the 10232
reasonable access and use by all persons with a disability of 10233
all buildings and the facilities of buildings for which plans 10234
are submitted for approval under section 3791.04 of the Revised 10235
Code. No standard or rule shall be applied to any building the 10236
plans or drawings, specifications, and date of which have been 10237

approved prior to the time that the standard or rule takes 10238
effect. 10239

(B) (1) Except as otherwise provided in this section, the 10240
standards and rules adopted by the board pursuant to this 10241
section shall be in accordance with the "Americans with 10242
Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as 10243
amended, and the "Fair Housing Amendments Act of 1988," 102 10244
Stat. 1619, 42 U.S.C.A. 3601, as amended. 10245

(2) For purposes of enforcement by the Ohio civil rights 10246
commission only, approval of a plan as required under section 10247
3791.04 of the Revised Code creates a rebuttable presumption 10248
that the plans, drawings, specifications, or data submitted are 10249
in compliance with the rules adopted by the board pursuant to 10250
this section as they relate to accessibility. 10251

(C) All signs posted to designate ~~special-accessible~~ 10252
parking locations for persons with a disability and persons with 10253
disabilities that limit or impair the ability to walk in 10254
accordance with division (E) of section 4511.69 of the Revised 10255
Code and the standards and rules adopted pursuant to this 10256
section shall be mounted on a fixed or movable post or otherwise 10257
affixed in a vertical position so that the distance from the 10258
ground to the bottom edge of the sign measures not less than 10259
five feet. If a new sign or a replacement sign designating a 10260
~~special-an accessible~~ parking location is posted on or after 10261
October 14, 1999, there also shall be affixed upon the surface 10262
of that sign or affixed next to the designating sign a notice 10263
that states the fine applicable for the offense of parking a 10264
motor vehicle in the ~~special-designated~~ accessible parking 10265
location if the motor vehicle is not legally entitled to be 10266
parked in that location. 10267

(D) As used in this section, "disability" has the same meaning as in section 4112.01 of the Revised Code. As used in division (C) of this section, "persons with disabilities that limit or impair the ability to walk" has the same meaning as in division (A) (1) of section 4503.44 of the Revised Code.

(E) No owner of a building or facility where ~~special-accessible~~ parking locations for persons with a disability must be designated in accordance with the standards and rules adopted pursuant to this section shall fail to properly mark the ~~special-accessible~~ parking locations as required by those standards and rules or fail to maintain the markings of the ~~special-accessible~~ parking locations, including the erection and maintenance of the fixed or movable signs.

(F) The board annually shall provide statewide training on the rules adopted by the board pursuant to this section as they relate to accessibility for nonresidential building department personnel certified by the board who approve, review plans, and inspect nonresidential construction.

Sec. 3781.112. (A) As used in this section, "secured facility" means any of the following:

(1) A maternity unit, newborn care nursery, or maternity home licensed under Chapter 3711. of the Revised Code;

(2) A pediatric intensive care unit subject to rules adopted by the director of health pursuant to section 3702.11 of the Revised Code;

(3) A children's hospital, as defined in section 3727.01 of the Revised Code;

(4) A hospital that is licensed under section 5119.33 of the Revised Code to receive ~~mentally ill~~ persons with mental

illnesses; 10297

(5) The portion of a nursing home licensed under section 10298
3721.02 of the Revised Code or in accordance with section 10299
3721.09 of the Revised Code in which specialized care is 10300
provided to residents of the nursing home who have physical or 10301
mental conditions that require a resident to be restricted in 10302
the resident's freedom of movement for the health and safety of 10303
the resident, the staff attending the resident, or the general 10304
public. 10305

(B) A secured facility may take reasonable steps in 10306
accordance with rules the board of building standards adopts 10307
under division (A) of section 3781.10 of the Revised Code and in 10308
accordance with the state fire code the fire marshal adopts 10309
under section 3737.82 of the Revised Code, to deny egress to 10310
confine and protect patients or residents of the secured 10311
facility who are not capable of self-preservation. A secured 10312
facility that wishes to deny egress to those patients or 10313
residents may use delayed-egress doors and electronically coded 10314
doors to deny egress, on the condition that those doors are 10315
installed and used in accordance with rules the board of 10316
building standards adopts under division (A) of section 3781.10 10317
of the Revised Code and in accordance with the state fire code 10318
the fire marshal adopts under section 3737.82 of the Revised 10319
Code. A secured facility also may install controlled-egress 10320
locks, in compliance with rules the board of building standards 10321
adopts under division (A) of section 3781.10 of the Revised Code 10322
and in compliance with the state fire code the fire marshal 10323
adopts under section 3737.82 of the Revised Code, in areas of 10324
the secured facility where patients or residents who have 10325
physical or mental conditions that would endanger the patients 10326
or residents, the staff attending the patients or residents, or 10327

the general public if those patients or residents are not 10328
restricted in their freedom of movement. A secured facility that 10329
uses delayed-egress doors and electronically coded doors, 10330
controlled-egress locks, or both, shall do both of the 10331
following: 10332

(1) Provide continuous, twenty-four-hour custodial care to 10333
the patients or residents of the facility; 10334

(2) Establish a system to evacuate patients or residents 10335
in the event of fire or other emergency. 10336

Sec. 3781.19. There is hereby established in the 10337
department of commerce a board of building appeals consisting of 10338
five members who shall be appointed by the governor with the 10339
advice and consent of the senate. Terms of office shall be for 10340
four years, commencing on the fourteenth day of October and 10341
ending on the thirteenth day of October. Each member shall hold 10342
office from the date of appointment until the end of the term 10343
for which the member was appointed. Any member appointed to fill 10344
a vacancy occurring prior to the expiration of the term for 10345
which the member's predecessor was appointed shall hold office 10346
for the remainder of such term. Any member shall continue in 10347
office subsequent to the expiration date of the member's term 10348
until a successor takes office, or until a period of sixty days 10349
has elapsed, whichever occurs first. One member shall be an 10350
attorney-at-law, admitted to the bar of this state and of the 10351
remaining members, one shall be a registered architect and one 10352
shall be a professional engineer, each of whom shall be duly 10353
licensed to practice their respective professions in this state, 10354
one shall be a fire prevention officer qualified under section 10355
3737.66 of the Revised Code, and one shall be a person with 10356
recognized ability in the plumbing or pipefitting profession. No 10357

member of the board of building standards shall be a member of 10358
the board of building appeals. Each member shall be paid an 10359
amount fixed pursuant to Chapter 124. of the Revised Code per 10360
diem. The department shall provide and assign to the board such 10361
employees as are required by the board to perform its functions. 10362
The board may adopt its own rules of procedure not inconsistent 10363
with sections 3781.06 to 3781.18 and 3791.04 of the Revised 10364
Code, and may change them in its discretion. The board may 10365
establish reasonable fees, based on actual costs for 10366
administration of filing and processing, not to exceed two 10367
hundred dollars, for the costs of filing and processing appeals. 10368
A full and complete record of all proceedings of the board shall 10369
be kept and be open to public inspection. 10370

In the enforcement by any department of the state or any 10371
political subdivision of this chapter and Chapter 3791., and 10372
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, 10373
4104.45, 4105.011, and 4105.11 of the Revised Code and any rule 10374
made thereunder, such department is the agency referred to in 10375
sections 119.07, 119.08, and 119.10 of the Revised Code. 10376

The appropriate municipal or county board of appeals, 10377
where one exists, certified pursuant to section 3781.20 of the 10378
Revised Code shall conduct the adjudication hearing referred to 10379
in sections 119.09 to 119.13 and required by section 3781.031 of 10380
the Revised Code. If there is no certified municipal or county 10381
board of appeals, the board of building appeals shall conduct 10382
the adjudication hearing. If the adjudication hearing concerns 10383
section 3781.111 of the Revised Code or any rule made 10384
thereunder, reasonable notice of the time, date, place, and 10385
subject of the hearing shall be given to any local corporation, 10386
association, or other organization composed of or representing 10387
~~handicapped persons~~ with disabilities, as defined in section 10388

3781.111 of the Revised Code, or if there is no local 10389
organization, then to any statewide corporation, association, or 10390
other organization composed of or representing ~~handicapped~~ 10391
persons with disabilities. 10392

In addition to the provisions of Chapter 119. of the 10393
Revised Code, the municipal, county, or state board of building 10394
appeals, as the agency conducting the adjudication hearing, may 10395
reverse or modify the order of the enforcing agency if it finds 10396
that the order is contrary to this chapter and Chapters 3791. 10397
and 4104., and sections 3737.41, 3737.42, 4105.011, and 4105.11 10398
of the Revised Code and any rule made thereunder or to a fair 10399
interpretation or application of such laws or any rule made 10400
thereunder, or that a variance from the provisions of such laws 10401
or any rule made thereunder, in the specific case, will not be 10402
contrary to the public interest where a literal enforcement of 10403
such provisions will result in unnecessary hardship. 10404

The state board of building appeals or a certified 10405
municipal or county board of appeals shall render its decision 10406
within thirty days after the date of the adjudication hearing. 10407
Following the adjudication hearing, any municipal or county 10408
officer, official municipal or county board, or person who was a 10409
party to the hearing before the municipal or county board of 10410
appeals may apply to the state board of appeals for a de novo 10411
hearing before the state board, or may appeal directly to the 10412
court of common pleas pursuant to section 3781.031 of the 10413
Revised Code. 10414

In addition, any local corporation, association, or other 10415
organization composed of or representing ~~handicapped~~ persons 10416
with disabilities as defined in section 3781.111 of the Revised 10417
Code, or, if no local corporation, association, or organization 10418

exists, then any statewide corporation, association, or other 10419
organization composed of or representing ~~handicapped~~ persons 10420
with disabilities may apply for the de novo hearing or appeal to 10421
the court of common pleas from any decision of a certified 10422
municipal or county board of appeals interpreting, applying, or 10423
granting a variance from section 3781.111 of the Revised Code 10424
and any rule made thereunder. Application for a de novo hearing 10425
before the state board shall be made no later than thirty days 10426
after the municipal or county board renders its decision. 10427

The state board of building appeals or the appropriate 10428
certified local board of building appeals shall grant variances 10429
and exemptions from the requirements of section 3781.108 of the 10430
Revised Code in accordance with rules adopted by the board of 10431
building standards pursuant to division (K) of section 3781.10 10432
of the Revised Code. 10433

The state board of building appeals or the appropriate 10434
certified local board of building appeals shall, in granting a 10435
variance or exemption from section 3781.108 of the Revised Code, 10436
in addition to any other considerations the state or the 10437
appropriate local board determines appropriate, consider the 10438
architectural and historical significance of the building. 10439

Sec. 3791.031. (A) As used in this section, "place of 10440
public assembly" means: 10441

(1) Enclosed theatres, except the lobby; opera houses; 10442
auditoriums; classrooms; elevators; rooms in which persons are 10443
confined as a matter of health care, including but not limited 10444
to a hospital room and a room in a residential care facility 10445
serving as the residence of a person living in such residential 10446
care facility; 10447

(2) All buildings and other enclosed structures owned by 10448
the state, its agencies, or political subdivisions, including 10449
but not limited to hospitals and state institutions for ~~the~~ 10450
~~mentally ill~~ persons with mental illnesses and persons with 10451
intellectual disabilities; university and college buildings, 10452
except rooms within those buildings used primarily as the 10453
residences of students or other persons affiliated with the 10454
university or college; office buildings; libraries; museums; and 10455
vehicles used in public transportation. That portion of a 10456
building or other enclosed structure that is owned by the state, 10457
a state agency, or a political subdivision and that is used 10458
primarily as a food service establishment is not a place of 10459
public assembly. 10460

(3) Each portion of a building or enclosed structure that 10461
is not included in division (A)(1) or (2) of this section is a 10462
place of public assembly if it has a seating capacity of fifty 10463
or more persons and is available to the public. Restaurants, 10464
food service establishments, dining rooms, cafes, cafeterias, or 10465
other rooms used primarily for the service of food, as well as 10466
bowling alleys and places licensed by the division of liquor 10467
control to sell intoxicating beverages for consumption on the 10468
premises, are not places of public assembly. 10469

(B) For the purpose of separating persons who smoke from 10470
persons who do not smoke for the comfort and health of persons 10471
not smoking, in every place of public assembly there shall be an 10472
area where smoking is not permitted, which shall be designated a 10473
no smoking area; provided that, no more than one-half of the 10474
rooms in any health care facility in which persons are confined 10475
as a matter of health care may be designated as smoking areas in 10476
their entirety. The designation shall be made before the place 10477
of public assembly is made available to the public. In places 10478

included in division (A) (1) of this section, the local fire 10479
authority having jurisdiction shall designate the no smoking 10480
area. In places included in division (A) (2) of this section that 10481
are owned by the state or its agencies, except the capitol 10482
square, the director of administrative services shall designate 10483
the area, and if the place is owned by a political subdivision, 10484
its legislative authority shall designate an officer who shall 10485
designate the area. The house rules committee shall designate 10486
the no smoking areas in all capitol square spaces used by the 10487
house of representatives; the senate rules committee shall 10488
designate the no smoking areas in all capitol square spaces used 10489
by the senate and the legislative service commission; the 10490
capitol square review and advisory board shall designate the no 10491
smoking areas in all other spaces in the capitol square. In 10492
places included in division (A) (3) of this section, the person 10493
having control of the operations of the place of public assembly 10494
shall designate the no smoking area. In places included in 10495
division (A) (2) of this section which are also included in 10496
division (A) (1) of this section, the officer who has authority 10497
to designate the area in places in division (A) (2) of this 10498
section shall designate the no smoking area. A no smoking area 10499
may include the entire place of public assembly. Designations 10500
shall be made by the placement of signs that are clearly visible 10501
and that state "no smoking." No person shall remove signs from 10502
areas designated as no smoking areas. 10503

(C) This section does not affect or modify the prohibition 10504
contained in division (B) of section 3313.751 of the Revised 10505
Code. 10506

(D) No person shall smoke in any area designated as a no 10507
smoking area in accordance with division (B) of this section. 10508

(E) Whoever violates this section is guilty of a minor 10509
misdemeanor. 10510

Sec. 3901.491. (A) As used in this section: 10511

(1) "Genetic screening or testing" means a laboratory test 10512
of a person's genes or chromosomes for ~~abnormalities, defects,~~ 10513
~~or deficiencies, genotypes, mutations, or chromosomal changes,~~ 10514
including carrier status, that are linked to physical or mental 10515
disorders or impairments, or that indicate a susceptibility to 10516
illness, disease, or other disorders, whether physical or 10517
mental, which test is a direct test for ~~abnormalities, defects,~~ 10518
~~or deficiencies, genotypes, mutations, or chromosomal changes,~~ 10519
and not an indirect manifestation of genetic disorders. 10520

(2) "Insurer" means any person authorized under Title 10521
XXXIX of the Revised Code to engage in the business of sickness 10522
and accident insurance. 10523

(3) "Sickness and accident insurance" means sickness and 10524
accident insurance under Chapter 3923. of the Revised Code 10525
excluding disability income insurance and excluding supplemental 10526
policies of sickness and accident insurance. 10527

(B) No insurer or public employee benefit plan shall do 10528
either of the following: 10529

(1) Consider any information obtained from genetic 10530
screening or testing in processing an application for an 10531
individual or group policy of sickness and accident insurance or 10532
public employee benefit plan, or in determining insurability 10533
under such a policy or plan; 10534

(2) Inquire, directly or indirectly, into the results of 10535
genetic screening or testing or use such information, in whole 10536
or in part, to cancel, refuse to issue or renew, limit benefits 10537

under, or set premiums for a sickness and accident insurance 10538
policy or public employee benefit plan. 10539

(C) Any insurer or plan that has engaged in, is engaged 10540
in, or is about to engage in a violation of division (B) of this 10541
section is subject to the jurisdiction of the superintendent of 10542
insurance under section 3901.04 of the Revised Code. 10543

Sec. 3901.501. (A) As used in this section: 10544

(1) "Genetic screening or testing" means a laboratory test 10545
of a person's genes or chromosomes for ~~abnormalities, defects,~~ 10546
~~or deficiencies, genotypes, mutations, or chromosomal changes,~~ 10547
including carrier status, that are linked to physical or mental 10548
disorders or impairments, or that indicate a susceptibility to 10549
illness, disease, or other disorders, whether physical or 10550
mental, which test is a direct test for ~~abnormalities, defects,~~ 10551
~~or deficiencies, genotypes, mutations, or chromosomal changes,~~ 10552
and not an indirect manifestation of genetic disorders. 10553

(2) "Self-insurer" means any government entity providing 10554
coverage for health care services on a self-insurance basis. 10555

(B) Upon the repeal of section 3901.50 of the Revised 10556
Code, no self-insurer shall do either of the following: 10557

(1) Consider any information obtained from genetic 10558
screening or testing in processing an application for coverage 10559
under a plan of self-insurance or in determining insurability 10560
under such a plan; 10561

(2) Inquire, directly or indirectly, into the results of 10562
genetic screening or testing or use such information, in whole 10563
or in part, to cancel, refuse to provide or renew, or limit 10564
benefits under, a plan of self-insurance. 10565

(C) Any self-insurer that has engaged in, is engaged in, 10566
or is about to engage in a violation of division (B) of this 10567
section is subject to the jurisdiction of the superintendent of 10568
insurance under section 3901.04 of the Revised Code. 10569

Sec. 3923.24. (A) Notwithstanding section 3901.71 of the 10570
Revised Code, every certificate furnished by an insurer in 10571
connection with, or pursuant to any provision of, any group 10572
sickness and accident insurance policy delivered, issued for 10573
delivery, renewed, or used in this state on or after January 1, 10574
1972, every policy of sickness and accident insurance delivered, 10575
issued for delivery, renewed, or used in this state on or after 10576
January 1, 1972, and every multiple employer welfare arrangement 10577
offering an insurance program, which provides that coverage of 10578
an unmarried dependent child of a parent or legal guardian will 10579
terminate upon attainment of the limiting age for dependent 10580
children specified in the contract shall also provide in 10581
substance both of the following: 10582

(1) Once an unmarried child has attained the limiting age 10583
for dependent children, as provided in the policy, upon the 10584
request of the insured, the insurer shall offer to cover the 10585
unmarried child until the child attains twenty-six years of age 10586
if all of the following are true: 10587

(a) The child is the natural child, stepchild, or adopted 10588
child of the insured. 10589

(b) The child is a resident of this state or a full-time 10590
student at an accredited public or private institution of higher 10591
education. 10592

(c) The child is not employed by an employer that offers 10593
any health benefit plan under which the child is eligible for 10594

coverage. 10595

(d) The child is not eligible for the medicaid program or 10596
the medicare program. 10597

(2) That attainment of the limiting age for dependent 10598
children shall not operate to terminate the coverage of a 10599
dependent child if the child is and continues to be both of the 10600
following: 10601

(a) Incapable of self-sustaining employment by reason of 10602
an intellectual disability or physical ~~handicap~~disability; 10603

(b) Primarily dependent upon the policyholder or 10604
certificate holder for support and maintenance. 10605

(B) Proof of such incapacity and dependence for purposes 10606
of division (A) (2) of this section shall be furnished by the 10607
policyholder or by the certificate holder to the insurer within 10608
thirty-one days of the child's attainment of the limiting age. 10609
Upon request, but not more frequently than annually after the 10610
two-year period following the child's attainment of the limiting 10611
age, the insurer may require proof satisfactory to it of the 10612
continuance of such incapacity and dependency. 10613

(C) Nothing in this section shall require an insurer to 10614
cover a dependent child who has an intellectual disability or 10615
physical ~~handicap~~disability if the contract is underwritten on 10616
evidence of insurability based on health factors set forth in 10617
the application, or if such dependent child does not satisfy the 10618
conditions of the contract as to any requirement for evidence of 10619
insurability or other provision of the contract, satisfaction of 10620
which is required for coverage thereunder to take effect. In any 10621
such case, the terms of the contract shall apply with regard to 10622
the coverage or exclusion of the dependent from such coverage. 10623

Nothing in this section shall apply to accidental death or 10624
dismemberment benefits provided by any such policy of sickness 10625
and accident insurance. 10626

(D) Nothing in this section shall do any of the following: 10627

(1) Require that any policy offer coverage for dependent 10628
children or provide coverage for an unmarried dependent child's 10629
children as dependents on the policy; 10630

(2) Require an employer to pay for any part of the premium 10631
for an unmarried dependent child that has attained the limiting 10632
age for dependents, as provided in the policy; 10633

(3) Require an employer to offer health insurance coverage 10634
to the dependents of any employee. 10635

(E) This section does not apply to any policies or 10636
certificates covering only accident, credit, dental, disability 10637
income, long-term care, hospital indemnity, medicare supplement, 10638
specified disease, or vision care; coverage under a one-time- 10639
limited-duration policy that is less than twelve months; 10640
coverage issued as a supplement to liability insurance; 10641
insurance arising out of a workers' compensation or similar law; 10642
automobile medical-payment insurance; or insurance under which 10643
benefits are payable with or without regard to fault and that is 10644
statutorily required to be contained in any liability insurance 10645
policy or equivalent self-insurance. 10646

(F) As used in this section, "health benefit plan" has the 10647
same meaning as in section 3924.01 of the Revised Code and also 10648
includes both of the following: 10649

(1) A public employee benefit plan; 10650

(2) A health benefit plan as regulated under the "Employee 10651

Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 10652

Sec. 3923.241. (A) Notwithstanding section 3901.71 of the 10653
Revised Code, any public employee benefit plan that provides 10654
that coverage of an unmarried dependent child will terminate 10655
upon attainment of the limiting age for dependent children 10656
specified in the plan shall also provide in substance both of 10657
the following: 10658

(1) Once an unmarried child has attained the limiting age 10659
for dependent children, as provided in the plan, upon the 10660
request of the employee, the public employee benefit plan shall 10661
offer to cover the unmarried child until the child attains 10662
twenty-six years of age if all of the following are true: 10663

(a) The child is the natural child, stepchild, or adopted 10664
child of the employee. 10665

(b) The child is a resident of this state or a full-time 10666
student at an accredited public or private institution of higher 10667
education. 10668

(c) The child is not employed by an employer that offers 10669
any health benefit plan under which the child is eligible for 10670
coverage. 10671

(d) The child is not eligible for the medicaid program or 10672
the medicare program. 10673

(2) That attainment of the limiting age for dependent 10674
children shall not operate to terminate the coverage of a 10675
dependent child if the child is and continues to be both of the 10676
following: 10677

(a) Incapable of self-sustaining employment by reason of 10678
an intellectual disability or physical ~~handicap~~disability; 10679

(b) Primarily dependent upon the plan member for support and maintenance. 10680
10681

(B) Proof of incapacity and dependence for purposes of division (A) (2) of this section shall be furnished to the public employee benefit plan within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the public employee benefit plan may require proof satisfactory to it of the continuance of such incapacity and dependency. 10682
10683
10684
10685
10686
10687
10688

(C) Nothing in this section shall do any of the following: 10689

(1) Require that any public employee benefit plan offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the public employee benefit plan; 10690
10691
10692
10693

(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the plan; 10694
10695
10696

(3) Require an employer to offer health insurance coverage to the dependents of any employee. 10697
10698

(D) This section does not apply to any public employee benefit plan covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, or vision care; coverage under a one-time-limited-duration policy that is less than twelve months; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability 10699
10700
10701
10702
10703
10704
10705
10706
10707
10708

insurance policy or equivalent self-insurance. 10709

(E) As used in this section, "health benefit plan" has the 10710
same meaning as in section 3924.01 of the Revised Code and also 10711
includes both of the following: 10712

(1) A public employee benefit plan; 10713

(2) A health benefit plan as regulated under the "Employee 10714
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 10715

Sec. 3999.16. No officer, director, trustee, agent, or 10716
employee of any insurance company, corporation, or association 10717
authorized to transact business in this state shall knowingly 10718
use underwriting standards or rates that result in unfair 10719
discrimination against any ~~handicapped person~~ with a disability. 10720
This section does not prevent reasonable classifications of 10721
~~handicapped persons~~ with disabilities for determining insurance 10722
rates. 10723

As used in this section, "~~handicapped~~" "disability" means 10724
a medically diagnosable, abnormal condition which is expected to 10725
continue for a considerable length of time, whether correctable 10726
or uncorrectable by good medical practice, which can reasonably 10727
be expected to limit the person's functional ability, including 10728
but not limited to seeing, hearing, thinking, ambulating, 10729
climbing, descending, lifting, grasping, sitting, rising, any 10730
related function, or any limitation due to weakness or 10731
significantly decreased endurance, so that the person cannot 10732
perform the person's everyday routine living and working without 10733
significantly increased hardship and vulnerability to what are 10734
considered the everyday obstacles and hazards encountered by ~~the~~ 10735
~~nonhandicapped persons~~ without disabilities. 10736

Sec. 4105.13. Every elevator shall be constructed, 10737

equipped, maintained, and operated, with respect to the 10738
supporting members, elevator car, shaftways, guides, cables, 10739
doors, and gates, safety stops and mechanism, electrical 10740
apparatus and wiring, mechanical apparatus, counterweights, and 10741
all other appurtenances, in accordance with state laws and rules 10742
as are authorized in respect thereto. Where reasonable safety is 10743
obtained without complying to the literal requirements of such 10744
rules as in cases of practical difficulty or unnecessary 10745
hardship, the literal requirements of such rules shall not be 10746
required. The superintendent of industrial compliance may permit 10747
the installation of vertical wheelchair lifts in public 10748
buildings to provide for ~~handicapped~~ accessibility for persons 10749
with disabilities where such lifts do not meet the literal 10750
requirements of the rules adopted by the board of building 10751
standards pursuant to section 4105.011 of the Revised Code, 10752
provided that reasonable safety may be obtained. 10753

Sec. 4111.06. In order to prevent curtailment of 10754
opportunities for employment, to avoid undue hardship, and to 10755
safeguard the minimum wage rates under sections 4111.01 to 10756
4111.17 of the Revised Code, the director of commerce shall 10757
adopt rules under section 4111.05 of the Revised Code, 10758
permitting employment in any occupation at wages lower than the 10759
wage rates applicable under sections 4111.01 to 4111.17 of the 10760
Revised Code, of individuals whose earning capacity is impaired 10761
by physical or mental ~~deficiencies~~ disabilities or injuries. The 10762
rules shall provide for licenses to be issued authorizing 10763
employment at the wages of specific individuals or groups of 10764
employees, or by specific employers or groups of employers, 10765
pursuant to the rules. The rules shall not conflict with the 10766
"Americans with Disabilities Act of 1990," 104 Stat. 328, 42 10767
U.S.C.A. 12111, et seq. 10768

Sec. 4112.02. It shall be an unlawful discriminatory practice: 10769
10770

(A) For any employer, because of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment. 10771
10772
10773
10774
10775
10776
10777

(B) For an employment agency or personnel placement service, because of race, color, religion, sex, military status, national origin, disability, age, or ancestry, to do any of the following: 10778
10779
10780
10781

(1) Refuse or fail to accept, register, classify properly, or refer for employment, or otherwise discriminate against any person; 10782
10783
10784

(2) Comply with a request from an employer for referral of applicants for employment if the request directly or indirectly indicates that the employer fails to comply with the provisions of sections 4112.01 to 4112.07 of the Revised Code. 10785
10786
10787
10788

(C) For any labor organization to do any of the following: 10789

(1) Limit or classify its membership on the basis of race, color, religion, sex, military status, national origin, disability, age, or ancestry; 10790
10791
10792

(2) Discriminate against, limit the employment opportunities of, or otherwise adversely affect the employment status, wages, hours, or employment conditions of any person as an employee because of race, color, religion, sex, military status, national origin, disability, age, or ancestry. 10793
10794
10795
10796
10797

(D) For any employer, labor organization, or joint labor- 10798
management committee controlling apprentice training programs to 10799
discriminate against any person because of race, color, 10800
religion, sex, military status, national origin, disability, or 10801
ancestry in admission to, or employment in, any program 10802
established to provide apprentice training. 10803

(E) Except where based on a bona fide occupational 10804
qualification certified in advance by the commission, for any 10805
employer, employment agency, personnel placement service, or 10806
labor organization, prior to employment or admission to 10807
membership, to do any of the following: 10808

(1) Elicit or attempt to elicit any information concerning 10809
the race, color, religion, sex, military status, national 10810
origin, disability, age, or ancestry of an applicant for 10811
employment or membership; 10812

(2) Make or keep a record of the race, color, religion, 10813
sex, military status, national origin, disability, age, or 10814
ancestry of any applicant for employment or membership; 10815

(3) Use any form of application for employment, or 10816
personnel or membership blank, seeking to elicit information 10817
regarding race, color, religion, sex, military status, national 10818
origin, disability, age, or ancestry; but an employer holding a 10819
contract containing a nondiscrimination clause with the 10820
government of the United States, or any department or agency of 10821
that government, may require an employee or applicant for 10822
employment to furnish documentary proof of United States 10823
citizenship and may retain that proof in the employer's 10824
personnel records and may use photographic or fingerprint 10825
identification for security purposes; 10826

(4) Print or publish or cause to be printed or published 10827
any notice or advertisement relating to employment or membership 10828
indicating any preference, limitation, specification, or 10829
discrimination, based upon race, color, religion, sex, military 10830
status, national origin, disability, age, or ancestry; 10831

(5) Announce or follow a policy of denying or limiting, 10832
through a quota system or otherwise, employment or membership 10833
opportunities of any group because of the race, color, religion, 10834
sex, military status, national origin, disability, age, or 10835
ancestry of that group; 10836

(6) Utilize in the recruitment or hiring of persons any 10837
employment agency, personnel placement service, training school 10838
or center, labor organization, or any other employee-referring 10839
source known to discriminate against persons because of their 10840
race, color, religion, sex, military status, national origin, 10841
disability, age, or ancestry. 10842

(F) For any person seeking employment to publish or cause 10843
to be published any advertisement that specifies or in any 10844
manner indicates that person's race, color, religion, sex, 10845
military status, national origin, disability, age, or ancestry, 10846
or expresses a limitation or preference as to the race, color, 10847
religion, sex, military status, national origin, disability, 10848
age, or ancestry of any prospective employer. 10849

(G) For any proprietor or any employee, keeper, or manager 10850
of a place of public accommodation to deny to any person, except 10851
for reasons applicable alike to all persons regardless of race, 10852
color, religion, sex, military status, national origin, 10853
disability, age, or ancestry, the full enjoyment of the 10854
accommodations, advantages, facilities, or privileges of the 10855
place of public accommodation. 10856

(H) Subject to section 4112.024 of the Revised Code, for 10857
any person to do any of the following: 10858

(1) Refuse to sell, transfer, assign, rent, lease, 10859
sublease, or finance housing accommodations, refuse to negotiate 10860
for the sale or rental of housing accommodations, or otherwise 10861
deny or make unavailable housing accommodations because of race, 10862
color, religion, sex, military status, familial status, 10863
ancestry, disability, or national origin; 10864

(2) Represent to any person that housing accommodations 10865
are not available for inspection, sale, or rental, when in fact 10866
they are available, because of race, color, religion, sex, 10867
military status, familial status, ancestry, disability, or 10868
national origin; 10869

(3) Discriminate against any person in the making or 10870
purchasing of loans or the provision of other financial 10871
assistance for the acquisition, construction, rehabilitation, 10872
repair, or maintenance of housing accommodations, or any person 10873
in the making or purchasing of loans or the provision of other 10874
financial assistance that is secured by residential real estate, 10875
because of race, color, religion, sex, military status, familial 10876
status, ancestry, disability, or national origin or because of 10877
the racial composition of the neighborhood in which the housing 10878
accommodations are located, provided that the person, whether an 10879
individual, corporation, or association of any type, lends money 10880
as one of the principal aspects or incident to the person's 10881
principal business and not only as a part of the purchase price 10882
of an owner-occupied residence the person is selling nor merely 10883
casually or occasionally to a relative or friend; 10884

(4) Discriminate against any person in the terms or 10885
conditions of selling, transferring, assigning, renting, 10886

leasing, or subleasing any housing accommodations or in 10887
furnishing facilities, services, or privileges in connection 10888
with the ownership, occupancy, or use of any housing 10889
accommodations, including the sale of fire, extended coverage, 10890
or homeowners insurance, because of race, color, religion, sex, 10891
military status, familial status, ancestry, disability, or 10892
national origin or because of the racial composition of the 10893
neighborhood in which the housing accommodations are located; 10894

(5) Discriminate against any person in the terms or 10895
conditions of any loan of money, whether or not secured by 10896
mortgage or otherwise, for the acquisition, construction, 10897
rehabilitation, repair, or maintenance of housing accommodations 10898
because of race, color, religion, sex, military status, familial 10899
status, ancestry, disability, or national origin or because of 10900
the racial composition of the neighborhood in which the housing 10901
accommodations are located; 10902

(6) Refuse to consider without prejudice the combined 10903
income of both husband and wife for the purpose of extending 10904
mortgage credit to a married couple or either member of a 10905
married couple; 10906

(7) Print, publish, or circulate any statement or 10907
advertisement, or make or cause to be made any statement or 10908
advertisement, relating to the sale, transfer, assignment, 10909
rental, lease, sublease, or acquisition of any housing 10910
accommodations, or relating to the loan of money, whether or not 10911
secured by mortgage or otherwise, for the acquisition, 10912
construction, rehabilitation, repair, or maintenance of housing 10913
accommodations, that indicates any preference, limitation, 10914
specification, or discrimination based upon race, color, 10915
religion, sex, military status, familial status, ancestry, 10916

disability, or national origin, or an intention to make any such 10917
preference, limitation, specification, or discrimination; 10918

(8) Except as otherwise provided in division (H) (8) or 10919
(17) of this section, make any inquiry, elicit any information, 10920
make or keep any record, or use any form of application 10921
containing questions or entries concerning race, color, 10922
religion, sex, military status, familial status, ancestry, 10923
disability, or national origin in connection with the sale or 10924
lease of any housing accommodations or the loan of any money, 10925
whether or not secured by mortgage or otherwise, for the 10926
acquisition, construction, rehabilitation, repair, or 10927
maintenance of housing accommodations. Any person may make 10928
inquiries, and make and keep records, concerning race, color, 10929
religion, sex, military status, familial status, ancestry, 10930
disability, or national origin for the purpose of monitoring 10931
compliance with this chapter. 10932

(9) Include in any transfer, rental, or lease of housing 10933
accommodations any restrictive covenant, or honor or exercise, 10934
or attempt to honor or exercise, any restrictive covenant; 10935

(10) Induce or solicit, or attempt to induce or solicit, a 10936
housing accommodations listing, sale, or transaction by 10937
representing that a change has occurred or may occur with 10938
respect to the racial, religious, sexual, military status, 10939
familial status, or ethnic composition of the block, 10940
neighborhood, or other area in which the housing accommodations 10941
are located, or induce or solicit, or attempt to induce or 10942
solicit, a housing accommodations listing, sale, or transaction 10943
by representing that the presence or anticipated presence of 10944
persons of any race, color, religion, sex, military status, 10945
familial status, ancestry, disability, or national origin, in 10946

the block, neighborhood, or other area will or may have results 10947
including, but not limited to, the following: 10948

(a) The lowering of property values; 10949

(b) A change in the racial, religious, sexual, military 10950
status, familial status, or ethnic composition of the block, 10951
neighborhood, or other area; 10952

(c) An increase in criminal or antisocial behavior in the 10953
block, neighborhood, or other area; 10954

(d) A decline in the quality of the schools serving the 10955
block, neighborhood, or other area. 10956

(11) Deny any person access to or membership or 10957
participation in any multiple-listing service, real estate 10958
brokers' organization, or other service, organization, or 10959
facility relating to the business of selling or renting housing 10960
accommodations, or discriminate against any person in the terms 10961
or conditions of that access, membership, or participation, on 10962
account of race, color, religion, sex, military status, familial 10963
status, national origin, disability, or ancestry; 10964

(12) Coerce, intimidate, threaten, or interfere with any 10965
person in the exercise or enjoyment of, or on account of that 10966
person's having exercised or enjoyed or having aided or 10967
encouraged any other person in the exercise or enjoyment of, any 10968
right granted or protected by division (H) of this section; 10969

(13) Discourage or attempt to discourage the purchase by a 10970
prospective purchaser of housing accommodations, by representing 10971
that any block, neighborhood, or other area has undergone or 10972
might undergo a change with respect to its religious, racial, 10973
sexual, military status, familial status, or ethnic composition; 10974

(14) Refuse to sell, transfer, assign, rent, lease, 10975
sublease, or finance, or otherwise deny or withhold, a burial 10976
lot from any person because of the race, color, sex, military 10977
status, familial status, age, ancestry, disability, or national 10978
origin of any prospective owner or user of the lot; 10979

(15) Discriminate in the sale or rental of, or otherwise 10980
make unavailable or deny, housing accommodations to any buyer or 10981
renter because of a disability of any of the following: 10982

(a) The buyer or renter; 10983

(b) A person residing in or intending to reside in the 10984
housing accommodations after they are sold, rented, or made 10985
available; 10986

(c) Any individual associated with the person described in 10987
division (H) (15) (b) of this section. 10988

(16) Discriminate in the terms, conditions, or privileges 10989
of the sale or rental of housing accommodations to any person or 10990
in the provision of services or facilities to any person in 10991
connection with the housing accommodations because of a 10992
disability of any of the following: 10993

(a) That person; 10994

(b) A person residing in or intending to reside in the 10995
housing accommodations after they are sold, rented, or made 10996
available; 10997

(c) Any individual associated with the person described in 10998
division (H) (16) (b) of this section. 10999

(17) Except as otherwise provided in division (H) (17) of 11000
this section, make an inquiry to determine whether an applicant 11001
for the sale or rental of housing accommodations, a person 11002

residing in or intending to reside in the housing accommodations 11003
after they are sold, rented, or made available, or any 11004
individual associated with that person has a disability, or make 11005
an inquiry to determine the nature or severity of a disability 11006
of the applicant or such a person or individual. The following 11007
inquiries may be made of all applicants for the sale or rental 11008
of housing accommodations, regardless of whether they have 11009
disabilities: 11010

(a) An inquiry into an applicant's ability to meet the 11011
requirements of ownership or tenancy; 11012

(b) An inquiry to determine whether an applicant is 11013
qualified for housing accommodations available only to persons 11014
with disabilities or persons with a particular type of 11015
disability; 11016

(c) An inquiry to determine whether an applicant is 11017
qualified for a priority available to persons with disabilities 11018
or persons with a particular type of disability; 11019

(d) An inquiry to determine whether an applicant currently 11020
uses a controlled substance in violation of section 2925.11 of 11021
the Revised Code or a substantively comparable municipal 11022
ordinance; 11023

(e) An inquiry to determine whether an applicant at any 11024
time has been convicted of or pleaded guilty to any offense, an 11025
element of which is the illegal sale, offer to sell, 11026
cultivation, manufacture, other production, shipment, 11027
transportation, delivery, or other distribution of a controlled 11028
substance. 11029

(18) (a) Refuse to permit, at the expense of a person with 11030
a disability, reasonable modifications of existing housing 11031

accommodations that are occupied or to be occupied by the person 11032
with a disability, if the modifications may be necessary to 11033
afford the person with a disability full enjoyment of the 11034
housing accommodations. This division does not preclude a 11035
landlord of housing accommodations that are rented or to be 11036
rented to a ~~disabled~~ tenant with a disability from conditioning 11037
permission for a proposed modification upon the ~~disabled~~ 11038
~~tenant's~~ tenant with a disability doing one or more of the 11039
following: 11040

(i) Providing a reasonable description of the proposed 11041
modification and reasonable assurances that the proposed 11042
modification will be made in a workerlike manner and that any 11043
required building permits will be obtained prior to the 11044
commencement of the proposed modification; 11045

(ii) Agreeing to restore at the end of the tenancy the 11046
interior of the housing accommodations to the condition they 11047
were in prior to the proposed modification, but subject to 11048
reasonable wear and tear during the period of occupancy, if it 11049
is reasonable for the landlord to condition permission for the 11050
proposed modification upon the agreement; 11051

(iii) Paying into an interest-bearing escrow account that 11052
is in the landlord's name, over a reasonable period of time, a 11053
reasonable amount of money not to exceed the projected costs at 11054
the end of the tenancy of the restoration of the interior of the 11055
housing accommodations to the condition they were in prior to 11056
the proposed modification, but subject to reasonable wear and 11057
tear during the period of occupancy, if the landlord finds the 11058
account reasonably necessary to ensure the availability of funds 11059
for the restoration work. The interest earned in connection with 11060
an escrow account described in this division shall accrue to the 11061

benefit of the ~~disabled~~ tenant with a disability who makes 11062
payments into the account. 11063

(b) A landlord shall not condition permission for a 11064
proposed modification upon a ~~disabled tenant's~~ tenant with a 11065
disability's payment of a security deposit that exceeds the 11066
customarily required security deposit of all tenants of the 11067
particular housing accommodations. 11068

(19) Refuse to make reasonable accommodations in rules, 11069
policies, practices, or services when necessary to afford a 11070
person with a disability equal opportunity to use and enjoy a 11071
dwelling unit, including associated public and common use areas; 11072

(20) Fail to comply with the standards and rules adopted 11073
under division (A) of section 3781.111 of the Revised Code; 11074

(21) Discriminate against any person in the selling, 11075
brokering, or appraising of real property because of race, 11076
color, religion, sex, military status, familial status, 11077
ancestry, disability, or national origin; 11078

(22) Fail to design and construct covered multifamily 11079
dwellings for first occupancy on or after June 30, 1992, in 11080
accordance with the following conditions: 11081

(a) The dwellings shall have at least one building 11082
entrance on an accessible route, unless it is impractical to do 11083
so because of the terrain or unusual characteristics of the 11084
site. 11085

(b) With respect to dwellings that have a building 11086
entrance on an accessible route, all of the following apply: 11087

(i) The public use areas and common use areas of the 11088
dwellings shall be readily accessible to and usable by persons 11089

with a disability. 11090

(ii) All the doors designed to allow passage into and 11091
within all premises shall be sufficiently wide to allow passage 11092
by persons with a disability who are in wheelchairs. 11093

(iii) All premises within covered multifamily dwelling 11094
units shall contain an accessible route into and through the 11095
dwelling; all light switches, electrical outlets, thermostats, 11096
and other environmental controls within such units shall be in 11097
accessible locations; the bathroom walls within such units shall 11098
contain reinforcements to allow later installation of grab bars; 11099
and the kitchens and bathrooms within such units shall be 11100
designed and constructed in a manner that enables an individual 11101
in a wheelchair to maneuver about such rooms. 11102

For purposes of division (H) (22) of this section, "covered 11103
multifamily dwellings" means buildings consisting of four or 11104
more units if such buildings have one or more elevators and 11105
ground floor units in other buildings consisting of four or more 11106
units. 11107

(I) For any person to discriminate in any manner against 11108
any other person because that person has opposed any unlawful 11109
discriminatory practice defined in this section or because that 11110
person has made a charge, testified, assisted, or participated 11111
in any manner in any investigation, proceeding, or hearing under 11112
sections 4112.01 to 4112.07 of the Revised Code. 11113

(J) For any person to aid, abet, incite, compel, or coerce 11114
the doing of any act declared by this section to be an unlawful 11115
discriminatory practice, to obstruct or prevent any person from 11116
complying with this chapter or any order issued under it, or to 11117
attempt directly or indirectly to commit any act declared by 11118

this section to be an unlawful discriminatory practice. 11119

(K) Nothing in divisions (A) to (E) of this section shall 11120
be construed to require a person with a disability to be 11121
employed or trained under circumstances that would significantly 11122
increase the occupational hazards affecting either the person 11123
with a disability, other employees, the general public, or the 11124
facilities in which the work is to be performed, or to require 11125
the employment or training of a person with a disability in a 11126
job that requires the person with a disability routinely to 11127
undertake any task, the performance of which is substantially 11128
and inherently impaired by the person's disability. 11129

(L) With regard to age, it shall not be an unlawful 11130
discriminatory practice and it shall not constitute a violation 11131
of division (A) of section 4112.14 of the Revised Code for any 11132
employer, employment agency, joint labor-management committee 11133
controlling apprenticeship training programs, or labor 11134
organization to do any of the following: 11135

(1) Establish bona fide employment qualifications 11136
reasonably related to the particular business or occupation that 11137
may include standards for skill, aptitude, physical capability, 11138
intelligence, education, maturation, and experience; 11139

(2) Observe the terms of a bona fide seniority system or 11140
any bona fide employee benefit plan, including, but not limited 11141
to, a retirement, pension, or insurance plan, that is not a 11142
subterfuge to evade the purposes of this section. However, no 11143
such employee benefit plan shall excuse the failure to hire any 11144
individual, and no such seniority system or employee benefit 11145
plan shall require or permit the involuntary retirement of any 11146
individual, because of the individual's age except as provided 11147
for in the "Age Discrimination in Employment Act Amendment of 11148

1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 11149
Discrimination in Employment Act Amendments of 1986," 100 Stat. 11150
3342, 29 U.S.C.A. 623, as amended. 11151

(3) Retire an employee who has attained sixty-five years 11152
of age who, for the two-year period immediately before 11153
retirement, is employed in a bona fide executive or a high 11154
policymaking position, if the employee is entitled to an 11155
immediate nonforfeitable annual retirement benefit from a 11156
pension, profit-sharing, savings, or deferred compensation plan, 11157
or any combination of those plans, of the employer of the 11158
employee, which equals, in the aggregate, at least forty-four 11159
thousand dollars, in accordance with the conditions of the "Age 11160
Discrimination in Employment Act Amendment of 1978," 92 Stat. 11161
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 11162
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 11163
631, as amended; 11164

(4) Observe the terms of any bona fide apprenticeship 11165
program if the program is registered with the Ohio 11166
apprenticeship council pursuant to sections 4139.01 to 4139.06 11167
of the Revised Code and is approved by the federal committee on 11168
apprenticeship of the United States department of labor. 11169

(M) Nothing in this chapter prohibiting age discrimination 11170
and nothing in division (A) of section 4112.14 of the Revised 11171
Code shall be construed to prohibit the following: 11172

(1) The designation of uniform age the attainment of which 11173
is necessary for public employees to receive pension or other 11174
retirement benefits pursuant to Chapter 145., 742., 3307., 11175
3309., or 5505. of the Revised Code; 11176

(2) The mandatory retirement of uniformed patrol officers 11177

of the state highway patrol as provided in section 5505.16 of 11178
the Revised Code; 11179

(3) The maximum age requirements for appointment as a 11180
patrol officer in the state highway patrol established by 11181
section 5503.01 of the Revised Code; 11182

(4) The maximum age requirements established for original 11183
appointment to a police department or fire department in 11184
sections 124.41 and 124.42 of the Revised Code; 11185

(5) Any maximum age not in conflict with federal law that 11186
may be established by a municipal charter, municipal ordinance, 11187
or resolution of a board of township trustees for original 11188
appointment as a police officer or firefighter; 11189

(6) Any mandatory retirement provision not in conflict 11190
with federal law of a municipal charter, municipal ordinance, or 11191
resolution of a board of township trustees pertaining to police 11192
officers and firefighters; 11193

(7) Until January 1, 1994, the mandatory retirement of any 11194
employee who has attained seventy years of age and who is 11195
serving under a contract of unlimited tenure, or similar 11196
arrangement providing for unlimited tenure, at an institution of 11197
higher education as defined in the "Education Amendments of 11198
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 11199

(N) (1) (a) Except as provided in division (N) (1) (b) of this 11200
section, for purposes of divisions (A) to (E) of this section, a 11201
disability does not include any physiological disorder or 11202
condition, mental or psychological disorder, or disease or 11203
condition caused by an illegal use of any controlled substance 11204
by an employee, applicant, or other person, if an employer, 11205
employment agency, personnel placement service, labor 11206

organization, or joint labor-management committee acts on the 11207
basis of that illegal use. 11208

(b) Division (N) (1) (a) of this section does not apply to 11209
an employee, applicant, or other person who satisfies any of the 11210
following: 11211

(i) The employee, applicant, or other person has 11212
successfully completed a supervised drug rehabilitation program 11213
and no longer is engaging in the illegal use of any controlled 11214
substance, or the employee, applicant, or other person otherwise 11215
successfully has been rehabilitated and no longer is engaging in 11216
that illegal use. 11217

(ii) The employee, applicant, or other person is 11218
participating in a supervised drug rehabilitation program and no 11219
longer is engaging in the illegal use of any controlled 11220
substance. 11221

(iii) The employee, applicant, or other person is 11222
erroneously regarded as engaging in the illegal use of any 11223
controlled substance, but the employee, applicant, or other 11224
person is not engaging in that illegal use. 11225

(2) Divisions (A) to (E) of this section do not prohibit 11226
an employer, employment agency, personnel placement service, 11227
labor organization, or joint labor-management committee from 11228
doing any of the following: 11229

(a) Adopting or administering reasonable policies or 11230
procedures, including, but not limited to, testing for the 11231
illegal use of any controlled substance, that are designed to 11232
ensure that an individual described in division (N) (1) (b) (i) or 11233
(ii) of this section no longer is engaging in the illegal use of 11234
any controlled substance; 11235

(b) Prohibiting the illegal use of controlled substances 11236
and the use of alcohol at the workplace by all employees; 11237

(c) Requiring that employees not be under the influence of 11238
alcohol or not be engaged in the illegal use of any controlled 11239
substance at the workplace; 11240

(d) Requiring that employees behave in conformance with 11241
the requirements established under "The Drug-Free Workplace Act 11242
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 11243

(e) Holding an employee who engages in the illegal use of 11244
any controlled substance or who ~~is an alcoholic~~ has alcoholism 11245
to the same qualification standards for employment or job 11246
performance, and the same behavior, to which the employer, 11247
employment agency, personnel placement service, labor 11248
organization, or joint labor-management committee holds other 11249
employees, even if any unsatisfactory performance or behavior is 11250
related to an employee's illegal use of a controlled substance 11251
or alcoholism; 11252

(f) Exercising other authority recognized in the 11253
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 11254
U.S.C.A. 12101, as amended, including, but not limited to, 11255
requiring employees to comply with any applicable federal 11256
standards. 11257

(3) For purposes of this chapter, a test to determine the 11258
illegal use of any controlled substance does not include a 11259
medical examination. 11260

(4) Division (N) of this section does not encourage, 11261
prohibit, or authorize, and shall not be construed as 11262
encouraging, prohibiting, or authorizing, the conduct of testing 11263
for the illegal use of any controlled substance by employees, 11264

applicants, or other persons, or the making of employment 11265
decisions based on the results of that type of testing. 11266

(O) This section does not apply to a religious 11267
corporation, association, educational institution, or society 11268
with respect to the employment of an individual of a particular 11269
religion to perform work connected with the carrying on by that 11270
religious corporation, association, educational institution, or 11271
society of its activities. 11272

The unlawful discriminatory practices defined in this 11273
section do not make it unlawful for a person or an appointing 11274
authority administering an examination under section 124.23 of 11275
the Revised Code to obtain information about an applicant's 11276
military status for the purpose of determining if the applicant 11277
is eligible for the additional credit that is available under 11278
that section. 11279

Sec. 4112.12. (A) There is hereby created the commission 11280
on ~~African American males~~African-Americans, which shall consist 11281
of not more than ~~twenty-five~~thirteen members as follows: the 11282
directors or their designees of the departments of health, 11283
development, mental health and addiction services, and job and 11284
family services; ~~the equal employment opportunity officer of the~~ 11285
~~department of administrative services or the equal employment~~ 11286
~~opportunity officer's designee; the executive director or the~~ 11287
~~executive director's designee of the Ohio civil rights~~ 11288
~~commission; the executive director or the executive director's~~ 11289
~~designee of the division of criminal justice services in the~~ 11290
~~department of public safety;~~ the superintendent of public 11291
instruction; the chancellor of higher education or the 11292
chancellor's designee ~~of the Ohio board of regents;~~ two members 11293
of the house of representatives appointed by the speaker of the 11294

house of representatives each of whom shall be members of 11295
different political parties; and two members of the senate 11296
appointed by the president of the senate each of whom shall be 11297
members of different political parties. The members who are 11298
members of the general assembly shall be nonvoting members. The 11299
Ohio state university ~~African American and African studies~~ 11300
~~community extension~~ Bell national resource center, in 11301
consultation with the governor, shall appoint ~~four~~ two members 11302
from the private corporate sector, ~~at least four members from~~ 11303
~~the public sector, and two members from~~ or the nonprofit sector, 11304
and one member with experience in the philanthropic community. 11305

(B) Terms of office shall be for three years, except that 11306
members of the general assembly appointed to the commission 11307
shall be members only so long as they are members of the general 11308
assembly. Each term ends on the same day of the same month as 11309
did the term that it succeeds. Each member shall hold office 11310
from the date of appointment until the end of the term for which 11311
the member was appointed. Members may be reappointed. Vacancies 11312
shall be filled in the manner provided for original 11313
appointments. Any member appointed to fill a vacancy occurring 11314
prior to the expiration date of the term for which the member's 11315
predecessor was appointed shall hold office as a member for the 11316
remainder of that term. A member shall continue in office 11317
subsequent to the expiration date of the member's term until the 11318
member's successor takes office or until a period of sixty days 11319
has elapsed, whichever occurs first. 11320

The commission annually shall elect a chairperson from 11321
among its members. 11322

(C) Members of the commission and members of subcommittees 11323
appointed under division (B) of section 4112.13 of the Revised 11324

Code shall not be compensated, but shall be reimbursed for their 11325
necessary and actual expenses incurred in the performance of 11326
their official duties. 11327

(D) The Ohio state university ~~African American and African~~ 11328
~~studies community extension Bell national resource center~~, in 11329
consultation with the governor, shall appoint an executive 11330
director of the commission on ~~African American males~~African- 11331
Americans, who shall be in the unclassified civil service. The 11332
executive director shall supervise the commission's activities 11333
and report to the commission and to the Ohio state university 11334
~~African American and African studies community extension Bell~~ 11335
national resource center on the progress of those activities. 11336
The executive director shall do all things necessary for the 11337
efficient and effective implementation of the duties of the 11338
commission. 11339

The responsibilities assigned to the executive director do 11340
not relieve the members of the commission from final 11341
responsibility for the proper performance of the requirements of 11342
this division. 11343

(E) The commission on ~~African American males~~ African- 11344
Americans shall do all of the following: 11345

(1) Employ, promote, supervise, and remove all employees, 11346
as needed, in connection with the performance of its duties 11347
under this section; 11348

(2) Maintain its office ~~in Columbus~~ at the Ohio state 11349
university Bell national resource center; 11350

(3) Acquire facilities, equipment, and supplies necessary 11351
to house the commission, its employees, and files and records 11352
under its control, and to discharge any duty imposed upon it by 11353

law. The expense of these acquisitions shall be audited and paid 11354
for in the same manner as other state expenses. 11355

(4) Establish the overall policy and management of the 11356
commission in accordance with this chapter; 11357

(5) Follow all state procurement requirements; 11358

(6) Implement the policies and plans of the Ohio state 11359
university ~~African American and African studies community-~~ 11360
~~extension-Bell national resource~~ center as those policies and 11361
plans are formulated and adopted by the ~~Ohio state university-~~ 11362
~~African American and African studies community extension-center;~~ 11363

(7) Report to the Ohio state university ~~African American-~~ 11364
~~and African studies community extension-Bell national resource~~ 11365
center on the progress of the commission on ~~African American-~~ 11366
~~males-African-Americans~~ in implementing the policies and plans 11367
of the ~~Ohio state university African American and African-~~ 11368
~~studies community extension-center.~~ 11369

(F) The commission on ~~African American males African-~~ 11370
~~Americans~~ may: 11371

(1) Hold sessions at any place within the state, except 11372
that the commission ~~on African American males~~ shall meet at 11373
least quarterly; 11374

(2) Establish, change, or abolish positions, and assign 11375
and reassign duties and responsibilities of any employee of the 11376
commission ~~on African American males~~ as necessary to achieve the 11377
most efficient performance of its functions. 11378

(G) The Ohio state university ~~African American and African-~~ 11379
~~studies community extension-Bell national resource~~ center shall 11380
establish the overall policy and management of the commission on 11381

~~African American males~~ African-Americans and shall direct, 11382
manage, and oversee the commission. The ~~Ohio state university~~ 11383
~~African American and African studies community extension center~~ 11384
shall develop overall policies and plans, and the commission ~~on~~ 11385
~~African American males~~ shall implement those policies and plans. 11386
The commission ~~on African American males~~, through its executive 11387
director, shall keep the ~~Ohio state university African American~~ 11388
~~and African studies community extension center~~ informed as to 11389
the activities of the commission ~~on African American males~~ in 11390
such manner and at such times as the ~~Ohio state university~~ 11391
~~African American and African studies community extension center~~ 11392
shall determine. 11393

The Ohio state university ~~African American and African~~ 11394
~~studies community extension~~ Bell national resource center may 11395
prescribe duties and responsibilities of the commission ~~on~~ 11396
~~African American males~~ in addition to those prescribed in 11397
section 4112.13 of the Revised Code. 11398

(H) The Ohio state university ~~African American and African~~ 11399
~~studies community extension~~ Bell national resource center 11400
annually shall contract for a report on the status of African 11401
Americans in this state. Issues to be evaluated in the report 11402
shall include the criminal justice system, education, 11403
employment, health care, and housing, and such other issues as 11404
the ~~Ohio state university African American and African studies~~ 11405
~~community extension center~~ may specify. The report shall include 11406
policy recommendations relating to the issues covered in the 11407
report. 11408

Sec. 4112.13. (A) In addition to any duties and 11409
responsibilities that the Ohio state university ~~African American~~ 11410
~~and African studies community extension~~ Bell national resource 11411

center may prescribe for the commission on ~~African-American-~~ 11412
~~males-African-Americans~~ under section 4112.12 of the Revised 11413
Code, the commission ~~on African-American males~~ shall do all of 11414
the following: 11415

(1) Oversee and supervise four separate and distinct 11416
subcommittees devoted to solving problems and advancing 11417
recommendations exclusively pertinent to ~~black males~~ African- 11418
Americans in the areas of unemployment, criminal justice, 11419
education, and health; 11420

(2) Conduct research to determine the nature and extent of 11421
the problems concerning ~~black males~~ African-Americans in the 11422
four areas targeted in division (A) (1) of this section; 11423

(3) Hold public hearings for the purpose of collecting 11424
data; 11425

(4) Identify existing federal, state, and local programs 11426
that address problems and solutions relevant to the four 11427
targeted areas of study; 11428

(5) Implement appropriate new programs and demonstration 11429
projects especially designed for ~~black males~~ African-Americans; 11430

(6) Develop and implement community education and public 11431
awareness programs especially designed for ~~black males~~ African- 11432
Americans; 11433

(7) Develop strategies to improve the social condition of 11434
~~black males~~ African-Americans; 11435

(8) Report to the governor, the general assembly, the 11436
auditor of state, the secretary of state, the attorney general, 11437
and the chief justice of the Ohio supreme court at least 11438
biennially on the activities, findings, and recommendations of 11439

the commission; 11440

(9) Accept gifts, grants, donations, contributions, 11441
benefits, and other funds from any public agency or private 11442
source to carry out any or all of the commission's powers or 11443
duties. Such funds shall be deposited in the commission on 11444
~~African-American males~~ African-Americans fund, which is hereby 11445
created in the state treasury. All gifts, grants, donations, 11446
contributions, benefits, and other funds received by the 11447
commission under division (A) (9) of this section, when 11448
appropriated to the commission, shall be used solely to support 11449
the operations of the commission. 11450

(B) The chairperson of the commission on African-Americans 11451
may appoint any number of individuals to serve on the 11452
subcommittees created in division (A) (1) of this section. 11453
Members of subcommittees serve at the discretion of the 11454
chairperson. 11455

Sec. 4115.33. (A) The state committee for the purchase of 11456
products and services provided by persons with severe 11457
disabilities shall adopt rules in accordance with Chapter 119. 11458
of the Revised Code that do all of the following: 11459

(1) Determine which products manufactured and site- 11460
specific services provided by persons with severe disabilities 11461
and offered for sale to state agencies, political subdivisions, 11462
or instrumentalities of the state are suitable for procurement; 11463

(2) Verify the fair market prices of the products and 11464
services described in division (A) (1) of this section. The fair 11465
market prices shall not recover any profit. The committee 11466
periodically shall revise the fair market prices in accordance 11467
with changing market conditions. 11468

(3) Establish, maintain, and publish a list of all the products and site-specific services described in division (A) (1) of this section. The committee periodically shall revise this procurement list as products or services are added to or removed from the products and services described in division (A) (1) of this section. The committee also shall make available the procurement list and revisions of it, on request, to all purchasing officers of state agencies, political subdivisions, and instrumentalities of the state.

(4) Establish criteria for determining what constitutes a substantial ~~handicap~~ impediment to employment that prevents persons with severe disabilities from currently engaging in normal competitive employment. In establishing the criteria, the committee shall consult with appropriate entities of government and take into account the views of nongovernmental entities representing persons with severe disabilities. The committee shall further give weight of the criteria established by the federal committee for purchase from people who are blind or severely disabled, pursuant to the "Javits-Wagner-O'Day Act," 52 Stat. 1196 (1938), 41 U.S.C.A. 46, as amended.

(5) Certify all qualified nonprofit agencies that meet the requirements of division (B) of section 4115.31 of the Revised Code. When a qualified nonprofit agency is certified by the committee, its products and services that the committee determines are suitable for procurement by state agencies, political subdivisions, and instrumentalities of the state shall be placed on the procurement list established under division (A) (3) of this section.

(6) Establish procedures for the operation of each central nonprofit agency approved under section 4115.35 of the Revised

Code. 11499

(B) The committee may adopt rules in accordance with 11500
Chapter 119. of the Revised Code that do either or both of the 11501
following: 11502

(1) Establish pilot programs to improve the administration 11503
of sections 4115.31 to 4115.35 of the Revised Code; 11504

(2) Establish a fee structure for each central nonprofit 11505
agency approved under section 4115.35 of the Revised Code. 11506

The committee also may adopt any other rule under Chapter 11507
119. of the Revised Code necessary for the effective and 11508
efficient administration of sections 4115.31 to 4115.35 of the 11509
Revised Code. 11510

(C) The committee may conduct a study and evaluation of 11511
its activities under sections 4115.31 to 4115.35 of the Revised 11512
Code for the purpose of assuring effective and efficient 11513
administration of its duties and responsibilities under those 11514
sections. The committee also may study, on its own or in 11515
conjunction with public or private entities, problems related to 11516
the employment of persons with severe disabilities and the 11517
development or adaptation of production methods that would 11518
enable a greater utilization of persons with severe 11519
disabilities. 11520

Sec. 4121.61. (A) As used in sections 4121.61 to 4121.69 11521
of the Revised Code, "self-insuring employer" has the same 11522
meaning as in section 4123.01 of the Revised Code. 11523

(B) The administrator of workers' compensation, with the 11524
advice and consent of the bureau of workers' compensation board 11525
of directors, shall adopt rules, take measures, and make 11526
expenditures as it deems necessary to aid claimants who have 11527

sustained compensable injuries or incurred compensable 11528
occupational diseases pursuant to Chapter 4123., 4127., or 4131. 11529
of the Revised Code to return to work or to assist in lessening 11530
or removing any resulting ~~handicap~~ impairment. 11531

Sec. 4123.343. This section shall be construed liberally 11532
to the end that employers shall be encouraged to employ and 11533
retain in their employment ~~handicapped employees with~~ 11534
disabilities as defined in this section. 11535

(A) As used in this section, ~~"handicapped employee"~~ 11536
"employee with a disability" means an employee who is afflicted 11537
with or subject to any physical or mental impairment, or both, 11538
whether congenital or due to an injury or disease of such 11539
character that the impairment constitutes ~~a handicap an~~ 11540
impediment in obtaining employment or would constitute ~~a~~ 11541
~~handicap an impediment~~ in obtaining reemployment if the employee 11542
should become unemployed and whose ~~handicap disability~~ is due to 11543
any of the following diseases or conditions: 11544

(1) Epilepsy; 11545

(2) Diabetes; 11546

(3) Cardiac disease; 11547

(4) Arthritis; 11548

(5) Amputated foot, leg, arm, or hand; 11549

(6) Loss of sight of one or both eyes or a partial loss of 11550
uncorrected vision of more than seventy-five per cent 11551
bilaterally; 11552

(7) Residual disability from poliomyelitis; 11553

(8) Cerebral palsy; 11554

(9) Multiple sclerosis;	11555
(10) Parkinson's disease;	11556
(11) Cerebral vascular accident;	11557
(12) Tuberculosis;	11558
(13) Silicosis;	11559
(14) Psycho-neurotic disability following treatment in a recognized medical or mental institution;	11560 11561
(15) Hemophilia;	11562
(16) Chronic osteomyelitis;	11563
(17) Ankylosis of joints;	11564
(18) Hyper insulinism;	11565
(19) Muscular dystrophies;	11566
(20) Arterio-sclerosis;	11567
(21) Thrombo-phlebitis;	11568
(22) Varicose veins;	11569
(23) Cardiovascular, pulmonary, or respiratory diseases of a firefighter or police officer employed by a municipal corporation or township as a regular member of a lawfully constituted police department or fire department;	11570 11571 11572 11573
(24) Coal miners' pneumoconiosis, commonly referred to as "black lung disease";	11574 11575
(25) Disability with respect to which an individual has completed a rehabilitation program conducted pursuant to sections 4121.61 to 4121.69 of the Revised Code.	11576 11577 11578

(B) Under the circumstances set forth in this section all 11579
or such portion as the administrator determines of the 11580
compensation and benefits paid in any claim arising hereafter 11581
shall be charged to and paid from the statutory surplus fund 11582
created under section 4123.34 of the Revised Code and only the 11583
portion remaining shall be merit-rated or otherwise treated as 11584
part of the accident or occupational disease experience of the 11585
employer. The provisions of this section apply only in cases of 11586
death, total disability, whether temporary or permanent, and all 11587
disabilities compensated under division (B) of section 4123.57 11588
of the Revised Code. The administrator shall adopt rules 11589
specifying the grounds upon which charges to the statutory 11590
surplus fund are to be made. The administrator, in those rules, 11591
shall require that a settlement agreement approved pursuant to 11592
section 4123.65 of the Revised Code or a settlement agreement 11593
approved by a court of competent jurisdiction in this state be 11594
treated as an award of compensation granted by the administrator 11595
for the purpose of making a determination under this section. 11596

(C) Any employer who has in its employ ~~a handicapped an~~ 11597
employee with a disability is entitled, in the event the person 11598
is injured, to a determination under this section. 11599

An employer shall file an application under this section 11600
for a determination with the bureau or commission in the same 11601
manner as other claims. An application only may be made in cases 11602
where ~~a handicapped an~~ employee with a disability or ~~a~~ 11603
~~handicapped employee's~~ the dependents of an employee with a 11604
disability claim or are receiving an award of compensation as a 11605
result of an injury or occupational disease occurring or 11606
contracted on or after the date on which division (A) of this 11607
section first included the ~~handicap~~ disability of such employee. 11608

(D) The circumstances under and the manner in which an 11609
apportionment under this section shall be made are: 11610

(1) Whenever ~~a handicapped~~ an employee with a disability 11611
is injured or further disabled or dies as the result of an 11612
injury or occupational disease sustained in the course of and 11613
arising out of ~~a handicapped employee's~~ an employee with a 11614
disability's employment in this state and the administrator 11615
awards compensation therefor and when it appears to the 11616
satisfaction of the administrator that the injury or 11617
occupational disease or the death resulting therefrom would not 11618
have occurred but for the pre-existing physical or mental 11619
impairment of the ~~handicapped~~ employee with a disability, all 11620
compensation and benefits payable on account of the disability 11621
or death shall be paid from the surplus fund. 11622

(2) Whenever ~~a handicapped~~ an employee with a disability 11623
is injured or further disabled or dies as a result of an injury 11624
or occupational disease and the administrator finds that the 11625
injury or occupational disease would have been sustained or 11626
suffered without regard to the employee's pre-existing 11627
impairment but that the resulting disability or death was caused 11628
at least in part through aggravation of the employee's pre- 11629
existing disability, the administrator shall determine in a 11630
manner that is equitable and reasonable and based upon medical 11631
evidence the amount of disability or proportion of the cost of 11632
the death award that is attributable to the employee's pre- 11633
existing disability and the amount found shall be charged to the 11634
statutory surplus fund. 11635

(E) The benefits and provisions of this section apply only 11636
to employers who have complied with this chapter through 11637
insurance with the state fund. 11638

(F) No employer shall in any year receive credit under 11639
this section in an amount greater than the premium the employer 11640
paid. 11641

(G) An order issued by the administrator pursuant to this 11642
section is appealable under section 4123.511 of the Revised Code 11643
but is not appealable to court under section 4123.512 of the 11644
Revised Code. 11645

Sec. 4123.57. Partial disability compensation shall be 11646
paid as follows. 11647

Except as provided in this section, not earlier than 11648
twenty-six weeks after the date of termination of the latest 11649
period of payments under section 4123.56 of the Revised Code, or 11650
not earlier than twenty-six weeks after the date of the injury 11651
or contraction of an occupational disease in the absence of 11652
payments under section 4123.56 of the Revised Code, the employee 11653
may file an application with the bureau of workers' compensation 11654
for the determination of the percentage of the employee's 11655
permanent partial disability resulting from an injury or 11656
occupational disease. 11657

Whenever the application is filed, the bureau shall send a 11658
copy of the application to the employee's employer or the 11659
employer's representative and shall schedule the employee for a 11660
medical examination by the bureau medical section. The bureau 11661
shall send a copy of the report of the medical examination to 11662
the employee, the employer, and their representatives. 11663
Thereafter, the administrator of workers' compensation shall 11664
review the employee's claim file and make a tentative order as 11665
the evidence before the administrator at the time of the making 11666
of the order warrants. If the administrator determines that 11667
there is a conflict of evidence, the administrator shall send 11668

the application, along with the claimant's file, to the district hearing officer who shall set the application for a hearing. 11669
11670

If an employee fails to respond to an attempt to schedule a medical examination by the bureau medical section, or fails to attend a medical examination scheduled under this section without notice or explanation, the employee's application for a finding shall be dismissed without prejudice. The employee may refile the application. A dismissed application does not toll the continuing jurisdiction of the industrial commission under section 4123.52 of the Revised Code. The administrator shall adopt rules addressing the manner in which an employee will be notified of a possible dismissal and how an employee may refile an application for a determination. 11671
11672
11673
11674
11675
11676
11677
11678
11679
11680
11681

The administrator shall notify the employee, the employer, and their representatives, in writing, of the tentative order and of the parties' right to request a hearing. Unless the employee, the employer, or their representative notifies the administrator, in writing, of an objection to the tentative order within twenty days after receipt of the notice thereof, the tentative order shall go into effect and the employee shall receive the compensation provided in the order. In no event shall there be a reconsideration of a tentative order issued under this division. 11682
11683
11684
11685
11686
11687
11688
11689
11690
11691

If the employee, the employer, or their representatives timely notify the administrator of an objection to the tentative order, the matter shall be referred to a district hearing officer who shall set the application for hearing with written notices to all interested persons. Upon referral to a district hearing officer, the employer may obtain a medical examination of the employee, pursuant to rules of the industrial commission. 11692
11693
11694
11695
11696
11697
11698

(A) The district hearing officer, upon the application, 11699
shall determine the percentage of the employee's permanent 11700
disability, except as is subject to division (B) of this 11701
section, based upon that condition of the employee resulting 11702
from the injury or occupational disease and causing permanent 11703
impairment evidenced by medical or clinical findings reasonably 11704
demonstrable. The employee shall receive sixty-six and two- 11705
thirds per cent of the employee's average weekly wage, but not 11706
more than a maximum of thirty-three and one-third per cent of 11707
the statewide average weekly wage as defined in division (C) of 11708
section 4123.62 of the Revised Code, per week regardless of the 11709
average weekly wage, for the number of weeks which equals the 11710
percentage of two hundred weeks. Except on application for 11711
reconsideration, review, or modification, which is filed within 11712
ten days after the date of receipt of the decision of the 11713
district hearing officer, in no instance shall the former award 11714
be modified unless it is found from medical or clinical findings 11715
that the condition of the claimant resulting from the injury has 11716
so progressed as to have increased the percentage of permanent 11717
partial disability. A staff hearing officer shall hear an 11718
application for reconsideration filed and the staff hearing 11719
officer's decision is final. An employee may file an application 11720
for a subsequent determination of the percentage of the 11721
employee's permanent disability. If such an application is 11722
filed, the bureau shall send a copy of the application to the 11723
employer or the employer's representative. No sooner than sixty 11724
days from the date of the mailing of the application to the 11725
employer or the employer's representative, the administrator 11726
shall review the application. The administrator may require a 11727
medical examination or medical review of the employee. The 11728
administrator shall issue a tentative order based upon the 11729
evidence before the administrator, provided that if the 11730

administrator requires a medical examination or medical review, 11731
the administrator shall not issue the tentative order until the 11732
completion of the examination or review. 11733

The employer may obtain a medical examination of the 11734
employee and may submit medical evidence at any stage of the 11735
process up to a hearing before the district hearing officer, 11736
pursuant to rules of the commission. The administrator shall 11737
notify the employee, the employer, and their representatives, in 11738
writing, of the nature and amount of any tentative order issued 11739
on an application requesting a subsequent determination of the 11740
percentage of an employee's permanent disability. An employee, 11741
employer, or their representatives may object to the tentative 11742
order within twenty days after the receipt of the notice 11743
thereof. If no timely objection is made, the tentative order 11744
shall go into effect. In no event shall there be a 11745
reconsideration of a tentative order issued under this division. 11746
If an objection is timely made, the application for a subsequent 11747
determination shall be referred to a district hearing officer 11748
who shall set the application for a hearing with written notice 11749
to all interested persons. No application for subsequent 11750
percentage determinations on the same claim for injury or 11751
occupational disease shall be accepted for review by the 11752
district hearing officer unless supported by substantial 11753
evidence of new and changed circumstances developing since the 11754
time of the hearing on the original or last determination. 11755

No award shall be made under this division based upon a 11756
percentage of disability which, when taken with all other 11757
percentages of permanent disability, exceeds one hundred per 11758
cent. If the percentage of the permanent disability of the 11759
employee equals or exceeds ninety per cent, compensation for 11760
permanent partial disability shall be paid for two hundred 11761

weeks. 11762

Compensation payable under this division accrues and is 11763
payable to the employee from the date of last payment of 11764
compensation, or, in cases where no previous compensation has 11765
been paid, from the date of the injury or the date of the 11766
diagnosis of the occupational disease. 11767

When an award under this division has been made prior to 11768
the death of an employee, all unpaid installments accrued or to 11769
accrue under the provisions of the award are payable to the 11770
surviving spouse, or if there is no surviving spouse, to the 11771
dependent children of the employee, and if there are no children 11772
surviving, then to other dependents as the administrator 11773
determines. 11774

(B) For purposes of this division, "payable per week" 11775
means the seven-consecutive-day period in which compensation is 11776
paid in installments according to the schedule associated with 11777
the applicable injury as set forth in this division. 11778

Compensation paid in weekly installments according to the 11779
schedule described in this division may only be commuted to one 11780
or more lump sum payments pursuant to the procedure set forth in 11781
section 4123.64 of the Revised Code. 11782

In cases included in the following schedule the 11783
compensation payable per week to the employee is the statewide 11784
average weekly wage as defined in division (C) of section 11785
4123.62 of the Revised Code per week and shall be paid in 11786
installments according to the following schedule: 11787

For the loss of a first finger, commonly known as a thumb, 11788
sixty weeks. 11789

For the loss of a second finger, commonly called index 11790

finger, thirty-five weeks.	11791
For the loss of a third finger, thirty weeks.	11792
For the loss of a fourth finger, twenty weeks.	11793
For the loss of a fifth finger, commonly known as the little finger, fifteen weeks.	11794 11795
The loss of a second, or distal, phalange of the thumb is considered equal to the loss of one half of such thumb; the loss of more than one half of such thumb is considered equal to the loss of the whole thumb.	11796 11797 11798 11799
The loss of the third, or distal, phalange of any finger is considered equal to the loss of one-third of the finger.	11800 11801
The loss of the middle, or second, phalange of any finger is considered equal to the loss of two-thirds of the finger.	11802 11803
The loss of more than the middle and distal phalanges of any finger is considered equal to the loss of the whole finger. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.	11804 11805 11806 11807 11808
For the loss of the metacarpal bone (bones of the palm) for the corresponding thumb, or fingers, add ten weeks to the number of weeks under this division.	11809 11810 11811
For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes any of the fingers, thumbs, or parts of either useless, the same number of weeks apply to the members or parts thereof as given for the loss thereof.	11812 11813 11814 11815
If the claimant has suffered the loss of two or more fingers by amputation or ankylosis and the nature of the	11816 11817

claimant's employment in the course of which the claimant was 11818
working at the time of the injury or occupational disease is 11819
such that the ~~handicap-impairment~~ or disability resulting from 11820
the loss of fingers, or loss of use of fingers, exceeds the 11821
normal ~~handicap-impairment~~ or disability resulting from the loss 11822
of fingers, or loss of use of fingers, the administrator may 11823
take that fact into consideration and increase the award of 11824
compensation accordingly, but the award made shall not exceed 11825
the amount of compensation for loss of a hand. 11826

For the loss of a hand, one hundred seventy-five weeks. 11827

For the loss of an arm, two hundred twenty-five weeks. 11828

For the loss of a great toe, thirty weeks. 11829

For the loss of one of the toes other than the great toe, 11830
ten weeks. 11831

The loss of more than two-thirds of any toe is considered 11832
equal to the loss of the whole toe. 11833

The loss of less than two-thirds of any toe is considered 11834
no loss, except as to the great toe; the loss of the great toe 11835
up to the interphalangeal joint is co-equal to the loss of one- 11836
half of the great toe; the loss of the great toe beyond the 11837
interphalangeal joint is considered equal to the loss of the 11838
whole great toe. 11839

For the loss of a foot, one hundred fifty weeks. 11840

For the loss of a leg, two hundred weeks. 11841

For the loss of the sight of an eye, one hundred twenty- 11842
five weeks. 11843

For the permanent partial loss of sight of an eye, the 11844

portion of one hundred twenty-five weeks as the administrator in 11845
each case determines, based upon the percentage of vision 11846
actually lost as a result of the injury or occupational disease, 11847
but, in no case shall an award of compensation be made for less 11848
than twenty-five per cent loss of uncorrected vision. "Loss of 11849
uncorrected vision" means the percentage of vision actually lost 11850
as the result of the injury or occupational disease. 11851

For the permanent and total loss of hearing of one ear, 11852
twenty-five weeks; but in no case shall an award of compensation 11853
be made for less than permanent and total loss of hearing of one 11854
ear. 11855

For the permanent and total loss of hearing, one hundred 11856
twenty-five weeks; but, except pursuant to the next preceding 11857
paragraph, in no case shall an award of compensation be made for 11858
less than permanent and total loss of hearing. 11859

In case an injury or occupational disease results in 11860
serious facial or head disfigurement which either impairs or may 11861
in the future impair the opportunities to secure or retain 11862
employment, the administrator shall make an award of 11863
compensation as it deems proper and equitable, in view of the 11864
nature of the disfigurement, and not to exceed the sum of ten 11865
thousand dollars. For the purpose of making the award, it is not 11866
material whether the employee is gainfully employed in any 11867
occupation or trade at the time of the administrator's 11868
determination. 11869

When an award under this division has been made prior to 11870
the death of an employee all unpaid installments accrued or to 11871
accrue under the provisions of the award shall be payable to the 11872
surviving spouse, or if there is no surviving spouse, to the 11873
dependent children of the employee and if there are no such 11874

children, then to such dependents as the administrator 11875
determines. 11876

When an employee has sustained the loss of a member by 11877
severance, but no award has been made on account thereof prior 11878
to the employee's death, the administrator shall make an award 11879
in accordance with this division for the loss which shall be 11880
payable to the surviving spouse, or if there is no surviving 11881
spouse, to the dependent children of the employee and if there 11882
are no such children, then to such dependents as the 11883
administrator determines. 11884

(C) Compensation for partial impairment under divisions 11885
(A) and (B) of this section is in addition to the compensation 11886
paid the employee pursuant to section 4123.56 of the Revised 11887
Code. A claimant may receive compensation under divisions (A) 11888
and (B) of this section. 11889

In all cases arising under division (B) of this section, 11890
if it is determined by any one of the following: (1) the amputee 11891
clinic at University hospital, Ohio state university; (2) the 11892
opportunities for Ohioans with disabilities agency; (3) an 11893
amputee clinic or prescribing physician approved by the 11894
administrator or the administrator's designee, that an injured 11895
or disabled employee is in need of an artificial appliance, or 11896
in need of a repair thereof, regardless of whether the appliance 11897
or its repair will be serviceable in the vocational 11898
rehabilitation of the injured employee, and regardless of 11899
whether the employee has returned to or can ever again return to 11900
any gainful employment, the bureau shall pay the cost of the 11901
artificial appliance or its repair out of the surplus created by 11902
division (B) of section 4123.34 of the Revised Code. 11903

In those cases where an opportunities for Ohioans with 11904

disabilities agency's recommendation that an injured or disabled 11905
employee is in need of an artificial appliance would conflict 11906
with their state plan, adopted pursuant to the "Rehabilitation 11907
Act of 1973," 87 Stat. 355, 29 U.S.C.A. 701, the administrator 11908
or the administrator's designee or the bureau may obtain a 11909
recommendation from an amputee clinic or prescribing physician 11910
that they determine appropriate. 11911

(D) If an employee of a state fund employer makes 11912
application for a finding and the administrator finds that the 11913
employee has contracted silicosis as defined in division (Y), or 11914
coal miners' pneumoconiosis as defined in division (Z), or 11915
asbestosis as defined in division (BB) of section 4123.68 of the 11916
Revised Code, and that a change of such employee's occupation is 11917
medically advisable in order to decrease substantially further 11918
exposure to silica dust, asbestos, or coal dust and if the 11919
employee, after the finding, has changed or shall change the 11920
employee's occupation to an occupation in which the exposure to 11921
silica dust, asbestos, or coal dust is substantially decreased, 11922
the administrator shall allow to the employee an amount equal to 11923
fifty per cent of the statewide average weekly wage per week for 11924
a period of thirty weeks, commencing as of the date of the 11925
discontinuance or change, and for a period of one hundred weeks 11926
immediately following the expiration of the period of thirty 11927
weeks, the employee shall receive sixty-six and two-thirds per 11928
cent of the loss of wages resulting directly and solely from the 11929
change of occupation but not to exceed a maximum of an amount 11930
equal to fifty per cent of the statewide average weekly wage per 11931
week. No such employee is entitled to receive more than one 11932
allowance on account of discontinuance of employment or change 11933
of occupation and benefits shall cease for any period during 11934
which the employee is employed in an occupation in which the 11935

exposure to silica dust, asbestos, or coal dust is not 11936
substantially less than the exposure in the occupation in which 11937
the employee was formerly employed or for any period during 11938
which the employee may be entitled to receive compensation or 11939
benefits under section 4123.68 of the Revised Code on account of 11940
disability from silicosis, asbestosis, or coal miners' 11941
pneumoconiosis. An award for change of occupation for a coal 11942
miner who has contracted coal miners' pneumoconiosis may be 11943
granted under this division even though the coal miner continues 11944
employment with the same employer, so long as the coal miner's 11945
employment subsequent to the change is such that the coal 11946
miner's exposure to coal dust is substantially decreased and a 11947
change of occupation is certified by the claimant as permanent. 11948
The administrator may accord to the employee medical and other 11949
benefits in accordance with section 4123.66 of the Revised Code. 11950

(E) If a firefighter or police officer makes application 11951
for a finding and the administrator finds that the firefighter 11952
or police officer has contracted a cardiovascular and pulmonary 11953
disease as defined in division (W) of section 4123.68 of the 11954
Revised Code, and that a change of the firefighter's or police 11955
officer's occupation is medically advisable in order to decrease 11956
substantially further exposure to smoke, toxic gases, chemical 11957
fumes, and other toxic vapors, and if the firefighter, or police 11958
officer, after the finding, has changed or changes occupation to 11959
an occupation in which the exposure to smoke, toxic gases, 11960
chemical fumes, and other toxic vapors is substantially 11961
decreased, the administrator shall allow to the firefighter or 11962
police officer an amount equal to fifty per cent of the 11963
statewide average weekly wage per week for a period of thirty 11964
weeks, commencing as of the date of the discontinuance or 11965
change, and for a period of seventy-five weeks immediately 11966

following the expiration of the period of thirty weeks the 11967
administrator shall allow the firefighter or police officer 11968
sixty-six and two-thirds per cent of the loss of wages resulting 11969
directly and solely from the change of occupation but not to 11970
exceed a maximum of an amount equal to fifty per cent of the 11971
statewide average weekly wage per week. No such firefighter or 11972
police officer is entitled to receive more than one allowance on 11973
account of discontinuance of employment or change of occupation 11974
and benefits shall cease for any period during which the 11975
firefighter or police officer is employed in an occupation in 11976
which the exposure to smoke, toxic gases, chemical fumes, and 11977
other toxic vapors is not substantially less than the exposure 11978
in the occupation in which the firefighter or police officer was 11979
formerly employed or for any period during which the firefighter 11980
or police officer may be entitled to receive compensation or 11981
benefits under section 4123.68 of the Revised Code on account of 11982
disability from a cardiovascular and pulmonary disease. The 11983
administrator may accord to the firefighter or police officer 11984
medical and other benefits in accordance with section 4123.66 of 11985
the Revised Code. 11986

(F) An order issued under this section is appealable 11987
pursuant to section 4123.511 of the Revised Code but is not 11988
appealable to court under section 4123.512 of the Revised Code. 11989

Sec. 4123.58. (A) In cases of permanent total disability, 11990
the employee shall receive an award to continue until the 11991
employee's death in the amount of sixty-six and two-thirds per 11992
cent of the employee's average weekly wage, but, except as 11993
otherwise provided in division (B) of this section, not more 11994
than a maximum amount of weekly compensation which is equal to 11995
sixty-six and two-thirds per cent of the statewide average 11996
weekly wage as defined in division (C) of section 4123.62 of the 11997

Revised Code in effect on the date of injury or on the date the disability due to the occupational disease begins, nor not less than a minimum amount of weekly compensation which is equal to fifty per cent of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code in effect on the date of injury or on the date the disability due to the occupational disease begins, unless the employee's average weekly wage is less than fifty per cent of the statewide average weekly wage at the time of the injury, in which event the employee shall receive compensation in an amount equal to the employee's average weekly wage.

(B) In the event the weekly workers' compensation amount when combined with disability benefits received pursuant to the Social Security Act is less than the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code, then the maximum amount of weekly compensation shall be the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code. At any time that social security disability benefits terminate or are reduced, the workers' compensation award shall be recomputed to pay the maximum amount permitted under this division.

(C) Permanent total disability shall be compensated according to this section only when at least one of the following applies to the claimant:

(1) The claimant has lost, or lost the use of both hands or both arms, or both feet or both legs, or both eyes, or of any two thereof; however, the loss or loss of use of one limb does not constitute the loss or loss of use of two body parts;

(2) The impairment resulting from the employee's injury or occupational disease prevents the employee from engaging in

sustained remunerative employment utilizing the employment 12028
skills that the employee has or may reasonably be expected to 12029
develop. 12030

(D) Permanent total disability shall not be compensated 12031
when the reason the employee is unable to engage in sustained 12032
remunerative employment is due to any of the following reasons, 12033
whether individually or in combination: 12034

(1) Impairments of the employee that are not the result of 12035
an allowed injury or occupational disease; 12036

(2) Solely the employee's age or aging; 12037

(3) The employee retired or otherwise is not working for 12038
reasons unrelated to the allowed injury or occupational disease. 12039

(4) The employee has not engaged in educational or 12040
rehabilitative efforts to enhance the employee's employability, 12041
unless such efforts are determined to be in vain. 12042

(E) Compensation payable under this section for permanent 12043
total disability is in addition to benefits payable under 12044
division (B) of section 4123.57 of the Revised Code. 12045

(F) If an employee is awarded compensation for permanent 12046
total disability under this section because the employee 12047
sustained a traumatic brain injury, the employee is entitled to 12048
that compensation regardless of the employee's employment in a 12049
sheltered workshop subsequent to the award, on the condition 12050
that the employee does not receive income, compensation, or 12051
remuneration from that employment in excess of two thousand 12052
dollars in any calendar quarter. As used in this division, 12053
"sheltered workshop" means a state agency or nonprofit 12054
organization established to carry out a program of 12055
rehabilitation for ~~handicapped~~ individuals with disabilities or 12056

to provide these individuals with remunerative employment or 12057
other occupational rehabilitating activity. 12058

Sec. 4123.68. Every employee who is disabled because of 12059
the contraction of an occupational disease or the dependent of 12060
an employee whose death is caused by an occupational disease, is 12061
entitled to the compensation provided by sections 4123.55 to 12062
4123.59 and 4123.66 of the Revised Code subject to the 12063
modifications relating to occupational diseases contained in 12064
this chapter. An order of the administrator issued under this 12065
section is appealable pursuant to sections 4123.511 and 4123.512 12066
of the Revised Code. 12067

The following diseases are occupational diseases and 12068
compensable as such when contracted by an employee in the course 12069
of the employment in which such employee was engaged and due to 12070
the nature of any process described in this section. A disease 12071
which meets the definition of an occupational disease is 12072
compensable pursuant to this chapter though it is not 12073
specifically listed in this section. 12074

SCHEDULE 12075

Description of disease or injury and description of 12076
process: 12077

(A) Anthrax: Handling of wool, hair, bristles, hides, and 12078
skins. 12079

(B) Glanders: Care of any equine animal ~~suffering from~~ 12080
having glanders; handling carcass of such animal. 12081

(C) Lead poisoning: Any industrial process involving the 12082
use of lead or its preparations or compounds. 12083

(D) Mercury poisoning: Any industrial process involving 12084

the use of mercury or its preparations or compounds.	12085
(E) Phosphorous poisoning: Any industrial process	12086
involving the use of phosphorous or its preparations or	12087
compounds.	12088
(F) Arsenic poisoning: Any industrial process involving	12089
the use of arsenic or its preparations or compounds.	12090
(G) Poisoning by benzol or by nitro-derivatives and amido-	12091
derivatives of benzol (dinitro-benzol, anilin, and others): Any	12092
industrial process involving the use of benzol or nitro-	12093
derivatives or amido-derivatives of benzol or its preparations	12094
or compounds.	12095
(H) Poisoning by gasoline, benzine, naphtha, or other	12096
volatile petroleum products: Any industrial process involving	12097
the use of gasoline, benzine, naphtha, or other volatile	12098
petroleum products.	12099
(I) Poisoning by carbon bisulphide: Any industrial process	12100
involving the use of carbon bisulphide or its preparations or	12101
compounds.	12102
(J) Poisoning by wood alcohol: Any industrial process	12103
involving the use of wood alcohol or its preparations.	12104
(K) Infection or inflammation of the skin on contact	12105
surfaces due to oils, cutting compounds or lubricants, dust,	12106
liquids, fumes, gases, or vapors: Any industrial process	12107
involving the handling or use of oils, cutting compounds or	12108
lubricants, or involving contact with dust, liquids, fumes,	12109
gases, or vapors.	12110
(L) Epithelion cancer or ulceration of the skin or of the	12111
corneal surface of the eye due to carbon, pitch, tar, or tarry	12112

compounds: Handling or industrial use of carbon, pitch, or tarry compounds.	12113 12114
(M) Compressed air illness: Any industrial process carried on in compressed air.	12115 12116
(N) Carbon dioxide poisoning: Any process involving the evolution or resulting in the escape of carbon dioxide.	12117 12118
(O) Brass or zinc poisoning: Any process involving the manufacture, founding, or refining of brass or the melting or smelting of zinc.	12119 12120 12121
(P) Manganese dioxide poisoning: Any process involving the grinding or milling of manganese dioxide or the escape of manganese dioxide dust.	12122 12123 12124
(Q) Radium poisoning: Any industrial process involving the use of radium and other radioactive substances in luminous paint.	12125 12126 12127
(R) Tenosynovitis and prepatellar bursitis: Primary tenosynovitis characterized by a passive effusion or crepitus into the tendon sheath of the flexor or extensor muscles of the hand, due to frequently repetitive motions or vibrations, or prepatellar bursitis due to continued pressure.	12128 12129 12130 12131 12132
(S) Chrome ulceration of the skin or nasal passages: Any industrial process involving the use of or direct contact with chromic acid or bichromates of ammonium, potassium, or sodium or their preparations.	12133 12134 12135 12136
(T) Potassium cyanide poisoning: Any industrial process involving the use of or direct contact with potassium cyanide.	12137 12138
(U) Sulphur dioxide poisoning: Any industrial process in which sulphur dioxide gas is evolved by the expansion of liquid	12139 12140

sulphur dioxide. 12141

(V) Berylliosis: Berylliosis means a disease of the lungs 12142
caused by breathing beryllium in the form of dust or fumes, 12143
producing characteristic changes in the lungs and demonstrated 12144
by x-ray examination, by biopsy or by autopsy. 12145

This chapter does not entitle an employee or the 12146
employee's dependents to compensation, medical treatment, or 12147
payment of funeral expenses for disability or death from 12148
berylliosis unless the employee has been subjected to injurious 12149
exposure to beryllium dust or fumes in the employee's employment 12150
in this state preceding the employee's disablement and only in 12151
the event of such disability or death resulting within eight 12152
years after the last injurious exposure; provided that such 12153
eight-year limitation does not apply to disability or death from 12154
exposure occurring after January 1, 1976. In the event of death 12155
following continuous total disability commencing within eight 12156
years after the last injurious exposure, the requirement of 12157
death within eight years after the last injurious exposure does 12158
not apply. 12159

Before awarding compensation for partial or total 12160
disability or death due to berylliosis, the administrator of 12161
workers' compensation shall refer the claim to a qualified 12162
medical specialist for examination and recommendation with 12163
regard to the diagnosis, the extent of the disability, the 12164
nature of the disability, whether permanent or temporary, the 12165
cause of death, and other medical questions connected with the 12166
claim. An employee shall submit to such examinations, including 12167
clinical and x-ray examinations, as the administrator requires. 12168
In the event that an employee refuses to submit to examinations, 12169
including clinical and x-ray examinations, after notice from the 12170

administrator, or in the event that a claimant for compensation 12171
for death due to berylliosis fails to produce necessary consents 12172
and permits, after notice from the administrator, so that such 12173
autopsy examination and tests may be performed, then all rights 12174
for compensation are forfeited. The reasonable compensation of 12175
such specialist and the expenses of examinations and tests shall 12176
be paid, if the claim is allowed, as part of the expenses of the 12177
claim, otherwise they shall be paid from the surplus fund. 12178

(W) Cardiovascular, pulmonary, or respiratory diseases 12179
incurred by firefighters or police officers following exposure 12180
to heat, smoke, toxic gases, chemical fumes and other toxic 12181
substances: Any cardiovascular, pulmonary, or respiratory 12182
disease of a firefighter or police officer caused or induced by 12183
the cumulative effect of exposure to heat, the inhalation of 12184
smoke, toxic gases, chemical fumes and other toxic substances in 12185
the performance of the firefighter's or police officer's duty 12186
constitutes a presumption, which may be refuted by affirmative 12187
evidence, that such occurred in the course of and arising out of 12188
the firefighter's or police officer's employment. For the 12189
purpose of this section, "firefighter" means any regular member 12190
of a lawfully constituted fire department of a municipal 12191
corporation or township, whether paid or volunteer, and "police 12192
officer" means any regular member of a lawfully constituted 12193
police department of a municipal corporation, township or 12194
county, whether paid or volunteer. 12195

This chapter does not entitle a firefighter, or police 12196
officer, or the firefighter's or police officer's dependents to 12197
compensation, medical treatment, or payment of funeral expenses 12198
for disability or death from a cardiovascular, pulmonary, or 12199
respiratory disease, unless the firefighter or police officer 12200
has been subject to injurious exposure to heat, smoke, toxic 12201

gases, chemical fumes, and other toxic substances in the 12202
firefighter's or police officer's employment in this state 12203
preceding the firefighter's or police officer's disablement, 12204
some portion of which has been after January 1, 1967, except as 12205
provided in division (E) of section 4123.57 of the Revised Code. 12206

Compensation on account of cardiovascular, pulmonary, or 12207
respiratory diseases of firefighters and police officers is 12208
payable only in the event of temporary total disability, 12209
permanent total disability, or death, in accordance with section 12210
4123.56, 4123.58, or 4123.59 of the Revised Code. Medical, 12211
hospital, and nursing expenses are payable in accordance with 12212
this chapter. Compensation, medical, hospital, and nursing 12213
expenses are payable only in the event of such disability or 12214
death resulting within eight years after the last injurious 12215
exposure; provided that such eight-year limitation does not 12216
apply to disability or death from exposure occurring after 12217
January 1, 1976. In the event of death following continuous 12218
total disability commencing within eight years after the last 12219
injurious exposure, the requirement of death within eight years 12220
after the last injurious exposure does not apply. 12221

This chapter does not entitle a firefighter or police 12222
officer, or the firefighter's or police officer's dependents, to 12223
compensation, medical, hospital, and nursing expenses, or 12224
payment of funeral expenses for disability or death due to a 12225
cardiovascular, pulmonary, or respiratory disease in the event 12226
of failure or omission on the part of the firefighter or police 12227
officer truthfully to state, when seeking employment, the place, 12228
duration, and nature of previous employment in answer to an 12229
inquiry made by the employer. 12230

Before awarding compensation for disability or death under 12231

this division, the administrator shall refer the claim to a 12232
qualified medical specialist for examination and recommendation 12233
with regard to the diagnosis, the extent of disability, the 12234
cause of death, and other medical questions connected with the 12235
claim. A firefighter or police officer shall submit to such 12236
examinations, including clinical and x-ray examinations, as the 12237
administrator requires. In the event that a firefighter or 12238
police officer refuses to submit to examinations, including 12239
clinical and x-ray examinations, after notice from the 12240
administrator, or in the event that a claimant for compensation 12241
for death under this division fails to produce necessary 12242
consents and permits, after notice from the administrator, so 12243
that such autopsy examination and tests may be performed, then 12244
all rights for compensation are forfeited. The reasonable 12245
compensation of such specialists and the expenses of examination 12246
and tests shall be paid, if the claim is allowed, as part of the 12247
expenses of the claim, otherwise they shall be paid from the 12248
surplus fund. 12249

(X) (1) Cancer contracted by a firefighter: Cancer 12250
contracted by a firefighter who has been assigned to at least 12251
six years of hazardous duty as a firefighter constitutes a 12252
presumption that the cancer was contracted in the course of and 12253
arising out of the firefighter's employment if the firefighter 12254
was exposed to an agent classified by the international agency 12255
for research on cancer or its successor organization as a group 12256
1 or 2A carcinogen. 12257

(2) The presumption described in division (X) (1) of this 12258
section is rebuttable in any of the following situations: 12259

(a) There is evidence that the firefighter's exposure, 12260
outside the scope of the firefighter's official duties, to 12261

cigarettes, tobacco products, or other conditions presenting an 12262
extremely high risk for the development of the cancer alleged, 12263
was probably a significant factor in the cause or progression of 12264
the cancer. 12265

(b) There is evidence that shows, by a preponderance of 12266
competent scientific evidence, that exposure to the type of 12267
carcinogen alleged did not or could not have caused the cancer 12268
being alleged. 12269

(c) There is evidence that the firefighter was not exposed 12270
to an agent classified by the international agency for research 12271
on cancer as a group 1 or 2A carcinogen. 12272

(d) There is evidence that the firefighter incurred the 12273
type of cancer alleged before becoming a member of the fire 12274
department. 12275

(e) The firefighter is seventy years of age or older. 12276

(3) The presumption described in division (X) (1) of this 12277
section does not apply if it has been more than fifteen years 12278
since the firefighter was last assigned to hazardous duty as a 12279
firefighter. 12280

(4) Compensation for cancer contracted by a firefighter in 12281
the course of hazardous duty under division (X) of this section 12282
is payable only in the event of temporary total disability, 12283
working wage loss, permanent total disability, or death, in 12284
accordance with division (A) or (B) (1) of section 4123.56 and 12285
sections 4123.58 and 4123.59 of the Revised Code. 12286

(5) As used in division (X) of this section, "hazardous 12287
duty" has the same meaning as in 5 C.F.R. 550.902, as amended. 12288

(Y) Silicosis: Silicosis means a disease of the lungs 12289

caused by breathing silica dust (silicon dioxide) producing 12290
fibrous nodules distributed through the lungs and demonstrated 12291
by x-ray examination, by biopsy or by autopsy. 12292

(Z) Coal miners' pneumoconiosis: Coal miners' 12293
pneumoconiosis, commonly referred to as "black lung disease," 12294
resulting from working in the coal mine industry and due to 12295
exposure to the breathing of coal dust, and demonstrated by x- 12296
ray examination, biopsy, autopsy or other medical or clinical 12297
tests. 12298

This chapter does not entitle an employee or the 12299
employee's dependents to compensation, medical treatment, or 12300
payment of funeral expenses for disability or death from 12301
silicosis, asbestosis, or coal miners' pneumoconiosis unless the 12302
employee has been subject to injurious exposure to silica dust 12303
(silicon dioxide), asbestos, or coal dust in the employee's 12304
employment in this state preceding the employee's disablement, 12305
some portion of which has been after October 12, 1945, except as 12306
provided in division (E) of section 4123.57 of the Revised Code. 12307

Compensation on account of silicosis, asbestosis, or coal 12308
miners' pneumoconiosis are payable only in the event of 12309
temporary total disability, permanent total disability, or 12310
death, in accordance with sections 4123.56, 4123.58, and 4123.59 12311
of the Revised Code. Medical, hospital, and nursing expenses are 12312
payable in accordance with this chapter. Compensation, medical, 12313
hospital, and nursing expenses are payable only in the event of 12314
such disability or death resulting within eight years after the 12315
last injurious exposure; provided that such eight-year 12316
limitation does not apply to disability or death occurring after 12317
January 1, 1976, and further provided that such eight-year 12318
limitation does not apply to any asbestosis cases. In the event 12319

of death following continuous total disability commencing within 12320
eight years after the last injurious exposure, the requirement 12321
of death within eight years after the last injurious exposure 12322
does not apply. 12323

This chapter does not entitle an employee or the 12324
employee's dependents to compensation, medical, hospital and 12325
nursing expenses, or payment of funeral expenses for disability 12326
or death due to silicosis, asbestosis, or coal miners' 12327
pneumoconiosis in the event of the failure or omission on the 12328
part of the employee truthfully to state, when seeking 12329
employment, the place, duration, and nature of previous 12330
employment in answer to an inquiry made by the employer. 12331

Before awarding compensation for disability or death due 12332
to silicosis, asbestosis, or coal miners' pneumoconiosis, the 12333
administrator shall refer the claim to a qualified medical 12334
specialist for examination and recommendation with regard to the 12335
diagnosis, the extent of disability, the cause of death, and 12336
other medical questions connected with the claim. An employee 12337
shall submit to such examinations, including clinical and x-ray 12338
examinations, as the administrator requires. In the event that 12339
an employee refuses to submit to examinations, including 12340
clinical and x-ray examinations, after notice from the 12341
administrator, or in the event that a claimant for compensation 12342
for death due to silicosis, asbestosis, or coal miners' 12343
pneumoconiosis fails to produce necessary consents and permits, 12344
after notice from the commission, so that such autopsy 12345
examination and tests may be performed, then all rights for 12346
compensation are forfeited. The reasonable compensation of such 12347
specialist and the expenses of examinations and tests shall be 12348
paid, if the claim is allowed, as a part of the expenses of the 12349
claim, otherwise they shall be paid from the surplus fund. 12350

(AA) Radiation illness: Any industrial process involving 12351
the use of radioactive materials. 12352

Claims for compensation and benefits due to radiation 12353
illness are payable only in the event death or disability 12354
occurred within eight years after the last injurious exposure 12355
provided that such eight-year limitation does not apply to 12356
disability or death from exposure occurring after January 1, 12357
1976. In the event of death following continuous disability 12358
which commenced within eight years of the last injurious 12359
exposure the requirement of death within eight years after the 12360
last injurious exposure does not apply. 12361

(BB) Asbestosis: Asbestosis means a disease caused by 12362
inhalation or ingestion of asbestos, demonstrated by x-ray 12363
examination, biopsy, autopsy, or other objective medical or 12364
clinical tests. 12365

All conditions, restrictions, limitations, and other 12366
provisions of this section, with reference to the payment of 12367
compensation or benefits on account of silicosis or coal miners' 12368
pneumoconiosis apply to the payment of compensation or benefits 12369
on account of any other occupational disease of the respiratory 12370
tract resulting from injurious exposures to dust. 12371

The refusal to produce the necessary consents and permits 12372
for autopsy examination and testing shall not result in 12373
forfeiture of compensation provided the administrator finds that 12374
such refusal was the result of bona fide religious convictions 12375
or teachings to which the claimant for compensation adhered 12376
prior to the death of the decedent. 12377

Sec. 4123.70. No compensation shall be awarded on account 12378
of disability or death from disease ~~suffered~~experienced by an 12379

employee who, at the time of entering into the employment from 12380
which the disease is claimed to have resulted, willfully and 12381
falsely represented ~~himself~~self as not having previously 12382
~~suffered from~~had such disease. Compensation shall not be 12383
awarded on account of both injury and disease, except when the 12384
disability is caused by a disease and an injury, in which event 12385
the administrator of workers' compensation may apportion the 12386
payment of compensation provided for in sections 4123.56 to 12387
4123.59 of the Revised Code between the funds as in ~~his~~the 12388
administrator's judgment seems just and proper. 12389

If an employee ~~is suffering from~~has both occupational 12390
disease and an injury, and the administrator can determine which 12391
is causing ~~his~~the employee's disability, the administrator shall 12392
pay compensation therefor from the proper fund. 12393

Compensation for loss sustained on account of occupational 12394
disease by an employee mentioned in division (A)(1) of section 12395
4123.01 of the Revised Code, or the dependents of such employee, 12396
shall be paid from the fund provided for in sections 4123.38 to 12397
4123.41 and 4123.48 of the Revised Code. 12398

Compensation for loss sustained on account of a disease by 12399
an employee mentioned in division (A)(2) of section 4123.01 of 12400
the Revised Code, or the dependents of the employee, shall be 12401
paid ~~from the occupational disease fund or~~ by the employer of 12402
the employee, if the employer is a self-insuring employer. 12403

Sec. 4123.71. Every physician in this state attending on 12404
or called in to visit a patient whom the physician believes to 12405
~~be suffering from~~have an occupational disease as defined in 12406
section 4123.68 of the Revised Code shall, within forty-eight 12407
hours from the time of making such diagnosis, send to the bureau 12408
of workers' compensation a report stating: 12409

(A) Name, address, and occupation of patient;	12410
(B) Name and address of business in which employed;	12411
(C) Nature of disease;	12412
(D) Name and address of employer of patient;	12413
(E) Such other information as is reasonably required by the bureau.	12414 12415
The reports shall be made on blanks to be furnished by the bureau. A physician who sends the report within the time stated to the bureau is in compliance with this section.	12416 12417 12418
Reports made under this section shall not be evidence of the facts therein stated in any action arising out of a disease therein reported.	12419 12420 12421
The bureau shall, within twenty-four hours after the receipt of the report, send a copy thereof to the employer of the patient named in the report.	12422 12423 12424
Sec. 4141.01. As used in this chapter, unless the context otherwise requires:	12425 12426
(A) (1) "Employer" means the state, its instrumentalities, its political subdivisions and their instrumentalities, Indian tribes, and any individual or type of organization including any partnership, limited liability company, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the successor thereof, or the legal representative of a deceased person who subsequent to December 31, 1971, or in the case of political subdivisions or their instrumentalities, subsequent to December 31, 1973:	12427 12428 12429 12430 12431 12432 12433 12434 12435 12436

(a) Had in employment at least one individual, or in the case of a nonprofit organization, subsequent to December 31, 1973, had not less than four individuals in employment for some portion of a day in each of twenty different calendar weeks, in either the current or the preceding calendar year whether or not the same individual was in employment in each such day; or

(b) Except for a nonprofit organization, had paid for service in employment wages of fifteen hundred dollars or more in any calendar quarter in either the current or preceding calendar year; or

(c) Had paid, subsequent to December 31, 1977, for employment in domestic service in a local college club, or local chapter of a college fraternity or sorority, cash remuneration of one thousand dollars or more in any calendar quarter in the current calendar year or the preceding calendar year, or had paid subsequent to December 31, 1977, for employment in domestic service in a private home cash remuneration of one thousand dollars in any calendar quarter in the current calendar year or the preceding calendar year:

(i) For the purposes of divisions (A) (1) (a) and (b) of this section, there shall not be taken into account any wages paid to, or employment of, an individual performing domestic service as described in this division.

(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A) (1) (a), (b), or (d) of this section.

(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural

labor; and 12466

(i) During any calendar quarter in the current calendar 12467
year or the preceding calendar year, paid cash remuneration of 12468
twenty thousand dollars or more for the agricultural labor; or 12469

(ii) Had at least ten individuals in employment in 12470
agricultural labor, not including agricultural workers who are 12471
aliens admitted to the United States to perform agricultural 12472
labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the 12473
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 12474
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in 12475
each of the twenty different calendar weeks, in either the 12476
current or preceding calendar year whether or not the same 12477
individual was in employment in each day; or 12478

(e) Is not otherwise an employer as defined under division 12479
(A)(1)(a) or (b) of this section; and 12480

(i) For which, within either the current or preceding 12481
calendar year, service, except for domestic service in a private 12482
home not covered under division (A)(1)(c) of this section, is or 12483
was performed with respect to which such employer is liable for 12484
any federal tax against which credit may be taken for 12485
contributions required to be paid into a state unemployment 12486
fund; 12487

(ii) Which, as a condition for approval of this chapter 12488
for full tax credit against the tax imposed by the "Federal 12489
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 12490
is required, pursuant to such act to be an employer under this 12491
chapter; or 12492

(iii) Who became an employer by election under division 12493
(A)(4) or (5) of this section and for the duration of such 12494

election; or 12495

(f) In the case of the state, its instrumentalities, its 12496
political subdivisions, and their instrumentalities, and Indian 12497
tribes, had in employment, as defined in divisions (B) (2) (a) and 12498
(B) (2) (1) of this section, at least one individual; 12499

(g) For the purposes of division (A) (1) (a) of this 12500
section, if any week includes both the thirty-first day of 12501
December and the first day of January, the days of that week 12502
before the first day of January shall be considered one calendar 12503
week and the days beginning the first day of January another 12504
week. 12505

(2) Each individual employed to perform or to assist in 12506
performing the work of any agent or employee of an employer is 12507
employed by such employer for all the purposes of this chapter, 12508
whether such individual was hired or paid directly by such 12509
employer or by such agent or employee, provided the employer had 12510
actual or constructive knowledge of the work. All individuals 12511
performing services for an employer of any person in this state 12512
who maintains two or more establishments within this state are 12513
employed by a single employer for the purposes of this chapter. 12514

(3) An employer subject to this chapter within any 12515
calendar year is subject to this chapter during the whole of 12516
such year and during the next succeeding calendar year. 12517

(4) An employer not otherwise subject to this chapter who 12518
files with the director of job and family services a written 12519
election to become an employer subject to this chapter for not 12520
less than two calendar years shall, with the written approval of 12521
such election by the director, become an employer subject to 12522
this chapter to the same extent as all other employers as of the 12523

date stated in such approval, and shall cease to be subject to 12524
this chapter as of the first day of January of any calendar year 12525
subsequent to such two calendar years only if at least thirty 12526
days prior to such first day of January the employer has filed 12527
with the director a written notice to that effect. 12528

(5) Any employer for whom services that do not constitute 12529
employment are performed may file with the director a written 12530
election that all such services performed by individuals in the 12531
employer's employ in one or more distinct establishments or 12532
places of business shall be deemed to constitute employment for 12533
all the purposes of this chapter, for not less than two calendar 12534
years. Upon written approval of the election by the director, 12535
such services shall be deemed to constitute employment subject 12536
to this chapter from and after the date stated in such approval. 12537
Such services shall cease to be employment subject to this 12538
chapter as of the first day of January of any calendar year 12539
subsequent to such two calendar years only if at least thirty 12540
days prior to such first day of January such employer has filed 12541
with the director a written notice to that effect. 12542

(6) "Employer" does not include a franchisor with respect 12543
to the franchisor's relationship with a franchisee or an 12544
employee of a franchisee, unless the franchisor agrees to assume 12545
that role in writing or a court of competent jurisdiction 12546
determines that the franchisor exercises a type or degree of 12547
control over the franchisee or the franchisee's employees that 12548
is not customarily exercised by a franchisor for the purpose of 12549
protecting the franchisor's trademark, brand, or both. For 12550
purposes of this division, "franchisor" and "franchisee" have 12551
the same meanings as in 16 C.F.R. 436.1. 12552

(B) (1) "Employment" means service performed by an 12553

individual for remuneration under any contract of hire, written 12554
or oral, express or implied, including service performed in 12555
interstate commerce and service performed by an officer of a 12556
corporation, without regard to whether such service is 12557
executive, managerial, or manual in nature, and without regard 12558
to whether such officer is a stockholder or a member of the 12559
board of directors of the corporation, unless it is shown to the 12560
satisfaction of the director that such individual has been and 12561
will continue to be free from direction or control over the 12562
performance of such service, both under a contract of service 12563
and in fact. The director shall adopt rules to define "direction 12564
or control." 12565

(2) "Employment" includes: 12566

(a) Service performed after December 31, 1977, by an 12567
individual in the employ of the state or any of its 12568
instrumentalities, or any political subdivision thereof or any 12569
of its instrumentalities or any instrumentality of more than one 12570
of the foregoing or any instrumentality of any of the foregoing 12571
and one or more other states or political subdivisions and 12572
without regard to divisions (A) (1) (a) and (b) of this section, 12573
provided that such service is excluded from employment as 12574
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 12575
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 12576
(3) of this section; or the services of employees covered by 12577
voluntary election, as provided under divisions (A) (4) and (5) 12578
of this section; 12579

(b) Service performed after December 31, 1971, by an 12580
individual in the employ of a religious, charitable, 12581
educational, or other organization which is excluded from the 12582
term "employment" as defined in the "Federal Unemployment Tax 12583

Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 12584
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 12585
excluded under division (B) (3) of this section; 12586

(c) Domestic service performed after December 31, 1977, 12587
for an employer, as provided in division (A) (1) (c) of this 12588
section; 12589

(d) Agricultural labor performed after December 31, 1977, 12590
for a farm operator or a crew leader, as provided in division 12591
(A) (1) (d) of this section; 12592

(e) Subject to division (B) (2) (m) of this section, service 12593
not covered under division (B) (1) of this section which is 12594
performed after December 31, 1971: 12595

(i) As an agent-driver or commission-driver engaged in 12596
distributing meat products, vegetable products, fruit products, 12597
bakery products, beverages other than milk, laundry, or dry- 12598
cleaning services, for the individual's employer or principal; 12599

(ii) As a traveling or city salesperson, other than as an 12600
agent-driver or commission-driver, engaged on a full-time basis 12601
in the solicitation on behalf of and in the transmission to the 12602
salesperson's employer or principal except for sideline sales 12603
activities on behalf of some other person of orders from 12604
wholesalers, retailers, contractors, or operators of hotels, 12605
restaurants, or other similar establishments for merchandise for 12606
resale, or supplies for use in their business operations, 12607
provided that for the purposes of division (B) (2) (e) (ii) of this 12608
section, the services shall be deemed employment if the contract 12609
of service contemplates that substantially all of the services 12610
are to be performed personally by the individual and that the 12611
individual does not have a substantial investment in facilities 12612

used in connection with the performance of the services other 12613
than in facilities for transportation, and the services are not 12614
in the nature of a single transaction that is not a part of a 12615
continuing relationship with the person for whom the services 12616
are performed. 12617

(f) An individual's entire service performed within or 12618
both within and without the state if: 12619

(i) The service is localized in this state. 12620

(ii) The service is not localized in any state, but some 12621
of the service is performed in this state and either the base of 12622
operations, or if there is no base of operations then the place 12623
from which such service is directed or controlled, is in this 12624
state or the base of operations or place from which such service 12625
is directed or controlled is not in any state in which some part 12626
of the service is performed but the individual's residence is in 12627
this state. 12628

(g) Service not covered under division (B) (2) (f) (ii) of 12629
this section and performed entirely without this state, with 12630
respect to no part of which contributions are required and paid 12631
under an unemployment compensation law of any other state, the 12632
Virgin Islands, Canada, or of the United States, if the 12633
individual performing such service is a resident of this state 12634
and the director approves the election of the employer for whom 12635
such services are performed; or, if the individual is not a 12636
resident of this state but the place from which the service is 12637
directed or controlled is in this state, the entire services of 12638
such individual shall be deemed to be employment subject to this 12639
chapter, provided service is deemed to be localized within this 12640
state if the service is performed entirely within this state or 12641
if the service is performed both within and without this state 12642

but the service performed without this state is incidental to 12643
the individual's service within the state, for example, is 12644
temporary or transitory in nature or consists of isolated 12645
transactions; 12646

(h) Service of an individual who is a citizen of the 12647
United States, performed outside the United States except in 12648
Canada after December 31, 1971, or the Virgin Islands, after 12649
December 31, 1971, and before the first day of January of the 12650
year following that in which the United States secretary of 12651
labor approves the Virgin Islands law for the first time, in the 12652
employ of an American employer, other than service which is 12653
"employment" under divisions (B) (2) (f) and (g) of this section 12654
or similar provisions of another state's law, if: 12655

(i) The employer's principal place of business in the 12656
United States is located in this state; 12657

(ii) The employer has no place of business in the United 12658
States, but the employer is an individual who is a resident of 12659
this state; or the employer is a corporation which is organized 12660
under the laws of this state, or the employer is a partnership 12661
or a trust and the number of partners or trustees who are 12662
residents of this state is greater than the number who are 12663
residents of any other state; or 12664

(iii) None of the criteria of divisions (B) (2) (f) (i) and 12665
(ii) of this section is met but the employer has elected 12666
coverage in this state or the employer having failed to elect 12667
coverage in any state, the individual has filed a claim for 12668
benefits, based on such service, under this chapter. 12669

(i) For the purposes of division (B) (2) (h) of this 12670
section, the term "American employer" means an employer who is 12671

an individual who is a resident of the United States; or a 12672
partnership, if two-thirds or more of the partners are residents 12673
of the United States; or a trust, if all of the trustees are 12674
residents of the United States; or a corporation organized under 12675
the laws of the United States or of any state, provided the term 12676
"United States" includes the states, the District of Columbia, 12677
the Commonwealth of Puerto Rico, and the Virgin Islands. 12678

(j) Notwithstanding any other provisions of divisions (B) 12679
(1) and (2) of this section, service, except for domestic 12680
service in a private home not covered under division (A) (1) (c) 12681
of this section, with respect to which a tax is required to be 12682
paid under any federal law imposing a tax against which credit 12683
may be taken for contributions required to be paid into a state 12684
unemployment fund, or service, except for domestic service in a 12685
private home not covered under division (A) (1) (c) of this 12686
section, which, as a condition for full tax credit against the 12687
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 12688
26 U.S.C.A. 3301 to 3311, is required to be covered under this 12689
chapter. 12690

(k) Construction services performed by any individual 12691
under a construction contract, as defined in section 4141.39 of 12692
the Revised Code, if the director determines that the employer 12693
for whom services are performed has the right to direct or 12694
control the performance of the services and that the individuals 12695
who perform the services receive remuneration for the services 12696
performed. The director shall presume that the employer for whom 12697
services are performed has the right to direct or control the 12698
performance of the services if ten or more of the following 12699
criteria apply: 12700

(i) The employer directs or controls the manner or method 12701

by which instructions are given to the individual performing services;	12702 12703
(ii) The employer requires particular training for the individual performing services;	12704 12705
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	12706 12707
(iv) The employer requires that services be provided by a particular individual;	12708 12709
(v) The employer hires, supervises, or pays the wages of the individual performing services;	12710 12711
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	12712 12713 12714
(vii) The employer requires the individual to perform services during established hours;	12715 12716
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	12717 12718 12719
(ix) The employer requires the individual to perform services on the employer's premises;	12720 12721
(x) The employer requires the individual performing services to follow the order of work established by the employer;	12722 12723 12724
(xi) The employer requires the individual performing services to make oral or written reports of progress;	12725 12726
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	12727 12728

(xiii) The employer pays expenses for the individual performing services;	12729 12730
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	12731 12732
(xv) The individual performing services has not invested in the facilities used to perform services;	12733 12734
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	12735 12736 12737
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	12738 12739
(xviii) The individual performing services does not make the services available to the general public;	12740 12741
(xix) The employer has a right to discharge the individual performing services;	12742 12743
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	12744 12745 12746 12747
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.	12748 12749 12750 12751 12752 12753 12754 12755 12756

(m) Service performed by an individual for or on behalf of 12757
a motor carrier transporting property as an operator of a 12758
vehicle or vessel, unless all of the following factors apply to 12759
the individual and the motor carrier has not elected to consider 12760
the individual's service as employment: 12761

(i) The individual owns the vehicle or vessel that is used 12762
in performing the services for or on behalf of the carrier, or 12763
the individual leases the vehicle or vessel under a bona fide 12764
lease agreement that is not a temporary replacement lease 12765
agreement. For purposes of this division, a bona fide lease 12766
agreement does not include an agreement between the individual 12767
and the motor carrier transporting property for which, or on 12768
whose behalf, the individual provides services. 12769

(ii) The individual is responsible for supplying the 12770
necessary personal services to operate the vehicle or vessel 12771
used to provide the service. 12772

(iii) The compensation paid to the individual is based on 12773
factors related to work performed, including on a mileage-based 12774
rate or a percentage of any schedule of rates, and not solely on 12775
the basis of the hours or time expended. 12776

(iv) The individual substantially controls the means and 12777
manner of performing the services, in conformance with 12778
regulatory requirements and specifications of the shipper. 12779

(v) The individual enters into a written contract with the 12780
carrier for whom the individual is performing the services that 12781
describes the relationship between the individual and the 12782
carrier to be that of an independent contractor and not that of 12783
an employee. 12784

(vi) The individual is responsible for substantially all 12785

of the principal operating costs of the vehicle or vessel and 12786
equipment used to provide the services, including maintenance, 12787
fuel, repairs, supplies, vehicle or vessel insurance, and 12788
personal expenses, except that the individual may be paid by the 12789
carrier the carrier's fuel surcharge and incidental costs, 12790
including tolls, permits, and lumper fees. 12791

(vii) The individual is responsible for any economic loss 12792
or economic gain from the arrangement with the carrier. 12793

(viii) The individual is not performing services described 12794
in 26 U.S.C. 3306(c) (7) or (8). 12795

(3) "Employment" does not include the following services 12796
if they are found not subject to the "Federal Unemployment Tax 12797
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 12798
services are not required to be included under division (B) (2) 12799
(j) of this section: 12800

(a) Service performed after December 31, 1977, in 12801
agricultural labor, except as provided in division (A) (1) (d) of 12802
this section; 12803

(b) Domestic service performed after December 31, 1977, in 12804
a private home, local college club, or local chapter of a 12805
college fraternity or sorority except as provided in division 12806
(A) (1) (c) of this section; 12807

(c) Service performed after December 31, 1977, for this 12808
state or a political subdivision as described in division (B) (2) 12809
(a) of this section when performed: 12810

(i) As a publicly elected official; 12811

(ii) As a member of a legislative body, or a member of the 12812
judiciary; 12813

(iii) As a military member of the Ohio national guard;	12814
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	12815 12816 12817 12818
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	12819 12820 12821 12822 12823 12824
(d) In the employ of any governmental unit or instrumentality of the United States;	12825 12826
(e) Service performed after December 31, 1971:	12827
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	12828 12829 12830 12831 12832 12833
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision	12834 12835 12836 12837 12838 12839 12840 12841 12842

shall not apply to service performed in a program established 12843
for or on behalf of an employer or group of employers. 12844

(f) Service performed by an individual in the employ of 12845
the individual's son, daughter, or spouse and service performed 12846
by a child under the age of eighteen in the employ of the 12847
child's father or mother; 12848

(g) Service performed for one or more principals by an 12849
individual who is compensated on a commission basis, who in the 12850
performance of the work is master of the individual's own time 12851
and efforts, and whose remuneration is wholly dependent on the 12852
amount of effort the individual chooses to expend, and which 12853
service is not subject to the "Federal Unemployment Tax Act," 53 12854
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 12855
after December 31, 1971: 12856

(i) By an individual for an employer as an insurance agent 12857
or as an insurance solicitor, if all this service is performed 12858
for remuneration solely by way of commission; 12859

(ii) As a home worker performing work, according to 12860
specifications furnished by the employer for whom the services 12861
are performed, on materials or goods furnished by such employer 12862
which are required to be returned to the employer or to a person 12863
designated for that purpose. 12864

(h) Service performed after December 31, 1971: 12865

(i) In the employ of a church or convention or association 12866
of churches, or in an organization which is operated primarily 12867
for religious purposes and which is operated, supervised, 12868
controlled, or principally supported by a church or convention 12869
or association of churches; 12870

(ii) By a duly ordained, commissioned, or licensed 12871

minister of a church in the exercise of the individual's 12872
ministry or by a member of a religious order in the exercise of 12873
duties required by such order; or 12874

(iii) In a facility conducted for the purpose of carrying 12875
out a program of rehabilitation for individuals whose earning 12876
capacity is impaired by age or physical or mental ~~deficiency~~ 12877
disability or injury, or providing remunerative work for 12878
individuals who because of their impaired physical or mental 12879
capacity cannot be readily absorbed in the competitive labor 12880
market, by an individual receiving such rehabilitation or 12881
remunerative work. 12882

(i) Service performed after June 30, 1939, with respect to 12883
which unemployment compensation is payable under the "Railroad 12884
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 12885
351; 12886

(j) Service performed by an individual in the employ of 12887
any organization exempt from income tax under section 501 of the 12888
"Internal Revenue Code of 1954," if the remuneration for such 12889
service does not exceed fifty dollars in any calendar quarter, 12890
or if such service is in connection with the collection of dues 12891
or premiums for a fraternal beneficial society, order, or 12892
association and is performed away from the home office or is 12893
ritualistic service in connection with any such society, order, 12894
or association; 12895

(k) Casual labor not in the course of an employer's trade 12896
or business; incidental service performed by an officer, 12897
appraiser, or member of a finance committee of a bank, building 12898
and loan association, savings and loan association, or savings 12899
association when the remuneration for such incidental service 12900
exclusive of the amount paid or allotted for directors' fees 12901

does not exceed sixty dollars per calendar quarter is casual 12902
labor; 12903

(l) Service performed in the employ of a voluntary 12904
employees' beneficial association providing for the payment of 12905
life, sickness, accident, or other benefits to the members of 12906
such association or their dependents or their designated 12907
beneficiaries, if admission to a membership in such association 12908
is limited to individuals who are officers or employees of a 12909
municipal or public corporation, of a political subdivision of 12910
the state, or of the United States and no part of the net 12911
earnings of such association inures, other than through such 12912
payments, to the benefit of any private shareholder or 12913
individual; 12914

(m) Service performed by an individual in the employ of a 12915
foreign government, including service as a consular or other 12916
officer or employee or of a nondiplomatic representative; 12917

(n) Service performed in the employ of an instrumentality 12918
wholly owned by a foreign government if the service is of a 12919
character similar to that performed in foreign countries by 12920
employees of the United States or of an instrumentality thereof 12921
and if the director finds that the secretary of state of the 12922
United States has certified to the secretary of the treasury of 12923
the United States that the foreign government, with respect to 12924
whose instrumentality exemption is claimed, grants an equivalent 12925
exemption with respect to similar service performed in the 12926
foreign country by employees of the United States and of 12927
instrumentalities thereof; 12928

(o) Service with respect to which unemployment 12929
compensation is payable under an unemployment compensation 12930
system established by an act of congress; 12931

(p) Service performed as a student nurse in the employ of 12932
a hospital or a nurses' training school by an individual who is 12933
enrolled and is regularly attending classes in a nurses' 12934
training school chartered or approved pursuant to state law, and 12935
service performed as an intern in the employ of a hospital by an 12936
individual who has completed a four years' course in a medical 12937
school chartered or approved pursuant to state law; 12938

(q) Service performed by an individual under the age of 12939
eighteen in the delivery or distribution of newspapers or 12940
shopping news, not including delivery or distribution to any 12941
point for subsequent delivery or distribution; 12942

(r) Service performed in the employ of the United States 12943
or an instrumentality of the United States immune under the 12944
Constitution of the United States from the contributions imposed 12945
by this chapter, except that to the extent that congress permits 12946
states to require any instrumentalities of the United States to 12947
make payments into an unemployment fund under a state 12948
unemployment compensation act, this chapter shall be applicable 12949
to such instrumentalities and to services performed for such 12950
instrumentalities in the same manner, to the same extent, and on 12951
the same terms as to all other employers, individuals, and 12952
services, provided that if this state is not certified for any 12953
year by the proper agency of the United States under section 12954
3304 of the "Internal Revenue Code of 1954," the payments 12955
required of such instrumentalities with respect to such year 12956
shall be refunded by the director from the fund in the same 12957
manner and within the same period as is provided in division (E) 12958
of section 4141.09 of the Revised Code with respect to 12959
contributions erroneously collected; 12960

(s) Service performed by an individual as a member of a 12961

band or orchestra, provided such service does not represent the 12962
principal occupation of such individual, and which service is 12963
not subject to or required to be covered for full tax credit 12964
against the tax imposed by the "Federal Unemployment Tax Act," 12965
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 12966

(t) Service performed in the employ of a day camp whose 12967
camping season does not exceed twelve weeks in any calendar 12968
year, and which service is not subject to the "Federal 12969
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 12970
3311. Service performed after December 31, 1971: 12971

(i) In the employ of a hospital, if the service is 12972
performed by a patient of the hospital, as defined in division 12973
(W) of this section; 12974

(ii) For a prison or other correctional institution by an 12975
inmate of the prison or correctional institution; 12976

(iii) Service performed after December 31, 1977, by an 12977
inmate of a custodial institution operated by the state, a 12978
political subdivision, or a nonprofit organization. 12979

(u) Service that is performed by a nonresident alien 12980
individual for the period the individual temporarily is present 12981
in the United States as a nonimmigrant under division (F), (J), 12982
(M), or (Q) of section 101(a)(15) of the "Immigration and 12983
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 12984
that is excluded under section 3306(c)(19) of the "Federal 12985
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 12986
3311. 12987

(v) Notwithstanding any other provisions of division (B) 12988
(3) of this section, services that are excluded under divisions 12989
(B)(3)(g), (j), (k), and (l) of this section shall not be 12990

excluded from employment when performed for a nonprofit 12991
organization, as defined in division (X) of this section, or for 12992
this state or its instrumentalities, or for a political 12993
subdivision or its instrumentalities or for Indian tribes; 12994

(w) Service that is performed by an individual working as 12995
an election official or election worker if the amount of 12996
remuneration received by the individual during the calendar year 12997
for services as an election official or election worker is less 12998
than one thousand dollars; 12999

(x) Service performed for an elementary or secondary 13000
school that is operated primarily for religious purposes, that 13001
is described in subsection 501(c)(3) and exempt from federal 13002
income taxation under subsection 501(a) of the Internal Revenue 13003
Code, 26 U.S.C.A. 501; 13004

(y) Service performed by a person committed to a penal 13005
institution. 13006

(z) Service performed for an Indian tribe as described in 13007
division (B)(2)(1) of this section when performed in any of the 13008
following manners: 13009

(i) As a publicly elected official; 13010

(ii) As a member of an Indian tribal council; 13011

(iii) As a member of a legislative or judiciary body; 13012

(iv) In a position which, pursuant to Indian tribal law, 13013
is designated as a major nontenured policymaking or advisory 13014
position, or a policymaking or advisory position where the 13015
performance of the duties ordinarily does not require more than 13016
eight hours of time per week; 13017

(v) As an employee serving on a temporary basis in the 13018

case of a fire, storm, snow, earthquake, flood, or similar emergency. 13019
13020

(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training. 13021
13022
13023
13024
13025
13026
13027
13028

(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code. 13029
13030

(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an employee for the person employing that employee do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in division (B) (4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of remuneration is ordinarily made to the employee by the person employing that employee. Division (B) (4) of this section does not apply to services performed in a pay period by an employee for the person employing that employee, if any of such service is excepted by division (B) (3) (o) of this section. 13031
13032
13033
13034
13035
13036
13037
13038
13039
13040
13041
13042
13043
13044
13045

(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's 13046
13047
13048

unemployment. 13049

(D) "Benefit rights" means the weekly benefit amount and 13050
the maximum benefit amount that may become payable to an 13051
individual within the individual's benefit year as determined by 13052
the director. 13053

(E) "Claim for benefits" means a claim for waiting period 13054
or benefits for a designated week. 13055

(F) "Additional claim" means the first claim for benefits 13056
filed following any separation from employment during a benefit 13057
year; "continued claim" means any claim other than the first 13058
claim for benefits and other than an additional claim. 13059

(G) "Wages" means remuneration paid to an employee by each 13060
of the employee's employers with respect to employment; except 13061
that wages shall not include that part of remuneration paid 13062
during any calendar year to an individual by an employer or such 13063
employer's predecessor in interest in the same business or 13064
enterprise, which in any calendar year is in excess of nine 13065
thousand dollars on and after January 1, 1995; nine thousand 13066
five hundred dollars on and after January 1, 2018; and nine 13067
thousand dollars on and after January 1, 2020. Remuneration in 13068
excess of such amounts shall be deemed wages subject to 13069
contribution to the same extent that such remuneration is 13070
defined as wages under the "Federal Unemployment Tax Act," 84 13071
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 13072
remuneration paid an employee by an employer with respect to 13073
employment in another state, upon which contributions were 13074
required and paid by such employer under the unemployment 13075
compensation act of such other state, shall be included as a 13076
part of remuneration in computing the amount specified in this 13077
division. 13078

(H) (1) "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash, except that in the case of agricultural or domestic service, "remuneration" includes only cash remuneration. Gratuities customarily received by an individual in the course of the individual's employment from persons other than the individual's employer and which are accounted for by such individual to the individual's employer are taxable wages.

The reasonable cash value of compensation paid in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the director, provided that "remuneration" does not include:

(a) Payments as provided in divisions (b) (2) to (b) (20) of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, as amended;

(b) The payment by an employer, without deduction from the remuneration of the individual in the employer's employ, of the tax imposed upon an individual in the employer's employ under section 3101 of the "Internal Revenue Code of 1954," with respect to services performed after October 1, 1941.

(2) "Cash remuneration" means all remuneration paid in cash, including commissions and bonuses, but not including the cash value of all compensation in any medium other than cash.

(I) "Interested party" means the director and any party to whom notice of a determination of an application for benefit rights or a claim for benefits is required to be given under section 4141.28 of the Revised Code.

(J) "Annual payroll" means the total amount of wages

subject to contributions during a twelve-month period ending 13108
with the last day of the second calendar quarter of any calendar 13109
year. 13110

(K) "Average annual payroll" means the average of the last 13111
three annual payrolls of an employer, provided that if, as of 13112
any computation date, the employer has had less than three 13113
annual payrolls in such three-year period, such average shall be 13114
based on the annual payrolls which the employer has had as of 13115
such date. 13116

(L) (1) "Contributions" means the money payments to the 13117
state unemployment compensation fund required of employers by 13118
section 4141.25 of the Revised Code and of the state and any of 13119
its political subdivisions electing to pay contributions under 13120
section 4141.242 of the Revised Code. Employers paying 13121
contributions shall be described as "contributory employers." 13122

(2) "Payments in lieu of contributions" means the money 13123
payments to the state unemployment compensation fund required of 13124
reimbursing employers under sections 4141.241 and 4141.242 of 13125
the Revised Code. 13126

(M) An individual is "totally unemployed" in any week 13127
during which the individual performs no services and with 13128
respect to such week no remuneration is payable to the 13129
individual. 13130

(N) An individual is "partially unemployed" in any week 13131
if, due to involuntary loss of work, the total remuneration 13132
payable to the individual for such week is less than the 13133
individual's weekly benefit amount. 13134

(O) "Week" means the calendar week ending at midnight 13135
Saturday unless an equivalent week of seven consecutive calendar 13136

days is prescribed by the director. 13137

(1) "Qualifying week" means any calendar week in an 13138
individual's base period with respect to which the individual 13139
earns or is paid remuneration in employment subject to this 13140
chapter. A calendar week with respect to which an individual 13141
earns remuneration but for which payment was not made within the 13142
base period, when necessary to qualify for benefit rights, may 13143
be considered to be a qualifying week. The number of qualifying 13144
weeks which may be established in a calendar quarter shall not 13145
exceed the number of calendar weeks in the quarter. 13146

(2) "Average weekly wage" means the amount obtained by 13147
dividing an individual's total remuneration for all qualifying 13148
weeks during the base period by the number of such qualifying 13149
weeks, provided that if the computation results in an amount 13150
that is not a multiple of one dollar, such amount shall be 13151
rounded to the next lower multiple of one dollar. 13152

(P) "Weekly benefit amount" means the amount of benefits 13153
an individual would be entitled to receive for one week of total 13154
unemployment. 13155

(Q) (1) "Base period" means the first four of the last five 13156
completed calendar quarters immediately preceding the first day 13157
of an individual's benefit year, except as provided in division 13158
(Q) (2) of this section. 13159

(2) If an individual does not have sufficient qualifying 13160
weeks and wages in the base period to qualify for benefit 13161
rights, the individual's base period shall be the four most 13162
recently completed calendar quarters preceding the first day of 13163
the individual's benefit year. Such base period shall be known 13164
as the "alternate base period." If information as to weeks and 13165

wages for the most recent quarter of the alternate base period 13166
is not available to the director from the regular quarterly 13167
reports of wage information, which are systematically 13168
accessible, the director may, consistent with the provisions of 13169
section 4141.28 of the Revised Code, base the determination of 13170
eligibility for benefits on the affidavit of the claimant with 13171
respect to weeks and wages for that calendar quarter. The 13172
claimant shall furnish payroll documentation, where available, 13173
in support of the affidavit. The determination based upon the 13174
alternate base period as it relates to the claimant's benefit 13175
rights, shall be amended when the quarterly report of wage 13176
information from the employer is timely received and that 13177
information causes a change in the determination. As provided in 13178
division (B) of section 4141.28 of the Revised Code, any 13179
benefits paid and charged to an employer's account, based upon a 13180
claimant's affidavit, shall be adjusted effective as of the 13181
beginning of the claimant's benefit year. No calendar quarter in 13182
a base period or alternate base period shall be used to 13183
establish a subsequent benefit year. 13184

(3) The "base period" of a combined wage claim, as 13185
described in division (H) of section 4141.43 of the Revised 13186
Code, shall be the base period prescribed by the law of the 13187
state in which the claim is allowed. 13188

(4) For purposes of determining the weeks that comprise a 13189
completed calendar quarter under this division, only those weeks 13190
ending at midnight Saturday within the calendar quarter shall be 13191
utilized. 13192

(R) (1) "Benefit year" with respect to an individual means 13193
the fifty-two week period beginning with the first day of that 13194
week with respect to which the individual first files a valid 13195

application for determination of benefit rights, and thereafter 13196
the fifty-two week period beginning with the first day of that 13197
week with respect to which the individual next files a valid 13198
application for determination of benefit rights after the 13199
termination of the individual's last preceding benefit year, 13200
except that the application shall not be considered valid unless 13201
the individual has had employment in six weeks that is subject 13202
to this chapter or the unemployment compensation act of another 13203
state, or the United States, and has, since the beginning of the 13204
individual's previous benefit year, in the employment earned 13205
three times the average weekly wage determined for the previous 13206
benefit year. The "benefit year" of a combined wage claim, as 13207
described in division (H) of section 4141.43 of the Revised 13208
Code, shall be the benefit year prescribed by the law of the 13209
state in which the claim is allowed. Any application for 13210
determination of benefit rights made in accordance with section 13211
4141.28 of the Revised Code is valid if the individual filing 13212
such application is unemployed, has been employed by an employer 13213
or employers subject to this chapter in at least twenty 13214
qualifying weeks within the individual's base period, and has 13215
earned or been paid remuneration at an average weekly wage of 13216
not less than twenty-seven and one-half per cent of the 13217
statewide average weekly wage for such weeks. For purposes of 13218
determining whether an individual has had sufficient employment 13219
since the beginning of the individual's previous benefit year to 13220
file a valid application, "employment" means the performance of 13221
services for which remuneration is payable. 13222

(2) Effective for benefit years beginning on and after 13223
December 26, 2004, any application for determination of benefit 13224
rights made in accordance with section 4141.28 of the Revised 13225
Code is valid if the individual satisfies the criteria described 13226

in division (R) (1) of this section, and if the reason for the 13227
individual's separation from employment is not disqualifying 13228
pursuant to division (D) (2) of section 4141.29 or section 13229
4141.291 of the Revised Code. A disqualification imposed 13230
pursuant to division (D) (2) of section 4141.29 or section 13231
4141.291 of the Revised Code must be removed as provided in 13232
those sections as a requirement of establishing a valid 13233
application for benefit years beginning on and after December 13234
26, 2004. 13235

(3) The statewide average weekly wage shall be calculated 13236
by the director once a year based on the twelve-month period 13237
ending the thirtieth day of June, as set forth in division (B) 13238
(3) of section 4141.30 of the Revised Code, rounded down to the 13239
nearest dollar. Increases or decreases in the amount of 13240
remuneration required to have been earned or paid in order for 13241
individuals to have filed valid applications shall become 13242
effective on Sunday of the calendar week in which the first day 13243
of January occurs that follows the twelve-month period ending 13244
the thirtieth day of June upon which the calculation of the 13245
statewide average weekly wage was based. 13246

(4) As used in this division, an individual is 13247
"unemployed" if, with respect to the calendar week in which such 13248
application is filed, the individual is "partially unemployed" 13249
or "totally unemployed" as defined in this section or if, prior 13250
to filing the application, the individual was separated from the 13251
individual's most recent work for any reason which terminated 13252
the individual's employee-employer relationship, or was laid off 13253
indefinitely or for a definite period of seven or more days. 13254

(S) "Calendar quarter" means the period of three 13255
consecutive calendar months ending on the thirty-first day of 13256

March, the thirtieth day of June, the thirtieth day of 13257
September, and the thirty-first day of December, or the 13258
equivalent thereof as the director prescribes by rule. 13259

(T) "Computation date" means the first day of the third 13260
calendar quarter of any calendar year. 13261

(U) "Contribution period" means the calendar year 13262
beginning on the first day of January of any year. 13263

(V) "Agricultural labor," for the purpose of this 13264
division, means any service performed prior to January 1, 1972, 13265
which was agricultural labor as defined in this division prior 13266
to that date, and service performed after December 31, 1971: 13267

(1) On a farm, in the employ of any person, in connection 13268
with cultivating the soil, or in connection with raising or 13269
harvesting any agricultural or horticultural commodity, 13270
including the raising, shearing, feeding, caring for, training, 13271
and management of livestock, bees, poultry, and fur-bearing 13272
animals and wildlife; 13273

(2) In the employ of the owner or tenant or other operator 13274
of a farm in connection with the operation, management, 13275
conservation, improvement, or maintenance of such farm and its 13276
tools and equipment, or in salvaging timber or clearing land of 13277
brush and other debris left by hurricane, if the major part of 13278
such service is performed on a farm; 13279

(3) In connection with the production or harvesting of any 13280
commodity defined as an agricultural commodity in section 15 (g) 13281
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 13282
U.S.C. 1141j, as amended, or in connection with the ginning of 13283
cotton, or in connection with the operation or maintenance of 13284
ditches, canals, reservoirs, or waterways, not owned or operated 13285

for profit, used exclusively for supplying and storing water for 13286
farming purposes; 13287

(4) In the employ of the operator of a farm in handling, 13288
planting, drying, packing, packaging, processing, freezing, 13289
grading, storing, or delivering to storage or to market or to a 13290
carrier for transportation to market, in its unmanufactured 13291
state, any agricultural or horticultural commodity, but only if 13292
the operator produced more than one half of the commodity with 13293
respect to which such service is performed; 13294

(5) In the employ of a group of operators of farms, or a 13295
cooperative organization of which the operators are members, in 13296
the performance of service described in division (V) (4) of this 13297
section, but only if the operators produced more than one-half 13298
of the commodity with respect to which the service is performed; 13299

(6) Divisions (V) (4) and (5) of this section shall not be 13300
deemed to be applicable with respect to service performed: 13301

(a) In connection with commercial canning or commercial 13302
freezing or in connection with any agricultural or horticultural 13303
commodity after its delivery to a terminal market for 13304
distribution for consumption; or 13305

(b) On a farm operated for profit if the service is not in 13306
the course of the employer's trade or business. 13307

As used in division (V) of this section, "farm" includes 13308
stock, dairy, poultry, fruit, fur-bearing animal, and truck 13309
farms, plantations, ranches, nurseries, ranges, greenhouses, or 13310
other similar structures used primarily for the raising of 13311
agricultural or horticultural commodities and orchards. 13312

(W) "Hospital" means an institution which has been 13313
registered or licensed by the Ohio department of health as a 13314

hospital. 13315

(X) "Nonprofit organization" means an organization, or 13316
group of organizations, described in section 501(c)(3) of the 13317
"Internal Revenue Code of 1954," and exempt from income tax 13318
under section 501(a) of that code. 13319

(Y) "Institution of higher education" means a public or 13320
nonprofit educational institution, including an educational 13321
institution operated by an Indian tribe, which: 13322

(1) Admits as regular students only individuals having a 13323
certificate of graduation from a high school, or the recognized 13324
equivalent; 13325

(2) Is legally authorized in this state or by the Indian 13326
tribe to provide a program of education beyond high school; and 13327

(3) Provides an educational program for which it awards a 13328
bachelor's or higher degree, or provides a program which is 13329
acceptable for full credit toward such a degree, a program of 13330
post-graduate or post-doctoral studies, or a program of training 13331
to prepare students for gainful employment in a recognized 13332
occupation. 13333

For the purposes of this division, all colleges and 13334
universities in this state are institutions of higher education. 13335

(Z) For the purposes of this chapter, "states" includes 13336
the District of Columbia, the Commonwealth of Puerto Rico, and 13337
the Virgin Islands. 13338

(AA) "Alien" means, for the purposes of division (A)(1)(d) 13339
of this section, an individual who is an alien admitted to the 13340
United States to perform service in agricultural labor pursuant 13341
to sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 13342

Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 13343

(BB) (1) "Crew leader" means an individual who furnishes 13344
individuals to perform agricultural labor for any other employer 13345
or farm operator, and: 13346

(a) Pays, either on the individual's own behalf or on 13347
behalf of the other employer or farm operator, the individuals 13348
so furnished by the individual for the service in agricultural 13349
labor performed by them; 13350

(b) Has not entered into a written agreement with the 13351
other employer or farm operator under which the agricultural 13352
worker is designated as in the employ of the other employer or 13353
farm operator. 13354

(2) For the purposes of this chapter, any individual who 13355
is a member of a crew furnished by a crew leader to perform 13356
service in agricultural labor for any other employer or farm 13357
operator shall be treated as an employee of the crew leader if: 13358

(a) The crew leader holds a valid certificate of 13359
registration under the "Farm Labor Contractor Registration Act 13360
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 13361

(b) Substantially all the members of the crew operate or 13362
maintain tractors, mechanized harvesting or crop-dusting 13363
equipment, or any other mechanized equipment, which is provided 13364
by the crew leader; and 13365

(c) If the individual is not in the employment of the 13366
other employer or farm operator within the meaning of division 13367
(B) (1) of this section. 13368

(3) For the purposes of this division, any individual who 13369
is furnished by a crew leader to perform service in agricultural 13370

labor for any other employer or farm operator and who is not 13371
treated as in the employment of the crew leader under division 13372
(BB) (2) of this section shall be treated as the employee of the 13373
other employer or farm operator and not of the crew leader. The 13374
other employer or farm operator shall be treated as having paid 13375
cash remuneration to the individual in an amount equal to the 13376
amount of cash remuneration paid to the individual by the crew 13377
leader, either on the crew leader's own behalf or on behalf of 13378
the other employer or farm operator, for the service in 13379
agricultural labor performed for the other employer or farm 13380
operator. 13381

(CC) "Educational institution" means an institution other 13382
than an institution of higher education as defined in division 13383
(Y) of this section, including an educational institution 13384
operated by an Indian tribe, which: 13385

(1) Offers participants, trainees, or students an 13386
organized course of study or training designed to transfer to 13387
them knowledge, skills, information, doctrines, attitudes, or 13388
abilities from, by, or under the guidance of an instructor or 13389
teacher; and 13390

(2) Is approved, chartered, or issued a permit to operate 13391
as a school by the state board of education, other government 13392
agency, or Indian tribe that is authorized within the state to 13393
approve, charter, or issue a permit for the operation of a 13394
school. 13395

For the purposes of this division, the courses of study or 13396
training which the institution offers may be academic, 13397
technical, trade, or preparation for gainful employment in a 13398
recognized occupation. 13399

(DD) "Cost savings day" means any unpaid day off from work 13400
in which employees continue to accrue employee benefits which 13401
have a determinable value including, but not limited to, 13402
vacation, pension contribution, sick time, and life and health 13403
insurance. 13404

(EE) "Motor carrier" has the same meaning as in section 13405
4923.01 of the Revised Code. 13406

Sec. 4173.02. (A) Any retail establishment that has a 13407
toilet facility for its employees is encouraged to permit a 13408
customer to use that facility during normal business hours if 13409
the toilet facility is reasonably safe and all of the following 13410
conditions are met: 13411

(1) The customer requesting the use of the employee toilet 13412
facility ~~suffers from~~ has an eligible medical condition or 13413
utilizes an ostomy device. 13414

(2) The employee toilet facility is not located in an area 13415
where providing access would create an obvious health or safety 13416
risk to the customer or an obvious security risk to the retail 13417
establishment. 13418

(3) A public restroom or employee restroom normally 13419
available to the public is not immediately accessible to the 13420
customer. 13421

(B) This section does not require a retail establishment 13422
to make any physical changes to an employee toilet facility. 13423

(C) No restroom facility, by reason of being made 13424
available to a customer pursuant to this section, shall be 13425
considered a public facility for the purpose of laws or 13426
regulations that generally govern facilities available to the 13427
public. That restroom facility shall be governed by the laws and 13428

regulations that otherwise would govern the facility if it were 13429
not made available to a customer pursuant to this section. 13430

Sec. 4501.21. (A) There is hereby created in the state 13431
treasury the license plate contribution fund. The fund shall 13432
consist of all contributions paid by motor vehicle registrants 13433
and collected by the registrar of motor vehicles pursuant to 13434
sections 4503.491, 4503.492, 4503.493, 4503.494, 4503.495, 13435
4503.496, 4503.497, 4503.498, 4503.499, 4503.4910, 4503.4911, 13436
4503.50, 4503.501, 4503.502, 4503.505, 4503.506, 4503.508, 13437
4503.509, 4503.51, 4503.514, 4503.521, 4503.522, 4503.523, 13438
4503.524, 4503.525, 4503.526, 4503.528, 4503.529, 4503.531, 13439
4503.534, 4503.545, 4503.55, 4503.551, 4503.552, 4503.553, 13440
4503.554, 4503.555, 4503.556, 4503.557, 4503.561, 4503.562, 13441
4503.564, 4503.565, 4503.566, 4503.567, 4503.576, 4503.577, 13442
4503.579, 4503.581, 4503.591, 4503.592, 4503.594, 4503.595, 13443
4503.596, 4503.67, 4503.68, 4503.69, 4503.70, 4503.701, 13444
4503.702, 4503.71, 4503.711, 4503.712, 4503.713, 4503.714, 13445
4503.715, 4503.716, 4503.72, 4503.722, 4503.724, 4503.725, 13446
4503.73, 4503.732, 4503.733, 4503.734, 4503.74, 4503.75, 13447
4503.751, 4503.752, 4503.754, 4503.763, 4503.764, 4503.765, 13448
4503.767, 4503.85, 4503.86, 4503.87, 4503.871, 4503.872, 13449
4503.873, 4503.874, 4503.875, 4503.876, 4503.877, 4503.878, 13450
4503.879, 4503.88, 4503.881, 4503.882, 4503.883, 4503.884, 13451
4503.89, 4503.891, 4503.892, 4503.893, 4503.899, 4503.90, 13452
4503.901, 4503.902, 4503.903, 4503.904, 4503.905, 4503.906, 13453
4503.907, 4503.908, 4503.909, 4503.92, 4503.931, 4503.932, 13454
4503.94, 4503.941, 4503.942, 4503.944, 4503.945, 4503.951, 13455
4503.952, 4503.953, 4503.954, 4503.955, 4503.956, 4503.957, 13456
4503.958, 4503.961, 4503.962, 4503.963, 4503.97, and 4503.98 of 13457
the Revised Code. 13458

(B) The registrar shall pay the contributions the 13459

registrar collects in the fund as follows: 13460

The registrar shall pay the contributions received 13461
pursuant to section 4503.491 of the Revised Code to the breast 13462
cancer fund of Ohio, which shall use that money only to pay for 13463
programs that provide assistance and education to Ohio breast 13464
cancer patients and that improve access for such patients to 13465
quality health care and clinical trials and shall not use any of 13466
the money for abortion information, counseling, services, or 13467
other abortion-related activities. 13468

The registrar shall pay the contributions the registrar 13469
receives pursuant to section 4503.492 of the Revised Code to the 13470
organization cancer support community central Ohio, which shall 13471
deposit the money into the Sheryl L. Kraner Fund of that 13472
organization. Cancer support community central Ohio shall expend 13473
the money it receives pursuant to this division only in the same 13474
manner and for the same purposes as that organization expends 13475
other money in that fund. 13476

The registrar shall pay the contributions received 13477
pursuant to section 4503.493 of the Revised Code to the autism 13478
society of Ohio, which shall use the contributions for programs 13479
and autism awareness efforts throughout the state. 13480

The registrar shall pay the contributions the registrar 13481
receives pursuant to section 4503.494 of the Revised Code to the 13482
national multiple sclerosis society for distribution in equal 13483
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 13484
chapters of the national multiple sclerosis society. These 13485
chapters shall use the money they receive under this section to 13486
assist in paying the expenses they incur in providing services 13487
directly to their clients. 13488

The registrar shall pay the contributions the registrar receives pursuant to section 4503.495 of the Revised Code to the national pancreatic cancer foundation, which shall use the money it receives under this section to assist those who ~~suffer with~~ have pancreatic cancer and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.496 of the Revised Code to the Ohio sickle cell and health association, which shall use the contributions to help support educational, clinical, and social support services for adults who have sickle cell disease.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.497 of the Revised Code to the St. Baldrick's foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.498 of the Revised Code to special olympics Ohio, inc., which shall use the contributions for its programs, charitable efforts, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.499 of the Revised Code to the children's glioma cancer foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4910 of the Revised Code to the KylerStrong foundation, which shall use the contributions to raise awareness of brain cancer caused by diffuse intrinsic pontine glioma and to fund research for the cure of such cancer.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4911 of the Revised Code to

the research institution for childhood cancer at nationwide 13518
children's hospital, which shall use the contributions to fund 13519
research for the cure of childhood cancers. 13520

The registrar shall pay the contributions the registrar 13521
receives pursuant to section 4503.50 of the Revised Code to the 13522
future farmers of America foundation, which shall deposit the 13523
contributions into its general account to be used for 13524
educational and scholarship purposes of the future farmers of 13525
America foundation. 13526

The registrar shall pay the contributions the registrar 13527
receives pursuant to section 4503.501 of the Revised Code to the 13528
4-H youth development program of the Ohio state university 13529
extension program, which shall use those contributions to pay 13530
the expenses it incurs in conducting its educational activities. 13531

The registrar shall pay the contributions received 13532
pursuant to section 4503.502 of the Revised Code to the Ohio 13533
cattlemen's foundation, which shall use those contributions for 13534
scholarships and other educational activities. 13535

The registrar shall pay the contributions received 13536
pursuant to section 4503.505 of the Revised Code to the 13537
organization Ohio region phi theta kappa, which shall use those 13538
contributions for scholarships for students who are members of 13539
that organization. 13540

The registrar shall pay the contributions the registrar 13541
receives pursuant to section 4503.506 of the Revised Code to 13542
Ohio demolay, which shall use the contributions for 13543
scholarships, educational programs, and any other programs or 13544
events the organization holds or sponsors in this state. 13545

The registrar shall pay the contributions received 13546

pursuant to section 4503.508 of the Revised Code to the 13547
organization bottoms up diaper drive to provide funding for that 13548
organization for collecting and delivering diapers to parents in 13549
need. 13550

The registrar shall pay the contributions the registrar 13551
receives pursuant to section 4503.509 of the Revised Code to a 13552
kid again, incorporated for distribution in equal amounts to the 13553
Ohio chapters of a kid again. 13554

The registrar shall pay each contribution the registrar 13555
receives pursuant to section 4503.51 of the Revised Code to the 13556
university or college whose name or marking or design appears on 13557
collegiate license plates that are issued to a person under that 13558
section. A university or college that receives contributions 13559
from the fund shall deposit the contributions into its general 13560
scholarship fund. 13561

The registrar shall pay the contributions the registrar 13562
receives pursuant to section 4503.514 of the Revised Code to the 13563
university of Notre Dame in South Bend, Indiana, for purposes of 13564
awarding grants or scholarships to residents of Ohio who attend 13565
the university. The university shall not use any of the funds it 13566
receives for purposes of administering the scholarship program. 13567
The registrar shall enter into appropriate agreements with the 13568
university of Notre Dame to effectuate the distribution of such 13569
funds as provided in this section. 13570

The registrar shall pay the contributions the registrar 13571
receives pursuant to section 4503.521 of the Revised Code to the 13572
Ohio bicycle federation to assist that organization in paying 13573
for the educational programs it sponsors in support of Ohio 13574
cyclists of all ages. 13575

The registrar shall pay the contributions the registrar receives pursuant to section 4503.522 of the Revised Code to the "friends of Perry's victory and international peace memorial, incorporated," a nonprofit corporation organized under the laws of this state, to assist that organization in paying the expenses it incurs in sponsoring or holding charitable, educational, and cultural events at the monument.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.523 of the Revised Code to the fairport lights foundation, which shall use the money to pay for the restoration, maintenance, and preservation of the lighthouses of fairport harbor.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.524 of the Revised Code to the Massillon tiger football booster club, which shall use the contributions only to promote and support the football team of Washington high school of the Massillon city school district.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.525 of the Revised Code to the United States power squadron districts seven, eleven, twenty-four, and twenty-nine in equal amounts. Each power squadron district shall use the money it receives under this section to pay for the educational boating programs each district holds or sponsors within this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.526 of the Revised Code to the Ohio district Kiwanis foundation of the Ohio district of Kiwanis international, which shall use the money it receives under this section to pay the costs of its educational and humanitarian activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.528 of the Revised Code to the Ohio children's alliance, which shall use the money it receives under this section to pay the expenses it incurs in advancing its mission of sustainably improving the provision of services to children, young adults, and families in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.529 of the Revised Code to the Ohio nurses foundation. The foundation shall use the money it receives under this section to provide educational scholarships to assist individuals who aspire to join the nursing profession, to assist nurses in the nursing profession who seek to advance their education, and to support persons conducting nursing research concerning the evidence-based practice of nursing and the improvement of patient outcomes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions

into a special bank account that it establishes and which shall 13636
be separate and distinct from any other account the pro football 13637
hall of fame maintains, to be used exclusively for the purpose 13638
of promoting the pro football hall of fame as a travel 13639
destination. 13640

The registrar shall pay the contributions that are paid to 13641
the registrar pursuant to section 4503.545 of the Revised Code 13642
to the national rifle association foundation, which shall use 13643
the money to pay the costs of the educational activities and 13644
programs the foundation holds or sponsors in this state. 13645

The registrar shall pay to the Ohio pet fund the 13646
contributions the registrar receives pursuant to section 13647
4503.551 of the Revised Code and any other money from any other 13648
source, including donations, gifts, and grants, that is 13649
designated by the source to be paid to the Ohio pet fund. The 13650
Ohio pet fund shall use the moneys it receives under this 13651
section to support programs for the sterilization of dogs and 13652
cats and for educational programs concerning the proper 13653
veterinary care of those animals, and for expenses of the Ohio 13654
pet fund that are reasonably necessary for it to obtain and 13655
maintain its tax-exempt status and to perform its duties. 13656

The registrar shall pay the contributions the registrar 13657
receives pursuant to section 4503.552 of the Revised Code to the 13658
rock and roll hall of fame and museum, incorporated. 13659

The registrar shall pay the contributions the registrar 13660
receives pursuant to section 4503.553 of the Revised Code to the 13661
Ohio coalition for animals, incorporated, a nonprofit 13662
corporation. Except as provided in division (B) of this section, 13663
the coalition shall distribute the money to its members, and the 13664
members shall use the money only to pay for educational, 13665

charitable, and other programs of each coalition member that 13666
provide care for unwanted, abused, and neglected horses. The 13667
Ohio coalition for animals may use a portion of the money to pay 13668
for reasonable marketing costs incurred in the design and 13669
promotion of the license plate and for administrative costs 13670
incurred in the disbursement and management of funds received 13671
under this section. 13672

The registrar shall pay the contributions the registrar 13673
receives pursuant to section 4503.554 of the Revised Code to the 13674
Ohio state council of the knights of Columbus, which shall use 13675
the contributions to pay for its charitable activities and 13676
programs. 13677

The registrar shall pay the contributions the registrar 13678
receives pursuant to section 4503.555 of the Revised Code to the 13679
western reserve historical society, which shall use the 13680
contributions to fund the Crawford auto aviation museum. 13681

The registrar shall pay the contributions the registrar 13682
receives pursuant to section 4503.556 of the Revised Code to the 13683
Erica J. Holloman foundation, inc., for the awareness of triple 13684
negative breast cancer. The foundation shall use the 13685
contributions for charitable and educational purposes. 13686

The registrar shall pay each contribution the registrar 13687
receives pursuant to section 4503.557 of the Revised Code to the 13688
central Ohio chapter of the Ronald McDonald house charities, 13689
which shall distribute the contribution to the chapter of the 13690
Ronald McDonald house charities in whose geographic territory 13691
the person who paid the contribution resides. 13692

The registrar shall pay the contributions the registrar 13693
receives pursuant to section 4503.561 of the Revised Code to the 13694

state of Ohio chapter of ducks unlimited, inc., which shall 13695
deposit the contributions into a special bank account that it 13696
establishes. The special bank account shall be separate and 13697
distinct from any other account the state of Ohio chapter of 13698
ducks unlimited, inc., maintains and shall be used exclusively 13699
for the purpose of protecting, enhancing, restoring, and 13700
managing wetlands and conserving wildlife habitat. The state of 13701
Ohio chapter of ducks unlimited, inc., annually shall notify the 13702
registrar in writing of the name, address, and account to which 13703
such payments are to be made. 13704

The registrar shall pay the contributions the registrar 13705
receives pursuant to section 4503.562 of the Revised Code to the 13706
Mahoning river consortium, which shall use the money to pay the 13707
expenses it incurs in restoring and maintaining the Mahoning 13708
river watershed. 13709

The registrar shall pay the contributions the registrar 13710
receives pursuant to section 4503.564 of the Revised Code to the 13711
Glen Helen association to pay expenses related to the Glen Helen 13712
nature preserve. 13713

The registrar shall pay the contributions the registrar 13714
receives pursuant to section 4503.565 of the Revised Code to the 13715
conservancy for Cuyahoga valley national park, which shall use 13716
the money in support of the park. 13717

The registrar shall pay the contributions the registrar 13718
receives pursuant to section 4503.566 of the Revised Code to the 13719
Ottawa national wildlife refuge, which shall use the 13720
contributions for wildlife preservation purposes. 13721

The registrar shall pay the contributions the registrar 13722
receives pursuant to section 4503.567 of the Revised Code to the 13723

girls on the run of Franklin county, inc., which shall use the 13724
contributions to support the activities of the organization. 13725

The registrar shall pay the contributions the registrar 13726
receives pursuant to section 4503.576 of the Revised Code to the 13727
Ohio state beekeepers association, which shall use those 13728
contributions to promote beekeeping, provide educational 13729
information about beekeeping, and to support other state and 13730
local beekeeping programs. 13731

The registrar shall pay the contributions the registrar 13732
receives pursuant to section 4503.577 of the Revised Code to the 13733
national aviation hall of fame, which shall use the 13734
contributions to fulfill its mission of honoring aerospace 13735
legends to inspire future leaders. 13736

The registrar shall pay the contributions the registrar 13737
receives pursuant to section 4503.579 of the Revised Code to the 13738
national council of negro women, incorporated, which shall use 13739
the contributions for educational purposes. 13740

The registrar shall pay the contributions the registrar 13741
receives pursuant to section 4503.581 of the Revised Code to the 13742
Ohio sons of the American legion, which shall use the 13743
contributions to support the activities of the organization. 13744

The registrar shall pay to a sports commission created 13745
pursuant to section 4503.591 of the Revised Code each 13746
contribution the registrar receives under that section that an 13747
applicant pays to obtain license plates that bear the logo of a 13748
professional sports team located in the county of that sports 13749
commission and that is participating in the license plate 13750
program pursuant to division (E) of that section, irrespective 13751
of the county of residence of an applicant. 13752

The registrar shall pay to a community charity each 13753
contribution the registrar receives under section 4503.591 of 13754
the Revised Code that an applicant pays to obtain license plates 13755
that bear the logo of a professional sports team that is 13756
participating in the license plate program pursuant to division 13757
(G) of that section. 13758

The registrar shall pay the contributions the registrar 13759
receives pursuant to section 4503.592 of the Revised Code to 13760
pollinator partnership's monarch wings across Ohio program, 13761
which shall use the contributions for the protection and 13762
preservation of the monarch butterfly and pollinator corridor in 13763
Ohio and for educational programs. 13764

The registrar shall pay the contributions the registrar 13765
receives pursuant to section 4503.594 of the Revised Code to 13766
pelotonia, which shall use the contributions for the purpose of 13767
supporting cancer research. 13768

The registrar shall pay the contributions the registrar 13769
receives pursuant to section 4503.595 of the Revised Code to the 13770
Stan Hywet hall and gardens. 13771

The registrar shall pay the contributions the registrar 13772
receives pursuant to section 4503.596 of the Revised Code to the 13773
Cuyahoga valley scenic railroad. 13774

The registrar shall pay the contributions the registrar 13775
receives pursuant to section 4503.67 of the Revised Code to the 13776
Dan Beard council of the boy scouts of America. The council 13777
shall distribute all contributions in an equitable manner 13778
throughout the state to regional councils of the boy scouts. 13779

The registrar shall pay the contributions the registrar 13780
receives pursuant to section 4503.68 of the Revised Code to the 13781

girl scouts of Ohio's heartland. The girl scouts of Ohio's 13782
heartland shall distribute all contributions in an equitable 13783
manner throughout the state to regional councils of the girl 13784
scouts. 13785

The registrar shall pay the contributions the registrar 13786
receives pursuant to section 4503.69 of the Revised Code to the 13787
Dan Beard council of the boy scouts of America. The council 13788
shall distribute all contributions in an equitable manner 13789
throughout the state to regional councils of the boy scouts. 13790

The registrar shall pay the contributions the registrar 13791
receives pursuant to section 4503.70 of the Revised Code to the 13792
charitable foundation of the grand lodge of Ohio, f. & a. m., 13793
which shall use the contributions for scholarship purposes. 13794

The registrar shall pay the contributions the registrar 13795
receives pursuant to section 4503.701 of the Revised Code to the 13796
Prince Hall grand lodge of free and accepted masons of Ohio, 13797
which shall use the contributions for scholarship purposes. 13798

The registrar shall pay the contributions the registrar 13799
receives pursuant to section 4503.702 of the Revised Code to the 13800
Ohio Association of the Improved Benevolent and Protective Order 13801
of the Elks of the World, which shall use the funds for 13802
charitable purposes. 13803

The registrar shall pay the contributions the registrar 13804
receives pursuant to section 4503.71 of the Revised Code to the 13805
fraternal order of police of Ohio, incorporated, which shall 13806
deposit the fees into its general account to be used for 13807
purposes of the fraternal order of police of Ohio, incorporated. 13808

The registrar shall pay the contributions the registrar 13809
receives pursuant to section 4503.711 of the Revised Code to the 13810

fraternal order of police of Ohio, incorporated, which shall 13811
deposit the contributions into an account that it creates to be 13812
used for the purpose of advancing and protecting the law 13813
enforcement profession, promoting improved law enforcement 13814
methods, and teaching respect for law and order. 13815

The registrar shall pay the contributions received 13816
pursuant to section 4503.712 of the Revised Code to Ohio 13817
concerns of police survivors, which shall use those 13818
contributions to provide whatever assistance may be appropriate 13819
to the families of Ohio law enforcement officers who are killed 13820
in the line of duty. 13821

The registrar shall pay the contributions received 13822
pursuant to section 4503.713 of the Revised Code to the greater 13823
Cleveland peace officers memorial society, which shall use those 13824
contributions to honor law enforcement officers who have died in 13825
the line of duty and support its charitable purposes. 13826

The registrar shall pay the contributions received 13827
pursuant to section 4503.714 of the Revised Code to the Ohio 13828
association of chiefs of police. 13829

The registrar shall pay the contributions the registrar 13830
receives pursuant to section 4503.715 of the Revised Code to the 13831
fallen linemen organization, which shall use the contributions 13832
to recognize and memorialize fallen linemen and support their 13833
families. 13834

The registrar shall pay the contributions the registrar 13835
receives pursuant to section 4503.716 of the Revised Code to the 13836
fallen timbers battlefield preservation commission, which shall 13837
use the contributions to further the mission of the commission. 13838

The registrar shall pay the contributions the registrar 13839

receives pursuant to section 4503.72 of the Revised Code to the 13840
organization known on March 31, 2003, as the Ohio CASA/GAL 13841
association, a private, nonprofit corporation organized under 13842
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 13843
shall use these contributions to pay the expenses it incurs in 13844
administering a program to secure the proper representation in 13845
the courts of this state of abused, neglected, and dependent 13846
children, and for the training and supervision of persons 13847
participating in that program. 13848

The registrar shall pay the contributions the registrar 13849
receives pursuant to section 4503.722 of the Revised Code to the 13850
Down Syndrome Association of Central Ohio, which shall use the 13851
contributions for advocacy purposes throughout the state. 13852

The registrar shall pay the contributions the registrar 13853
receives pursuant to section 4503.724 of the Revised Code to the 13854
Ohio Chapter of the American Foundation for Suicide Prevention, 13855
which shall use the contributions for programs, education, and 13856
advocacy purposes throughout the state. 13857

The registrar shall pay the contributions the registrar 13858
receives pursuant to section 4503.725 of the Revised Code to the 13859
ALS association central & southern Ohio chapter, which shall 13860
split the contributions between that chapter and the ALS 13861
association northern Ohio chapter in accordance with any 13862
agreement between the two associations. The contributions shall 13863
be used to discover treatments and a cure for ALS, and to serve, 13864
advocate for, and empower people affected by ALS to live their 13865
lives to the fullest. 13866

The registrar shall pay the contributions the registrar 13867
receives pursuant to section 4503.73 of the Revised Code to 13868
Wright B. Flyer, incorporated, which shall deposit the 13869

contributions into its general account to be used for purposes 13870
of Wright B. Flyer, incorporated. 13871

The registrar shall pay the contributions the registrar 13872
receives pursuant to section 4503.732 of the Revised Code to the 13873
Siegel Shuster society, a nonprofit organization dedicated to 13874
commemorating and celebrating the creation of Superman in 13875
Cleveland, Ohio. 13876

The registrar shall pay the contributions the registrar 13877
receives pursuant to section 4503.733 of the Revised Code to the 13878
central Ohio chapter of the juvenile diabetes research 13879
foundation, which shall distribute the contributions to the 13880
chapters of the juvenile diabetes research foundation in whose 13881
geographic territory the person who paid the contribution 13882
resides. 13883

The registrar shall pay the contributions the registrar 13884
receives pursuant to section 4503.734 of the Revised Code to the 13885
Ohio highway patrol auxiliary foundation, which shall use the 13886
contributions to fulfill the foundation's mission of supporting 13887
law enforcement education and assistance. 13888

The registrar shall pay the contributions the registrar 13889
receives pursuant to section 4503.74 of the Revised Code to the 13890
Columbus zoological park association, which shall disburse the 13891
moneys to Ohio's major metropolitan zoos, as defined in section 13892
4503.74 of the Revised Code, in accordance with a written 13893
agreement entered into by the major metropolitan zoos. 13894

The registrar shall pay the contributions the registrar 13895
receives pursuant to section 4503.75 of the Revised Code to the 13896
rotary foundation, located on March 31, 2003, in Evanston, 13897
Illinois, to be placed in a fund known as the permanent fund and 13898

used to endow educational and humanitarian programs of the 13899
rotary foundation. 13900

The registrar shall pay the contributions the registrar 13901
receives pursuant to section 4503.751 of the Revised Code to the 13902
Ohio association of realtors, which shall deposit the 13903
contributions into a property disaster relief fund maintained 13904
under the Ohio realtors charitable and education foundation. 13905

The registrar shall pay the contributions the registrar 13906
receives pursuant to section 4503.752 of the Revised Code to 13907
buckeye corvettes, incorporated, which shall use the 13908
contributions to pay for its charitable activities and programs. 13909

The registrar shall pay the contributions the registrar 13910
receives pursuant to section 4503.754 of the Revised Code to the 13911
municipal corporation of Twinsburg. 13912

The registrar shall pay the contributions the registrar 13913
receives pursuant to section 4503.763 of the Revised Code to the 13914
Ohio history connection to be used solely to build, support, and 13915
maintain the Ohio battleflag collection within the Ohio history 13916
connection. 13917

The registrar shall pay the contributions the registrar 13918
receives pursuant to section 4503.764 of the Revised Code to the 13919
Medina county historical society, which shall use those 13920
contributions to distribute between the various historical 13921
societies and museums in Medina county. 13922

The registrar shall pay the contributions the registrar 13923
receives pursuant to section 4503.765 of the Revised Code to the 13924
Amaranth grand chapter foundation, which shall use the 13925
contributions for communal outreach, charitable service, and 13926
scholarship purposes. 13927

The registrar shall pay the contributions the registrar receives pursuant to section 4503.767 of the Revised Code to folds of honor of central Ohio, which shall use the contributions to provide scholarships to spouses and children either of disabled veterans or of members of any branch of the armed forces who died during their service.

13928
13929
13930
13931
13932
13933

The registrar shall pay the contributions the registrar receives pursuant to section 4503.85 of the Revised Code to the Ohio sea grant college program to be used for Lake Erie area research projects.

13934
13935
13936
13937

The registrar shall pay the contributions the registrar receives pursuant to section 4503.86 of the Revised Code to the Ohio Lincoln highway historic byway, which shall use those contributions solely to promote and support the historical preservation and advertisement of the Lincoln highway in this state.

13938
13939
13940
13941
13942
13943

The registrar shall pay the contributions the registrar receives pursuant to section 4503.87 of the Revised Code to the Grove City little league dream field fund, which shall use those contributions solely to build, maintain, and improve youth baseball fields within the municipal corporation of Grove City.

13944
13945
13946
13947
13948

The registrar shall pay the contributions the registrar receives pursuant to section 4503.871 of the Revised Code to the Solon city school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of

13949
13950
13951
13952
13953
13954
13955
13956
13957

students regarding bullying, dating violence, drug abuse, 13958
suicide prevention, and human trafficking. The school district 13959
superintendent or, in the school district superintendent's 13960
discretion, the appropriate school principal or appropriate 13961
school counselors shall determine any charitable organizations 13962
that the school district hires to provide those services. The 13963
school district also may use the contributions it receives to 13964
pay for members of the faculty of the school district to receive 13965
training in providing such services to the students of the 13966
school district. The school district shall ensure that any 13967
charitable organization that is hired by the district is exempt 13968
from federal income taxation under subsection 501(c)(3) of the 13969
Internal Revenue Code. The school district shall not use the 13970
contributions it receives for any other purpose. 13971

The registrar shall pay the contributions the registrar 13972
receives pursuant to section 4503.872 of the Revised Code to the 13973
Canton city school district. The district may use the 13974
contributions for student welfare, but shall not use the 13975
contributions for any political purpose or to pay salaries of 13976
district employees. 13977

The registrar shall pay the contributions the registrar 13978
receives pursuant to section 4503.873 of the Revised Code to 13979
Padua Franciscan high school located in the municipal 13980
corporation of Parma. The school shall use fifty per cent of the 13981
contributions it receives to provide tuition assistance to its 13982
students. The school shall use the remaining fifty per cent to 13983
pay the expenses it incurs in providing services to the school's 13984
students that assist in developing or maintaining the mental and 13985
emotional well-being of the students. The services provided may 13986
include bereavement counseling, instruction in defensive driving 13987
techniques, sensitivity training, and the counseling and 13988

education of students regarding bullying, dating violence, drug 13989
abuse, suicide prevention, and human trafficking. As a part of 13990
providing such services, the school may pay for members of the 13991
faculty of the school to receive training in providing those 13992
services. The school principal or, in the school principal's 13993
discretion, appropriate school counselors shall determine any 13994
charitable organizations that the school hires to provide those 13995
services. The school shall ensure that any such charitable 13996
organization is exempt from federal income taxation under 13997
subsection 501(c)(3) of the Internal Revenue Code. The school 13998
shall not use the contributions it receives for any other 13999
purpose. 14000

The registrar shall pay the contributions the registrar 14001
receives pursuant to section 4503.874 of the Revised Code to St. 14002
Edward high school located in the municipal corporation of 14003
Lakewood. The school shall use fifty per cent of the 14004
contributions it receives to provide tuition assistance to its 14005
students. The school shall use the remaining fifty per cent to 14006
pay the expenses it incurs in providing services to the school's 14007
students that assist in developing or maintaining the mental and 14008
emotional well-being of the students. The services provided may 14009
include bereavement counseling, instruction in defensive driving 14010
techniques, sensitivity training, and the counseling and 14011
education of students regarding bullying, dating violence, drug 14012
abuse, suicide prevention, and human trafficking. As a part of 14013
providing such services, the school may pay for members of the 14014
faculty of the school to receive training in providing those 14015
services. The school principal or, in the school principal's 14016
discretion, appropriate school counselors shall determine any 14017
charitable organizations that the school hires to provide those 14018
services. The school shall ensure that any such charitable 14019

organization is exempt from federal income taxation under 14020
subsection 501(c)(3) of the Internal Revenue Code. The school 14021
shall not use the contributions it receives for any other 14022
purpose. 14023

The registrar shall pay the contributions the registrar 14024
receives pursuant to section 4503.875 of the Revised Code to 14025
Walsh Jesuit high school located in the municipal corporation of 14026
Cuyahoga Falls. The school shall use fifty per cent of the 14027
contributions it receives to provide tuition assistance to its 14028
students. The school shall use the remaining fifty per cent to 14029
pay the expenses it incurs in providing services to the school's 14030
students that assist in developing or maintaining the mental and 14031
emotional well-being of the students. The services provided may 14032
include bereavement counseling, instruction in defensive driving 14033
techniques, sensitivity training, and the counseling and 14034
education of students regarding bullying, dating violence, drug 14035
abuse, suicide prevention, and human trafficking. As a part of 14036
providing such services, the school may pay for members of the 14037
faculty of the school to receive training in providing those 14038
services. The school principal or, in the school principal's 14039
discretion, appropriate school counselors shall determine any 14040
charitable organizations that the school hires to provide those 14041
services. The school shall ensure that any such charitable 14042
organization is exempt from federal income taxation under 14043
subsection 501(c)(3) of the Internal Revenue Code. The school 14044
shall not use the contributions it receives for any other 14045
purpose. 14046

The registrar shall pay the contributions the registrar 14047
receives pursuant to section 4503.876 of the Revised Code to the 14048
North Royalton city school district. The school district shall 14049
use the contributions it receives to pay the expenses it incurs 14050

in providing services to the school district's students that 14051
assist in developing or maintaining the mental and emotional 14052
well-being of the students. The services provided may include 14053
bereavement counseling, instruction in defensive driving 14054
techniques, sensitivity training, and the counseling and 14055
education of students regarding bullying, dating violence, drug 14056
abuse, suicide prevention, and human trafficking. The school 14057
district superintendent or, in the school district 14058
superintendent's discretion, the appropriate school principal or 14059
appropriate school counselors shall determine any charitable 14060
organizations that the school district hires to provide those 14061
services. The school district also may use the contributions it 14062
receives to pay for members of the faculty of the school 14063
district to receive training in providing such services to the 14064
students of the school district. The school district shall 14065
ensure that any charitable organization that is hired by the 14066
district is exempt from federal income taxation under subsection 14067
501(c)(3) of the Internal Revenue Code. The school district 14068
shall not use the contributions it receives for any other 14069
purpose. 14070

The registrar shall pay the contributions the registrar 14071
receives pursuant to section 4503.877 of the Revised Code to the 14072
Independence local school district. The school district shall 14073
use the contributions it receives to pay the expenses it incurs 14074
in providing services to the school district's students that 14075
assist in developing or maintaining the mental and emotional 14076
well-being of the students. The services provided may include 14077
bereavement counseling, instruction in defensive driving 14078
techniques, sensitivity training, and the counseling and 14079
education of students regarding bullying, dating violence, drug 14080
abuse, suicide prevention, and human trafficking. The school 14081

district superintendent or, in the school district 14082
superintendent's discretion, the appropriate school principal or 14083
appropriate school counselors shall determine any charitable 14084
organizations that the school district hires to provide those 14085
services. The school district also may use the contributions it 14086
receives to pay for members of the faculty of the school 14087
district to receive training in providing such services to the 14088
students of the school district. The school district shall 14089
ensure that any charitable organization that is hired by the 14090
district is exempt from federal income taxation under subsection 14091
501(c)(3) of the Internal Revenue Code. The school district 14092
shall not use the contributions it receives for any other 14093
purpose. 14094

The registrar shall pay the contributions the registrar 14095
receives pursuant to section 4503.878 of the Revised Code to the 14096
Cuyahoga Heights local school district. The school district 14097
shall use the contributions it receives to pay the expenses it 14098
incurs in providing services to the school district's students 14099
that assist in developing or maintaining the mental and 14100
emotional well-being of the students. The services provided may 14101
include bereavement counseling, instruction in defensive driving 14102
techniques, sensitivity training, and the counseling and 14103
education of students regarding bullying, dating violence, drug 14104
abuse, suicide prevention, and human trafficking. The school 14105
district superintendent or, in the school district 14106
superintendent's discretion, the appropriate school principal or 14107
appropriate school counselors, shall determine any charitable 14108
organizations that the school district hires to provide those 14109
services. The school district also may use the contributions it 14110
receives to pay for members of the faculty of the school 14111
district to receive training in providing such services to the 14112

students of the school district. The school district shall 14113
ensure that any charitable organization that is hired by the 14114
district is exempt from federal income taxation under subsection 14115
501(c) (3) of the Internal Revenue Code. The school district 14116
shall not use the contributions it receives for any other 14117
purpose. 14118

The registrar shall pay the contributions the registrar 14119
receives pursuant to section 4503.879 of the Revised Code to the 14120
west technical high school alumni association, which shall use 14121
the contributions for activities sponsored by the association. 14122

The registrar shall pay the contributions the registrar 14123
receives pursuant to section 4503.88 of the Revised Code to the 14124
Kenston local school district. The school district shall use the 14125
contributions it receives to pay the expenses it incurs in 14126
providing services that assist in developing or maintaining a 14127
culture of environmental responsibility and an innovative 14128
science, technology, engineering, art, and math (S.T.E.A.M.) 14129
curriculum to the school district's students. The school 14130
district shall not use the contributions it receives for any 14131
other purpose. 14132

The registrar shall pay the contributions the registrar 14133
receives pursuant to section 4503.881 of the Revised Code to La 14134
Salle high school in the municipal corporation of Cincinnati. 14135
The high school shall not use the contributions it receives for 14136
any political purpose. 14137

The registrar shall pay the contributions the registrar 14138
receives pursuant to section 4503.882 of the Revised Code to St. 14139
John's Jesuit high school and academy located in the municipal 14140
corporation of Toledo. The school shall use the contributions it 14141
receives to provide tuition assistance for students attending 14142

the school. 14143

The registrar shall pay the contributions the registrar 14144
receives pursuant to section 4503.883 of the Revised Code to St. 14145
Charles preparatory school located in the municipal corporation 14146
of Columbus, which shall use the contributions for the school's 14147
alumni association and the alumni association's purposes. 14148

The registrar shall pay the contributions the registrar 14149
receives pursuant to section 4503.884 of the Revised Code to 14150
Archbishop Moeller high school located in the municipal 14151
corporation of Cincinnati. The high school shall not use the 14152
contributions it receives for any political purpose. 14153

The registrar shall pay the contributions the registrar 14154
receives pursuant to section 4503.89 of the Revised Code to the 14155
American red cross of greater Columbus on behalf of the Ohio 14156
chapters of the American red cross, which shall use the 14157
contributions for disaster readiness, preparedness, and response 14158
programs on a statewide basis. 14159

The registrar shall pay the contributions the registrar 14160
receives pursuant to section 4503.891 of the Revised Code to the 14161
Ohio lions foundation. The foundation shall use the 14162
contributions for charitable and educational purposes. 14163

The registrar shall pay the contributions the registrar 14164
receives pursuant to section 4503.892 of the Revised Code to the 14165
Hudson city school district. The school district shall not use 14166
the contributions it receives for any political purpose. 14167

The registrar shall pay the contributions the registrar 14168
receives pursuant to section 4503.893 of the Revised Code to the 14169
Harrison Central jr./sr. high school located in the municipal 14170
corporation of Cadiz. 14171

The registrar shall pay the contributions the registrar receives pursuant to section 4503.899 of the Revised Code to the Cleveland clinic foundation, which shall use the contributions to support Cleveland clinic children's education, research, and patient services.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.90 of the Revised Code to the nationwide children's hospital foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.901 of the Revised Code to the Ohio association for pupil transportation, which shall use the money to support transportation programs, provide training to school transportation professionals, and support other initiatives for school transportation safety.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.902 of the Revised Code to St. Ignatius high school located in the municipal corporation of Cleveland. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's

discretion, appropriate school counselors shall determine any 14202
charitable organizations that the school hires to provide those 14203
services. The school shall ensure that any such charitable 14204
organization is exempt from federal income taxation under 14205
subsection 501(c)(3) of the Internal Revenue Code. The school 14206
shall not use the contributions it receives for any other 14207
purpose. 14208

The registrar shall pay the contributions the registrar 14209
receives pursuant to section 4503.903 of the Revised Code to the 14210
Brecksville-Broadview Heights city school district. The school 14211
district shall use the contributions it receives to pay the 14212
expenses it incurs in providing services to the school 14213
district's students that assist in developing or maintaining the 14214
mental and emotional well-being of the students. The services 14215
provided may include bereavement counseling, instruction in 14216
defensive driving techniques, sensitivity training, and the 14217
counseling and education of students regarding bullying, dating 14218
violence, drug abuse, suicide prevention, and human trafficking. 14219
The school district superintendent or, in the school district 14220
superintendent's discretion, the appropriate school principal or 14221
appropriate school counselors shall determine any charitable 14222
organizations that the school district hires to provide those 14223
services. The school district also may use the contributions it 14224
receives to pay for members of the faculty of the school 14225
district to receive training in providing such services to the 14226
students of the school district. The school district shall 14227
ensure that any charitable organization that is hired by the 14228
district is exempt from federal income taxation under subsection 14229
501(c)(3) of the Internal Revenue Code. The school district 14230
shall not use the contributions it receives for any other 14231
purpose. 14232

The registrar shall pay the contributions the registrar receives pursuant to section 4503.904 of the Revised Code to the Chagrin Falls exempted village school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the students of the school district. The school district shall ensure that any charitable organization that is hired by the district is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.905 of the Revised Code to the Cuyahoga valley career center. The career center shall use the contributions it receives to pay the expenses it incurs in providing services to the career center's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement

counseling, instruction in defensive driving techniques, 14264
sensitivity training, and the counseling and education of 14265
students regarding bullying, dating violence, drug abuse, 14266
suicide prevention, and human trafficking. The career center's 14267
superintendent or in the career center's superintendent's 14268
discretion, the school board or appropriate school counselors 14269
shall determine any charitable organizations that the career 14270
center hires to provide those services. The career center also 14271
may use the contributions it receives to pay for members of the 14272
faculty of the career center to receive training in providing 14273
such services to the students of the career center. The career 14274
center shall ensure that any charitable organization that is 14275
hired by the career center is exempt from federal income 14276
taxation under subsection 501(c)(3) of the Internal Revenue 14277
Code. The career center shall not use the contributions it 14278
receives for any other purpose. 14279

The registrar shall pay the contributions the registrar 14280
receives pursuant to section 4503.906 of the Revised Code to the 14281
Stow-Munroe Falls city school district. The school district 14282
shall not use the contributions it receives for any political 14283
purpose. 14284

The registrar shall pay the contributions the registrar 14285
receives pursuant to section 4503.907 of the Revised Code to the 14286
Twinsburg city school district. The school district shall not 14287
use the contributions it receives for any political purpose. 14288

The registrar shall pay the contributions the registrar 14289
receives pursuant to section 4503.908 of the Revised Code to St. 14290
Xavier high school located in Springfield township in Hamilton 14291
county. The school shall use fifty per cent of the contributions 14292
it receives to provide tuition assistance to its students. The 14293

school shall use the remaining fifty per cent to pay the 14294
expenses it incurs in providing services to the school's 14295
students that assist in developing or maintaining the mental and 14296
emotional well-being of the students. The services provided may 14297
include bereavement counseling, instruction in defensive driving 14298
techniques, sensitivity training, and the counseling and 14299
education of students regarding bullying, dating violence, drug 14300
abuse, suicide prevention, and human trafficking. As a part of 14301
providing such services, the school may pay for members of the 14302
faculty of the school to receive training in providing those 14303
services. The school principal or, in the school principal's 14304
discretion, appropriate school counselors shall determine any 14305
charitable organizations that the school hires to provide those 14306
services. The school shall ensure that any such charitable 14307
organization is exempt from federal income taxation under 14308
subsection 501(c)(3) of the Internal Revenue Code. The school 14309
shall not use the contributions it receives for any other 14310
purpose. 14311

The registrar shall pay the contributions the registrar 14312
receives pursuant to section 4503.909 of the Revised Code to the 14313
Grandview Heights city school district, which shall use the 14314
contributions for its gifted programs and special education and 14315
related services. 14316

The registrar shall pay the contributions received 14317
pursuant to section 4503.92 of the Revised Code to support our 14318
troops, incorporated, a national nonprofit corporation, which 14319
shall use those contributions in accordance with its articles of 14320
incorporation and for the benefit of servicemembers of the armed 14321
forces of the United States and their families when they are in 14322
financial need. 14323

The registrar shall pay the contributions received 14324
pursuant to section 4503.931 of the Revised Code to healthy New 14325
Albany, which shall use the contributions for its community 14326
programs, events, and other activities. 14327

The registrar shall pay the contributions the registrar 14328
receives pursuant to section 4503.932 of the Revised Code to 14329
habitat for humanity of Ohio, inc., which shall use the 14330
contributions for its projects related to building affordable 14331
houses. 14332

The registrar shall pay the contributions the registrar 14333
receives pursuant to section 4503.94 of the Revised Code to the 14334
Michelle's leading star foundation, which shall use the money 14335
solely to fund the rental, lease, or purchase of the simulated 14336
driving curriculum of the Michelle's leading star foundation by 14337
boards of education of city, exempted village, local, and joint 14338
vocational school districts. 14339

The registrar shall pay the contributions the registrar 14340
receives pursuant to section 4503.941 of the Revised Code to the 14341
Ohio chapter international society of arboriculture, which shall 14342
use the money to increase consumer awareness on the importance 14343
of proper tree care and to raise funds for the chapter's 14344
educational efforts. 14345

The registrar shall pay the contributions received 14346
pursuant to section 4503.942 of the Revised Code to zero, the 14347
end of prostate cancer, incorporated, a nonprofit organization, 14348
which shall use those contributions to raise awareness of 14349
prostate cancer, to support research to end prostate cancer, and 14350
to support prostate cancer patients and their families. 14351

The registrar shall pay the contributions the registrar 14352

receives pursuant to section 4503.944 of the Revised Code to the eastern European congress of Ohio, which shall use the contributions for charitable and educational purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.945 of the Revised Code to the Summit metro parks foundation, which shall use the money in support of the Summit county metro parks.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.951 of the Revised Code to the Cincinnati city school district.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.952 of the Revised Code to Hawken school located in northeast Ohio. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under

subsection 501(c)(3) of the Internal Revenue Code. The school 14383
shall not use the contributions it receives for any other 14384
purpose. 14385

The registrar shall pay the contributions the registrar 14386
receives pursuant to section 4503.953 of the Revised Code to 14387
Gilmour academy located in the municipal corporation of Gates 14388
Mills. The school shall use fifty per cent of the contributions 14389
it receives to provide tuition assistance to its students. The 14390
school shall use the remaining fifty per cent to pay the 14391
expenses it incurs in providing services to the school's 14392
students that assist in developing or maintaining the mental and 14393
emotional well-being of the students. The services provided may 14394
include bereavement counseling, instruction in defensive driving 14395
techniques, sensitivity training, and the counseling and 14396
education of students regarding bullying, dating violence, drug 14397
abuse, suicide prevention, and human trafficking. As a part of 14398
providing such services, the school may pay for members of the 14399
faculty of the school to receive training in providing those 14400
services. The school principal or, in the school principal's 14401
discretion, appropriate school counselors shall determine any 14402
charitable organizations that the school hires to provide those 14403
services. The school shall ensure that any such charitable 14404
organization is exempt from federal income taxation under 14405
subsection 501(c)(3) of the Internal Revenue Code. The school 14406
shall not use the contributions it receives for any other 14407
purpose. 14408

The registrar shall pay the contributions the registrar 14409
receives pursuant to section 4503.954 of the Revised Code to 14410
University school located in the suburban area near the 14411
municipal corporation of Cleveland. The school shall use fifty 14412
per cent of the contributions it receives to provide tuition 14413

assistance to its students. The school shall use the remaining 14414
fifty per cent to pay the expenses it incurs in providing 14415
services to the school's students that assist in developing or 14416
maintaining the mental and emotional well-being of the students. 14417
The services provided may include bereavement counseling, 14418
instruction in defensive driving techniques, sensitivity 14419
training, and the counseling and education of students regarding 14420
bullying, dating violence, drug abuse, suicide prevention, and 14421
human trafficking. As a part of providing such services, the 14422
school may pay for members of the faculty of the school to 14423
receive training in providing those services. The school 14424
principal or, in the school principal's discretion, appropriate 14425
school counselors shall determine any charitable organizations 14426
that the school hires to provide those services. The school 14427
shall ensure that any such charitable organization is exempt 14428
from federal income taxation under subsection 501(c)(3) of the 14429
Internal Revenue Code. The school shall not use the 14430
contributions it receives for any other purpose. 14431

The registrar shall pay the contributions the registrar 14432
receives pursuant to section 4503.955 of the Revised Code to 14433
Saint Albert the Great school located in North Royalton. The 14434
school shall use fifty per cent of the contributions it receives 14435
to provide tuition assistance to its students. The school shall 14436
use the remaining fifty per cent to pay the expenses it incurs 14437
in providing services to the school's students that assist in 14438
developing or maintaining the mental and emotional well-being of 14439
the students. The services provided may include bereavement 14440
counseling, instruction in defensive driving techniques, 14441
sensitivity training, and the counseling and education of 14442
students regarding bullying, dating violence, drug abuse, 14443
suicide prevention, and human trafficking. As a part of 14444

providing such services, the school may pay for members of the 14445
faculty of the school to receive training in providing those 14446
services. The school principal or, in the school principal's 14447
discretion, appropriate school counselors shall determine any 14448
charitable organizations that the school hires to provide those 14449
services. The school shall ensure that any such charitable 14450
organization is exempt from federal income taxation under 14451
subsection 501(c)(3) of the Internal Revenue Code. The school 14452
shall not use the contributions it receives for any other 14453
purpose. 14454

The registrar shall pay the contributions the registrar 14455
receives pursuant to section 4503.956 of the Revised Code to the 14456
Liberty Center local school district, which shall use the 14457
contributions for its gifted programs and special education and 14458
related services. 14459

The registrar shall pay the contributions the registrar 14460
receives pursuant to section 4503.957 of the Revised Code to 14461
John F. Kennedy Catholic school located in Warren. The school 14462
shall not use the contributions it receives for any political 14463
purpose. 14464

The registrar shall pay the contributions the registrar 14465
receives pursuant to section 4503.958 of the Revised Code to 14466
Elder high school located in the municipal corporation of 14467
Cincinnati. The school shall use fifty per cent of the 14468
contributions it receives to provide tuition assistance to its 14469
students, twenty-five per cent of the contributions to benefit 14470
arts and enrichment at the school, and twenty-five per cent of 14471
the contributions to benefit athletics at the school. 14472

The registrar shall pay the contributions the registrar 14473
receives pursuant to section 4503.961 of the Revised Code to 14474

Fairfield senior high school located in the municipal 14475
corporation of Fairfield. The high school shall not use the 14476
contributions for any political purpose. 14477

The registrar shall pay the contributions the registrar 14478
receives pursuant to section 4503.962 of the Revised Code to 14479
Hamilton high school located in the municipal corporation of 14480
Hamilton. The high school shall not use the contributions for 14481
any political purpose. 14482

The registrar shall pay the contributions the registrar 14483
receives pursuant to section 4503.963 of the Revised Code to 14484
Ross high school located in Ross township in Butler county. The 14485
high school shall not use the contributions for any political 14486
purpose. 14487

The registrar shall pay the contributions the registrar 14488
receives pursuant to section 4503.97 of the Revised Code to the 14489
friends of united Hatzalah of Israel, which shall use the money 14490
to support united Hatzalah of Israel, which provides free 14491
emergency medical first response throughout Israel. 14492

The registrar shall pay the contributions the registrar 14493
receives pursuant to section 4503.98 of the Revised Code to the 14494
Westerville parks foundation to support the programs and 14495
activities of the foundation and its mission of pursuing the 14496
city of Westerville's vision of becoming "A City Within A Park." 14497

(C) All investment earnings of the license plate 14498
contribution fund shall be credited to the fund. Not later than 14499
the first day of May of every year, the registrar shall 14500
distribute to each entity described in division (B) of this 14501
section the investment income the fund earned the previous 14502
calendar year. The amount of such a distribution paid to an 14503

entity shall be proportionate to the amount of money the entity 14504
received from the fund during the previous calendar year. 14505

Sec. 4503.04. Except as provided in sections 4503.042 and 14506
4503.65 of the Revised Code for the registration of commercial 14507
cars, trailers, semitrailers, and certain buses, the rates of 14508
the taxes imposed by section 4503.02 of the Revised Code shall 14509
be as follows: 14510

(A) (1) For motor vehicles having three wheels or less, the 14511
license tax is: 14512

(a) For each motorized bicycle or moped, ten dollars; 14513

(b) For each motorcycle, autocycle, cab-enclosed 14514
motorcycle, motor-driven cycle, or motor scooter, fourteen 14515
dollars. 14516

(2) For each low-speed, under-speed, and utility vehicle, 14517
and each mini-truck, ten dollars. 14518

(B) For each passenger car, twenty dollars; 14519

(C) For each manufactured home, each mobile home, and each 14520
travel trailer or house vehicle, ten dollars; 14521

(D) For each noncommercial motor vehicle designed by the 14522
manufacturer to carry a load of no more than three-quarters of 14523
one ton and for each motor home, thirty-five dollars; for each 14524
noncommercial motor vehicle designed by the manufacturer to 14525
carry a load of more than three-quarters of one ton, but not 14526
more than one ton, seventy dollars; 14527

(E) For each noncommercial trailer, the license tax is: 14528

(1) Eighty-five cents for each one hundred pounds or part 14529
thereof for the first two thousand pounds or part thereof of 14530

weight of vehicle fully equipped; 14531

(2) One dollar and forty cents for each one hundred pounds 14532
or part thereof in excess of two thousand pounds up to and 14533
including ten thousand pounds. 14534

(F) Notwithstanding its weight, twelve dollars for any: 14535

(1) Vehicle equipped, owned, and used by a charitable or 14536
nonprofit corporation exclusively for the purpose of 14537
administering chest x-rays or receiving blood donations; 14538

(2) Van used principally for the transportation of 14539
~~handicapped persons~~ with disabilities that has been modified by 14540
being equipped with adaptive equipment to facilitate the 14541
movement of such persons into and out of the van; 14542

(3) Bus used principally for the transportation of 14543
~~handicapped persons~~ with disabilities or persons sixty-five 14544
years of age or older. 14545

(G) Notwithstanding its weight, twenty dollars for any bus 14546
used principally for the transportation of persons in a 14547
ridesharing arrangement. 14548

(H) For each transit bus having motor power the license 14549
tax is twelve dollars. 14550

"Transit bus" means either a motor vehicle having a 14551
seating capacity of more than seven persons which is operated 14552
and used by any person in the rendition of a public mass 14553
transportation service primarily in a municipal corporation or 14554
municipal corporations and provided at least seventy-five per 14555
cent of the annual mileage of such service and use is within 14556
such municipal corporation or municipal corporations or a motor 14557
vehicle having a seating capacity of more than seven persons 14558

which is operated solely for the transportation of persons 14559
associated with a charitable or nonprofit corporation, but does 14560
not mean any motor vehicle having a seating capacity of more 14561
than seven persons when such vehicle is used in a ridesharing 14562
capacity or any bus described by division (F) (3) of this 14563
section. 14564

The application for registration of such transit bus shall 14565
be accompanied by an affidavit prescribed by the registrar of 14566
motor vehicles and signed by the person or an agent of the firm 14567
or corporation operating such bus stating that the bus has a 14568
seating capacity of more than seven persons, and that it is 14569
either to be operated and used in the rendition of a public mass 14570
transportation service and that at least seventy-five per cent 14571
of the annual mileage of such operation and use shall be within 14572
one or more municipal corporations or that it is to be operated 14573
solely for the transportation of persons associated with a 14574
charitable or nonprofit corporation. 14575

The form of the license plate, and the manner of its 14576
attachment to the vehicle, shall be prescribed by the registrar 14577
of motor vehicles. 14578

(I) Except as otherwise provided in division (A) or (J) of 14579
this section, the minimum tax for any vehicle having motor power 14580
is ten dollars and eighty cents, and for each noncommercial 14581
trailer, five dollars. 14582

(J) (1) Except as otherwise provided in division (J) of 14583
this section, for each farm truck, except a noncommercial motor 14584
vehicle, that is owned, controlled, or operated by one or more 14585
farmers exclusively in farm use as defined in this section, and 14586
not for commercial purposes, and provided that at least seventy- 14587
five per cent of such farm use is by or for the one or more 14588

owners, controllers, or operators of the farm in the operation 14589
of which a farm truck is used, the license tax is five dollars 14590
plus: 14591

(a) Fifty cents per one hundred pounds or part thereof for 14592
the first three thousand pounds; 14593

(b) Seventy cents per one hundred pounds or part thereof 14594
in excess of three thousand pounds up to and including four 14595
thousand pounds; 14596

(c) Ninety cents per one hundred pounds or part thereof in 14597
excess of four thousand pounds up to and including six thousand 14598
pounds; 14599

(d) Two dollars for each one hundred pounds or part 14600
thereof in excess of six thousand pounds up to and including ten 14601
thousand pounds; 14602

(e) Two dollars and twenty-five cents for each one hundred 14603
pounds or part thereof in excess of ten thousand pounds; 14604

(f) The minimum license tax for any farm truck shall be 14605
twelve dollars. 14606

(2) The owner of a farm truck may register the truck for a 14607
period of one-half year by paying one-half the registration tax 14608
imposed on the truck under this chapter and one-half the amount 14609
of any tax imposed on the truck under Chapter 4504. of the 14610
Revised Code. 14611

(3) A farm bus may be registered for a period of two 14612
hundred ten days from the date of issue of the license plates 14613
for the bus, for a fee of ten dollars, provided such license 14614
plates shall not be issued for more than one such period in any 14615
calendar year. Such use does not include the operation of trucks 14616

by commercial processors of agricultural products. 14617

(4) License plates for farm trucks and for farm buses 14618
shall have some distinguishing marks, letters, colors, or other 14619
characteristics to be determined by the director of public 14620
safety. 14621

(5) Every person registering a farm truck or bus under 14622
this section shall furnish an affidavit certifying that the 14623
truck or bus licensed to that person is to be so used as to meet 14624
the requirements necessary for the farm truck or farm bus 14625
classification. 14626

Any farmer may use a truck owned by the farmer for 14627
commercial purposes by paying the difference between the 14628
commercial truck registration fee and the farm truck 14629
registration fee for the remaining part of the registration 14630
period for which the truck is registered. Such remainder shall 14631
be calculated from the beginning of the semiannual period in 14632
which application for such commercial license is made. 14633

Taxes at the rates provided in this section are in lieu of 14634
all taxes on or with respect to the ownership of such motor 14635
vehicles, except as provided in sections 4503.042, 4503.06, and 14636
4503.65 of the Revised Code. 14637

(K) Other than trucks registered under the international 14638
registration plan in another jurisdiction and for which this 14639
state has received an apportioned registration fee, the license 14640
tax for each truck which is owned, controlled, or operated by a 14641
nonresident, and licensed in another state, and which is used 14642
exclusively for the transportation of nonprocessed agricultural 14643
products intrastate, from the place of production to the place 14644
of processing, is twenty-four dollars. 14645

"Truck," as used in this division, means any pickup truck, 14646
straight truck, semitrailer, or trailer other than a travel 14647
trailer. Nonprocessed agricultural products, as used in this 14648
division, does not include livestock or grain. 14649

A license issued under this division shall be issued for a 14650
period of one hundred thirty days in the same manner in which 14651
all other licenses are issued under this section, provided that 14652
no truck shall be so licensed for more than one one-hundred- 14653
thirty-day period during any calendar year. 14654

The license issued pursuant to this division shall consist 14655
of a windshield decal to be designed by the director of public 14656
safety. 14657

Every person registering a truck under this division shall 14658
furnish an affidavit certifying that the truck licensed to the 14659
person is to be used exclusively for the purposes specified in 14660
this division. 14661

(L) Every person registering a motor vehicle as a 14662
noncommercial motor vehicle as defined in section 4501.01 of the 14663
Revised Code, or registering a trailer as a noncommercial 14664
trailer as defined in that section, shall furnish an affidavit 14665
certifying that the motor vehicle or trailer so licensed to the 14666
person is to be so used as to meet the requirements necessary 14667
for the noncommercial vehicle classification. 14668

(M) Every person registering a van or bus as provided in 14669
divisions (F) (2) and (3) of this section shall furnish a 14670
notarized statement certifying that the van or bus licensed to 14671
the person is to be used for the purposes specified in those 14672
divisions. The form of the license plate issued for such motor 14673
vehicles shall be prescribed by the registrar. 14674

(N) Every person registering as a passenger car a motor vehicle designed and used for carrying more than nine but not more than fifteen passengers, and every person registering a bus as provided in division (G) of this section, shall furnish an affidavit certifying that the vehicle so licensed to the person is to be used in a ridesharing arrangement and that the person will have in effect whenever the vehicle is used in a ridesharing arrangement a policy of liability insurance with respect to the motor vehicle in amounts and coverages no less than those required by section 4509.79 of the Revised Code. The form of the license plate issued for such a motor vehicle shall be prescribed by the registrar.

(O) (1) If an application for registration renewal is not applied for prior to the expiration date of the registration or within thirty days after that date, the registrar or deputy registrar shall collect a fee of ten dollars for the issuance of the vehicle registration. For any motor vehicle that is used on a seasonal basis, whether used for general transportation or not, and that has not been used on the public roads or highways since the expiration of the registration, the registrar or deputy registrar shall waive the fee established under this division if the application is accompanied by supporting evidence of seasonal use as the registrar may require. The registrar or deputy registrar may waive the fee for other good cause shown if the application is accompanied by supporting evidence as the registrar may require. The fee shall be in addition to all other fees established by this section. A deputy registrar shall retain fifty cents of the fee and shall transmit the remaining amount to the registrar at the time and in the manner provided by section 4503.10 of the Revised Code. The registrar shall deposit all moneys received under this division

into the public safety - highway purposes fund established in 14706
section 4501.06 of the Revised Code. 14707

(2) Division (O) (1) of this section does not apply to a 14708
farm truck or farm bus registered under division (J) of this 14709
section. 14710

(P) As used in this section: 14711

(1) "Van" means any motor vehicle having a single rear 14712
axle and an enclosed body without a second seat. 14713

(2) ~~"Handicapped person"~~ "Person with a disability" means 14714
any person who has lost the use of one or both legs, or one or 14715
both arms, or is blind, deaf, or ~~so severely disabled as to be~~ 14716
unable to move about without the aid of crutches or a 14717
wheelchair. 14718

(3) "Farm truck" means a truck used in the transportation 14719
from the farm of products of the farm, including livestock and 14720
its products, poultry and its products, floricultural and 14721
horticultural products, and in the transportation to the farm of 14722
supplies for the farm, including tile, fence, and every other 14723
thing or commodity used in agricultural, floricultural, 14724
horticultural, livestock, and poultry production and livestock, 14725
poultry, and other animals and things used for breeding, 14726
feeding, or other purposes connected with the operation of the 14727
farm. 14728

(4) "Farm bus" means a bus used only for the 14729
transportation of agricultural employees and used only in the 14730
transportation of such employees as are necessary in the 14731
operation of the farm. 14732

(5) "Farm supplies" includes fuel used exclusively in the 14733
operation of a farm, including one or more homes located on and 14734

used in the operation of one or more farms, and furniture and 14735
other things used in and around such homes. 14736

Sec. 4503.042. The rates established under this section 14737
apply to commercial cars, buses, trailers, and semitrailers that 14738
are not subject to apportioned rates under the international 14739
registration plan. 14740

(A) The rates of the annual registration taxes imposed by 14741
section 4503.02 of the Revised Code, based on gross vehicle 14742
weight or combined gross vehicle weight, for commercial cars 14743
that are not apportionable are as follows: 14744

(1) For not more than two thousand pounds, forty-five 14745
dollars; 14746

(2) For more than two thousand but not more than six 14747
thousand pounds, seventy dollars; 14748

(3) For more than six thousand but not more than ten 14749
thousand pounds, eighty-five dollars; 14750

(4) For more than ten thousand but not more than fourteen 14751
thousand pounds, one hundred five dollars; 14752

(5) For more than fourteen thousand but not more than 14753
eighteen thousand pounds, one hundred twenty-five dollars; 14754

(6) For more than eighteen thousand but not more than 14755
twenty-two thousand pounds, one hundred fifty dollars; 14756

(7) For more than twenty-two thousand but not more than 14757
twenty-six thousand pounds, one hundred seventy-five dollars; 14758

(8) For more than twenty-six thousand but not more than 14759
thirty thousand pounds, three hundred fifty-five dollars; 14760

(9) For more than thirty thousand but not more than 14761

thirty-four thousand pounds, four hundred twenty dollars;	14762
(10) For more than thirty-four thousand but not more than	14763
thirty-eight thousand pounds, four hundred eighty dollars;	14764
(11) For more than thirty-eight thousand but not more than	14765
forty-two thousand pounds, five hundred forty dollars;	14766
(12) For more than forty-two thousand but not more than	14767
forty-six thousand pounds, six hundred dollars;	14768
(13) For more than forty-six thousand but not more than	14769
fifty thousand pounds, six hundred sixty dollars;	14770
(14) For more than fifty thousand but not more than fifty-	14771
four thousand pounds, seven hundred twenty-five dollars;	14772
(15) For more than fifty-four thousand but not more than	14773
fifty-eight thousand pounds, seven hundred eighty-five dollars;	14774
(16) For more than fifty-eight thousand but not more than	14775
sixty-two thousand pounds, eight hundred fifty-five dollars;	14776
(17) For more than sixty-two thousand but not more than	14777
sixty-six thousand pounds, nine hundred twenty-five dollars;	14778
(18) For more than sixty-six thousand but not more than	14779
seventy thousand pounds, nine hundred ninety-five dollars;	14780
(19) For more than seventy thousand but not more than	14781
seventy-four thousand pounds, one thousand eighty dollars;	14782
(20) For more than seventy-four thousand but not more than	14783
seventy-eight thousand pounds, one thousand two hundred dollars;	14784
(21) For more than seventy-eight thousand pounds, one	14785
thousand three hundred forty dollars.	14786
(B) The rates of the annual registration taxes imposed by	14787

section 4503.02 of the Revised Code, based on gross vehicle	14788
weight or combined gross vehicle weight, for buses that are not	14789
apportionable are as follows:	14790
(1) For not more than two thousand pounds, ten dollars;	14791
(2) For more than two thousand but not more than six	14792
thousand pounds, forty dollars;	14793
(3) For more than six thousand but not more than ten	14794
thousand pounds, one hundred dollars;	14795
(4) For more than ten thousand but not more than fourteen	14796
thousand pounds, one hundred eighty dollars;	14797
(5) For more than fourteen thousand but not more than	14798
eighteen thousand pounds, two hundred sixty dollars;	14799
(6) For more than eighteen thousand but not more than	14800
twenty-two thousand pounds, three hundred forty dollars;	14801
(7) For more than twenty-two thousand but not more than	14802
twenty-six thousand pounds, four hundred twenty dollars;	14803
(8) For more than twenty-six thousand but not more than	14804
thirty thousand pounds, five hundred dollars;	14805
(9) For more than thirty thousand but not more than	14806
thirty-four thousand pounds, five hundred eighty dollars;	14807
(10) For more than thirty-four thousand but not more than	14808
thirty-eight thousand pounds, six hundred sixty dollars;	14809
(11) For more than thirty-eight thousand but not more than	14810
forty-two thousand pounds, seven hundred forty dollars;	14811
(12) For more than forty-two thousand but not more than	14812
forty-six thousand pounds, eight hundred twenty dollars;	14813

(13) For more than forty-six thousand but not more than	14814
fifty thousand pounds, nine hundred forty dollars;	14815
(14) For more than fifty thousand but not more than fifty-	14816
four thousand pounds, one thousand dollars;	14817
(15) For more than fifty-four thousand but not more than	14818
fifty-eight thousand pounds, one thousand ninety dollars;	14819
(16) For more than fifty-eight thousand but not more than	14820
sixty-two thousand pounds, one thousand one hundred eighty	14821
dollars;	14822
(17) For more than sixty-two thousand but not more than	14823
sixty-six thousand pounds, one thousand two hundred seventy	14824
dollars;	14825
(18) For more than sixty-six thousand but not more than	14826
seventy thousand pounds, one thousand three hundred sixty	14827
dollars;	14828
(19) For more than seventy thousand but not more than	14829
seventy-four thousand pounds, one thousand four hundred fifty	14830
dollars;	14831
(20) For more than seventy-four thousand but not more than	14832
seventy-eight thousand pounds, one thousand five hundred forty	14833
dollars;	14834
(21) For more than seventy-eight thousand pounds, one	14835
thousand six hundred thirty dollars.	14836
(C) The rate of the tax for each trailer and semitrailer	14837
is twenty-five dollars.	14838
(D) If an application for registration renewal is not	14839
applied for prior to the expiration date of the registration or	14840

within thirty days after that date, the registrar or deputy 14841
registrar shall collect a fee of ten dollars for the issuance of 14842
the vehicle registration, but may waive the fee for good cause 14843
shown if the application is accompanied by supporting evidence 14844
as the registrar may require. The fee shall be in addition to 14845
all other fees established by this section. A deputy registrar 14846
shall retain fifty cents of the fee and shall transmit the 14847
remaining amount to the registrar at the time and in the manner 14848
provided by section 4503.10 of the Revised Code. The registrar 14849
shall deposit all moneys received under this division into the 14850
public safety - highway purposes fund established in section 14851
4501.06 of the Revised Code. 14852

(E) The rates established by this section shall not apply 14853
to any of the following: 14854

(1) Vehicles equipped, owned, and used by a charitable or 14855
nonprofit corporation exclusively for the purpose of 14856
administering chest x-rays or receiving blood donations; 14857

(2) Vans used principally for the transportation of 14858
~~handicapped persons~~ with disabilities that have been modified by 14859
being equipped with adaptive equipment to facilitate the 14860
movement of such persons into and out of the vans; 14861

(3) Buses used principally for the transportation of 14862
~~handicapped persons~~ with disabilities or persons sixty-five 14863
years of age or older; 14864

(4) Buses used principally for the transportation of 14865
persons in a ridesharing arrangement; 14866

(5) Transit buses having motor power; 14867

(6) Noncommercial trailers, mobile homes, or manufactured 14868
homes. 14869

Sec. 4503.44. (A) As used in this section and in section 14870
4511.69 of the Revised Code: 14871

(1) "Person with a disability that limits or impairs the 14872
ability to walk" means any person who, as determined by a health 14873
care provider, meets any of the following criteria: 14874

(a) Cannot walk two hundred feet without stopping to rest; 14875

(b) Cannot walk without the use of, or assistance from, a 14876
brace, cane, crutch, another person, prosthetic device, 14877
wheelchair, or other assistive device; 14878

(c) Is restricted by a lung disease to such an extent that 14879
the person's forced (respiratory) expiratory volume for one 14880
second, when measured by spirometry, is less than one liter, or 14881
the arterial oxygen tension is less than sixty millimeters of 14882
mercury on room air at rest; 14883

(d) Uses portable oxygen; 14884

(e) Has a cardiac condition to the extent that the 14885
person's functional limitations are classified in severity as 14886
class III or class IV according to standards set by the American 14887
heart association; 14888

(f) Is severely limited in the ability to walk due to an 14889
arthritic, neurological, or orthopedic condition; 14890

(g) Is blind, legally blind, or severely visually 14891
impaired. 14892

(2) "Organization" means any private organization or 14893
corporation, or any governmental board, agency, department, 14894
division, or office, that, as part of its business or program, 14895
transports persons with disabilities that limit or impair the 14896
ability to walk on a regular basis in a motor vehicle that has 14897

not been altered for the purpose of providing it with ~~special-~~ 14898
accessible equipment for use by persons with disabilities. This 14899
definition does not apply to division (I) of this section. 14900

(3) "Health care provider" means a physician, physician 14901
assistant, advanced practice registered nurse, optometrist, or 14902
chiropractor as defined in this section except that an 14903
optometrist shall only make determinations as to division (A) (1) 14904
(g) of this section. 14905

(4) "Physician" means a person licensed to practice 14906
medicine or surgery or osteopathic medicine and surgery under 14907
Chapter 4731. of the Revised Code. 14908

(5) "Chiropractor" means a person licensed to practice 14909
chiropractic under Chapter 4734. of the Revised Code. 14910

(6) "Advanced practice registered nurse" means a certified 14911
nurse practitioner, clinical nurse specialist, certified 14912
registered nurse anesthetist, or certified nurse-midwife who 14913
holds a certificate of authority issued by the board of nursing 14914
under Chapter 4723. of the Revised Code. 14915

(7) "Physician assistant" means a person who is licensed 14916
as a physician assistant under Chapter 4730. of the Revised 14917
Code. 14918

(8) "Optometrist" means a person licensed to engage in the 14919
practice of optometry under Chapter 4725. of the Revised Code. 14920

(B) (1) An organization, or a person with a disability that 14921
limits or impairs the ability to walk, may apply for the 14922
registration of any motor vehicle the organization or person 14923
owns or leases. When a motor vehicle has been altered for the 14924
purpose of providing it with ~~special-~~accessible equipment for a 14925
person with a disability that limits or impairs the ability to 14926

walk, but is owned or leased by someone other than such a 14927
person, the owner or lessee may apply to the registrar or a 14928
deputy registrar for registration under this section. The 14929
application for registration of a motor vehicle owned or leased 14930
by a person with a disability that limits or impairs the ability 14931
to walk shall be accompanied by a signed statement from the 14932
applicant's health care provider certifying that the applicant 14933
meets at least one of the criteria contained in division (A)(1) 14934
of this section and that the disability is expected to continue 14935
for more than six consecutive months. The application for 14936
registration of a motor vehicle that has been altered for the 14937
purpose of providing it with ~~special-accessible~~ equipment for a 14938
person with a disability that limits or impairs the ability to 14939
walk but is owned by someone other than such a person shall be 14940
accompanied by such documentary evidence of vehicle alterations 14941
as the registrar may require by rule. 14942

(2) When an organization, a person with a disability that 14943
limits or impairs the ability to walk, or a person who does not 14944
have a disability that limits or impairs the ability to walk but 14945
owns a motor vehicle that has been altered for the purpose of 14946
providing it with ~~special-accessible~~ equipment for a person with 14947
a disability that limits or impairs the ability to walk first 14948
submits an application for registration of a motor vehicle under 14949
this section and every fifth year thereafter, the organization 14950
or person shall submit a signed statement from the applicant's 14951
health care provider, a completed application, and any required 14952
documentary evidence of vehicle alterations as provided in 14953
division (B)(1) of this section, and also a power of attorney 14954
from the owner of the motor vehicle if the applicant leases the 14955
vehicle. Upon submission of these items, the registrar or deputy 14956
registrar shall issue to the applicant appropriate vehicle 14957

registration and a set of license plates and validation 14958
stickers, or validation stickers alone when required by section 14959
4503.191 of the Revised Code. In addition to the letters and 14960
numbers ordinarily inscribed thereon, the license plates shall 14961
be imprinted with the international symbol of access. The 14962
license plates and validation stickers shall be issued upon 14963
payment of the regular license fee as prescribed under section 14964
4503.04 of the Revised Code and any motor vehicle tax levied 14965
under Chapter 4504. of the Revised Code, and the payment of a 14966
service fee equal to the amount specified in division (D) or (G) 14967
of section 4503.10 of the Revised Code. 14968

(C) (1) A person with a disability that limits or impairs 14969
the ability to walk may apply to the registrar of motor vehicles 14970
for a removable windshield placard by completing and signing an 14971
application provided by the registrar. The person shall include 14972
with the application a prescription from the person's health 14973
care provider prescribing such a placard for the person based 14974
upon a determination that the person meets at least one of the 14975
criteria contained in division (A) (1) of this section. The 14976
health care provider shall state on the prescription the length 14977
of time the health care provider expects the applicant to have 14978
the disability that limits or impairs the person's ability to 14979
walk. 14980

In addition to one placard or one or more sets of license 14981
plates, a person with a disability that limits or impairs the 14982
ability to walk is entitled to one additional placard, but only 14983
if the person applies separately for the additional placard, 14984
states the reasons why the additional placard is needed, and the 14985
registrar, in the registrar's discretion determines that good 14986
and justifiable cause exists to approve the request for the 14987
additional placard. 14988

(2) An organization may apply to the registrar of motor vehicles for a removable windshield placard by completing and signing an application provided by the registrar. The organization shall comply with any procedures the registrar establishes by rule. The organization shall include with the application documentary evidence that the registrar requires by rule showing that the organization regularly transports persons with disabilities that limit or impair the ability to walk.

(3) Upon receipt of a completed and signed application for a removable windshield placard, the accompanying documents required under division (C)(1) or (2) of this section, and payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a removable windshield placard, which shall bear the date of expiration on both sides of the placard and shall be valid until expired, revoked, or surrendered. Every removable windshield placard expires as described in division (C)(4) of this section, but in no case shall a removable windshield placard be valid for a period of less than sixty days. Removable windshield placards shall be renewable upon application as provided in division (C)(1) or (2) of this section and upon payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code for the renewal of a removable windshield placard. The registrar shall provide the application form and shall determine the information to be included thereon. The registrar also shall determine the form and size of the removable windshield placard, the material of which it is to be made, and any other information to be included thereon, and shall adopt rules relating to the issuance, expiration, revocation, surrender, and proper display of such placards. Any

placard issued after October 14, 1999, shall be manufactured in 15020
a manner that allows the expiration date of the placard to be 15021
indicated on it through the punching, drilling, boring, or 15022
creation by any other means of holes in the placard. 15023

(4) At the time a removable windshield placard is issued 15024
to a person with a disability that limits or impairs the ability 15025
to walk, the registrar or deputy registrar shall enter into the 15026
records of the bureau of motor vehicles the last date on which 15027
the person will have that disability, as indicated on the 15028
accompanying prescription. Not less than thirty days prior to 15029
that date and all removable windshield placard renewal dates, 15030
the bureau shall send a renewal notice to that person at the 15031
person's last known address as shown in the records of the 15032
bureau, informing the person that the person's removable 15033
windshield placard will expire on the indicated date not to 15034
exceed five years from the date of issuance, and that the person 15035
is required to renew the placard by submitting to the registrar 15036
or a deputy registrar another prescription, as described in 15037
division (C) (1) or (2) of this section, and by complying with 15038
the renewal provisions prescribed in division (C) (3) of this 15039
section. If such a prescription is not received by the registrar 15040
or a deputy registrar by that date, the placard issued to that 15041
person expires and no longer is valid, and this fact shall be 15042
recorded in the records of the bureau. 15043

(5) At least once every year, on a date determined by the 15044
registrar, the bureau shall examine the records of the office of 15045
vital statistics, located within the department of health, that 15046
pertain to deceased persons, and also the bureau's records of 15047
all persons who have been issued removable windshield placards 15048
and temporary removable windshield placards. If the records of 15049
the office of vital statistics indicate that a person to whom a 15050

removable windshield placard or temporary removable windshield placard has been issued is deceased, the bureau shall cancel that placard, and note the cancellation in its records.

The office of vital statistics shall make available to the bureau all information necessary to enable the bureau to comply with division (C) (5) of this section.

(6) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or ~~special~~accessible license plates if the ~~special~~accessible license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(D) (1) (a) A person with a disability that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A) (1) of this section and that the disability is expected to continue for six consecutive months or less. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the applicant's ability to walk, which cannot exceed six months from the date of the prescription. Upon receipt of an application for a temporary removable windshield placard, presentation of the prescription from the applicant's health care provider, and payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a

temporary removable windshield placard. 15081

(b) Any active-duty member of the armed forces of the 15082
United States, including the reserve components of the armed 15083
forces and the national guard, who has an illness or injury that 15084
limits or impairs the ability to walk may apply to the registrar 15085
or a deputy registrar for a temporary removable windshield 15086
placard. With the application, the person shall present evidence 15087
of the person's active-duty status and the illness or injury. 15088
Evidence of the illness or injury may include a current 15089
department of defense convalescent leave statement, any 15090
department of defense document indicating that the person 15091
currently has an ill or injured casualty status or has limited 15092
duties, or a prescription from any health care provider 15093
prescribing the placard for the applicant. Upon receipt of the 15094
application and the necessary evidence, the registrar or deputy 15095
registrar shall issue the applicant the temporary removable 15096
windshield placard without the payment of any service fee. 15097

(2) The temporary removable windshield placard shall be of 15098
the same size and form as the removable windshield placard, 15099
shall be printed in white on a red-colored background, and shall 15100
bear the word "temporary" in letters of such size as the 15101
registrar shall prescribe. A temporary removable windshield 15102
placard also shall bear the date of expiration on the front and 15103
back of the placard, and shall be valid until expired, 15104
surrendered, or revoked, but in no case shall such a placard be 15105
valid for a period of less than sixty days. The registrar shall 15106
provide the application form and shall determine the information 15107
to be included on it, provided that the registrar shall not 15108
require a health care provider's prescription or certification 15109
for a person applying under division (D) (1) (b) of this section. 15110
The registrar also shall determine the material of which the 15111

temporary removable windshield placard is to be made and any 15112
other information to be included on the placard and shall adopt 15113
rules relating to the issuance, expiration, surrender, 15114
revocation, and proper display of those placards. Any temporary 15115
removable windshield placard issued after October 14, 1999, 15116
shall be manufactured in a manner that allows for the expiration 15117
date of the placard to be indicated on it through the punching, 15118
drilling, boring, or creation by any other means of holes in the 15119
placard. 15120

(E) If an applicant for a removable windshield placard is 15121
a veteran of the armed forces of the United States whose 15122
disability, as defined in division (A)(1) of this section, is 15123
service-connected, the registrar or deputy registrar, upon 15124
receipt of the application, presentation of a signed statement 15125
from the applicant's health care provider certifying the 15126
applicant's disability, and presentation of such documentary 15127
evidence from the department of veterans affairs that the 15128
disability of the applicant meets at least one of the criteria 15129
identified in division (A)(1) of this section and is service- 15130
connected as the registrar may require by rule, but without the 15131
payment of any service fee, shall issue the applicant a 15132
removable windshield placard that is valid until expired, 15133
surrendered, or revoked. 15134

(F) Upon a conviction of a violation of division (H) or 15135
(I) of this section, the court shall report the conviction, and 15136
send the placard, if available, to the registrar, who thereupon 15137
shall revoke the privilege of using the placard and send notice 15138
in writing to the placardholder at that holder's last known 15139
address as shown in the records of the bureau, and the 15140
placardholder shall return the placard if not previously 15141
surrendered to the court, to the registrar within ten days 15142

following mailing of the notice. 15143

Whenever a person to whom a removable windshield placard 15144
has been issued moves to another state, the person shall 15145
surrender the placard to the registrar; and whenever an 15146
organization to which a placard has been issued changes its 15147
place of operation to another state, the organization shall 15148
surrender the placard to the registrar. 15149

(G) Subject to division (F) of section 4511.69 of the 15150
Revised Code, the operator of a motor vehicle displaying a 15151
removable windshield placard, temporary removable windshield 15152
placard, or the ~~special-accessible~~ license plates authorized by 15153
this section is entitled to park the motor vehicle in any 15154
~~special-accessible~~ parking location reserved for persons with 15155
disabilities that limit or impair the ability to walk, ~~also~~ 15156
~~known as handicapped parking spaces or disability parking~~ 15157
~~spaces.~~ 15158

(H) No person or organization that is not eligible for the 15159
issuance of license plates or any placard under this section 15160
shall willfully and falsely represent that the person or 15161
organization is so eligible. 15162

No person or organization shall display license plates 15163
issued under this section unless the license plates have been 15164
issued for the vehicle on which they are displayed and are 15165
valid. 15166

(I) No person or organization to which a removable 15167
windshield placard or temporary removable windshield placard is 15168
issued shall do either of the following: 15169

(1) Display or permit the display of the placard on any 15170
motor vehicle when having reasonable cause to believe the motor 15171

vehicle is being used in connection with an activity that does 15172
not include providing transportation for persons with 15173
disabilities that limit or impair the ability to walk; 15174

(2) Refuse to return or surrender the placard, when 15175
required. 15176

(J) If a removable windshield placard, temporary removable 15177
windshield placard, or parking card is lost, destroyed, or 15178
mutilated, the placardholder or cardholder may obtain a 15179
duplicate by doing both of the following: 15180

(1) Furnishing suitable proof of the loss, destruction, or 15181
mutilation to the registrar; 15182

(2) Paying a service fee equal to the amount specified in 15183
division (D) or (G) of section 4503.10 of the Revised Code. 15184

Any placardholder or cardholder who loses a placard or 15185
card and, after obtaining a duplicate, finds the original, 15186
immediately shall surrender the original placard or card to the 15187
registrar. 15188

(K) (1) The registrar shall pay all fees received under 15189
this section for the issuance of removable windshield placards 15190
or temporary removable windshield placards or duplicate 15191
removable windshield placards or cards into the state treasury 15192
to the credit of the public safety - highway purposes fund 15193
created in section 4501.06 of the Revised Code. 15194

(2) In addition to the fees collected under this section, 15195
the registrar or deputy registrar shall ask each person applying 15196
for a removable windshield placard or temporary removable 15197
windshield placard or duplicate removable windshield placard or 15198
license plate issued under this section, whether the person 15199
wishes to make a two-dollar voluntary contribution to support 15200

rehabilitation employment services. The registrar shall transmit 15201
the contributions received under this division to the treasurer 15202
of state for deposit into the rehabilitation employment fund, 15203
which is hereby created in the state treasury. A deputy 15204
registrar shall transmit the contributions received under this 15205
division to the registrar in the time and manner prescribed by 15206
the registrar. The contributions in the fund shall be used by 15207
the opportunities for Ohioans with disabilities agency to 15208
purchase services related to vocational evaluation, work 15209
adjustment, personal adjustment, job placement, job coaching, 15210
and community-based assessment from accredited community 15211
rehabilitation program facilities. 15212

(L) For purposes of enforcing this section, every peace 15213
officer is deemed to be an agent of the registrar. Any peace 15214
officer or any authorized employee of the bureau of motor 15215
vehicles who, in the performance of duties authorized by law, 15216
becomes aware of a person whose placard or parking card has been 15217
revoked pursuant to this section, may confiscate that placard or 15218
parking card and return it to the registrar. The registrar shall 15219
prescribe any forms used by law enforcement agencies in 15220
administering this section. 15221

No peace officer, law enforcement agency employing a peace 15222
officer, or political subdivision or governmental agency 15223
employing a peace officer, and no employee of the bureau is 15224
liable in a civil action for damages or loss to persons arising 15225
out of the performance of any duty required or authorized by 15226
this section. As used in this division, "peace officer" has the 15227
same meaning as in division (B) of section 2935.01 of the 15228
Revised Code. 15229

(M) All applications for registration of motor vehicles, 15230

removable windshield placards, and temporary removable 15231
windshield placards issued under this section, all renewal 15232
notices for such items, and all other publications issued by the 15233
bureau that relate to this section shall set forth the criminal 15234
penalties that may be imposed upon a person who violates any 15235
provision relating to ~~special-accessible~~ license plates issued 15236
under this section, the parking of vehicles displaying such 15237
license plates, and the issuance, procurement, use, and display 15238
of removable windshield placards and temporary removable 15239
windshield placards issued under this section. 15240

(N) Whoever violates this section is guilty of a 15241
misdemeanor of the fourth degree. 15242

Sec. 4506.07. (A) An applicant for a commercial driver's 15243
license, restricted commercial driver's license, or a commercial 15244
driver's license temporary instruction permit, or a duplicate of 15245
such a license or permit, shall submit an application upon a 15246
form approved and furnished by the registrar of motor vehicles. 15247
Except as provided in section 4506.24 of the Revised Code in 15248
regard to a restricted commercial driver's license, the 15249
applicant shall sign the application which shall contain the 15250
following information: 15251

(1) The applicant's name, date of birth, social security 15252
account number, sex, general description including height, 15253
weight, and color of hair and eyes, current residence, duration 15254
of residence in this state, state of domicile, country of 15255
citizenship, and occupation; 15256

(2) Whether the applicant previously has been licensed to 15257
operate a commercial motor vehicle or any other type of motor 15258
vehicle in another state or a foreign jurisdiction and, if so, 15259
when, by what state, and whether the license or driving 15260

privileges currently are suspended or revoked in any 15261
jurisdiction, or the applicant otherwise has been disqualified 15262
from operating a commercial motor vehicle, or is subject to an 15263
out-of-service order issued under this chapter or any similar 15264
law of another state or a foreign jurisdiction and, if so, the 15265
date of, locations involved, and reason for the suspension, 15266
revocation, disqualification, or out-of-service order; 15267

(3) Whether the applicant ~~is afflicted with or suffering~~ 15268
~~from~~ has any physical or mental disability or disease that 15269
prevents the applicant from exercising reasonable and ordinary 15270
control over a motor vehicle while operating it upon a highway 15271
or is or has been subject to any condition resulting in episodic 15272
impairment of consciousness or loss of muscular control and, if 15273
so, the nature and extent of the disability, disease, or 15274
condition, and the names and addresses of the physicians 15275
attending the applicant; 15276

(4) Whether the applicant has obtained a medical 15277
examiner's certificate as required by this chapter and, 15278
beginning January 30, 2012, the applicant, prior to or at the 15279
time of applying, has self-certified to the registrar the 15280
applicable status of the applicant under division (A) (1) of 15281
section 4506.10 of the Revised Code; 15282

(5) Whether the applicant has pending a citation for 15283
violation of any motor vehicle law or ordinance except a parking 15284
violation and, if so, a description of the citation, the court 15285
having jurisdiction of the offense, and the date when the 15286
offense occurred; 15287

(6) If an applicant has not certified the applicant's 15288
willingness to make an anatomical gift under section 2108.05 of 15289
the Revised Code, whether the applicant wishes to certify 15290

willingness to make such an anatomical gift, which shall be 15291
given no consideration in the issuance of a license; 15292

(7) Whether the applicant has executed a valid durable 15293
power of attorney for health care pursuant to sections 1337.11 15294
to 1337.17 of the Revised Code or has executed a declaration 15295
governing the use or continuation, or the withholding or 15296
withdrawal, of life-sustaining treatment pursuant to sections 15297
2133.01 to 2133.15 of the Revised Code and, if the applicant has 15298
executed either type of instrument, whether the applicant wishes 15299
the license issued to indicate that the applicant has executed 15300
the instrument; 15301

(8) Whether the applicant is a veteran, active duty, or 15302
reservist of the armed forces of the United States and, if the 15303
applicant is such, whether the applicant wishes the license 15304
issued to indicate that the applicant is a veteran, active duty, 15305
or reservist of the armed forces of the United States by a 15306
military designation on the license. 15307

(B) Every applicant shall certify, on a form approved and 15308
furnished by the registrar, all of the following: 15309

(1) That the motor vehicle in which the applicant intends 15310
to take the driving skills test is representative of the type of 15311
motor vehicle that the applicant expects to operate as a driver; 15312

(2) That the applicant is not subject to any 15313
disqualification or out-of-service order, or license suspension, 15314
revocation, or cancellation, under the laws of this state, of 15315
another state, or of a foreign jurisdiction and does not have 15316
more than one driver's license issued by this or another state 15317
or a foreign jurisdiction; 15318

(3) Any additional information, certification, or evidence 15319

that the registrar requires by rule in order to ensure that the 15320
issuance of a commercial driver's license or commercial driver's 15321
license temporary instruction permit to the applicant is in 15322
compliance with the law of this state and with federal law. 15323

(C) Every applicant shall execute a form, approved and 15324
furnished by the registrar, under which the applicant consents 15325
to the release by the registrar of information from the 15326
applicant's driving record. 15327

(D) The registrar or a deputy registrar, in accordance 15328
with section 3503.11 of the Revised Code, shall register as an 15329
elector any applicant for a commercial driver's license or for a 15330
renewal or duplicate of such a license under this chapter, if 15331
the applicant is eligible and wishes to be registered as an 15332
elector. The decision of an applicant whether to register as an 15333
elector shall be given no consideration in the decision of 15334
whether to issue the applicant a license or a renewal or 15335
duplicate. 15336

(E) The registrar or a deputy registrar, in accordance 15337
with section 3503.11 of the Revised Code, shall offer the 15338
opportunity of completing a notice of change of residence or 15339
change of name to any applicant for a commercial driver's 15340
license or for a renewal or duplicate of such a license who is a 15341
resident of this state, if the applicant is a registered elector 15342
who has changed the applicant's residence or name and has not 15343
filed such a notice. 15344

(F) In considering any application submitted pursuant to 15345
this section, the bureau of motor vehicles may conduct any 15346
inquiries necessary to ensure that issuance or renewal of a 15347
commercial driver's license would not violate any provision of 15348
the Revised Code or federal law. 15349

(G) In addition to any other information it contains, the form approved and furnished by the registrar of motor vehicles for an application for a commercial driver's license, restricted commercial driver's license, or a commercial driver's license temporary instruction permit or an application for a duplicate of such a license or permit shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the license, or permit, or duplicate indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States based on a request made pursuant to division (A) (8) of this section.

Sec. 4507.06. (A) (1) Every application for a driver's license, motorcycle operator's license or endorsement, or motor-driven cycle or motor scooter license or endorsement, or duplicate of any such license or endorsement, shall be made upon the approved form furnished by the registrar of motor vehicles and shall be signed by the applicant.

Every application shall state the following:

(a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship;

(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or canceled at the present time and, if so, the date of and reason for the suspension or cancellation;

(c) Whether the applicant is now or ever has been 15379
afflicted with epilepsy, or whether the applicant now ~~is~~ 15380
~~suffering from~~ has any physical or mental disability or disease 15381
and, if so, the nature and extent of the disability or disease, 15382
giving the names and addresses of physicians then or previously 15383
in attendance upon the applicant; 15384

(d) Whether an applicant for a duplicate driver's license, 15385
duplicate license containing a motorcycle operator endorsement, 15386
or duplicate license containing a motor-driven cycle or motor 15387
scooter endorsement has pending a citation for violation of any 15388
motor vehicle law or ordinance, a description of any such 15389
citation pending, and the date of the citation; 15390

(e) If an applicant has not certified the applicant's 15391
willingness to make an anatomical gift under section 2108.05 of 15392
the Revised Code, whether the applicant wishes to certify 15393
willingness to make such an anatomical gift, which shall be 15394
given no consideration in the issuance of a license or 15395
endorsement; 15396

(f) Whether the applicant has executed a valid durable 15397
power of attorney for health care pursuant to sections 1337.11 15398
to 1337.17 of the Revised Code or has executed a declaration 15399
governing the use or continuation, or the withholding or 15400
withdrawal, of life-sustaining treatment pursuant to sections 15401
2133.01 to 2133.15 of the Revised Code and, if the applicant has 15402
executed either type of instrument, whether the applicant wishes 15403
the applicant's license to indicate that the applicant has 15404
executed the instrument; 15405

(g) On and after October 7, 2009, whether the applicant is 15406
a veteran, active duty, or reservist of the armed forces of the 15407
United States and, if the applicant is such, whether the 15408

applicant wishes the applicant's license to indicate that the 15409
applicant is a veteran, active duty, or reservist of the armed 15410
forces of the United States by a military designation on the 15411
license. 15412

(2) Every applicant for a driver's license shall be 15413
photographed in color at the time the application for the 15414
license is made. The application shall state any additional 15415
information that the registrar requires. 15416

(B) The registrar or a deputy registrar, in accordance 15417
with section 3503.11 of the Revised Code, shall register as an 15418
elector any person who applies for a license or endorsement 15419
under division (A) of this section, or for a renewal or 15420
duplicate of the license or endorsement, if the applicant is 15421
eligible and wishes to be registered as an elector. The decision 15422
of an applicant whether to register as an elector shall be given 15423
no consideration in the decision of whether to issue the 15424
applicant a license or endorsement, or a renewal or duplicate. 15425

(C) The registrar or a deputy registrar, in accordance 15426
with section 3503.11 of the Revised Code, shall offer the 15427
opportunity of completing a notice of change of residence or 15428
change of name to any applicant for a driver's license or 15429
endorsement under division (A) of this section, or for a renewal 15430
or duplicate of the license or endorsement, if the applicant is 15431
a registered elector who has changed the applicant's residence 15432
or name and has not filed such a notice. 15433

(D) In addition to any other information it contains, on 15434
and after October 7, 2009, the approved form furnished by the 15435
registrar of motor vehicles for an application for a license or 15436
endorsement or an application for a duplicate of any such 15437
license or endorsement shall inform applicants that the 15438

applicant must present a copy of the applicant's DD-214 or an 15439
equivalent document in order to qualify to have the license or 15440
duplicate indicate that the applicant is a veteran, active duty, 15441
or reservist of the armed forces of the United States based on a 15442
request made pursuant to division (A) (1) (g) of this section. 15443

Sec. 4507.08. (A) No probationary license shall be issued 15444
to any person under the age of eighteen who has been adjudicated 15445
an unruly or delinquent child or a juvenile traffic offender for 15446
having committed any act that if committed by an adult would be 15447
a drug abuse offense, as defined in section 2925.01 of the 15448
Revised Code, a violation of division (B) of section 2917.11, or 15449
a violation of division (A) of section 4511.19 of the Revised 15450
Code, unless the person has been required by the court to attend 15451
a drug abuse or alcohol abuse education, intervention, or 15452
treatment program specified by the court and has satisfactorily 15453
completed the program. 15454

(B) No temporary instruction permit or driver's license 15455
shall be issued to any person whose license has been suspended, 15456
during the period for which the license was suspended, nor to 15457
any person whose license has been canceled, under Chapter 4510. 15458
or any other provision of the Revised Code. 15459

(C) No temporary instruction permit or driver's license 15460
shall be issued to any person whose commercial driver's license 15461
is suspended under Chapter 4510. or any other provision of the 15462
Revised Code during the period of the suspension. 15463

No temporary instruction permit or driver's license shall 15464
be issued to any person when issuance is prohibited by division 15465
(A) of section 4507.091 of the Revised Code. 15466

(D) No temporary instruction permit or driver's license 15467

shall be issued to, or retained by, any of the following 15468
persons: 15469

(1) Any person who ~~is an alcoholic~~has alcoholism, or is 15470
addicted to the use of controlled substances to the extent that 15471
the use constitutes an impairment to the person's ability to 15472
operate a motor vehicle with the required degree of safety; 15473

(2) Any person who is under the age of eighteen and has 15474
been adjudicated an unruly or delinquent child or a juvenile 15475
traffic offender for having committed any act that if committed 15476
by an adult would be a drug abuse offense, as defined in section 15477
2925.01 of the Revised Code, a violation of division (B) of 15478
section 2917.11, or a violation of division (A) of section 15479
4511.19 of the Revised Code, unless the person has been required 15480
by the court to attend a drug abuse or alcohol abuse education, 15481
intervention, or treatment program specified by the court and 15482
has satisfactorily completed the program; 15483

(3) Any person who, in the opinion of the registrar, ~~is~~ 15484
~~afflicted with or suffering from~~has a physical or mental 15485
disability or disease that prevents the person from exercising 15486
reasonable and ordinary control over a motor vehicle while 15487
operating the vehicle upon the highways, except that a 15488
restricted license effective for six months may be issued to any 15489
person otherwise qualified who is or has been subject to any 15490
condition resulting in episodic impairment of consciousness or 15491
loss of muscular control and whose condition, in the opinion of 15492
the registrar, is dormant or is sufficiently under medical 15493
control that the person is capable of exercising reasonable and 15494
ordinary control over a motor vehicle. A restricted license 15495
effective for six months shall be issued to any person who 15496
otherwise is qualified and who is subject to any condition that 15497

causes episodic impairment of consciousness or a loss of 15498
muscular control if the person presents a statement from a 15499
licensed physician that the person's condition is under 15500
effective medical control and the period of time for which the 15501
control has been continuously maintained, unless, thereafter, a 15502
medical examination is ordered and, pursuant thereto, cause for 15503
denial is found. 15504

A person to whom a six-month restricted license has been 15505
issued shall give notice of the person's medical condition to 15506
the registrar on forms provided by the registrar and signed by 15507
the licensee's physician. The notice shall be sent to the 15508
registrar six months after the issuance of the license. 15509
Subsequent restricted licenses issued to the same individual 15510
shall be effective for six months. 15511

(4) Any person who is unable to understand highway 15512
warnings or traffic signs or directions given in the English 15513
language; 15514

(5) Any person making an application whose driver's 15515
license or driving privileges are under cancellation, 15516
revocation, or suspension in the jurisdiction where issued or 15517
any other jurisdiction, until the expiration of one year after 15518
the license was canceled or revoked or until the period of 15519
suspension ends. Any person whose application is denied under 15520
this division may file a petition in the municipal court or 15521
county court in whose jurisdiction the person resides agreeing 15522
to pay the cost of the proceedings and alleging that the conduct 15523
involved in the offense that resulted in suspension, 15524
cancellation, or revocation in the foreign jurisdiction would 15525
not have resulted in a suspension, cancellation, or revocation 15526
had the offense occurred in this state. If the petition is 15527

granted, the petitioner shall notify the registrar by a 15528
certified copy of the court's findings and a license shall not 15529
be denied under this division. 15530

(6) Any person who is under a class one or two suspension 15531
imposed for a violation of section 2903.01, 2903.02, 2903.04, 15532
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 15533
Code or whose driver's or commercial driver's license or permit 15534
was permanently revoked prior to January 1, 2004, for a 15535
substantially equivalent violation pursuant to section 4507.16 15536
of the Revised Code; 15537

(7) Any person who is not a resident or temporary resident 15538
of this state. 15539

(E) No person whose driver's license or permit has been 15540
suspended under Chapter 4510. of the Revised Code or any other 15541
provision of the Revised Code shall have driving privileges 15542
reinstated if the registrar determines that a warrant has been 15543
issued in this state or any other state for the person's arrest 15544
and that warrant is an active warrant. 15545

Sec. 4508.01. As used in this chapter: 15546

(A) "Beginning driver" means any person being trained to 15547
drive a particular motor vehicle who has not been previously 15548
licensed to drive that motor vehicle by any state or country. 15549

(B) ~~"Disabled person"~~ "Person with a disability" means a 15550
person who, in the opinion of the registrar of motor vehicles, 15551
~~is afflicted with or suffering from~~ has a physical or mental 15552
disability or disease that prevents the person, in the absence 15553
of special training or equipment, from exercising reasonable and 15554
ordinary control over a motor vehicle while operating the 15555
vehicle upon the highways. ~~"Disabled person"~~ "Person with a 15556

disability" does not mean any person who is or has been subject 15557
to any condition resulting in episodic impairment of 15558
consciousness or loss of muscular control and whose condition, 15559
in the opinion of the registrar, is dormant or is sufficiently 15560
under medical control that the person is capable of exercising 15561
reasonable and ordinary control over a motor vehicle. 15562

(C) "Driver training school" or "school" means any of the 15563
following: 15564

(1) A private business enterprise conducted by an 15565
individual, association, partnership, or corporation for the 15566
education and training of persons to operate or drive motor 15567
vehicles, that does any of the following: 15568

(a) Uses public streets or highways to provide training 15569
and charges a consideration or tuition for such services; 15570

(b) Provides an online driver education course approved by 15571
the director of public safety pursuant to division (A) (2) of 15572
section 4508.02 of the Revised Code and charges a consideration 15573
or tuition for the course; 15574

(c) Provides an abbreviated driver training course for 15575
adults that is approved by the director pursuant to division (F) 15576
of section 4508.02 of the Revised Code and charges a 15577
consideration or tuition for the course. 15578

(2) A lead school district as provided in section 4508.09 15579
of the Revised Code; 15580

(3) A board of education of a city, exempted village, 15581
local, or joint vocational school district or the governing 15582
board of an educational service center that offers a driver 15583
education course for high school students enrolled in the 15584
district or in a district served by the educational service 15585

center. 15586

(D) "Instructor" means any person, whether acting for self 15587
as operator of a driver training school or for such a school for 15588
compensation, who teaches, conducts classes of, gives 15589
demonstrations to, or supervises practice of, persons learning 15590
to operate or drive motor vehicles. 15591

(E) "Lead school district" means a school district, 15592
including a joint vocational school district, designated by the 15593
department of education as either a vocational education 15594
planning district itself or as responsible for providing primary 15595
vocational education leadership within a vocational education 15596
planning district that is composed of a group of districts. A 15597
"vocational education planning district" is a school district or 15598
group of school districts designated by the department as 15599
responsible for planning and providing vocational education 15600
services to students within the district or group of districts. 15601

Sec. 4508.03. (A) No person shall establish a driver 15602
training school or continue the operation of an existing school 15603
unless the person applies for and obtains from the director of 15604
public safety a license in the manner and form prescribed by the 15605
director. 15606

The director shall adopt rules that establish the 15607
requirements for a school license, including requirements 15608
concerning location, equipment, courses of instruction, 15609
instructors, previous records of the school and instructors, 15610
financial statements, schedule of fees and charges, insurance in 15611
the sum and with those provisions as the director considers 15612
necessary to protect adequately the interests of the public, and 15613
any other matters as the director may prescribe for the 15614
protection of the public. The rules also shall require financial 15615

responsibility information as part of the driver education 15616
curriculum. 15617

(B) Any school that offers a driver training program for 15618
~~disabled persons with disabilities~~ shall provide specially 15619
trained instructors for the driver training of such persons. No 15620
school shall operate a driver training program for ~~disabled-~~ 15621
~~persons with disabilities~~ after June 30, 1978, unless it has 15622
been licensed for such operation by the director. No person 15623
shall act as a specially trained instructor in a driver training 15624
program for ~~disabled persons with disabilities~~ operated by a 15625
school after June 30, 1978, unless that person has been licensed 15626
by the director. 15627

(C) The director shall certify instructors to teach driver 15628
training to ~~disabled persons with disabilities~~ in accordance 15629
with training program requirements established by the department 15630
of public safety. 15631

(D) No person shall operate a driver training school 15632
unless the person has a valid license issued by the director 15633
under this section. 15634

(E) Whoever violates division (D) of this section is 15635
guilty of operating a driver training school without a valid 15636
license, a misdemeanor of the second degree. On a second or 15637
subsequent offense within two years after the first offense, the 15638
person is guilty of a misdemeanor of the first degree. 15639

Sec. 4508.04. (A) No person shall act as a driver training 15640
instructor, and no person shall act as a driver training 15641
instructor for ~~disabled persons with disabilities~~, unless such 15642
person applies for and obtains from the director of public 15643
safety a license in the manner and form prescribed by the 15644

director. The director shall provide by rule for instructors' 15645
license requirements including physical condition, knowledge of 15646
the courses of instruction, motor vehicle laws and safety 15647
principles, previous personal and employment records, and such 15648
other matters as the director may prescribe for the protection 15649
of the public. Driver training instructors for ~~disabled~~ persons 15650
with disabilities shall meet such additional requirements and 15651
receive such additional classroom and practical instruction as 15652
the director shall prescribe by rule. 15653

(B) The director may issue a license under this section to 15654
a person convicted of a disqualifying offense as determined in 15655
accordance with section 9.79 of the Revised Code. 15656

(C) No person shall knowingly make a false statement on a 15657
license application submitted under this section. 15658

(D) Upon successful completion of all requirements for an 15659
initial instructor license, the director shall issue an 15660
applicant a probationary license, which expires one hundred 15661
eighty days from the date of issuance. In order to receive a 15662
driver training instructor license, a person issued a 15663
probationary license shall pass an assessment prescribed in 15664
rules adopted by the director pursuant to section 4508.02 of the 15665
Revised Code. The person shall pass the assessment prior to 15666
expiration of the probationary license. If the person fails to 15667
pass the assessment, or fails to meet any standards required for 15668
a driver training instructor license, the director may extend 15669
the expiration date of the person's probationary license. Upon 15670
successful completion of the assessment and approval of the 15671
director, the director shall issue to the person a driver 15672
training instructor license. 15673

(E) (1) Whoever violates division (A) of this section is 15674

guilty of acting as a driver training instructor without a valid license, a misdemeanor of the first degree. 15675
15676

(2) Whoever violates division (C) of this section may be charged with falsification under section 2921.13 of the Revised Code. 15677
15678
15679

Sec. 4511.01. As used in this chapter and in Chapter 4513. of the Revised Code: 15680
15681

(A) "Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in section 4511.513 of the Revised Code, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. 15682
15683
15684
15685
15686
15687
15688
15689
15690
15691

(B) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. 15692
15693
15694
15695
15696
15697
15698
15699
15700
15701
15702
15703

(C) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle," or "motorcycle" without regard to weight or brake horsepower.

(D) "Emergency vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the director of public safety, or local authorities, and motor vehicles when commandeered by a police officer.

(E) "Public safety vehicle" means any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under section 4503.49 of the Revised Code;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(3) Any motor vehicle when properly identified as required by the director of public safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described in division (E)

(3) of this section. 15733

(4) Vehicles used by fire departments, including motor 15734
vehicles when used by volunteer fire fighters responding to 15735
emergency calls in the fire department service when identified 15736
as required by the director of public safety. 15737

Any vehicle used to transport or provide emergency medical 15738
service to an ill or injured person, when certified as a public 15739
safety vehicle, shall be considered a public safety vehicle when 15740
transporting an ill or injured person to a hospital regardless 15741
of whether such vehicle has already passed a hospital. 15742

(5) Vehicles used by the motor carrier enforcement unit 15743
for the enforcement of orders and rules of the public utilities 15744
commission as specified in section 5503.34 of the Revised Code. 15745

(F) "School bus" means every bus designed for carrying 15746
more than nine passengers that is owned by a public, private, or 15747
governmental agency or institution of learning and operated for 15748
the transportation of children to or from a school session or a 15749
school function, or owned by a private person and operated for 15750
compensation for the transportation of children to or from a 15751
school session or a school function, provided "school bus" does 15752
not include a bus operated by a municipally owned transportation 15753
system, a mass transit company operating exclusively within the 15754
territorial limits of a municipal corporation, or within such 15755
limits and the territorial limits of municipal corporations 15756
immediately contiguous to such municipal corporation, nor a 15757
common passenger carrier certified by the public utilities 15758
commission unless such bus is devoted exclusively to the 15759
transportation of children to and from a school session or a 15760
school function, and "school bus" does not include a van or bus 15761
used by a licensed child day-care center or type A family day- 15762

care home to transport children from the child day-care center 15763
or type A family day-care home to a school if the van or bus 15764
does not have more than fifteen children in the van or bus at 15765
any time. 15766

(G) "Bicycle" means every device, other than a device that 15767
is designed solely for use as a play vehicle by a child, that is 15768
propelled solely by human power upon which a person may ride, 15769
and that has two or more wheels, any of which is more than 15770
fourteen inches in diameter. 15771

(H) "Motorized bicycle" or "moped" means any vehicle 15772
having either two tandem wheels or one wheel in the front and 15773
two wheels in the rear, that may be pedaled, and that is 15774
equipped with a helper motor of not more than fifty cubic 15775
centimeters piston displacement that produces not more than one 15776
brake horsepower and is capable of propelling the vehicle at a 15777
speed of not greater than twenty miles per hour on a level 15778
surface. "Motorized bicycle" or "moped" does not include an 15779
electric bicycle. 15780

(I) "Commercial tractor" means every motor vehicle having 15781
motive power designed or used for drawing other vehicles and not 15782
so constructed as to carry any load thereon, or designed or used 15783
for drawing other vehicles while carrying a portion of such 15784
other vehicles, or load thereon, or both. 15785

(J) "Agricultural tractor" means every self-propelling 15786
vehicle designed or used for drawing other vehicles or wheeled 15787
machinery but having no provision for carrying loads 15788
independently of such other vehicles, and used principally for 15789
agricultural purposes. 15790

(K) "Truck" means every motor vehicle, except trailers and 15791

semitrailers, designed and used to carry property. 15792

(L) "Bus" means every motor vehicle designed for carrying 15793
more than nine passengers and used for the transportation of 15794
persons other than in a ridesharing arrangement, and every motor 15795
vehicle, automobile for hire, or funeral car, other than a 15796
taxicab or motor vehicle used in a ridesharing arrangement, 15797
designed and used for the transportation of persons for 15798
compensation. 15799

(M) "Trailer" means every vehicle designed or used for 15800
carrying persons or property wholly on its own structure and for 15801
being drawn by a motor vehicle, including any such vehicle when 15802
formed by or operated as a combination of a "semitrailer" and a 15803
vehicle of the dolly type, such as that commonly known as a 15804
"trailer dolly," a vehicle used to transport agricultural 15805
produce or agricultural production materials between a local 15806
place of storage or supply and the farm when drawn or towed on a 15807
street or highway at a speed greater than twenty-five miles per 15808
hour, and a vehicle designed and used exclusively to transport a 15809
boat between a place of storage and a marina, or in and around a 15810
marina, when drawn or towed on a street or highway for a 15811
distance of more than ten miles or at a speed of more than 15812
twenty-five miles per hour. 15813

(N) "Semitrailer" means every vehicle designed or used for 15814
carrying persons or property with another and separate motor 15815
vehicle so that in operation a part of its own weight or that of 15816
its load, or both, rests upon and is carried by another vehicle. 15817

(O) "Pole trailer" means every trailer or semitrailer 15818
attached to the towing vehicle by means of a reach, pole, or by 15819
being boomed or otherwise secured to the towing vehicle, and 15820
ordinarily used for transporting long or irregular shaped loads 15821

such as poles, pipes, or structural members capable, generally, 15822
of sustaining themselves as beams between the supporting 15823
connections. 15824

(P) "Railroad" means a carrier of persons or property 15825
operating upon rails placed principally on a private right-of- 15826
way. 15827

(Q) "Railroad train" means a steam engine or an electric 15828
or other motor, with or without cars coupled thereto, operated 15829
by a railroad. 15830

(R) "Streetcar" means a car, other than a railroad train, 15831
for transporting persons or property, operated upon rails 15832
principally within a street or highway. 15833

(S) "Trackless trolley" means every car that collects its 15834
power from overhead electric trolley wires and that is not 15835
operated upon rails or tracks. 15836

(T) "Explosives" means any chemical compound or mechanical 15837
mixture that is intended for the purpose of producing an 15838
explosion that contains any oxidizing and combustible units or 15839
other ingredients in such proportions, quantities, or packing 15840
that an ignition by fire, by friction, by concussion, by 15841
percussion, or by a detonator of any part of the compound or 15842
mixture may cause such a sudden generation of highly heated 15843
gases that the resultant gaseous pressures are capable of 15844
producing destructive effects on contiguous objects, or of 15845
destroying life or limb. Manufactured articles shall not be held 15846
to be explosives when the individual units contain explosives in 15847
such limited quantities, of such nature, or in such packing, 15848
that it is impossible to procure a simultaneous or a destructive 15849
explosion of such units, to the injury of life, limb, or 15850

property by fire, by friction, by concussion, by percussive, or 15851
by a detonator, such as fixed ammunition for small arms, 15852
firecrackers, or safety fuse matches. 15853

(U) "Flammable liquid" means any liquid that has a flash 15854
point of seventy degrees fahrenheit, or less, as determined by a 15855
tagliabue or equivalent closed cup test device. 15856

(V) "Gross weight" means the weight of a vehicle plus the 15857
weight of any load thereon. 15858

(W) "Person" means every natural person, firm, co- 15859
partnership, association, or corporation. 15860

(X) "Pedestrian" means any natural person afoot. 15861
"Pedestrian" includes a personal delivery device as defined in 15862
section 4511.513 of the Revised Code unless the context clearly 15863
suggests otherwise. 15864

(Y) "Driver or operator" means every person who drives or 15865
is in actual physical control of a vehicle, trackless trolley, 15866
or streetcar. 15867

(Z) "Police officer" means every officer authorized to 15868
direct or regulate traffic, or to make arrests for violations of 15869
traffic regulations. 15870

(AA) "Local authorities" means every county, municipal, 15871
and other local board or body having authority to adopt police 15872
regulations under the constitution and laws of this state. 15873

(BB) "Street" or "highway" means the entire width between 15874
the boundary lines of every way open to the use of the public as 15875
a thoroughfare for purposes of vehicular travel. 15876

(CC) "Controlled-access highway" means every street or 15877
highway in respect to which owners or occupants of abutting 15878

lands and other persons have no legal right of access to or from 15879
the same except at such points only and in such manner as may be 15880
determined by the public authority having jurisdiction over such 15881
street or highway. 15882

(DD) "Private road or driveway" means every way or place 15883
in private ownership used for vehicular travel by the owner and 15884
those having express or implied permission from the owner but 15885
not by other persons. 15886

(EE) "Roadway" means that portion of a highway improved, 15887
designed, or ordinarily used for vehicular travel, except the 15888
berm or shoulder. If a highway includes two or more separate 15889
roadways the term "roadway" means any such roadway separately 15890
but not all such roadways collectively. 15891

(FF) "Sidewalk" means that portion of a street between the 15892
curb lines, or the lateral lines of a roadway, and the adjacent 15893
property lines, intended for the use of pedestrians. 15894

(GG) "Laned highway" means a highway the roadway of which 15895
is divided into two or more clearly marked lanes for vehicular 15896
traffic. 15897

(HH) "Through highway" means every street or highway as 15898
provided in section 4511.65 of the Revised Code. 15899

(II) "State highway" means a highway under the 15900
jurisdiction of the department of transportation, outside the 15901
limits of municipal corporations, provided that the authority 15902
conferred upon the director of transportation in section 5511.01 15903
of the Revised Code to erect state highway route markers and 15904
signs directing traffic shall not be modified by sections 15905
4511.01 to 4511.79 and 4511.99 of the Revised Code. 15906

(JJ) "State route" means every highway that is designated 15907

with an official state route number and so marked. 15908

(KK) "Intersection" means: 15909

(1) The area embraced within the prolongation or 15910
connection of the lateral curb lines, or, if none, the lateral 15911
boundary lines of the roadways of two highways that join one 15912
another at, or approximately at, right angles, or the area 15913
within which vehicles traveling upon different highways that 15914
join at any other angle might come into conflict. The junction 15915
of an alley or driveway with a roadway or highway does not 15916
constitute an intersection unless the roadway or highway at the 15917
junction is controlled by a traffic control device. 15918

(2) If a highway includes two roadways that are thirty 15919
feet or more apart, then every crossing of each roadway of such 15920
divided highway by an intersecting highway constitutes a 15921
separate intersection. If both intersecting highways include two 15922
roadways thirty feet or more apart, then every crossing of any 15923
two roadways of such highways constitutes a separate 15924
intersection. 15925

(3) At a location controlled by a traffic control signal, 15926
regardless of the distance between the separate intersections as 15927
described in division (KK) (2) of this section: 15928

(a) If a stop line, yield line, or crosswalk has not been 15929
designated on the roadway within the median between the separate 15930
intersections, the two intersections and the roadway and median 15931
constitute one intersection. 15932

(b) Where a stop line, yield line, or crosswalk line is 15933
designated on the roadway on the intersection approach, the area 15934
within the crosswalk and any area beyond the designated stop 15935
line or yield line constitute part of the intersection. 15936

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

(LL) "Crosswalk" means:

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding divisions (LL) (1) and (2) of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

(MM) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.

(NN) "Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

(OO) "Residence district" means the territory, not

comprising a business district, fronting on a street or highway, 15966
including the street or highway, where, for a distance of three 15967
hundred feet or more, the frontage is improved with residences 15968
or residences and buildings in use for business. 15969

(PP) "Urban district" means the territory contiguous to 15970
and including any street or highway which is built up with 15971
structures devoted to business, industry, or dwelling houses 15972
situated at intervals of less than one hundred feet for a 15973
distance of a quarter of a mile or more, and the character of 15974
such territory is indicated by official traffic control devices. 15975

(QQ) "Traffic control device" means a flagger, sign, 15976
signal, marking, or other device used to regulate, warn, or 15977
guide traffic, placed on, over, or adjacent to a street, 15978
highway, private road open to public travel, pedestrian 15979
facility, or shared-use path by authority of a public agency or 15980
official having jurisdiction, or, in the case of a private road 15981
open to public travel, by authority of the private owner or 15982
private official having jurisdiction. 15983

(RR) "Traffic control signal" means any highway traffic 15984
signal by which traffic is alternately directed to stop and 15985
permitted to proceed. 15986

(SS) "Railroad sign or signal" means any sign, signal, or 15987
device erected by authority of a public body or official or by a 15988
railroad and intended to give notice of the presence of railroad 15989
tracks or the approach of a railroad train. 15990

(TT) "Traffic" means pedestrians, ridden or herded 15991
animals, vehicles, streetcars, trackless trolleys, and other 15992
devices, either singly or together, while using for purposes of 15993
travel any highway or private road open to public travel. 15994

(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterrupted in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located.

(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with

full control of access. 16024

(ZZ) "Expressway" means a divided arterial highway for 16025
through traffic with full or partial control of access with an 16026
excess of fifty per cent of all crossroads separated in grade. 16027

(AAA) "Thruway" means a through highway whose entire 16028
roadway is reserved for through traffic and on which roadway 16029
parking is prohibited. 16030

(BBB) "Stop intersection" means any intersection at one or 16031
more entrances of which stop signs are erected. 16032

(CCC) "Arterial street" means any United States or state 16033
numbered route, controlled access highway, or other major radial 16034
or circumferential street or highway designated by local 16035
authorities within their respective jurisdictions as part of a 16036
major arterial system of streets or highways. 16037

(DDD) "Ridesharing arrangement" means the transportation 16038
of persons in a motor vehicle where such transportation is 16039
incidental to another purpose of a volunteer driver and includes 16040
ridesharing arrangements known as carpools, vanpools, and 16041
buspools. 16042

(EEE) "Motorized wheelchair" means any self-propelled 16043
vehicle designed for, and used by, a ~~handicapped person~~ with a 16044
disability and that is incapable of a speed in excess of eight 16045
miles per hour. 16046

(FFF) "Child day-care center" and "type A family day-care 16047
home" have the same meanings as in section 5104.01 of the 16048
Revised Code. 16049

(GGG) "Multi-wheel agricultural tractor" means a type of 16050
agricultural tractor that has two or more wheels or tires on 16051

each side of one axle at the rear of the tractor, is designed or 16052
used for drawing other vehicles or wheeled machinery, has no 16053
provision for carrying loads independently of the drawn vehicles 16054
or machinery, and is used principally for agricultural purposes. 16055

(HHH) "Operate" means to cause or have caused movement of 16056
a vehicle, streetcar, or trackless trolley. 16057

(III) "Predicate motor vehicle or traffic offense" means 16058
any of the following: 16059

(1) A violation of section 4511.03, 4511.051, 4511.12, 16060
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 16061
4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 16062
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 16063
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 16064
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 16065
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 16066
4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 16067
4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 16068
4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 16069
4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 16070
4511.84 of the Revised Code; 16071

(2) A violation of division (A)(2) of section 4511.17, 16072
divisions (A) to (D) of section 4511.51, or division (A) of 16073
section 4511.74 of the Revised Code; 16074

(3) A violation of any provision of sections 4511.01 to 16075
4511.76 of the Revised Code for which no penalty otherwise is 16076
provided in the section that contains the provision violated; 16077

(4) A violation of section 4511.214 of the Revised Code; 16078

(5) A violation of a municipal ordinance that is 16079
substantially similar to any section or provision set forth or 16080

described in division (III) (1), (2), (3), or (4) of this section. 16081
16082

(JJJ) "Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights. 16083
16084
16085
16086

(KKK) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. 16087
16088

(LLL) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications. 16089
16090
16091
16092
16093

(MMM) "Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp. 16094
16095
16096
16097
16098

(NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. 16099
16100
16101
16102
16103

(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to 16104
16105
16106
16107
16108
16109

public travel" includes a gated toll road but does not include a 16110
road within a private gated property where access is restricted 16111
at all times, a parking area, a driving aisle within a parking 16112
area, or a private grade crossing. 16113

(PPP) "Shared-use path" means a bikeway outside the 16114
traveled way and physically separated from motorized vehicular 16115
traffic by an open space or barrier and either within the 16116
highway right-of-way or within an independent alignment. A 16117
shared-use path also may be used by pedestrians, including 16118
skaters, joggers, users of manual and motorized wheelchairs, and 16119
other authorized motorized and non-motorized users. A shared-use 16120
path does not include any trail that is intended to be used 16121
primarily for mountain biking, hiking, equestrian use, or other 16122
similar uses, or any other single track or natural surface trail 16123
that has historically been reserved for nonmotorized use. 16124

(QQQ) "Highway maintenance vehicle" means a vehicle used 16125
in snow and ice removal or road surface maintenance, including a 16126
snow plow, traffic line striper, road sweeper, mowing machine, 16127
asphalt distributing vehicle, or other such vehicle designed for 16128
use in specific highway maintenance activities. 16129

(RRR) "Waste collection vehicle" means a vehicle used in 16130
the collection of garbage, refuse, trash, or recyclable 16131
materials. 16132

(SSS) "Electric bicycle" means a "class 1 electric 16133
bicycle," a "class 2 electric bicycle," or a "class 3 electric 16134
bicycle" as defined in this section. 16135

(TTT) "Class 1 electric bicycle" means a bicycle that is 16136
equipped with fully operable pedals and an electric motor of 16137
less than seven hundred fifty watts that provides assistance 16138

only when the rider is pedaling and ceases to provide assistance 16139
when the bicycle reaches the speed of twenty miles per hour. 16140

(UUU) "Class 2 electric bicycle" means a bicycle that is 16141
equipped with fully operable pedals and an electric motor of 16142
less than seven hundred fifty watts that may provide assistance 16143
regardless of whether the rider is pedaling and is not capable 16144
of providing assistance when the bicycle reaches the speed of 16145
twenty miles per hour. 16146

(VVV) "Class 3 electric bicycle" means a bicycle that is 16147
equipped with fully operable pedals and an electric motor of 16148
less than seven hundred fifty watts that provides assistance 16149
only when the rider is pedaling and ceases to provide assistance 16150
when the bicycle reaches the speed of twenty-eight miles per 16151
hour. 16152

(WWW) "Low-speed micromobility device" means a device 16153
weighing less than one hundred pounds that has handlebars, is 16154
propelled by an electric motor or human power, and has an 16155
attainable speed on a paved level surface of not more than 16156
twenty miles per hour when propelled by the electric motor. 16157

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 16158
roadway where there is an adjacent curb shall be stopped or 16159
parked with the right-hand wheels of the vehicle parallel with 16160
and not more than twelve inches from the right-hand curb, unless 16161
it is impossible to approach so close to the curb; in such case 16162
the stop shall be made as close to the curb as possible and only 16163
for the time necessary to discharge and receive passengers or to 16164
load or unload merchandise. Local authorities by ordinance may 16165
permit angle parking on any roadway under their jurisdiction, 16166
except that angle parking shall not be permitted on a state 16167
route within a municipal corporation unless an unoccupied 16168

roadway width of not less than twenty-five feet is available for 16169
free-moving traffic. 16170

(B) Local authorities by ordinance may permit parking of 16171
vehicles with the left-hand wheels adjacent to and within twelve 16172
inches of the left-hand curb of a one-way roadway. 16173

(C) (1) (a) Except as provided in division (C) (1) (b) of this 16174
section, no vehicle or trackless trolley shall be stopped or 16175
parked on a road or highway with the vehicle or trackless 16176
trolley facing in a direction other than the direction of travel 16177
on that side of the road or highway. 16178

(b) The operator of a motorcycle may back the motorcycle 16179
into an angled parking space so that when the motorcycle is 16180
parked it is facing in a direction other than the direction of 16181
travel on the side of the road or highway. 16182

(2) The operator of a motorcycle may back the motorcycle 16183
into a parking space that is located on the side of, and 16184
parallel to, a road or highway. The motorcycle may face any 16185
direction when so parked. Not more than two motorcycles at a 16186
time shall be parked in a parking space as described in division 16187
(C) (2) of this section irrespective of whether or not the space 16188
is metered. 16189

(D) Notwithstanding any statute or any rule, resolution, 16190
or ordinance adopted by any local authority, air compressors, 16191
tractors, trucks, and other equipment, while being used in the 16192
construction, reconstruction, installation, repair, or removal 16193
of facilities near, on, over, or under a street or highway, may 16194
stop, stand, or park where necessary in order to perform such 16195
work, provided a flagperson is on duty or warning signs or 16196
lights are displayed as may be prescribed by the director of 16197

transportation. 16198

(E) ~~Special Accessible~~ parking locations and privileges 16199
for persons with disabilities that limit or impair the ability 16200
to walk, ~~also known as handicapped parking spaces or disability-~~ 16201
~~parking spaces,~~ shall be provided and designated by all 16202
political subdivisions and by the state and all agencies and 16203
instrumentalities thereof at all offices and facilities, where 16204
parking is provided, whether owned, rented, or leased, and at 16205
all publicly owned parking garages. The locations shall be 16206
designated through the posting of an elevated sign, whether 16207
permanently affixed or movable, imprinted with the international 16208
symbol of access and shall be reasonably close to exits, 16209
entrances, elevators, and ramps. All elevated signs posted in 16210
accordance with this division and division (C) of section 16211
3781.111 of the Revised Code shall be mounted on a fixed or 16212
movable post, and the distance from the ground to the bottom 16213
edge of the sign shall measure not less than five feet. If a new 16214
sign or a replacement sign designating ~~a special~~ an accessible 16215
parking location is posted on or after October 14, 1999, there 16216
also shall be affixed upon the surface of that sign or affixed 16217
next to the designating sign a notice that states the fine 16218
applicable for the offense of parking a motor vehicle in the 16219
~~special~~-designated accessible parking location if the motor 16220
vehicle is not legally entitled to be parked in that location. 16221

(F) (1) (a) No person shall stop, stand, or park any motor 16222
vehicle at ~~special-accessible~~ parking locations provided under 16223
division (E) of this section or at ~~special-accessible~~ clearly 16224
marked parking locations provided in or on privately owned 16225
parking lots, parking garages, or other parking areas and 16226
designated in accordance with that division, unless one of the 16227
following applies: 16228

(i) The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or ~~special~~ accessible license plates;

(ii) The motor vehicle is being operated by or for the transport of a ~~handicapped~~ person with a disability and is displaying a parking card or ~~special handicapped accessible~~ license plates.

(b) Any motor vehicle that is parked in a ~~special an~~ accessible marked parking location in violation of division (F) (1) (a) (i) or (ii) of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the political subdivision in which the parking location is located. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles.

(c) If a person is charged with a violation of division (F) (1) (a) (i) or (ii) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in division (A) (1) of section 4503.44 of the Revised Code.

(2) No person shall stop, stand, or park any motor vehicle 16259
in an area that is commonly known as an access aisle, which area 16260
is marked by diagonal stripes and is located immediately 16261
adjacent to a ~~special~~ an accessible parking location provided 16262
under division (E) of this section or at a ~~special~~ an accessible 16263
clearly marked parking location provided in or on a privately 16264
owned parking lot, parking garage, or other parking area and 16265
designated in accordance with that division. 16266

(G) When a motor vehicle is being operated by or for the 16267
transport of a person with a disability that limits or impairs 16268
the ability to walk and is displaying a removable windshield 16269
placard or a temporary removable windshield placard or ~~special~~ 16270
accessible license plates, or when a motor vehicle is being 16271
operated by or for the transport of a ~~handicapped person with a~~ 16272
disability and is displaying a parking card or ~~special~~ 16273
~~handicapped~~ accessible license plates, the motor vehicle is 16274
permitted to park for a period of two hours in excess of the 16275
legal parking period permitted by local authorities, except 16276
where local ordinances or police rules provide otherwise or 16277
where the vehicle is parked in such a manner as to be clearly a 16278
traffic hazard. 16279

(H) No owner of an office, facility, or parking garage 16280
where ~~special~~ accessible parking locations are required to be 16281
designated in accordance with division (E) of this section shall 16282
fail to properly mark the ~~special~~ accessible parking locations 16283
in accordance with that division or fail to maintain the 16284
markings of the ~~special~~ accessible locations, including the 16285
erection and maintenance of the fixed or movable signs. 16286

(I) Nothing in this section shall be construed to require 16287
a person or organization to apply for a removable windshield 16288

placard or ~~special-accessible~~ license plates if the parking card 16289
or ~~special-accessible~~ license plates issued to the person or 16290
organization under prior law have not expired or been 16291
surrendered or revoked. 16292

(J) (1) Whoever violates division (A) or (C) of this 16293
section is guilty of a minor misdemeanor. 16294

(2) (a) Whoever violates division (F) (1) (a) (i) or (ii) of 16295
this section is guilty of a misdemeanor and shall be punished as 16296
provided in division (J) (2) (a) and (b) of this section. Except 16297
as otherwise provided in division (J) (2) (a) of this section, an 16298
offender who violates division (F) (1) (a) (i) or (ii) of this 16299
section shall be fined not less than two hundred fifty nor more 16300
than five hundred dollars. An offender who violates division (F) 16301
(1) (a) (i) or (ii) of this section shall be fined not more than 16302
one hundred dollars if the offender, prior to sentencing, proves 16303
either of the following to the satisfaction of the court: 16304

(i) At the time of the violation of division (F) (1) (a) (i) 16305
of this section, the offender or the person for whose transport 16306
the motor vehicle was being operated had been issued a removable 16307
windshield placard that then was valid or ~~special-accessible~~ 16308
license plates that then were valid but the offender or the 16309
person neglected to display the placard or license plates as 16310
described in division (F) (1) (a) (i) of this section. 16311

(ii) At the time of the violation of division (F) (1) (a) 16312
(ii) of this section, the offender or the person for whose 16313
transport the motor vehicle was being operated had been issued a 16314
parking card that then was valid or ~~special-handicapped-~~ 16315
accessible license plates that then were valid but the offender 16316
or the person neglected to display the card or license plates as 16317
described in division (F) (1) (a) (ii) of this section. 16318

(b) In no case shall an offender who violates division (F) 16319
(1) (a) (i) or (ii) of this section be sentenced to any term of 16320
imprisonment. 16321

An arrest or conviction for a violation of division (F) (1) 16322
(a) (i) or (ii) of this section does not constitute a criminal 16323
record and need not be reported by the person so arrested or 16324
convicted in response to any inquiries contained in any 16325
application for employment, license, or other right or 16326
privilege, or made in connection with the person's appearance as 16327
a witness. 16328

The clerk of the court shall pay every fine collected 16329
under divisions (J) (2) and (3) of this section to the political 16330
subdivision in which the violation occurred. Except as provided 16331
in division (J) (2) of this section, the political subdivision 16332
shall use the fine moneys it receives under divisions (J) (2) and 16333
(3) of this section to pay the expenses it incurs in complying 16334
with the signage and notice requirements contained in division 16335
(E) of this section. The political subdivision may use up to 16336
fifty per cent of each fine it receives under divisions (J) (2) 16337
and (3) of this section to pay the costs of educational, 16338
advocacy, support, and assistive technology programs for persons 16339
with disabilities, and for public improvements within the 16340
political subdivision that benefit or assist persons with 16341
disabilities, if governmental agencies or nonprofit 16342
organizations offer the programs. 16343

(3) Whoever violates division (F) (2) of this section shall 16344
be fined not less than two hundred fifty nor more than five 16345
hundred dollars. 16346

In no case shall an offender who violates division (F) (2) 16347
of this section be sentenced to any term of imprisonment. An 16348

arrest or conviction for a violation of division (F) (2) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(4) Whoever violates division (H) of this section shall be punished as follows:

(a) Except as otherwise provided in division (J) (4) of this section, the offender shall be issued a warning.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (H) of this section or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars for each parking location that is not properly marked or whose markings are not properly maintained.

(K) As used in this section:

(1) ~~"Handicapped person"~~ "Person with a disability" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or ~~so severely handicapped as to be~~ unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other ~~handicapping~~ disabling condition.

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

(3) ~~"Special Accessible license plates"~~ and "removable windshield placard" mean any license plates or removable

windshield placard or temporary removable windshield placard 16378
issued under section 4503.41 or 4503.44 of the Revised Code, and 16379
also mean any substantially similar license plates or removable 16380
windshield placard or temporary removable windshield placard 16381
issued by a state, district, country, or sovereignty. 16382

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of 16383
the Revised Code: 16384

(A) "Persons" includes individuals, firms, partnerships, 16385
associations, joint stock companies, corporations, and any 16386
combinations of individuals. 16387

(B) "Motor vehicle" means motor vehicle as defined in 16388
section 4501.01 of the Revised Code and also includes "all- 16389
purpose vehicle" and "off-highway motorcycle" as those terms are 16390
defined in section 4519.01 of the Revised Code. "Motor vehicle" 16391
does not include a snowmobile as defined in section 4519.01 of 16392
the Revised Code or manufactured and mobile homes. 16393

(C) "New motor vehicle" means a motor vehicle, the legal 16394
title to which has never been transferred by a manufacturer, 16395
remanufacturer, distributor, or dealer to an ultimate purchaser. 16396

(D) "Ultimate purchaser" means, with respect to any new 16397
motor vehicle, the first person, other than a dealer purchasing 16398
in the capacity of a dealer, who in good faith purchases such 16399
new motor vehicle for purposes other than resale. 16400

(E) "Business" includes any activities engaged in by any 16401
person for the object of gain, benefit, or advantage either 16402
direct or indirect. 16403

(F) "Engaging in business" means commencing, conducting, 16404
or continuing in business, or liquidating a business when the 16405
liquidator thereof holds self out to be conducting such 16406

business; making a casual sale or otherwise making transfers in 16407
the ordinary course of business when the transfers are made in 16408
connection with the disposition of all or substantially all of 16409
the transferor's assets is not engaging in business. 16410

(G) "Retail sale" or "sale at retail" means the act or 16411
attempted act of selling, bartering, exchanging, or otherwise 16412
disposing of a motor vehicle to an ultimate purchaser for use as 16413
a consumer. 16414

(H) "Retail installment contract" includes any contract in 16415
the form of a note, chattel mortgage, conditional sales 16416
contract, lease, agreement, or other instrument payable in one 16417
or more installments over a period of time and arising out of 16418
the retail sale of a motor vehicle. 16419

(I) "Farm machinery" means all machines and tools used in 16420
the production, harvesting, and care of farm products. 16421

(J) "Dealer" or "motor vehicle dealer" means any new motor 16422
vehicle dealer, any motor vehicle leasing dealer, and any used 16423
motor vehicle dealer. 16424

(K) "New motor vehicle dealer" means any person engaged in 16425
the business of selling at retail, displaying, offering for 16426
sale, or dealing in new motor vehicles pursuant to a contract or 16427
agreement entered into with the manufacturer, remanufacturer, or 16428
distributor of the motor vehicles. 16429

(L) "Used motor vehicle dealer" means any person engaged 16430
in the business of selling, displaying, offering for sale, or 16431
dealing in used motor vehicles, at retail or wholesale, but does 16432
not mean any new motor vehicle dealer selling, displaying, 16433
offering for sale, or dealing in used motor vehicles 16434
incidentally to engaging in the business of selling, displaying, 16435

offering for sale, or dealing in new motor vehicles, any person 16436
engaged in the business of dismantling, salvaging, or rebuilding 16437
motor vehicles by means of using used parts, or any public 16438
officer performing official duties. 16439

(M) "Motor vehicle leasing dealer" means any person 16440
engaged in the business of regularly making available, offering 16441
to make available, or arranging for another person to use a 16442
motor vehicle pursuant to a bailment, lease, sublease, or other 16443
contractual arrangement under which a charge is made for its use 16444
at a periodic rate for a term of thirty days or more, and title 16445
to the motor vehicle is in and remains in the motor vehicle 16446
leasing dealer who originally leases it, irrespective of whether 16447
or not the motor vehicle is the subject of a later sublease, and 16448
not in the user, but does not mean a manufacturer or its 16449
affiliate leasing to its employees or to dealers. 16450

(N) "Salesperson" means any person employed by a dealer to 16451
sell, display, and offer for sale, or deal in motor vehicles for 16452
a commission, compensation, or other valuable consideration, but 16453
does not mean any public officer performing official duties. 16454

(O) "Casual sale" means any transfer of a motor vehicle by 16455
a person other than a new motor vehicle dealer, used motor 16456
vehicle dealer, motor vehicle salvage dealer, as defined in 16457
division (A) of section 4738.01 of the Revised Code, 16458
salesperson, motor vehicle auction owner, manufacturer, or 16459
distributor acting in the capacity of a dealer, salesperson, 16460
auction owner, manufacturer, or distributor, to a person who 16461
purchases the motor vehicle for use as a consumer. 16462

(P) "Motor vehicle auction owner" means any person who is 16463
engaged wholly or in part in the business of auctioning motor 16464
vehicles, but does not mean a construction equipment auctioneer 16465

or a construction equipment auction licensee. 16466

(Q) "Manufacturer" means a person who manufactures, 16467
assembles, or imports motor vehicles, including motor homes, but 16468
does not mean a person who only assembles or installs a body, 16469
special equipment unit, finishing trim, or accessories on a 16470
motor vehicle chassis supplied by a manufacturer or distributor. 16471

(R) "Tent-type fold-out camping trailer" means any vehicle 16472
intended to be used, when stationary, as a temporary shelter 16473
with living and sleeping facilities, and that is subject to the 16474
following properties and limitations: 16475

(1) A minimum of twenty-five per cent of the fold-out 16476
portion of the top and sidewalls combined must be constructed of 16477
canvas, vinyl, or other fabric, and form an integral part of the 16478
shelter. 16479

(2) When folded, the unit must not exceed: 16480

(a) Fifteen feet in length, exclusive of bumper and 16481
tongue; 16482

(b) Sixty inches in height from the point of contact with 16483
the ground; 16484

(c) Eight feet in width; 16485

(d) One ton gross weight at time of sale. 16486

(S) "Distributor" means any person authorized by a motor 16487
vehicle manufacturer to distribute new motor vehicles to 16488
licensed new motor vehicle dealers, but does not mean a person 16489
who only assembles or installs a body, special equipment unit, 16490
finishing trim, or accessories on a motor vehicle chassis 16491
supplied by a manufacturer or distributor. 16492

(T) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.

(U) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any motor vehicle dealer that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.

(V) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.

(W) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.

(X) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.

(Y) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its motor vehicles, parts, or accessories to dealers or for supervising or contacting its dealers or prospective dealers.

(Z) "Administrative or executive management" means those individuals who are not subject to federal wage and hour laws.

(AA) "Good faith" means honesty in the conduct or transaction concerned and the observance of reasonable

commercial standards of fair dealing in the trade as is defined 16522
in section 1301.201 of the Revised Code, including, but not 16523
limited to, the duty to act in a fair and equitable manner so as 16524
to guarantee freedom from coercion, intimidation, or threats of 16525
coercion or intimidation; provided however, that recommendation, 16526
endorsement, exposition, persuasion, urging, or argument shall 16527
not be considered to constitute a lack of good faith. 16528

(BB) "Coerce" means to compel or attempt to compel by 16529
failing to act in good faith or by threat of economic harm, 16530
breach of contract, or other adverse consequences. Coerce does 16531
not mean to argue, urge, recommend, or persuade. 16532

(CC) "Relevant market area" means any area within a radius 16533
of ten miles from the site of a potential new dealership, except 16534
that for manufactured home or recreational vehicle dealerships 16535
the radius shall be twenty-five miles. The ten-mile radius shall 16536
be measured from the dealer's established place of business that 16537
is used exclusively for the purpose of selling, displaying, 16538
offering for sale, or dealing in motor vehicles. 16539

(DD) "Wholesale" or "at wholesale" means the act or 16540
attempted act of selling, bartering, exchanging, or otherwise 16541
disposing of a motor vehicle to a transferee for the purpose of 16542
resale and not for ultimate consumption by that transferee. 16543

(EE) "Motor vehicle wholesaler" means any person licensed 16544
as a dealer under the laws of another state and engaged in the 16545
business of selling, displaying, or offering for sale used motor 16546
vehicles, at wholesale, but does not mean any motor vehicle 16547
dealer as defined in this section. 16548

(FF) (1) "Remanufacturer" means a person who assembles or 16549
installs passenger seating, walls, a roof elevation, or a body 16550

extension on a conversion van with the motor vehicle chassis 16551
supplied by a manufacturer or distributor, a person who modifies 16552
a truck chassis supplied by a manufacturer or distributor for 16553
use as a public safety or public service vehicle, a person who 16554
modifies a motor vehicle chassis supplied by a manufacturer or 16555
distributor for use as a limousine or hearse, or a person who 16556
modifies an incomplete motor vehicle cab and chassis supplied by 16557
a new motor vehicle dealer or distributor for use as a tow 16558
truck, but does not mean either of the following: 16559

(a) A person who assembles or installs passenger seating, 16560
a roof elevation, or a body extension on a recreational vehicle 16561
as defined in division (Q) and referred to in division (B) of 16562
section 4501.01 of the Revised Code; 16563

(b) A person who assembles or installs ~~special~~ equipment 16564
or accessories for ~~handicapped persons~~ with disabilities, as 16565
defined in section 4503.44 of the Revised Code, upon a motor 16566
vehicle chassis supplied by a manufacturer or distributor. 16567

(2) For the purposes of division (FF)(1) of this section, 16568
"public safety vehicle or public service vehicle" means a fire 16569
truck, ambulance, school bus, street sweeper, garbage packing 16570
truck, or cement mixer, or a mobile self-contained facility 16571
vehicle. 16572

(3) For the purposes of division (FF)(1) of this section, 16573
"limousine" means a motor vehicle, designed only for the purpose 16574
of carrying nine or fewer passengers, that a person modifies by 16575
cutting the original chassis, lengthening the wheelbase by forty 16576
inches or more, and reinforcing the chassis in such a way that 16577
all modifications comply with all applicable federal motor 16578
vehicle safety standards. No person shall qualify as or be 16579
deemed to be a remanufacturer who produces limousines unless the 16580

person has a written agreement with the manufacturer of the 16581
chassis the person utilizes to produce the limousines to 16582
complete properly the remanufacture of the chassis into 16583
limousines. 16584

(4) For the purposes of division (FF)(1) of this section, 16585
"hearse" means a motor vehicle, designed only for the purpose of 16586
transporting a single casket, that is equipped with a 16587
compartment designed specifically to carry a single casket that 16588
a person modifies by cutting the original chassis, lengthening 16589
the wheelbase by ten inches or more, and reinforcing the chassis 16590
in such a way that all modifications comply with all applicable 16591
federal motor vehicle safety standards. No person shall qualify 16592
as or be deemed to be a remanufacturer who produces hearses 16593
unless the person has a written agreement with the manufacturer 16594
of the chassis the person utilizes to produce the hearses to 16595
complete properly the remanufacture of the chassis into hearses. 16596

(5) For the purposes of division (FF)(1) of this section, 16597
"mobile self-contained facility vehicle" means a mobile 16598
classroom vehicle, mobile laboratory vehicle, bookmobile, 16599
bloodmobile, testing laboratory, and mobile display vehicle, 16600
each of which is designed for purposes other than for passenger 16601
transportation and other than the transportation or displacement 16602
of cargo, freight, materials, or merchandise. A vehicle is 16603
remanufactured into a mobile self-contained facility vehicle in 16604
part by the addition of insulation to the body shell, and 16605
installation of all of the following: a generator, electrical 16606
wiring, plumbing, holding tanks, doors, windows, cabinets, 16607
shelving, and heating, ventilating, and air conditioning 16608
systems. 16609

(6) For the purposes of division (FF)(1) of this section, 16610

"tow truck" means both of the following: 16611

(a) An incomplete cab and chassis that are purchased by a 16612
remanufacturer from a new motor vehicle dealer or distributor of 16613
the cab and chassis and on which the remanufacturer then 16614
installs in a permanent manner a wrecker body it purchases from 16615
a manufacturer or distributor of wrecker bodies, installs an 16616
emergency flashing light pylon and emergency lights upon the 16617
mast of the wrecker body or rooftop, and installs such other 16618
related accessories and equipment, including push bumpers, front 16619
grille guards with pads and other custom-ordered items such as 16620
painting, special lettering, and safety striping so as to create 16621
a complete motor vehicle capable of lifting and towing another 16622
motor vehicle. 16623

(b) An incomplete cab and chassis that are purchased by a 16624
remanufacturer from a new motor vehicle dealer or distributor of 16625
the cab and chassis and on which the remanufacturer then 16626
installs in a permanent manner a car carrier body it purchases 16627
from a manufacturer or distributor of car carrier bodies, 16628
installs an emergency flashing light pylon and emergency lights 16629
upon the rooftop, and installs such other related accessories 16630
and equipment, including push bumpers, front grille guards with 16631
pads and other custom-ordered items such as painting, special 16632
lettering, and safety striping. 16633

As used in division (FF) (6) (b) of this section, "car 16634
carrier body" means a mechanical or hydraulic apparatus capable 16635
of lifting and holding a motor vehicle on a flat level surface 16636
so that one or more motor vehicles can be transported, once the 16637
car carrier is permanently installed upon an incomplete cab and 16638
chassis. 16639

(GG) "Operating as a new motor vehicle dealership" means 16640

engaging in activities such as displaying, offering for sale, 16641
and selling new motor vehicles at retail, operating a service 16642
facility to perform repairs and maintenance on motor vehicles, 16643
offering for sale and selling motor vehicle parts at retail, and 16644
conducting all other acts that are usual and customary to the 16645
operation of a new motor vehicle dealership. For the purposes of 16646
this chapter only, possession of either a valid new motor 16647
vehicle dealer franchise agreement or a new motor vehicle 16648
dealers license, or both of these items, is not evidence that a 16649
person is operating as a new motor vehicle dealership. 16650

(HH) "Outdoor power equipment" means garden and small 16651
utility tractors, walk-behind and riding mowers, chainsaws, and 16652
tillers. 16653

(II) "Remote service facility" means premises that are 16654
separate from a licensed new motor vehicle dealer's sales 16655
facility by not more than one mile and that are used by the 16656
dealer to perform repairs, warranty work, recall work, and 16657
maintenance on motor vehicles pursuant to a franchise agreement 16658
entered into with a manufacturer of motor vehicles. A remote 16659
service facility shall be deemed to be part of the franchise 16660
agreement and is subject to all the rights, duties, obligations, 16661
and requirements of Chapter 4517. of the Revised Code that 16662
relate to the performance of motor vehicle repairs, warranty 16663
work, recall work, and maintenance work by new motor vehicle 16664
dealers. 16665

(JJ) "Recreational vehicle" has the same meaning as in 16666
section 4501.01 of the Revised Code. 16667

(KK) "Construction equipment auctioneer" means a person 16668
who holds both a valid auction firm license issued under Chapter 16669
4707. of the Revised Code and a valid construction equipment 16670

auction license issued under this chapter.	16671
(LL) "Large construction or transportation equipment"	16672
means vehicles having a gross vehicle weight rating of more than	16673
ten thousand pounds and includes road rollers, traction engines,	16674
power shovels, power cranes, commercial cars and trucks, or farm	16675
trucks, and other similar vehicles obtained primarily from the	16676
construction, mining, transportation or farming industries.	16677
(MM) "Local market conditions" includes, but is not	16678
limited to:	16679
(1) Demographics in the franchisee's area;	16680
(2) Geographical and market characteristics in the	16681
franchisee's area;	16682
(3) Local economic circumstances;	16683
(4) The proximity of other motor vehicle dealers of the	16684
same line-make;	16685
(5) The proximity of motor vehicle manufacturing	16686
facilities;	16687
(6) The buying patterns of motor vehicle purchasers;	16688
(7) Customer drive time and drive distance.	16689
Sec. 4517.12. (A) The registrar of motor vehicles shall	16690
deny the application of any person for a license as a motor	16691
vehicle dealer, motor vehicle leasing dealer, or motor vehicle	16692
auction owner and refuse to issue the license if the registrar	16693
finds that the applicant:	16694
(1) Has made any false statement of a material fact in the	16695
application;	16696
(2) Has not complied with sections 4517.01 to 4517.45 of	16697

the Revised Code; 16698

(3) Is of bad business repute or has habitually defaulted 16699
on financial obligations; 16700

(4) Is engaged or will engage in the business of selling 16701
at retail any new motor vehicles without having written 16702
authority from the manufacturer or distributor thereof to sell 16703
new motor vehicles and to perform repairs under the terms of the 16704
manufacturer's or distributor's new motor vehicle warranty, 16705
except as provided in division (C) of this section and except 16706
that a person who assembles or installs special equipment or 16707
accessories for ~~handicapped~~ persons with disabilities, as 16708
defined in section 4503.44 of the Revised Code, upon a motor 16709
vehicle chassis supplied by a manufacturer or distributor shall 16710
not be denied a license pursuant to division (A)(4) of this 16711
section; 16712

(5) Has been convicted of a disqualifying offense as 16713
determined in accordance with section 9.79 of the Revised Code; 16714

(6) Has entered into or is about to enter into a contract 16715
or agreement with a manufacturer or distributor of motor 16716
vehicles that is contrary to sections 4517.01 to 4517.45 of the 16717
Revised Code; 16718

(7) Is insolvent; 16719

(8) Is of insufficient responsibility to ensure the prompt 16720
payment of any final judgments that might reasonably be entered 16721
against the applicant because of the transaction of business as 16722
a motor vehicle dealer, motor vehicle leasing dealer, or motor 16723
vehicle auction owner during the period of the license applied 16724
for, or has failed to satisfy any such judgment; 16725

(9) Has no established place of business that, where 16726

applicable, is used or will be used for the purpose of selling, 16727
displaying, offering for sale, dealing in, or leasing motor 16728
vehicles at the location for which application is made; 16729

(10) Has, less than twelve months prior to making 16730
application, been denied a motor vehicle dealer's, motor vehicle 16731
leasing dealer's, or motor vehicle auction owner's license, or 16732
has any such license revoked; 16733

(11) Is a manufacturer, or a parent company, subsidiary, 16734
or affiliated entity of a manufacturer, applying for a license 16735
to sell or lease new or used motor vehicles at retail. Division 16736
(A) (11) of this section shall not serve as a basis for the 16737
termination, revocation, or nonrenewal of a license granted 16738
prior to September 4, 2014. Nothing in division (A) (11) of this 16739
section shall prohibit a manufacturer from doing either of the 16740
following: 16741

(a) Owning, operating, or controlling not more than three 16742
licensed motor vehicle dealerships if, as of January 1, 2014, 16743
the manufacturer was selling or otherwise distributing its motor 16744
vehicles at an established place of business in this state. Such 16745
ownership, operation, or control may continue unless the 16746
manufacturer's motor vehicle operations are sold or acquired or 16747
the manufacturer produces any motor vehicles other than all- 16748
electric motor vehicles. 16749

(b) Disposing of motor vehicles at wholesale at the 16750
termination of a consumer lease through a motor vehicle auction. 16751

(B) If the applicant is a corporation or partnership, the 16752
registrar may refuse to issue a license if any officer, 16753
director, or partner of the applicant has been guilty of any act 16754
or omission that would be cause for refusing or revoking a 16755

license issued to such officer, director, or partner as an individual. The registrar's finding may be based upon facts contained in the application or upon any other information the registrar may have. Immediately upon denying an application for any of the reasons in this section, the registrar shall enter a final order together with the registrar's findings and certify the same to the motor vehicle dealers' and salespersons' licensing board.

(C) Notwithstanding division (A)(4) of this section, the registrar shall not deny the application of any person and refuse to issue a license if the registrar finds that the applicant is engaged or will engage in the business of selling at retail any new motor vehicles and demonstrates all of the following in the form prescribed by the registrar:

(1) That the applicant has posted a bond, surety, or certificate of deposit with the registrar in an amount not less than one hundred thousand dollars for the protection and benefit of the applicant's customers except that a new motor vehicle dealer who is not exclusively engaged in the business of selling remanufactured vehicles shall not be required to post the bond, surety, or certificate of deposit otherwise required by division (C)(1) of this section;

(2) That, at the time of the sale of the vehicle, each customer of the applicant will be furnished with a warranty issued by the remanufacturer for a term of at least one year;

(3) That the applicant provides and maintains at the applicant's location and place of business a permanent facility with all of the following:

(a) A showroom with space, under roof, for the display of

at least one new motor vehicle; 16785

(b) A service and parts facility for remanufactured 16786
vehicles; 16787

(c) Full-time service and parts personnel with the proper 16788
training and technical expertise to service the remanufactured 16789
vehicles sold by the applicant. 16790

Sec. 4521.01. As used in this chapter: 16791

(A) "Parking infraction" means a violation of any 16792
ordinance, resolution, or regulation enacted by a local 16793
authority that regulates the standing or parking of vehicles and 16794
that is authorized pursuant to section 505.17 or 4511.07 of the 16795
Revised Code, or a violation of any ordinance, resolution, or 16796
regulation enacted by a local authority as authorized by this 16797
chapter, if the local authority in either of these cases also 16798
has enacted an ordinance, resolution, or regulation of the type 16799
described in division (A) of section 4521.02 of the Revised Code 16800
in relation to the particular regulatory ordinance, resolution, 16801
or regulation. 16802

(B) "Vehicle" has the same meaning as in section 4511.01 16803
of the Revised Code. 16804

(C) "Court" means a municipal court, county court, 16805
juvenile court, or mayor's court, unless specifically identified 16806
as one of these courts, in which case it means the specifically 16807
identified court. 16808

(D) "Local authority" means every county, municipal 16809
corporation, township, or other local board or body having 16810
authority to adopt police regulations pursuant to the 16811
constitution and laws of this state. 16812

(E) "~~Disability-Accessible~~ parking space" means a motor vehicle parking location that is reserved for the exclusive standing or parking of a vehicle that is operated by or on behalf of a person with a disability that limits or impairs the ability to walk and displays a placard or license plates issued under section 4503.44 of the Revised Code.

(F) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

Sec. 4521.02. (A) A local authority that enacts any ordinance, resolution, or regulation that regulates the standing or parking of vehicles and that is authorized pursuant to section 505.17 or 4511.07 of the Revised Code also by ordinance, resolution, or regulation may specify that a violation of the regulatory ordinance, resolution, or regulation shall not be considered a criminal offense for any purpose, that a person who commits the violation shall not be arrested as a result of the commission of the violation, and that the violation shall be handled pursuant to this chapter. If such a specification is made, the local authority also by ordinance, resolution, or regulation shall adopt a fine for a violation of the regulatory ordinance, resolution, or regulation and prescribe an additional penalty or penalties for failure to answer any charges of the violation in a timely manner. In no case shall any fine adopted or additional penalty prescribed pursuant to this division exceed the fine established by the municipal or county court having territorial jurisdiction over the entire or a majority of the political subdivision of the local authority, in its schedule of fines established pursuant to Traffic Rule 13(C), for a substantively comparable violation. Except as provided in this division, in no case shall any fine adopted or additional

penalty prescribed pursuant to this division exceed one hundred 16844
dollars, plus costs and other administrative charges, per 16845
violation. 16846

If a local authority chooses to adopt a specific fine for 16847
a violation of an ordinance, resolution, or regulation that 16848
regulates the standing or parking of a vehicle in a ~~disability~~ 16849
an accessible parking space, the fine the local authority 16850
establishes for such offense shall be an amount not less than 16851
two hundred fifty dollars but not more than five hundred 16852
dollars. 16853

(B) A local authority that enacts an ordinance, 16854
resolution, or regulation pursuant to division (A) of this 16855
section also may enact an ordinance, resolution, or regulation 16856
that provides for the impoundment or immobilization of vehicles 16857
found standing or parked in violation of the regulatory 16858
ordinance, resolution, or regulation and the release of the 16859
vehicles to their owners. In no case shall an ordinance, 16860
resolution, or regulation require the owner of the vehicle to 16861
post bond or deposit cash in excess of one thousand dollars in 16862
order to obtain release of the vehicle. 16863

(C) A local authority that enacts any ordinance, 16864
resolution, or regulation pursuant to division (A) of this 16865
section also shall enact an ordinance, resolution, or regulation 16866
that specifies the time within which a person who is issued a 16867
parking ticket must answer in relation to the parking infraction 16868
charged in the ticket. 16869

Sec. 4521.10. (A) (1) If a judgment or default judgment is 16870
entered against a person pursuant to section 4521.08 of the 16871
Revised Code for a violation of an ordinance, resolution, or 16872
regulation that regulates the standing or parking of a vehicle 16873

in ~~a disability~~ an accessible parking space and the person has 16874
not paid the judgment or default judgment within ten days of the 16875
date of entry of the judgment, the parking violations bureau, 16876
joint parking violations bureau, or traffic violations bureau in 16877
which the judgment was entered may give notice of that fact to 16878
the registrar of motor vehicles. The notice, if given, shall be 16879
given not earlier than sixteen days nor later than three years 16880
after the date of entry of the judgment, and shall be in a form 16881
and manner, and contain such information, as the registrar 16882
prescribes. 16883

(2) If three or more judgments or default judgments have 16884
been entered against a person pursuant to section 4521.08 of the 16885
Revised Code and the person has not paid the judgments or 16886
default judgments within ten days of the date of entry of the 16887
third judgment, the parking violations bureau, joint parking 16888
violations bureau, or traffic violations bureau in which the 16889
judgments were entered may give notice of that fact to the 16890
registrar. The notice, if given, shall be given not earlier than 16891
sixteen days nor later than three years after the date of entry 16892
of the third judgment, and shall be in a form and manner, and 16893
contain such information, as the registrar prescribes. 16894

(B) (1) Upon receipt of a notice as provided in division 16895
(A) of this section, neither the registrar nor any deputy 16896
registrar shall accept any application for the registration or 16897
transfer of registration of any motor vehicle owned or leased by 16898
the person named in the notice unless the person presents a 16899
release as provided in division (C) of this section or unless 16900
the registrar is properly notified by the parking violations 16901
bureau, joint parking violations bureau, or traffic violations 16902
bureau that the judgment or default judgment described in 16903
division (A) (1) of this section or the judgments or default 16904

judgments described in division (A) (2) of this section have been 16905
paid, dismissed, or reversed on appeal, or that the initial 16906
notice was given in error and is therefore canceled. 16907

(2) The registrar shall not be required to give effect to 16908
any notice provided by a parking violations bureau, joint 16909
parking violations bureau, or traffic violations bureau under 16910
division (A) of this section unless the information contained in 16911
the "Ohio uniform traffic tickets" described in Traffic Rule 3 16912
(A) and (B) that the bureau processes is transmitted to the 16913
registrar by means of an electronic transfer system. 16914

(C) When a notice as provided in division (A) of this 16915
section is given to the registrar and the judgments or default 16916
judgments are subsequently paid, dismissed, or reversed on 16917
appeal, or it is discovered that the notice was given in error 16918
and is therefore canceled, the parking violations bureau, joint 16919
parking violations bureau, or traffic violations bureau giving 16920
the initial notice shall immediately notify the registrar of 16921
such payment, dismissal, reversal, or cancellation. The 16922
notification shall be in a form and manner, and contain such 16923
information, as the registrar prescribes. If the initial notice 16924
was not given in error, the parking violations bureau, joint 16925
parking violations bureau, or traffic violations bureau shall 16926
charge the person a five dollar processing fee for each judgment 16927
or default judgment to cover the costs of the bureau of motor 16928
vehicles in administering this section. Upon payment of the fee, 16929
the parking violations bureau, joint parking violations bureau, 16930
or traffic violations bureau shall give to the person a release 16931
to be presented at the time of registering or transferring the 16932
registration of a motor vehicle owned or leased by the person. 16933
All fees collected under this division shall be transmitted 16934
monthly to the registrar for deposit in the public safety - 16935

highway purposes fund established by section 4501.06 of the Revised Code.

(D) The registrar shall cause the information contained in each notice received pursuant to division (A) of this section to be removed from the records of the bureau of motor vehicles and of the deputy registrars thirteen months after the date the information was entered into the records, unless the registrar receives a further notice from the parking violations bureau, joint parking violations bureau, or traffic violations bureau submitting the initial notice that the judgments or default judgments are still outstanding.

(E) When any application for the registration or transfer of registration of a motor vehicle is refused as provided in division (B) of this section, the registrar or deputy registrar to whom application is made shall inform the person that no such application may be accepted unless the person presents a release as provided in division (C) of this section or the records of the bureau of motor vehicles and of the deputy registrar indicate that each judgment and default judgment against the person is paid, dismissed, reversed on appeal, or canceled.

(F) When any person named in a notice as provided in division (A) of this section applies for the registration or transfer of registration of any motor vehicle owned or leased by the person and presents a release as provided in division (C) of this section or the records of the bureau of motor vehicles and of any deputy registrar to whom the application is made indicate that each judgment and default judgment against the person has been paid, dismissed, or reversed on appeal, the registrar or deputy registrar shall accept the application for registration or transfer of registration and may issue a certificate of

registration or amended certificate of registration for the 16966
motor vehicle. 16967

(G) In determining whether the judgments or default 16968
judgments that have been entered against a person as provided in 16969
division (A) (2) of this section total three or more, the parking 16970
violations bureau, joint parking violations bureau, or traffic 16971
violations bureau may apply to that total any violation the 16972
person committed during the relevant time period by illegally 16973
standing or parking a vehicle in ~~a disability~~ an accessible 16974
parking space, irrespective of the amount of the fine imposed 16975
for such violation. 16976

(H) The registrar shall adopt such rules as the registrar 16977
considers necessary to ensure the orderly operation of sections 16978
4521.09 and 4521.10 of the Revised Code, and any parking 16979
violations bureau, joint parking violations bureau, or traffic 16980
violations bureau shall conform to those rules. 16981

Sec. 4551.05. At the discretion of the court before whom 16982
the defendant is brought for a violation of sections 4551.01 to 16983
4551.03, inclusive, of the Revised Code, the cut trees or boughs 16984
being transported at the time of the offense may immediately be 16985
disposed of at the highest obtainable price, and the money 16986
obtained from such sale shall be impounded by the court, pending 16987
determination of the ownership of such trees or boughs. If such 16988
owners are unknown and cannot be ascertained within thirty days 16989
after such sale, or if there is money remaining after the claims 16990
of known owners have been satisfied, all money thereafter 16991
remaining shall be paid to the local county welfare board for 16992
expenditures in aid to ~~crippled or indigent~~ children with 16993
disabilities or who are indigent. 16994

Sec. 4741.221. (A) The state veterinary medical licensing 16995

board may, prior to or after a hearing conducted under section 16996
4741.22 of the Revised Code, and in lieu of taking or in 16997
addition to any action it may take under that section, refer any 16998
veterinarian or registered veterinarian technician: 16999

(1) Who ~~suffers from~~ experiences alcohol or substance 17000
abuse, to the Ohio veterinary medical association special 17001
assistance committee, the Ohio physicians health program, or an 17002
advocacy group approved by the board, for support and assistance 17003
in the coordination of the treatment of that veterinarian or 17004
technician; 17005

(2) Who has violated any provision of this chapter for any 17006
offense for which the board normally would not seek the 17007
revocation or suspension of the person's license or 17008
registration, to the Ohio veterinary medical association special 17009
committee on peer review. 17010

(B) To implement this section, the board shall adopt rules 17011
in accordance with Chapter 119. of the Revised Code. 17012

Sec. 4747.12. (A) In accordance with Chapter 119. of the 17013
Revised Code, the state speech and hearing professionals board 17014
may revoke, suspend, place on probation, or refuse to issue or 17015
renew a license or permit or reprimand a licensee or permit 17016
holder if the person who holds such license or permit: 17017

(1) Is convicted of a disqualifying offense or a crime of 17018
moral turpitude as those terms are defined in section 4776.10 of 17019
the Revised Code; 17020

(2) Procured a license or permit by fraud or deceit 17021
practiced upon the board; 17022

(3) Obtained any fee or made any sale of a hearing aid by 17023
fraud or misrepresentation; 17024

- (4) Used or caused or promoted the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceptive, or untruthful; 17025
17026
17027
17028
17029
- (5) Advertised a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the specified model or type of hearing aid; 17030
17031
17032
17033
- (6) Represented or advertised that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when such is not true, or using the words "doctor," "clinic," or similar words, abbreviations, or symbols which connote the medical profession when such use is not accurate; 17034
17035
17036
17037
17038
17039
17040
- (7) Advertised a manufacturer's product or used a manufacturer's name or trademark in a manner which suggested the existence of a relationship with the manufacturer which did not or does not exist; 17041
17042
17043
17044
- (8) Fitted or sold, or attempted to fit or sell, a hearing aid to a person without first utilizing the appropriate procedures and instruments required for proper fitting of hearing aids; 17045
17046
17047
17048
- (9) Engaged in the fitting and sale of hearing aids under a false name or an alias; 17049
17050
- (10) Engaged in the practice of dealing in or fitting of hearing aids while ~~suffering from~~ having a contagious or infectious disease; 17051
17052
17053

- (11) Was found by the board to be guilty of gross incompetence or negligence in the fitting or sale of hearing aids; 17054
17055
17056
- (12) Permitted another person to use the licensee's license; 17057
17058
- (13) Violate the code of ethical practice adopted under section 4744.50 of the Revised Code; 17059
17060
- (14) Made or filed a false report or record in the sale or dispensing of a hearing aid; 17061
17062
- (15) Aided or abetted the unlicensed sale, fitting, or dispensing of a hearing aid; 17063
17064
- (16) Committed an act of dishonorable, immoral, or unprofessional conduct while engaging in the sale or practice of dealing in or fitting of hearing aids; 17065
17066
17067
- (17) Engaged in illegal, incompetent, or habitually negligent practice; 17068
17069
- (18) Provided professional services while mentally incompetent or under the influence of alcohol or while using any narcotic or controlled substance or other drug that is in excess of therapeutic amounts or without valid medical indication; 17070
17071
17072
17073
- (19) Violated this chapter or any lawful order given or rule adopted by the board; 17074
17075
- (20) Is disciplined by a licensing or disciplinary authority of this or any other state or country or is convicted or disciplined by a court of this or any other state or country for an act that would be grounds for disciplinary action under this section; 17076
17077
17078
17079
17080

(21) Engaged in conduct that the board has identified in a rule adopted under section 4747.04 of the Revised Code as requiring disciplinary action under this section.

(B) If the board revokes a person's license under division (A) of this section, the person may apply for reinstatement. The board may require the person to complete an examination or additional continuing education as a condition of reinstatement.

Sec. 4766.01. As used in this chapter:

(A) "Advanced life support" means treatment described in section 4765.39 of the Revised Code that a paramedic is certified to perform.

(B) "Air medical service organization" means an organization that furnishes, conducts, maintains, advertises, promotes, or otherwise engages in providing medical services with a rotorcraft air ambulance or fixed wing air ambulance.

(C) "Air medical transportation" means the transporting of a patient by rotorcraft air ambulance or fixed wing air ambulance with appropriately licensed and certified medical personnel.

(D) "Ambulance" means any motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used to provide basic life support, intermediate life support, advanced life support, or mobile intensive care unit services and transportation upon the streets or highways of this state of persons who are seriously ill, injured, wounded, or otherwise incapacitated or helpless. "Ambulance" does not include air medical transportation or a vehicle designed and used solely for the transportation of nonstretcher-bound persons, whether the person is hospitalized

or ~~handicapped~~ has a disability or whether the person is 17110
ambulatory or ~~confined to a~~ using a wheelchair. 17111

(E) "Ambulette" means a motor vehicle that is specifically 17112
designed, constructed, or modified and equipped and is intended 17113
to be used for transportation upon the streets or highways of 17114
this state of persons who require use of a wheelchair or other 17115
mobility aid. 17116

(F) "Basic life support" means treatment described in 17117
section 4765.37 of the Revised Code that an EMT is certified to 17118
perform. 17119

(G) "Disaster situation" means any condition or situation 17120
described by rule of the state board of emergency medical, fire, 17121
and transportation services as a mass casualty, major emergency, 17122
natural disaster, or national emergency. 17123

(H) "Emergency medical service organization" means an 17124
organization that uses EMTs, AEMTs, or paramedics, or a 17125
combination of EMTs, AEMTs, and paramedics, to provide medical 17126
care to victims of illness or injury. An emergency medical 17127
service organization includes, but is not limited to, a 17128
commercial ambulance service organization, a hospital, and a 17129
funeral home. 17130

(I) "EMT," "AEMT," and "paramedic" have the same meanings 17131
as in sections 4765.01 and 4765.011 of the Revised Code. 17132

(J) "Fixed wing air ambulance" means a fixed wing aircraft 17133
that is specifically designed, constructed, or modified and 17134
equipped and is intended to be used as a means of air medical 17135
transportation. 17136

(K) "Health care practitioner" has the same meaning as in 17137
section 3701.74 of the Revised Code. 17138

(L) "Health care services" has the same meaning as in section 3922.01 of the Revised Code.	17139 17140
(M) "Intermediate life support" means treatment described in section 4765.38 of the Revised Code that an AEMT is certified to perform.	17141 17142 17143
(N) "Major emergency" means any emergency event that cannot be resolved through the use of locally available emergency resources.	17144 17145 17146
(O) "Mass casualty" means an emergency event that results in ten or more persons being injured, incapacitated, made ill, or killed.	17147 17148 17149
(P) "Medical emergency" means an unforeseen event affecting an individual in such a manner that a need for immediate care is created.	17150 17151 17152
(Q) "Mobile intensive care unit" means an ambulance used only for maintaining specialized or intensive care treatment and used primarily for interhospital transports of patients whose conditions require care beyond the scope of a paramedic as provided in section 4765.39 of the Revised Code.	17153 17154 17155 17156 17157
(R) (1) "Nonemergency medical service organization" means a person that does both of the following:	17158 17159
(a) Provides services to the public on a regular basis for the purpose of transporting individuals who require the use of a wheelchair or other mobility aid to receive health care services in nonemergency circumstances;	17160 17161 17162 17163
(b) Provides the services for a fee, regardless of whether the fee is paid by the person being transported, a third party payer, as defined in section 3702.51 of the Revised Code, or any	17164 17165 17166

other person or government entity. 17167

(2) "Nonemergency medical service organization" does not 17168
include a health care facility, as defined in section 1751.01 of 17169
the Revised Code, that provides ambulette services only to 17170
patients of that facility. 17171

(S) "Nontransport vehicle" means a motor vehicle operated 17172
by a licensed emergency medical service organization not as an 17173
ambulance, but as a vehicle for providing services in 17174
conjunction with the ambulances operated by the organization or 17175
other emergency medical service organizations. 17176

(T) "Patient" means any individual who as a result of 17177
illness or injury needs medical attention, whose physical or 17178
mental condition is such that there is imminent danger of loss 17179
of life or significant health impairment, or who may be 17180
otherwise incapacitated or helpless as a result of a physical or 17181
mental condition, or any individual whose physical condition 17182
requires the use of a wheelchair or other mobility aid. 17183

(U) "Rotorcraft air ambulance" means a helicopter or other 17184
aircraft capable of vertical takeoffs, vertical landings, and 17185
hovering that is specifically designed, constructed, or modified 17186
and equipped and is intended to be used as a means of air 17187
medical transportation. 17188

(V) "Taxicab" means a taxicab vehicle operated by a 17189
taxicab service company, provided the company is not a 17190
nonemergency medical service organization. 17191

(W) "Transportation network company driver" has the same 17192
meaning as in section 3942.01 of the Revised Code. 17193

(X) "Transportation network company services" has the same 17194
meaning as in section 3942.01 of the Revised Code. 17195

Sec. 4905.79. Any telephone company, as defined in section 17196
5727.01 of the Revised Code, or, as authorized by the public 17197
utilities commission, any affiliate of such a company, that 17198
provides any telephone service program implemented after March 17199
27, 1991, to aid ~~the communicatively impaired persons with~~ 17200
communicative impairments in accessing the telephone network 17201
shall be allowed a tax credit for the costs of any such program 17202
under section 5733.56 of the Revised Code. Relative to any such 17203
program, the commission, in accordance with its rules, shall 17204
allow interested parties to intervene and participate in any 17205
proceeding or part of a proceeding brought before the commission 17206
pursuant to this section. The commission shall adopt rules it 17207
considers necessary to carry out this section. 17208

Sec. 4933.122. No natural gas, gas, or electric light 17209
company shall terminate service, except for safety reasons or 17210
upon the request of the customer, at any time to a residential 17211
consumer, except pursuant to procedures that provide for all of 17212
the following: 17213

(A) Reasonable prior notice is given to such consumer, 17214
including notice of rights and remedies, and no due date shall 17215
be established, after which a customer's account is considered 17216
to be in arrears if unpaid, that is less than fourteen days 17217
after the mailing of the billing. This limitation does not apply 17218
to charges to customers that receive service pursuant to an 17219
arrangement authorized by section 4905.31 of the Revised Code, 17220
nor to electric light companies operated not for profit or 17221
public utilities that are owned or operated by a municipal 17222
corporation. 17223

(B) A reasonable opportunity is given to dispute the 17224
reasons for such termination; 17225

(C) In circumstances in which termination of service to a consumer would be especially dangerous to health, as determined by the public utilities commission, or make the operation of necessary medical or life-supporting equipment impossible or impractical, and such consumer establishes that the consumer is unable to pay for such service in accordance with the requirements of the utility's billing except under an extended payment plan.

Such procedures shall take into account the need to include reasonable provisions for ~~elderly and handicapped~~ consumers who are elderly and who have disabilities.

The commission shall hold hearings and adopt rules to carry out this section.

To the extent that any rules adopted for the purpose of division (C) of this section require a health care professional to validate the health of a consumer or the necessity of operation of a consumer's medical or life-supporting equipment, the rules shall include as a health care professional a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife.

Sec. 4961.08. When, under section 4961.07 of the Revised Code, a railroad company's line of railroad is diverted from a county named in the articles of incorporation, such company is liable to any person owning land in the county for damages caused by the change or diversion. All subscribers to the capital stock of the company on the line of that part of its railroad so changed shall be released from all obligation to pay their subscriptions.

Saving the rights of infants, ~~lunatics~~incompetent

individuals, and persons imprisoned, for six months after their 17255
disability is removed, no action shall be brought for damages 17256
caused by such change or diversion, unless it is begun within 17257
six months from the filing of the certificate for the change 17258
with the secretary of state, and the publication of notice 17259
thereof by the company for four consecutive weeks in a newspaper 17260
published in such county. 17261

Sec. 5101.56. (A) As used in this section, "physician" 17262
means a person who holds a valid license to practice medicine 17263
and surgery or osteopathic medicine and surgery issued under 17264
Chapter 4731. of the Revised Code. 17265

(B) Unless required by the United States Constitution or 17266
by federal statute, regulation, or decisions of federal courts, 17267
state or local funds may not be used for payment or 17268
reimbursement for abortion services unless the certification 17269
required by division (C) of this section is made and one of the 17270
following circumstances exists: 17271

(1) The woman ~~suffers from~~ has a physical disorder, 17272
physical injury, or physical illness, including a life- 17273
endangering physical condition caused by or arising from the 17274
pregnancy, that would, as certified by a physician, place the 17275
woman in danger of death unless an abortion is performed. 17276

(2) The pregnancy was the result of an act of rape and the 17277
patient, the patient's legal guardian, or the person who made 17278
the report to the law enforcement agency, certifies in writing 17279
that prior to the performance of the abortion a report was filed 17280
with a law enforcement agency having the requisite jurisdiction, 17281
unless the patient was physically unable to comply with the 17282
reporting requirement and that fact is certified by the 17283
physician performing the abortion. 17284

(3) The pregnancy was the result of an act of incest and the patient, the patient's legal guardian, or the person who made the report certifies in writing that prior to the performance of the abortion a report was filed with either a law enforcement agency having the requisite jurisdiction, or, in the case of a minor, with a county children services agency established under Chapter 5153. of the Revised Code, unless the patient was physically unable to comply with the reporting requirement and that fact is certified by the physician performing the abortion.

(C) (1) Before payment of or reimbursement for an abortion can be made with state or local funds, the physician performing the abortion shall certify that one of the three circumstances in division (B) of this section has occurred. The certification shall be made on a form created by the Ohio department of job and family services known as the "Abortion Certification Form." The physician's signature shall be in the physician's own handwriting. The certification shall list the name and address of the patient. The certification form shall be attached to the billing invoice.

(2) The certification shall be as follows:

I certify that, on the basis of my professional judgment, this service was necessary because:

(a) The woman ~~suffers from~~has a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion was performed;

(b) The pregnancy was the result of an act of rape and the

patient, the patient's legal guardian, or the person who made 17314
the report to the law enforcement agency certified in writing 17315
that prior to the performance of the abortion a report was filed 17316
with a law enforcement agency having the requisite jurisdiction; 17317

(c) The pregnancy was the result of an act of incest and 17318
the patient, the patient's legal guardian, or the person who 17319
made the report certified in writing that prior to the 17320
performance of the abortion a report was filed with either a law 17321
enforcement agency having the requisite jurisdiction or, in the 17322
case of a minor, with a county children services agency 17323
established under Chapter 5153. of the Revised Code; 17324

(d) The pregnancy was the result of an act of rape and in 17325
my professional opinion the recipient was physically unable to 17326
comply with the reporting requirement; or 17327

(e) The pregnancy was a result of an act of incest and in 17328
my professional opinion the recipient was physically unable to 17329
comply with the reporting requirement. 17330

(D) Payment or reimbursement for abortion services shall 17331
not be made with state or local funds for associated services 17332
such as anesthesia, laboratory tests, or hospital services if 17333
the abortion service itself cannot be paid or reimbursed with 17334
state or local funds. All abortion services for which a 17335
physician is seeking reimbursement or payment for the purposes 17336
of this division shall be submitted on a hard-copy billing 17337
invoice. 17338

(E) Documentation that supports the certification made by 17339
a physician shall be maintained by the physician in the 17340
recipient's medical record. When the physician certifies that 17341
circumstances described in division (C) (2) (b) or (c) of this 17342

section are the case, a copy of the statement signed by the 17343
patient, the patient's legal guardian, or the person who made 17344
the report shall be maintained in the patient's medical record. 17345

(F) Nothing in this section denies reimbursement for drugs 17346
or devices to prevent implantation of the fertilized ovum, or 17347
for medical procedures for the termination of an ectopic 17348
pregnancy. This section does not apply to treatments for 17349
incomplete, missed, or septic abortions. 17350

(G) If enforcement of this section will adversely affect 17351
eligibility of the state or a political subdivision of the state 17352
for participation in a federal program, this section shall be 17353
enforced to the extent permissible without preventing 17354
participation in that federal program. 17355

Sec. 5101.60. As used in sections 5101.60 to 5101.73 of 17356
the Revised Code: 17357

(A) "Abandonment" means desertion of an adult by a 17358
caretaker without having made provision for transfer of the 17359
adult's care. 17360

(B) "Abuse" means the infliction upon an adult by self or 17361
others of injury, unreasonable confinement, intimidation, or 17362
cruel punishment with resulting physical harm, pain, or mental 17363
anguish. 17364

(C) "Adult" means any person sixty years of age or older 17365
within this state who is ~~handicapped~~disabled by the infirmities 17366
of aging or who has a physical or mental impairment which 17367
prevents the person from providing for the person's own care or 17368
protection, and who resides in an independent living 17369
arrangement. 17370

(D) "Area agency on aging" means a public or private 17371

nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging. 17372
17373
17374

(E) "Caretaker" means the person assuming the primary responsibility for the care of an adult by any of the following means: 17375
17376
17377

(1) On a voluntary basis; 17378

(2) By contract; 17379

(3) Through receipt of payment for care; 17380

(4) As a result of a family relationship; 17381

(5) By order of a court of competent jurisdiction. 17382

(F) "Community mental health agency" means any agency, program, or facility with which a board of alcohol, drug addiction, and mental health services contracts to provide the mental health services listed in section 340.99 of the Revised Code. 17383
17384
17385
17386
17387

(G) "Court" means the probate court in the county where an adult resides. 17388
17389

(H) "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to self or any other person. 17390
17391
17392

(I) "Emergency services" means protective services furnished to an adult in an emergency. 17393
17394

(J) "Exploitation" means the unlawful or improper act of a person using, in one or more transactions, an adult or an adult's resources for monetary or personal benefit, profit, or gain when the person obtained or exerted control over the adult 17395
17396
17397
17398

or the adult's resources in any of the following ways: 17399

(1) Without the adult's consent or the consent of the 17400
person authorized to give consent on the adult's behalf; 17401

(2) Beyond the scope of the express or implied consent of 17402
the adult or the person authorized to give consent on the 17403
adult's behalf; 17404

(3) By deception; 17405

(4) By threat; 17406

(5) By intimidation. 17407

(K) "In need of protective services" means an adult known 17408
or suspected to be suffering from abuse, neglect, or 17409
exploitation to an extent that either life is endangered or 17410
physical harm, mental anguish, or mental illness results or is 17411
likely to result. 17412

(L) "Incapacitated person" means a person who is impaired 17413
for any reason to the extent that the person lacks sufficient 17414
understanding or capacity to make and carry out reasonable 17415
decisions concerning the person's self or resources, with or 17416
without the assistance of a caretaker. Refusal to consent to the 17417
provision of services shall not be the sole determinative that 17418
the person is incapacitated. 17419

(M) "Independent living arrangement" means a domicile of a 17420
person's own choosing, including, but not limited to, a private 17421
home, apartment, trailer, or rooming house. "Independent living 17422
arrangement" includes a residential facility licensed under 17423
section 5119.22 of the Revised Code that provides 17424
accommodations, supervision, and personal care services for 17425
three to sixteen unrelated adults, but does not include any 17426

other institution or facility licensed by the state or a 17427
facility in which a person resides as a result of voluntary, 17428
civil, or criminal commitment. 17429

(N) "Mental illness" means a substantial disorder of 17430
thought, mood, perception, orientation, or memory that grossly 17431
impairs judgment, behavior, capacity to recognize reality, or 17432
ability to meet the ordinary demands of life. 17433

(O) "Neglect" means any of the following: 17434

(1) Failure of an adult to provide for self the goods or 17435
services necessary to avoid physical harm, mental anguish, or 17436
mental illness; 17437

(2) Failure of a caretaker to provide such goods or 17438
services; 17439

(3) Abandonment. 17440

(P) "Outpatient health facility" means a facility where 17441
medical care and preventive, diagnostic, therapeutic, 17442
rehabilitative, or palliative items or services are provided to 17443
outpatients by or under the direction of a physician or dentist. 17444

(Q) "Peace officer" means a peace officer as defined in 17445
section 2935.01 of the Revised Code. 17446

(R) "Physical harm" means bodily pain, injury, impairment, 17447
or disease suffered by an adult. 17448

(S) "Protective services" means services provided by the 17449
county department of job and family services or its designated 17450
agency to an adult who has been determined by evaluation to 17451
require such services for the prevention, correction, or 17452
discontinuance of an act of as well as conditions resulting from 17453
abuse, neglect, or exploitation. Protective services may 17454

include, but are not limited to, case work services, medical 17455
care, mental health services, legal services, fiscal management, 17456
home health care, homemaker services, housing-related services, 17457
guardianship services, and placement services as well as the 17458
provision of such commodities as food, clothing, and shelter. 17459

(T) "Reasonable decisions" means decisions made in daily 17460
living that facilitate the provision of food, shelter, clothing, 17461
and health care necessary for life support. 17462

(U) "Senior service provider" means a person who provides 17463
care or specialized services to an adult. 17464

(V) "Working day" means Monday, Tuesday, Wednesday, 17465
Thursday, and Friday, except when such day is a holiday as 17466
defined in section 1.14 of the Revised Code. 17467

Sec. 5104.015. The director of job and family services 17468
shall adopt rules in accordance with Chapter 119. of the Revised 17469
Code governing the operation of child day-care centers, 17470
including parent cooperative centers, part-time centers, and 17471
drop-in centers. The rules shall reflect the various forms of 17472
child care and the needs of children receiving child care or 17473
publicly funded child care and shall include specific rules for 17474
school-age child care centers that are developed in consultation 17475
with the department of education. The rules shall include the 17476
following: 17477

(A) Submission of a site plan and descriptive plan of 17478
operation to demonstrate how the center proposes to meet the 17479
requirements of this chapter and rules adopted pursuant to this 17480
chapter for the initial license application; 17481

(B) Standards for ensuring that the physical surroundings 17482
of the center are safe and sanitary including the physical 17483

environment, the physical plant, and the equipment of the center;	17484 17485
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;	17486 17487 17488
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.	17489 17490 17491 17492 17493 17494 17495 17496 17497 17498
(E) Admissions policies and procedures;	17499
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	17500 17501 17502
(G) First aid and emergency procedures;	17503
(H) Procedures for discipline and supervision of children;	17504
(I) Standards for the provision of nutritious meals and snacks;	17505 17506
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	17507 17508 17509
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	17510 17511

(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	17512 17513 17514 17515
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	17516 17517 17518
(N) Procedures for record keeping, organization, and administration;	17519 17520
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	17521 17522 17523
(P) Inspection procedures;	17524
(Q) Procedures and standards for setting initial license application fees;	17525 17526
(R) Procedures for receiving, recording, and responding to complaints about centers;	17527 17528
(S) Procedures for enforcing section 5104.04 of the Revised Code;	17529 17530
(T) Minimum qualifications for employment as an administrator or child-care staff member;	17531 17532
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	17533 17534 17535 17536
(V) Standards providing for the special -needs of children who are handicapped <u>have disabilities</u> or who require treatment	17537 17538

for health conditions while the child is receiving child care or 17539
publicly funded child care in the center; 17540

(W) A procedure for reporting of injuries of children that 17541
occur at the center; 17542

(X) Standards for licensing child day-care centers for 17543
children with short-term illnesses and other temporary medical 17544
conditions; 17545

(Y) Minimum requirements for instructional time for child 17546
day-care centers rated through the step up to quality program 17547
established pursuant to section 5104.29 of the Revised Code; 17548

(Z) Any other procedures and standards necessary to carry 17549
out the provisions of this chapter regarding child day-care 17550
centers. 17551

Sec. 5104.017. The director of job and family services 17552
shall adopt rules pursuant to Chapter 119. of the Revised Code 17553
governing the operation of type A family day-care homes, 17554
including parent cooperative type A homes, part-time type A 17555
homes, drop-in type A homes, and school-age child type A homes. 17556
The rules shall reflect the various forms of child care and the 17557
needs of children receiving child care. The rules shall include 17558
the following: 17559

(A) Submission of a site plan and descriptive plan of 17560
operation to demonstrate how the type A home proposes to meet 17561
the requirements of this chapter and rules adopted pursuant to 17562
this chapter for the initial license application; 17563

(B) Standards for ensuring that the physical surroundings 17564
of the type A home are safe and sanitary, including the physical 17565
environment, the physical plant, and the equipment of the type A 17566
home; 17567

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	17568 17569 17570
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	17571 17572 17573 17574 17575 17576
(E) Admissions policies and procedures;	17577
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	17578 17579 17580
(G) First aid and emergency procedures;	17581
(H) Procedures for discipline and supervision of children;	17582
(I) Standards for the provision of nutritious meals and snacks;	17583 17584
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	17585 17586 17587
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	17588 17589
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	17590 17591 17592 17593
(M) Procedures for ensuring the safety and adequate	17594

supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	17595 17596
(N) Procedures for record keeping, organization, and administration;	17597 17598
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	17599 17600 17601
(P) Inspection procedures;	17602
(Q) Procedures and standards for setting initial license application fees;	17603 17604
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	17605 17606
(S) Procedures for enforcing section 5104.04 of the Revised Code;	17607 17608
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	17609 17610 17611 17612 17613
(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	17614 17615 17616 17617
(V) Standards providing for the special needs of children who are handicapped <u>have disabilities</u> or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	17618 17619 17620 17621

(W) Standards for the maximum number of children per child-care staff member;	17622 17623
(X) Requirements for the amount of usable indoor floor space for each child;	17624 17625
(Y) Requirements for safe outdoor play space;	17626
(Z) Qualifications and training requirements for administrators and for child-care staff members;	17627 17628
(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	17629 17630 17631 17632
(BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	17633 17634
(CC) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	17635 17636 17637
(DD) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	17638 17639
Sec. 5104.018. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	17640 17641 17642 17643 17644 17645 17646
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised	17647 17648 17649

Code;	17650
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	17651 17652 17653
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	17654 17655 17656
(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	17657 17658 17659 17660 17661 17662
(E) Admission policies and procedures;	17663
(F) Health care, first aid and emergency procedures;	17664
(G) Procedures for the care of sick children;	17665
(H) Procedures for discipline and supervision of children;	17666
(I) Nutritional standards;	17667
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	17668 17669 17670
(K) Procedures for screening administrators and employees, including any necessary physical examinations and immunizations;	17671 17672
(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;	17673 17674 17675 17676

(M) Standards for the safe transport of children when under the care of administrators;	17677 17678
(N) Procedures for issuing, denying, or revoking licenses;	17679
(O) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;	17680 17681 17682
(P) Procedures for record keeping and evaluation;	17683
(Q) Procedures for receiving, recording, and responding to complaints;	17684 17685
(R) Standards providing for the special needs of children who are handicapped <u>have disabilities</u> or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	17686 17687 17688 17689
(S) Requirements for the amount of usable indoor floor space for each child;	17690 17691
(T) Requirements for safe outdoor play space;	17692
(U) Qualification and training requirements for administrators;	17693 17694
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	17695 17696 17697 17698
(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	17699 17700 17701 17702
(X) Minimum requirements for instructional time for type B	17703

homes rated through the step up to quality program established 17704
pursuant to section 5104.29 of the Revised Code; 17705

(Y) Any other procedures and standards necessary to carry 17706
out the provisions of this chapter regarding licensure of type B 17707
homes. 17708

Sec. 5104.019. The director of job and family services 17709
shall adopt rules in accordance with Chapter 119. of the Revised 17710
Code governing the certification of in-home aides. The rules 17711
shall provide for safeguarding the health, safety, and welfare 17712
of children receiving publicly funded child care in their own 17713
home and shall include the following: 17714

(A) Standards for ensuring that the child's home and the 17715
physical surroundings of the child's home are safe and sanitary, 17716
including physical environment, physical plant, and equipment; 17717

(B) Standards for the supervision, care, and discipline of 17718
children receiving publicly funded child care in their own home; 17719

(C) Standards for a program of activities, and for play 17720
equipment, materials, and supplies to enhance the development of 17721
each child; however, any educational curricula, philosophies, 17722
and methodologies that are developmentally appropriate and that 17723
enhance the social, emotional, intellectual, and physical 17724
development of each child shall be permissible; 17725

(D) Health care, first aid, and emergency procedures, 17726
procedures for the care of sick children, procedures for 17727
discipline and supervision of children, nutritional standards, 17728
and procedures for screening children and in-home aides, 17729
including any necessary physical examinations and immunizations; 17730

(E) Methods of encouraging parental participation and 17731
ensuring that the rights of children, parents, and in-home aides 17732

are protected and the responsibilities of parents and in-home aides are met;	17733 17734
(F) Standards for the safe transport of children when under the care of in-home aides;	17735 17736
(G) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	17737 17738
(H) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	17739 17740
(I) Procedures for record keeping and evaluation;	17741
(J) Procedures for receiving, recording, and responding to complaints;	17742 17743
(K) Qualifications and training requirements for in-home aides;	17744 17745
(L) Standards providing for the special needs of children who are handicapped <u>have disabilities</u> or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;	17746 17747 17748 17749
(M) Any other procedures and standards necessary to carry out the provisions of this chapter regarding certification of in-home aides.	17750 17751 17752
Sec. 5107.26. (A) As used in this section, "transitional child care" means publicly funded child care provided under division (A) (3) of section 5104.34 of the Revised Code.	17753 17754 17755
(B) Except as provided in division (C) of this section:	17756
(1) Each member of an assistance group participating in Ohio works first is ineligible to participate in the program for six payment months if a county department of job and family	17757 17758 17759

services determines that a member of the assistance group 17760
terminated the member's employment. 17761

(2) Each person who, on the day prior to the day a 17762
recipient begins to receive transitional child care, was a 17763
member of the recipient's assistance group is ineligible to 17764
participate in Ohio works first for six payment months if a 17765
county department determines that the recipient terminated the 17766
recipient's employment. 17767

(C) No assistance group member shall lose or be denied 17768
eligibility to participate in Ohio works first pursuant to 17769
division (B) of this section if the termination of employment 17770
was because an assistance group member or recipient of 17771
transitional child care secured comparable or better employment 17772
or the county department of job and family services certifies 17773
that the member or recipient terminated the employment with just 17774
cause. 17775

Just cause includes the following: 17776

(1) Discrimination by an employer based on age, race, sex, 17777
color, ~~handicap~~disability, religious beliefs, or national 17778
origin; 17779

(2) Work demands or conditions that render continued 17780
employment unreasonable, such as working without being paid on 17781
schedule; 17782

(3) Employment that has become unsuitable due to any of 17783
the following: 17784

(a) The wage is less than the federal minimum wage; 17785

(b) The work is at a site subject to a strike or lockout, 17786
unless the strike has been enjoined under section 208 of the 17787

"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 17788
U.S.C.A. 178, as amended, an injunction has been issued under 17789
section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 17790
U.S.C.A. 160, as amended, or an injunction has been issued under 17791
section 4117.16 of the Revised Code; 17792

(c) The documented degree of risk to the member or 17793
recipient's health and safety is unreasonable; 17794

(d) The member or recipient is physically or mentally 17795
unfit to perform the employment, as documented by medical 17796
evidence or by reliable information from other sources. 17797

(4) Documented illness of the member or recipient or of 17798
another assistance group member of the member or recipient 17799
requiring the presence of the member or recipient; 17800

(5) A documented household emergency; 17801

(6) Lack of adequate child care for children of the member 17802
or recipient who are under six years of age. 17803

Sec. 5109.16. To facilitate prompt and authoritative 17804
identification of goods and articles made by blind persons, any 17805
person, public or private institution or agency, firm, 17806
association, or corporation engaged in the manufacture or 17807
distribution of goods or articles made by blind persons may 17808
apply to the ~~commission for the blind~~ bureau of services for the 17809
visually impaired for registration and authorization to use an 17810
official imprint, stamp, symbol, or label, designed or approved 17811
by the ~~commission~~ bureau to identify blind-made products and 17812
containing the words, "made by a blind ~~workman~~ worker" or "made 17813
by the blind," or "blind-made" and to which shall be added the 17814
name of the manufacturer, the place of manufacture, and such 17815
other information as the ~~commission~~ bureau prescribes. 17816

The ~~commission~~ bureau shall adopt rules ~~and regulations~~ 17817
with respect to procedures to be followed in determining whether 17818
an applicant is engaged in the manufacture or distribution of 17819
blind-made goods or articles. Any applicant who complies with 17820
such rules and regulations and sections 5109.15 to 5109.18, ~~—~~ 17821
~~inclusive,~~ of the Revised Code, shall be provided with a 17822
certificate of registration and authorization to use the 17823
official mark of identification for blind-made products, valid 17824
for one year from the date of issue. 17825

The ~~commission~~ bureau may register, without investigation, 17826
nonresident individuals and out-of-state agencies, firms, 17827
associations, or corporations upon proof that they are 17828
recognized and approved by the state of residence or organized 17829
pursuant to a law of such state imposing requirements 17830
substantially similar to those prescribed by sections 5109.15 to 17831
5109.18, ~~— inclusive,~~ of the Revised Code. 17832

Sec. 5109.18. No person, public or private institution or 17833
agency, firm, association, or corporation shall manufacture, 17834
distribute, display, advertise, offer for sale, or sell goods or 17835
articles represented as made by blind persons unless such goods 17836
or articles bear an official imprint, stamp, symbol, or label 17837
designed or approved pursuant to section 5109.16 of the Revised 17838
Code by the ~~commission for the blind~~ bureau of services for the 17839
visually impaired which was attached by a person, institution, 17840
agency, firm, association, or corporation holding a valid 17841
certificate of registration issued by the ~~commission~~ bureau. A 17842
blind person offering for sale or selling a product made by 17843
~~him~~ the blind person is not required to apply for registration or 17844
to label such product. 17845

Sec. 5119.01. (A) As used in this chapter: 17846

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of ~~alcoholics~~ persons with alcoholism or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.

~~(4) "Alcoholic" means a person suffering from alcoholism.~~

~~(5)~~ "Alcoholism" means the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can control the individual's use of alcohol or endangers the health, safety, or welfare of the individual or others.

~~(6)~~ (5) "Certifiable services and supports" means all of the following:

(a) Alcohol and drug addiction services;

(b) Mental health services;

(c) The types of recovery supports that are specified in 17876
rules adopted under section 5119.36 of the Revised Code as 17877
requiring certification under that section. 17878

~~(7)~~ (6) "Community addiction services provider" means an 17879
agency, association, corporation or other legal entity, 17880
individual, or program that provides one or more of the 17881
following: 17882

(a) Alcohol and drug addiction services that are certified 17883
by the director of mental health and addiction services under 17884
section 5119.36 of the Revised Code; 17885

(b) Gambling addiction services; 17886

(c) Recovery supports that are related to alcohol and drug 17887
addiction services or gambling addiction services and paid for 17888
with federal, state, or local funds administered by the 17889
department of mental health and addiction services or a board of 17890
alcohol, drug addiction, and mental health services. 17891

~~(8)~~ (7) "Community mental health services provider" means 17892
an agency, association, corporation, individual, or program that 17893
provides either of the following: 17894

(a) Mental health services that are certified by the 17895
director of mental health and addiction services under section 17896
5119.36 of the Revised Code; 17897

(b) Recovery supports that are related to mental health 17898
services and paid for with federal, state, or local funds 17899
administered by the department of mental health and addiction 17900
services or a board of alcohol, drug addiction, and mental 17901
health services. 17902

~~(9)~~ (8) "Drug addiction" means the use of a drug of abuse, 17903

as defined in section 3719.011 of the Revised Code, by an 17904
individual to the extent that the individual becomes physically 17905
or psychologically dependent on the drug or endangers the 17906
health, safety, or welfare of the individual or others. 17907

~~(10)~~(9) "Gambling addiction" means the use of gambling by 17908
an individual to the extent that it causes psychological, 17909
financial, emotional, marital, legal, or other difficulties 17910
endangering the health, safety, or welfare of the individual or 17911
others. 17912

~~(11)~~(10) "Gambling addiction services" means services for 17913
the treatment of persons who have a gambling addiction and for 17914
the prevention of gambling addiction. 17915

~~(12)~~(11) "Hospital" means a hospital or inpatient unit 17916
licensed by the department of mental health and addiction 17917
services under section 5119.33 of the Revised Code, and any 17918
institution, hospital, or other place established, controlled, 17919
or supervised by the department under Chapter 5119. of the 17920
Revised Code. 17921

~~(13)~~(12) "Included opioid and co-occurring drug addiction 17922
services and recovery supports" means the addiction services and 17923
recovery supports that, pursuant to section 340.033 of the 17924
Revised Code, are included in the array of services and recovery 17925
supports for all levels of opioid and co-occurring drug 17926
addiction required to be included in the community-based 17927
continuum of care established under section 340.032 of the 17928
Revised Code. 17929

~~(14)~~(13) "Medication-assisted treatment" has the same 17930
meaning as in section 340.01 of the Revised Code. 17931

~~(15)~~(14) "Mental illness" means a substantial disorder of 17932

thought, mood, perception, orientation, or memory that grossly 17933
impairs judgment, behavior, capacity to recognize reality, or 17934
ability to meet the ordinary demands of life. 17935

~~(16)~~ (15) "Mental health services" means services for the 17936
assessment, care, or treatment of persons who have a mental 17937
illness and for the prevention of mental illness. 17938

~~(17)~~ (16) "Opioid treatment program" has the same meaning 17939
as in 42 C.F.R. 8.2. 17940

~~(18)~~ (17) "Recovery supports" means assistance that is 17941
intended to help an individual ~~who is an alcoholic or has a~~ with 17942
alcoholism, drug addiction, or mental illness, or a member of 17943
such an individual's family, initiate and sustain the 17944
individual's recovery from alcoholism, drug addiction, or mental 17945
illness. "Recovery supports" does not mean alcohol and drug 17946
addiction services or mental health services. 17947

~~(19) (a)~~ (18) (a) "Residence" means a person's physical 17948
presence in a county with intent to remain there, except in 17949
either of the following circumstances: 17950

(i) If a person is receiving a mental health treatment 17951
service at a facility that includes nighttime sleeping 17952
accommodations, "residence" means that county in which the 17953
person maintained the person's primary place of residence at the 17954
time the person entered the facility; 17955

(ii) If a person is committed pursuant to section 2945.38, 17956
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 17957
"residence" means the county where the criminal charges were 17958
filed. 17959

(b) When the residence of a person is disputed, the matter 17960
of residence shall be referred to the department of mental 17961

health and addiction services for investigation and 17962
determination. Residence shall not be a basis for a board of 17963
alcohol, drug addiction, and mental health services to deny 17964
services to any person present in the board's service district, 17965
and the board shall provide services for a person whose 17966
residence is in dispute while residence is being determined and 17967
for a person in an emergency situation. 17968

(B) Any reference in this chapter to a board of alcohol, 17969
drug addiction, and mental health services also refers to an 17970
alcohol and drug addiction services board or a community mental 17971
health board in a service district in which an alcohol and drug 17972
addiction services board or a community mental health board has 17973
been established under section 340.021 or former section 340.02 17974
of the Revised Code. 17975

Sec. 5119.10. (A) The director of mental health and 17976
addiction services is the chief executive and appointing 17977
authority of the department of mental health and addiction 17978
services. The director may organize the department for its 17979
efficient operation, including creating divisions or offices as 17980
necessary. The director may establish procedures for the 17981
governance of the department, conduct of its employees and 17982
officers, performance of its business, and custody, use, and 17983
preservation of departmental records, papers, books, documents, 17984
and property. Whenever the Revised Code imposes a duty upon or 17985
requires an action of the department or any of its institutions, 17986
the director or the director's designee shall perform the action 17987
or duty in the name of the department, except that the medical 17988
director appointed pursuant to section 5119.11 of the Revised 17989
Code shall be responsible for decisions relating to medical 17990
diagnosis, treatment, rehabilitation, quality assurance, and the 17991
clinical aspects of the following: licensure of hospitals and 17992

residential facilities, research, community addiction and mental 17993
health plans, and certification and delivery of addiction 17994
services and mental health services. 17995

(B) The director shall: 17996

(1) Adopt rules for the proper execution of the powers and 17997
duties of the department with respect to the institutions under 17998
its control, and require the performance of additional duties by 17999
the officers of the institutions as necessary to fully meet the 18000
requirements, intents, and purposes of this chapter. In case of 18001
an apparent conflict between the powers conferred upon any 18002
managing officer and those conferred by such sections upon the 18003
department, the presumption shall be conclusive in favor of the 18004
department. 18005

(2) Adopt rules for the nonpartisan management of the 18006
institutions under the department's control. An officer or 18007
employee of the department or any officer or employee of any 18008
institution under its control who, by solicitation or otherwise, 18009
exerts influence directly or indirectly to induce any other 18010
officer or employee of the department or any of its institutions 18011
to adopt the exerting officer's or employee's political views or 18012
to favor any particular person, issue, or candidate for office 18013
shall be removed from the exerting officer's or employee's 18014
office or position, by the department in case of an officer or 18015
employee, and by the governor in case of the director. 18016

(3) Appoint such employees, including the medical 18017
director, as are necessary for the efficient conduct of the 18018
department, and prescribe their titles and duties; 18019

(4) Prescribe the forms of affidavits, applications, 18020
medical certificates, orders of hospitalization and release, and 18021

all other forms, reports, and records that are required in the 18022
hospitalization or admission and release of all persons to the 18023
institutions under the control of the department, or are 18024
otherwise required under this chapter or Chapter 5122. of the 18025
Revised Code; 18026

(5) Exercise the powers and perform the duties relating to 18027
addiction and mental health facilities, addiction services, 18028
mental health services, and recovery supports that are assigned 18029
to the director under this chapter and Chapter 340. of the 18030
Revised Code; 18031

(6) Develop and implement clinical evaluation and 18032
monitoring of services that are operated by the department; 18033

(7) Adopt rules establishing standards for the performance 18034
of evaluations by a forensic center or other psychiatric program 18035
or facility of the mental condition of defendants ordered by the 18036
court under section 2919.271, or 2945.371 of the Revised Code, 18037
and for the treatment of defendants who have been found 18038
incompetent to stand trial and ordered by the court under 18039
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 18040
Code to receive treatment in facilities; 18041

(8) On behalf of the department, have the authority and 18042
responsibility for entering into contracts and other agreements 18043
with providers, agencies, institutions, and other entities, both 18044
public and private, as necessary for the department to carry out 18045
its duties under this chapter and Chapters 340., 2919., 2945., 18046
and 5122. of the Revised Code. Chapter 125. of the Revised Code 18047
does not apply to contracts the director enters into under this 18048
section for addiction services, mental health services, or 18049
recovery supports provided to individuals who have an addiction 18050
or mental illness by providers, agencies, institutions, and 18051

other entities not owned or operated by the department. 18052

(9) Adopt rules in accordance with Chapter 119. of the 18053
Revised Code specifying the supplemental services that may be 18054
provided through a trust authorized by section 5815.28 of the 18055
Revised Code; 18056

(10) Adopt rules in accordance with Chapter 119. of the 18057
Revised Code establishing standards for the maintenance and 18058
distribution to a beneficiary of assets of a trust authorized by 18059
section 5815.28 of the Revised Code. 18060

(C) The director may contract with hospitals licensed by 18061
the department under section 5119.33 of the Revised Code for the 18062
care and treatment of ~~mentally ill patients~~ with mental 18063
illnesses, or with persons, organizations, or agencies for the 18064
custody, evaluation, supervision, care, or treatment of ~~mentally~~ 18065
~~ill persons~~ with mental illnesses receiving services elsewhere 18066
than within the enclosure of a hospital operated under section 18067
5119.14 of the Revised Code. 18068

Sec. 5119.14. (A) The department of mental health and 18069
addiction services shall maintain, operate, manage, and govern 18070
state institutions and other services for the care and treatment 18071
of ~~mentally ill persons~~ with mental illnesses. 18072

(B) (1) The department of mental health and addiction 18073
services may, with the approval of the governor, designate the 18074
name and purpose of any institutions under its jurisdiction and 18075
may change, with the approval of the governor, the designation 18076
and name when necessary. 18077

(2) The department shall divide the state into districts 18078
for the purpose of designating the institution in which ~~mentally~~ 18079
~~ill persons~~ with mental illnesses are hospitalized and may 18080

change the districts. 18081

(3) Subject to section 5139.08 and pursuant to Chapter 18082
5122. of the Revised Code and on the agreement of the 18083
departments of mental health and addiction services and youth 18084
services, the department of mental health and addiction services 18085
may receive from the department of youth services for 18086
psychiatric observation, diagnosis, or treatment any person 18087
eighteen years of age or older in the custody of the department 18088
of youth services. The departments may enter into a written 18089
agreement specifying the procedures necessary to implement this 18090
division. 18091

(C) The department of mental health and addiction services 18092
shall designate hospitals, facilities, and community mental 18093
health services providers for the custody, care, and special 18094
treatment of, and authorize payment for such custody, care, and 18095
special treatment provided to, persons who are charged with a 18096
crime and who are found incompetent to stand trial or not guilty 18097
by reason of insanity. 18098

(D) The department of mental health and addiction services 18099
may do any of the following: 18100

(1) Require reports from the managing officer of any 18101
institution under the department's jurisdiction, relating to the 18102
admission, examination, comprehensive evaluation, diagnosis, 18103
release, or discharge of any patient; 18104

(2) Visit each institution regularly to review its 18105
operations and to investigate complaints made by any patient or 18106
by any person on behalf of a patient, provided these duties may 18107
be performed by a person designated by the director. 18108

(E) The department of mental health and addiction services 18109

may provide or contract to provide addiction services for 18110
offenders incarcerated in the state prison system. 18111

(F) In addition to the powers expressly conferred, the 18112
department of mental health and addiction services shall have 18113
all powers and authority necessary for the full and efficient 18114
exercise of the executive, administrative, and fiscal 18115
supervision over the state institutions described in this 18116
section. 18117

Sec. 5119.21. (A) The department of mental health and 18118
addiction services shall: 18119

(1) To the extent the department has available resources 18120
and in consultation with boards of alcohol, drug addiction, and 18121
mental health services, support the community-based continuum of 18122
care that the boards are required by section 340.032 of the 18123
Revised Code to establish. The department shall provide the 18124
support on a district or multi-district basis. The department 18125
shall assist in identifying resources, and may prioritize 18126
support, for one or more of the elements of the community-based 18127
continuum of care. For the purpose of division (A)(10) of 18128
section 340.032 of the Revised Code and to the extent the 18129
department determines is necessary, the department shall define 18130
additional elements to be included in the community-based 18131
continuum of care. 18132

(2) Provide training, consultation, and technical 18133
assistance regarding addiction services, mental health services, 18134
recovery supports, and appropriate prevention, recovery, and 18135
mental health promotion activities, including those that are 18136
culturally competent, to employees of the department, community 18137
addiction services providers, community mental health services 18138
providers, and boards of alcohol, drug addiction, and mental 18139

health services; 18140

(3) To the extent the department has available resources, 18141
promote and support a full range of addiction services, mental 18142
health services, and recovery supports that are available and 18143
accessible to all residents of this state, especially for 18144
severely emotionally disturbed children and adolescents, 18145
~~severely mentally disabled adults~~ with severe mental 18146
disabilities, pregnant women, parents, guardians or custodians 18147
of children at risk of abuse or neglect, and other special 18148
target populations, including racial and ethnic minorities, as 18149
determined by the department; 18150

(4) Develop standards and measures for both of the 18151
following: 18152

(a) Evaluating the effectiveness of addiction services, 18153
including opioid treatment programs, of mental health services, 18154
and of recovery supports; 18155

(b) Increasing the accountability of community addiction 18156
services providers and community mental health services 18157
providers. 18158

(5) Design and set criteria for the determination of 18159
priority populations; 18160

(6) Promote, direct, conduct, and coordinate scientific 18161
research, taking ethnic and racial differences into 18162
consideration, concerning all of the following: 18163

(a) The causes and prevention of mental illness and 18164
addiction; 18165

(b) Methods of providing effective addiction services, 18166
mental health services, and recovery supports; 18167

(c) Means of enhancing the mental health of and recovery 18168
from addiction of all residents of this state. 18169

(7) Foster the establishment and availability of 18170
vocational rehabilitation services and the creation of 18171
employment opportunities for individuals with addiction and 18172
mental health needs, including members of racial and ethnic 18173
minorities; 18174

(8) Establish a program to protect and promote the rights 18175
of persons receiving addiction services, mental health services, 18176
and recovery supports, including the issuance of guidelines on 18177
informed consent and other rights; 18178

(9) Promote the involvement of persons who are receiving 18179
or have received addiction services, mental health services, and 18180
recovery supports including families and other persons having a 18181
close relationship to a person receiving those services and 18182
supports, in the planning, evaluation, delivery, and operation 18183
of addiction services, mental health services, and recovery 18184
supports; 18185

(10) Notify and consult with the relevant constituencies 18186
that may be affected by rules, standards, and guidelines issued 18187
by the department of mental health and addiction services. These 18188
constituencies shall include consumers of addiction services, 18189
mental health services, and recovery supports and the families 18190
of such consumers. These constituencies may include public and 18191
private providers, employee organizations, and others when 18192
appropriate. Whenever the department proposes the adoption, 18193
amendment, or rescission of rules under Chapter 119. of the 18194
Revised Code, the notification and consultation required by this 18195
division shall occur prior to the commencement of proceedings 18196
under Chapter 119. The department shall adopt rules under 18197

Chapter 119. of the Revised Code that establish procedures for	18198
the notification and consultation required by this division.	18199
(11) Provide consultation to the department of	18200
rehabilitation and correction concerning the delivery of	18201
addiction services and mental health services in state	18202
correctional institutions;	18203
(12) Promote and coordinate efforts in the provision of	18204
addiction services by other state agencies, as defined in	18205
section 1.60 of the Revised Code; courts; hospitals; clinics;	18206
physicians in private practice; public health authorities;	18207
boards of alcohol, drug addiction, and mental health services;	18208
community addiction services providers; law enforcement	18209
agencies; and related groups;	18210
(13) Provide to each court of record, and biennially	18211
update, a list of the treatment and education programs within	18212
that court's jurisdiction that the court may require an	18213
offender, sentenced pursuant to section 4511.19 of the Revised	18214
Code, to attend;	18215
(14) Make the warning sign described in sections 3313.752,	18216
3345.41, and 3707.50 of the Revised Code available on the	18217
department's internet web site;	18218
(15) Provide a program of gambling addiction services on	18219
behalf of the state lottery commission, pursuant to an agreement	18220
entered into with the director of the commission under division	18221
(K) of section 3770.02 of the Revised Code, and provide a	18222
program of gambling addiction services on behalf of the Ohio	18223
casino control commission, under an agreement entered into with	18224
the executive director of the commission under section 3772.062	18225
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio	18226

Constitution, the department may enter into agreements with 18227
boards of alcohol, drug addiction, and mental health services, 18228
including boards with districts in which a casino facility is 18229
not located, and nonprofit organizations to provide addiction 18230
services, and with state institutions of higher education or 18231
private nonprofit institutions that possess a certificate of 18232
authorization issued under Chapter 1713. of the Revised Code to 18233
perform related research. 18234

(B) The department may accept and administer grants from 18235
public or private sources for carrying out any of the duties 18236
enumerated in this section. 18237

(C) The department may adopt rules in accordance with 18238
Chapter 119. of the Revised Code as necessary to implement the 18239
requirements of this chapter. 18240

Sec. 5119.311. The department of mental health and 18241
addiction services may examine into, with or without expert 18242
assistance, the question of the mental and physical condition of 18243
any person committed to or involuntarily confined in any 18244
hospital for ~~the mentally ill~~persons with mental illnesses, or 18245
restrained of liberty at any place within this state by reason 18246
of alleged mental illness and may order and compel the discharge 18247
of any such person who is not a ~~mentally ill person~~with a 18248
mental illness subject to court order as defined in division (B) 18249
of section 5122.01 of the Revised Code and direct what 18250
disposition shall be made of the person. The order of discharge 18251
shall be signed by the director of mental health and addiction 18252
services. Upon receipt of such order by the superintendent or 18253
other person in charge of the building in which the person named 18254
in such order is confined, such person shall forthwith be 18255
discharged or otherwise disposed of according to the terms of 18256

said order, and any further or other detention of such person is 18257
unlawful. No such order shall be made in favor of any person 18258
committed and held for trial on a criminal charge, in 18259
confinement by an order of a judge or court made in a criminal 18260
proceeding, or in any case unless notice is given to the 18261
superintendent or other person having charge of the building in 18262
which the alleged ~~mentally ill person~~ with a mental illness is 18263
detained, and a reasonable opportunity is allowed the person in 18264
charge to justify further detention of the person confined. 18265

Sec. 5119.33. (A) (1) The department of mental health and 18266
addiction services shall inspect and license all hospitals that 18267
receive ~~mentally ill persons~~ with mental illnesses, except those 18268
hospitals managed by the department. No hospital may receive for 18269
care or treatment, either at public or private expense, any 18270
person who is or appears to ~~be mentally ill~~ have a mental 18271
illness, whether or not so adjudicated, unless the hospital has 18272
received a license from the department authorizing it to receive 18273
for care or treatment persons ~~who are mentally ill~~ with mental 18274
illnesses or the hospital is managed by the department. 18275

(2) No such license shall be granted to a hospital for the 18276
treatment of ~~mentally ill persons~~ with mental illnesses unless 18277
the department is satisfied, after investigation, that the 18278
hospital is managed and operated by qualified persons and has on 18279
its staff one or more qualified physicians responsible for the 18280
medical care of the patients confined there. At least one such 18281
physician shall be a psychiatrist. 18282

(B) The department shall adopt rules under Chapter 119. of 18283
the Revised Code prescribing minimum standards for the operation 18284
of hospitals for the care and treatment of ~~mentally ill persons~~ 18285
with mental illnesses and establishing standards and procedures 18286

for the issuance, renewal, or revocation of full, probationary, 18287
and interim licenses. No license shall be granted to any 18288
hospital established or used for the care of ~~mentally ill~~ 18289
persons with mental illnesses unless such hospital is operating 18290
in accordance with this section and rules adopted pursuant to 18291
this section. A full license shall expire one year after the 18292
date of issuance, a probationary license shall expire at the 18293
time prescribed by rule adopted pursuant to Chapter 119. of the 18294
Revised Code by the director of mental health and addiction 18295
services, and an interim license shall expire ninety days after 18296
the date of issuance. A full, probationary, or interim license 18297
may be renewed, except that an interim license may be renewed 18298
only twice. The department may fix reasonable fees for licenses 18299
and for license renewals. Such hospitals are subject to 18300
inspection and on-site review by the department. 18301

(C) Except as otherwise provided in Chapter 5122. of the 18302
Revised Code, neither the director of mental health and 18303
addiction services; an employee of the department; a board of 18304
alcohol, drug addiction, and mental health services or employee 18305
of a community mental health services provider; nor any other 18306
public official shall hospitalize any ~~mentally ill~~ person with a 18307
mental illness for care or treatment in any hospital that is not 18308
licensed in accordance with this section. 18309

(D) The department may issue an order suspending the 18310
admission of patients ~~who are mentally ill~~ with mental illnesses 18311
to a hospital for care or treatment if it finds either of the 18312
following: 18313

(1) The hospital is not in compliance with rules adopted 18314
by the director pursuant to this section. 18315

(2) The hospital has been cited for more than one 18316

violation of statutes or rules during any previous period of 18317
time during which the hospital is licensed pursuant to this 18318
section. 18319

(E) Any license issued by the department under this 18320
section may be revoked or not renewed by the department for any 18321
of the following reasons: 18322

(1) The hospital is no longer a suitable place for the 18323
care or treatment of ~~mentally ill persons~~ with mental illnesses. 18324

(2) The hospital refuses to be subject to inspection or 18325
on-site review by the department. 18326

(3) The hospital has failed to furnish humane, kind, and 18327
adequate treatment and care. 18328

(4) The hospital fails to comply with the licensure rules 18329
of the department. 18330

(F) The department may inspect, conduct an on-site review, 18331
and review the records of any hospital that the department has 18332
reason to believe is operating without a license. 18333

Sec. 5119.331. If the department of mental health and 18334
addiction services determines that a hospital not licensed by 18335
the department is receiving for care or treatment any person who 18336
is or appears to ~~be mentally ill~~ have a mental illness, the 18337
department may request in writing that the attorney general 18338
petition the court of common pleas in the county where the 18339
hospital is located to enjoin the hospital from continued 18340
operation in violation of section 5119.33 of the Revised Code. 18341

Sec. 5119.333. No person shall keep or maintain a hospital 18342
for the care or treatment of ~~mentally ill persons~~ with mental 18343
illnesses unless it is licensed by the department of mental 18344

health and addiction services, as provided by section 5119.33 of 18345
the Revised Code. 18346

Sec. 5119.34. (A) As used in this section and sections 18347
5119.341 and 5119.342 of the Revised Code: 18348

(1) "Accommodations" means housing, daily meal 18349
preparation, laundry, housekeeping, arranging for 18350
transportation, social and recreational activities, maintenance, 18351
security, and other services that do not constitute personal 18352
care services or skilled nursing care. 18353

(2) "ADAMHS board" means a board of alcohol, drug 18354
addiction, and mental health services. 18355

(3) "Adult" means a person who is eighteen years of age or 18356
older, other than a person described in division (A)(4) of this 18357
section who is between eighteen and twenty-one years of age. 18358

(4) "Child" means a person who is under eighteen years of 18359
age or a person with a mental disability who is under twenty-one 18360
years of age. 18361

(5) "Community mental health services provider" means a 18362
community mental health services provider as defined in section 18363
5119.01 of the Revised Code. 18364

(6) "Community mental health services" means any mental 18365
health services certified by the department pursuant to section 18366
5119.36 of the Revised Code. 18367

(7) "Operator" means the person or persons, firm, 18368
partnership, agency, governing body, association, corporation, 18369
or other entity that is responsible for the administration and 18370
management of a residential facility and that is the applicant 18371
for a residential facility license. 18372

- (8) "Personal care services" means services including, but not limited to, the following: 18373
18374
- (a) Assisting residents with activities of daily living; 18375
 - (b) Assisting residents with self-administration of medication in accordance with rules adopted under this section; 18376
18377
 - (c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section. 18378
18379
18380
18381
- "Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A) (8) of this section to be considered to be providing personal care services. 18382
18383
18384
18385
18386
- (9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof. 18387
18388
18389
- (10) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code. 18390
18391
- (11) "Supervision" means any of the following: 18392
- (a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities; 18393
18394
18395
 - (b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities; 18396
18397
18398
 - (c) Assisting a resident in making or keeping an 18399

appointment. 18400

(12) "Unrelated" means that a resident is not related to 18401
the owner or operator of a residential facility or to the 18402
owner's or operator's spouse as a parent, grandparent, child, 18403
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 18404
uncle, or as the child of an aunt or uncle. 18405

(B) (1) A "residential facility" is a publicly or privately 18406
operated home or facility that falls into one of the following 18407
categories: 18408

(a) Class one facilities provide accommodations, 18409
supervision, personal care services, and mental health services 18410
for one or more unrelated adults with mental illness or one or 18411
more unrelated children or adolescents with severe emotional 18412
disturbances; 18413

(b) Class two facilities provide accommodations, 18414
supervision, and personal care services to any of the following: 18415

(i) One or two unrelated persons with mental illness; 18416

(ii) One or two unrelated adults who are receiving 18417
payments under the residential state supplement program; 18418

(iii) Three to sixteen unrelated adults. 18419

(c) Class three facilities provide room and board for five 18420
or more unrelated adults with mental illness. 18421

(2) "Residential facility" does not include any of the 18422
following: 18423

(a) A hospital subject to licensure under section 5119.33 18424
of the Revised Code or an institution maintained, operated, 18425
managed, and governed by the department of mental health and 18426

addiction services for the hospitalization of ~~mentally ill~~ persons with mental illnesses pursuant to section 5119.14 of the Revised Code; 18427
18428
18429

(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities; 18430
18431
18432

(c) An institution or association subject to certification under section 5103.03 of the Revised Code; 18433
18434

(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients; 18435
18436
18437

(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code; 18438
18439

(f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program; 18440
18441

(g) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless; 18442
18443
18444
18445

(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code; 18446
18447
18448

(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans; 18449
18450
18451
18452

(j) The residence of a relative or guardian of a person with mental illness. 18453
18454

(C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.

(D) Except in the case of a residential facility described in division (B) (1) (a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following:

(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(3) Assist a resident who is physically impaired but mentally alert ~~resident~~, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(E) (1) Except as provided in division (E) (2) of this section, a person operating or seeking to operate a residential facility shall apply for licensure of the facility to the

department of mental health and addiction services. The 18484
application shall be submitted by the operator. When applying 18485
for the license, the applicant shall pay to the department the 18486
application fee specified in rules adopted under division (L) of 18487
this section. The fee is nonrefundable. 18488

The department shall send a copy of an application to the 18489
ADAMHS board serving the county in which the person operates or 18490
seeks to operate the facility. The ADAMHS board shall review the 18491
application and provide to the department any information about 18492
the applicant or the facility that the board would like the 18493
department to consider in reviewing the application. 18494

(2) A person may not apply for a license to operate a 18495
residential facility if the person is or has been the owner, 18496
operator, or manager of a residential facility for which a 18497
license to operate was revoked or for which renewal of a license 18498
was refused for any reason other than nonpayment of the license 18499
renewal fee, unless both of the following conditions are met: 18500

(a) A period of not less than two years has elapsed since 18501
the date the director of mental health and addiction services 18502
issued the order revoking or refusing to renew the facility's 18503
license. 18504

(b) The director's revocation or refusal to renew the 18505
license was not based on an act or omission at the facility that 18506
violated a resident's right to be free from abuse, neglect, or 18507
exploitation. 18508

(F) (1) The department of mental health and addiction 18509
services shall inspect and license the operation of residential 18510
facilities. The department shall consider the past record of the 18511
facility and the applicant or licensee in arriving at its 18512

licensure decision. 18513

The department may issue full, probationary, and interim 18514
licenses. A full license shall expire up to three years after 18515
the date of issuance, a probationary license shall expire in a 18516
shorter period of time as specified in rules adopted by the 18517
director of mental health and addiction services under division 18518
(L) of this section, and an interim license shall expire ninety 18519
days after the date of issuance. A license may be renewed in 18520
accordance with rules adopted by the director under division (L) 18521
of this section. The renewal application shall be submitted by 18522
the operator. When applying for renewal of a license, the 18523
applicant shall pay to the department the renewal fee specified 18524
in rules adopted under division (L) of this section. The fee is 18525
nonrefundable. 18526

(2) The department may issue an order suspending the 18527
admission of residents to the facility or refuse to issue or 18528
renew and may revoke a license if it finds any of the following: 18529

(a) The facility is not in compliance with rules adopted 18530
by the director pursuant to division (L) of this section; 18531

(b) Any facility operated by the applicant or licensee has 18532
been cited for a pattern of serious noncompliance or repeated 18533
violations of statutes or rules during the period of current or 18534
previous licenses; 18535

(c) The applicant or licensee submits false or misleading 18536
information as part of a license application, renewal, or 18537
investigation. 18538

Proceedings initiated to deny applications for full or 18539
probationary licenses or to revoke such licenses are governed by 18540
Chapter 119. of the Revised Code. An order issued pursuant to 18541

this division remains in effect during the pendency of those 18542
proceedings. 18543

(G) The department may issue an interim license to operate 18544
a residential facility if both of the following conditions are 18545
met: 18546

(1) The department determines that the closing of or the 18547
need to remove residents from another residential facility has 18548
created an emergency situation requiring immediate removal of 18549
residents and an insufficient number of licensed beds are 18550
available. 18551

(2) The residential facility applying for an interim 18552
license meets standards established for interim licenses in 18553
rules adopted by the director under division (L) of this 18554
section. 18555

An interim license shall be valid for ninety days and may 18556
be renewed by the director no more than twice. Proceedings 18557
initiated to deny applications for or to revoke interim licenses 18558
under this division are not subject to Chapter 119. of the 18559
Revised Code. 18560

(H) (1) The department of mental health and addiction 18561
services may conduct an inspection of a residential facility as 18562
follows: 18563

(a) Prior to issuance of a license for the facility; 18564

(b) Prior to renewal of the license; 18565

(c) To determine whether the facility has completed a plan 18566
of correction required pursuant to division (H) (2) of this 18567
section and corrected deficiencies to the satisfaction of the 18568
department and in compliance with this section and rules adopted 18569

pursuant to it; 18570

(d) Upon complaint by any individual or agency; 18571

(e) At any time the director considers an inspection to be 18572
necessary in order to determine whether the facility is in 18573
compliance with this section and rules adopted pursuant to this 18574
section. 18575

(2) In conducting inspections the department may conduct 18576
an on-site examination and evaluation of the residential 18577
facility and its personnel, activities, and services. The 18578
department shall have access to examine and copy all records, 18579
accounts, and any other documents relating to the operation of 18580
the residential facility, including records pertaining to 18581
residents, and shall have access to the facility in order to 18582
conduct interviews with the operator, staff, and residents. 18583
Following each inspection and review, the department shall 18584
complete a report listing any deficiencies, and including, when 18585
appropriate, a time table within which the operator shall 18586
correct the deficiencies. The department may require the 18587
operator to submit a plan of correction describing how the 18588
deficiencies will be corrected. 18589

(I) No person shall do any of the following: 18590

(1) Operate a residential facility unless the facility 18591
holds a valid license; 18592

(2) Violate any of the conditions of licensure after 18593
having been granted a license; 18594

(3) Interfere with a state or local official's inspection 18595
or investigation of a residential facility; 18596

(4) Violate any of the provisions of this section or any 18597

rules adopted pursuant to this section. 18598

(J) The following may enter a residential facility at any 18599
time: 18600

(1) Employees designated by the director of mental health 18601
and addiction services; 18602

(2) Employees of an ADAMHS board under either of the 18603
following circumstances: 18604

(a) When a resident of the facility is receiving services 18605
from a community mental health services provider under contract 18606
with that ADAMHS board or another ADAMHS board; 18607

(b) When authorized by section 340.05 of the Revised Code. 18608

(3) Employees of a community mental health services 18609
provider under either of the following circumstances: 18610

(a) When the provider has a person receiving services 18611
residing in the facility; 18612

(b) When the provider is acting as an agent of an ADAMHS 18613
board other than the board with which it is under contract. 18614

(4) Representatives of the state long-term care ombudsman 18615
program when the facility provides accommodations, supervision, 18616
and personal care services for three to sixteen unrelated adults 18617
or to one or two unrelated adults who are receiving payments 18618
under the residential state supplement program. 18619

The persons specified in division (J) of this section 18620
shall be afforded access to examine and copy all records, 18621
accounts, and any other documents relating to the operation of 18622
the residential facility, including records pertaining to 18623
residents. 18624

(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.

(L) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:

(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;

(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities;

(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents;

(4) The fee to be paid when applying for a new residential facility license or renewing the license;

(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;

(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential

facility;	18654
(7) Measures to be taken by residential facilities relative to residents' medication;	18655 18656
(8) Requirements relating to preparation of special diets;	18657
(9) The maximum number of residents who may be served in a residential facility;	18658 18659
(10) The rights of residents of residential facilities and procedures to protect such rights;	18660 18661
(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	18662 18663
(M) (1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.	18664 18665 18666 18667 18668 18669 18670 18671
(2) Any person who makes a complaint under division (M) (1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose.	18672 18673 18674 18675 18676 18677
(N) (1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a	18678 18679 18680 18681

license or from operating a licensed facility when, in the 18682
director's judgment, there is a present danger to the health or 18683
safety of any of the occupants of the facility. The court shall 18684
have jurisdiction to grant such injunctive relief upon a showing 18685
that the respondent named in the petition is operating a 18686
facility without a license or there is a present danger to the 18687
health or safety of any residents of the facility. 18688

(2) When the court grants injunctive relief in the case of 18689
a facility operating without a license, the court shall issue, 18690
at a minimum, an order enjoining the facility from admitting new 18691
residents to the facility and an order requiring the facility to 18692
assist with the safe and orderly relocation of the facility's 18693
residents. 18694

(3) If injunctive relief is granted against a facility for 18695
operating without a license and the facility continues to 18696
operate without a license, the director shall refer the case to 18697
the attorney general for further action. 18698

(O) The director may fine a person for violating division 18699
(I) of this section. The fine shall be five hundred dollars for 18700
a first offense; for each subsequent offense, the fine shall be 18701
one thousand dollars. The director's actions in imposing a fine 18702
shall be taken in accordance with Chapter 119. of the Revised 18703
Code. 18704

Sec. 5119.40. (A) As used in this section, "~~mentally ill~~ 18705
individual with a mental illness" and "specialized services" 18706
have the same meanings as in section 5165.03 of the Revised 18707
Code. 18708

(B) (1) Except as provided in division (B) (2) of this 18709
section and rules adopted under division (E) (3) of this section, 18710

for purposes of section 5165.03 of the Revised Code, the 18711
department of mental health and addiction services shall 18712
determine in accordance with the "Social Security Act," section 18713
1919(e) (7), 42 U.S.C. 1396r(e) (7), and regulations adopted under 18714
section 1919(f) (8) (A) of that act, 42 U.S.C. 1396r(f) (8) (A), 18715
whether, because of the individual's physical and mental 18716
condition, ~~a mentally ill~~ an individual with a mental illness 18717
seeking admission to a nursing facility requires the level of 18718
services provided by a nursing facility and, if the individual 18719
requires that level of services, whether the individual requires 18720
specialized services for mental illness. The determination 18721
required by this division shall be based on an independent 18722
physical and mental evaluation performed by a person or entity 18723
other than the department. 18724

(2) Except as provided in division (B) (3) of this section, 18725
a determination under division (B) (1) of this section is not 18726
required for any of the following: 18727

(a) An individual seeking readmission to a nursing 18728
facility after having been transferred from a nursing facility 18729
to a hospital for care; 18730

(b) An individual who meets all of the following 18731
conditions: 18732

(i) The individual is admitted to the nursing facility 18733
directly from a hospital after receiving inpatient care at the 18734
hospital; 18735

(ii) The individual requires nursing facility services for 18736
the condition for which care in the hospital was received; 18737

(iii) The individual's attending physician has certified, 18738
before admission to the nursing facility, that the individual is 18739

likely to require less than thirty days of nursing facility services. 18740
18741

(c) An individual transferred from one nursing facility to another nursing facility, with or without an intervening hospital stay. 18742
18743
18744

(3) A determination under division (B) (1) of this section is required for an individual described in division (B) (2) (a) or (b) of this section if the hospital from which the individual is transferred or directly admitted to a nursing facility is either of the following: 18745
18746
18747
18748
18749

(a) A hospital that the department maintains, operates, manages, and governs under section 5119.14 of the Revised Code for the care and treatment of ~~mentally ill~~ persons with mental illnesses; 18750
18751
18752
18753

(b) A free-standing hospital, or unit of a hospital, licensed by the department under section 5119.33 of the Revised Code. 18754
18755
18756

(C) Except as provided in rules adopted under division (E) (3) of this section, the department of mental health and addiction services shall review and determine for each resident of a nursing facility who ~~is mentally ill~~ has a mental illness, whether the resident, because of the resident's physical and mental condition, requires the level of services provided by a nursing facility and whether the resident requires specialized services for mental illness. The review and determination shall be conducted in accordance with section 1919(e) (7) of the "Social Security Act" and the regulations adopted under section 1919(f) (8) (A) of the act and based on an independent physical and mental evaluation performed by a person or entity other than 18757
18758
18759
18760
18761
18762
18763
18764
18765
18766
18767
18768

the department. The review and determination shall be completed 18769
promptly after a nursing facility has notified the department 18770
that there has been a significant change in the resident's 18771
mental or physical condition. 18772

(D) (1) In the case of a nursing facility resident who has 18773
continuously resided in a nursing facility for at least thirty 18774
months before the date of a review and determination under 18775
division (C) of this section, if the resident is determined not 18776
to require the level of services provided by a nursing facility, 18777
but is determined to require specialized services for mental 18778
illness, the department, in consultation with the resident's 18779
family or legal representative and care givers, shall do all of 18780
the following: 18781

(a) Inform the resident of the institutional and 18782
noninstitutional alternatives covered under the state plan for 18783
medical assistance; 18784

(b) Offer the resident the choice of remaining in the 18785
nursing facility or receiving covered services in an alternative 18786
institutional or noninstitutional setting; 18787

(c) Clarify the effect on eligibility for services under 18788
the state plan for medical assistance if the resident chooses to 18789
leave the facility, including its effect on readmission to the 18790
facility; 18791

(d) Provide for or arrange for the provision of 18792
specialized services for the resident's mental illness in the 18793
setting chosen by the resident. 18794

(2) In the case of a nursing facility resident who has 18795
continuously resided in a nursing facility for less than thirty 18796
months before the date of the review and determination under 18797

division (C) of this section, if the resident is determined not 18798
to require the level of services provided by a nursing facility, 18799
but is determined to require specialized services for mental 18800
illness, or if the resident is determined to require neither the 18801
level of services provided by a nursing facility nor specialized 18802
services for mental illness, the department shall act in 18803
accordance with its alternative disposition plan approved by the 18804
United States department of health and human services under 18805
section 1919(e) (7) (E) of the "Social Security Act." 18806

(3) In the case of an individual who is determined under 18807
division (B) or (C) of this section to require both the level of 18808
services provided by a nursing facility and specialized services 18809
for mental illness, the department of mental health and 18810
addiction services shall provide or arrange for the provision of 18811
the specialized services needed by the individual or resident 18812
while residing in a nursing facility. 18813

(E) The department of mental health and addiction services 18814
shall adopt rules in accordance with Chapter 119. of the Revised 18815
Code that do all of the following: 18816

(1) Establish criteria to be used in making the 18817
determinations required by divisions (B) and (C) of this 18818
section. The criteria shall not exceed the criteria established 18819
by regulations adopted by the United States department of health 18820
and human services under section 1919(f) (8) (A) of the "Social 18821
Security Act." 18822

(2) Specify information to be provided by the individual 18823
or nursing facility resident being assessed; 18824

(3) Specify any circumstances, in addition to 18825
circumstances listed in division (B) of this section, under 18826

which determinations under divisions (B) and (C) of this section 18827
are not required to be made. 18828

Sec. 5119.42. (A) As used in this section, "private, 18829
nonprofit organization" means a private association, 18830
organization, corporation, or other entity that is tax exempt 18831
under section 501(a) and described in section 501(c) of the 18832
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 18833

(B) To the extent funds are available and on application 18834
by boards of alcohol, drug addiction, and mental health 18835
services, the director of mental health and addiction services 18836
may approve state reimbursement of, or state grants for, 18837
community construction programs including residential housing 18838
for ~~severely mentally disabled persons~~ with severe mental 18839
disabilities and persons with substance use disorders. The 18840
director may also approve an application for reimbursement or a 18841
grant for such programs submitted by other governmental entities 18842
or by private, nonprofit organizations, after the application 18843
has been reviewed and recommended for approval or disapproval by 18844
the board of alcohol, drug addiction, and mental health services 18845
for the district from which the application came, and the 18846
application is consistent with the board's approved community 18847
addiction and mental health plan submitted under division (A) of 18848
section 340.03 of the Revised Code and the board's approved 18849
budget and list of addiction services, mental health services, 18850
and recovery supports submitted under divisions (A) and (B) of 18851
section 340.08 of the Revised Code. 18852

(C) (1) The director of mental health and addiction 18853
services shall adopt rules in accordance with Chapter 119. of 18854
the Revised Code that specify procedures for applying for state 18855
reimbursement of and state grants for community construction 18856

programs, including residential housing for ~~severely mentally~~ 18857
~~disabled persons~~ with severe mental disabilities and persons 18858
with substance use disorders and procedures and criteria for 18859
approval of such reimbursement and grants. 18860

(2) The director of mental health and addiction services 18861
shall not approve state reimbursement or a state grant unless 18862
all of the following conditions are met: 18863

(a) The applicant includes with the application a plan 18864
specifying the services, in addition to housing, that will be 18865
provided to persons who will reside in the residential housing. 18866
Services specified may include any of the services described in 18867
section 340.09 of the Revised Code. 18868

(b) The director is satisfied that the residential housing 18869
for ~~severely mentally disabled persons~~ with severe mental 18870
disabilities will be developed to promote the maximum practical 18871
integration of ~~severely mentally disabled persons~~ with severe 18872
mental disabilities with persons at the same site who ~~are~~ do not 18873
~~severely mentally disabled~~ have severe mental disabilities. 18874

(c) The use of any funds distributed pursuant to the 18875
reimbursement or grant will not subject any obligation from 18876
which the funds are derived to federal income taxation. 18877

(3) The director may enter into an agreement establishing 18878
terms for any reimbursement or grant approved under this 18879
division with the organization, board, or other government 18880
entity that is the recipient of the reimbursement or grant. Any 18881
such agreement is subject to any covenant or agreement 18882
pertaining to any obligation issued to provide funds for the 18883
reimbursement or grant. 18884

Sec. 5119.50. The director of mental health and addiction 18885

services may accept, hold, and administer in trust on behalf of 18886
the state, if it is for the public interest, any grant, gift, 18887
devise, or bequest of money or property made to the state for 18888
the use or benefit of any institution described in section 18889
5119.14 of the Revised Code or for the use and benefit of 18890
~~mentally ill persons~~ with mental illnesses under its control. If 18891
the trust so provides, the money or property may be used for any 18892
work which the department of mental health and addiction 18893
services is authorized to undertake. 18894

The department shall keep such gift, grant, devise, or 18895
bequest as a distinct property or fund and, if it is in money, 18896
shall invest it in the manner provided by law. The department 18897
may deposit in a proper trust company or savings bank any money 18898
left in trust during a specified life or lives and shall adopt 18899
rules governing the deposit, transfer, withdrawal, or investment 18900
of such money and the income thereof. 18901

The department shall, in the manner prescribed by the 18902
director of budget and management pursuant to section 126.21 of 18903
the Revised Code, account for all money or property received or 18904
expended under this section. The records, together with a 18905
statement certified by the depository showing the funds 18906
deposited there to the credit of the trust, shall be open to 18907
public inspection. The director of budget and management may 18908
require the department to file a report with the director on any 18909
particular portion, or the whole, of any trust property received 18910
or expended by it. 18911

The department shall, upon the expiration of any trust 18912
according to its terms, dispose of the funds or property held 18913
thereunder in the manner provided in the instrument creating the 18914
trust. If the instrument creating the trust failed to make any 18915

terms of disposition, or if no trust was in evidence, then the 18916
decedent patient's money, saving or commercial deposits, 18917
dividends or distributions, bonds, or any other interest-bearing 18918
debt certificate or stamp issued by the United States government 18919
shall escheat to the state. All such unclaimed intangible 18920
personal property of a former patient shall be retained by the 18921
managing officer in such institution for the period of one year, 18922
during which time every possible effort shall be made to find 18923
such former patient or the former patient's legal 18924
representative. 18925

If, after a period of one year from the time the patient 18926
has left the institution or has died, the managing officer has 18927
been unable to locate such person or the person's legal 18928
representative, then upon proper notice of such fact the 18929
director shall at that time formulate in writing a method of 18930
disposition on the minutes of the department authorizing the 18931
managing officer to convert such intangible personal property to 18932
cash to be paid into the state treasury to the credit of the 18933
general revenue fund. 18934

The department shall include in its annual report a 18935
statement of all money and property and the terms and conditions 18936
relating thereto. 18937

Sec. 5119.60. The department of mental health and 18938
addiction services shall submit an annual report to the governor 18939
that shall describe the services the department offers and how 18940
appropriated funds have been spent. The report shall include all 18941
of the following: 18942

(A) The utilization of state hospitals by each alcohol, 18943
drug addiction, and mental health service district; 18944

(B) The number of persons served by community addiction services providers that receive funds distributed by the department, with a breakdown into categories including age, sex, race, the type of drug to which the person is addicted, and any other categories the director of mental health and addiction services considers significant;

(C) The number of ~~severely mentally disabled persons~~ with severe mental disabilities served in each district;

(D) The number and types of addiction services, mental health services, and recovery supports provided to ~~severely mentally disabled persons~~ with severe mental disabilities through state-operated services, community addiction services providers, and community mental health services providers;

(E) A report measuring the success of community addiction services providers, based on the measures for accountability developed by the department, including the percentage of persons served by such community addiction services providers who have not relapsed;

(F) Any other information that the director considers significant or is requested by the governor.

Sec. 5119.61. (A) The department of mental health and addiction services shall collect and compile statistics and other information on the care and treatment of ~~mentally disabled persons~~ with mental disabilities, and the care, treatment, and rehabilitation of ~~alcoholics~~ persons with alcoholism, ~~drug-dependent persons~~ with drug dependencies, persons in danger of drug dependence, and persons with or in danger of developing a gambling addiction in this state. The information shall include, without limitation, information on the number of such persons,

the type of drug involved, if any, the type of care, treatment, 18974
or rehabilitation prescribed or undertaken, and the success or 18975
failure of the care, treatment, or rehabilitation. The 18976
department shall collect information about addiction services, 18977
mental health services, and recovery supports delivered and 18978
persons served as required for reporting and evaluation relating 18979
to state and federal funds expended for such purposes. 18980

(B) No community addiction services provider or community 18981
mental health services provider shall fail to supply statistics 18982
and other information within its knowledge and with respect to 18983
its addiction services, mental health services, and recovery 18984
supports upon request of the department. 18985

(C) Communications by a person seeking aid in good faith 18986
for alcoholism or drug dependence are confidential, and this 18987
section does not require the collection or permit the disclosure 18988
of information which reveals or comprises the identity of any 18989
person seeking aid. 18990

(D) Based on the information collected and compiled under 18991
division (A) of this section, the department shall develop a 18992
project to assess the outcomes of persons served by community 18993
addiction services providers and community mental health 18994
services providers that receive funds distributed by the 18995
department. 18996

Sec. 5119.70. The "interstate compact on mental health" is 18997
hereby ratified, enacted into law, and entered into by the state 18998
of Ohio as a party thereto with any other state which has 18999
legally joined in the compact as follows: 19000

INTERSTATE COMPACT ON MENTAL HEALTH 19001

The contracting states solemnly agree that: 19002

Article I

19003

The party states find that the proper and expeditious
treatment of the mentally ill and ~~mentally retarded~~
intellectually disabled can be facilitated by cooperative
action, to the benefit of the patients, their families, and
society as a whole. Further, the party states find that the
necessity of and desirability for furnishing such care and
treatment bears no primary relation to the residence or
citizenship of the patient but that, on the contrary, the
controlling factors of community safety and humanitarianism
require that facilities and services be made available for all
who are in need of them. Consequently, it is the purpose of this
compact and of the party states to provide the necessary legal
basis for the institutionalization or other appropriate care and
treatment of the mentally ill and ~~mentally retarded~~
intellectually disabled under a system that recognizes the
paramount importance of patient welfare and to establish the
responsibilities of the party states in terms of such welfare.

19004
19005
19006
19007
19008
19009
19010
19011
19012
19013
19014
19015
19016
19017
19018
19019
19020

Article II

19021

As used in this compact:

19022

(a) "Sending state" shall mean a party state from which a
patient is transported pursuant to the provisions of the compact
or from which it is contemplated that a patient may be so sent.

19023
19024
19025

(b) "Receiving state" shall mean a party state to which a
patient is transported pursuant to the provisions of the compact
or to which it is contemplated that a patient may be so sent.

19026
19027
19028

(c) "Institution" shall mean any hospital or other
facility maintained by a party state or political subdivision
thereof for the care and treatment of mental illness or ~~mental~~

19029
19030
19031

~~retardation~~intellectual disability. 19032

(d) "Patient" shall mean any person subject to or eligible 19033
as determined by the laws of the sending state, for 19034
institutionalization or other care, treatment, or supervision 19035
pursuant to the provisions of this compact. 19036

(e) "After-care" shall mean care, treatment and services 19037
provided a patient, as defined herein, or convalescent status or 19038
conditional release. 19039

(f) "Mental illness" shall mean mental disease to such 19040
extent that a person so afflicted requires care and treatment 19041
for his own welfare, or the welfare of others, or of the 19042
community. 19043

(g) ~~"Mental retardation"~~"Intellectual disability" shall 19044
mean ~~mental retardation~~intellectual disability as defined by 19045
appropriate clinical authorities to such extent that a person so 19046
afflicted is incapable of managing himself and his affairs, but 19047
shall not include mental illness as defined herein. 19048

(h) "State" shall mean any state, territory or possession 19049
of the United States, the District of Columbia, and the 19050
Commonwealth of Puerto Rico. 19051

Article III 19052

(a) Whenever a person physically present in any party 19053
state shall be in need of institutionalization by reason of 19054
mental illness or ~~mental retardation~~intellectual disability, he 19055
shall be eligible for care and treatment in an institution in 19056
that state irrespective of his residence, settlement or 19057
citizenship qualifications. 19058

(b) The provisions of paragraph (a) of this article to the 19059

contrary notwithstanding, any patient may be transferred to an 19060
institution in another state whenever there are factors based 19061
upon clinical determinations indicating that the care and 19062
treatment of said patient would be facilitated or improved 19063
thereby. Any such institutionalization may be for the entire 19064
period of care and treatment or for any portion or portions 19065
thereof. The factors referred to in this paragraph shall include 19066
the patient's full record with due regard for the location of 19067
the patient's family, character of the illness and probable 19068
duration thereof, and such other factors as shall be considered 19069
appropriate. 19070

(c) No state shall be obliged to receive any patient 19071
pursuant to the provisions of paragraph (b) of this article 19072
unless the sending state has given advance notice of its 19073
intention to send the patient; furnished all available medical 19074
and other pertinent records concerning the patient; given the 19075
qualified medical or other appropriate clinical authorities of 19076
the receiving state an opportunity to examine the patient if 19077
said authorities so wish; and unless the receiving state shall 19078
agree to accept the patient. 19079

(d) In the event that the laws of the receiving state 19080
establish a system of priorities for the admission of patients, 19081
an interstate patient under this compact shall receive the same 19082
priority as a local patient and shall be taken in the same order 19083
and at the same time that he would be taken if he were a local 19084
patient. 19085

(e) Pursuant to this compact, the determination as to the 19086
suitable place of institutionalization for a patient may be 19087
reviewed at any time and such further transfer of the patient 19088
may be made as seems likely to be in the best interest of the 19089

patient. 19090

Article IV 19091

(a) Whenever, pursuant to the laws of the state in which a 19092
patient is physically present, it shall be determined that the 19093
patient should receive after-care or supervision, such care or 19094
supervision may be provided in a receiving state. If the medical 19095
or other appropriate clinical authorities having responsibility 19096
for the care and treatment of the patient in the sending state 19097
shall have reason to believe that after-care in another state 19098
would be in the best interest of the patient and would not 19099
jeopardize the public safety, they shall request the appropriate 19100
authorities in the receiving state to investigate the 19101
desirability of affording the patient such after-care in said 19102
receiving state, and such investigation shall be made with all 19103
reasonable speed. The request for investigation shall be 19104
accompanied by complete information concerning the patient's 19105
intended place of residence and the identity of the person in 19106
whose charge it is proposed to place the patient, the complete 19107
medical history of the patient, and such other documents as may 19108
be pertinent. 19109

(b) If the medical or other appropriate clinical 19110
authorities having responsibility for the care and treatment of 19111
the patient in the sending state and the appropriate authorities 19112
in the receiving state find that the best interest of the 19113
patient would be served thereby, and if the public safety would 19114
not be jeopardized thereby, the patient may receive after-care 19115
or supervision in the receiving state. 19116

(c) In supervising, treating, or caring for a patient on 19117
after-care pursuant to the terms of this article, a receiving 19118
state shall employ the same standards of visitation, 19119

examination, care, and treatment that it employs for similar 19120
local patients. 19121

Article V 19122

Whenever a dangerous or potentially dangerous patient 19123
escapes from an institution in any party state, that state shall 19124
promptly notify all appropriate authorities within and without 19125
the jurisdiction of the escape in a manner reasonably calculated 19126
to facilitate the speedy apprehension of the escapee. 19127
Immediately upon the apprehension and identification of any such 19128
dangerous or potentially dangerous patient, he shall be detained 19129
in the state where found pending disposition in accordance with 19130
law. 19131

Article VI 19132

The duly accredited officers of any state party to this 19133
compact, upon the establishment of their authority and the 19134
identity of the patient, shall be permitted to transport any 19135
patient being moved pursuant to this compact through any and all 19136
states party to this compact, without interference. 19137

Article VII 19138

(a) No person shall be deemed a patient of more than one 19139
institution at any given time. Completion of transfer of any 19140
patient to an institution in a receiving state shall have the 19141
effect of making the person a patient of the institution in the 19142
receiving state. 19143

(b) The sending state shall pay all costs of and 19144
incidental to the transportation of any patient pursuant to this 19145
compact, but any two or more party states may, by making a 19146
specific agreement for that purpose, arrange for a different 19147
allocation of costs as among themselves. 19148

(c) No provision of this compact shall be construed to 19149
alter or affect any internal relationships among the 19150
departments, agencies and officers of and in the government of a 19151
party state, or between a party state and its subdivisions, as 19152
to the payment of costs, or responsibilities therefor. 19153

(d) Nothing in this compact shall be construed to prevent 19154
any party state or subdivision thereof from asserting any right 19155
against any person, agency or other entity in regard to costs 19156
for which such party state or subdivision thereof may be 19157
responsible pursuant to any provision of this compact. 19158

(e) Nothing in this compact shall be construed to 19159
invalidate any reciprocal agreement between a party state and a 19160
nonparty state relating to institutionalization, care or 19161
treatment of the mentally ill or ~~mentally retarded~~intellectually
disabled, or any statutory authority pursuant to which such 19162
agreements may be made. 19163
19164

Article VIII 19165

(a) Nothing in this compact shall be construed to abridge, 19166
diminish, or in any way impair the rights, duties, and 19167
responsibilities of any patient's guardian on his own behalf or 19168
in respect of any patient for whom he may serve, except that 19169
where the transfer of any patient to another jurisdiction makes 19170
advisable the appointment of a supplemental or substitute 19171
guardian, any court of competent jurisdiction in the receiving 19172
state may make such supplemental or substitute appointment and 19173
the court which appointed the previous guardian shall upon being 19174
duly advised of the new appointment, and upon the satisfactory 19175
completion of such accounting and other acts as such court may 19176
by law require, relieve the previous guardian of power and 19177
responsibility to whatever extent shall be appropriate in the 19178

circumstances; provided, however, that in the case of any 19179
patient having settlement in the sending state, the court of 19180
competent jurisdiction in the sending state shall have the sole 19181
discretion to relieve a guardian appointed by it or continue his 19182
power and responsibility, whichever it shall deem advisable. The 19183
court in the receiving state may, in its discretion, confirm or 19184
reappoint the person or persons previously serving as guardian 19185
in the sending state in lieu of making a supplemental or 19186
substitute appointment. 19187

(b) The term "guardian" as used in paragraph (a) of this 19188
article shall include any guardian, trustee, legal committee, 19189
conservator, or other person or agency however denominated who 19190
is charged by law with power to act for or responsibility for 19191
the person or property of a patient. 19192

Article IX 19193

(a) No provision of this compact except Article V shall 19194
apply to any person institutionalized while under sentence in a 19195
penal or correctional institution or while subject to trial on a 19196
criminal charge, or whose institutionalization is due to the 19197
commission of an offense for which, in the absence of mental 19198
illness or ~~mental retardation~~intellectual disability, said 19199
person would be subject to incarceration in a penal or 19200
correctional institution. 19201

(b) To every extent possible, it shall be the policy of 19202
states party to this compact that no patient shall be placed or 19203
detained in any prison, jail or lockup, but such patient shall, 19204
with all expedition, be taken to a suitable institutional 19205
facility for mental ~~illness~~illness or ~~mental~~
~~retardation~~intellectual disability. 19206
19207

Article X 19208

(a) Each party state shall appoint a "compact administrator" who, on behalf of his state, shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder. 19209
19210
19211
19212
19213
19214
19215
19216
19217
19218

(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact. 19219
19220
19221
19222

Article XI 19223

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or ~~mental retardation~~ intellectual disability. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact. 19224
19225
19226
19227
19228
19229
19230
19231
19232
19233

Article XII 19234

This compact shall enter into full force and effect as to any state when enacted by it into law and such states shall 19235
19236

thereafter be a party thereto with any and all states legally 19237
joining therein. 19238

Article XIII 19239

(a) A state party to this compact may withdraw therefrom 19240
by enacting a statute repealing the same. Such withdrawal shall 19241
take effect one year after notice thereof has been communicated 19242
officially and in writing to the governors and compact 19243
administrators of all other party states. However, the 19244
withdrawal of any state shall not change the status of any 19245
patient who has been sent to said state or sent out of said 19246
state pursuant to the provisions of the compact. 19247

(b) Withdrawal from any agreement permitted by Article VII 19248
(b) as to costs or from any supplementary agreement made 19249
pursuant to Article XI shall be in accordance with the terms of 19250
such agreement. 19251

Article XIV 19252

This compact shall be liberally construed so as to 19253
effectuate the purposes thereof. The provisions of this compact 19254
shall be severable and if any phrase, clause, sentence or 19255
provision of this compact is declared to be contrary to the 19256
constitution of any party state or of the United States or the 19257
applicability thereof to any government, agency, person or 19258
circumstance is held invalid, the validity of the remainder of 19259
this compact and the applicability thereof to any government, 19260
agency, person or circumstance shall not be affected thereby. If 19261
this compact shall be held contrary to the constitution of any 19262
state party thereto, the compact shall remain in full force and 19263
effect as to the remaining states and in full force and effect 19264
as to the state affected as to all severable matters. 19265

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of 19266
the Revised Code: 19267

(A) "Alcohol and other drug abuse" means alcoholism or 19268
drug addiction. 19269

(B) "Another drug" means a controlled substance as defined 19270
in section 3719.01 of the Revised Code or a harmful intoxicant 19271
as defined in section 2925.01 of the Revised Code. 19272

(C) "Board of alcohol, drug addiction, and mental health 19273
services" means a board of alcohol, drug addiction, and mental 19274
health services established under section 340.02 or 340.021 of 19275
the Revised Code. 19276

(D) "Danger" or "threat of danger to self, family, or 19277
others" means substantial physical harm or threat of substantial 19278
physical harm upon self, family, or others. 19279

(E) "Hospital" has the same meaning as in section 3701.01 19280
or 3727.01 of the Revised Code but does not include either a 19281
hospital operated by the department of mental health and 19282
addiction services or an inpatient unit licensed by the 19283
department. 19284

(F) "Intoxicated" means being under the influence of 19285
alcohol, another drug, or both alcohol and another drug and, as 19286
a result, having a significantly impaired ability to function. 19287

(G) "Petitioner" means a person who institutes a 19288
proceeding under sections 5119.91 to 5119.98 of the Revised 19289
Code. 19290

(H) "Probate court" means the probate division of the 19291
court of common pleas. 19292

(I) "Qualified health professional" means a person that is 19293

properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law. 19294
19295

(J) "Residence" means the legal residence of a person as determined by applicable principles governing conflicts of law. 19296
19297

(K) "Respondent" means a person alleged in a petition filed or hearing under sections 5119.91 to 5119.98 of the Revised Code to be a person who is ~~suffering from~~ experiencing alcohol and other drug abuse and who may be ordered under those sections to undergo treatment. 19298
19299
19300
19301
19302

(L) "Treatment" means services and programs for the care and rehabilitation of intoxicated persons and persons ~~suffering from~~ experiencing alcohol and other drug abuse. "Treatment" includes residential treatment, a halfway house setting, and an intensive outpatient or outpatient level of care. 19303
19304
19305
19306
19307

Sec. 5119.91. A probate court may order involuntary treatment for a person ~~suffering from~~ experiencing alcohol and other drug abuse pursuant to the procedures set forth in sections 5119.90 to 5119.98 of the Revised Code. 19308
19309
19310
19311

Sec. 5119.92. No person shall be ordered to undergo treatment under sections 5119.90 to 5119.98 of the Revised Code unless all of the following apply to that person: 19312
19313
19314

(A) The person ~~suffers from~~ experiences alcohol and other drug abuse. 19315
19316

(B) The person presents an imminent danger or imminent threat of danger to self, family, or others as a result of alcohol and other drug abuse, or there exists a substantial likelihood of such a threat in the near future. 19317
19318
19319
19320

(C) The person can reasonably benefit from treatment. 19321

Sec. 5119.93. (A) A person may initiate proceedings for 19322
treatment for an individual ~~suffering from~~experiencing alcohol 19323
and other drug abuse by filing a verified petition in the 19324
probate court. The petition and all subsequent court documents 19325
shall be entitled: "In the interest of (name of respondent)." A 19326
spouse, relative, or guardian of the individual concerning whom 19327
the petition is filed shall file the petition. A petition filed 19328
under this division shall be kept confidential and shall not be 19329
disclosed by any person, except as needed for purposes of this 19330
section or when disclosure is ordered by a court. 19331

(B) A petition filed under division (A) of this section 19332
shall set forth all of the following: 19333

(1) The petitioner's relationship to the respondent; 19334

(2) The respondent's name, residence address, and current 19335
location, if known; 19336

(3) The name and residence of the respondent's parents, if 19337
living and if known, or of the respondent's legal guardian, if 19338
any and if known; 19339

(4) The name and residence of the respondent's spouse, if 19340
any and if known; 19341

(5) The name and residence of the person having custody of 19342
the respondent, if any, or if no such person is known, the name 19343
and residence of a near relative or a statement that the person 19344
is unknown; 19345

(6) The petitioner's belief, including the factual basis 19346
for the belief, that the respondent is ~~suffering from~~ 19347
experiencing alcohol and other drug abuse and presents an 19348
imminent danger or imminent threat of danger to self, family, or 19349
others if not treated for alcohol or other drug abuse; 19350

(7) If the petitioner's belief specified in division (B) 19351
(6) of this section is that the respondent is ~~suffering from~~ 19352
experiencing opioid or opiate abuse, the information provided in 19353
the petition under that division also shall include any evidence 19354
that the respondent has overdosed and been revived one or more 19355
times by an opioid antagonist, overdosed in a vehicle, or 19356
overdosed in the presence of a minor. 19357

(C) (1) Any petition filed pursuant to divisions (A) and 19358
(B) of this section shall be accompanied by a certificate of a 19359
physician who has examined the respondent within two days prior 19360
to the day that the petition is filed in the probate court. The 19361
physician shall be authorized to practice medicine and surgery 19362
or osteopathic medicine and surgery under Chapter 4731. of the 19363
Revised Code. A physician who is responsible for admitting 19364
persons into treatment, if that physician examines the 19365
respondent, may be the physician who completes the certificate. 19366
The physician's certificate shall set forth the physician's 19367
findings in support of the need to treat the respondent for 19368
alcohol or other drug abuse. The certificate shall indicate if 19369
the respondent presents an imminent danger or imminent threat of 19370
danger to self, family, or others if not treated. Further, the 19371
certificate shall indicate the type and length of treatment 19372
required and if the respondent can reasonably benefit from 19373
treatment. If the physician's certificate indicates that 19374
inpatient treatment is required, the certificate shall identify 19375
any inpatient facilities known to the physician that are able 19376
and willing to provide the recommended inpatient treatment. 19377

If the respondent refuses to undergo an examination with a 19378
physician concerning the respondent's possible need for 19379
treatment for alcohol or other drug abuse, the petition shall 19380
state that the respondent has refused all requests made by the 19381

petitioner to undergo a physician's examination. In that case, 19382
the petitioner shall not be required to provide a physician's 19383
certificate with the petition. 19384

(2) Any petition filed pursuant to divisions (A) and (B) 19385
of this section shall contain a statement that the petitioner 19386
has arranged for treatment of the respondent. Further, the 19387
petition shall be accompanied by a statement from the person or 19388
facility who has agreed to provide the treatment that verifies 19389
that the person or facility has agreed to provide the treatment 19390
and the estimated cost of the treatment. 19391

(D) Any petition filed pursuant to divisions (A) and (B) 19392
of this section shall be accompanied by both of the following: 19393

(1) One of the following: 19394

(a) A security deposit to be deposited with the clerk of 19395
the probate court that will cover half of the estimated cost of 19396
treatment of the respondent; 19397

(b) Documentation establishing that insurance coverage of 19398
the petitioner or respondent will cover at least half of the 19399
estimated cost of treatment of the respondent; 19400

(c) Other evidence to the satisfaction of the court 19401
establishing that the petitioner or respondent will be able to 19402
cover some of the estimated cost of treatment of the respondent. 19403

(2) One of the following: 19404

(a) A guarantee, signed by the petitioner or another 19405
person authorized to file the petition, obligating the guarantor 19406
to pay the costs of the examinations of the respondent conducted 19407
by the physician and qualified health professional under 19408
division (B) (5) of section 5119.94 of the Revised Code, the 19409

costs of the respondent that are associated with a hearing 19410
conducted in accordance with section 5119.94 of the Revised Code 19411
and that the court determines to be appropriate, and the costs 19412
of any treatment ordered by the court; 19413

(b) Documentation establishing that insurance coverage of 19414
the petitioner or respondent will cover the costs described in 19415
division (D) (2) (a) of this section; 19416

(c) Documentation establishing that, consistent with the 19417
evidence described in division (D) (1) (c) of this section, the 19418
petitioner or respondent will cover some of the costs described 19419
in division (D) (2) (a) of this section. 19420

Sec. 5120.051. The department of rehabilitation and 19421
correction shall provide for the needs of ~~mentally ill~~ persons 19422
with mental illnesses and persons with intellectual disabilities 19423
who are incarcerated in state correctional institutions. The 19424
department may designate an institution or a unit within an 19425
institution for the custody, care, special training, treatment, 19426
and rehabilitation of ~~mentally ill persons~~ with mental illnesses 19427
or persons with intellectual disabilities. 19428

Sec. 5120.17. (A) As used in this section: 19429

(1) "Mental illness" means a substantial disorder of 19430
thought, mood, perception, orientation, or memory that grossly 19431
impairs judgment, behavior, capacity to recognize reality, or 19432
ability to meet the ordinary demands of life. 19433

(2) "~~Mentally ill person~~ Person with a mental illness 19434
subject to hospitalization" means a ~~mentally ill person~~ with a 19435
mental illness to whom any of the following applies because of 19436
the person's mental illness: 19437

(a) The person represents a substantial risk of physical 19438

harm to the person as manifested by evidence of threats of, or 19439
attempts at, suicide or serious self-inflicted bodily harm. 19440

(b) The person represents a substantial risk of physical 19441
harm to others as manifested by evidence of recent homicidal or 19442
other violent behavior, evidence of recent threats that place 19443
another in reasonable fear of violent behavior and serious 19444
physical harm, or other evidence of present dangerousness. 19445

(c) The person represents a substantial and immediate risk 19446
of serious physical impairment or injury to the person as 19447
manifested by evidence that the person is unable to provide for 19448
and is not providing for the person's basic physical needs 19449
because of the person's mental illness and that appropriate 19450
provision for those needs cannot be made immediately available 19451
in the correctional institution in which the inmate is currently 19452
housed. 19453

(d) The person would benefit from treatment in a hospital 19454
for the person's mental illness and is in need of treatment in a 19455
hospital as manifested by evidence of behavior that creates a 19456
grave and imminent risk to substantial rights of others or the 19457
person. 19458

(3) "Psychiatric hospital" means all or part of a facility 19459
that is operated and managed by the department of mental health 19460
and addiction services to provide psychiatric hospitalization 19461
services in accordance with the requirements of this section 19462
pursuant to an agreement between the directors of rehabilitation 19463
and correction and mental health and addiction services or, is 19464
licensed by the department of mental health and addiction 19465
services pursuant to section 5119.33 of the Revised Code as a 19466
psychiatric hospital and is accredited by a health care 19467
accrediting organization approved by the department of mental 19468

health and addiction services and the psychiatric hospital is 19469
any of the following: 19470

(a) Operated and managed by the department of 19471
rehabilitation and correction within a facility that is operated 19472
by the department of rehabilitation and correction; 19473

(b) Operated and managed by a contractor for the 19474
department of rehabilitation and correction within a facility 19475
that is operated by the department of rehabilitation and 19476
correction; 19477

(c) Operated and managed in the community by an entity 19478
that has contracted with the department of rehabilitation and 19479
correction to provide psychiatric hospitalization services in 19480
accordance with the requirements of this section. 19481

(4) "Inmate patient" means an inmate who is admitted to a 19482
psychiatric hospital. 19483

(5) "Admitted" to a psychiatric hospital means being 19484
accepted for and staying at least one night at the psychiatric 19485
hospital. 19486

(6) "Treatment plan" means a written statement of 19487
reasonable objectives and goals for an inmate patient that is 19488
based on the needs of the inmate patient and that is established 19489
by the treatment team, with the active participation of the 19490
inmate patient and with documentation of that participation. 19491
"Treatment plan" includes all of the following: 19492

(a) The specific criteria to be used in evaluating 19493
progress toward achieving the objectives and goals; 19494

(b) The services to be provided to the inmate patient 19495
during the inmate patient's hospitalization; 19496

(c) The services to be provided to the inmate patient 19497
after discharge from the hospital, including, but not limited 19498
to, housing and mental health services provided at the state 19499
correctional institution to which the inmate patient returns 19500
after discharge or community mental health services. 19501

(7) "Emergency transfer" means the transfer of ~~a mentally~~ 19502
~~ill~~ an inmate with a mental illness to a psychiatric hospital 19503
when the inmate presents an immediate danger to self or others 19504
and requires hospital-level care. 19505

(8) "Uncontested transfer" means the transfer of ~~a~~ 19506
~~mentally ill~~ an inmate with a mental illness to a psychiatric 19507
hospital when the inmate has the mental capacity to, and has 19508
waived, the hearing required by division (B) of this section. 19509

(9) (a) "Independent decision-maker" means a person who is 19510
employed or retained by the department of rehabilitation and 19511
correction and is appointed by the chief or chief clinical 19512
officer of mental health services as a hospitalization hearing 19513
officer to conduct due process hearings. 19514

(b) An independent decision-maker who presides over any 19515
hearing or issues any order pursuant to this section shall be a 19516
psychiatrist, psychologist, or attorney, shall not be 19517
specifically associated with the institution in which the inmate 19518
who is the subject of the hearing or order resides at the time 19519
of the hearing or order, and previously shall not have had any 19520
treatment relationship with nor have represented in any legal 19521
proceeding the inmate who is the subject of the order. 19522

(B) (1) Except as provided in division (C) of this section, 19523
if the warden of a state correctional institution or the 19524
warden's designee believes that an inmate should be transferred 19525

from the institution to a psychiatric hospital, the department 19526
shall hold a hearing to determine whether the inmate is a 19527
~~mentally ill~~ person with a mental illness subject to 19528
hospitalization. The department shall conduct the hearing at the 19529
state correctional institution in which the inmate is confined, 19530
and the department shall provide qualified independent 19531
assistance to the inmate for the hearing. An independent 19532
decision-maker provided by the department shall preside at the 19533
hearing and determine whether the inmate is a ~~mentally ill~~ 19534
person with a mental illness subject to hospitalization. 19535

(2) Except as provided in division (C) of this section, 19536
prior to the hearing held pursuant to division (B)(1) of this 19537
section, the warden or the warden's designee shall give written 19538
notice to the inmate that the department is considering 19539
transferring the inmate to a psychiatric hospital, that it will 19540
hold a hearing on the proposed transfer at which the inmate may 19541
be present, that at the hearing the inmate has the rights 19542
described in division (B)(3) of this section, and that the 19543
department will provide qualified independent assistance to the 19544
inmate with respect to the hearing. The department shall not 19545
hold the hearing until the inmate has received written notice of 19546
the proposed transfer and has had sufficient time to consult 19547
with the person appointed by the department to provide 19548
assistance to the inmate and to prepare for a presentation at 19549
the hearing. 19550

(3) At the hearing held pursuant to division (B)(1) of 19551
this section, the department shall disclose to the inmate the 19552
evidence that it relies upon for the transfer and shall give the 19553
inmate an opportunity to be heard. Unless the independent 19554
decision-maker finds good cause for not permitting it, the 19555
inmate may present documentary evidence and the testimony of 19556

witnesses at the hearing and may confront and cross-examine 19557
witnesses called by the department. 19558

(4) If the independent decision-maker does not find clear 19559
and convincing evidence that the inmate is a ~~mentally ill~~ person 19560
with a mental illness subject to hospitalization, the department 19561
shall not transfer the inmate to a psychiatric hospital but 19562
shall continue to confine the inmate in the same state 19563
correctional institution or in another state correctional 19564
institution that the department considers appropriate. If the 19565
independent decision-maker finds clear and convincing evidence 19566
that the inmate is a ~~mentally ill~~ person with a mental illness 19567
subject to hospitalization, the decision-maker shall order that 19568
the inmate be transported to a psychiatric hospital for 19569
observation and treatment for a period of not longer than thirty 19570
days. After the hearing, the independent decision-maker shall 19571
submit to the department a written decision that states one of 19572
the findings described in division (B) (4) of this section, the 19573
evidence that the decision-maker relied on in reaching that 19574
conclusion, and, if the decision is that the inmate should be 19575
transferred, the reasons for the transfer. 19576

(C) (1) The department may transfer an inmate to a 19577
psychiatric hospital under an emergency transfer order if the 19578
chief clinical officer of mental health services of the 19579
department or that officer's designee and either a psychiatrist 19580
employed or retained by the department or, in the absence of a 19581
psychiatrist, a psychologist employed or retained by the 19582
department determines that the inmate ~~is mentally ill~~ has a 19583
mental illness, presents an immediate danger to self or others, 19584
and requires hospital-level care. 19585

(2) The department may transfer an inmate to a psychiatric 19586

hospital under an uncontested transfer order if both of the 19587
following apply: 19588

(a) A psychiatrist employed or retained by the department 19589
determines all of the following apply: 19590

(i) The inmate has a mental illness or is a ~~mentally ill~~ 19591
person with a mental illness subject to hospitalization. 19592

(ii) The inmate requires hospital care to address the 19593
mental illness. 19594

(iii) The inmate has the mental capacity to make a 19595
reasoned choice regarding the inmate's transfer to a hospital. 19596

(b) The inmate agrees to a transfer to a hospital. 19597

(3) The written notice and the hearing required under 19598
divisions (B) (1) and (2) of this section are not required for an 19599
emergency transfer or uncontested transfer under division (C) (1) 19600
or (2) of this section. 19601

(4) After an emergency transfer under division (C) (1) of 19602
this section, the department shall hold a hearing for continued 19603
hospitalization within five working days after admission of the 19604
transferred inmate to the psychiatric hospital. The department 19605
shall hold subsequent hearings pursuant to division (F) of this 19606
section at the same intervals as required for inmate patients 19607
who are transported to a psychiatric hospital under division (B) 19608
(4) of this section. 19609

(5) After an uncontested transfer under division (C) (2) of 19610
this section, the inmate may withdraw consent to the transfer in 19611
writing at any time. Upon the inmate's withdrawal of consent, 19612
the hospital shall discharge the inmate, or, within five working 19613
days, the department shall hold a hearing for continued 19614

hospitalization. The department shall hold subsequent hearings 19615
pursuant to division (F) of this section at the same time 19616
intervals as required for inmate patients who are transported to 19617
a psychiatric hospital under division (B) (4) of this section. 19618

(D) (1) If an independent decision-maker, pursuant to 19619
division (B) (4) of this section, orders an inmate transported to 19620
a psychiatric hospital or if an inmate is transferred pursuant 19621
to division (C) (1) or (2) of this section, the staff of the 19622
psychiatric hospital shall examine the inmate patient when 19623
admitted to the psychiatric hospital as soon as practicable 19624
after the inmate patient arrives at the hospital and no later 19625
than twenty-four hours after the time of arrival. The attending 19626
physician responsible for the inmate patient's care shall give 19627
the inmate patient all information necessary to enable the 19628
patient to give a fully informed, intelligent, and knowing 19629
consent to the treatment the inmate patient will receive in the 19630
hospital. The attending physician shall tell the inmate patient 19631
the expected physical and medical consequences of any proposed 19632
treatment and shall give the inmate patient the opportunity to 19633
consult with another psychiatrist at the hospital and with the 19634
inmate advisor. 19635

(2) No inmate patient who is transported or transferred 19636
pursuant to division (B) (4) or (C) (1) or (2) of this section to 19637
a psychiatric hospital within a facility that is operated by the 19638
department of rehabilitation and correction shall be subjected 19639
to any of the following procedures: 19640

- (a) Convulsive therapy; 19641
- (b) Major aversive interventions; 19642
- (c) Any unusually hazardous treatment procedures; 19643

(d) Psychosurgery.	19644
(E) The department of rehabilitation and correction shall ensure that an inmate patient hospitalized pursuant to this section receives or has all of the following:	19645 19646 19647
(1) Receives sufficient professional care within twenty days of admission to ensure that an evaluation of the inmate patient's current status, differential diagnosis, probable prognosis, and description of the current treatment plan have been formulated and are stated on the inmate patient's official chart;	19648 19649 19650 19651 19652 19653
(2) Has a written treatment plan consistent with the evaluation, diagnosis, prognosis, and goals of treatment;	19654 19655
(3) Receives treatment consistent with the treatment plan;	19656
(4) Receives periodic reevaluations of the treatment plan by the professional staff at intervals not to exceed thirty days;	19657 19658 19659
(5) Is provided with adequate medical treatment for physical disease or injury;	19660 19661
(6) Receives humane care and treatment, including, without being limited to, the following:	19662 19663
(a) Access to the facilities and personnel required by the treatment plan;	19664 19665
(b) A humane psychological and physical environment;	19666
(c) The right to obtain current information concerning the treatment program, the expected outcomes of treatment, and the expectations for the inmate patient's participation in the treatment program in terms that the inmate patient reasonably	19667 19668 19669 19670

can understand; 19671

(d) Opportunity for participation in programs designed to 19672
help the inmate patient acquire the skills needed to work toward 19673
discharge from the psychiatric hospital; 19674

(e) The right to be free from unnecessary or excessive 19675
medication and from unnecessary restraints or isolation; 19676

(f) All other rights afforded inmates in the custody of 19677
the department consistent with rules, policy, and procedure of 19678
the department. 19679

(F) The department shall hold a hearing for the continued 19680
hospitalization of an inmate patient who is transported or 19681
transferred to a psychiatric hospital pursuant to division (B) 19682
(4) or (C) (1) of this section prior to the expiration of the 19683
initial thirty-day period of hospitalization. The department 19684
shall hold any subsequent hearings, if necessary, not later than 19685
ninety days after the first thirty-day hearing and then not 19686
later than each one hundred and eighty days after the 19687
immediately prior hearing. An independent decision-maker shall 19688
conduct the hearings at the psychiatric hospital in which the 19689
inmate patient is confined. The inmate patient shall be afforded 19690
all of the rights set forth in this section for the hearing 19691
prior to transfer to the psychiatric hospital. The department 19692
may not waive a hearing for continued commitment. A hearing for 19693
continued commitment is mandatory for an inmate patient 19694
transported or transferred to a psychiatric hospital pursuant to 19695
division (B) (4) or (C) (1) of this section unless the inmate 19696
patient has the capacity to make a reasoned choice to execute a 19697
waiver and waives the hearing in writing. An inmate patient who 19698
is transferred to a psychiatric hospital pursuant to an 19699
uncontested transfer under division (C) (2) of this section and 19700

who has scheduled hearings after withdrawal of consent for 19701
hospitalization may waive any of the scheduled hearings if the 19702
inmate has the capacity to make a reasoned choice and executes a 19703
written waiver of the hearing. 19704

If upon completion of the hearing the independent 19705
decision-maker does not find by clear and convincing evidence 19706
that the inmate patient is a ~~mentally ill~~ person with a mental 19707
illness subject to hospitalization, the independent decision- 19708
maker shall order the inmate patient's discharge from the 19709
psychiatric hospital. If the independent decision-maker finds by 19710
clear and convincing evidence that the inmate patient is a 19711
~~mentally ill~~ person with a mental illness subject to 19712
hospitalization, the independent decision-maker shall order that 19713
the inmate patient remain at the psychiatric hospital for 19714
continued hospitalization until the next required hearing. 19715

If at any time prior to the next required hearing for 19716
continued hospitalization, the medical director of the hospital 19717
or the attending physician determines that the treatment needs 19718
of the inmate patient could be met equally well in an available 19719
and appropriate less restrictive state correctional institution 19720
or unit, the medical director or attending physician may 19721
discharge the inmate to that facility. 19722

(G) An inmate patient is entitled to the credits toward 19723
the reduction of the inmate patient's stated prison term 19724
pursuant to Chapters 2967. and 5120. of the Revised Code under 19725
the same terms and conditions as if the inmate patient were in 19726
any other institution of the department of rehabilitation and 19727
correction. 19728

(H) The adult parole authority may place an inmate patient 19729
on parole or under post-release control directly from a 19730

psychiatric hospital. 19731

(I) If an inmate patient who is a ~~mentally ill person~~ with 19732
a mental illness subject to hospitalization is to be released 19733
from a psychiatric hospital because of the expiration of the 19734
inmate patient's stated prison term, the director of 19735
rehabilitation and correction or the director's designee, at 19736
least fourteen days before the expiration date, may file an 19737
affidavit under section 5122.11 or 5123.71 of the Revised Code 19738
with the probate court in the county where the psychiatric 19739
hospital is located or the probate court in the county where the 19740
inmate will reside, alleging that the inmate patient is a 19741
~~mentally ill person~~ with a mental illness subject to court 19742
order, as defined in section 5122.01 of the Revised Code, or a 19743
person with an intellectual disability subject to 19744
institutionalization by court order, as defined in section 19745
5123.01 of the Revised Code, whichever is applicable. The 19746
proceedings in the probate court shall be conducted pursuant to 19747
Chapter 5122. or 5123. of the Revised Code except as modified by 19748
this division. 19749

Upon the request of the inmate patient, the probate court 19750
shall grant the inmate patient an initial hearing under section 19751
5122.141 of the Revised Code or a probable cause hearing under 19752
section 5123.75 of the Revised Code before the expiration of the 19753
stated prison term. After holding a full hearing, the probate 19754
court shall make a disposition authorized by section 5122.15 or 19755
5123.76 of the Revised Code before the date of the expiration of 19756
the stated prison term. No inmate patient shall be held in the 19757
custody of the department of rehabilitation and correction past 19758
the date of the expiration of the inmate patient's stated prison 19759
term. 19760

(J) The department of rehabilitation and correction shall 19761
set standards for treatment provided to inmate patients. 19762

(K) A certificate, application, record, or report that is 19763
made in compliance with this section and that directly or 19764
indirectly identifies an inmate or former inmate whose 19765
hospitalization has been sought under this section is 19766
confidential. No person shall disclose the contents of any 19767
certificate, application, record, or report of that nature or 19768
any other psychiatric or medical record or report regarding a 19769
~~mentally ill~~ an inmate with a mental illness unless one of the 19770
following applies: 19771

(1) The person identified, or the person's legal guardian, 19772
if any, consents to disclosure, and the chief clinical officer 19773
or designee of mental health services of the department of 19774
rehabilitation and correction determines that disclosure is in 19775
the best interests of the person. 19776

(2) Disclosure is required by a court order signed by a 19777
judge. 19778

(3) An inmate patient seeks access to the inmate patient's 19779
own psychiatric and medical records, unless access is 19780
specifically restricted in the treatment plan for clear 19781
treatment reasons. 19782

(4) Hospitals and other institutions and facilities within 19783
the department of rehabilitation and correction may exchange 19784
psychiatric records and other pertinent information with other 19785
hospitals, institutions, and facilities of the department, but 19786
the information that may be released about an inmate patient is 19787
limited to medication history, physical health status and 19788
history, summary of course of treatment in the hospital, summary 19789

of treatment needs, and a discharge summary, if any. 19790

(5) An inmate patient's family member who is involved in 19791
planning, providing, and monitoring services to the inmate 19792
patient may receive medication information, a summary of the 19793
inmate patient's diagnosis and prognosis, and a list of the 19794
services and personnel available to assist the inmate patient 19795
and family if the attending physician determines that disclosure 19796
would be in the best interest of the inmate patient. No 19797
disclosure shall be made under this division unless the inmate 19798
patient is notified of the possible disclosure, receives the 19799
information to be disclosed, and does not object to the 19800
disclosure. 19801

(6) The department of rehabilitation and correction may 19802
exchange psychiatric hospitalization records, other mental 19803
health treatment records, and other pertinent information with 19804
county sheriffs' offices, hospitals, institutions, and 19805
facilities of the department of mental health and addiction 19806
services and with community mental health services providers and 19807
boards of alcohol, drug addiction, and mental health services 19808
with which the department of mental health and addiction 19809
services has a current agreement for patient care or services to 19810
ensure continuity of care. ~~Disclosure~~ With respect to an inmate 19811
with a mental illness, disclosure under this division is limited 19812
to records regarding ~~a mentally ill~~ the inmate's medication 19813
history, physical health status and history, summary of course 19814
of treatment, summary of treatment needs, and a discharge 19815
summary, if any. No office, department, agency, provider, or 19816
board shall disclose the records and other information unless 19817
one of the following applies: 19818

(a) The ~~mentally ill~~ inmate with a mental illness is 19819

notified of the possible disclosure and consents to the disclosure. 19820
19821

(b) The ~~mentally ill~~-inmate with a mental illness is notified of the possible disclosure, an attempt to gain the consent of the inmate is made, and the office, department, agency, or board documents the attempt to gain consent, the inmate's objections, if any, and the reasons for disclosure in spite of the inmate's objections. 19822
19823
19824
19825
19826
19827

(7) Information may be disclosed to staff members designated by the director of rehabilitation and correction for the purpose of evaluating the quality, effectiveness, and efficiency of services and determining if the services meet minimum standards. 19828
19829
19830
19831
19832

The name of an inmate patient shall not be retained with the information obtained during the evaluations. 19833
19834

(L) The director of rehabilitation and correction may adopt rules setting forth guidelines for the procedures required under divisions (B), (C) (1), and (C) (2) of this section. 19835
19836
19837

Sec. 5120.44. Chapter 5120. of the Revised Code attempts: 19838

(A) To provide humane and scientific treatment and care and the highest attainable degree of individual development for the dependent wards of the state; 19839
19840
19841

(B) To provide for the delinquent, conditions of modern education and training that will restore the largest possible portion of them to useful citizenship; 19842
19843
19844

(C) To promote the study of the causes of dependency and delinquency, and of mental, moral, and physical ~~defects~~impairments, with a view to cure and ultimate prevention; 19845
19846
19847

(D) To secure by uniform and systematic management the 19848
highest attainable degree of economy in the administration of 19849
the state institutions. 19850

Such sections shall be liberally construed to attain such 19851
purposes. 19852

Sec. 5121.56. The support and maintenance of patients 19853
confined in state hospitals for ~~the mentally ill~~ persons with 19854
mental illnesses, including persons transferred to them from 19855
state correctional institutions, and also including persons 19856
under indictment or conviction for crime, shall be collected and 19857
paid in accordance with sections 5121.30 to 5121.55 of the 19858
Revised Code. 19859

Sec. 5122.01. As used in this chapter and Chapter 5119. of 19860
the Revised Code: 19861

(A) "Mental illness" means a substantial disorder of 19862
thought, mood, perception, orientation, or memory that grossly 19863
impairs judgment, behavior, capacity to recognize reality, or 19864
ability to meet the ordinary demands of life. 19865

(B) "~~Mentally ill person~~ Person with a mental illness 19866
subject to court order" means a ~~mentally ill person~~ with a 19867
mental illness who, because of the person's illness: 19868

(1) Represents a substantial risk of physical harm to self 19869
as manifested by evidence of threats of, or attempts at, suicide 19870
or serious self-inflicted bodily harm; 19871

(2) Represents a substantial risk of physical harm to 19872
others as manifested by evidence of recent homicidal or other 19873
violent behavior, evidence of recent threats that place another 19874
in reasonable fear of violent behavior and serious physical 19875
harm, or other evidence of present dangerousness; 19876

(3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;

(4) Would benefit from treatment for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person;

(5) (a) Would benefit from treatment as manifested by evidence of behavior that indicates all of the following:

(i) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.

(ii) The person has a history of lack of compliance with treatment for mental illness and one of the following applies:

(I) At least twice within the thirty-six months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance has been a significant factor in necessitating hospitalization in a hospital or receipt of services in a forensic or other mental health unit of a correctional facility, provided that the thirty-six-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the thirty-six-month period.

(II) Within the forty-eight months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance

resulted in one or more acts of serious violent behavior toward 19906
self or others or threats of, or attempts at, serious physical 19907
harm to self or others, provided that the forty-eight-month 19908
period shall be extended by the length of any hospitalization or 19909
incarceration of the person that occurred within the forty- 19910
eight-month period. 19911

(iii) The person, as a result of the person's mental 19912
illness, is unlikely to voluntarily participate in necessary 19913
treatment. 19914

(iv) In view of the person's treatment history and current 19915
behavior, the person is in need of treatment in order to prevent 19916
a relapse or deterioration that would be likely to result in 19917
substantial risk of serious harm to the person or others. 19918

(b) An individual who meets only the criteria described in 19919
division (B) (5) (a) of this section is not subject to 19920
hospitalization. 19921

(C) (1) "Patient" means, subject to division (C) (2) of this 19922
section, a person who is admitted either voluntarily or 19923
involuntarily to a hospital or other place under section 19924
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 19925
subsequent to a finding of not guilty by reason of insanity or 19926
incompetence to stand trial or under this chapter, who is under 19927
observation or receiving treatment in such place. 19928

(2) "Patient" does not include a person admitted to a 19929
hospital or other place under section 2945.39, 2945.40, 19930
2945.401, or 2945.402 of the Revised Code to the extent that the 19931
reference in this chapter to patient, or the context in which 19932
the reference occurs, is in conflict with any provision of 19933
sections 2945.37 to 2945.402 of the Revised Code. 19934

(D) "Licensed physician" means a person licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of the person's official duties.

(E) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American medical association, the committee on post-graduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who on July 1, 1989, has been recognized as a psychiatrist by the Ohio state medical association or the Ohio osteopathic association on the basis of formal training and five or more years of medical practice limited to psychiatry.

(F) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(G) "Public hospital" means a facility that is tax-supported and under the jurisdiction of the department of mental health and addiction services.

(H) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides community mental health services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code.

(I) "Licensed clinical psychologist" means a person who holds a current, valid psychologist license issued under section

4732.12 of the Revised Code, and in addition, meets the 19964
educational requirements set forth in division (B) of section 19965
4732.10 of the Revised Code and has a minimum of two years' 19966
full-time professional experience, or the equivalent as 19967
determined by rule of the state board of psychology, at least 19968
one year of which shall be a predoctoral internship, in clinical 19969
psychological work in a public or private hospital or clinic or 19970
in private practice, diagnosing and treating problems of mental 19971
illness or intellectual disability under the supervision of a 19972
psychologist who is licensed or who holds a diploma issued by 19973
the American board of professional psychology, or whose 19974
qualifications are substantially similar to those required for 19975
licensure by the state board of psychology when the supervision 19976
has occurred prior to enactment of laws governing the practice 19977
of psychology. 19978

(J) "Health officer" means any public health physician; 19979
public health nurse; or other person authorized or designated by 19980
a city or general health district or a board of alcohol, drug 19981
addiction, and mental health services to perform the duties of a 19982
health officer under this chapter. 19983

(K) "Chief clinical officer" means the medical director of 19984
a hospital, community mental health services provider, or board 19985
of alcohol, drug addiction, and mental health services, or, if 19986
there is no medical director, the licensed physician responsible 19987
for the treatment provided by a hospital or community mental 19988
health services provider. The chief clinical officer may 19989
delegate to the attending physician responsible for a patient's 19990
care the duties imposed on the chief clinical officer by this 19991
chapter. In the case of a community mental health services 19992
provider, the chief clinical officer shall be designated by the 19993
governing body of the services provider and shall be a licensed 19994

physician or licensed clinical psychologist who supervises	19995
diagnostic and treatment services. A licensed physician or	19996
licensed clinical psychologist designated by the chief clinical	19997
officer may perform the duties and accept the responsibilities	19998
of the chief clinical officer in the chief clinical officer's	19999
absence.	20000
(L) "Working day" or "court day" means Monday, Tuesday,	20001
Wednesday, Thursday, and Friday, except when such day is a	20002
holiday.	20003
(M) "Indigent" means unable without deprivation of	20004
satisfaction of basic needs to provide for the payment of an	20005
attorney and other necessary expenses of legal representation,	20006
including expert testimony.	20007
(N) "Respondent" means the person whose detention,	20008
commitment, hospitalization, continued hospitalization or	20009
commitment, or discharge is being sought in any proceeding under	20010
this chapter.	20011
(O) "Ohio protection and advocacy system" has the same	20012
meaning as in section 5123.60 of the Revised Code.	20013
(P) "Independent expert evaluation" means an evaluation	20014
conducted by a licensed clinical psychologist, psychiatrist, or	20015
licensed physician who has been selected by the respondent or	20016
the respondent's counsel and who consents to conducting the	20017
evaluation.	20018
(Q) "Court" means the probate division of the court of	20019
common pleas.	20020
(R) "Expunge" means:	20021
(1) The removal and destruction of court files and	20022

records, originals and copies, and the deletion of all index 20023
references; 20024

(2) The reporting to the person of the nature and extent 20025
of any information about the person transmitted to any other 20026
person by the court; 20027

(3) Otherwise insuring that any examination of court files 20028
and records in question shall show no record whatever with 20029
respect to the person; 20030

(4) That all rights and privileges are restored, and that 20031
the person, the court, and any other person may properly reply 20032
that no such record exists, as to any matter expunged. 20033

(S) "Residence" means a person's physical presence in a 20034
county with intent to remain there, except that: 20035

(1) If a person is receiving a mental health service at a 20036
facility that includes nighttime sleeping accommodations, 20037
residence means that county in which the person maintained the 20038
person's primary place of residence at the time the person 20039
entered the facility; 20040

(2) If a person is committed pursuant to section 2945.38, 20041
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 20042
residence means the county where the criminal charges were 20043
filed. 20044

When the residence of a person is disputed, the matter of 20045
residence shall be referred to the department of mental health 20046
and addiction services for investigation and determination. 20047
Residence shall not be a basis for a board of alcohol, drug 20048
addiction, and mental health services to deny services to any 20049
person present in the board's service district, and the board 20050
shall provide services for a person whose residence is in 20051

dispute while residence is being determined and for a person in 20052
an emergency situation. 20053

(T) "Admission" to a hospital or other place means that a 20054
patient is accepted for and stays at least one night at the 20055
hospital or other place. 20056

(U) "Prosecutor" means the prosecuting attorney, village 20057
solicitor, city director of law, or similar chief legal officer 20058
who prosecuted a criminal case in which a person was found not 20059
guilty by reason of insanity, who would have had the authority 20060
to prosecute a criminal case against a person if the person had 20061
not been found incompetent to stand trial, or who prosecuted a 20062
case in which a person was found guilty. 20063

(V) (1) "Treatment plan" means a written statement of 20064
reasonable objectives and goals for an individual established by 20065
the treatment team, with specific criteria to evaluate progress 20066
towards achieving those objectives. 20067

(2) The active participation of the patient in 20068
establishing the objectives and goals shall be documented. The 20069
treatment plan shall be based on patient needs and include 20070
services to be provided to the patient while the patient is 20071
hospitalized, after the patient is discharged, or in an 20072
outpatient setting. The treatment plan shall address services to 20073
be provided. In the establishment of the treatment plan, 20074
consideration should be given to the availability of services, 20075
which may include but are not limited to all of the following: 20076

(a) Community psychiatric supportive treatment; 20077

(b) Assertive community treatment; 20078

(c) Medications; 20079

(d) Individual or group therapy;	20080
(e) Peer support services;	20081
(f) Financial services;	20082
(g) Housing or supervised living services;	20083
(h) Alcohol or substance abuse treatment;	20084
(i) Any other services prescribed to treat the patient's mental illness and to either assist the patient in living and functioning in the community or to help prevent a relapse or a deterioration of the patient's current condition.	20085 20086 20087 20088
(3) If the person subject to the treatment plan has executed an advance directive for mental health treatment, the treatment team shall consider any directions included in such advance directive in developing the treatment plan.	20089 20090 20091 20092
(W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	20093 20094
(X) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	20095 20096
(Y) "Local correctional facility" has the same meaning as in section 2903.13 of the Revised Code.	20097 20098
(Z) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code.	20099 20100 20101
Sec. 5122.03. A patient admitted under section 5122.02 of the Revised Code who requests release in writing, or whose release is requested in writing by the patient's counsel, legal guardian, parent, spouse, or adult next of kin shall be released forthwith, except that when:	20102 20103 20104 20105 20106

(A) The patient was admitted on the patient's own application and the request for release is made by a person other than the patient, release may be conditional upon the agreement of the patient; or

(B) The chief clinical officer of the hospital, within three court days from the receipt of the request for release, files or causes to be filed with the court of the county where the patient is hospitalized or of the county where the patient is a resident, an affidavit under section 5122.11 of the Revised Code. Release may be postponed until the hearing held under section 5122.141 of the Revised Code. A telephone communication within three court days from the receipt of the request for release from the chief clinical officer to the court, indicating that the required affidavit has been mailed, is sufficient compliance with the time limit for filing such affidavit.

Unless the patient is released within three days from the receipt of the request by the chief clinical officer, the request shall serve as a request for an initial hearing under section 5122.141 of the Revised Code. If the court finds that the patient is a ~~mentally ill person~~ with a mental illness subject to court order, all provisions of this chapter with respect to involuntary hospitalization apply to such person.

Judicial proceedings for hospitalization shall not be commenced with respect to a voluntary patient except pursuant to this section.

Sections 5121.30 to 5121.56 of the Revised Code apply to persons received in a hospital operated by the department of mental health and addiction services on a voluntary application.

The chief clinical officer of the hospital shall provide

reasonable means and arrangements for informing patients of 20136
their rights to release as provided in this section and for 20137
assisting them in making and presenting requests for release or 20138
for a hearing under section 5122.141 of the Revised Code. 20139

Before a patient is released from a public hospital, the 20140
chief clinical officer shall, when possible, notify the board of 20141
the patient's county of residence of the patient's pending 20142
release after the chief clinical officer has informed the 20143
patient that the board will be so notified. 20144

Sec. 5122.05. (A) The chief clinical officer of a hospital 20145
may, and the chief clinical officer of a public hospital in all 20146
cases of psychiatric medical emergencies, shall receive for 20147
observation, diagnosis, care, and treatment any person whose 20148
admission is applied for under any of the following procedures: 20149

(1) Emergency procedure, as provided in section 5122.10 of 20150
the Revised Code; 20151

(2) Judicial procedure as provided in sections 2945.38, 20152
2945.39, 2945.40, 2945.401, 2945.402, and 5122.11 to 5122.15 of 20153
the Revised Code. 20154

Upon application for such admission, the chief clinical 20155
officer of a hospital immediately shall notify the board of the 20156
patient's county of residence. To assist the hospital in 20157
determining whether the patient is subject to involuntary 20158
hospitalization and whether alternative services are available, 20159
the board or an agency the board designates promptly shall 20160
assess the patient unless the board or agency already has 20161
performed such assessment, or unless the commitment is pursuant 20162
to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of 20163
the Revised Code. 20164

(B) No person who is being treated by spiritual means through prayer alone, in accordance with a recognized religious method of healing, may be involuntarily committed unless the court has determined that the person represents a substantial risk of impairment or injury to self or others;

(C) Any person who is involuntarily detained in a hospital or otherwise is in custody under this chapter, immediately upon being taken into custody, shall be informed and provided with a written statement that the person may do any of the following:

(1) Immediately make a reasonable number of telephone calls or use other reasonable means to contact an attorney, a licensed physician, or a licensed clinical psychologist, to contact any other person or persons to secure representation by counsel, or to obtain medical or psychological assistance, and be provided assistance in making calls if the assistance is needed and requested;

(2) Retain counsel and have independent expert evaluation of the person's mental condition and, if the person is unable to obtain an attorney or independent expert evaluation, be represented by court-appointed counsel or have independent expert evaluation of the person's mental condition, or both, at public expense if the person is indigent;

(3) Have a hearing to determine whether or not the person is a ~~mentally ill person~~ person with a mental illness subject to court order.

Sec. 5122.10. (A) (1) Any of the following who has reason to believe that a person is a ~~mentally ill person~~ person with a mental illness subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at

liberty pending examination may take the person into custody and 20194
may immediately transport the person to a hospital or, 20195
notwithstanding section 5119.33 of the Revised Code, to a 20196
general hospital not licensed by the department of mental health 20197
and addiction services where the person may be held for the 20198
period prescribed in this section: 20199

(a) A psychiatrist; 20200

(b) A licensed physician; 20201

(c) A licensed clinical psychologist; 20202

(d) A clinical nurse specialist who is certified as a 20203
psychiatric-mental health CNS by the American nurses 20204
credentialing center; 20205

(e) A certified nurse practitioner who is certified as a 20206
psychiatric-mental health NP by the American nurses 20207
credentialing center; 20208

(f) A health officer; 20209

(g) A parole officer; 20210

(h) A police officer; 20211

(i) A sheriff. 20212

(2) If the chief of the adult parole authority or a parole 20213
or probation officer with the approval of the chief of the 20214
authority has reason to believe that a parolee, an offender 20215
under a community control sanction or post-release control 20216
sanction, or an offender under transitional control is a 20217
~~mentally ill person with a mental illness~~ subject to court order 20218
and represents a substantial risk of physical harm to self or 20219
others if allowed to remain at liberty pending examination, the 20220

chief or officer may take the parolee or offender into custody 20221
and may immediately transport the parolee or offender to a 20222
hospital or, notwithstanding section 5119.33 of the Revised 20223
Code, to a general hospital not licensed by the department of 20224
mental health and addiction services where the parolee or 20225
offender may be held for the period prescribed in this section. 20226

(B) A written statement shall be given to the hospital by 20227
the individual authorized under division (A) (1) or (2) of this 20228
section to transport the person. The statement shall specify the 20229
circumstances under which such person was taken into custody and 20230
the reasons for the belief that the person is a ~~mentally ill~~ 20231
person with a mental illness subject to court order and 20232
represents a substantial risk of physical harm to self or others 20233
if allowed to remain at liberty pending examination. This 20234
statement shall be made available to the respondent or the 20235
respondent's attorney upon request of either. 20236

(C) Every reasonable and appropriate effort shall be made 20237
to take persons into custody in the least conspicuous manner 20238
possible. A person taking the respondent into custody pursuant 20239
to this section shall explain to the respondent: the name and 20240
professional designation and affiliation of the person taking 20241
the respondent into custody; that the custody-taking is not a 20242
criminal arrest; and that the person is being taken for 20243
examination by mental health professionals at a specified mental 20244
health facility identified by name. 20245

(D) If a person taken into custody under this section is 20246
transported to a general hospital, the general hospital may 20247
admit the person, or provide care and treatment for the person, 20248
or both, notwithstanding section 5119.33 of the Revised Code, 20249
but by the end of twenty-four hours after arrival at the general 20250

hospital, the person shall be transferred to a hospital as 20251
defined in section 5122.01 of the Revised Code. 20252

(E) A person transported or transferred to a hospital or 20253
community mental health services provider under this section 20254
shall be examined by the staff of the hospital or services 20255
provider within twenty-four hours after arrival at the hospital 20256
or services provider. If to conduct the examination requires 20257
that the person remain overnight, the hospital or services 20258
provider shall admit the person in an unclassified status until 20259
making a disposition under this section. After the examination, 20260
if the chief clinical officer of the hospital or services 20261
provider believes that the person is not a ~~mentally ill~~ person 20262
with a mental illness subject to court order, the chief clinical 20263
officer shall release or discharge the person immediately unless 20264
a court has issued a temporary order of detention applicable to 20265
the person under section 5122.11 of the Revised Code. After the 20266
examination, if the chief clinical officer believes that the 20267
person is a ~~mentally ill~~ person with a mental illness subject to 20268
court order, the chief clinical officer may detain the person 20269
for not more than three court days following the day of the 20270
examination and during such period admit the person as a 20271
voluntary patient under section 5122.02 of the Revised Code or 20272
file an affidavit under section 5122.11 of the Revised Code. If 20273
neither action is taken and a court has not otherwise issued a 20274
temporary order of detention applicable to the person under 20275
section 5122.11 of the Revised Code, the chief clinical officer 20276
shall discharge the person at the end of the three-day period 20277
unless the person has been sentenced to the department of 20278
rehabilitation and correction and has not been released from the 20279
person's sentence, in which case the person shall be returned to 20280
that department. 20281

Sec. 5122.11. Proceedings for a ~~mentally ill~~ person with a mental illness subject to court order pursuant to sections 5122.11 to 5122.15 of the Revised Code shall be commenced by the filing of an affidavit in the manner prescribed by the department of mental health and addiction services and in a form prescribed in section 5122.111 of the Revised Code, by any person or persons with the probate court, either on reliable information or actual knowledge, whichever is determined to be proper by the court. This section does not apply to the hospitalization of a person pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code.

The affidavit shall contain an allegation setting forth the specific category or categories under division (B) of section 5122.01 of the Revised Code upon which the jurisdiction of the court is based and a statement of alleged facts sufficient to indicate probable cause to believe that the person is a ~~mentally ill~~ person with a mental illness subject to court order. The affidavit may be accompanied, or the court may require that the affidavit be accompanied, by a certificate of a psychiatrist, or a certificate signed by a licensed clinical psychologist and a certificate signed by a licensed physician stating that the person who issued the certificate has examined the person and is of the opinion that the person is a ~~mentally ill~~ person with a mental illness subject to court order, or shall be accompanied by a written statement by the applicant, under oath, that the person has refused to submit to an examination by a psychiatrist, or by a licensed clinical psychologist and licensed physician.

Upon receipt of the affidavit, if a judge of the court or a referee who is an attorney at law appointed by the court has probable cause to believe that the person named in the affidavit

is a ~~mentally ill~~ person with a mental illness subject to court 20313
order, the judge or referee may issue a temporary order of 20314
detention ordering any health or police officer or sheriff to 20315
take into custody and transport the person to a hospital or 20316
other place designated in section 5122.17 of the Revised Code, 20317
or may set the matter for further hearing. If a temporary order 20318
of detention is issued and the person is transported to a 20319
hospital or other designated place, the court that issued the 20320
order shall retain jurisdiction over the case as it relates to 20321
the person's outpatient treatment, notwithstanding that the 20322
hospital or other designated place to which the person is 20323
transported is outside the territorial jurisdiction of the 20324
court. 20325

The person may be observed and treated until the hearing 20326
provided for in section 5122.141 of the Revised Code. If no such 20327
hearing is held, the person may be observed and treated until 20328
the hearing provided for in section 5122.15 of the Revised Code. 20329

Sec. 5122.111. To initiate proceedings for court-ordered 20330
treatment of a person under section 5122.11 of the Revised Code, 20331
a person or persons shall file an affidavit with the probate 20332
court that is identical in form and content to the following: 20333

AFFIDAVIT OF MENTAL ILLNESS 20334

The State of Ohio 20335

_____ County, ss. 20336

_____ Court 20337

_____ 20338

the undersigned, residing at 20339

_____ 20340

says, that he/she has information to believe or has actual 20341
knowledge that 20342

20343

(Please specify specific category(ies) below with an X.) 20344

[] Represents a substantial risk of physical harm to self as manifested 20345
by evidence of threats of, or attempts at, suicide or serious self- 20346
inflicted bodily harm; 20347

[] Represents a substantial risk of physical harm to others as manifested 20348
by evidence of recent homicidal or other violent behavior or evidence of 20349
recent threats that place another in reasonable fear of violent behavior 20350
and serious physical harm or other evidence of present dangerousness; 20351

[] Represents a substantial and immediate risk of serious physical 20352
impairment or injury to self as manifested by evidence of being unable to 20353
provide for and of not providing for basic physical needs because of 20354
mental illness and that appropriate provision for such needs cannot be 20355
made immediately available in the community; 20356

[] Would benefit from treatment for mental illness and is in need of such 20357
treatment as manifested by evidence of behavior that creates a grave and 20358
imminent risk to substantial rights of others or the person; or 20359

[] Would benefit from treatment as manifested by evidence of behavior 20360
that indicates all of the following: 20361

(a) The person is unlikely to survive safely in the community without 20362
supervision, based on a clinical determination. 20363

(b) The person has a history of lack of compliance with treatment for 20364
mental illness and one of the following applies: 20365

(i) At least twice within the thirty-six months prior to the filing of an 20366
affidavit seeking court-ordered treatment of the person under section 20367
5122.111 of the Revised Code, the lack of compliance has been a 20368
significant factor in necessitating hospitalization in a hospital or 20369
receipt of services in a forensic or other mental health unit of a 20370
correctional facility, provided that the thirty-six-month period shall be 20371

extended by the length of any hospitalization or incarceration of the person that occurred within the thirty-six-month period.

(ii) Within the forty-eight months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others, provided that the forty-eight-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the forty-eight-month period.

(c) The person, as a result of mental illness, is unlikely to voluntarily participate in necessary treatment.

(d) In view of the person's treatment history and current behavior, the person is in need of treatment in order to prevent a relapse or deterioration that would be likely to result in substantial risk of serious harm to the person or others.

_____ 20388

(Name of the party filing the affidavit) further says that the facts supporting this belief are as follows:

_____ 20391

_____ 20392

_____ 20393

_____ 20394

_____ 20395

_____ 20396

These facts being sufficient to indicate probable cause that the above said person is a ~~mentally ill~~ person with a mental illness subject to court order.

Name of Patient's Last Physician or Licensed Clinical 20400

Psychologist 20401

_____ 20402

Address of Patient's Last Physician or Licensed Clinical Psychologist

The name and address of respondent's legal guardian, spouse, and adult next of kin are:

Name	Kinship	Address
_____	Legal Guardian	_____
_____	Spouse	_____
_____	Adult Next of Kin	_____
_____	Adult Next of Kin	_____

The following constitutes additional information that may be necessary for the purpose of determining residence:

Dated this _____ day of _____, 20__

Signature of the party filing
the affidavit

Sworn to before me and signed in my presence on the day and year above dated.

Signature of Probate Judge,

Deputy Clerk, or Notary 20433

Public 20434

WAIVER 20435

I, the undersigned party filing the affidavit hereby waive the issuing and 20436
service of notice of the hearing on said affidavit, and voluntarily enter 20437
my appearance herein. 20438

Dated this _____ day of _____, 20__ 20439

_____ 20440

Signature of the party filing 20441

the affidavit 20442

Sec. 5122.13. Within two business days after receipt of 20443
the affidavit required by section 5122.11 of the Revised Code, 20444
the probate court shall refer the affidavit to the board of 20445
alcohol, drug addiction, and mental health services or community 20446
mental health services provider the board designates to assist 20447
the court in determining whether the respondent is subject to 20448
court-ordered treatment and whether alternatives to 20449
hospitalization are available, unless the services provider or 20450
board has already performed such screening. The board or 20451
services provider shall review the allegations of the affidavit 20452
and other information relating to whether or not the person 20453
named in the affidavit or statement is a ~~mentally ill~~ person 20454
with a mental illness subject to court order, and the 20455
availability of appropriate treatment alternatives. 20456

The person who conducts the investigation shall promptly 20457
make a report to the court, in writing, in open court or in 20458
chambers, as directed by the court and a full record of the 20459
report shall be made by the court. The report is not admissible 20460
as evidence for the purpose of establishing whether or not the 20461
respondent is a ~~mentally ill~~ person with a mental illness 20462

subject to court order, but shall be considered by the court in 20463
its determination of an appropriate placement for any person 20464
after that person is found to be a ~~mentally ill~~ person with a 20465
mental illness subject to court order. 20466

The court, prior to the hearing under section 5122.141 of 20467
the Revised Code, shall release a copy of the investigative 20468
report to the respondent's counsel. 20469

Nothing in this section precludes a judge or referee from 20470
issuing a temporary order of detention pursuant to section 20471
5122.11 of the Revised Code. 20472

Sec. 5122.141. (A) A respondent who is involuntarily 20473
placed in a hospital or other place as designated in section 20474
5122.10 or 5122.17 of the Revised Code, or with respect to whom 20475
proceedings have been instituted under section 5122.11 of the 20476
Revised Code, shall be afforded a hearing to determine whether 20477
or not the respondent is a ~~mentally ill~~ person with a mental 20478
illness subject to court order. The hearing shall be conducted 20479
pursuant to section 5122.15 of the Revised Code, and the 20480
respondent shall have the right to counsel as provided in that 20481
section. 20482

(B) The hearing shall be conducted within five court days 20483
from the day on which the respondent is detained or an affidavit 20484
is filed, whichever occurs first, in a physical setting not 20485
likely to have a harmful effect on the respondent, and may be 20486
conducted in a hospital in or out of the county. On the motion 20487
of the respondent, the respondent's counsel, the chief clinical 20488
officer, or on its own motion, and for good cause shown, the 20489
court may order a continuance of the hearing. The continuance 20490
may be for no more than ten days from the day on which the 20491
respondent is detained or on which an affidavit is filed, 20492

whichever occurs first. Failure to conduct the hearing within 20493
this time shall effect an immediate discharge of the respondent. 20494
If the proceedings are not reinstated within thirty days, all 20495
records of the proceedings shall be expunged. 20496

(C) If the court does not find that the respondent is a 20497
~~mentally ill~~ person with a mental illness subject to court 20498
order, it shall order the respondent's immediate discharge, and 20499
shall expunge all record of the proceedings during this period. 20500

(D) If the court finds that the respondent is a ~~mentally~~ 20501
~~ill~~ person with a mental illness subject to court order, the 20502
court may issue an interim order of detention ordering any 20503
health or police officer or sheriff to take into custody and 20504
transport such person to a hospital or other place designated in 20505
section 5122.17 of the Revised Code, where the respondent may be 20506
observed and treated. 20507

(E) A respondent or a respondent's counsel, after 20508
obtaining the consent of the respondent, may waive the hearing 20509
provided for in this section. In such case, unless the person 20510
has been discharged, a mandatory full hearing shall be held by 20511
the thirtieth day after the original involuntary detention of 20512
the respondent. Failure to conduct the mandatory full hearing 20513
within this time limit shall result in the immediate discharge 20514
of the respondent. 20515

(F) Where possible, the initial hearing shall be held 20516
before the respondent is taken into custody. 20517

Sec. 5122.15. (A) Full hearings shall be conducted in a 20518
manner consistent with this chapter and with due process of law. 20519
The hearings shall be conducted by a judge of the probate court 20520
or a referee designated by a judge of the probate court and may 20521

be conducted in or out of the county in which the respondent is 20522
held. Any referee designated under this division shall be an 20523
attorney. 20524

(1) With the consent of the respondent, the following 20525
shall be made available to counsel for the respondent: 20526

(a) All relevant documents, information, and evidence in 20527
the custody or control of the state or prosecutor; 20528

(b) All relevant documents, information, and evidence in 20529
the custody or control of the hospital in which the respondent 20530
currently is held, or in which the respondent has been held 20531
pursuant to this chapter; 20532

(c) All relevant documents, information, and evidence in 20533
the custody or control of any hospital, facility, or person not 20534
included in division (A) (1) (a) or (b) of this section. 20535

(2) The respondent has the right to attend the hearing and 20536
to be represented by counsel of the respondent's choice. The 20537
right to attend the hearing may be waived only by the respondent 20538
or counsel for the respondent after consultation with the 20539
respondent. 20540

(3) If the respondent is not represented by counsel, is 20541
absent from the hearing, and has not validly waived the right to 20542
counsel, the court shall appoint counsel immediately to 20543
represent the respondent at the hearing, reserving the right to 20544
tax costs of appointed counsel to the respondent, unless it is 20545
shown that the respondent is indigent. If the court appoints 20546
counsel, or if the court determines that the evidence relevant 20547
to the respondent's absence does not justify the absence, the 20548
court shall continue the case. 20549

(4) The respondent shall be informed that the respondent 20550

may retain counsel and have independent expert evaluation. If 20551
the respondent is unable to obtain an attorney, the respondent 20552
shall be represented by court-appointed counsel. If the 20553
respondent is indigent, court-appointed counsel and independent 20554
expert evaluation shall be provided as an expense under section 20555
5122.43 of the Revised Code. 20556

(5) The hearing shall be closed to the public, unless 20557
counsel for the respondent, with the permission of the 20558
respondent, requests that the hearing be open to the public. 20559

(6) If the hearing is closed to the public, the court, for 20560
good cause shown, may admit persons who have a legitimate 20561
interest in the proceedings. If the respondent, the respondent's 20562
counsel, or the designee of the director or of the chief 20563
clinical officer objects to the admission of any person, the 20564
court shall hear the objection and any opposing argument and 20565
shall rule upon the admission of the person to the hearing. 20566

(7) The affiant under section 5122.11 of the Revised Code 20567
shall be subject to subpoena by either party. 20568

(8) The court shall examine the sufficiency of all 20569
documents filed and shall inform the respondent, if present, and 20570
the respondent's counsel of the nature and content of the 20571
documents and the reason for which the respondent is being 20572
detained, or for which the respondent's placement is being 20573
sought. 20574

(9) The court shall receive only reliable, competent, and 20575
material evidence. 20576

(10) Unless proceedings are initiated pursuant to section 20577
5120.17 or 5139.08 of the Revised Code, an attorney that the 20578
board designates shall present the case demonstrating that the 20579

respondent is a ~~mentally ill~~ person with a mental illness 20580
subject to court order. The attorney shall offer evidence of the 20581
diagnosis, prognosis, record of treatment, if any, and less 20582
restrictive treatment plans, if any. In proceedings pursuant to 20583
section 5120.17 or 5139.08 of the Revised Code, the attorney 20584
general shall designate an attorney who shall present the case 20585
demonstrating that the respondent is a ~~mentally ill~~ person with 20586
a mental illness subject to court order. The attorney shall 20587
offer evidence of the diagnosis, prognosis, record of treatment, 20588
if any, and less restrictive treatment plans, if any. 20589

(11) The respondent or the respondent's counsel has the 20590
right to subpoena witnesses and documents and to examine and 20591
cross-examine witnesses. 20592

(12) The respondent has the right, but shall not be 20593
compelled, to testify, and shall be so advised by the court. 20594

(13) On motion of the respondent or the respondent's 20595
counsel for good cause shown, or on the court's own motion, the 20596
court may order a continuance of the hearing. 20597

(14) If the respondent is represented by counsel and the 20598
respondent's counsel requests a transcript and record, or if the 20599
respondent is not represented by counsel, the court shall make 20600
and maintain a full transcript and record of the proceeding. If 20601
the respondent is indigent and the transcript and record is 20602
made, a copy shall be provided to the respondent upon request 20603
and be treated as an expense under section 5122.43 of the 20604
Revised Code. 20605

(15) To the extent not inconsistent with this chapter, the 20606
Rules of Civil Procedure are applicable. 20607

(B) Unless, upon completion of the hearing the court finds 20608

by clear and convincing evidence that the respondent is a 20609
~~mentally ill~~ person with a mental illness subject to court 20610
order, it shall order the respondent's discharge immediately. 20611

(C) If, upon completion of the hearing, the court finds by 20612
clear and convincing evidence that the respondent is a ~~mentally~~ 20613
~~ill~~ person with a mental illness subject to court order, the 20614
court shall order the respondent for a period not to exceed 20615
ninety days to any of the following: 20616

(1) A hospital operated by the department of mental health 20617
and addiction services if the respondent is committed pursuant 20618
to section 5139.08 of the Revised Code; 20619

(2) A nonpublic hospital; 20620

(3) The veterans' administration or other agency of the 20621
United States government; 20622

(4) A board of alcohol, drug addiction, and mental health 20623
services or services provider the board designates; 20624

(5) Receive private psychiatric or psychological care and 20625
treatment; 20626

(6) Any other suitable facility or person consistent with 20627
the diagnosis, prognosis, and treatment needs of the respondent. 20628
A jail or other local correctional facility is not a suitable 20629
facility. 20630

(D) Any order made pursuant to division (C) (2), (3), (5), 20631
or (6) of this section shall be conditioned upon the receipt by 20632
the court of consent by the hospital, facility, agency, or 20633
person to accept the respondent and may include a requirement 20634
that a person or entity described in division (C) (2), (3), (5), 20635
or (6) of this section inform the board of alcohol, drug 20636

addiction, and mental health services or community mental health 20637
services provider the board designates about the progress of the 20638
respondent with the treatment plan. 20639

(E) In determining the entity or person to which the 20640
respondent is to be committed under division (C) of this 20641
section, the court shall consider the diagnosis, prognosis, 20642
preferences of the respondent and the projected treatment plan 20643
for the respondent and shall order the implementation of the 20644
least restrictive alternative available and consistent with 20645
treatment goals. If the court determines that the least 20646
restrictive alternative available that is consistent with 20647
treatment goals is inpatient hospitalization, the court's order 20648
shall so state. 20649

(F) During the ninety-day period the entity or person 20650
shall examine and treat the respondent. If the respondent is 20651
receiving treatment in an outpatient setting, or receives 20652
treatment in an outpatient setting during a subsequent period of 20653
continued commitment under division (H) of this section, the 20654
entity or person to whom the respondent is committed shall 20655
determine the appropriate outpatient treatment for the 20656
respondent. If, at any time prior to the expiration of the 20657
ninety-day period, it is determined by the entity or person that 20658
the respondent's treatment needs could be equally well met in an 20659
available and appropriate less restrictive setting, both of the 20660
following apply: 20661

(1) The respondent shall be released from the care of the 20662
entity or person immediately and shall be referred to the court 20663
together with a report of the findings and recommendations of 20664
the entity or person; 20665

(2) The entity or person shall notify the respondent's 20666

counsel or the attorney designated by a board of alcohol, drug 20667
addiction, and mental health services or, if the respondent was 20668
committed to a board or a services provider designated by the 20669
board, it shall place the respondent in the least restrictive 20670
setting available consistent with treatment goals and notify the 20671
court and the respondent's counsel of the placement. 20672

The court shall dismiss the case or order placement in the 20673
least restrictive setting. 20674

(G) (1) Except as provided in division (G) (2) of this 20675
section, any person for whom proceedings for treatment have been 20676
commenced pursuant to section 5122.11 of the Revised Code, may 20677
apply at any time for voluntary admission or treatment to the 20678
entity or person to which the person was committed. Upon 20679
admission as a voluntary patient the chief clinical officer of 20680
the entity or the person immediately shall notify the court, the 20681
patient's counsel, and the attorney designated by the board, if 20682
the attorney has entered the proceedings, in writing of that 20683
fact, and, upon receipt of the notice, the court shall dismiss 20684
the case. 20685

(2) A person who is found incompetent to stand trial or 20686
not guilty by reason of insanity and who is committed pursuant 20687
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 20688
Revised Code shall not voluntarily commit the person pursuant to 20689
this section until after the final termination of the 20690
commitment, as described in division (J) of section 2945.401 of 20691
the Revised Code. 20692

(H) If, at the end of the first ninety-day period or any 20693
subsequent period of continued commitment, there has been no 20694
disposition of the case, either by discharge or voluntary 20695
admission or treatment, the entity or person shall discharge the 20696

patient immediately, unless at least ten days before the 20697
expiration of the period the attorney the board designates or 20698
the prosecutor files with the court an application for continued 20699
commitment. The application of the attorney or the prosecutor 20700
shall include a written report containing the diagnosis, 20701
prognosis, past treatment, a list of alternative treatment 20702
settings and plans, and identification of the treatment setting 20703
that is the least restrictive consistent with treatment needs. 20704
The attorney the board designates or the prosecutor shall file 20705
the written report at least three days prior to the full 20706
hearing. A copy of the application and written report shall be 20707
provided to the respondent's counsel immediately. 20708

The court shall hold a full hearing on applications for 20709
continued commitment at the expiration of the first ninety-day 20710
period and at least every two years after the expiration of the 20711
first ninety-day period. 20712

Hearings following any application for continued 20713
commitment are mandatory and may not be waived. 20714

For a respondent who is ordered to receive treatment in an 20715
outpatient setting, if at any time after the first ninety-day 20716
period the entity or person to whom the respondent was ordered 20717
determines that the respondent has demonstrated voluntary 20718
consent for treatment, that entity or person shall immediately 20719
notify the respondent, the respondent's counsel, the attorney 20720
designated by the board, and the court. The entity or person 20721
shall submit to the court a report of the findings and 20722
recommendations. The court may dismiss the case upon review of 20723
the facts. 20724

Upon request of a person who is involuntarily committed 20725
under this section, or the person's counsel, that is made more 20726

than one hundred eighty days after the person's last full 20727
hearing, mandatory or requested, the court shall hold a full 20728
hearing on the person's continued commitment. Upon the 20729
application of a person involuntarily committed under this 20730
section, supported by an affidavit of a psychiatrist or licensed 20731
clinical psychologist, alleging that the person no longer is a 20732
~~mentally ill person with a mental illness~~ subject to court 20733
order, the court for good cause shown may hold a full hearing on 20734
the person's continued commitment prior to the expiration of one 20735
hundred eighty days after the person's last full hearing. 20736
Section 5122.12 of the Revised Code applies to all hearings on 20737
continued commitment. 20738

If the court, after a hearing for continued commitment 20739
finds by clear and convincing evidence that the respondent is a 20740
~~mentally ill person with a mental illness~~ subject to court 20741
order, the court may order continued commitment at places or to 20742
persons specified in division (C) of this section. 20743

(I) Unless the admission is pursuant to section 5120.17 or 20744
5139.08 of the Revised Code, the chief clinical officer of the 20745
entity admitting a respondent pursuant to a judicial proceeding, 20746
within ten working days of the admission, shall make a report of 20747
the admission to the board of alcohol, drug addiction, and 20748
mental health services serving the respondent's county of 20749
residence. 20750

(J) A referee appointed by the court may make all orders 20751
that a judge may make under this section and sections 5122.11 20752
and 5122.141 of the Revised Code, except an order of contempt of 20753
court. The orders of a referee take effect immediately. Within 20754
fourteen days of the making of an order by a referee, a party 20755
may file written objections to the order with the court. The 20756

filed objections shall be considered a motion, shall be 20757
specific, and shall state their grounds with particularity. 20758
Within ten days of the filing of the objections, a judge of the 20759
court shall hold a hearing on the objections and may hear and 20760
consider any testimony or other evidence relating to the 20761
respondent's mental condition. At the conclusion of the hearing, 20762
the judge may ratify, rescind, or modify the referee's order. 20763

(K) An order of the court under division (C), (H), or (J) 20764
of this section is a final order. 20765

(L) Before a board, or a services provider the board 20766
designates, may place an unconsenting respondent in an inpatient 20767
setting from a less restrictive placement, the board or services 20768
provider shall do all of the following: 20769

(1) Determine that the respondent is in immediate need of 20770
treatment in an inpatient setting because the respondent 20771
represents a substantial risk of physical harm to the respondent 20772
or others if allowed to remain in a less restrictive setting; 20773

(2) On the day of placement in the inpatient setting or on 20774
the next court day, file with the court a motion for transfer to 20775
an inpatient setting or communicate to the court by telephone 20776
that the required motion has been mailed; 20777

(3) Ensure that every reasonable and appropriate effort is 20778
made to take the respondent to the inpatient setting in the 20779
least conspicuous manner possible; 20780

(4) Immediately notify the board's designated attorney and 20781
the respondent's attorney. 20782

At the respondent's request, the court shall hold a 20783
hearing on the motion and make a determination pursuant to 20784
division (E) of this section within five days of the placement. 20785

(M) Before a board, or a services provider the board 20786
designates, may move a respondent from one residential placement 20787
to another, the board or services provider shall consult with 20788
the respondent about the placement. If the respondent objects to 20789
the placement, the proposed placement and the need for it shall 20790
be reviewed by a qualified mental health professional who 20791
otherwise is not involved in the treatment of the respondent. 20792

(N) The entity or person to whom the respondent was 20793
ordered for treatment in an outpatient setting may submit a 20794
report to the court indicating that the respondent has either 20795
failed to comply with the treatment plan or begun to demonstrate 20796
signs of decompensation that may be grounds for hospitalization. 20797
On receipt of the report, the court shall promptly schedule a 20798
hearing to review the case. The court shall conduct the hearing 20799
in a manner consistent with this chapter and due process of law. 20800
The board shall receive notice of the hearing and the board and 20801
entity or person treating the respondent shall submit a report 20802
to the court with a plan for appropriate alternative treatment, 20803
if any, or recommend that the court discontinue the court- 20804
ordered treatment. The court shall consider available and 20805
appropriate alternative placements but shall not impose criminal 20806
sanctions that result in confinement in a jail or other local 20807
correctional facility based on the respondent's failure to 20808
comply with the treatment plan. The court may not order the 20809
respondent to a more restrictive placement unless the criteria 20810
specified in division (L) of this section are met and may not 20811
order the respondent to an inpatient setting unless the court 20812
determines by clear and convincing evidence presented by the 20813
board that the respondent meets the criteria specified in 20814
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 20815
the Revised Code. 20816

Sec. 5122.19. Every person transported to a hospital or 20817
community mental health services provider pursuant to sections 20818
5122.11 to 5122.16 of the Revised Code, shall be examined by the 20819
staff of the hospital or services provider as soon as 20820
practicable after arrival at the hospital or services provider. 20821
Such an examination shall be held within twenty-four hours after 20822
the time of arrival, and if the chief clinical officer fails 20823
after such an examination to certify that in the chief clinical 20824
officer's opinion the person is a ~~mentally ill~~ person with a 20825
mental illness subject to court order, the person shall be 20826
immediately released. 20827

Sec. 5122.21. (A) The chief clinical officer shall as 20828
frequently as practicable, and at least once every thirty days, 20829
examine or cause to be examined every patient, and, whenever the 20830
chief clinical officer determines that the conditions justifying 20831
involuntary hospitalization or commitment no longer obtain, 20832
shall discharge the patient not under indictment or conviction 20833
for crime and immediately make a report of the discharge to the 20834
department of mental health and addiction services. The chief 20835
clinical officer may discharge a patient who is under an 20836
indictment, a sentence of imprisonment, a community control 20837
sanction, or a post-release control sanction or on parole ten 20838
days after written notice of intent to discharge the patient has 20839
been given by personal service or certified mail, return receipt 20840
requested, to the court having criminal jurisdiction over the 20841
patient. Except when the patient was found not guilty by reason 20842
of insanity and the defendant's commitment is pursuant to 20843
section 2945.40 of the Revised Code, the chief clinical officer 20844
has final authority to discharge a patient who is under an 20845
indictment, a sentence of imprisonment, a community control 20846
sanction, or a post-release control sanction or on parole. 20847

(B) After a finding pursuant to section 5122.15 of the Revised Code that a person is a ~~mentally ill~~ person with a mental illness subject to court order, the chief clinical officer of the hospital or community mental health services provider to which the person is ordered or to which the person is transferred under section 5122.20 of the Revised Code, may grant a discharge without the consent or authorization of any court.

Upon discharge, the chief clinical officer shall notify the court that caused the judicial hospitalization of the discharge from the hospital.

Sec. 5122.27. The chief clinical officer of the hospital or the chief clinical officer's designee shall assure that all patients hospitalized or committed pursuant to this chapter shall:

(A) Receive, within twenty days of their admission sufficient professional care to assure that an evaluation of current status, differential diagnosis, probable prognosis, and description of the current treatment plan is stated on the official chart;

(B) Have a written treatment plan consistent with the evaluation, diagnosis, prognosis, and goals which shall be provided, upon request of the patient or patient's counsel, to the patient's counsel and to any private physician or licensed clinical psychologist designated by the patient or the patient's counsel or to the Ohio protection and advocacy system;

(C) Receive treatment consistent with the treatment plan. The department of mental health and addiction services shall set standards for treatment provided to such patients, consistent

wherever possible with standards set by the joint commission.	20877
(D) Receive periodic reevaluations of the treatment plan	20878
by the professional staff at intervals not to exceed ninety	20879
days;	20880
(E) Be provided with adequate medical treatment for	20881
physical disease or injury;	20882
(F) Receive humane care and treatment, including without	20883
limitation, the following:	20884
(1) The least restrictive environment consistent with the	20885
treatment plan;	20886
(2) The necessary facilities and personnel required by the	20887
treatment plan;	20888
(3) A humane psychological and physical environment;	20889
(4) The right to obtain current information concerning the	20890
patient's treatment program and expectations in terms that the	20891
patient can reasonably understand;	20892
(5) Participation in programs designed to afford the	20893
patient substantial opportunity to acquire skills to facilitate	20894
return to the community or to terminate an involuntary	20895
commitment;	20896
(6) The right to be free from unnecessary or excessive	20897
medication;	20898
(7) Freedom from restraints or isolation unless it is	20899
stated in a written order by the chief clinical officer or the	20900
chief clinical officer's designee, or the patient's individual	20901
physician or psychologist in a private or general hospital.	20902
If the chief clinical officer of the hospital is unable to	20903

provide the treatment required by divisions (C), (E), and (F) of 20904
this section for any patient hospitalized pursuant to Chapter 20905
5122. of the Revised Code, the chief clinical officer shall 20906
immediately notify the patient, the court, the Ohio protection 20907
and advocacy system, the director of mental health and addiction 20908
services, and the patient's counsel and legal guardian, if 20909
known. If within ten days after receipt of such notification by 20910
the director, the director is unable to effect a transfer of the 20911
patient, pursuant to section 5122.20 of the Revised Code, to a 20912
hospital, community mental health services provider, or other 20913
medical facility where treatment is available, or has not 20914
received an order of the court to the contrary, the involuntary 20915
commitment of any patient hospitalized pursuant to Chapter 5122. 20916
of the Revised Code and defined as a ~~mentally ill~~ person with a 20917
mental illness subject to court order under division (B)(4) of 20918
section 5122.01 of the Revised Code shall automatically be 20919
terminated. 20920

Sec. 5122.271. (A) Except as provided in divisions (C), 20921
(D), and (E) of this section, the chief clinical officer or, in 20922
a nonpublic hospital, the attending physician responsible for a 20923
patient's care shall provide all information, including expected 20924
physical and medical consequences, necessary to enable any 20925
patient of a hospital for ~~the mentally ill persons with mental~~ 20926
illnesses to give a fully informed, intelligent, and knowing 20927
consent, the opportunity to consult with independent specialists 20928
and counsel, and the right to refuse consent for any of the 20929
following: 20930

- (1) Surgery; 20931
- (2) Convulsive therapy; 20932
- (3) Major aversive interventions; 20933

(4) Sterilizations;	20934
(5) Any unusually hazardous treatment procedures;	20935
(6) Psycho-surgery.	20936
(B) No patient shall be subjected to any of the procedures listed in divisions (A) (4) to (6) of this section until both the patient's informed, intelligent, and knowing consent and the approval of the court have been obtained, except that court approval is not required for a legally competent and voluntary patient in a nonpublic hospital.	20937 20938 20939 20940 20941 20942
(C) If, after providing the information required under division (A) of this section to the patient, the chief clinical officer or attending physician concludes that a patient is physically or mentally unable to receive the information required for surgery under division (A) (1) of this section, or has been adjudicated incompetent, the information may be provided to the patient's natural or court-appointed guardian, who may give an informed, intelligent, and knowing written consent.	20943 20944 20945 20946 20947 20948 20949 20950 20951
If a patient is physically or mentally unable to receive the information required for surgery under division (A) (1) of this section and has no guardian, the information, the recommendation of the chief clinical officer, and the concurring judgment of a licensed physician who is not a full-time employee of the state may be provided to the court in the county in which the hospital is located, which may approve the surgery. Before approving the surgery, the court shall notify the Ohio protection and advocacy system created by section 5123.60 of the Revised Code, and shall notify the patient of the rights to consult with counsel, to have counsel appointed by the court if	20952 20953 20954 20955 20956 20957 20958 20959 20960 20961 20962

the patient is indigent, and to contest the recommendation of 20963
the chief clinical officer. 20964

(D) If, in a medical emergency, and after providing the 20965
information required under division (A) of this section to the 20966
patient, it is the judgment of one licensed physician that delay 20967
in obtaining surgery would create a grave danger to the health 20968
of the patient, it may be administered without the consent of 20969
the patient or the patient's guardian if the necessary 20970
information is provided to the patient's spouse or next of kin 20971
to enable that person to give informed, intelligent, and knowing 20972
written consent. If no spouse or next of kin can reasonably be 20973
contacted, or if the spouse or next of kin is contacted, but 20974
refuses to consent, the surgery may be performed upon the 20975
written authorization of the chief clinical officer or, in a 20976
nonpublic hospital, upon the written authorization of the 20977
attending physician responsible for the patient's care, and 20978
after the approval of the court has been obtained. However, if 20979
delay in obtaining court approval would create a grave danger to 20980
the life of the patient, the chief clinical officer or, in a 20981
nonpublic hospital, the attending physician responsible for the 20982
patient's care may authorize surgery, in writing, without court 20983
approval. If the surgery is authorized without court approval, 20984
the chief clinical officer or the attending physician who made 20985
the authorization and the physician who performed the surgery 20986
shall each execute an affidavit describing the circumstances 20987
constituting the emergency and warranting the surgery and the 20988
circumstances warranting their not obtaining prior court 20989
approval. The affidavit shall be filed with the court with which 20990
the request for prior approval would have been filed within five 20991
court days after the surgery, and a copy of the affidavit shall 20992
be placed in the patient's file and be given to the guardian, 20993

spouse, or next of kin of the patient, to the hospital at which 20994
the surgery was performed, and to the Ohio protection and 20995
advocacy system as defined in section 5123.60 of the Revised 20996
Code. 20997

(E) Major aversive interventions shall not be used unless 20998
a patient continues to engage in behavior destructive to self or 20999
others after other forms of therapy have been attempted. Major 21000
aversive interventions may be applied if approved by the 21001
director of mental health and addiction services. Major aversive 21002
interventions shall not be applied to a voluntary patient 21003
without the informed, intelligent, and knowing written consent 21004
of the patient or the patient's guardian. 21005

(F) Unless there is substantial risk of physical harm to 21006
self or others, or other than under division (D) of this 21007
section, this chapter does not authorize any form of compulsory 21008
medical, psychological, or psychiatric treatment of any patient 21009
who is being treated by spiritual means through prayer alone in 21010
accordance with a recognized religious method of healing without 21011
specific court authorization. 21012

(G) For purposes of this section, "convulsive therapy" 21013
does not include defibrillation. 21014

Sec. 5122.28. No patient of a hospital for ~~the mentally~~ 21015
~~ill~~ persons with mental illnesses shall be compelled to perform 21016
labor which involves the operation, support, or maintenance of 21017
the hospital or for which the hospital is under contract with an 21018
outside organization. Privileges or release from the hospital 21019
shall not be conditional upon the performance of such labor. 21020
Patients who volunteer to perform such labor shall be 21021
compensated at a rate derived from the value of work performed, 21022
having reference to the prevailing wage rate for comparable work 21023

or wage rates established under section 4111.06 of the Revised Code. 21024
21025

A patient may be required to perform therapeutic tasks 21026
which do not involve the operation, support, or maintenance of 21027
the hospital if those tasks are an integrated part of the 21028
patient's treatment plan and supervised by a person qualified to 21029
oversee the therapeutic aspects of the activity. 21030

A patient may be required to perform tasks of a personal 21031
housekeeping nature. 21032

Sec. 5122.30. Any person detained pursuant to this chapter 21033
or section 2945.39, 2945.40, 2945.401, or 2945.402 of the 21034
Revised Code shall be entitled to the writ of habeas corpus upon 21035
proper petition by self or by a friend to any court generally 21036
empowered to issue the writ of habeas corpus in the county in 21037
which the person is detained. 21038

No person may bring a petition for a writ of habeas corpus 21039
that alleges that a person involuntarily detained pursuant to 21040
this chapter no longer is a ~~mentally ill person~~ with a mental
illness subject to court order unless the person shows that the 21041
release procedures of division (H) of section 5122.15 of the 21042
Revised Code are inadequate or unavailable. 21043
21044

Sec. 5122.311. (A) Notwithstanding any provision of the 21045
Revised Code to the contrary, if, on or after April 8, 2004, an 21046
individual is found by a court to be a ~~mentally ill person~~ with
a mental illness subject to court order or becomes an 21047
involuntary patient other than one who is a patient only for 21048
purposes of observation, the probate judge who made the 21049
adjudication or the chief clinical officer of the hospital, 21050
community mental health services provider, or facility in which 21051
21052

the person is an involuntary patient shall notify the office of 21053
the attorney general, on the form described in division (C) of 21054
this section, of the identity of the individual. The 21055
notification shall be transmitted by the judge or the chief 21056
clinical officer not later than seven days after the 21057
adjudication or commitment. 21058

(B) The office of the attorney general shall compile and 21059
maintain the notices it receives under division (A) of this 21060
section and the notices shall be used for the purpose of 21061
conducting incompetency records checks pursuant to section 21062
311.41 of the Revised Code. The notices and the information they 21063
contain are confidential, except as provided in this division, 21064
and are not public records. 21065

(C) The attorney general, by rule adopted under Chapter 21066
119. of the Revised Code, shall prescribe and make available to 21067
all probate judges and all chief clinical officers a form to be 21068
used by them for the purpose of making the notifications 21069
required by division (A) of this section. 21070

Sec. 5122.36. If the legal residence of a person ~~suffering~~ 21071
~~from with a~~ mental illness is in another county of the state, 21072
the necessary expense of the person's return is a proper charge 21073
against the county of legal residence. If an adjudication and 21074
order of hospitalization by the probate court of the county of 21075
temporary residence are required, the regular probate court fees 21076
and expenses incident to the order of hospitalization under this 21077
chapter and any other expense incurred on the person's behalf 21078
shall be charged to and paid by the county of the person's legal 21079
residence upon the approval and certification of the probate 21080
judge of the county of the person's legal residence. The 21081
ordering court shall send to the probate court of the person's 21082

county of legal residence a certified copy of the commitment 21083
order from the ordering court. The receiving court shall enter 21084
and record the commitment order. The certified commitment order 21085
is prima facie evidence of the residence of the person. When the 21086
residence of the person cannot be established as represented by 21087
the ordering court, the matter of residence shall be referred to 21088
the department of mental health and addiction services for 21089
investigation and determination. 21090

Sec. 5122.39. (A) ~~Mentally ill minors~~ Minors with mental 21091
illnesses shall remain under the natural guardianship of their 21092
parents, notwithstanding hospitalization pursuant to this 21093
chapter, unless parental rights have been terminated pursuant to 21094
a court finding that the minor is neglected or dependent. Where 21095
a ~~mentally ill~~ minor with a mental illness is found to be 21096
dependent or neglected, the public children's services agency in 21097
the county of residence has final guardianship authority and 21098
responsibility. 21099

(B) In no case shall the guardianship of a ~~mentally ill~~ 21100
person with a mental illness be assigned to the chief medical 21101
officer or any staff member of a hospital, board, or provider 21102
from which the person is receiving mental health services. 21103

Sec. 5122.43. (A) Costs, fees, and expenses of all 21104
proceedings held under this chapter shall be paid as follows: 21105

(1) To police and health officers, other than sheriffs or 21106
their deputies, the same fees allowed to constables, to be paid 21107
upon the approval of the probate judge; 21108

(2) To sheriffs or their deputies, the same fees allowed 21109
for similar services in the court of common pleas; 21110

(3) To physicians or licensed clinical psychologists 21111

acting as expert witnesses and to other expert witnesses 21112
designated by the court, an amount determined by the court; 21113

(4) To other witnesses, the same fees and mileage as for 21114
attendance at the court of common pleas, to be paid upon the 21115
approval of the probate judge; 21116

(5) To a person, other than the sheriff or the sheriff's 21117
deputies, for taking a ~~mentally ill~~ person with a mental illness 21118
to a hospital or removing a ~~mentally ill~~ person with a mental 21119
illness from a hospital, the actual necessary expenses incurred, 21120
specifically itemized, and approved by the probate judge; 21121

(6) To assistants who convey ~~mentally ill~~ persons with a 21122
mental illness to the hospital when authorized by the probate 21123
judge, a fee set by the probate court, provided the assistants 21124
are not drawing a salary from the state or any political 21125
subdivision of the state, and their actual necessary expenses 21126
incurred, provided that the expenses are specifically itemized 21127
and approved by the probate judge; 21128

(7) To an attorney appointed by the probate division for 21129
an indigent who allegedly is a ~~mentally ill~~ person with a mental 21130
illness pursuant to any section of this chapter or a person 21131
~~suffering from experiencing~~ alcohol and other drug abuse and who 21132
may be ordered under sections 5119.91 to 5119.98 of the Revised 21133
Code to undergo treatment, the fees that are determined by the 21134
probate division. When those indigent persons are before the 21135
court, all filing and recording fees shall be waived. 21136

(8) To a referee who is appointed to conduct proceedings 21137
under this chapter that involve a respondent whose domicile is 21138
or, before the respondent's hospitalization, was not the county 21139
in which the proceedings are held, compensation as fixed by the 21140

probate division, but not more than the compensation paid for 21141
similar proceedings for respondents whose domicile is in the 21142
county in which the proceedings are held; 21143

(9) To a court reporter appointed to make a transcript of 21144
proceedings under this chapter, the compensation and fees 21145
allowed in other cases under section 2101.08 of the Revised 21146
Code. 21147

(B) A county shall pay for the costs, fees, and expenses 21148
described in division (A) of this section with money 21149
appropriated pursuant to section 2101.11 of the Revised Code. A 21150
county may seek reimbursement from the department of mental 21151
health and addiction services by submitting a request and 21152
certification by the county auditor of the costs, fees, and 21153
expenses to the department within two months of the date the 21154
costs, fees, and expenses are incurred by the county. 21155

Each fiscal year, based on past allocations, historical 21156
utilization, and other factors the department considers 21157
appropriate, the department shall allocate for each county an 21158
amount for reimbursements under this section. A county's 21159
allocation may be zero. The department shall set aside an amount 21160
in addition to the allocations to cover court costs associated 21161
with proceedings held under this chapter for counties that 21162
received an allocation of zero but that incurred expenditures 21163
authorized by the department. The total of all the allocations 21164
plus the additional amount set aside shall equal the amount 21165
appropriated for the fiscal year to the department specifically 21166
for the purposes of this section. 21167

On receipt, the department shall review each request for 21168
reimbursement and prepare a voucher for the amount of the costs, 21169
fees, and expenses incurred by the county, provided that the 21170

total amount of money paid to all counties in each fiscal year 21171
shall not exceed the total amount of moneys specifically 21172
appropriated to the department for these purposes. 21173

The department's total reimbursement to each county shall 21174
be the lesser of the full amount requested or either the amount 21175
allocated for the county under this division, or, for counties 21176
that received an allocation of zero, the amount approved by the 21177
department. In addition, the department shall distribute any 21178
surplus remaining from the money appropriated for the fiscal 21179
year to the department for the purposes of this section as 21180
follows to counties whose full requests exceed their 21181
allocations: 21182

(1) If the surplus is sufficient to reimburse such 21183
counties the full amount of their requests, each such county 21184
shall receive the full amount of its request; 21185

(2) If the surplus is insufficient, each such county shall 21186
receive a percentage of the surplus determined by dividing the 21187
difference between the county's full request and its allocation 21188
by the difference between the total of the full requests of all 21189
such counties and the total of the amounts allocated for all 21190
such counties. 21191

The department may adopt rules in accordance with Chapter 21192
119. of the Revised Code to implement the payment of costs, 21193
fees, and expenses under this section. 21194

Sec. 5123.651. (A) As used in this section, "developmental 21195
disabilities personnel" and "prescribed medication" have the 21196
same meanings as in section 5123.41 of the Revised Code. 21197

(B) Developmental disabilities personnel who are not 21198
specifically authorized by other provisions of the Revised Code 21199

to provide assistance in the self-administration of prescribed medication may, under this section, provide that assistance as part of the services they provide to individuals with developmental disabilities. To provide assistance with self-administration of prescribed medication, developmental disabilities personnel are not required to be trained or certified in accordance with section 5123.42 of the Revised Code.

(C) When assisting in the self-administration of prescribed medication, developmental disabilities personnel shall take only the following actions:

(1) Remind an individual when to take the medication and observe the individual to ensure that the individual follows the directions on the container;

(2) Assist an individual by taking the medication in its container from the area where it is stored, handing the container with the medication in it to the individual, and opening the container, if the individual is physically unable to open the container;

(3) Assist, on request by or with the consent of, ~~a~~an individual who is physically impaired but mentally alert ~~individual~~, with removal of oral or topical medication from the container and with the individual's taking or applying of the medication. If an individual is physically unable to place a dose of oral medication to the individual's mouth without spilling or dropping it, developmental disabilities personnel may place the dose in another container and place that container to the individual's mouth.

Sec. 5126.38. (A) As used in this section, "eligible

person" has the same meaning as in section 5126.032 of the Revised Code. 21229
21230

(B) Except as provided in division (D) of this section, no person shall disclose the identity of an individual who requests programs or services under this chapter or release a record or report regarding an eligible person that is maintained by a county board of ~~mental retardation and developmental~~ disabilities or an entity under contract with a county board unless one of the following circumstances exists: 21231
21232
21233
21234
21235
21236
21237

(1) The individual, eligible person, or ~~his~~ the individual's guardian, or, if ~~he~~ the individual is a minor, ~~his~~ the individual's parent or guardian, makes a written request to the county board or entity for or approves in writing disclosure of the individual's identity or release of the record or report regarding the eligible person. 21238
21239
21240
21241
21242
21243

(2) Disclosure of the identity of an individual is needed for approval of a direct services contract under section 5126.032 or 5126.033 of the Revised Code. The county board shall release only the individual's name and the general nature of the services to be provided. 21244
21245
21246
21247
21248

(3) Disclosure of the identity of the individual is needed to ascertain that the county board's waiting lists for programs or services are being maintained in accordance with section 5126.052 of the Revised Code and the rules adopted under that section. The county board shall release only the individual's name, the general nature of the programs or services to be provided ~~him~~ the individual, the individual's rank on each waiting list that includes the individual, and any circumstances under which the individual was given priority when placed on a waiting list. 21249
21250
21251
21252
21253
21254
21255
21256
21257
21258

(C) A board or entity that discloses an individual's 21259
identity or releases a record or report regarding an eligible 21260
person shall maintain a record of when and to whom the 21261
disclosure or release was made. 21262

(D) (1) At the request of an eligible person or ~~his~~ the 21263
person's guardian or, if ~~he~~ the eligible person is a minor, ~~his~~ 21264
the person's parent or guardian, a county board or entity under 21265
contract with a county board shall provide the person who made 21266
the request access to records and reports regarding the eligible 21267
person. On written request, the county board or entity shall 21268
provide copies of the records and reports to the eligible 21269
person, guardian, or parent. The county board or entity may 21270
charge a reasonable fee to cover the costs of copying. The 21271
county board or entity may waive the fee in cases of hardship. 21272

(2) A county board shall provide access to any waiting 21273
list or record or report regarding an eligible person maintained 21274
by the board to any state agency responsible for monitoring and 21275
reviewing programs and services provided or arranged by the 21276
county board, any state agency involved in the coordination of 21277
services for an eligible person, and any agency under contract 21278
with the department of ~~mental retardation and developmental~~ 21279
disabilities for the provision of protective service pursuant to 21280
section 5123.56 of the Revised Code. 21281

(E) A county board shall notify an eligible person, ~~his~~ 21282
the person's guardian, or, if ~~he~~ the eligible person is a minor, 21283
~~his~~ the person's parent or guardian, prior to destroying any 21284
record or report regarding the eligible person. 21285

Sec. 5139.54. (A) Notwithstanding any other provision for 21286
determining when a child shall be released or discharged from 21287
the legal custody of the department of youth services, including 21288

jurisdictional provisions in section 2152.22 of the Revised Code, the release authority, for medical reasons, may release a child upon supervised release or discharge the child from the custody of the department when any of the following applies:

(1) The child is terminally ill or otherwise in imminent danger of death.

(2) The child is incapacitated due to injury, disease, illness, or other medical condition and is no longer a threat to public safety.

(3) The child appears to be a ~~mentally ill~~ person with a mental illness subject to court order, as defined in section 5122.01 of the Revised Code, or a person with an intellectual disability subject to institutionalization by court order, as defined in section 5123.01 of the Revised Code.

(B) When considering whether to release or discharge a child under this section for medical reasons, the release authority may request additional medical information about the child or may ask the department to conduct additional medical examinations.

(C) The release authority shall determine the appropriate level of supervised release for a child released under this section. The terms and conditions of the release may require periodic medical reevaluations as appropriate. Upon granting a release or discharge under this section, the release authority shall give notice of the release and its terms and conditions or of the discharge to the court that committed the child to the custody of the department.

(D) The release authority shall submit annually to the director of youth services a report that includes all of the

following information for the previous calendar year:	21318
(1) The number of children the release authority considered for medical release or discharge;	21319 21320
(2) The nature of the injury, disease, illness, or other medical condition of each child considered for medical release or discharge;	21321 21322 21323
(3) The decision made by the release authority for each child, including the reasons for denying medical release or discharge or for granting it;	21324 21325 21326
(4) The number of children on medical release who were returned to a secure facility or whose supervised release was revoked.	21327 21328 21329
Sec. 5149.30. As used in sections 5149.30 to 5149.37 of the Revised Code:	21330 21331
(A) "Community corrections programs" include, but are not limited to, probation, parole, preventive or diversionary corrections programs, release-on-recognizance programs, prosecutorial diversion programs, specialized treatment programs for alcoholic and narcotic addicted offenders <u>with alcoholism and narcotic addictions</u> , and community control sanctions as defined in section 2929.01 of the Revised Code.	21332 21333 21334 21335 21336 21337 21338
(B) "Local corrections planning board" means the board established in each county under section 5149.34 of the Revised Code.	21339 21340 21341
(C) "Joint county corrections planning board" means the board established by multiple counties under section 5149.35 of the Revised Code.	21342 21343 21344
Sec. 5153.01. (A) As used in the Revised Code, "public	21345

children services agency" means an entity specified in section 21346
5153.02 of the Revised Code that has assumed the powers and 21347
duties of the children services function prescribed by this 21348
chapter for a county. 21349

(B) As used in this chapter: 21350

(1) "Certified foster home" means a foster home, as 21351
defined in section 5103.02 of the Revised Code, certified under 21352
section 5103.03 of the Revised Code. 21353

(2) "Certified organization" means any organization 21354
holding a certificate issued pursuant to section 5103.03 of the 21355
Revised Code that is in full force and effect. 21356

(3) "Child" means any person under eighteen years of age 21357
or a ~~mentally or physically handicapped person with a mental or~~ 21358
physical disability, as defined by rule adopted by the director 21359
of job and family services, under twenty-one years of age. 21360

(4) "Executive director" means the person charged with the 21361
responsibility of administering the powers and duties of a 21362
public children services agency appointed pursuant to section 21363
5153.10 of the Revised Code. 21364

(5) "Organization" means any public, semipublic, or 21365
private institution, including maternity homes and day 21366
nurseries, and any private association, society, or agency, 21367
located or operating in this state, incorporated or 21368
unincorporated, having among its functions the furnishing of 21369
protective services or care for children or the placement of 21370
children in certified foster homes or elsewhere. 21371

(6) "PCSA caseworker" means an individual employed by a 21372
public children services agency as a caseworker. 21373

(7) "PCSA caseworker supervisor" means an individual 21374
employed by a public children services agency to supervise PCSA 21375
caseworkers. 21376

Sec. 5153.16. (A) Except as provided in section 2151.422 21377
of the Revised Code, in accordance with rules adopted under 21378
section 5153.166 of the Revised Code, and on behalf of children 21379
in the county whom the public children services agency considers 21380
to be in need of public care or protective services, the public 21381
children services agency shall do all of the following: 21382

(1) Make an investigation concerning any child alleged to 21383
be an abused, neglected, or dependent child; 21384

(2) Enter into agreements with the parent, guardian, or 21385
other person having legal custody of any child, or with the 21386
department of job and family services, department of mental 21387
health and addiction services, department of developmental 21388
disabilities, other department, any certified organization 21389
within or outside the county, or any agency or institution 21390
outside the state, having legal custody of any child, with 21391
respect to the custody, care, or placement of any child, or with 21392
respect to any matter, in the interests of the child, provided 21393
the permanent custody of a child shall not be transferred by a 21394
parent to the public children services agency without the 21395
consent of the juvenile court; 21396

(3) Accept custody of children committed to the public 21397
children services agency by a court exercising juvenile 21398
jurisdiction; 21399

(4) Provide such care as the public children services 21400
agency considers to be in the best interests of any child 21401
adjudicated to be an abused, neglected, or dependent child the 21402

agency finds to be in need of public care or service;	21403
(5) Provide social services to any unmarried girl	21404
adjudicated to be an abused, neglected, or dependent child who	21405
is pregnant with or has been delivered of a child;	21406
(6) Make available to the bureau for children with medical	21407
handicaps <u>program</u> of the department of health at its request any	21408
information concerning a crippled child <u>with a disability</u> found	21409
to be in need of treatment under sections 3701.021 to 3701.028	21410
of the Revised Code who is receiving services from the public	21411
children services agency;	21412
(7) Provide temporary emergency care for any child	21413
considered by the public children services agency to be in need	21414
of such care, without agreement or commitment;	21415
(8) Find certified foster homes, within or outside the	21416
county, for the care of children, including handicapped children	21417
<u>with disabilities</u> from other counties attending special schools	21418
in the county;	21419
(9) Subject to the approval of the board of county	21420
commissioners and the state department of job and family	21421
services, establish and operate a training school or enter into	21422
an agreement with any municipal corporation or other political	21423
subdivision of the county respecting the operation, acquisition,	21424
or maintenance of any children's home, training school, or other	21425
institution for the care of children maintained by such	21426
municipal corporation or political subdivision;	21427
(10) Acquire and operate a county children's home,	21428
establish, maintain, and operate a receiving home for the	21429
temporary care of children, or procure certified foster homes	21430
for this purpose;	21431

(11) Enter into an agreement with the trustees of any district children's home, respecting the operation of the district children's home in cooperation with the other county boards in the district;

(12) Cooperate with, make its services available to, and act as the agent of persons, courts, the department of job and family services, the department of health, and other organizations within and outside the state, in matters relating to the welfare of children, except that the public children services agency shall not be required to provide supervision of or other services related to the exercise of parenting time rights granted pursuant to section 3109.051 or 3109.12 of the Revised Code or companionship or visitation rights granted pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code unless a juvenile court, pursuant to Chapter 2151. of the Revised Code, or a common pleas court, pursuant to division (E) (6) of section 3113.31 of the Revised Code, requires the provision of supervision or other services related to the exercise of the parenting time rights or companionship or visitation rights;

(13) Make investigations at the request of any superintendent of schools in the county or the principal of any school concerning the application of any child adjudicated to be an abused, neglected, or dependent child for release from school, where such service is not provided through a school attendance department;

(14) Administer funds provided under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended, in accordance with rules adopted under section 5101.141 of the Revised Code;

- (15) In addition to administering Title IV-E adoption assistance funds, enter into agreements to make adoption assistance payments under section 5153.163 of the Revised Code; 21462
21463
21464
- (16) Implement a system of safety and risk assessment, in accordance with rules adopted by the director of job and family services, to assist the public children services agency in determining the risk of abuse or neglect to a child; 21465
21466
21467
21468
- (17) Enter into a plan of cooperation with the board of county commissioners under section 307.983 of the Revised Code and comply with each fiscal agreement the board enters into under section 307.98 of the Revised Code that include family services duties of public children services agencies and contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the public children services agency; 21469
21470
21471
21472
21473
21474
21475
21476
- (18) Make reasonable efforts to prevent the removal of an alleged or adjudicated abused, neglected, or dependent child from the child's home, eliminate the continued removal of the child from the child's home, or make it possible for the child to return home safely, except that reasonable efforts of that nature are not required when a court has made a determination under division (A) (2) of section 2151.419 of the Revised Code; 21477
21478
21479
21480
21481
21482
21483
- (19) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan approved under division (E) of section 2151.417 of the Revised Code and to complete whatever steps are necessary to finalize the permanent placement of the child; 21484
21485
21486
21487
21488
- (20) Administer a Title IV-A program identified under division (A) (4) (c) or (g) of section 5101.80 of the Revised Code 21489
21490

that the department of job and family services provides for the 21491
public children services agency to administer under the 21492
department's supervision pursuant to section 5101.801 of the 21493
Revised Code; 21494

(21) Administer the kinship permanency incentive program 21495
created under section 5101.802 of the Revised Code under the 21496
supervision of the director of job and family services; 21497

(22) Provide independent living services pursuant to 21498
sections 2151.81 to 2151.84 of the Revised Code; 21499

(23) File a missing child report with a local law 21500
enforcement agency upon becoming aware that a child in the 21501
custody of the public children services agency is or may be 21502
missing. 21503

(B) The public children services agency shall use the 21504
system implemented pursuant to division (A) (16) of this section 21505
in connection with an investigation undertaken pursuant to 21506
division (G) (1) of section 2151.421 of the Revised Code to 21507
assess both of the following: 21508

(1) The ongoing safety of the child; 21509

(2) The appropriateness of the intensity and duration of 21510
the services provided to meet child and family needs throughout 21511
the duration of a case. 21512

(C) Except as provided in section 2151.422 of the Revised 21513
Code, in accordance with rules of the director of job and family 21514
services, and on behalf of children in the county whom the 21515
public children services agency considers to be in need of 21516
public care or protective services, the public children services 21517
agency may do the following: 21518

(1) Provide or find, with other child serving systems, 21519
specialized foster care for the care of children in a 21520
specialized foster home, as defined in section 5103.02 of the 21521
Revised Code, certified under section 5103.03 of the Revised 21522
Code; 21523

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 21524
this section, contract with the following for the purpose of 21525
assisting the agency with its duties: 21526

(i) County departments of job and family services; 21527

(ii) Boards of alcohol, drug addiction, and mental health 21528
services; 21529

(iii) County boards of developmental disabilities; 21530

(iv) Regional councils of political subdivisions 21531
established under Chapter 167. of the Revised Code; 21532

(v) Private and government providers of services; 21533

(vi) Managed care organizations and prepaid health plans. 21534

(b) A public children services agency contract under 21535
division (C) (2) (a) of this section regarding the agency's duties 21536
under section 2151.421 of the Revised Code may not provide for 21537
the entity under contract with the agency to perform any service 21538
not authorized by the department's rules. 21539

(c) Only a county children services board appointed under 21540
section 5153.03 of the Revised Code that is a public children 21541
services agency may contract under division (C) (2) (a) of this 21542
section. If an entity specified in division (B) or (C) of 21543
section 5153.02 of the Revised Code is the public children 21544
services agency for a county, the board of county commissioners 21545
may enter into contracts pursuant to section 307.982 of the 21546

Revised Code regarding the agency's duties. 21547

Sec. 5153.163. (A) As used in this section, "adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent. 21548
21549
21550

(B) (1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent state funds are available, may make state adoption maintenance subsidy payments as needed on behalf of the child when all of the following apply: 21551
21552
21553
21554
21555
21556

(a) The child is a child with special needs. 21557

(b) The child was placed in the adoptive home by a public children services agency or a private child placing agency and may legally be adopted. 21558
21559
21560

(c) The adoptive parent has the capability of providing the permanent family relationships needed by the child. 21561
21562

(d) The needs of the child are beyond the economic resources of the adoptive parent. 21563
21564

(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section. 21565
21566
21567

(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended. 21568
21569
21570
21571
21572
21573

(g) The child is not eligible for adoption assistance 21574

payments under Title IV-E of the "Social Security Act," 94 Stat. 21575
501 (1980), 42 U.S.C.A. 671, as amended. 21576

(2) State adoption maintenance subsidy payment agreements 21577
must be made by either the public children services agency that 21578
has permanent custody of the child or the public children 21579
services agency of the county in which the private child placing 21580
agency that has permanent custody of the child is located. 21581

(3) State adoption maintenance subsidy payments shall be 21582
made in accordance with the agreement between the public 21583
children services agency and the adoptive parent and are subject 21584
to an annual redetermination of need. 21585

(4) Payments under this division may begin either before 21586
or after issuance of the final adoption decree, except that 21587
payments made before issuance of the final adoption decree may 21588
be made only while the child is living in the adoptive parent's 21589
home. Preadoption payments may be made for not more than twelve 21590
months, unless the final adoption decree is not issued within 21591
that time because of a delay in court proceedings. Payments that 21592
begin before issuance of the final adoption decree may continue 21593
after its issuance. 21594

(C) (1) If, after the child's adoption is finalized, a 21595
public children services agency considers a child residing in 21596
the county served by the agency to be in need of public care or 21597
protective services, the agency may, to the extent state funds 21598
are available for this purpose, enter into an agreement with the 21599
child's adoptive parent under which the agency may make post 21600
adoption special services subsidy payments on behalf of the 21601
child as needed when both of the following apply: 21602

(a) The child has a physical or developmental ~~handicap~~ 21603

disability or mental or emotional condition that either: 21604

(i) Existed before the adoption petition was filed; or 21605

(ii) Developed after the adoption petition was filed and 21606
can be directly attributed to factors in the child's preadoption 21607
background, medical history, or biological family's background 21608
or medical history. 21609

(b) The agency determines the expenses necessitated by the 21610
child's ~~handicap~~disability or condition are beyond the adoptive 21611
parent's economic resources. 21612

(2) Services for which a public children services agency 21613
may make post adoption special services subsidy payments on 21614
behalf of a child under this division shall include medical, 21615
surgical, psychiatric, psychological, and counseling services, 21616
including residential treatment. 21617

(3) The department of job and family services shall 21618
establish clinical standards to evaluate a child's physical or 21619
developmental ~~handicap~~disability or mental or emotional 21620
condition and assess the child's need for services. 21621

(4) The total dollar value of post adoption special 21622
services subsidy payments made on a child's behalf shall not 21623
exceed ten thousand dollars in any fiscal year, unless the 21624
department determines that extraordinary circumstances exist 21625
that necessitate further funding of services for the child. 21626
Under such extraordinary circumstances, the value of the 21627
payments made on the child's behalf shall not exceed fifteen 21628
thousand dollars in any fiscal year. 21629

(5) The adoptive parent or parents of a child who receives 21630
post adoption special services subsidy payments shall pay at 21631
least five per cent of the total cost of all services provided 21632

to the child; except that a public children services agency may 21633
waive this requirement if the gross annual income of the child's 21634
adoptive family is not more than two hundred per cent of the 21635
federal poverty guideline. 21636

(6) A public children services agency may use other 21637
sources of revenue to make post adoption special services 21638
subsidy payments, in addition to any state funds appropriated 21639
for that purpose. 21640

(D) No payment shall be made under division (B) or (C) of 21641
this section on behalf of any person eighteen years of age or 21642
older beyond the end of the school year during which the person 21643
attains the age of eighteen or on behalf of a ~~mentally or~~ 21644
~~physically handicapped person~~ with a mental or physical 21645
disability twenty-one years of age or older. 21646

(E) The director of job and family services shall adopt 21647
rules in accordance with Chapter 119. of the Revised Code that 21648
are needed to implement this section. The rules shall establish 21649
all of the following: 21650

(1) The application process for all forms of assistance 21651
provided under this section; 21652

(2) The method to determine the amount of assistance 21653
payable under division (B) of this section; 21654

(3) The definition of "child with special needs" for this 21655
section; 21656

(4) The process whereby a child's continuing need for 21657
services provided under division (B) of this section is annually 21658
redetermined; 21659

(5) The method of determining the amount, duration, and 21660

scope of services provided to a child under division (C) of this section; 21661
21662

(6) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section. 21663
21664
21665

(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the findings of the annual redetermination process established under division (E) of this section and the child's individual need for services, a public children services agency may continue to provide state adoption special services subsidy payments on behalf of a child for whom payments were being made prior to July 1, 2004. 21666
21667
21668
21669
21670
21671
21672
21673

(G) No public children services agency shall, pursuant to either section 2151.353 or 5103.15 of the Revised Code, place or maintain a child with special needs who is in the permanent custody of an institution or association certified by the department of job and family services under section 5103.03 of the Revised Code in a setting other than with a person seeking to adopt the child, unless the agency has determined and redetermined at intervals of not more than six months the impossibility of adoption by a person who wishes to adopt children, and is approved by an agency so empowered under Chapter 5103. of the Revised Code, or by a person who wishes to adopt a child with special needs as defined in rules adopted under this section, and who is approved by an agency so empowered under Chapter 5103. of the Revised Code, including the impossibility of entering into a payment agreement with such a person. The agency so maintaining such a child shall report its reasons for doing so to the department of job and family 21674
21675
21676
21677
21678
21679
21680
21681
21682
21683
21684
21685
21686
21687
21688
21689
21690

services. 21691

The department may take any action permitted under section 21692
5101.24 of the Revised Code for an agency's failure to 21693
determine, redetermine, and report on a child's status. 21694

Sec. 5164.15. (A) As used in this section: 21695

(1) "Community mental health services provider or 21696
facility" means a community mental health services provider or 21697
facility that has its community mental health services certified 21698
by the department of mental health and addiction services under 21699
section 5119.36 of the Revised Code or by the department of job 21700
and family services under section 5103.03 of the Revised Code. 21701

(2) "Mental health professional" means a person qualified 21702
to work with ~~mentally ill persons~~ with mental illnesses under 21703
the standards established by the director of mental health and 21704
addiction services pursuant to section 5119.36 of the Revised 21705
Code. 21706

(B) The medicaid program may cover the following mental 21707
health services when provided by community mental health 21708
services providers or facilities: 21709

(1) Outpatient mental health services, including, but not 21710
limited to, preventive, diagnostic, therapeutic, rehabilitative, 21711
and palliative interventions rendered to individuals in an 21712
individual or group setting by a mental health professional in 21713
accordance with a plan of treatment appropriately established, 21714
monitored, and reviewed; 21715

(2) Partial-hospitalization mental health services 21716
rendered by persons directly supervised by a mental health 21717
professional; 21718

(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional;

(4) Assertive community treatment and intensive home-based mental health services.

(C) The department of medicaid shall enter into a separate contract with the department of mental health and addiction services under section 5162.35 of the Revised Code with regard to the mental health services the medicaid program covers pursuant to this section.

Sec. 5165.03. (A) As used in this section:

(1) "Dementia" includes Alzheimer's disease or a related disorder.

(2) "Serious mental illness" means "serious mental illness," as defined by the United States department of health and human services in regulations adopted under section 1919(e)(7)(G)(i) of the "Social Security Act," ~~section 1919(e)(7)(G)(i),~~ 42 U.S.C. 1396r(e)(7)(G)(i).

(3) ~~"Mentally ill individual"~~ "Individual with a mental illness" means an individual who has a serious mental illness other than either of the following:

(a) A primary diagnosis of dementia;

(b) A primary diagnosis that is not a primary diagnosis of dementia and a primary diagnosis of something other than a serious mental illness.

(4) "Mentally retarded individual" means an individual who is mentally retarded or has a related condition, as described in the section 1905(d) of the "Social Security Act," ~~section~~

~~1905(d)~~, 42 U.S.C. 1396d(d). 21747

(5) "Specialized services" means the services specified by 21748
the United States department of health and human services in 21749
regulations adopted under section 1919(e)(7)(G)(iii) of the 21750
"Social Security Act," ~~section 1919(e)(7)(G)(iii)~~, 42 U.S.C. 21751
1396r(e)(7)(G)(iii). 21752

(B)(1) Except as provided in division (D) of this section, 21753
no nursing facility shall admit as a resident any ~~mentally ill-~~ 21754
individual with a mental illness unless the facility has 21755
received evidence that the department of mental health and 21756
addiction services has determined both of the following under 21757
section 5119.40 of the Revised Code: 21758

(a) That the individual requires the level of services 21759
provided by a nursing facility because of the individual's 21760
physical and mental condition; 21761

(b) Whether the individual requires specialized services 21762
for mental illness. 21763

(2) Except as provided in division (D) of this section, no 21764
nursing facility shall admit as a resident any mentally retarded 21765
individual unless the facility has received evidence that the 21766
department of developmental disabilities has determined both of 21767
the following under section 5123.021 of the Revised Code: 21768

(a) That the individual requires the level of services 21769
provided by a nursing facility because of the individual's 21770
physical and mental condition; 21771

(b) Whether the individual requires specialized services 21772
for mental retardation. 21773

(C) The department of medicaid shall not make medicaid 21774

payments to a nursing facility on behalf of any individual who 21775
is admitted to the facility in violation of division (B) of this 21776
section for the period beginning on the date of admission and 21777
ending on the date the requirements of division (B) of this 21778
section are met. 21779

(D) A determination under division (B) of this section is 21780
not required for any individual who is exempted from the 21781
requirement that a determination be made by division (B) (2) of 21782
section 5119.40 of the Revised Code or rules adopted by the 21783
department of mental health and addiction services under 21784
division (E) (3) of that section, or by division (B) (2) of 21785
section 5123.021 of the Revised Code or rules adopted by the 21786
department of developmental disabilities under division (E) (3) 21787
of that section. 21788

Sec. 5305.22. (A) Any real estate or interest in real 21789
estate coming to a person by purchase, inheritance, or 21790
otherwise, after the spouse of the person is adjudged a ~~mentally-ill~~ 21791
~~ill~~ person with a mental illness subject to court order and 21792
admitted to either a hospital for persons with mental illness in 21793
this or any other state of the United States or the psychiatric 21794
department of any hospital of the United States, may be conveyed 21795
by the person while the person's spouse who is a ~~mentally-ill~~ 21796
person with a mental illness subject to court order remains a 21797
patient of that hospital, free and clear from any dower right or 21798
expectancy of the person's spouse who is a ~~mentally-ill~~ person 21799
with a mental illness subject to court order. Dower shall not 21800
attach to any real estate so acquired and conveyed during the 21801
time described in this section in favor of such spouse who is a 21802
~~mentally-ill~~ person with a mental illness subject to court 21803
order. The indorsement upon the instrument of conveyance, by the 21804
superintendent of the hospital to which the spouse was admitted, 21805

that the spouse of the person conveying the real estate is a ~~mentally ill~~ person with a mental illness subject to court order who has been admitted to that hospital, stating when received in that hospital and signed officially by the superintendent, shall be sufficient evidence of the fact that the spouse of the person conveying the real estate is a ~~mentally ill~~ person with a mental illness subject to court order. This indorsement shall be a part of the instrument of conveyance.

(B) As used in this section, "~~mentally ill~~ person with a mental illness subject to court order" has the same meaning as in section 5122.01 of the Revised Code.

Sec. 5321.01. As used in this chapter:

(A) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

(B) "Landlord" means the owner, lessor, or sublessor of residential premises, the agent of the owner, lessor, or sublessor, or any person authorized by the owner, lessor, or sublessor to manage the premises or to receive rent from a tenant under a rental agreement.

(C) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant. "Residential premises" includes a dwelling unit that is owned or operated by a college or university. "Residential premises" does not include any of the following:

(1) Prisons, jails, workhouses, and other places of

incarceration or correction, including, but not limited to,	21835
halfway houses or residential arrangements that are used or	21836
occupied as a requirement of a community control sanction, a	21837
post-release control sanction, or parole;	21838
(2) Hospitals and similar institutions with the primary	21839
purpose of providing medical services, and homes licensed	21840
pursuant to Chapter 3721. of the Revised Code;	21841
(3) Tourist homes, hotels, motels, recreational vehicle	21842
parks, recreation camps, combined park-camps, temporary park-	21843
camps, and other similar facilities where circumstances indicate	21844
a transient occupancy;	21845
(4) Elementary and secondary boarding schools, where the	21846
cost of room and board is included as part of the cost of	21847
tuition;	21848
(5) Orphanages and similar institutions;	21849
(6) Farm residences furnished in connection with the	21850
rental of land of a minimum of two acres for production of	21851
agricultural products by one or more of the occupants;	21852
(7) Dwelling units subject to sections 3733.41 to 3733.49	21853
of the Revised Code;	21854
(8) Occupancy by an owner of a condominium unit;	21855
(9) Occupancy in a facility licensed as an SRO facility	21856
pursuant to Chapter 3731. of the Revised Code, if the facility	21857
is owned or operated by an organization that is exempt from	21858
taxation under section 501(c)(3) of the "Internal Revenue Code	21859
of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an	21860
entity or group of entities in which such an organization has a	21861
controlling interest, and if either of the following applies:	21862

- (a) The occupancy is for a period of less than sixty days. 21863
- (b) The occupancy is for participation in a program 21864
operated by the facility, or by a public entity or private 21865
charitable organization pursuant to a contract with the 21866
facility, to provide either of the following: 21867
- (i) Services licensed, certified, registered, or approved 21868
by a governmental agency or private accrediting organization for 21869
the rehabilitation of ~~mentally ill persons~~ with mental 21870
illnesses, persons with developmental disabilities, adults or 21871
juveniles convicted of criminal offenses, or persons ~~suffering~~ 21872
~~from experiencing~~ substance abuse; 21873
- (ii) Shelter for juvenile runaways, victims of domestic 21874
violence, or homeless persons. 21875
- (10) Emergency shelters operated by organizations exempt 21876
from federal income taxation under section 501(c)(3) of the 21877
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 21878
501, as amended, for persons whose circumstances indicate a 21879
transient occupancy, including homeless people, victims of 21880
domestic violence, and juvenile runaways. 21881
- (D) "Rental agreement" means any agreement or lease, 21882
written or oral, which establishes or modifies the terms, 21883
conditions, rules, or any other provisions concerning the use 21884
and occupancy of residential premises by one of the parties. 21885
- (E) "Security deposit" means any deposit of money or 21886
property to secure performance by the tenant under a rental 21887
agreement. 21888
- (F) "Dwelling unit" means a structure or the part of a 21889
structure that is used as a home, residence, or sleeping place 21890
by one person who maintains a household or by two or more 21891

persons who maintain a common household. 21892

(G) "Controlled substance" has the same meaning as in 21893
section 3719.01 of the Revised Code. 21894

(H) "Student tenant" means a person who occupies a 21895
dwelling unit owned or operated by the college or university at 21896
which the person is a student, and who has a rental agreement 21897
that is contingent upon the person's status as a student. 21898

(I) "Recreational vehicle park," "recreation camp," 21899
"combined park-camp," and "temporary park-camp" have the same 21900
meanings as in section 3729.01 of the Revised Code. 21901

(J) "Community control sanction" has the same meaning as 21902
in section 2929.01 of the Revised Code. 21903

(K) "Post-release control sanction" has the same meaning 21904
as in section 2967.01 of the Revised Code. 21905

(L) "School premises" has the same meaning as in section 21906
2925.01 of the Revised Code. 21907

(M) "Sexually oriented offense" and "child-victim oriented 21908
offense" have the same meanings as in section 2950.01 of the 21909
Revised Code. 21910

(N) "Preschool or child day-care center premises" has the 21911
same meaning as in section 2950.034 of the Revised Code. 21912

Sec. 5501.05. Moneys appropriated to the department of 21913
transportation and derived from fees, excises, or license taxes 21914
relating to the registration, operation, or use of vehicles on 21915
public highways, or to fuels used for propelling such vehicle, 21916
shall not be expended for any purpose other than as provided in 21917
Section 5a of Article XII, Ohio Constitution, and such moneys 21918
may be expended only for expenses directly chargeable to the 21919

purposes set forth in such section. The director of 21920
transportation may make rules facilitating, to the extent 21921
practical under the circumstances, the use of public 21922
transportation systems and aviation systems by ~~the~~ 21923
handicapped persons with disabilities. 21924

Sec. 5501.07. In addition to those duties, powers, and 21925
functions the director of transportation assigns to it, the 21926
office of transit: 21927

(A) May issue grants from any public transportation grant 21928
appropriation to county transit boards, regional transit 21929
authorities, regional transit commissions, counties, municipal 21930
corporations, and private nonprofit organizations that operate 21931
or will operate a public transportation system. 21932

The director shall establish criteria for the distribution 21933
of such grants. These criteria may include and the director may 21934
consider each of the following: 21935

(1) The degree to which comprehensive regional 21936
transportation planning goals may be attained through a program 21937
for which a grant will be used; 21938

(2) The amount of local financial or other support of 21939
public transportation operations and facilities affected by the 21940
program; 21941

(3) The levels of existing service and fare; 21942

(4) The degree to which the proposed plan demonstrates 21943
approaches of potential value to other local transit boards, 21944
authorities, commissions, counties, municipal corporations, and 21945
private nonprofit organizations operating public transportation 21946
systems; 21947

(5) The degree to which the grant applicant will use state 21948
and local funds to match a federal grant; 21949

(6) Such other factors as the director determines. 21950

Any criteria established by the director for the 21951
distribution of such grants shall be consistent with the 21952
requirements of the United States department of transportation, 21953
or any administration in the department, including, but not 21954
limited to, the federal transit administration. The director may 21955
designate in the criteria certain dates after which applications 21956
for specified portions of the appropriations made for this 21957
purpose will not be accepted. 21958

(B) May issue grants from any elderly and ~~handicapped-~~ 21959
disabled transit fare assistance grant appropriation to county 21960
transit boards, regional transit authorities, regional transit 21961
commissions, counties, municipal corporations, and private 21962
nonprofit organizations that operate or will operate public 21963
transportation systems for the purpose of reducing the transit 21964
or paratransit fares of elderly or ~~handicapped-~~disabled persons. 21965
The director shall establish criteria for the distribution of 21966
such grants. 21967

(C) May administer provisions of federal public 21968
transportation acts or programs applicable within the state, 21969
pursuant to an agreement entered into by the director with an 21970
appropriate official of the federal agency responsible for 21971
implementation of the federal acts or programs. The federal acts 21972
or programs shall include, but are not limited to, programs 21973
authorized under the "Act of July 5, 1994," 108 Stat. 785, 49 21974
U.S.C.A. 5301, as amended. 21975

(D) Shall furnish, upon request and within the limits of 21976

appropriated funds, guidance in technical or policy matters to a 21977
county transit board, regional transit authority, regional 21978
transit commission, county, municipal corporation, or private 21979
nonprofit organization that operates or proposes to operate a 21980
public transportation system, and provide assistance and liaison 21981
in the preparation and submission of applications for federal 21982
and state funds; 21983

(E) May apply for and accept grants or loans from any 21984
federal agency for the purpose of providing for the development 21985
or improvement of public transportation facilities or for the 21986
coordination of any activities related to the development or 21987
improvement of such facilities, and may provide any 21988
consideration from any public transportation grant appropriation 21989
and enter into any contracts that may be required in order to 21990
obtain such grants or loans from a federal agency. 21991

Sec. 5515.08. (A) The department of transportation may 21992
contract to sell commercial advertising space within or on the 21993
outside surfaces of any building located within a roadside rest 21994
area under its jurisdiction in exchange for cash payment. Money 21995
the department receives under this section shall be deposited in 21996
the state treasury to the credit of the highway operating fund. 21997

(B) Advertising placed under this section shall comply 21998
with all of the following: 21999

(1) It shall not be libelous or obscene and shall not 22000
promote any illegal product or service. 22001

(2) It shall not promote illegal discrimination on the 22002
basis of the race, religion, national origin, 22003
~~handicap~~disability, age, or ancestry of any person. 22004

(3) It shall not support or oppose any candidate for 22005

political office or any political cause, issue, or organization. 22006

(4) It shall comply with any controlling federal or state 22007
regulations or restrictions. 22008

(5) To the extent physically and technically practical, it 22009
shall state that the advertisement is a paid commercial 22010
advertisement and that the state does not endorse the product or 22011
service promoted by the advertisement or make any representation 22012
about the accuracy of the advertisement or the quality or 22013
performance of the product or service promoted by the 22014
advertisement. 22015

(6) It shall conform to all applicable rules adopted by 22016
the director of transportation under division (E) of this 22017
section. 22018

(C) Contracts entered into under this section shall be 22019
awarded only to the qualified bidder who submits the highest 22020
responsive bid or according to uniformly applied rate classes. 22021

(D) No person, except an advertiser alleging a breach of 22022
contract or the improper awarding of a contract, has a cause of 22023
action against the state with respect to any contract or 22024
advertising authorized by this section. Under no circumstances 22025
is the state liable for consequential or noneconomic damages 22026
with respect to any contract or advertising authorized under 22027
this section. 22028

(E) The director, in accordance with Chapter 119. of the 22029
Revised Code, shall adopt rules to implement this section. The 22030
rules shall be consistent with the policy of protecting the 22031
safety of the traveling public and consistent with the national 22032
policy governing the use and control of such roadside rest 22033
areas. The rules shall regulate the awarding of contracts and 22034

may regulate the content, display, and other aspects of the 22035
commercial advertising authorized by this section. 22036

Sec. 5531.12. (A) In order to remove present and 22037
anticipated ~~handicaps~~impediments and potential hazards on the 22038
highways in this state, to facilitate vehicular traffic 22039
throughout the state, to promote the agricultural, commercial, 22040
recreational, tourism, and industrial development of the state, 22041
and to provide for the general welfare of its citizens, the 22042
director of transportation may approve toll projects. Any 22043
revenue derived from toll projects shall be used only for 22044
purposes of the toll project, including a toll project or any 22045
aspect of a toll project pursuant to a public-private agreement 22046
authorized by sections 5501.70 to 5501.83 of the Revised Code, 22047
and shall not be expended for any purpose other than as provided 22048
in Section 5a of Article XII, Ohio Constitution. The toll 22049
projects authorized by sections 5531.11 to 5531.18 of the 22050
Revised Code are part of the state highway system. 22051

(B) Any toll project shall be developed and submitted for 22052
selection in accordance with the policies and procedures of the 22053
selection process of the transportation review advisory council, 22054
created under Chapter 5512. of the Revised Code. Each toll 22055
project may be separately designated, by name or number, and may 22056
be constructed, improved, or reconstructed as the department of 22057
transportation may from time to time determine pursuant to 22058
sections 5531.11 to 5531.18 of the Revised Code. A toll project 22059
shall be considered a state infrastructure project as defined in 22060
section 5531.10 of the Revised Code for all purposes of that 22061
section and section 5531.09 of the Revised Code and also is a 22062
transportation facility as defined in section 5501.01 of the 22063
Revised Code. 22064

(C) (1) Nothing in this chapter shall be construed to 22065
permit user fees to be charged on existing nontoll public roads. 22066

(2) Division (C) (1) of this section does not apply to a 22067
toll project as described in division (N) (4) of section 5531.11 22068
of the Revised Code. 22069

Sec. 5537.03. In order to remove present and anticipated 22070
~~handicaps~~impediments and potential hazards on the congested 22071
highways in this state, to facilitate vehicular traffic 22072
throughout the state, to finance infrastructure projects that 22073
improve and enhance mobility in Ohio, and also to promote the 22074
agricultural, recreational, tourism, and commercial, industrial, 22075
and economic development of the state, and to provide for the 22076
general welfare by the construction, improvement, and 22077
maintenance of modern express highways embodying safety devices, 22078
including without limitation center divisions, ample shoulder 22079
widths, long sight distances, multiple lanes in each direction, 22080
and grade separations at intersections with other public roads 22081
and railroads, the Ohio turnpike and infrastructure commission 22082
may do the following: 22083

(A) Subject to section 5537.26 of the Revised Code, 22084
construct, maintain, repair, and operate a system of turnpike 22085
projects at locations that are reviewed by the turnpike 22086
legislative review committee and approved by the governor, and 22087
in accordance with alignment and design standards that are 22088
approved by the director of transportation, and issue revenue 22089
bonds of this state, payable solely from pledged revenues, to 22090
pay the cost of those projects. The turnpikes and turnpike 22091
projects authorized by this chapter are hereby or shall be made 22092
part of the Ohio turnpike system. 22093

(B) Provide the infrastructure funds to pay the cost or a 22094

portion of the cost of infrastructure projects as recommended by 22095
the director of transportation pursuant to a determination made 22096
by the commission based on criteria set forth in rules adopted 22097
by the commission under section 5537.18 of the Revised Code. A 22098
determination by the commission to provide infrastructure funds 22099
for an infrastructure project shall be conclusive and 22100
incontestable. 22101

Sec. 5709.45. (A) As used in sections 5709.45 to 5709.47 22102
of the Revised Code: 22103

(1) "Downtown redevelopment district" or "district" means 22104
an area not more than ten acres enclosed by a continuous 22105
boundary in which at least one historic building is being, or 22106
will be, rehabilitated. 22107

(2) "Historic building" and "rehabilitation" have the same 22108
meanings as in section 149.311 of the Revised Code. 22109

(3) "Public infrastructure improvement" has the same 22110
meaning as in section 5709.40 of the Revised Code. 22111

(4) "Improvement" means the increase in the assessed value 22112
of real property that would first appear on the tax list after 22113
the effective date of an ordinance adopted under this section 22114
were it not for the exemption granted by the ordinance. 22115

(5) "Innovation district" means an area located entirely 22116
within a downtown redevelopment district, enclosed by a 22117
continuous boundary, and equipped with a high-speed broadband 22118
network capable of download speeds of at least one hundred 22119
gigabits per second. 22120

(6) "Qualified business" means a business primarily 22121
engaged, or primarily organized to engage, in a trade or 22122
business that involves research and development, technology 22123

transfer, bio-technology, information technology, or the 22124
application of new technology developed through research and 22125
development or acquired through technology transfer. 22126

(7) "Information technology" means the branch of 22127
technology devoted to the study and application of data and the 22128
processing thereof; the automatic acquisition, storage, 22129
manipulation or transformation, management, movement, control, 22130
display, switching, interchange, transmission or reception of 22131
data, and the development or use of hardware, software, 22132
firmware, and procedures associated with this processing. 22133
"Information technology" includes matters concerned with the 22134
furtherance of computer science and technology, design, 22135
development, installation, and implementation of information 22136
systems and applications that in turn will be licensed or sold 22137
to a specific target market. "Information technology" does not 22138
include the creation of a distribution method for existing 22139
products and services. 22140

(8) "Research and development" means designing, creating, 22141
or formulating new or enhanced products, equipment, or 22142
processes, and conducting scientific or technological inquiry 22143
and experimentation in the physical sciences with the goal of 22144
increasing scientific knowledge that may reveal the bases for 22145
new or enhanced products, equipment, or processes. 22146

(9) "Technology transfer" means the transfer of technology 22147
from one sector of the economy to another, including the 22148
transfer of military technology to civilian applications, 22149
civilian technology to military applications, or technology from 22150
public or private research laboratories to military or civilian 22151
applications. 22152

(B) For the purposes of promoting rehabilitation of 22153

historic buildings, creating jobs, and encouraging economic 22154
development in commercial and mixed-use commercial and 22155
residential areas, and for the purpose of funding transportation 22156
improvements that will benefit such areas, the legislative 22157
authority of a municipal corporation may adopt an ordinance 22158
creating a downtown redevelopment district and declaring 22159
improvements to parcels within the district to be a public 22160
purpose and exempt from taxation. Downtown redevelopment 22161
districts shall not be created in areas used exclusively for 22162
residential purposes and shall not be utilized for development 22163
or redevelopment of residential areas. 22164

The ordinance shall specify all of the following: 22165

(1) The boundary of the district; 22166

(2) The county treasurer's permanent parcel number 22167
associated with each parcel included in the district; 22168

(3) The parcel or parcels within the district that include 22169
a historic building that is being or will be rehabilitated; 22170

(4) The proposed life of the district; 22171

(5) An economic development plan for the district that 22172
includes all of the following: 22173

(a) A statement describing the principal purposes and 22174
goals to be served by creating the district; 22175

(b) An explanation of how the municipal corporation will 22176
collaborate with businesses and property owners within the 22177
district to develop strategies for achieving such purposes and 22178
goals; 22179

(c) A plan for using the service payments provided for in 22180
section 5709.46 of the Revised Code to promote economic 22181

development and job creation within the district. 22182

Not more than seventy per cent of improvements to parcels 22183
within a downtown redevelopment district may be exempted from 22184
taxation under this section. A district may not include a parcel 22185
that is exempted from taxation under this section or section 22186
5709.40 or 5709.41 of the Revised Code on the effective date of 22187
the ordinance. Except as provided in division (F) of this 22188
section, the life of a downtown redevelopment district shall not 22189
exceed ten years. 22190

A municipal corporation may adopt more than one ordinance 22191
under division (B) of this section. A single such ordinance may 22192
create more than one downtown redevelopment district. 22193

(C) For the purposes of attracting and facilitating growth 22194
of qualified businesses and supporting the economic development 22195
efforts of business incubators and accelerators, the legislative 22196
authority of a municipal corporation may designate an innovation 22197
district within a proposed or existing downtown redevelopment 22198
district. The life of the innovation district shall be identical 22199
to the downtown redevelopment district in which the innovation 22200
district is located. In addition to the requirements in division 22201
(B) of this section, an ordinance creating a downtown 22202
redemption district that includes an innovation district 22203
shall specify all of the following: 22204

(1) The boundary of the innovation district; 22205

(2) The permanent parcel number associated with each 22206
parcel included in the innovation district; 22207

(3) An economic development plan for the innovation 22208
district that meets the criteria prescribed by division (B) (5) 22209
of this section. 22210

(D) At least thirty days before adopting an ordinance 22211
under division (B) of this section, the legislative authority of 22212
the municipal corporation shall conduct a public hearing on the 22213
proposed ordinance and the accompanying economic development 22214
plan. At least thirty days before the public hearing, the 22215
legislative authority shall give notice of the public hearing 22216
and the proposed ordinance by first class mail to every real 22217
property owner whose property is located within the boundaries 22218
of the proposed district that is the subject of the proposed 22219
ordinance. 22220

(E) Revenue derived from downtown redevelopment district 22221
service payments may be used by the municipal corporation for 22222
any of the following purposes: 22223

(1) To finance or support loans, deferred loans, or grants 22224
to owners of historic buildings within the downtown 22225
redevelopment district. Such loans or grants shall be awarded 22226
upon the condition that the loan or grant amount may be used by 22227
the owner only to rehabilitate the historic building. A 22228
municipal corporation that awards a loan or grant under this 22229
division shall develop a plan for tracking the loan or grant 22230
recipient's use of the loan or grant and monitoring the progress 22231
of the recipient's rehabilitation project. 22232

(2) To make contributions to a special improvement 22233
district for use under section 1710.14 of the Revised Code, to a 22234
community improvement corporation for use under section 1724.12 22235
of the Revised Code, or to a nonprofit corporation, as defined 22236
in section 1702.01 of the Revised Code, the primary purpose of 22237
which is redeveloping historic buildings and historic districts 22238
for use by the corporation to rehabilitate a historic building 22239
within the downtown redevelopment district or to otherwise 22240

promote or enhance the district. Amounts contributed under 22241
division (E) (2) of this section shall not exceed the property 22242
tax revenue that would have been generated by twenty per cent of 22243
the assessed value of the exempted improvements within the 22244
downtown redevelopment district. 22245

(3) To finance or support loans to owners of one or more 22246
buildings located within the district that do not qualify as 22247
historic buildings. Such loans shall be awarded upon the 22248
condition that the loan amount may be used by the owner only to 22249
make repairs and improvements to the building or buildings. A 22250
municipal corporation that awards a loan under this division 22251
shall develop a plan for tracking the loan recipient's use of 22252
the loan and monitoring the progress of the recipient's repairs 22253
or improvements. 22254

(4) To finance public infrastructure improvements within 22255
the downtown redevelopment district. If revenue generated by the 22256
downtown redevelopment district will be used to finance public 22257
infrastructure improvements, the economic development plan 22258
described by division (B) (5) of this section shall identify 22259
specific projects that are being or will be undertaken within 22260
the district and describe how such infrastructure improvements 22261
will accommodate additional demands on the existing 22262
infrastructure within the district. A municipal corporation 22263
shall not use service payments derived from a downtown 22264
redevelopment district to repair or replace police or fire 22265
equipment. 22266

(5) To finance or support loans, deferred loans, or grants 22267
to qualified businesses or to incubators and accelerators that 22268
provide services and capital to qualified businesses within an 22269
innovation district. Such loans or grants shall be awarded upon 22270

the condition that the loan or grant shall be used by the 22271
recipient to start or develop one or more qualified businesses 22272
within the innovation district. A municipal corporation that 22273
awards a loan or grant under this division shall develop a plan 22274
for tracking the loan or grant recipient's use of the loan or 22275
grant and monitoring the establishment and growth of the 22276
qualified business. 22277

(F) Notwithstanding division (B) of this section, 22278
improvements to parcels located within a downtown redevelopment 22279
district may be exempted from taxation under this section for up 22280
to thirty years if either of the following apply: 22281

(1) The ordinance creating the redevelopment district 22282
specifies that payments in lieu of taxes shall be paid to the 22283
city, local, or exempted village, and joint vocational school 22284
district or districts in which the redevelopment district is 22285
located in the amount of the taxes that would have been payable 22286
to the school district or districts if the improvements had not 22287
been exempted from taxation. 22288

(2) The municipal corporation creating the district 22289
obtains the approval under division (G) of this section of the 22290
board of education of each city, local, and exempted village 22291
school district within which the district will be located. 22292

(G) (1) The legislative authority of a municipal 22293
corporation seeking the approval of a school district for the 22294
purpose of division (G) (2) of this section shall send notice of 22295
the proposed ordinance to the school district not later than 22296
forty-five business days before it intends to adopt the 22297
ordinance. The notice shall include a copy of the proposed 22298
ordinance and shall indicate the date on which the legislative 22299
authority intends to adopt the ordinance. The board of education 22300

of the school district, by resolution adopted by a majority of the board, may do any of the following:

(a) Approve the exemption for the number of years specified in the proposed ordinance;

(b) Disapprove the exemption for the number of years in excess of ten;

(c) Approve the exemption on the condition that the legislative authority and the board negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or other mutually agreeable compensation. If an agreement is negotiated under this division, the legislative authority shall compensate all joint vocational school districts within which the downtown redevelopment district is located at the same rate and under the same terms received by the city, local, or exempted village school district.

(2) The board of education shall certify a resolution adopted under division (G) (1) of this section to the legislative authority of the municipal corporation not later than fourteen days before the date the legislative authority intends to adopt the ordinance as indicated in the notice. If the board of education approves the ordinance or negotiates a mutually acceptable compensation agreement with the legislative authority, the legislative authority may enact the ordinance in its current form. If the board disapproves of the ordinance and fails to negotiate a mutually acceptable compensation agreement with the legislative authority, the legislative authority may exempt improvements to parcels within the downtown redevelopment district for not more than ten years. If the board fails to

certify a resolution to the legislative authority within the 22331
time prescribed by this division, the legislative authority may 22332
adopt the ordinance and may exempt improvements to parcels 22333
within the downtown redevelopment district for the period of 22334
time specified in the notice delivered to the board of 22335
education. The legislative authority may adopt the ordinance at 22336
any time after the board of education certifies its resolution 22337
approving the exemption to the legislative authority or, if the 22338
board approves the exemption on the condition that a mutually 22339
acceptable compensation agreement be negotiated, at any time 22340
after the compensation agreement is agreed to by the board and 22341
the legislative authority. 22342

(3) If a board of education has adopted a resolution 22343
waiving its right to approve exemptions from taxation under this 22344
section and the resolution remains in effect, approval of 22345
exemptions by the board is not required under division (G) of 22346
this section. If a board of education has adopted a resolution 22347
allowing a legislative authority to deliver the notice required 22348
under division (G) (1) of this section fewer than forty-five 22349
business days before the legislative authority's adoption of the 22350
ordinance, the legislative authority shall deliver the notice to 22351
the board not later than the number of days before such adoption 22352
as prescribed by the board in its resolution. If a board of 22353
education adopts a resolution waiving its right to approve 22354
agreements or shortening the notification period, the board 22355
shall certify a copy of the resolution to the legislative 22356
authority. If the board of education rescinds such a resolution, 22357
it shall certify notice of the rescission to the legislative 22358
authority. 22359

(4) If the legislative authority is not required by 22360
division (G) of this section to notify the board of education of 22361

the legislative authority's intent to create a downtown 22362
redevelopment district, the legislative authority shall comply 22363
with the notice requirements imposed under section 5709.83 of 22364
the Revised Code, unless the board has adopted a resolution 22365
under that section waiving its right to receive such a notice. 22366

(H) Service payments in lieu of taxes that are 22367
attributable to any amount by which the effective tax rate of 22368
either a renewal levy with an increase or a replacement levy 22369
exceeds the effective tax rate of the levy renewed or replaced, 22370
or that are attributable to an additional levy, for a levy 22371
authorized by the voters for any of the following purposes on or 22372
after January 1, 2006, and which are provided pursuant to an 22373
ordinance creating a downtown redevelopment district under 22374
division (B) of this section shall be distributed to the 22375
appropriate taxing authority as required under division (C) of 22376
section 5709.46 of the Revised Code in an amount equal to the 22377
amount of taxes from that additional levy or from the increase 22378
in the effective tax rate of such renewal or replacement levy 22379
that would have been payable to that taxing authority from the 22380
following levies were it not for the exemption authorized under 22381
division (B) of this section: 22382

(1) A tax levied under division (L) of section 5705.19 or 22383
section 5705.191 of the Revised Code for community ~~mental~~ 22384
~~retardation and~~ developmental disabilities programs and services 22385
pursuant to Chapter 5126. of the Revised Code; 22386

(2) A tax levied under division (Y) of section 5705.19 of 22387
the Revised Code for providing or maintaining senior citizens 22388
services or facilities; 22389

(3) A tax levied under section 5705.22 of the Revised Code 22390
for county hospitals; 22391

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;	22392 22393 22394 22395
(5) A tax levied under section 5705.23 of the Revised Code for library purposes;	22396 22397
(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	22398 22399 22400
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	22401 22402 22403 22404
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	22405 22406 22407
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	22408 22409 22410 22411
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	22412 22413
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;	22414 22415 22416 22417 22418
(12) A tax levied under section 3709.29 of the Revised	22419

Code for a general health district program. 22420

(I) An exemption from taxation granted under this section 22421
commences with the tax year specified in the ordinance so long 22422
as the year specified in the ordinance commences after the 22423
effective date of the ordinance. If the ordinance specifies a 22424
year commencing before the effective date of the ordinance or 22425
specifies no year whatsoever, the exemption commences with the 22426
tax year in which an exempted improvement first appears on the 22427
tax list and that commences after the effective date of the 22428
ordinance. In lieu of stating a specific year, the ordinance may 22429
provide that the exemption commences in the tax year in which 22430
the value of an improvement exceeds a specified amount or in 22431
which the construction of one or more improvements is completed, 22432
provided that such tax year commences after the effective date 22433
of the ordinance. 22434

Except as otherwise provided in this division, the 22435
exemption ends on the date specified in the ordinance as the 22436
date the improvement ceases to be a public purpose or the 22437
downtown redevelopment district expires, whichever occurs first. 22438
The exemption of an improvement within a downtown redevelopment 22439
district may end on a later date, as specified in the ordinance, 22440
if the legislative authority and the board of education of the 22441
city, local, or exempted village school district within which 22442
the parcel or district is located have entered into a 22443
compensation agreement under section 5709.82 of the Revised Code 22444
with respect to the improvement, and the board of education has 22445
approved the term of the exemption under division (G) of this 22446
section, but in no case shall the improvement be exempted from 22447
taxation for more than thirty years. Exemptions shall be claimed 22448
and allowed in the same manner as in the case of other real 22449
property exemptions. If an exemption status changes during a 22450

year, the procedure for the apportionment of the taxes for that 22451
year is the same as in the case of other changes in tax 22452
exemption status during the year. 22453

(J) Additional municipal financing of the projects and 22454
services described in division (E) of this section may be 22455
provided by any methods that the municipal corporation may 22456
otherwise use for financing such projects and services. If the 22457
municipal corporation issues bonds or notes to finance such 22458
projects and services and pledges money from the municipal 22459
downtown redevelopment district fund to pay the interest on and 22460
principal of the bonds or notes, the bonds or notes are not 22461
subject to Chapter 133. of the Revised Code. 22462

(K) The municipal corporation, not later than fifteen days 22463
after the adoption of an ordinance under this section, shall 22464
submit to the director of development services a copy of the 22465
ordinance. On or before the thirty-first day of March of each 22466
year, the municipal corporation shall submit a status report to 22467
the director of development services. The report shall indicate, 22468
in the manner prescribed by the director, the progress of the 22469
projects and services during each year that an exemption remains 22470
in effect, including a summary of the receipts from service 22471
payments in lieu of taxes; expenditures of money from the funds 22472
created under section 5709.47 of the Revised Code; a description 22473
of the projects and services financed with such expenditures; 22474
and a quantitative summary of changes in employment and private 22475
investment resulting from each project and service. 22476

(L) Nothing in this section shall be construed to prohibit 22477
a legislative authority from declaring to be a public purpose 22478
improvements with respect to more than one parcel. 22479

(M) (1) The owner of real property located in a downtown 22480

redevelopment district may enter into an agreement with the 22481
municipal corporation that created the district to impose a 22482
redevelopment charge on the property to cover all or part of the 22483
cost of services, facilities, and improvements provided within 22484
the district under division (E) of this section. The agreement 22485
shall include the following: 22486

(a) The amount of the redevelopment charge. The 22487
redevelopment charge may be a fixed dollar amount or an amount 22488
determined on the basis of the assessed valuation of the 22489
property or all or part of the profits, gross receipts, or other 22490
revenues of a business operating on the property, including 22491
rentals received from leases of the property. If the property is 22492
leased to one or more tenants, the redevelopment charge may be 22493
itemized as part of the lease rate. 22494

(b) The termination date of the redevelopment charge. The 22495
redevelopment charge shall not be charged after the expiration 22496
or termination of the downtown redevelopment district. 22497

(c) The terms by which the municipal corporation shall 22498
collect the redevelopment charge. 22499

(d) The purposes for which the redevelopment charge may be 22500
used by the municipal corporation. The redevelopment charge 22501
shall be used only for those purposes described by division (E) 22502
of this section. The agreement may specify any or all of such 22503
purposes. 22504

(2) Redevelopment charges collected by a municipal 22505
corporation under division (M) of this section shall be 22506
deposited to the municipal downtown redevelopment district fund 22507
created under section 5709.47 of the Revised Code. 22508

(3) An agreement by a property owner under division (M) of 22509

this section is hereby deemed to be a covenant running with the 22510
land. The covenant is fully binding on behalf of and enforceable 22511
by the municipal corporation against any person acquiring an 22512
interest in the land and all of that person's successors and 22513
assigns. 22514

(4) No purchase agreement for real estate or any interest 22515
in real estate upon which a redevelopment charge is levied shall 22516
be enforceable by the seller or binding upon the purchaser 22517
unless the purchase agreement specifically refers to the 22518
redevelopment charge. If a conveyance of such real estate or 22519
interest in such real estate is made pursuant to a purchase 22520
agreement that does not make such reference, the redevelopment 22521
charge shall continue to be a covenant running with the land 22522
fully binding on behalf of and enforceable by the municipal 22523
corporation against the person accepting the conveyance pursuant 22524
to the purchase agreement. 22525

(5) If a redevelopment charge is not paid when due, the 22526
overdue amount shall be collected according to the terms of the 22527
agreement. If the agreement does not specify a procedure for 22528
collecting overdue redevelopment charges, the municipal 22529
corporation may certify the charge to the county auditor. The 22530
county auditor shall enter the unpaid charge on the tax list and 22531
duplicate of real property opposite the parcel against which it 22532
is charged and certify the charge to the county treasurer. The 22533
unpaid redevelopment charge is a lien on property against which 22534
it is charged from the date the charge is entered on the tax 22535
list, and shall be collected in the manner provided for the 22536
collection of real property taxes. Once the charge is collected, 22537
it shall be paid immediately to the municipal corporation. 22538

Sec. 5733.04. As used in this chapter: 22539

(A) "Issued and outstanding shares of stock" applies to 22540
nonprofit corporations, as provided in section 5733.01 of the 22541
Revised Code, and includes, but is not limited to, membership 22542
certificates and other instruments evidencing ownership of an 22543
interest in such nonprofit corporations, and with respect to a 22544
financial institution that does not have capital stock, "issued 22545
and outstanding shares of stock" includes, but is not limited 22546
to, ownership interests of depositors in the capital employed in 22547
such an institution. 22548

(B) "Taxpayer" means a corporation subject to the tax 22549
imposed by section 5733.06 of the Revised Code. 22550

(C) "Resident" means a corporation organized under the 22551
laws of this state. 22552

(D) "Commercial domicile" means the principal place from 22553
which the trade or business of the taxpayer is directed or 22554
managed. 22555

(E) "Taxable year" means the period prescribed by division 22556
(A) of section 5733.031 of the Revised Code upon the net income 22557
of which the value of the taxpayer's issued and outstanding 22558
shares of stock is determined under division (B) of section 22559
5733.05 of the Revised Code or the period prescribed by division 22560
(A) of section 5733.031 of the Revised Code that immediately 22561
precedes the date as of which the total value of the corporation 22562
is determined under division (A) or (C) of section 5733.05 of 22563
the Revised Code. 22564

(F) "Tax year" means the calendar year in and for which 22565
the tax imposed by section 5733.06 of the Revised Code is 22566
required to be paid. 22567

(G) "Internal Revenue Code" means the "Internal Revenue 22568

Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 22569

(H) "Federal income tax" means the income tax imposed by 22570
the Internal Revenue Code. 22571

(I) Except as provided in section 5733.058 of the Revised 22572
Code, "net income" means the taxpayer's taxable income before 22573
operating loss deduction and special deductions, as required to 22574
be reported for the taxpayer's taxable year under the Internal 22575
Revenue Code, subject to the following adjustments: 22576

(1) (a) Deduct any net operating loss incurred in any 22577
taxable years ending in 1971 or thereafter, but exclusive of any 22578
net operating loss incurred in taxable years ending prior to 22579
January 1, 1971. This deduction shall not be allowed in any tax 22580
year commencing before December 31, 1973, but shall be carried 22581
over and allowed in tax years commencing after December 31, 22582
1973, until fully utilized in the next succeeding taxable year 22583
or years in which the taxpayer has net income, but in no case 22584
for more than the designated carryover period as described in 22585
division (I) (1) (b) of this section. The amount of such net 22586
operating loss, as determined under the allocation and 22587
apportionment provisions of section 5733.051 and division (B) of 22588
section 5733.05 of the Revised Code for the year in which the 22589
net operating loss occurs, shall be deducted from net income, as 22590
determined under the allocation and apportionment provisions of 22591
section 5733.051 and division (B) of section 5733.05 of the 22592
Revised Code, to the extent necessary to reduce net income to 22593
zero with the remaining unused portion of the deduction, if any, 22594
carried forward to the remaining years of the designated 22595
carryover period as described in division (I) (1) (b) of this 22596
section, or until fully utilized, whichever occurs first. 22597

(b) For losses incurred in taxable years ending on or 22598

before December 31, 1981, the designated carryover period shall 22599
be the five consecutive taxable years after the taxable year in 22600
which the net operating loss occurred. For losses incurred in 22601
taxable years ending on or after January 1, 1982, and beginning 22602
before August 6, 1997, the designated carryover period shall be 22603
the fifteen consecutive taxable years after the taxable year in 22604
which the net operating loss occurs. For losses incurred in 22605
taxable years beginning on or after August 6, 1997, the 22606
designated carryover period shall be the twenty consecutive 22607
taxable years after the taxable year in which the net operating 22608
loss occurs. 22609

(c) The tax commissioner may require a taxpayer to furnish 22610
any information necessary to support a claim for deduction under 22611
division (I)(1)(a) of this section and no deduction shall be 22612
allowed unless the information is furnished. 22613

(2) Deduct any amount included in net income by 22614
application of section 78 or 951 of the Internal Revenue Code, 22615
amounts received for royalties, technical or other services 22616
derived from sources outside the United States, and dividends 22617
received from a subsidiary, associate, or affiliated corporation 22618
that neither transacts any substantial portion of its business 22619
nor regularly maintains any substantial portion of its assets 22620
within the United States. For purposes of determining net 22621
foreign source income deductible under division (I)(2) of this 22622
section, the amount of gross income from all such sources other 22623
than dividend income and income derived by application of 22624
section 78 or 951 of the Internal Revenue Code shall be reduced 22625
by: 22626

(a) The amount of any reimbursed expenses for personal 22627
services performed by employees of the taxpayer for the 22628

subsidiary, associate, or affiliated corporation; 22629

(b) Ten per cent of the amount of royalty income and 22630
technical assistance fees; 22631

(c) Fifteen per cent of the amount of all other income. 22632

The amounts described in divisions (I) (2) (a) to (c) of 22633
this section are deemed to be the expenses attributable to the 22634
production of deductible foreign source income unless the 22635
taxpayer shows, by clear and convincing evidence, less actual 22636
expenses, or the tax commissioner shows, by clear and convincing 22637
evidence, more actual expenses. 22638

(3) Add any loss or deduct any gain resulting from the 22639
sale, exchange, or other disposition of a capital asset, or an 22640
asset described in section 1231 of the Internal Revenue Code, to 22641
the extent that such loss or gain occurred prior to the first 22642
taxable year on which the tax provided for in section 5733.06 of 22643
the Revised Code is computed on the corporation's net income. 22644
For purposes of division (I) (3) of this section, the amount of 22645
the prior loss or gain shall be measured by the difference 22646
between the original cost or other basis of the asset and the 22647
fair market value as of the beginning of the first taxable year 22648
on which the tax provided for in section 5733.06 of the Revised 22649
Code is computed on the corporation's net income. At the option 22650
of the taxpayer, the amount of the prior loss or gain may be a 22651
percentage of the gain or loss, which percentage shall be 22652
determined by multiplying the gain or loss by a fraction, the 22653
numerator of which is the number of months from the acquisition 22654
of the asset to the beginning of the first taxable year on which 22655
the fee provided in section 5733.06 of the Revised Code is 22656
computed on the corporation's net income, and the denominator of 22657
which is the number of months from the acquisition of the asset 22658

to the sale, exchange, or other disposition of the asset. The 22659
adjustments described in this division do not apply to any gain 22660
or loss where the gain or loss is recognized by a qualifying 22661
taxpayer, as defined in section 5733.0510 of the Revised Code, 22662
with respect to a qualifying taxable event, as defined in that 22663
section. 22664

(4) Deduct the dividend received deduction provided by 22665
section 243 of the Internal Revenue Code. 22666

(5) Deduct any interest or interest equivalent on public 22667
obligations and purchase obligations to the extent included in 22668
federal taxable income. As used in divisions (I) (5) and (6) of 22669
this section, "public obligations," "purchase obligations," and 22670
"interest or interest equivalent" have the same meanings as in 22671
section 5709.76 of the Revised Code. 22672

(6) Add any loss or deduct any gain resulting from the 22673
sale, exchange, or other disposition of public obligations to 22674
the extent included in federal taxable income. 22675

(7) To the extent not otherwise allowed, deduct any 22676
dividends or distributions received by a taxpayer from a public 22677
utility, excluding an electric company and a combined company, 22678
and, for tax years 2005 and thereafter, a telephone company, if 22679
the taxpayer owns at least eighty per cent of the issued and 22680
outstanding common stock of the public utility. As used in 22681
division (I) (7) of this section, "public utility" means a public 22682
utility as defined in Chapter 5727. of the Revised Code, whether 22683
or not the public utility is doing business in the state. 22684

(8) To the extent not otherwise allowed, deduct any 22685
dividends received by a taxpayer from an insurance company, if 22686
the taxpayer owns at least eighty per cent of the issued and 22687

outstanding common stock of the insurance company. As used in 22688
division (I)(8) of this section, "insurance company" means an 22689
insurance company that is taxable under Chapter 5725. or 5729. 22690
of the Revised Code. 22691

(9) Deduct expenditures for modifying existing buildings 22692
or structures to meet American national standards institute 22693
standard A-117.1-1961 (R-1971), as amended; provided, that no 22694
deduction shall be allowed to the extent that such deduction is 22695
not permitted under federal law or under rules of the tax 22696
commissioner. Those deductions as are allowed may be taken over 22697
a period of five years. The tax commissioner shall adopt rules 22698
under Chapter 119. of the Revised Code establishing reasonable 22699
limitations on the extent that expenditures for modifying 22700
existing buildings or structures are attributable to the purpose 22701
of making the buildings or structures accessible to and usable 22702
by ~~physically handicapped persons~~ with physical disabilities. 22703

(10) Deduct the amount of wages and salaries, if any, not 22704
otherwise allowable as a deduction but that would have been 22705
allowable as a deduction in computing federal taxable income 22706
before operating loss deduction and special deductions for the 22707
taxable year, had the targeted jobs credit allowed and 22708
determined under sections 38, 51, and 52 of the Internal Revenue 22709
Code not been in effect. 22710

(11) Deduct net interest income on obligations of the 22711
United States and its territories and possessions or of any 22712
authority, commission, or instrumentality of the United States 22713
to the extent the laws of the United States prohibit inclusion 22714
of the net interest for purposes of determining the value of the 22715
taxpayer's issued and outstanding shares of stock under division 22716
(B) of section 5733.05 of the Revised Code. As used in division 22717

(I) (11) of this section, "net interest" means interest net of 22718
any expenses taken on the federal income tax return that would 22719
not have been allowed under section 265 of the Internal Revenue 22720
Code if the interest were exempt from federal income tax. 22721

(12) (a) Except as set forth in division (I) (12) (d) of this 22722
section, to the extent not included in computing the taxpayer's 22723
federal taxable income before operating loss deduction and 22724
special deductions, add gains and deduct losses from direct or 22725
indirect sales, exchanges, or other dispositions, made by a 22726
related entity who is not a taxpayer, of the taxpayer's 22727
indirect, beneficial, or constructive investment in the stock or 22728
debt of another entity, unless the gain or loss has been 22729
included in computing the federal taxable income before 22730
operating loss deduction and special deductions of another 22731
taxpayer with a more closely related investment in the stock or 22732
debt of the other entity. The amount of gain added or loss 22733
deducted shall not exceed the product obtained by multiplying 22734
such gain or loss by the taxpayer's proportionate share, 22735
directly, indirectly, beneficially, or constructively, of the 22736
outstanding stock of the related entity immediately prior to the 22737
direct or indirect sale, exchange, or other disposition. 22738

(b) Except as set forth in division (I) (12) (e) of this 22739
section, to the extent not included in computing the taxpayer's 22740
federal taxable income before operating loss deduction and 22741
special deductions, add gains and deduct losses from direct or 22742
indirect sales, exchanges, or other dispositions made by a 22743
related entity who is not a taxpayer, of intangible property 22744
other than stock, securities, and debt, if such property was 22745
owned, or used in whole or in part, at any time prior to or at 22746
the time of the sale, exchange, or disposition by either the 22747
taxpayer or by a related entity that was a taxpayer at any time 22748

during the related entity's ownership or use of such property, 22749
unless the gain or loss has been included in computing the 22750
federal taxable income before operating loss deduction and 22751
special deductions of another taxpayer with a more closely 22752
related ownership or use of such intangible property. The amount 22753
of gain added or loss deducted shall not exceed the product 22754
obtained by multiplying such gain or loss by the taxpayer's 22755
proportionate share, directly, indirectly, beneficially, or 22756
constructively, of the outstanding stock of the related entity 22757
immediately prior to the direct or indirect sale, exchange, or 22758
other disposition. 22759

(c) As used in division (I)(12) of this section, "related 22760
entity" means those entities described in divisions (I)(12)(c) 22761
(i) to (iii) of this section: 22762

(i) An individual stockholder, or a member of the 22763
stockholder's family enumerated in section 318 of the Internal 22764
Revenue Code, if the stockholder and the members of the 22765
stockholder's family own, directly, indirectly, beneficially, or 22766
constructively, in the aggregate, at least fifty per cent of the 22767
value of the taxpayer's outstanding stock; 22768

(ii) A stockholder, or a stockholder's partnership, 22769
estate, trust, or corporation, if the stockholder and the 22770
stockholder's partnerships, estates, trusts, and corporations 22771
own directly, indirectly, beneficially, or constructively, in 22772
the aggregate, at least fifty per cent of the value of the 22773
taxpayer's outstanding stock; 22774

(iii) A corporation, or a party related to the corporation 22775
in a manner that would require an attribution of stock from the 22776
corporation to the party or from the party to the corporation 22777
under division (I)(12)(c)(iv) of this section, if the taxpayer 22778

owns, directly, indirectly, beneficially, or constructively, at 22779
least fifty per cent of the value of the corporation's 22780
outstanding stock. 22781

(iv) The attribution rules of section 318 of the Internal 22782
Revenue Code apply for purposes of determining whether the 22783
ownership requirements in divisions (I) (12) (c) (i) to (iii) of 22784
this section have been met. 22785

(d) For purposes of the adjustments required by division 22786
(I) (12) (a) of this section, the term "investment in the stock or 22787
debt of another entity" means only those investments where the 22788
taxpayer and the taxpayer's related entities directly, 22789
indirectly, beneficially, or constructively own, in the 22790
aggregate, at any time during the twenty-four month period 22791
commencing one year prior to the direct or indirect sale, 22792
exchange, or other disposition of such investment at least fifty 22793
per cent or more of the value of either the outstanding stock or 22794
such debt of such other entity. 22795

(e) For purposes of the adjustments required by division 22796
(I) (12) (b) of this section, the term "related entity" excludes 22797
all of the following: 22798

(i) Foreign corporations as defined in section 7701 of the 22799
Internal Revenue Code; 22800

(ii) Foreign partnerships as defined in section 7701 of 22801
the Internal Revenue Code; 22802

(iii) Corporations, partnerships, estates, and trusts 22803
created or organized in or under the laws of the Commonwealth of 22804
Puerto Rico or any possession of the United States; 22805

(iv) Foreign estates and foreign trusts as defined in 22806
section 7701 of the Internal Revenue Code. 22807

The exclusions described in divisions (I) (12) (e) (i) to 22808
(iv) of this section do not apply if the corporation, 22809
partnership, estate, or trust is described in any one of 22810
divisions (C) (1) to (5) of section 5733.042 of the Revised Code. 22811

(f) Nothing in division (I) (12) of this section shall 22812
require or permit a taxpayer to add any gains or deduct any 22813
losses described in divisions (I) (12) (f) (i) and (ii) of this 22814
section: 22815

(i) Gains or losses recognized for federal income tax 22816
purposes by an individual, estate, or trust without regard to 22817
the attribution rules described in division (I) (12) (c) of this 22818
section; 22819

(ii) A related entity's gains or losses described in 22820
division (I) (12) (b) of this section if the taxpayer's ownership 22821
of or use of such intangible property was limited to a period 22822
not exceeding nine months and was attributable to a transaction 22823
or a series of transactions executed in accordance with the 22824
election or elections made by the taxpayer or a related entity 22825
pursuant to section 338 of the Internal Revenue Code. 22826

(13) Any adjustment required by section 5733.042 of the 22827
Revised Code. 22828

(14) Add any amount claimed as a credit under section 22829
5733.0611 of the Revised Code to the extent that such amount 22830
satisfies either of the following: 22831

(a) It was deducted or excluded from the computation of 22832
the corporation's taxable income before operating loss deduction 22833
and special deductions as required to be reported for the 22834
corporation's taxable year under the Internal Revenue Code; 22835

(b) It resulted in a reduction of the corporation's 22836

taxable income before operating loss deduction and special 22837
deductions as required to be reported for any of the 22838
corporation's taxable years under the Internal Revenue Code. 22839

(15) Deduct the amount contributed by the taxpayer to an 22840
individual development account program established by a county 22841
department of job and family services pursuant to sections 22842
329.11 to 329.14 of the Revised Code for the purpose of matching 22843
funds deposited by program participants. On request of the tax 22844
commissioner, the taxpayer shall provide any information that, 22845
in the tax commissioner's opinion, is necessary to establish the 22846
amount deducted under division (I) (15) of this section. 22847

(16) Any adjustment required by section 5733.0510 or 22848
5733.0511 of the Revised Code. 22849

(17) (a) (i) Add five-sixths of the amount of depreciation 22850
expense allowed under subsection (k) of section 168 of the 22851
Internal Revenue Code, including a person's proportionate or 22852
distributive share of the amount of depreciation expense allowed 22853
by that subsection to any pass-through entity in which the 22854
person has direct or indirect ownership. 22855

(ii) Add five-sixths of the amount of qualifying section 22856
179 depreciation expense, including a person's proportionate or 22857
distributive share of the amount of qualifying section 179 22858
depreciation expense allowed to any pass-through entity in which 22859
the person has a direct or indirect ownership. For the purposes 22860
of this division, "qualifying section 179 depreciation expense" 22861
means the difference between (I) the amount of depreciation 22862
expense directly or indirectly allowed to the taxpayer under 22863
section 179 of the Internal Revenue Code, and (II) the amount of 22864
depreciation expense directly or indirectly allowed to the 22865
taxpayer under section 179 of the Internal Revenue Code as that 22866

section existed on December 31, 2002. 22867

The tax commissioner, under procedures established by the 22868
commissioner, may waive the add-backs related to a pass-through 22869
entity if the person owns, directly or indirectly, less than 22870
five per cent of the pass-through entity. 22871

(b) Nothing in division (I) (17) of this section shall be 22872
construed to adjust or modify the adjusted basis of any asset. 22873

(c) To the extent the add-back is attributable to property 22874
generating income or loss allocable under section 5733.051 of 22875
the Revised Code, the add-back shall be allocated to the same 22876
location as the income or loss generated by that property. 22877
Otherwise, the add-back shall be apportioned, subject to 22878
division (B) (2) (d) of section 5733.05 of the Revised Code. 22879

(18) (a) If a person is required to make the add-back under 22880
division (I) (17) (a) of this section for a tax year, the person 22881
shall deduct one-fifth of the amount added back for each of the 22882
succeeding five tax years. 22883

(b) If the amount deducted under division (I) (18) (a) of 22884
this section is attributable to an add-back allocated under 22885
division (I) (17) (c) of this section, the amount deducted shall 22886
be allocated to the same location. Otherwise, the amount shall 22887
be apportioned using the apportionment factors for the taxable 22888
year in which the deduction is taken, subject to division (B) (2) 22889
(d) of section 5733.05 of the Revised Code. 22890

(J) Except as otherwise expressly provided or clearly 22891
appearing from the context, any term used in this chapter has 22892
the same meaning as when used in a comparable context in the 22893
laws of the United States relating to federal income taxes. Any 22894
reference in this chapter to the Internal Revenue Code includes 22895

other laws of the United States relating to federal income taxes.	22896 22897
(K) "Financial institution" has the meaning given by section 5725.01 of the Revised Code but does not include a production credit association as described in 85 Stat. 597, 12 U.S.C.A. 2091.	22898 22899 22900 22901
(L) (1) A "qualifying holding company" is any corporation satisfying all of the following requirements:	22902 22903
(a) Subject to divisions (L) (2) and (3) of this section, the net book value of the corporation's intangible assets is greater than or equal to ninety per cent of the net book value of all of its assets and at least fifty per cent of the net book value of all of its assets represents direct or indirect investments in the equity of, loans and advances to, and accounts receivable due from related members;	22904 22905 22906 22907 22908 22909 22910
(b) At least ninety per cent of the corporation's gross income for the taxable year is attributable to the following:	22911 22912
(i) The maintenance, management, ownership, acquisition, use, and disposition of its intangible property, its aircraft the use of which is not subject to regulation under 14 C.F.R. part 121 or part 135, and any real property described in division (L) (2) (c) of this section;	22913 22914 22915 22916 22917
(ii) The collection and distribution of income from such property.	22918 22919
(c) The corporation is not a financial institution on the last day of the taxable year ending prior to the first day of the tax year;	22920 22921 22922
(d) The corporation's related members make a good faith	22923

and reasonable effort to make timely and fully the adjustments 22924
required by division (D) of section 5733.05 of the Revised Code 22925
and to pay timely and fully all uncontested taxes, interest, 22926
penalties, and other fees and charges imposed under this 22927
chapter; 22928

(e) Subject to division (L)(4) of this section, the 22929
corporation elects to be treated as a qualifying holding company 22930
for the tax year. 22931

A corporation otherwise satisfying divisions (L)(1)(a) to 22932
(e) of this section that does not elect to be a qualifying 22933
holding company is not a qualifying holding company for the 22934
purposes of this chapter. 22935

(2)(a)(i) For purposes of making the ninety per cent 22936
computation under division (L)(1)(a) of this section, the net 22937
book value of the corporation's assets shall not include the net 22938
book value of aircraft or real property described in division 22939
(L)(1)(b)(i) of this section. 22940

(ii) For purposes of making the fifty per cent computation 22941
under division (L)(1)(a) of this section, the net book value of 22942
assets shall include the net book value of aircraft or real 22943
property described in division (L)(1)(b)(i) of this section. 22944

(b)(i) As used in division (L) of this section, 22945
"intangible asset" includes, but is not limited to, the 22946
corporation's direct interest in each pass-through entity only 22947
if at all times during the corporation's taxable year ending 22948
prior to the first day of the tax year the corporation's and the 22949
corporation's related members' combined direct and indirect 22950
interests in the capital or profits of such pass-through entity 22951
do not exceed fifty per cent. If the corporation's interest in 22952

the pass-through entity is an intangible asset for that taxable 22953
year, then the distributive share of any income from the pass- 22954
through entity shall be income from an intangible asset for that 22955
taxable year. 22956

(ii) If a corporation's and the corporation's related 22957
members' combined direct and indirect interests in the capital 22958
or profits of a pass-through entity exceed fifty per cent at any 22959
time during the corporation's taxable year ending prior to the 22960
first day of the tax year, "intangible asset" does not include 22961
the corporation's direct interest in the pass-through entity, 22962
and the corporation shall include in its assets its 22963
proportionate share of the assets of any such pass-through 22964
entity and shall include in its gross income its distributive 22965
share of the gross income of such pass-through entity in the 22966
same form as was earned by the pass-through entity. 22967

(iii) A pass-through entity's direct or indirect 22968
proportionate share of any other pass-through entity's assets 22969
shall be included for the purpose of computing the corporation's 22970
proportionate share of the pass-through entity's assets under 22971
division (L) (2) (b) (ii) of this section, and such pass-through 22972
entity's distributive share of any other pass-through entity's 22973
gross income shall be included for purposes of computing the 22974
corporation's distributive share of the pass-through entity's 22975
gross income under division (L) (2) (b) (ii) of this section. 22976

(c) For the purposes of divisions (L) (1) (b) (i), (1) (b) 22977
(ii), (2) (a) (i), and (2) (a) (ii) of this section, real property 22978
is described in division (L) (2) (c) of this section only if all 22979
of the following conditions are present at all times during the 22980
taxable year ending prior to the first day of the tax year: 22981

(i) The real property serves as the headquarters of the 22982

corporation's trade or business, or is the place from which the 22983
corporation's trade or business is principally managed or 22984
directed; 22985

(ii) Not more than ten per cent of the value of the real 22986
property and not more than ten per cent of the square footage of 22987
the building or buildings that are part of the real property is 22988
used, made available, or occupied for the purpose of providing, 22989
acquiring, transferring, selling, or disposing of tangible 22990
property or services in the normal course of business to persons 22991
other than related members, the corporation's employees and 22992
their families, and such related members' employees and their 22993
families. 22994

(d) As used in division (L) of this section, "related 22995
member" has the same meaning as in division (A) (6) of section 22996
5733.042 of the Revised Code without regard to division (B) of 22997
that section. 22998

(3) The percentages described in division (L) (1) (a) of 22999
this section shall be equal to the quarterly average of those 23000
percentages as calculated during the corporation's taxable year 23001
ending prior to the first day of the tax year. 23002

(4) With respect to the election described in division (L) 23003
(1) (e) of this section: 23004

(a) The election need not accompany a timely filed report; 23005

(b) The election need not accompany the report; rather, 23006
the election may accompany a subsequently filed but timely 23007
application for refund and timely amended report, or a 23008
subsequently filed but timely petition for reassessment; 23009

(c) The election is not irrevocable; 23010

(d) The election applies only to the tax year specified by the corporation; 23011
23012

(e) The corporation's related members comply with division (L) (1) (d) of this section. 23013
23014

Nothing in division (L) (4) of this section shall be construed to extend any statute of limitations set forth in this chapter. 23015
23016
23017

(M) "Qualifying controlled group" means two or more corporations that satisfy the ownership and control requirements of division (A) of section 5733.052 of the Revised Code. 23018
23019
23020

(N) "Limited liability company" means any limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state. 23021
23022
23023

(O) "Pass-through entity" means a corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year under that code, or a partnership, limited liability company, or any other person, other than an individual, trust, or estate, if the partnership, limited liability company, or other person is not classified for federal income tax purposes as an association taxed as a corporation. 23024
23025
23026
23027
23028
23029
23030
23031

(P) "Electric company," "combined company," and "telephone company" have the same meanings as in section 5727.01 of the Revised Code. 23032
23033
23034

(Q) "Business income" means income arising from transactions, activities, and sources in the regular course of a trade or business and includes income from real property, tangible personal property, and intangible personal property if the acquisition, rental, management, and disposition of the 23035
23036
23037
23038
23039

property constitute integral parts of the regular course of a 23040
trade or business operation. "Business income" includes income, 23041
including gain or loss, from a partial or complete liquidation 23042
of a business, including, but not limited to, gain or loss from 23043
the sale or other disposition of goodwill. 23044

(R) "Nonbusiness income" means all income other than 23045
business income. 23046

Sec. 5733.56. (A) (1) For tax year 2005, a taxpayer that 23047
provides any telephone service program to aid ~~the~~ 23048
communicatively impaired persons with communicative impairments 23049
in accessing the telephone network under section 4905.79 of the 23050
Revised Code is allowed a nonrefundable credit against the tax 23051
imposed by section 5733.06 of the Revised Code. The amount of 23052
the credit is the cost incurred by the taxpayer for providing 23053
the telephone service program during its taxable year, excluding 23054
any costs incurred prior to July 1, 2004. 23055

(2) A taxpayer shall claim the credit under division (A) 23056
(1) of this section in the order required by section 5733.98 of 23057
the Revised Code. If the credit exceeds the total taxes due 23058
under section 5733.06 of the Revised Code for the tax year, 23059
after allowance for any other credits preceding this credit in 23060
the order set forth in section 5733.98 of the Revised Code, the 23061
commissioner shall credit the excess against taxes due under 23062
section 5733.06 of the Revised Code for succeeding tax years 23063
until the full amount of the credit is granted. 23064

(B) For each of tax years 2006, 2007, and 2008, a taxpayer 23065
that provides any telephone service program to aid ~~the~~ 23066
communicatively impaired persons with communicative impairments 23067
in accessing the telephone network under section 4905.79 of the 23068
Revised Code is allowed a refundable credit against the tax 23069

imposed by section 5733.06 of the Revised Code. For each tax 23070
year, the amount of the credit is the cost incurred by the 23071
taxpayer during that tax year's taxable year for providing the 23072
telephone service program. No cost incurred with respect to the 23073
credit that is allowable for a tax year shall be considered for 23074
purposes of computing the credit allowable for any other tax 23075
year. 23076

(C) If the tax commissioner ascertains that any credit 23077
claimed pursuant to this section by a taxpayer was not correct, 23078
the commissioner shall ascertain the proper credit. No cost 23079
incurred after December 31, 2007, shall be considered for 23080
purposes of computing any credit allowed by this section. 23081

(D) Nothing in this section authorizes a taxpayer to claim 23082
a credit under this section for any costs incurred in providing 23083
a telephone service program for which it is either claiming a 23084
credit under former section 5727.44 of the Revised Code or 23085
receiving reimbursement for its costs under any other provision 23086
of the Revised Code. 23087

Sec. 5733.98. (A) To provide a uniform procedure for 23088
calculating the amount of tax imposed by section 5733.06 of the 23089
Revised Code that is due under this chapter, a taxpayer shall 23090
claim any credits to which it is entitled in the following 23091
order, except as otherwise provided in section 5733.058 of the 23092
Revised Code: 23093

For tax year 2005, the credit for taxes paid by a 23094
qualifying pass-through entity allowed under section 5733.0611 23095
of the Revised Code; 23096

The credit allowed for financial institutions under 23097
section 5733.45 of the Revised Code; 23098

The credit for qualifying affiliated groups under section 5733.068 of the Revised Code;	23099 23100
The subsidiary corporation credit under section 5733.067 of the Revised Code;	23101 23102
The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;	23103 23104
The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	23105 23106 23107
The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	23108 23109
The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	23110 23111
The nonrefundable job retention credit under division (B) of section 5733.0610 of the Revised Code;	23112 23113
The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	23114 23115 23116
The job training credit under section 5733.42 of the Revised Code;	23117 23118
The credit for qualified research expenses under section 5733.351 of the Revised Code;	23119 23120
The enterprise zone credit under section 5709.66 of the Revised Code;	23121 23122
The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	23123 23124
The credit for employers that establish on-site child day-	23125

care centers under section 5733.37 of the Revised Code;	23126
The credit for purchases of qualifying grape production	23127
property under section 5733.32 of the Revised Code;	23128
The export sales credit under section 5733.069 of the	23129
Revised Code;	23130
The enterprise zone credits under section 5709.65 of the	23131
Revised Code;	23132
The credit for using Ohio coal under section 5733.39 of	23133
the Revised Code;	23134
The credit for purchases of qualified low-income community	23135
investments under section 5733.58 of the Revised Code;	23136
The credit for small telephone companies under section	23137
5733.57 of the Revised Code;	23138
The credit for eligible nonrecurring 9-1-1 charges under	23139
section 5733.55 of the Revised Code;	23140
For tax year 2005, the credit for providing programs to	23141
aid the communicatively impaired <u>persons with communicative</u>	23142
<u>impairments</u> under division (A) of section 5733.56 of the Revised	23143
Code;	23144
The research and development credit under section 5733.352	23145
of the Revised Code;	23146
For tax years 2006 and subsequent tax years, the credit	23147
for taxes paid by a qualifying pass-through entity allowed under	23148
section 5733.0611 of the Revised Code;	23149
The refundable credit for rehabilitating a historic	23150
building under section 5733.47 of the Revised Code;	23151
The refundable jobs creation credit or job retention	23152

credit under division (A) of section 5733.0610 of the Revised Code;	23153 23154
The refundable credit for tax withheld under division (B) (2) of section 5747.062 of the Revised Code;	23155 23156
The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	23157 23158 23159
For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;	23160 23161 23162
The refundable motion picture and Broadway theatrical production credit under section 5733.59 of the Revised Code.	23163 23164
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.	23165 23166 23167 23168 23169 23170
Sec. 5747.03. (A) (1) All money collected under this chapter arising from the taxes imposed by section 5747.02 or 5747.41 of the Revised Code shall be credited to the general revenue fund and distributed pursuant to division (F) of section 321.24 and section 323.156 of the Revised Code; to make subsidy payments to institutions of higher education from appropriations to the department of higher education; to support expenditures for programs and services for <u>the mentally ill persons with mental illnesses</u> , persons with developmental disabilities, and the elderly; for primary and secondary education; for medical assistance; and for any other purposes authorized by law,	23171 23172 23173 23174 23175 23176 23177 23178 23179 23180 23181

subject to the limitation that at least fifty per cent of the 23182
income tax collected by the state from the tax imposed by 23183
section 5747.02 of the Revised Code shall be returned pursuant 23184
to Section 9 of Article XII, Ohio Constitution. 23185

(2) To ensure that such constitutional requirement is 23186
satisfied the tax commissioner shall, on or before the thirtieth 23187
day of June of each year, from the best information available to 23188
the tax commissioner, determine and certify for each county to 23189
the director of budget and management the amount of taxes 23190
collected under this chapter from the tax imposed under section 23191
5747.02 of the Revised Code during the preceding calendar year 23192
that are required to be returned to the county by Section 9 of 23193
Article XII, Ohio Constitution. The director shall provide for 23194
payment from the general revenue fund to the county in the 23195
amount, if any, that the sum of the amount so certified for that 23196
county exceeds the sum of the following: 23197

(a) The sum of the payments from the general revenue fund 23198
for the preceding calendar year credited to the county's 23199
undivided income tax fund pursuant to division (F) of section 23200
321.24 and section 323.156 of the Revised Code or made directly 23201
from the general revenue fund to political subdivisions located 23202
in the county; 23203

(b) The sum of the amounts from the general revenue fund 23204
distributed in the county during the preceding calendar year for 23205
subsidy payments to institutions of higher education from 23206
appropriations to the department of higher education; for 23207
programs and services for ~~mentally ill~~ mentally ill persons with mental 23208
illnesses, persons with developmental disabilities, and elderly 23209
persons; for primary and secondary education; and for medical 23210
assistance. 23211

(c) In the case of payments made by the director under 23212
this division in 2007, the total amount distributed to the 23213
county during the preceding calendar year from the local 23214
government fund and the local government revenue assistance 23215
fund, and, in the case of payments made by the director under 23216
this division in subsequent calendar years, the amount 23217
distributed to the county from the local government fund; 23218

(d) In the case of payments made by the director under 23219
this division, the total amount distributed to the county during 23220
the preceding calendar year from the public library fund. 23221

Payments under this division shall be credited to the 23222
county's undivided income tax fund, except that, notwithstanding 23223
section 5705.14 of the Revised Code, such payments may be 23224
transferred by the board of county commissioners to the county 23225
general fund by resolution adopted with the affirmative vote of 23226
two-thirds of the members thereof. 23227

(B) All payments received in each month from taxes imposed 23228
under Chapter 5748. of the Revised Code and any penalties or 23229
interest thereon shall be paid into the school district income 23230
tax fund, which is hereby created in the state treasury, except 23231
that an amount equal to the following portion of such payments 23232
shall be paid into the general school district income tax 23233
administrative fund, which is hereby created in the state 23234
treasury: 23235

(1) One and three-quarters of one per cent of those 23236
received in fiscal year 1996; 23237

(2) One and one-half per cent of those received in fiscal 23238
year 1997 and thereafter. 23239

Money in the school district income tax administrative 23240

fund shall be used by the tax commissioner to defray costs 23241
incurred in administering the school district's income tax, 23242
including the cost of providing employers with information 23243
regarding the rate of tax imposed by any school district. Any 23244
moneys remaining in the fund after such use shall be deposited 23245
in the school district income tax fund. 23246

All interest earned on moneys in the school district 23247
income tax fund shall be credited to the fund. 23248

(C) (1) (a) Within thirty days of the end of each calendar 23249
quarter ending on the last day of March, June, September, and 23250
December, the director of budget and management shall make a 23251
payment from the school district income tax fund to each school 23252
district for which school district income tax revenue was 23253
received during that quarter. The amount of the payment shall 23254
equal the balance in the school district's account at the end of 23255
that quarter. 23256

(b) After a school district ceases to levy an income tax, 23257
the director of budget and management shall adjust the payments 23258
under division (C) (1) (a) of this section to retain sufficient 23259
money in the school district's account to pay refunds. For the 23260
calendar quarters ending on the last day of March and December 23261
of the calendar year following the last calendar year the tax is 23262
levied, the director shall make the payments in the amount 23263
required under division (C) (1) (a) of this section. For the 23264
calendar quarter ending on the last day of June of the calendar 23265
year following the last calendar year the tax is levied, the 23266
director shall make a payment equal to nine-tenths of the 23267
balance in the account at the end of that quarter. For the 23268
calendar quarter ending on the last day of September of the 23269
calendar year following the last calendar year the tax is 23270

levied, the director shall make no payment. For the second and 23271
succeeding calendar years following the last calendar year the 23272
tax is levied, the director shall make one payment each year, 23273
within thirty days of the last day of June, in an amount equal 23274
to the balance in the district's account on the last day of 23275
June. 23276

(2) Moneys paid to a school district under this division 23277
shall be deposited in its school district income tax fund. All 23278
interest earned on moneys in the school district income tax fund 23279
shall be apportioned by the tax commissioner pro rata among the 23280
school districts in the proportions and at the times the 23281
districts are entitled to receive payments under this division. 23282

Sec. 5905.02. Whenever it appears that a person is 23283
eligible for care or treatment by the veterans' administration 23284
or other agency of the United States, and hospitalization is 23285
necessary for the proper care or treatment of such person, the 23286
probate court, upon receipt of a certificate from the veterans' 23287
administration or such other agency showing that facilities are 23288
available and such person is eligible for care or treatment 23289
therein, may order such person to said veterans' administration 23290
or other agency for care and treatment. 23291

Upon admission, such person shall be subject to the 23292
applicable regulations of the veterans' administration or other 23293
agency of the United States. The chief officer of any hospital 23294
to which any person is admitted pursuant to hospitalization as 23295
provided in sections 5905.01 to 5905.19 of the Revised Code, or 23296
under the law in effect at the time of such admission, shall 23297
have the same powers as are exercised by heads of hospitals for 23298
mental diseases and the department of mental health and 23299
addiction services with respect to the retention, transfer, 23300

parole, or discharge of the person hospitalized; provided no 23301
person shall be transferred to a hospital operated by the state 23302
or any political subdivision thereof without the consent of such 23303
department. 23304

The right of such person to appear and defend shall not be 23305
denied. 23306

The judgment or order of hospitalization by a court of 23307
competent jurisdiction of another state ordering a person to the 23308
veterans' administration or other agency of the United States, 23309
or any hospital operated by any such agency, for care or 23310
treatment shall have the same effect as to such person while in 23311
this state as in the state in which the court entering such 23312
judgment or making such order is situated, provided that no 23313
nonresident ordered to a veterans' administration facility 23314
located in Ohio shall thereby acquire a legal settlement in 23315
Ohio. 23316

Upon receipt of a certificate that facilities are 23317
available in any such hospital operated by the United States for 23318
the care or treatment of any person ordered to any hospital for 23319
~~the mentally ill persons with mental illnesses~~ or other hospital 23320
in this state for the care of persons similarly afflicted, and 23321
that such person is eligible for such care or treatment, such 23322
department may transfer any such person to the veterans' 23323
administration or other agency of the United States in the 23324
state. Upon effecting any such transfer, the ordering court 23325
shall be notified thereof by the transferring agency; provided 23326
that no such person shall be transferred if the person is 23327
confined pursuant to conviction of any crime or misdemeanor, or 23328
if the person has been acquitted of any such charge solely on 23329
the ground of insanity, unless prior to such transfer the court 23330

originally ordering such person enters an order for such 23331
transfer after appropriate motion and hearing. 23332

Any person transferred as provided in this section is 23333
ordered to the veterans' administration or other agency of the 23334
United States pursuant to the original order as though the 23335
person had been originally so ordered. 23336

Sec. 5907.06. (A) A ~~mentally ill person~~ with a mental 23337
illness subject to court order whose mental condition causes the 23338
person to be dangerous to the community shall not be admitted to 23339
a veterans' home. If a ~~mentally ill person~~ with a mental illness 23340
subject to court order, through misrepresentation as to the 23341
person's condition, is sent to a home, the person shall be 23342
returned to, and the expense of the return shall be borne by, 23343
the county from which the person came. 23344

(B) As used in this section, "~~mentally ill person~~ with a 23345
mental illness subject to court order" has the same meaning as 23346
in section 5122.01 of the Revised Code. 23347

Sec. 5907.09. (A) When the affidavit referred to in 23348
section 5907.08 of the Revised Code is filed, the probate judge 23349
shall forthwith determine whether the resident is a ~~mentally ill~~ 23350
~~person~~ with a mental illness subject to court order. Insofar as 23351
applicable, the laws governing in cases of admission to a state 23352
hospital for persons with mental illness shall apply. The 23353
probate judge shall have the same authority, and may receive and 23354
order paid the same fees and costs, as the probate judge would 23355
have in the county in which the veteran was a resident at the 23356
time of entering the veterans' home. 23357

(B) As used in this section, "~~mentally ill person~~ with a 23358
mental illness subject to court order" has the same meaning as 23359

in section 5122.01 of the Revised Code. 23360

Sec. 5924.115. Any person subject to this code who for the 23361
purpose of avoiding work, duty, or service in the organized 23362
militia does either of the following shall be punished as a 23363
court-martial may direct: 23364

(A) Feigns physical or mental illness, physical 23365
disablement, or mental lapse, ~~or derangement~~; 23366

(B) Intentionally inflicts self-injury. 23367

Sec. 5924.503. (A) If the issue of an accused's competence 23368
to stand trial is raised and if the court, upon conducting the 23369
hearing provided for in section 5924.502 of the Revised Code, 23370
finds that the accused is competent to stand trial, the accused 23371
shall be proceeded against as provided by law. If the court 23372
finds the accused competent to stand trial and the accused is 23373
receiving psychotropic drugs or other medication, the court may 23374
authorize the continued administration of the drugs or 23375
medication or other appropriate treatment in order to maintain 23376
the accused's competence to stand trial unless the accused's 23377
attending physician advises the court against continuation of 23378
the drugs, other medication, or treatment. 23379

(B) (1) (a) If, after taking into consideration all relevant 23380
reports, information, and other evidence, the court finds that 23381
the accused is incompetent to stand trial and that there is a 23382
substantial probability that the accused will become competent 23383
to stand trial within one year if the accused is provided with a 23384
course of treatment, the court shall order the accused to 23385
undergo treatment. If the accused is being tried by a general 23386
court-martial and if, after taking into consideration all 23387
relevant reports, information, and other evidence, the court 23388

finds that the accused is incompetent to stand trial, but the 23389
court is unable at that time to determine whether there is a 23390
substantial probability that the accused will become competent 23391
to stand trial within one year if the accused is provided with a 23392
course of treatment, the court shall order continuing evaluation 23393
and treatment of the accused for a period not to exceed four 23394
months to determine whether there is a substantial probability 23395
that the accused will become competent to stand trial within one 23396
year if the accused is provided with a course of treatment. 23397

(b) The court order for the accused to undergo treatment 23398
or continuing evaluation and treatment under division (B) (1) (a) 23399
of this section shall specify that the accused, if determined to 23400
require mental health treatment or continuing evaluation and 23401
treatment, shall be committed to the department of mental health 23402
and addiction services for treatment or continuing evaluation 23403
and treatment at a hospital, facility, or agency determined to 23404
be clinically appropriate by the department of mental health and 23405
addiction services. The order may restrict the accused's freedom 23406
of movement as the court considers necessary. The trial counsel 23407
in the accused's case shall send to the chief clinical officer 23408
of the hospital, facility, or services provider where the 23409
accused is placed by the department of mental health and 23410
addiction services or to the managing officer of the 23411
institution, the director of the facility, or the person to 23412
which the accused is committed copies of relevant investigative 23413
reports and other background information that pertains to the 23414
accused and is available to the trial counsel unless the trial 23415
counsel determines that the release of any of the information in 23416
the investigative reports or any of the other background 23417
information to unauthorized persons would interfere with the 23418
effective prosecution of any person or would create a 23419

substantial risk of harm to any person. 23420

In committing the accused to the department of mental 23421
health and addiction services, the court shall consider the 23422
extent to which the person is a danger to the person and to 23423
others, the need for security, and the type of crime involved 23424
and, if the court finds that restrictions on the accused's 23425
freedom of movement are necessary, shall specify the least 23426
restrictive limitations on the person's freedom of movement 23427
determined to be necessary to protect public safety. In weighing 23428
these factors, the court shall give preference to protecting 23429
public safety. 23430

(c) If the accused is found incompetent to stand trial, if 23431
the chief clinical officer of the hospital, facility, or 23432
services provider where the accused is placed, or the managing 23433
officer of the institution, the director of the facility, or the 23434
person to which the accused is committed for treatment or 23435
continuing evaluation and treatment under division (B) (1) (b) of 23436
this section determines that medication is necessary to restore 23437
the accused's competency to stand trial, and if the accused 23438
lacks the capacity to give informed consent or refuses 23439
medication, the chief clinical officer of the hospital, 23440
facility, or services provider where the accused is placed or 23441
the managing officer of the institution, the director of the 23442
facility, or the person to which the accused is committed for 23443
treatment or continuing evaluation and treatment may petition 23444
the court for authorization for the involuntary administration 23445
of medication. The court shall hold a hearing on the petition 23446
within five days of the filing of the petition. Following the 23447
hearing, the court may authorize the involuntary administration 23448
of medication or may dismiss the petition. 23449

(d) If the accused is charged before a special or summary court-martial with an offense that is not a violation of section 5924.120, 5924.127, or 5924.128 of the Revised Code, the trial counsel may hold the charges in abeyance while the accused engages in mental health treatment.

(2) If the court finds that the accused is incompetent to stand trial and that, even if the accused is provided with a course of treatment, there is not a substantial probability that the accused will become competent to stand trial within one year, the court shall order the discharge of the accused, unless upon motion of the trial counsel or on its own motion, the court either seeks to retain jurisdiction over the accused pursuant to division (A)(2) of section 5924.504 of the Revised Code or files an affidavit in the probate court for the civil commitment of the accused pursuant to Chapter 5122. of the Revised Code alleging that the accused is a ~~mentally ill~~ person with a mental illness subject to hospitalization by court order. If an affidavit is filed in the probate court, the trial court shall send to the probate court copies of all written reports of the accused's mental condition that were prepared pursuant to section 5924.502 of the Revised Code.

The trial court may issue the temporary order of detention that a probate court may issue under section 5122.11 of the Revised Code, to remain in effect until the probable cause or initial hearing in the probate court. Further proceedings in the probate court are civil proceedings governed by Chapter 5122. of the Revised Code.

(C) No accused shall be required to undergo treatment, including any continuing evaluation and treatment, under division (B)(1) of this section for longer than whichever of the

following periods is applicable: 23480

(1) One year, if the accused is being tried by a general 23481
court-martial; 23482

(2) Six months, if the accused is being tried before a 23483
special court-martial; 23484

(3) Sixty days, if the accused is being tried before a 23485
summary court-martial. 23486

(D) Any accused who is committed pursuant to this section 23487
shall not voluntarily admit the accused or be voluntarily 23488
admitted to a hospital or institution pursuant to section 23489
5122.02 or 5122.15 of the Revised Code. 23490

(E) Except as otherwise provided in this division, an 23491
accused who is charged with an offense and is committed by the 23492
court under this section to the department of mental health and 23493
addiction services with restrictions on the accused's freedom of 23494
movement shall not be granted unsupervised on-grounds movement, 23495
supervised off-grounds movement, or nonsecured status except in 23496
accordance with the court order. The court may grant an accused 23497
supervised off-grounds movement to obtain medical treatment or 23498
specialized habilitation treatment services if the person who 23499
supervises the treatment or the continuing evaluation and 23500
treatment of the accused ordered under division (B) (1) (a) of 23501
this section informs the court that the treatment or continuing 23502
evaluation and treatment cannot be provided at the hospital or 23503
facility where the accused is placed by the department of mental 23504
health and addiction services. The chief clinical officer of the 23505
hospital or facility where the accused is placed by the 23506
department of mental health and addiction services or the 23507
managing officer of the institution or director of the facility 23508

to which the accused is committed or a designee of any of those 23509
persons may grant an accused movement to a medical facility for 23510
an emergency medical situation with appropriate supervision to 23511
ensure the safety of the accused, staff, and community during 23512
that emergency medical situation. The chief clinical officer of 23513
the hospital or facility where the accused is placed by the 23514
department of mental health and addiction services or the 23515
managing officer of the institution or director of the facility 23516
to which the accused is committed shall notify the court within 23517
twenty-four hours of the accused's movement to the medical 23518
facility for an emergency medical situation under this division. 23519

(F) The person who supervises the treatment or continuing 23520
evaluation and treatment of an accused ordered to undergo 23521
treatment or continuing evaluation and treatment under division 23522
(B) (1) (a) of this section shall file a written report with the 23523
court at the following times: 23524

(1) Whenever the person believes the accused is capable of 23525
understanding the nature and objective of the proceedings 23526
against the accused and of assisting in the accused's defense; 23527

(2) Fourteen days before expiration of the maximum time 23528
for treatment as specified in division (C) of this section and 23529
fourteen days before the expiration of the maximum time for 23530
continuing evaluation and treatment as specified in division (B) 23531
(1) (a) of this section; 23532

(3) At a minimum, after each six months of treatment; 23533

(4) Whenever the person who supervises the treatment or 23534
continuing evaluation and treatment of an accused ordered under 23535
division (B) (1) (a) of this section believes that there is not a 23536
substantial probability that the accused will become capable of 23537

understanding the nature and objective of the proceedings 23538
against the accused or of assisting in the accused's defense 23539
even if the accused is provided with a course of treatment. 23540

(G) A report under division (F) of this section shall 23541
contain the examiner's findings, the facts in reasonable detail 23542
on which the findings are based, and the examiner's opinion as 23543
to the accused's capability of understanding the nature and 23544
objective of the proceedings against the accused and of 23545
assisting in the accused's defense. If, in the examiner's 23546
opinion, the accused remains incapable of understanding the 23547
nature and objective of the proceedings against the accused and 23548
of assisting in the accused's defense and there is a substantial 23549
probability that the accused will become capable of 23550
understanding the nature and objective of the proceedings 23551
against the accused and of assisting in the accused's defense if 23552
the accused is provided with a course of treatment, if in the 23553
examiner's opinion the accused remains mentally ill, and if the 23554
maximum time for treatment as specified in division (C) of this 23555
section has not expired, the report also shall contain the 23556
examiner's recommendation as to the least restrictive placement 23557
or commitment alternative that is consistent with the accused's 23558
treatment needs for restoration to competency and with the 23559
safety of the community. The court shall provide copies of the 23560
report to the trial counsel and defense counsel. 23561

(H) If an accused is committed pursuant to division (B) (1) 23562
of this section, within ten days after the treating physician of 23563
the accused or the examiner of the accused who is employed or 23564
retained by the treating facility advises that there is not a 23565
substantial probability that the accused will become capable of 23566
understanding the nature and objective of the proceedings 23567
against the accused or of assisting in the accused's defense 23568

even if the accused is provided with a course of treatment, 23569
within ten days after the expiration of the maximum time for 23570
treatment as specified in division (C) of this section, within 23571
ten days after the expiration of the maximum time for continuing 23572
evaluation and treatment as specified in division (B) (1) (a) of 23573
this section, within thirty days after an accused's request for 23574
a hearing that is made after six months of treatment, or within 23575
thirty days after being advised by the treating physician or 23576
examiner that the accused is competent to stand trial, whichever 23577
is the earliest, the court shall conduct another hearing to 23578
determine if the accused is competent to stand trial and shall 23579
do whichever of the following is applicable: 23580

(1) If the court finds that the accused is competent to 23581
stand trial, the accused shall be proceeded against as provided 23582
by law. 23583

(2) If the court finds that the accused is incompetent to 23584
stand trial, but that there is a substantial probability that 23585
the accused will become competent to stand trial if the accused 23586
is provided with a course of treatment, and the maximum time for 23587
treatment as specified in division (C) of this section has not 23588
expired, the court, after consideration of the examiner's 23589
recommendation, shall order that treatment be continued, may 23590
change least restrictive limitations on the accused's freedom of 23591
movement. 23592

(3) If the court finds that the accused is incompetent to 23593
stand trial, if the accused is being tried by a general court- 23594
martial, and if the court finds that there is not a substantial 23595
probability that the accused will become competent to stand 23596
trial even if the accused is provided with a course of 23597
treatment, or if the maximum time for treatment as specified in 23598

division (C) of this section has expired, further proceedings 23599
shall be as provided in sections 5924.504 to 5924.506 of the 23600
Revised Code. 23601

(4) If the court finds that the accused is incompetent to 23602
stand trial, if the accused is being tried before a special 23603
court-martial, and if the court finds that there is not a 23604
substantial probability that the accused will become competent 23605
to stand trial even if the accused is provided with a course of 23606
treatment, or if the maximum time for treatment as specified in 23607
division (C) of this section has expired, the court shall 23608
dismiss the charge against the accused. A dismissal under this 23609
division is not a bar to further prosecution based on the same 23610
conduct. The court shall discharge the accused unless the court 23611
or trial counsel files an affidavit in probate court for civil 23612
commitment pursuant to Chapter 5122. of the Revised Code. If an 23613
affidavit for civil commitment is filed, the court may detain 23614
the accused for ten days pending civil commitment. All of the 23615
following provisions apply to persons being tried by a special 23616
court-martial who are committed by the probate court subsequent 23617
to the court's or trial counsel's filing of an affidavit for 23618
civil commitment under authority of this division: 23619

(a) The chief clinical officer of the entity, hospital, or 23620
facility, the managing officer of the institution, or the person 23621
to which the accused is committed or admitted shall do all of 23622
the following: 23623

(i) Notify the trial counsel in writing of the discharge 23624
of the accused, send the notice at least ten days prior to the 23625
discharge unless the discharge is by the probate court, and 23626
state in the notice the date on which the accused will be 23627
discharged; 23628

(ii) Notify the trial counsel in writing when the accused 23629
is absent without leave or is granted unsupervised, off-grounds 23630
movement and send this notice promptly after the discovery of 23631
the absence without leave or prior to the granting of the 23632
unsupervised, off-grounds movement, whichever is applicable; 23633

(iii) Notify the trial counsel in writing of the change of 23634
the accused's commitment or admission to voluntary status, send 23635
the notice promptly upon learning of the change to voluntary 23636
status, and state in the notice the date on which the accused 23637
was committed or admitted on a voluntary status. 23638

(b) The trial counsel shall promptly inform the convening 23639
authority of any notification received under division (H) (4) (a) 23640
of this section. Upon receiving notice that the accused will be 23641
granted unsupervised, off-grounds movement, the convening 23642
authority either shall refer the charges against the accused to 23643
an investigating officer again or promptly notify the court that 23644
the convening authority does not intend to refer the charges 23645
against the accused again. 23646

(I) If an accused is convicted of a crime and sentenced to 23647
confinement, the accused's sentence shall be reduced by the 23648
total number of days the accused is confined for evaluation to 23649
determine the accused's competence to stand trial or treatment 23650
under this section and sections 5924.502 and 5924.504 of the 23651
Revised Code or by the total number of days the accused is 23652
confined for evaluation to determine the accused's mental 23653
condition at the time of the offense charged. 23654

Sec. 5924.504. (A) If an accused being tried by a general 23655
court-martial is found incompetent to stand trial, after the 23656
expiration of the maximum time for treatment as specified in 23657
division (C) of section 5924.503 of the Revised Code or after 23658

the court finds that there is not a substantial probability that 23659
the accused will become competent to stand trial even if the 23660
accused is provided with a course of treatment, one of the 23661
following applies: 23662

(1) The court or the trial counsel may file an affidavit 23663
in probate court for civil commitment of the accused in the 23664
manner provided in Chapter 5122. of the Revised Code. If the 23665
court or trial counsel files an affidavit for civil commitment, 23666
the court may detain the accused for ten days pending civil 23667
commitment. If the probate court commits the accused subsequent 23668
to the court's or trial counsel's filing of an affidavit for 23669
civil commitment, the chief clinical officer of the entity, 23670
hospital, or facility, the managing officer of the institution, 23671
or the person to which the accused is committed or admitted 23672
shall send to the trial counsel the notices described in 23673
divisions (H) (4) (a) (i) to (iii) of section 5924.503 of the 23674
Revised Code within the periods of time and under the 23675
circumstances specified in those divisions. 23676

(2) On the motion of the trial counsel or on its own 23677
motion, the court may retain jurisdiction over the accused if at 23678
a hearing the court finds both of the following by clear and 23679
convincing evidence: 23680

(a) The accused committed the offense with which the 23681
accused is charged. 23682

(b) The accused is a ~~mentally ill~~ person with a mental 23683
illness subject to hospitalization by court order. 23684

(B) In making its determination under division (A) (2) of 23685
this section as to whether to retain jurisdiction over the 23686
accused, the court may consider all relevant evidence, 23687

including, but not limited to, any relevant psychiatric, 23688
psychological, or medical testimony or reports, the acts 23689
constituting the offense charged, and any history of the accused 23690
that is relevant to the accused's ability to conform to the law. 23691

(C) If the court conducts a hearing as described in 23692
division (A) (2) of this section and if the court does not make 23693
both findings described in divisions (A) (2) (a) and (b) of this 23694
section by clear and convincing evidence, the court shall 23695
dismiss the charges against the accused. Upon the dismissal, the 23696
court shall discharge the accused unless the court or trial 23697
counsel files an affidavit in probate court for civil commitment 23698
of the accused pursuant to Chapter 5122. of the Revised Code. If 23699
the court or trial counsel files an affidavit for civil 23700
commitment, the court may order that the accused be detained for 23701
up to ten days pending the civil commitment. If the probate 23702
court commits the accused subsequent to the court's or trial 23703
counsel's filing of an affidavit for civil commitment, the chief 23704
clinical officer of the entity, hospital, or facility, the 23705
managing officer of the institution, or the person to which the 23706
accused is committed or admitted shall send to the trial counsel 23707
the notices described in divisions (H) (4) (a) (i) to (iii) of 23708
section 5924.503 of the Revised Code within the periods of time 23709
and under the circumstances specified in those divisions. A 23710
dismissal of charges under this division is not a bar to further 23711
criminal proceedings based on the same conduct. 23712

(D) (1) If the court conducts a hearing as described in 23713
division (A) (2) of this section and if the court makes the 23714
findings described in divisions (A) (2) (a) and (b) of this 23715
section by clear and convincing evidence, the court shall commit 23716
the accused, if determined to require mental health treatment, 23717
to the department of mental health and addiction services for 23718

treatment at a hospital, facility, or services provider as 23719
determined clinically appropriate by the department of mental 23720
health and addiction services. In committing the accused to the 23721
department of mental health and addiction services, the court 23722
shall specify the least restrictive limitations on the accused's 23723
freedom of movement determined to be necessary to protect public 23724
safety. 23725

(2) If a court makes a commitment of an accused under 23726
division (D)(1) of this section, the trial counsel shall send to 23727
the hospital, facility, or services provider where the accused 23728
is placed by the department of mental health and addiction 23729
services or to the accused's place of commitment all reports of 23730
the accused's current mental condition and, except as otherwise 23731
provided in this division, any other relevant information, 23732
including, but not limited to, a transcript of the hearing held 23733
pursuant to division (A)(2) of this section, copies of relevant 23734
investigative reports, and copies of any prior arrest and 23735
conviction records that pertain to the accused and that the 23736
trial counsel possesses. The trial counsel shall send the 23737
reports of the accused's current mental condition in every case 23738
of commitment, and, unless the trial counsel determines that the 23739
release of any of the other relevant information to unauthorized 23740
persons would interfere with the effective prosecution of any 23741
person or would create a substantial risk of harm to any person, 23742
the trial counsel also shall send the other relevant 23743
information. 23744

(3) If a court makes a commitment under division (D)(1) of 23745
this section, all further proceedings shall be in accordance 23746
with Chapter 5122. of the Revised Code. 23747

Sec. 5924.506. (A) If an accused person is found not 23748

guilty by reason of insanity, the verdict shall state that 23749
finding, and the trial court shall conduct a full hearing to 23750
determine whether the person is a ~~mentally ill~~ person with a 23751
mental illness subject to hospitalization by court order. Prior 23752
to the hearing, if the military judge believes that there is 23753
probable cause that the person found not guilty by reason of 23754
insanity is a ~~mentally ill~~ person with a mental illness subject 23755
to hospitalization by court order, the military judge may issue 23756
a temporary order of detention for that person to remain in 23757
effect for ten court days or until the hearing, whichever occurs 23758
first. 23759

Any person detained pursuant to a temporary order of 23760
detention issued under this division shall be held in a suitable 23761
facility, taking into consideration the place and type of 23762
confinement prior to and during trial. 23763

(B) The court shall hold the hearing under division (A) of 23764
this section to determine whether the person found not guilty by 23765
reason of insanity is a ~~mentally ill~~ person with a mental 23766
illness subject to hospitalization by court order within ten 23767
court days after the finding of not guilty by reason of 23768
insanity. Failure to conduct the hearing within the ten-day 23769
period shall cause the immediate discharge of the respondent, 23770
unless the judge grants a continuance for not longer than ten 23771
court days for good cause shown or for any period of time upon 23772
motion of the respondent. 23773

(C) If a person is found not guilty by reason of insanity, 23774
the person has the right to attend a hearing conducted pursuant 23775
to this section. At the hearing, the court shall inform the 23776
person that the person has all of the following rights: 23777

(1) The right to be represented by defense counsel or to 23778

retain civilian counsel, if the person so chooses; 23779

(2) The right to have independent expert evaluation; 23780

(3) The right to subpoena witnesses and documents, to 23781
present evidence on the person's behalf, and to cross-examine 23782
witnesses against the person; 23783

(4) The right to testify in the person's own behalf and to 23784
not be compelled to testify; 23785

(5) The right to have copies of any relevant medical or 23786
mental health document in the custody of the state or of any 23787
place of commitment other than a document for which the court 23788
finds that the release to the person of information contained in 23789
the document would create a substantial risk of harm to any 23790
person. 23791

(D) The hearing under division (A) of this section shall 23792
be open to the public, and the court shall conduct the hearing 23793
in accordance with regulations prescribed by the adjutant 23794
general. The court shall make and maintain a full transcript and 23795
record of the hearing proceedings. The court may consider all 23796
relevant evidence, including, but not limited to, any relevant 23797
psychiatric, psychological, or medical testimony or reports, the 23798
acts constituting the offense in relation to which the person 23799
was found not guilty by reason of insanity, and any history of 23800
the person that is relevant to the person's ability to conform 23801
to the law. 23802

(E) Upon completion of the hearing under division (A) of 23803
this section, if the court finds there is not clear and 23804
convincing evidence that the person is a ~~mentally ill~~ person 23805
with a mental illness subject to hospitalization by court order, 23806
the court shall discharge the person, unless a detainer has been 23807

placed upon the person by the department of rehabilitation and 23808
correction, in which case the person shall be returned to that 23809
department. 23810

(F) If, at the hearing under division (A) of this section, 23811
the court finds by clear and convincing evidence that the person 23812
is a ~~mentally ill person~~ with a mental illness subject to 23813
hospitalization by court order, it shall commit the person to 23814
the department of mental health and addiction services for 23815
placement in a hospital, facility, or services provider as 23816
determined clinically appropriate by the department of mental 23817
health and addiction services. Further proceedings shall be in 23818
accordance with Chapter 5122. or 5123. of the Revised Code. In 23819
committing the accused to the department of mental health and 23820
addiction services, the court shall specify the least 23821
restrictive limitations on the accused's freedom of movement 23822
determined to be necessary to protect public safety. 23823

(G) If a court makes a commitment of a person under 23824
division (F) of this section, the trial counsel shall send to 23825
the hospital, facility, or services provider where the defendant 23826
is placed by the department of mental health and addiction 23827
services or to the accused's place of commitment all reports of 23828
the person's current mental condition, and, except as otherwise 23829
provided in this division, any other relevant information, 23830
including, but not limited to, a transcript of the hearing held 23831
pursuant to division (A) of this section, copies of relevant 23832
investigative reports, and copies of any prior arrest and 23833
conviction records that pertain to the person and that the trial 23834
counsel possesses. The trial counsel shall send the reports of 23835
the person's current mental condition in every case of 23836
commitment, and, unless the trial counsel determines that the 23837
release of any of the other relevant information to unauthorized 23838

persons would interfere with the effective prosecution of any 23839
person or would create a substantial risk of harm to any person, 23840
the trial counsel also shall send the other relevant 23841
information. 23842

(H) A person who is committed pursuant to this section 23843
shall not voluntarily admit the person or be voluntarily 23844
admitted to a hospital or institution pursuant to sections 23845
5122.02 and 5122.15 of the Revised Code. 23846

Sec. 6301.10. Beginning January 1, 2013, and each calendar 23847
year thereafter, the state board, with the assistance of all 23848
state agencies engaged in workforce development activities, 23849
shall prepare a report concerning the state of Ohio's workforce. 23850
Upon completion of the annual workforce report, the state board 23851
shall provide an electronic copy of the report to the president 23852
and minority leader of the senate, the speaker and minority 23853
leader of the house of representatives, the governor's office of 23854
Appalachian Ohio, the commission on Hispanic-Latino affairs, and 23855
the commission on ~~African-American males~~African-Americans, and 23856
shall post the report on the state board's internet web site. 23857

Section 2. That existing sections 1.02, 5.226, 9.03, 23858
122.69, 125.22, 140.01, 145.012, 145.298, 149.01, 173.11, 23859
173.12, 305.07, 306.551, 325.07, 339.11, 340.011, 340.03, 23860
340.04, 340.15, 513.05, 737.051, 737.161, 749.02, 901.73, 23861
918.05, 935.03, 955.011, 955.43, 959.07, 959.99, 1533.12, 23862
1713.41, 1743.05, 1751.14, 1751.65, 2101.16, 2101.17, 2101.24, 23863
2127.05, 2127.43, 2151.23, 2151.414, 2305.42, 2305.43, 2746.02, 23864
2901.30, 2903.10, 2903.13, 2903.15, 2903.16, 2903.341, 2907.27, 23865
2919.21, 2919.22, 2919.23, 2921.22, 2921.321, 2923.125, 23866
2923.128, 2923.1213, 2923.13, 2925.01, 2925.02, 2929.15, 23867
2929.20, 2931.02, 2935.33, 2945.25, 2945.37, 2945.38, 2945.39, 23868

2945.40, 2945.401, 2945.42, 2949.29, 2967.22, 3113.06, 3113.08, 23869
3304.31, 3313.55, 3313.65, 3313.71, 3313.74, 3319.232, 3335.41, 23870
3335.42, 3335.50, 3335.51, 3335.55, 3353.01, 3375.82, 3501.18, 23871
3501.29, 3503.12, 3505.23, 3506.12, 3506.19, 3701.046, 3701.243, 23872
3701.507, 3701.53, 3701.65, 3701.79, 3701.81, 3702.55, 3707.06, 23873
3707.20, 3707.22, 3707.29, 3707.30, 3719.011, 3719.061, 3719.61, 23874
3719.70, 3721.011, 3721.30, 3781.111, 3781.112, 3781.19, 23875
3791.031, 3901.491, 3901.501, 3923.24, 3923.241, 3999.16, 23876
4105.13, 4111.06, 4112.02, 4112.12, 4112.13, 4115.33, 4121.61, 23877
4123.343, 4123.57, 4123.58, 4123.68, 4123.70, 4123.71, 4141.01, 23878
4173.02, 4501.21, 4503.04, 4503.042, 4503.44, 4506.07, 4507.06, 23879
4507.08, 4508.01, 4508.03, 4508.04, 4511.01, 4511.69, 4517.01, 23880
4517.12, 4521.01, 4521.02, 4521.10, 4551.05, 4741.221, 4747.12, 23881
4766.01, 4905.79, 4933.122, 4961.08, 5101.56, 5101.60, 5104.015, 23882
5104.017, 5104.018, 5104.019, 5107.26, 5109.16, 5109.18, 23883
5119.01, 5119.10, 5119.14, 5119.21, 5119.311, 5119.33, 5119.331, 23884
5119.333, 5119.34, 5119.40, 5119.42, 5119.50, 5119.60, 5119.61, 23885
5119.70, 5119.90, 5119.91, 5119.92, 5119.93, 5120.051, 5120.17, 23886
5120.44, 5121.56, 5122.01, 5122.03, 5122.05, 5122.10, 5122.11, 23887
5122.111, 5122.13, 5122.141, 5122.15, 5122.19, 5122.21, 5122.27, 23888
5122.271, 5122.28, 5122.30, 5122.311, 5122.36, 5122.39, 5122.43, 23889
5123.651, 5126.38, 5139.54, 5149.30, 5153.01, 5153.16, 5153.163, 23890
5164.15, 5165.03, 5305.22, 5321.01, 5501.05, 5501.07, 5515.08, 23891
5531.12, 5537.03, 5709.45, 5733.04, 5733.56, 5733.98, 5747.03, 23892
5905.02, 5907.06, 5907.09, 5924.115, 5924.503, 5924.504, 23893
5924.506, and 6301.10 of the Revised Code are hereby repealed. 23894

Section 3. On the effective date of the amendment by this 23895
act of section 4112.12 of the Revised Code, members of the 23896
Commission on African-Americans who were appointed under that 23897
section and are serving on that date as members from the private 23898
corporate sector, the public sector, and the nonprofit sector, 23899

shall cease to be members of the Commission on that date. 23900

Not later than thirty days after the effective date of the 23901
amendment by this act of section 4112.12 of the Revised Code, 23902
the Ohio state university Bell national resource center, in 23903
consultation with the governor, shall appoint, to the Commission 23904
on African-Americans, two members from the private corporate 23905
sector or from the nonprofit sector, and one member with 23906
experience in the philanthropic community. The appointments 23907
shall be for three year terms. An individual whose membership on 23908
the Commission was terminated under this section may be 23909
reappointed provided that the individual meets the 23910
qualifications. 23911

Section 4. The General Assembly, applying the principle 23912
stated in division (B) of section 1.52 of the Revised Code that 23913
amendments are to be harmonized if reasonably capable of 23914
simultaneous operation, finds that the following sections, 23915
presented in this act as composites of the sections as amended 23916
by the acts indicated, are the resulting versions of the 23917
sections in effect prior to the effective date of the sections 23918
as presented in this act: 23919

Section 340.03 of the Revised Code as amended by both H.B. 23920
49 and S.B. 71 of the 132nd General Assembly. 23921

Section 959.99 of the Revised Code as amended by both H.B. 23922
24 and H.B. 33 of the 133rd General Assembly. 23923

Section 2921.22 of the Revised Code as amended by both 23924
H.B. 216 and S.B. 319 of the 131st General Assembly. 23925

Section 2923.1213 of the Revised Code as amended by both 23926
H.B. 234 and S.B. 43 of the 130th General Assembly. 23927

Section 2923.13 of the Revised Code as amended by both 23928

H.B. 234 and S.B. 43 of the 130th General Assembly.	23929
Section 2925.01 of the Revised Code as amended by both H.B. 341 and H.B. 442 of the 133rd General Assembly.	23930 23931
Section 2925.02 of the Revised Code as amended by both S.B. 1 and S.B. 201 of the 132nd General Assembly.	23932 23933
Section 3501.29 of the Revised Code as amended by both S.B. 10 and S.B. 109 of the 130th General Assembly.	23934 23935
Section 3505.23 of the Revised Code as amended by both S.B. 10 and S.B. 109 of the 130th General Assembly.	23936 23937
Section 5123.651 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.	23938 23939
Section 5. This act shall be known as the Mental Health and Disability Terminology Act.	23940 23941