

**As Reported by the House Health Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**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, SobECKi, 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**

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**A BILL**

To amend sections 1.02, 5.226, 9.03, 122.69, 1  
140.01, 145.012, 145.298, 149.01, 173.11, 2  
173.12, 305.07, 306.551, 325.07, 339.11, 3  
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5924.504, and 5924.506 of the Revised Code to	49
modify terminology in the Revised Code regarding	50
people with mental illnesses and people with	51

disabilities and to name this act the Mental 52  
Health and Disability Terminology Act. 53

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

**Section 1.** That sections 1.02, 5.226, 9.03, 122.69, 54  
140.01, 145.012, 145.298, 149.01, 173.11, 173.12, 305.07, 55  
306.551, 325.07, 339.11, 340.011, 340.03, 340.04, 340.15, 56  
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5907.09, 5924.115, 5924.503, 5924.504, and 5924.506 of the 89  
Revised Code be amended to read as follows: 90

**Sec. 1.02.** As used in the Revised Code, unless the context 91  
otherwise requires: 92

(A) "Whoever" includes all persons, natural and 93  
artificial; partners; principals, agents, and employees; and all 94  
officials, public or private. 95

(B) "Another," when used to designate the owner of 96  
property which is the subject of an offense, includes not only 97  
natural persons but also every other owner of property. 98

(C) "Of unsound mind" ~~includes all forms of derangement or~~ 99  
~~intellectual disability~~ means that the person lacks the relevant 100  
mental capacity. 101

(D) "Bond" includes an undertaking. 102

(E) "Undertaking" includes a bond. 103

(F) "And" may be read "or," and "or" may be read "and" if 104  
the sense requires it. 105

(G) "Registered mail" includes certified mail and 106

"certified mail" includes registered mail. 107

**Sec. 5.226.** The first week of January is designated as 108  
"Ohio Braille Literacy Week" in honor of Louis Braille, the 109  
inventor of the Braille system used, in modified form, for 110  
printing, writing, and musical notation for ~~the~~ persons who are 111  
blind, and who was born on January 4, 1809, and became blind 112  
from an accident at the age of three. 113

**Sec. 9.03.** (A) As used in this section: 114

(1) "Political subdivision" means any body corporate and 115  
politic, except a municipal corporation that has adopted a 116  
charter under Section 7 of Article XVIII, Ohio Constitution, and 117  
except a county that has adopted a charter under Sections 3 and 118  
4 of Article X, Ohio Constitution, to which both of the 119  
following apply: 120

(a) It is responsible for governmental activities only in 121  
a geographic area smaller than the state. 122

(b) It is subject to the sovereign immunity of the state. 123

(2) "Cigarettes" and "tobacco product" have the same 124  
meanings as in section 5743.01 of the Revised Code. 125

(3) "Transaction" has the same meaning as in section 126  
1315.51 of the Revised Code. 127

(4) "Campaign committee," "campaign fund," "candidate," 128  
"legislative campaign fund," "political action committee," 129  
"political committee," "political party," and "separate 130  
segregated fund" have the same meanings as in section 3517.01 of 131  
the Revised Code. 132

(B) Except as otherwise provided in division (C) of this 133  
section, the governing body of a political subdivision may use 134

public funds to publish and distribute newsletters, or to use 135  
any other means, to communicate information about the plans, 136  
policies, and operations of the political subdivision to members 137  
of the public within the political subdivision and to other 138  
persons who may be affected by the political subdivision. 139

(C) Except as otherwise provided in division (A) (7) of 140  
section 340.03 of the Revised Code, no governing body of a 141  
political subdivision shall use public funds to do any of the 142  
following: 143

(1) Publish, distribute, or otherwise communicate 144  
information that does any of the following: 145

(a) Contains defamatory, libelous, or obscene matter; 146

(b) Promotes alcoholic beverages, cigarettes or other 147  
tobacco products, or any illegal product, service, or activity; 148

(c) Promotes illegal discrimination on the basis of race, 149  
color, religion, national origin, ~~handicap~~ disability, age, or 150  
ancestry; 151

(d) Supports or opposes any labor organization or any 152  
action by, on behalf of, or against any labor organization; 153

(e) Supports or opposes the nomination or election of a 154  
candidate for public office, the investigation, prosecution, or 155  
recall of a public official, or the passage of a levy or bond 156  
issue. 157

(2) Compensate any employee of the political subdivision 158  
for time spent on any activity to influence the outcome of an 159  
election for any of the purposes described in division (C) (1) (e) 160  
of this section. Division (C) (2) of this section does not 161  
prohibit the use of public funds to compensate an employee of a 162

political subdivision for attending a public meeting to present 163  
information about the political subdivision's finances, 164  
activities, and governmental actions in a manner that is not 165  
designed to influence the outcome of an election or the passage 166  
of a levy or bond issue, even though the election, levy, or bond 167  
issue is discussed or debated at the meeting. 168

(D) Except as otherwise provided in division (A) (7) of 169  
section 340.03 of the Revised Code or in division (E) of this 170  
section, no person shall knowingly conduct a direct or indirect 171  
transaction of public funds to the benefit of any of the 172  
following: 173

- (1) A campaign committee; 174
- (2) A political action committee; 175
- (3) A legislative campaign fund; 176
- (4) A political party; 177
- (5) A campaign fund; 178
- (6) A political committee; 179
- (7) A separate segregated fund; 180
- (8) A candidate. 181

(E) Division (D) of this section does not prohibit the 182  
utilization of any person's own time to speak in support of or 183  
in opposition to any candidate, recall, referendum, levy, or 184  
bond issue unless prohibited by any other section of the Revised 185  
Code. 186

(F) Nothing in this section prohibits or restricts any 187  
political subdivision from sponsoring, participating in, or 188  
doing any of the following: 189

(1) Charitable or public service advertising that is not commercial in nature;	190 191
(2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;	192 193 194 195
(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.	196 197
(G) Whoever violates division (D) of this section shall be punished as provided in section 3599.40 of the Revised Code.	198 199
<b>Sec. 122.69.</b> (A) Any nonprofit agency or organization seeking designation as a community action agency by the community services division shall obtain the endorsement of the chief elected officials of at least two-thirds of the municipal corporations and the counties within the community to be served by the agency or organization.	200 201 202 203 204 205
(B) Any nonprofit agency or organization that receives the endorsement provided for in division (A) of this section shall be designated by the division as the community action agency for the community it serves and shall receive community services block grant funds for any period of time that the nonprofit agency or organization:	206 207 208 209 210 211
(1) Provides a range of services and opportunities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. These activities may include but shall not be limited to:	212 213 214 215 216
(a) Providing activities designed to assist low-income persons, including <del>elderly and handicapped</del> low-income persons	217 218

<u>who are elderly and who have disabilities</u> , to:	219
(i) Secure and maintain meaningful employment, training, work experience, and unsubsidized employment;	220 221
(ii) Attain an adequate education;	222
(iii) Make better use of available income;	223
(iv) Obtain and maintain adequate housing and a suitable living environment;	224 225
(v) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;	226 227 228 229
(vi) Remove obstacles and solve personal and family problems that block the achievement of self-sufficiency;	230 231
(vii) Achieve greater participation in the affairs of the community;	232 233
(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions;	234 235
(ix) Obtain energy assistance, conservation, and weatherization services.	236 237
(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons;	238 239 240 241
(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals;	242 243 244
(d) Providing child care services, nutrition and health	245

services, transportation services, alcoholism and narcotic 246  
addiction prevention and rehabilitation services, youth 247  
development services, and community services to ~~elderly and~~ 248  
~~handicapped persons~~ who are elderly and who have disabilities; 249

(e) Encouraging entities in the private sector to 250  
participate in efforts to ameliorate poverty in the community. 251

(2) Annually submits to the division a program plan and 252  
budget for use of community services block grant funds for the 253  
next federal fiscal year. At least ten days prior to its 254  
submission to the division, a copy of the program plan and 255  
budget shall be made available to the chief elected officials of 256  
the municipal corporations and counties within the service area 257  
in order to provide them the opportunity to review and comment 258  
upon such plan and budget. 259

(3) Composes its board of directors in compliance with 260  
section (c) (3) of section 675 of the "Community Services Block 261  
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904, except that the 262  
board shall consist of not less than fifteen nor more than 263  
thirty-three members; 264

(4) Complies with the prohibitions against discrimination 265  
and political activity, as provided in the "Community Services 266  
Block Grant Act"; 267

(5) Complies with fiscal and program requirements 268  
established by development services agency rule. 269

**Sec. 140.01.** As used in this chapter: 270

(A) "Hospital agency" means any public hospital agency or 271  
any nonprofit hospital agency. 272

(B) "Public hospital agency" means any county, board of 273

county hospital trustees established pursuant to section 339.02 274  
of the Revised Code, county hospital commission established 275  
pursuant to section 339.14 of the Revised Code, municipal 276  
corporation, new community authority organized under Chapter 277  
349. of the Revised Code, joint township hospital district, 278  
state or municipal university or college operating or authorized 279  
to operate a hospital facility, or the state. 280

(C) "Nonprofit hospital agency" means a corporation or 281  
association not for profit, no part of the net earnings of which 282  
inures or may lawfully inure to the benefit of any private 283  
shareholder or individual, that has authority to own or operate 284  
a hospital facility or provides or is to provide services to one 285  
or more other hospital agencies. 286

(D) "Governing body" means, in the case of a county, the 287  
board of county commissioners or other legislative body; in the 288  
case of a board of county hospital trustees, the board; in the 289  
case of a county hospital commission, the commission; in the 290  
case of a municipal corporation, the council or other 291  
legislative authority; in the case of a new community authority, 292  
its board of trustees; in the case of a joint township hospital 293  
district, the joint township district hospital board; in the 294  
case of a state or municipal university or college, its board of 295  
trustees or board of directors; in the case of a nonprofit 296  
hospital agency, the board of trustees or other body having 297  
general management of the agency; and, in the case of the state, 298  
the director of development services or the Ohio higher 299  
educational facility commission. 300

(E) "Hospital facilities" means buildings, structures and 301  
other improvements, additions thereto and extensions thereof, 302  
furnishings, equipment, and real estate and interests in real 303

estate, used or to be used for or in connection with one or more 304  
hospitals, emergency, intensive, intermediate, extended, long- 305  
term, or self-care facilities, diagnostic and treatment and out- 306  
patient facilities, facilities related to programs for home 307  
health services, clinics, laboratories, public health centers, 308  
research facilities, and rehabilitation facilities, for or 309  
pertaining to diagnosis, treatment, care, or rehabilitation of 310  
persons who are sick, ill, injured, infirm, or impaired, 311  
~~disabled, or handicapped persons who have disabilities,~~ 312  
prevention, detection, and control of disease, and also includes 313  
education, training, and food service facilities for health 314  
professions personnel, housing facilities for such personnel and 315  
their families, and parking and service facilities in connection 316  
with any of the foregoing; and includes any one, part of, or any 317  
combination of the foregoing; and further includes site 318  
improvements, utilities, machinery, facilities, furnishings, and 319  
any separate or connected buildings, structures, improvements, 320  
sites, utilities, facilities, or equipment to be used in, or in 321  
connection with the operation or maintenance of, or 322  
supplementing or otherwise related to the services or facilities 323  
to be provided by, any one or more of such hospital facilities. 324

(F) "Costs of hospital facilities" means the costs of 325  
acquiring hospital facilities or interests in hospital 326  
facilities, including membership interests in nonprofit hospital 327  
agencies, costs of constructing hospital facilities, costs of 328  
improving one or more hospital facilities, including 329  
reconstructing, rehabilitating, remodeling, renovating, and 330  
enlarging, costs of equipping and furnishing such facilities, 331  
and all financing costs pertaining thereto, including, without 332  
limitation thereto, costs of engineering, architectural, and 333  
other professional services, designs, plans, specifications and 334

surveys, and estimates of cost, costs of tests and inspections, 335  
the costs of any indemnity or surety bonds and premiums on 336  
insurance, all related direct or allocable administrative 337  
expenses pertaining thereto, fees and expenses of trustees, 338  
depositories, and paying agents for the obligations, cost of 339  
issuance of the obligations and financing charges and fees and 340  
expenses of financial advisors, attorneys, accountants, 341  
consultants and rating services in connection therewith, 342  
capitalized interest on the obligations, amounts necessary to 343  
establish reserves as required by the bond proceedings, the 344  
reimbursement of all moneys advanced or applied by the hospital 345  
agency or others or borrowed from others for the payment of any 346  
item or items of costs of such facilities, and all other 347  
expenses necessary or incident to planning or determining 348  
feasibility or practicability with respect to such facilities, 349  
and such other expenses as may be necessary or incident to the 350  
acquisition, construction, reconstruction, rehabilitation, 351  
remodeling, renovation, enlargement, improvement, equipment, and 352  
furnishing of such facilities, the financing thereof, and the 353  
placing of the same in use and operation, including any one, 354  
part of, or combination of such classes of costs and expenses, 355  
and means the costs of refinancing obligations issued by, or 356  
reimbursement of money advanced by, nonprofit hospital agencies 357  
or others the proceeds of which were used for the payment of 358  
costs of hospital facilities, if the governing body of the 359  
public hospital agency determines that the refinancing or 360  
reimbursement advances the purposes of this chapter, whether or 361  
not the refinancing or reimbursement is in conjunction with the 362  
acquisition or construction of additional hospital facilities. 363

(G) "Hospital receipts" means all moneys received by or on 364  
behalf of a hospital agency from or in connection with the 365

ownership, operation, acquisition, construction, improvement, 366  
equipping, or financing of any hospital facilities, including, 367  
without limitation thereto, any rentals and other moneys 368  
received from the lease, sale, or other disposition of hospital 369  
facilities, and any gifts, grants, interest subsidies, or other 370  
moneys received under any federal program for assistance in 371  
financing the costs of hospital facilities, and any other gifts, 372  
grants, and donations, and receipts therefrom, available for 373  
financing the costs of hospital facilities. 374

(H) "Obligations" means bonds, notes, or other evidences 375  
of indebtedness or obligation, including interest coupons 376  
pertaining thereto, issued or issuable by a public hospital 377  
agency to pay costs of hospital facilities. 378

(I) "Bond service charges" means principal, interest, and 379  
call premium, if any, required to be paid on obligations. 380

(J) "Bond proceedings" means one or more ordinances, 381  
resolutions, trust agreements, indentures, and other agreements 382  
or documents, and amendments and supplements to the foregoing, 383  
or any combination thereof, authorizing or providing for the 384  
terms, including any variable interest rates, and conditions 385  
applicable to, or providing for the security of, obligations and 386  
the provisions contained in such obligations. 387

(K) "Nursing home" has the same meaning as in division (A) 388  
(1) of section 5701.13 of the Revised Code. 389

(L) "Residential care facility" has the same meaning as in 390  
division (A) (2) of section 5701.13 of the Revised Code. 391

(M) "Independent living facility" means any self-care 392  
facility or other housing facility designed or used as a 393  
residence for elderly persons. An "independent living facility" 394

does not include a residential facility, or that part of a	395
residential facility, that is any of the following:	396
(1) A hospital required to be certified by section 3727.02	397
of the Revised Code;	398
(2) A nursing home or residential care facility;	399
(3) A facility operated by a hospice care program licensed	400
under section 3712.04 of the Revised Code and used for the	401
program's hospice patients;	402
(4) A residential facility licensed by the department of	403
mental health and addiction services under section 5119.34 of	404
the Revised Code that provides accommodations, supervision, and	405
personal care services for three to sixteen unrelated adults;	406
(5) A residential facility licensed by the department of	407
mental health and addiction services under section 5119.34 of	408
the Revised Code that is not a residential facility described in	409
division (M) (4) of this section;	410
(6) A facility licensed to operate an opioid treatment	411
program under section 5119.37 of the Revised Code;	412
(7) A community addiction services provider, as defined in	413
section 5119.01 of the Revised Code;	414
(8) A residential facility licensed under section 5123.19	415
of the Revised Code or a facility providing services under a	416
contract with the department of developmental disabilities under	417
section 5123.18 of the Revised Code;	418
(9) A residential facility used as part of a hospital to	419
provide housing for staff of the hospital or students pursuing a	420
course of study at the hospital.	421

**Sec. 145.012.** (A) "Public employee," as defined in 422  
division (A) of section 145.01 of the Revised Code, does not 423  
include any person: 424

(1) Who is employed by a private, temporary-help service 425  
and performs services under the direction of a public employer 426  
or is employed on a contractual basis as an independent 427  
contractor under a personal service contract with a public 428  
employer; 429

(2) Who is an emergency employee serving on a temporary 430  
basis in case of fire, snow, earthquake, flood, or other similar 431  
emergency; 432

(3) Who is employed in a program established pursuant to 433  
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 434  
U.S.C.A. 1501; 435

(4) Who is an appointed member of either the motor vehicle 436  
salvage dealers board or the motor vehicle dealer's board whose 437  
rate and method of payment are determined pursuant to division 438  
(J) of section 124.15 of the Revised Code; 439

(5) Who is employed as an election worker and paid less 440  
than six hundred dollars per calendar year for that service; 441

(6) Who is employed as a firefighter in a position 442  
requiring satisfactory completion of a firefighter training 443  
course approved under former section 3303.07 or section 4765.55 444  
of the Revised Code or conducted under section 3737.33 of the 445  
Revised Code except for the following: 446

(a) Any firefighter who has elected under section 145.013 447  
of the Revised Code to remain a contributing member of the 448  
public employees retirement system; 449

(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;	450 451 452 453
(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system.	454 455 456
(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;	457 458 459 460 461 462
(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	463 464
(9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code;	465 466 467
(10) Who is a member of the unemployment compensation advisory council;	468 469
(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;	470 471 472
(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.	473 474 475 476 477

(B) No inmate of a correctional institution operated by 478  
the department of rehabilitation and correction, no patient in a 479  
hospital for ~~the mentally ill or criminally insane persons with~~ 480  
mental illnesses operated by the department of mental health and 481  
addiction services, no resident in an institution for persons 482  
with intellectual disabilities operated by the department of 483  
developmental disabilities, no resident admitted as a patient of 484  
a veterans' home operated under Chapter 5907. of the Revised 485  
Code, and no resident of a county home shall be considered as a 486  
public employee for the purpose of establishing membership or 487  
calculating service credit or benefits under this chapter. 488  
Nothing in this division shall be construed to affect any 489  
service credit attained by any person who was a public employee 490  
before becoming an inmate, patient, or resident at any 491  
institution listed in this division, or the payment of any 492  
benefit for which such a person or such a person's beneficiaries 493  
otherwise would be eligible. 494

**Sec. 145.298.** (A) As used in this section: 495

(1) "State employing unit" means an employing unit 496  
described in division (A) (2) of section 145.297 of the Revised 497  
Code, except that it does not mean an employing unit with fifty 498  
or fewer employees. 499

(2) "State institution" means a state correctional 500  
facility, a state institution for ~~the mentally ill persons with~~ 501  
mental illnesses, or a state institution for the care, 502  
treatment, and training of persons with intellectual 503  
disabilities. 504

(B) (1) Prior to July 17, 2009, in the event of a proposal 505  
to close a state institution or lay off, within a six-month 506  
period, a number of persons employed at an institution that 507

equals or exceeds the lesser of fifty or ten per cent of the 508  
persons employed at the institution, the employing unit 509  
responsible for the institution's operation shall establish a 510  
retirement incentive plan for persons employed at the 511  
institution. 512

(2) On and after July 17, 2009, in the event of a proposal 513  
to close a state institution or lay off, within a six-month 514  
period, a number of persons employed at an institution that 515  
equals or exceeds the lesser of three hundred fifty or forty per 516  
cent of the persons employed at the institution, the employing 517  
unit responsible for the institution's operation shall establish 518  
a retirement incentive plan for persons employed at the 519  
institution. 520

(C) (1) Prior to July 17, 2009, in the event of a proposal, 521  
other than the proposals described in division (B) of this 522  
section, to lay off, within a six-month period, a number of 523  
employees of a state employing unit that equals or exceeds the 524  
lesser of fifty or ten per cent of the employing unit's 525  
employees, the employing unit shall establish a retirement 526  
incentive plan for employees of the employing unit. 527

(2) On and after July 17, 2009, in the event of a 528  
proposal, other than the proposals described in division (B) of 529  
this section, to lay off, within a six-month period, a number of 530  
employees of a state employing unit that equals or exceeds the 531  
lesser of three hundred fifty or forty per cent of the employing 532  
unit's employees, the employing unit shall establish a 533  
retirement incentive plan for employees of the employing unit. 534

(D) (1) A retirement incentive plan established under this 535  
section shall be consistent with the requirements of section 536  
145.297 of the Revised Code, except that the plan shall go into 537

effect at the time the layoffs or proposed closings are 538  
announced and shall remain in effect until the date of the 539  
layoffs or closings. 540

(2) If the employing unit already has a retirement 541  
incentive plan in effect, the plan shall remain in effect at 542  
least until the date of the layoffs or closings. The employing 543  
unit may revise the existing plan to provide greater benefits, 544  
but if it revises the plan, it shall give written notice of the 545  
changes to all employees who have elected to participate in the 546  
original plan, and it shall provide the greater benefits to all 547  
employees who participate in the plan, whether their elections 548  
to participate were made before or after the date of the 549  
revision. 550

**Sec. 149.01.** Each elective state officer, the adjutant 551  
general, the adult parole authority, the department of 552  
agriculture, the director of administrative services, the public 553  
utilities commission, the superintendent of insurance, the 554  
superintendent of financial institutions, the superintendent of 555  
purchases and printing, the fire marshal, the industrial 556  
commission, the administrator of workers' compensation, the 557  
state department of transportation, the department of health, 558  
the state medical board, the state dental board, the board of 559  
embalmers and funeral directors, the ~~Ohio commission for the~~ 560  
~~blind~~ bureau of services for the visually impaired, the 561  
accountancy board of Ohio, the state council of uniform state 562  
laws, the board of commissioners of the sinking fund, the 563  
department of taxation, the board of tax appeals, the division 564  
of liquor control, the director of state armories, the trustees 565  
of the Ohio state university, and every private or quasi-public 566  
institution, association, board, or corporation receiving state 567  
money for its use and purpose shall make annually, at the end of 568

each fiscal year, in quadruplicate, a report of the transactions 569  
and proceedings of that office or department for that fiscal 570  
year, excepting receipts and disbursements unless otherwise 571  
specifically required by law. The report shall contain a summary 572  
of the official acts of the officer, board, council, commission, 573  
institution, association, or corporation and any suggestions and 574  
recommendations that are proper. 575

One of the reports shall be filed with the governor, one 576  
with the secretary of state, and one with the state library, and 577  
one shall be kept on file in the office of the officer, board, 578  
council, commission, institution, association, or corporation. 579  
The reports shall be so filed by the first day of August, except 580  
that the report of the treasurer of state shall be so filed by 581  
the thirty-first day of December. 582

**Sec. 173.11.** The department of aging shall, as appropriate 583  
and feasible and to the extent federal, state, and local funding 584  
is available, develop a system of community multipurpose senior 585  
centers for the purposes of: 586

(A) Providing centralized, coordinated medical, social, 587  
supportive, and rehabilitative services to older adults; 588

(B) Encouraging older adults to maintain physical, social, 589  
and emotional well-being and to live dignified and reasonably 590  
independent lives in their own homes; 591

(C) Diminishing the rate of inappropriate entry and 592  
placement of older adults in nursing homes, sheltered housing 593  
for older adults, and related facilities. 594

The department shall, in accordance with Chapter 119. of 595  
the Revised Code, adopt rules under which counties, townships, 596  
municipal corporations, or local nonprofit organizations may 597

make application to the department to operate a multipurpose 598  
senior center or to participate in a multipurpose senior center 599  
program. Procedures shall be established for the maximum 600  
feasible participation by older adults and representatives of 601  
organizations of older adults in the planning of these programs. 602  
The area agency on aging, established under the "Older Americans 603  
Act of 1965," 79 Stat. 219, 42 U.S.C.A. 3001, as amended, shall 604  
be given the opportunity to review and comment on all 605  
applications for the establishment of a center or the expansion 606  
of the scope of services provided by a senior center operated as 607  
part of the social services system under the agency's area plan. 608

The department shall plan, coordinate, and monitor, and, 609  
to the extent feasible, provide funds for services for older 610  
adults under this section and section 173.12 of the Revised 611  
Code. In order to carry out the purposes of such sections, the 612  
department or the designated local entity may accept gifts and 613  
grants and enter into contracts for the purchase of services. 614

The multipurpose senior centers shall be centrally located 615  
and easily accessible to any public transportation available in 616  
such location. The centers may provide transportation for older 617  
adults who wish to utilize services available in the facility, 618  
but are unable to reach it because of the lack of financial 619  
resources or physical impairment. Centers shall be designed to 620  
provide ease of access and use considering the infirmities of 621  
~~frail and handicapped~~ older adults who are frail or who have 622  
disabilities. Special safety features shall be provided as 623  
unobtrusively as possible. In establishing the location of 624  
multipurpose senior centers, the department shall, to the extent 625  
feasible, give precedence to the use of existing buildings and 626  
facilities, which may be renovated, over the construction of new 627  
buildings and facilities. 628

**Sec. 173.12.** The services provided by a multipurpose 629  
senior center shall be available to all residents of the area 630  
served by the center who are sixty years of age or older, except 631  
where legal requirements for the use of funds available for a 632  
component program specify other age limits. Persons who receive 633  
services from the center may be encouraged to make voluntary 634  
contributions to the center, but no otherwise eligible person 635  
shall be refused services because of inability to make a 636  
contribution. 637

Services provided by the center may include, but are not 638  
limited to, the following: 639

(A) Services available within the facility: 640

(1) Preventive medical services, diagnostic and treatment 641  
services, emergency health services, and counseling on health 642  
matters, which are provided on a regular basis by a licensed 643  
physician, pharmacist, or registered nurse or other qualified 644  
health professional; 645

(2) A program to locate full- or part-time employment 646  
opportunities; 647

(3) Information and counseling by professional or other 648  
persons specially trained or qualified to enable older adults to 649  
make decisions on personal matters, including income, health, 650  
housing, transportation, and social relationships; 651

(4) A listing of services available in the community for 652  
older adults to assist in identifying the type of assistance 653  
needed, to place them in contact with appropriate services, and 654  
to determine whether services have been received and identified 655  
needs met; 656

(5) Legal advice and assistance by an attorney or a legal 657

assistant acting under the supervision of an attorney; 658

(6) Recreation, social activities, and educational 659  
activities. 660

(B) Services provided outside the facility: 661

(1) Routine health services necessary to help ~~functionally-~~ 662  
~~impaired~~ older adults to with functional impairments maintain an 663  
appropriate standard of personal health, provided to them in 664  
their homes by licensed physicians, registered nurses, or other 665  
qualified health service personnel; 666

(2) Household services, such as light housekeeping, 667  
laundrying, meal preparation, personal and grocery shopping, 668  
check cashing and bill paying, friendly visiting, minor 669  
household repairs, and yard chores, that are necessary to help 670  
~~functionally impaired~~ older adults with functional impairments 671  
meet the normal demands of daily living; 672

(3) The delivery, on a regular schedule, of hot or cold 673  
nourishing meals to ~~functionally impaired~~ older adults with 674  
functional impairments and the determination of the nutritional 675  
needs of such persons; 676

(4) Door-to-door vehicular transportation for ~~functionally-~~ 677  
~~impaired~~ older adults with functional impairments or other older 678  
adults. 679

Other services, including social and recreational 680  
services, adult education courses, reassurance by telephone, 681  
escort services, and housing assistance may be added to the 682  
center's program as appropriate, to the extent that resources 683  
are available. 684

Services may be furnished by public agencies or private 685

persons or organizations, but all services shall be coordinated 686  
by a single management unit, operating within the center, that 687  
is established, staffed, and equipped for this purpose. 688

The department of aging, or the local entity approved by 689  
the department under section 173.11 of the Revised Code for the 690  
operation of a center, may contract for any or all of the 691  
services provided by the center with any other state agency, 692  
county, township, municipal corporation, school district, 693  
community or technical college district, health district, 694  
person, or organization. 695

The department shall provide for the necessary insurance 696  
coverage to protect all volunteers from the normal risks of 697  
personal liability while they are acting within the scope of 698  
their volunteer assignments for the provision of services under 699  
this section. 700

As used in this section, "~~functionally impaired~~ older 701  
adult with a functional impairment" means an individual sixty 702  
years of age or older who requires help from others in order to 703  
cope with the normal demands of daily living. 704

**Sec. 305.07.** (A) Special sessions of the board of county 705  
commissioners may be held as often as the commissioners deem it 706  
necessary. At a regular or special session, the board may make 707  
any necessary order or contract in relation to the building, 708  
furnishing, repairing, or insuring of public buildings or 709  
bridges; the employment of janitors; the improvements or 710  
enclosure of public grounds; the maintenance or support of 711  
persons with developmental disabilities or ~~of the mentally-~~ 712  
~~ill~~ persons with mental illnesses; the expenditure of any fund; 713  
or the board may provide for the reconstruction or repair of any 714  
bridge destroyed by fire, flood, or otherwise. The board shall 715

comply with division (F) of section 121.22 of the Revised Code. 716  
The board may do any other official act not, by law, restricted 717  
to a particular regular session. 718

(B) The board of county commissioners may provide by 719  
resolution for the holding of special sessions of the board at a 720  
location in the county other than the usual office of the board 721  
at the county seat. The adoption of the resolution and the 722  
location where the sessions will be held shall be entered on the 723  
journal of the board. The board shall give reasonable public 724  
notice of its action taken pursuant to this division, in 725  
accordance with division (F) of section 121.22 of the Revised 726  
Code. 727

**Sec. 306.551.** Any municipal corporation or township that 728  
withdraws from a regional transit authority under section 306.55 729  
of the Revised Code may enter into a contract with a regional 730  
transit authority or other provider of transit services to 731  
provide transportation service for ~~handicapped, disabled, or~~ 732  
~~elderly persons~~ who are elderly or who have disabilities and for 733  
any other service the legislative authority of the municipal 734  
corporation or township may determine to be appropriate. 735

**Sec. 325.07.** In addition to the compensation and salary 736  
provided by section 325.06 of the Revised Code, the board of 737  
county commissioners shall make allowances monthly to each 738  
sheriff for the actual and necessary expenses incurred and 739  
expended by the sheriff in pursuing within or without the state 740  
or transporting persons accused or convicted of crimes and 741  
offenses, for any expenses incurred in conveying and 742  
transferring persons to or from any state hospital for ~~the~~ 743  
~~mentally ill~~ persons with mental illnesses, any institution for 744  
persons with intellectual disabilities, any institution operated 745

by the youth commission, children's homes, county homes, and all 746  
similar institutions, and for all expenses of maintaining 747  
transportation facilities necessary to the proper administration 748  
of the duties of the sheriff's office. 749

The board shall allow the sheriff the actual 750  
transportation expense and telephone tolls expended by the 751  
sheriff in serving civil processes and subpoenaing witnesses in 752  
civil and criminal cases and before the grand jury, and it may 753  
allow any other necessary transportation expense for the proper 754  
administration of the duties of the sheriff's office. Each 755  
sheriff shall file under oath a monthly report containing a 756  
full, accurate, and itemized account of all the sheriff's actual 757  
and necessary expenses, including telephone tolls and any other 758  
transportation expense mentioned in this section, before the 759  
expense is allowed by the board. The statement shall show the 760  
number of the case, the court in which the service was rendered, 761  
and the point from which a transportation vehicle was used. 762

For the purpose of making available to the sheriff funds 763  
necessary in the performance of the duties required under this 764  
section, the board may authorize, as an advancement to the 765  
sheriff, a sum not exceeding fifty per cent of the sheriff's 766  
annual salary, from appropriations made to the sheriff by the 767  
board for pursuing prisoners within or without the state or for 768  
transporting the prisoners to correctional institutions, or 769  
both, and for transporting persons to the institutions 770  
enumerated in this section, from which sum of money so advanced 771  
the necessary expenses for the transportation or pursuance may 772  
be paid by the sheriff. The county auditor shall draw a warrant 773  
upon the county treasurer, in favor of the sheriff, as 774  
authorized by the board. 775

After the itemized monthly report provided for in this 776  
section has been filed by the sheriff and approved and allowed 777  
by the board, the board shall restore to the fund the amount 778  
expended and disbursed by the sheriff, as approved and allowed 779  
by the board. 780

Any unexpended balance of such fund remaining in the hands 781  
of the sheriff, at the end of each succeeding fiscal year, shall 782  
be returned and paid into the county treasury by the sheriff. 783

**Sec. 339.11.** The board of county commissioners may enter 784  
into an agreement with one or more corporations or associations 785  
organized for charitable purposes or for the purpose of 786  
maintaining and operating a hospital in any county in which such 787  
hospital has been established, for the care of ~~the indigent sick~~ 788  
~~and disabled persons who are sick or have disabilities,~~ including 789  
indigent persons receiving the tuberculosis treatment specified 790  
in section 339.73 of the Revised Code. The document used to 791  
verify the agreement shall specify the terms that have been 792  
agreed upon by the board and such corporations or associations. 793  
Such board shall provide for the payment of the amount agreed 794  
upon in one payment, or installments, or so much from year to 795  
year as the parties stipulate. This section does not authorize 796  
the payment of public funds to a sectarian institution, except 797  
when the payment is made pursuant to sections 339.71 to 339.89 798  
of the Revised Code. The board may employ the necessary and 799  
properly qualified employees to assist it in carrying out all 800  
responsibilities devolving upon such board by reason of any 801  
agreement entered into in accordance with this section. 802

**Sec. 340.011.** (A) This chapter shall be interpreted to 803  
accomplish all of the following: 804

(1) Establish a unified system of treatment for ~~mentally~~ 805

<del>ill</del> persons <u>with mental illnesses</u> and persons with addictions;	806
(2) Establish a community support system available for every alcohol, drug addiction, and mental health service district;	807 808 809
(3) Protect the personal liberty of <del>mentally ill</del> persons <u>with mental illnesses</u> so that they may be treated in the least restrictive environment;	810 811 812
(4) Encourage the development of high quality, cost effective, and comprehensive services, including culturally sensitive services;	813 814 815
(5) Foster the development of comprehensive community mental health services, based on recognized local needs, especially for <del>severely mentally disabled children, adolescents, and adults</del> <u>persons with severe mental disabilities</u> ;	816 817 818 819
(6) Ensure that services provided meet minimum standards established by the director of mental health and addiction services;	820 821 822
(7) Promote the delivery of high quality and cost-effective addiction and mental health services;	823 824
(8) Promote the participation of persons receiving mental health services and addiction services in the planning, delivery, and evaluation of these services.	825 826 827
(B) Nothing in Chapter 340., 5119., or 5122. of the Revised Code shall be construed as requiring a board of county commissioners to provide resources beyond the total amount set forth in a budget and list of addiction services, mental health services, and recovery supports required by section 340.08 of the Revised Code and approved by the department of mental health	828 829 830 831 832 833

and addiction services under section 5119.22 of the Revised Code. 834  
835

**Sec. 340.03.** (A) Subject to rules issued by the director 836  
of mental health and addiction services after consultation with 837  
relevant constituencies as required by division (A)(10) of 838  
section 5119.21 of the Revised Code, each board of alcohol, drug 839  
addiction, and mental health services shall: 840

(1) Serve as the community addiction and mental health 841  
planning agency for the county or counties under its 842  
jurisdiction, and in so doing it shall: 843

(a) Evaluate the need for facility services, addiction 844  
services, mental health services, and recovery supports; 845

(b) In cooperation with other local and regional planning 846  
and funding bodies and with relevant ethnic organizations, 847  
evaluate strengths and challenges and set priorities for 848  
addiction services, mental health services, and recovery 849  
supports. A board shall include treatment and prevention 850  
services when setting priorities for addiction services and 851  
mental health services. When a board sets priorities for 852  
addiction services, the board shall consult with the county 853  
commissioners of the counties in the board's service district 854  
regarding the services described in section 340.15 of the 855  
Revised Code and shall give priority to those services, except 856  
that those services shall not have a priority over services 857  
provided to pregnant women under programs developed in relation 858  
to the mandate established in section 5119.17 of the Revised 859  
Code. 860

(c) In accordance with guidelines issued by the director 861  
of mental health and addiction services under division (F) of 862

section 5119.22 of the Revised Code, annually develop and submit 863  
to the department of mental health and addiction services a 864  
community addiction and mental health plan that addresses both 865  
of the following: 866

(i) The needs of all residents of the district currently 867  
receiving inpatient services in state-operated hospitals, the 868  
needs of other populations as required by state or federal law 869  
or programs, and the needs of all children subject to a 870  
determination made pursuant to section 121.38 of the Revised 871  
Code; 872

(ii) The department's priorities for facility services, 873  
addiction services, mental health services, and recovery 874  
supports during the period for which the plan will be in effect. 875  
The department shall inform all of the boards of the 876  
department's priorities in a timely manner that enables the 877  
boards to know the department's priorities before the boards 878  
develop and submit the plans. 879

In alcohol, drug addiction, and mental health service 880  
districts that have separate alcohol and drug addiction services 881  
and community mental health boards, the alcohol and drug 882  
addiction services board shall submit a community addiction plan 883  
and the community mental health board shall submit a community 884  
mental health plan. Each board shall consult with its 885  
counterpart in developing its plan and address the interaction 886  
between the local addiction and mental health systems and 887  
populations with regard to needs and priorities in developing 888  
its plan. 889

The department shall approve or disapprove the plan, in 890  
whole or in part, in accordance with division (G) of section 891  
5119.22 of the Revised Code. Eligibility for state and federal 892

funding shall be contingent upon an approved plan or relevant 893  
part of a plan. 894

If a board determines that it is necessary to amend an 895  
approved plan, the board shall submit a proposed amendment to 896  
the director. The director shall approve or disapprove all or 897  
part of the amendment in accordance with division (H) of section 898  
5119.22 of the Revised Code. 899

The board shall operate in accordance with the plan 900  
approved by the department. 901

(d) Promote, arrange, and implement working agreements 902  
with social agencies, both public and private, and with judicial 903  
agencies. 904

(2) Investigate, or request another agency to investigate, 905  
any complaint alleging abuse or neglect of any person receiving 906  
addiction services, mental health services, or recovery supports 907  
from a community addiction services provider or community mental 908  
health services provider or alleging abuse or neglect of a 909  
resident receiving addiction services or with mental illness or 910  
severe mental disability residing in a residential facility 911  
licensed under section 5119.34 of the Revised Code. If the 912  
investigation substantiates the charge of abuse or neglect, the 913  
board shall take whatever action it determines is necessary to 914  
correct the situation, including notification of the appropriate 915  
authorities. Upon request, the board shall provide information 916  
about such investigations to the department. 917

(3) For the purpose of section 5119.36 of the Revised 918  
Code, cooperate with the director of mental health and addiction 919  
services in visiting and evaluating whether the certifiable 920  
services and supports of a community addiction services provider 921

or community mental health services provider satisfy the 922  
certification standards established by rules adopted under that 923  
section; 924

(4) In accordance with criteria established under division 925  
(D) of section 5119.22 of the Revised Code, conduct program 926  
audits that review and evaluate the quality, effectiveness, and 927  
efficiency of addiction services, mental health services, and 928  
recovery supports provided by community addiction services 929  
providers and community mental health services providers under 930  
contract with the board and submit the board's findings and 931  
recommendations to the department of mental health and addiction 932  
services; 933

(5) In accordance with section 5119.34 of the Revised 934  
Code, review an application for a residential facility license 935  
and provide to the department of mental health and addiction 936  
services any information about the applicant or facility that 937  
the board would like the department to consider in reviewing the 938  
application; 939

(6) Audit, in accordance with rules adopted by the auditor 940  
of state pursuant to section 117.20 of the Revised Code, at 941  
least annually all programs, addiction services, mental health 942  
services, and recovery supports provided under contract with the 943  
board. In so doing, the board may contract for or employ the 944  
services of private auditors. A copy of the fiscal audit report 945  
shall be provided to the director of mental health and addiction 946  
services, the auditor of state, and the county auditor of each 947  
county in the board's district. 948

(7) Recruit and promote local financial support for 949  
addiction services, mental health services, and recovery 950  
supports from private and public sources; 951

(8) In accordance with guidelines issued by the department 952  
as necessary to comply with state and federal laws pertaining to 953  
financial assistance, approve fee schedules and related charges 954  
or adopt a unit cost schedule or other methods of payment for 955  
addiction services, mental health services, and recovery 956  
supports provided by community addiction services providers and 957  
community mental health services providers that have contracted 958  
with the board under section 340.036 of the Revised Code; 959

(9) Submit to the director and the county commissioners of 960  
the county or counties served by the board, and make available 961  
to the public, an annual report of the addiction services, 962  
mental health services, and recovery supports under the 963  
jurisdiction of the board, including a fiscal accounting; 964

(10) Establish a method for evaluating referrals for 965  
court-ordered treatment and affidavits filed pursuant to section 966  
5122.11 of the Revised Code in order to assist the probate 967  
division of the court of common pleas in determining whether 968  
there is probable cause that a respondent is subject to court- 969  
ordered treatment and whether alternatives to hospitalization 970  
are available and appropriate; 971

(11) Designate the treatment services, provider, facility, 972  
or other placement for each person involuntarily committed to 973  
the board pursuant to Chapter 5122. of the Revised Code. The 974  
board shall provide the least restrictive and most appropriate 975  
alternative that is available for any person involuntarily 976  
committed to it and shall assure that the list of addiction 977  
services, mental health services, and recovery supports 978  
submitted and approved in accordance with division (B) of 979  
section 340.08 of the Revised Code are available to ~~severely~~ 980  
mentally disabled persons with severe mental disabilities 981

residing within its service district. The board shall establish 982  
the procedure for authorizing payment for the services and 983  
supports, which may include prior authorization in appropriate 984  
circumstances. In accordance with section 340.037 of the Revised 985  
Code, the board may provide addiction services and mental health 986  
services directly to a ~~severely mentally disabled person~~ with a 987  
severe mental disability when life or safety is endangered and 988  
when no community addiction services provider or community 989  
mental health services provider is available to provide the 990  
service. 991

(12) Ensure that housing built, subsidized, renovated, 992  
rented, owned, or leased by the board or a community addiction 993  
services provider or community mental health services provider 994  
has been approved as meeting minimum fire safety standards and 995  
that persons residing in the housing have access to appropriate 996  
and necessary services, including culturally relevant services, 997  
from a community addiction services provider or community mental 998  
health services provider. This division does not apply to 999  
residential facilities licensed pursuant to section 5119.34 of 1000  
the Revised Code. 1001

(13) Establish a mechanism for obtaining advice and 1002  
involvement of persons receiving addiction services, mental 1003  
health services, or recovery supports on matters pertaining to 1004  
services and supports in the alcohol, drug addiction, and mental 1005  
health service district; 1006

(14) Perform the duties required by rules adopted under 1007  
section 5119.22 of the Revised Code regarding referrals by the 1008  
board or community mental health services providers under 1009  
contract with the board of individuals with mental illness or 1010  
severe mental disability to class two residential facilities 1011

licensed under section 5119.34 of the Revised Code and effective 1012  
arrangements for ongoing mental health services for the 1013  
individuals. The board is accountable in the manner specified in 1014  
the rules for ensuring that the ongoing mental health services 1015  
are effectively arranged for the individuals. 1016

(B) Each board of alcohol, drug addiction, and mental 1017  
health services shall establish such rules, operating 1018  
procedures, standards, and bylaws, and perform such other duties 1019  
as may be necessary or proper to carry out the purposes of this 1020  
chapter. 1021

(C) A board of alcohol, drug addiction, and mental health 1022  
services may receive by gift, grant, devise, or bequest any 1023  
moneys, lands, or property for the benefit of the purposes for 1024  
which the board is established, and may hold and apply it 1025  
according to the terms of the gift, grant, or bequest. All money 1026  
received, including accrued interest, by gift, grant, or bequest 1027  
shall be deposited in the treasury of the county, the treasurer 1028  
of which is custodian of the alcohol, drug addiction, and mental 1029  
health services funds to the credit of the board and shall be 1030  
available for use by the board for purposes stated by the donor 1031  
or grantor. 1032

(D) No member or employee of a board of alcohol, drug 1033  
addiction, and mental health services shall be liable for injury 1034  
or damages caused by any action or inaction taken within the 1035  
scope of the member's official duties or the employee's 1036  
employment, whether or not such action or inaction is expressly 1037  
authorized by this section or any other section of the Revised 1038  
Code, unless such action or inaction constitutes willful or 1039  
wanton misconduct. Chapter 2744. of the Revised Code applies to 1040  
any action or inaction by a member or employee of a board taken 1041

within the scope of the member's official duties or employee's 1042  
employment. For the purposes of this division, the conduct of a 1043  
member or employee shall not be considered willful or wanton 1044  
misconduct if the member or employee acted in good faith and in 1045  
a manner that the member or employee reasonably believed was in 1046  
or was not opposed to the best interests of the board and, with 1047  
respect to any criminal action or proceeding, had no reasonable 1048  
cause to believe the conduct was unlawful. 1049

(E) The meetings held by any committee established by a 1050  
board of alcohol, drug addiction, and mental health services 1051  
shall be considered to be meetings of a public body subject to 1052  
section 121.22 of the Revised Code. 1053

(F) (1) A board of alcohol, drug addiction, and mental 1054  
health services may establish a rule, operating procedure, 1055  
standard, or bylaw to allow the executive director of the board 1056  
to execute both of the following types of contracts valued at 1057  
twenty-five thousand dollars or less, as determined by the 1058  
board, on behalf of the board without the board's prior 1059  
approval: 1060

(a) Emergency contracts for clinical services or recovery 1061  
support services; 1062

(b) Standard service contracts pertaining to the board's 1063  
operations. 1064

(2) If a board establishes a rule, operating procedure, 1065  
standard, or bylaw under division (F) (1) of this section, both 1066  
of the following shall be the case: 1067

(a) The board shall define the scope of contracts 1068  
described in divisions (F) (1) (a) and (b) of this section in that 1069  
rule, operating procedure, standard, or bylaw. 1070

(b) The board shall disclose the existence of a contract 1071  
executed pursuant to the rule, operating procedure, standard, or 1072  
bylaw at the first board meeting that occurs after the contract 1073  
was executed and ensure that a record of that disclosure is 1074  
included in the written minutes of that meeting. 1075

**Sec. 340.04.** Each board of alcohol, drug addiction, and 1076  
mental health services shall employ a qualified mental health or 1077  
addiction services professional with experience in 1078  
administration or a professional administrator with experience 1079  
in mental health services or addiction services to serve as 1080  
executive director of the board and shall prescribe the 1081  
director's duties. 1082

The board shall fix the compensation of the executive 1083  
director. In addition to such compensation, the director shall 1084  
be reimbursed for actual and necessary expenses incurred in the 1085  
performance of the director's official duties. The board, by 1086  
majority vote of the full membership, may remove the director 1087  
for cause, upon written charges, after an opportunity has been 1088  
afforded the director for a hearing before the board on request. 1089

The board may delegate to its executive director the 1090  
authority to act in its behalf in the performance of its 1091  
administrative duties. 1092

As used in this section, "mental health professional" and 1093  
"addiction services professional" mean an individual who is 1094  
qualified to work with ~~mentally ill~~ persons with mental 1095  
illnesses or persons receiving addiction services, pursuant to 1096  
standards established by the director of mental health and 1097  
addiction services under Chapter 5119. of the Revised Code. 1098

**Sec. 340.15.** (A) A public children services agency that 1099

identifies a child by a risk assessment conducted pursuant to 1100  
section 5153.16 of the Revised Code as being at imminent risk of 1101  
being abused or neglected because of an addiction of a parent, 1102  
guardian, or custodian of the child to a drug of abuse or 1103  
alcohol shall refer the child's ~~addicted~~ parent, guardian, or 1104  
custodian and, if the agency determines that the child needs 1105  
alcohol and drug addiction services, the child to a community 1106  
addiction services provider. A public children services agency 1107  
that is sent a court order issued pursuant to division (B) of 1108  
section 2151.3514 of the Revised Code shall refer the addicted 1109  
parent or other caregiver of the child identified in the court 1110  
order to a community addiction services provider. On receipt of 1111  
a referral under this division and to the extent funding 1112  
identified under division (A) (2) of section 340.08 of the 1113  
Revised Code is available, the provider shall provide the 1114  
following services to the ~~addicted~~ parent, guardian, custodian, 1115  
or caregiver and child in need of addiction services: 1116

(1) If it is determined pursuant to an initial screening 1117  
to be needed, assessment and appropriate treatment; 1118

(2) Documentation of progress in accordance with a 1119  
treatment plan developed for the ~~addicted~~ parent, guardian, 1120  
custodian, caregiver, or child; 1121

(3) If the referral is based on a court order issued 1122  
pursuant to division (B) of section 2151.3514 of the Revised 1123  
Code and the order requires the specified parent or other 1124  
caregiver of the child to submit to alcohol or other drug 1125  
testing during, after, or both during and after, treatment, 1126  
testing in accordance with the court order. 1127

(B) The services described in division (A) of this section 1128  
shall have a priority as provided in the community addiction and 1129

mental health plan and budget established pursuant to sections 1130  
340.03 and 340.08 of the Revised Code. Once a referral has been 1131  
received pursuant to this section, the public children services 1132  
agency and the community addiction services provider shall, in 1133  
accordance with 42 C.F.R. Part 2, share with each other any 1134  
information concerning the persons and services described in 1135  
that division that the agency and provider determine are 1136  
necessary to share. If the referral is based on a court order 1137  
issued pursuant to division (B) of section 2151.3514 of the 1138  
Revised Code, the results and recommendations of the community 1139  
addiction services provider also shall be provided and used as 1140  
described in division (D) of that section. Information obtained 1141  
or maintained by the agency or provider pursuant to this section 1142  
that could enable the identification of any person described in 1143  
division (A) of this section is not a public record subject to 1144  
inspection or copying under section 149.43 of the Revised Code. 1145

**Sec. 513.05.** The board of township trustees may agree with 1146  
a corporation organized for charitable purposes and not for 1147  
profit or with a municipal corporation for the erection and 1148  
management of a hospital suitably located, for the treatment of 1149  
~~the sick and disabled persons~~ of the township who are sick or 1150  
have disabilities, or for an addition to such hospital, and for 1151  
a permanent interest therein to such extent and upon such terms 1152  
as are agreed upon between the board and such corporation. The 1153  
board shall provide for the payment of the amount agreed upon 1154  
for such interest, either in one payment or in annual 1155  
installments, as agreed. Such agreement shall not become 1156  
operative until approved by a vote of the electors of such 1157  
township under section 513.06 of the Revised Code. 1158

**Sec. 737.051.** (A) The legislative authority of a city may 1159  
establish, by ordinance, an auxiliary police unit within the 1160

police department of the city, and provide for the regulation of 1161  
auxiliary police officers. The director of public safety shall 1162  
be the executive head of the auxiliary police unit, shall make 1163  
all appointments and removals of auxiliary police officers, 1164  
subject to any general rules prescribed by the legislative 1165  
authority by ordinance, and shall prescribe rules for the 1166  
organization, training, administration, control, and conduct of 1167  
the auxiliary police unit. Members of the auxiliary police unit 1168  
shall not be in the classified service of the city. 1169

(B) (1) The legislative authority of a city may establish, 1170  
by ordinance, a parking enforcement unit within the police 1171  
department of the city, and provide for the regulation of 1172  
parking enforcement officers. The director of public safety 1173  
shall be the executive head of the parking enforcement unit, 1174  
shall make all appointments and removals of parking enforcement 1175  
officers, subject to any general rules prescribed by the 1176  
legislative authority by ordinance, and shall prescribe rules 1177  
for the organization, training, administration, control, and 1178  
conduct of the parking enforcement unit. The director may 1179  
appoint parking enforcement officers who agree to serve for 1180  
nominal compensation, and persons with physical disabilities may 1181  
receive appointments as parking enforcement officers. 1182

(2) The authority of the parking enforcement officers 1183  
shall be limited to the enforcement of ordinances governing 1184  
parking in ~~handicapped~~ accessible parking locations and fire 1185  
lanes and any other parking ordinances specified in the 1186  
ordinance creating the parking enforcement unit. Parking 1187  
enforcement officers shall have no other powers. 1188

(3) The training the parking enforcement officers shall 1189  
receive shall include instruction in general administrative 1190

rules and procedures governing the parking enforcement unit, the 1191  
role of the judicial system as it relates to parking regulation 1192  
and enforcement, proper techniques and methods relating to the 1193  
enforcement of parking ordinances, human interaction skills, and 1194  
first aid. 1195

**Sec. 737.161.** (A) The legislative authority of a village 1196  
may establish, by ordinance, an auxiliary police unit within the 1197  
police department of the village, and provide for the regulation 1198  
of auxiliary police officers. The mayor shall be the executive 1199  
head of the auxiliary police unit, shall make all appointments 1200  
and removals of auxiliary police officers, subject to any 1201  
general rules prescribed by the legislative authority by 1202  
ordinance, and shall prescribe rules for the organization, 1203  
training, administration, control, and conduct of the auxiliary 1204  
police unit. The village marshal shall have exclusive control of 1205  
the stationing and transferring of all auxiliary police 1206  
officers, under such general rules as the mayor prescribes. 1207

(B) (1) The legislative authority of a village may 1208  
establish, by ordinance, a parking enforcement unit within the 1209  
police department of the village, and provide for the regulation 1210  
of parking enforcement officers. The mayor shall be the 1211  
executive head of the parking enforcement unit, shall make all 1212  
appointments and removals of parking enforcement officers, 1213  
subject to any general rules prescribed by the legislative 1214  
authority by ordinance, and shall prescribe rules for the 1215  
organization, training, administration, control, and conduct of 1216  
the parking enforcement unit. The mayor may appoint parking 1217  
enforcement officers who agree to serve for nominal 1218  
compensation, and persons with physical disabilities may receive 1219  
appointments as parking enforcement officers. 1220

(2) The authority of the parking enforcement officers 1221  
shall be limited to the enforcement of ordinances governing 1222  
parking in ~~handicapped~~ accessible parking locations and fire 1223  
lanes and any other parking ordinances specified in the 1224  
ordinance creating the parking enforcement unit. Parking 1225  
enforcement officers shall have no other powers. 1226

(3) The training the parking enforcement officers shall 1227  
receive shall include instruction in general administrative 1228  
rules and procedures governing the parking enforcement unit, the 1229  
role of the judicial system as it relates to parking regulation 1230  
and enforcement, proper techniques and methods relating to the 1231  
enforcement of parking ordinances, human interaction skills, and 1232  
first aid. 1233

**Sec. 749.02.** The legislative authority of a municipal 1234  
corporation may agree with a corporation organized for 1235  
charitable purposes and not for profit, for the erection and 1236  
management of a hospital suitably located for the treatment of 1237  
~~the sick and disabled persons~~ of such municipal corporation who 1238  
are sick or have disabilities, or for an addition to such 1239  
hospital, and for a permanent interest therein to such extent 1240  
and upon such terms as are agreed upon between them, and the 1241  
legislative authority shall provide for the payment of the 1242  
amount agreed upon for such interest, either in one payment or 1243  
in annual installments, as is agreed upon. 1244

Such agreement shall not become operative until approved 1245  
by a vote of the electors of the municipal corporation as 1246  
provided in section 749.021 of the Revised Code. 1247

**Sec. 901.73.** (A) (1) The director of agriculture may 1248  
inspect and investigate any matter involving livestock that is 1249  
not present at an exhibition, but is registered or entered in an 1250

exhibition, or raised with the apparent intent of being so 1251  
registered or entered, when the director reasonably suspects any 1252  
of the following: 1253

(a) There has been a violation of section 901.76 or 1254  
2925.09 of the Revised Code or a rule adopted under section 1255  
901.72 of the Revised Code; 1256

(b) The livestock's health, safety, or welfare may be 1257  
threatened; 1258

(c) The livestock constitutes a threat to or may adversely 1259  
affect food safety. 1260

(2) The director may conduct random inspections and 1261  
investigations regarding any matter involving livestock present 1262  
at an exhibition. 1263

(3) With the consent of the property owner and the 1264  
livestock owner, the director or the director's designee may 1265  
enter at all reasonable times any premises, facility, pen, yard, 1266  
vehicle, or means of conveyance for the purpose of sampling and 1267  
testing livestock registered or entered in an exhibition or 1268  
raised with the apparent intent of being so registered or 1269  
entered. If the director or the director's designee is denied 1270  
access to any premises, facility, pen, yard, vehicle, or means 1271  
of conveyance by the property owner or to livestock by the 1272  
livestock owner, and if the director reasonably suspects that 1273  
food safety or the health, safety, or welfare of livestock is 1274  
threatened, the director may apply to a court of competent 1275  
jurisdiction in the county in which the premises, facility, pen, 1276  
yard, vehicle, means of conveyance, or livestock are located for 1277  
a search warrant authorizing access to the premises, facility, 1278  
pen, yard, vehicle, means of conveyance, or livestock for the 1279

purposes of this section. The court shall issue the search 1280  
warrant for the purposes requested if there is probable cause to 1281  
believe that livestock is involved that is registered or entered 1282  
in an exhibition or raised with the apparent intent of being so 1283  
registered or entered, and that food safety or the health, 1284  
safety, or welfare of livestock is threatened. The finding of 1285  
probable cause may be based on hearsay, provided there is a 1286  
substantial basis for believing that the source of the hearsay 1287  
is credible and that there is a factual basis for the 1288  
information furnished. 1289

The director may designate employees of the department of 1290  
agriculture, employees of the United States department of 1291  
agriculture, licensed veterinarians, or employees or students of 1292  
an approved or accredited veterinary school or college to 1293  
perform the inspecting, sampling, and testing. The director may 1294  
contract with laboratories, universities, or other persons or 1295  
institutions, both public and private, to perform the livestock 1296  
testing. 1297

(B) While the director or the director's designee is 1298  
sampling or testing the livestock, the owner or custodian of the 1299  
livestock shall render assistance in accordance with sections 1300  
941.05 and 941.08 of the Revised Code. Any person who refuses to 1301  
cooperate with the director or the director's designee in the 1302  
inspection, sampling, and testing of livestock may be prohibited 1303  
by the director acting under section 901.74 of the Revised Code 1304  
from participating in any exhibition. 1305

(C) A person may register, enter, or exhibit at an 1306  
exhibition only livestock owned by that person for the length of 1307  
time specified by rule of the director, unless one of the 1308  
following applies: 1309

(1) The livestock owner ~~suffers from~~has a recognized 1310  
physical ~~handicap-disability~~ that prevents the owner from 1311  
showing the livestock; 1312

(2) The sponsor provides written permission to someone 1313  
other than the livestock owner to register, enter, or exhibit 1314  
the livestock; 1315

(3) A rule of the director provides that this division 1316  
shall not apply to an exhibition. 1317

**Sec. 918.05.** The director of agriculture may require an 1318  
employee of an establishment to submit to a health examination 1319  
by a physician at any time. No individual ~~suffering from~~having 1320  
any communicable disease, including any communicable skin 1321  
disease, and no person with infected wounds and no person who is 1322  
a carrier of a communicable disease shall be employed in any 1323  
capacity in an establishment. 1324

**Sec. 935.03.** (A) Division (A) of section 935.02 of the 1325  
Revised Code does not apply to any of the following: 1326

(1) A person to which all of the following apply: 1327

(a) The person possesses a dangerous wild animal. 1328

(b) The person has been issued a license by the United 1329  
States department of agriculture under the federal animal 1330  
welfare act. 1331

(c) The director of agriculture has determined that the 1332  
person is in the process of becoming an accredited member of the 1333  
association of zoos and aquariums or the zoological association 1334  
of America. 1335

(d) The director has informed the person that the person 1336  
is exempt from division (A) of section 935.02 of the Revised 1337

Code.	1338
(2) An organization to which all of the following apply:	1339
(a) The organization possesses a dangerous wild animal.	1340
(b) The director has determined that the organization is	1341
in the process of being accredited or verified by the global	1342
federation of animal sanctuaries as a wildlife sanctuary.	1343
(c) The director has informed the organization that it is	1344
exempt from division (A) of section 935.02 of the Revised Code.	1345
(3) A person whose possession of a dangerous wild animal	1346
is authorized by an unexpired permit issued under this chapter.	1347
(B) Except for the purposes of divisions (A) and (B) of	1348
section 935.04 of the Revised Code, this chapter does not apply	1349
to any of the following:	1350
(1) A facility that is an accredited member of the	1351
association of zoos and aquariums or the zoological association	1352
of America and that is licensed by the United States department	1353
of agriculture under the federal animal welfare act;	1354
(2) A research facility as defined in the federal animal	1355
welfare act;	1356
(3) A research facility that is accredited by the	1357
association for the assessment and accreditation of laboratory	1358
animal care international;	1359
(4) A circus;	1360
(5) A wildlife rehabilitation facility that is issued a	1361
permit by the chief of the division of wildlife in rules adopted	1362
under section 1531.08 of the Revised Code and that rehabilitates	1363
dangerous wild animals or restricted snakes that are native to	1364

the state for the purpose of reintroduction into the wild; 1365

(6) A veterinarian that is providing temporary veterinary 1366  
care to a dangerous wild animal or restricted snake; 1367

(7) A wildlife sanctuary; 1368

(8) An individual who does not reside in this state, is 1369  
traveling through this state with a dangerous wild animal or 1370  
restricted snake, and does all of the following: 1371

(a) Confines the animal or snake in a cage at all times; 1372

(b) Confines the animal or snake in a cage that is not 1373  
accessible to the public; 1374

(c) Does not exhibit the animal or snake; 1375

(d) Is in the state not more than forty-eight hours unless 1376  
the animal or snake is receiving veterinary care. 1377

(9) An educational institution that displays a single 1378  
dangerous wild animal as a sports mascot and that meets all of 1379  
the following criteria: 1380

(a) An official of the educational institution has 1381  
submitted an affidavit attesting that the institution will care 1382  
for the animal as long as the animal lives and in a facility 1383  
that is an accredited member of the association of zoos and 1384  
aquariums or the zoological association of America. 1385

(b) The educational institution maintains a liability 1386  
insurance policy with an insurer authorized or approved to write 1387  
such insurance in this state that covers claims for injury or 1388  
damage to persons or property caused by a dangerous wild animal. 1389  
The amount of the insurance coverage shall be not less than one 1390  
million dollars. 1391

(c) During display and transport, the educational 1392  
institution confines the dangerous wild animal in a cage that 1393  
does not permit physical contact between the animal and the 1394  
public. 1395

(d) The educational institution began displaying a 1396  
dangerous wild animal as a mascot prior to September 5, 2012. 1397

(10) Any person who has been issued a permit under section 1398  
1533.08 of the Revised Code, provided that the permit lists each 1399  
specimen of wild animal that is a dangerous wild animal or 1400  
restricted snake in the person's possession; 1401

(11) Any person authorized to possess a dangerous wild 1402  
animal or restricted snake under section 1531.25 of the Revised 1403  
Code or rules adopted under it; 1404

(12) A ~~mobility-impaired person~~ with a mobility 1405  
impairment, as defined in section 955.011 of the Revised Code, 1406  
who possesses a dangerous wild animal specified in division (C) 1407  
(20) (h) of section 935.01 of the Revised Code that has been 1408  
trained by a nonprofit agency or is in such training to assist 1409  
the ~~mobility-impaired person~~ with a mobility impairment; 1410

(13) A deaf or hearing-impaired person who possesses a 1411  
dangerous wild animal specified in division (C) (20) (h) of 1412  
section 935.01 of the Revised Code that has been trained by a 1413  
nonprofit agency or is in such training to assist the deaf or 1414  
hearing-impaired person; 1415

(14) A person who is blind, as defined in section 955.011 1416  
of the Revised Code, and possesses a dangerous wild animal 1417  
specified in division (C) (20) (h) of section 935.01 of the 1418  
Revised Code that has been trained by a nonprofit agency or is 1419  
in such training to assist the blind person. 1420

Sec. 955.011. (A) When an application is made for 1421  
registration of an assistance dog and the owner can show proof 1422  
by certificate or other means that the dog is an assistance dog, 1423  
the owner of the dog shall be exempt from any fee for the 1424  
registration. Registration for an assistance dog shall be 1425  
permanent and not subject to annual renewal so long as the dog 1426  
is an assistance dog. Certificates and tags stamped "Ohio 1427  
Assistance Dog-Permanent Registration," with registration 1428  
number, shall be issued upon registration of such a dog. Any 1429  
~~certificate and tag stamped "Ohio Guide Dog-Permanent~~ 1430  
~~Registration" or "Ohio Hearing Dog-Permanent Registration," with~~ 1431  
~~registration number, that was issued for a dog in accordance~~ 1432  
~~with this section as it existed prior to July 4, 1984, any~~ 1433  
~~certificate and tag stamped "Ohio Handicapped Assistance Dog-~~ 1434  
~~Permanent Registration," with registration number, that was~~ 1435  
~~issued for a dog in accordance with this section as it existed~~ 1436  
~~on and after July 5, 1984, but prior to November 26, 2004, and~~ 1437  
~~any~~ certificate and tag stamped "Ohio Service Dog-Permanent 1438  
Registration," with registration number, that was issued for a 1439  
dog in accordance with this section as it existed on and after 1440  
November 26, 2004, but prior to June 30, 2006, shall remain in 1441  
effect as valid proof of the registration of the dog on and 1442  
after November 26, 2004. Duplicate certificates and tags for a 1443  
dog registered in accordance with this section, upon proper 1444  
proof of loss, shall be issued and no fee required. Each 1445  
duplicate certificate and tag that is issued shall be stamped 1446  
"Ohio Assistance Dog-Permanent Registration." 1447

(B) As used in this section and in sections 955.16 and 1448  
955.43 of the Revised Code: 1449

(1) ~~"Mobility impaired person"~~ "Person with a mobility 1450  
impairment" means any person, regardless of age, who is subject 1451

to a physiological ~~defect or deficiency~~ impairment regardless of 1452  
its cause, nature, or extent that renders the person unable to 1453  
move about without the aid of crutches, a wheelchair, or any 1454  
other form of support, or that limits the person's functional 1455  
ability to ambulate, climb, descend, sit, rise, or perform any 1456  
related function. ~~"Mobility impaired person"~~ "Person with a 1457  
mobility impairment" includes a person with a neurological or 1458  
psychological disability that limits the person's functional 1459  
ability to ambulate, climb, descend, sit, rise, or perform any 1460  
related function. ~~"Mobility impaired person"~~ "Person with a 1461  
mobility impairment" also includes a person with a seizure 1462  
disorder and a person who is diagnosed with autism. 1463

(2) "Blind" means either of the following: 1464

(a) Vision twenty/two hundred or less in the better eye 1465  
with proper correction; 1466

(b) Field defect in the better eye with proper correction 1467  
that contracts the peripheral field so that the diameter of the 1468  
visual field subtends an angle no greater than twenty degrees. 1469

(3) "Assistance dog" means a guide dog, hearing dog, or 1470  
service dog that has been trained by a nonprofit special agency. 1471

(4) "Guide dog" means a dog that has been trained or is in 1472  
training to assist a blind person. 1473

(5) "Hearing dog" means a dog that has been trained or is 1474  
in training to assist a deaf or hearing-impaired person. 1475

(6) "Service dog" means a dog that has been trained or is 1476  
in training to assist a ~~mobility impaired person with a mobility~~ mobility 1477  
impairment. 1478

**Sec. 955.43.** (A) When ~~either a~~ person who is blind, deaf, 1479

or hearing impaired, ~~or mobility impaired~~ a person with a 1480  
mobility impairment, or a trainer of an assistance dog is 1481  
accompanied by an assistance dog, the person or ~~the~~ trainer, as 1482  
applicable, is entitled to the full and equal accommodations, 1483  
advantages, facilities, and privileges of all public 1484  
conveyances, hotels, lodging places, all places of public 1485  
accommodation, amusement, or resort, all institutions of 1486  
education, and other places to which the general public is 1487  
invited, and may take the dog into such conveyances and places, 1488  
subject only to the conditions and limitations applicable to all 1489  
persons not so accompanied, except that: 1490

(1) The dog shall not occupy a seat in any public 1491  
conveyance. 1492

(2) The dog shall be upon a leash while using the 1493  
facilities of a common carrier. 1494

(3) Any dog in training to become an assistance dog shall 1495  
be covered by a liability insurance policy provided by the 1496  
nonprofit special agency engaged in such work protecting members 1497  
of the public against personal injury or property damage caused 1498  
by the dog. 1499

(B) No person shall deprive a person who is blind, deaf, 1500  
or hearing impaired, ~~or mobility impaired~~ a person who has a 1501  
mobility impairment, or a trainer of an assistance dog ~~who~~ when 1502  
the person or trainer, as applicable, is accompanied by an 1503  
assistance dog of any of the advantages, facilities, or 1504  
privileges provided in division (A) of this section, ~~nor~~ and no 1505  
person shall charge the person or trainer a fee or charge for 1506  
the dog. 1507

(C) As used in this section, "institutions of education" 1508

means:	1509
(1) Any state university or college as defined in section 3345.32 of the Revised Code;	1510 1511
(2) Any private college or university that holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;	1512 1513 1514
(3) Any elementary or secondary school operated by a board of education;	1515 1516
(4) Any chartered or nonchartered nonpublic elementary or secondary school;	1517 1518
(5) Any school issued a certificate of registration by the state board of career colleges and schools.	1519 1520
<b>Sec. 959.07.</b> (A) As used in sections 959.07 to 959.10 of the Revised Code:	1521 1522
(1) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	1523 1524
(2) "Licensed veterinarian" has the same meaning as in section 4741.01 of the Revised Code.	1525 1526
(3) "Protective services" has the same meaning as in section 5101.60 of the Revised Code.	1527 1528
(4) "Officer" has the same meaning as in section 959.132 of the Revised Code.	1529 1530
(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.	1531 1532 1533 1534
(6) "Older adult" means any person sixty years of age or	1535

older within this state who is ~~handicapped~~disabled by the 1536  
infirmities of aging or who has a physical or mental impairment 1537  
which prevents the person from providing for the person's own 1538  
care or protection, and who resides in an independent living 1539  
arrangement. 1540

(7) "Violation involving a companion animal" means any 1541  
violation of section 959.01, 959.02, 959.03, 959.13, 959.131, 1542  
959.15, 959.16, or 959.21 of the Revised Code involving a 1543  
companion animal. 1544

(B) (1) No person listed in division (B) (2) of this section 1545  
shall fail to immediately report a violation involving a 1546  
companion animal to an officer who is not a dog warden or deputy 1547  
dog warden when that person has knowledge or reasonable cause to 1548  
suspect that such a violation has occurred or is occurring. 1549

(2) Division (B) (1) of this section applies to all of the 1550  
following operating in an official or professional capacity: 1551

(a) A licensed veterinarian; 1552

(b) A social service professional; 1553

(c) A person licensed under Chapter 4757. of the Revised 1554  
Code. 1555

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 1556  
of the Revised Code is guilty of a minor misdemeanor. 1557

(B) Except as otherwise provided in this division, whoever 1558  
violates section 959.02 of the Revised Code is guilty of a 1559  
misdemeanor of the second degree. If the value of the animal 1560  
killed or the injury done amounts to three hundred dollars or 1561  
more, whoever violates section 959.02 of the Revised Code is 1562  
guilty of a misdemeanor of the first degree. 1563

(C) Whoever violates section 959.03, 959.06, division (C) 1564  
of section 959.09, 959.12, or 959.17 or division (A) of section 1565  
959.15 of the Revised Code is guilty of a misdemeanor of the 1566  
fourth degree. 1567

(D) Whoever violates division (A) of section 959.13 or 1568  
section 959.21 of the Revised Code is guilty of a misdemeanor of 1569  
the second degree. In addition, the court may order the offender 1570  
to forfeit the animal or livestock and may provide for its 1571  
disposition, including, but not limited to, the sale of the 1572  
animal or livestock. If an animal or livestock is forfeited and 1573  
sold pursuant to this division, the proceeds from the sale first 1574  
shall be applied to pay the expenses incurred with regard to the 1575  
care of the animal from the time it was taken from the custody 1576  
of the former owner. The balance of the proceeds from the sale, 1577  
if any, shall be paid to the former owner of the animal. 1578

(E) (1) Whoever violates division (B) of section 959.131 of 1579  
the Revised Code is guilty of a misdemeanor of the first degree 1580  
on a first offense and a felony of the fifth degree on each 1581  
subsequent offense. 1582

(2) Whoever violates division (C) of section 959.131 of 1583  
the Revised Code is guilty of a felony of the fifth degree. 1584

(3) Whoever violates section 959.01 of the Revised Code or 1585  
division (D) of section 959.131 of the Revised Code is guilty of 1586  
a misdemeanor of the second degree on a first offense and a 1587  
misdemeanor of the first degree on each subsequent offense. 1588

(4) Whoever violates division (E) of section 959.131 of 1589  
the Revised Code is guilty of a felony of the fifth degree. 1590

(5) Whoever violates division (F) of section 959.131 of 1591  
the Revised Code is guilty of a misdemeanor of the first degree. 1592

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

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

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

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

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

(H) Whoever violates section 959.16 of the Revised Code is 1623  
guilty of a felony of the fourth degree for a first offense and 1624  
a felony of the third degree on each subsequent offense. 1625

(I) Whoever violates division (B) or (C) of section 959.15 1626  
of the Revised Code is guilty of a felony and shall be fined not 1627  
more than ten thousand dollars. 1628

**Sec. 1533.12.** (A) (1) Except as otherwise provided in 1629  
division (A) (2) of this section, every person on active duty in 1630  
the armed forces of the United States who is stationed in this 1631  
state and who wishes to engage in an activity for which a 1632  
license, permit, or stamp is required under this chapter first 1633  
shall obtain the requisite license, permit, or stamp. Such a 1634  
person is eligible to obtain a resident hunting or fishing 1635  
license regardless of whether the person qualifies as a resident 1636  
of this state. To obtain a resident hunting or fishing license, 1637  
the person shall present a card or other evidence identifying 1638  
the person as being on active duty in the armed forces of the 1639  
United States and as being stationed in this state. 1640

(2) Every person on active duty in the armed forces of the 1641  
United States, while on leave or furlough, may take or catch 1642  
fish of the kind lawfully permitted to be taken or caught within 1643  
the state, may hunt any wild bird or wild quadruped lawfully 1644  
permitted to be hunted within the state, and may trap fur- 1645  
bearing animals lawfully permitted to be trapped within the 1646  
state, without procuring a fishing license, a hunting license, a 1647  
fur taker permit, or a wetlands habitat stamp required by this 1648  
chapter, provided that the person shall carry on the person when 1649  
fishing, hunting, or trapping, a card or other evidence 1650  
identifying the person as being on active duty in the armed 1651  
forces of the United States, and provided that the person is not 1652

otherwise violating any of the hunting, fishing, and trapping 1653  
laws of this state. 1654

In order to hunt deer or wild turkey, any such person 1655  
shall obtain a deer or wild turkey permit, as applicable, under 1656  
section 1533.11 of the Revised Code. Such a person is eligible 1657  
to obtain a deer or wild turkey permit at the resident rate, 1658  
regardless of whether the person is a resident of this state. 1659  
However, the person need not obtain a hunting license in order 1660  
to obtain such a permit. 1661

(B) The chief of the division of wildlife shall provide by 1662  
rule adopted under section 1531.10 of the Revised Code all of 1663  
the following: 1664

(1) Every resident of this state with a disability that 1665  
has been determined by the veterans administration to be 1666  
permanently and totally disabling, who receives a pension or 1667  
compensation from the veterans administration, and who received 1668  
an honorable discharge from the armed forces of the United 1669  
States, and every veteran to whom the registrar of motor 1670  
vehicles has issued a set of license plates under section 1671  
4503.41 of the Revised Code, shall be issued a fishing license, 1672  
hunting license, fur taker permit, deer or wild turkey permit, 1673  
or wetlands habitat stamp, or any combination of those licenses, 1674  
permits, and stamp, free of charge on an annual, multi-year, or 1675  
lifetime basis as determined appropriate by the chief when 1676  
application is made to the chief in the manner prescribed by and 1677  
on forms provided by the chief. 1678

(2) Every resident of the state who was born on or before 1679  
December 31, 1937, shall be issued an annual fishing license, 1680  
hunting license, fur taker permit, deer or wild turkey permit, 1681  
or wetlands habitat stamp, or any combination of those licenses, 1682

permits, and stamp, free of charge when application is made to 1683  
the chief in the manner prescribed by and on forms provided by 1684  
the chief. 1685

(3) Every resident of state or county institutions, 1686  
charitable institutions, and military homes in this state shall 1687  
be issued an annual fishing license free of charge when 1688  
application is made to the chief in the manner prescribed by and 1689  
on forms provided by the chief. 1690

(4) ~~Any~~ As used in division (B) (4) of this section, 1691  
"blind" and "person with a mobility impairment" have the same 1692  
meanings as in section 955.011 of the Revised Code. 1693

Any person with a mobility ~~impaired~~ impairment or blind 1694  
person, as defined in section 955.011 of the Revised Code, who 1695  
is a resident of this state and who is unable to engage in 1696  
fishing without the assistance of another person shall be issued 1697  
an annual fishing license free of charge when application is 1698  
made to the chief in the manner prescribed by and on forms 1699  
provided by the chief. The person who is assisting the ~~mobility-~~ 1700  
~~impaired~~ person with a mobility impairment or blind person may 1701  
assist in taking or catching fish of the kind permitted to be 1702  
taken or caught without procuring the license required under 1703  
section 1533.32 of the Revised Code, provided that only one line 1704  
is used by both persons. 1705

(5) As used in division (B) (5) of this section, "prisoner 1706  
of war" means any regularly appointed, enrolled, enlisted, or 1707  
inducted member of the military forces of the United States who 1708  
was captured, separated, and incarcerated by an enemy of the 1709  
United States. 1710

Any person who has been a prisoner of war, was honorably 1711

discharged from the military forces, and is a resident of this 1712  
state shall be issued a fishing license, hunting license, fur 1713  
taker permit, or wetlands habitat stamp, or any combination of 1714  
those licenses, permits, and stamp, free of charge on an annual, 1715  
multi-year, or lifetime basis as determined appropriate by the 1716  
chief when application is made to the chief in the manner 1717  
prescribed by and on forms provided by the chief. 1718

(C) The chief shall adopt rules pursuant to section 1719  
1531.08 of the Revised Code designating not more than two days, 1720  
which need not be consecutive, in each year as "free sport 1721  
fishing days" on which any resident may exercise the privileges 1722  
accorded the holder of a fishing license issued under section 1723  
1533.32 of the Revised Code without procuring such a license, 1724  
provided that the person is not otherwise violating any of the 1725  
fishing laws of this state. 1726

**Sec. 1713.41.** No superintendent of a city hospital, city 1727  
infirmiry, county home, workhouse, hospital for ~~the mentally-~~ 1728  
~~ill~~ persons with mental illnesses, or other charitable 1729  
institution founded and supported in whole or in part at public 1730  
expense, coroner, infirmiry director, sheriff, or township 1731  
trustee, shall fail to deliver a body of a deceased person when 1732  
applied for, in conformity to law, or charge, receive, or accept 1733  
money or other valuable consideration for the delivery. 1734

This section does not require the delivery of the body 1735  
until twenty-four hours after death. 1736

**Sec. 1743.05.** Any corporation organized for the purpose of 1737  
providing a home for deaf ~~and dumb~~ persons may enter into a 1738  
contract with the board of county commissioners of any county, 1739  
or with the proper officers of any municipal infirmiry, for the 1740  
care and maintenance in such home of any deaf ~~and dumb~~ person 1741

who is an inmate of the county home or of such municipal 1742  
infirmary, or who is entitled to admission thereto. In every 1743  
such case the county home or municipal infirmary, during the 1744  
period the person remains in such home for deaf ~~and dumb~~ 1745  
persons, shall pay to such corporation, annually, a sum equal to 1746  
the per capita cost of maintaining inmates in the county home or 1747  
municipal infirmary. 1748

When any deaf ~~and dumb~~ person is maintained in a county 1749  
home or municipal infirmary, and in the judgment of the county 1750  
department of job and family services should be removed to a 1751  
home incorporated to provide a home for deaf ~~and dumb~~ persons, 1752  
such department may order the removal of the person from the 1753  
county home or municipal infirmary to such home. The 1754  
transportation of the person to such home and the person's 1755  
maintenance shall be paid for by the board of county 1756  
commissioners or the proper officers of the municipal infirmary. 1757

**Sec. 1751.14.** (A) Notwithstanding section 3901.71 of the 1758  
Revised Code, any policy, contract, or agreement for health care 1759  
services authorized by this chapter that is issued, delivered, 1760  
or renewed in this state and that provides that coverage of an 1761  
unmarried dependent child will terminate upon attainment of the 1762  
limiting age for dependent children specified in the policy, 1763  
contract, or agreement, shall also provide in substance both of 1764  
the following: 1765

(1) Once an unmarried child has attained the limiting age 1766  
for dependent children, as provided in the policy, contract, or 1767  
agreement, upon the request of the subscriber, the health 1768  
insuring corporation shall offer to cover the unmarried child 1769  
until the child attains twenty-six years of age if all of the 1770  
following are true: 1771

(a) The child is the natural child, stepchild, or adopted child of the subscriber.	1772 1773
(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.	1774 1775 1776
(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.	1777 1778 1779
(d) The child is not eligible for coverage under the medicaid program or the medicare program.	1780 1781
(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:	1782 1783 1784 1785
(a) Incapable of self-sustaining employment by reason of physical <del>handicap</del> <u>disability</u> or intellectual disability;	1786 1787
(b) Primarily dependent upon the subscriber for support and maintenance.	1788 1789
(B) Proof of incapacity and dependence for purposes of division (A) (2) of this section shall be furnished to the health insuring corporation within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the health insuring corporation may require proof satisfactory to it of the continuance of such incapacity and dependency.	1790 1791 1792 1793 1794 1795 1796
(C) Nothing in this section shall do any of the following:	1797
(1) Require that any policy, contract, or agreement offer coverage for dependent children or provide coverage for an	1798 1799

unmarried dependent child's children as dependents on the 1800  
policy, contract, or agreement; 1801

(2) Require an employer to pay for any part of the premium 1802  
for an unmarried dependent child that has attained the limiting 1803  
age for dependents, as provided in the policy, contract, or 1804  
agreement; 1805

(3) Require an employer to offer health insurance coverage 1806  
to the dependents of any employee. 1807

(D) This section does not apply to any health insuring 1808  
corporation policy, contract, or agreement offering only 1809  
supplemental health care services or specialty health care 1810  
services. 1811

(E) As used in this section, "health benefit plan" has the 1812  
same meaning as in section 3924.01 of the Revised Code and also 1813  
includes both of the following: 1814

(1) A public employee benefit plan; 1815

(2) A health benefit plan as regulated under the "Employee 1816  
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 1817

**Sec. 1751.65.** (A) As used in this section, "genetic 1818  
screening or testing" means a laboratory test of a person's 1819  
genes or chromosomes for ~~abnormalities, defects, or~~ 1820  
deficiencies, genotypes, mutations, or chromosomal changes, 1821  
including carrier status, that are linked to physical or mental 1822  
disorders or impairments, or that indicate a susceptibility to 1823  
illness, disease, or other disorders, whether physical or 1824  
mental, which test is a direct test for ~~abnormalities, defects,~~ 1825  
or deficiencies, genotypes, mutations, or chromosomal changes, 1826  
and not an indirect manifestation of genetic disorders. 1827

(B) No health insuring corporation shall do either of the following: 1828  
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(1) Consider any information obtained from genetic screening or testing in processing an application for coverage for health care services under an individual or group policy, contract, or agreement or in determining insurability under such a policy, contract, or agreement; 1830  
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(2) Inquire, directly or indirectly, into the results of genetic screening or testing or use such information, in whole or in part, to cancel, refuse to issue or renew, limit benefits under, or set premiums for, an individual or group policy, contract, or agreement. 1835  
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(C) Any health insuring corporation that has engaged in, is engaged in, or is about to engage in a violation of division (B) of this section is subject to the jurisdiction of the superintendent of insurance under section 3901.04 of the Revised Code. 1840  
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**Sec. 2101.16.** (A) Except as provided in section 2101.164 of the Revised Code, the fees enumerated in this division shall be charged and collected, if possible, by the probate judge and shall be in full for all services rendered in the respective proceedings: 1845  
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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) <del>Mentally ill person</del> <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	1851
of a guardian or the review of a report of a guardian under	1852
section 2111.49 of the Revised Code, the probate court, pursuant	1853
to court order or in accordance with a court rule, may direct	1854
that the applicant or the estate pay any or all of the expenses	1855
of an investigation conducted pursuant to section 2111.041 or	1856
division (A) (2) of section 2111.49 of the Revised Code. If the	1857
investigation is conducted by a public employee or investigator	1858
who is paid by the county, the fees for the investigation shall	1859

be paid into the county treasury. If the court finds that an 1860  
alleged incompetent or a ward is indigent, the court may waive 1861  
the costs, fees, and expenses of an investigation. 1862

(2) In relation to the appointment or functioning of a 1863  
guardian for a minor or the guardianship of a minor, the probate 1864  
court may direct that the applicant or the estate pay any or all 1865  
of the expenses of an investigation conducted pursuant to 1866  
section 2111.042 of the Revised Code. If the investigation is 1867  
conducted by a public employee or investigator who is paid by 1868  
the county, the fees for the investigation shall be paid into 1869  
the county treasury. If the court finds that the guardian or 1870  
applicant is indigent, the court may waive the costs, fees, and 1871  
expenses of an investigation. 1872

(3) In relation to the filing of an affidavit of mental 1873  
illness for a ~~mentally ill person~~ with a mental illness subject 1874  
to court order, the court may waive the fee under division (A) 1875  
(75) of this section if the court finds that the affiant is 1876  
indigent or for good cause shown. 1877

(C) Thirty dollars of the thirty-five-dollar fee collected 1878  
pursuant to division (A) (34) of this section and twenty dollars 1879  
of the sixty-dollar fee collected pursuant to division (A) (59) 1880  
of this section shall be deposited by the county treasurer in 1881  
the indigent guardianship fund created pursuant to section 1882  
2111.51 of the Revised Code. 1883

(D) The fees of witnesses, jurors, sheriffs, coroners, and 1884  
constables for services rendered in the probate court or by 1885  
order of the probate judge shall be the same as provided for 1886  
similar services in the court of common pleas. 1887

(E) The probate court, by rule, may require an advance 1888

deposit for costs, not to exceed one hundred twenty-five 1889  
dollars, at the time application is made for an appointment as 1890  
executor or administrator or at the time a will is presented for 1891  
probate. 1892

(F) (1) Thirty dollars of the fifty-dollar fee collected 1893  
pursuant to division (A) (3) of this section shall be deposited 1894  
into the "putative father registry fund," which is hereby 1895  
created in the state treasury. The department of job and family 1896  
services shall use the money in the fund to fund the 1897  
department's costs of performing its duties related to the 1898  
putative father registry established under section 3107.062 of 1899  
the Revised Code. 1900

(2) If the department determines that money in the 1901  
putative father registry fund is more than is needed for its 1902  
duties related to the putative father registry, the department 1903  
may use the surplus moneys in the fund as permitted in division 1904  
(C) of section 2151.3534, division (B) of section 2151.3530, or 1905  
section 5103.155 of the Revised Code. 1906

**Sec. 2101.17.** The fees enumerated in this section shall be 1907  
paid to the probate court from the county treasury upon the 1908  
warrant of the county auditor which shall issue upon the 1909  
certificate of the probate judge and shall be in full for all 1910  
services rendered in the respective proceedings as follows: 1911

1912

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 <del>mentally ill</del> 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, 1913  
the probate court has exclusive jurisdiction: 1914

(a) To take the proof of wills and to admit to record 1915  
authenticated copies of wills executed, proved, and allowed in 1916  
the courts of any other state, territory, or country. If the 1917  
probate judge is unavoidably absent, any judge of the court of 1918  
common pleas may take proof of wills and approve bonds to be 1919  
given, but the record of these acts shall be preserved in the 1920  
usual records of the probate court. 1921

(b) To grant and revoke letters testamentary and of 1922  
administration; 1923

(c) To direct and control the conduct and settle the 1924  
accounts of executors and administrators and order the 1925  
distribution of estates; 1926

(d) To appoint the attorney general to serve as the 1927  
administrator of an estate pursuant to section 2113.06 of the 1928  
Revised Code; 1929

(e) To appoint and remove guardians, conservators, and 1930  
testamentary trustees, direct and control their conduct, and 1931  
settle their accounts; 1932

(f) To grant marriage licenses; 1933

(g) To make inquests respecting persons who are so 1934  
mentally impaired as a result of a mental or physical illness or 1935  
disability, as a result of intellectual disability, or as a 1936

result of chronic substance abuse, that they are unable to	1937
manage their property and affairs effectively, subject to	1938
guardianship;	1939
(h) To qualify assignees, appoint and qualify trustees and	1940
commissioners of insolvents, control their conduct, and settle	1941
their accounts;	1942
(i) To authorize the sale of lands, equitable estates, or	1943
interests in lands or equitable estates, and the assignments of	1944
inchoate dower in such cases of sale, on petition by executors,	1945
administrators, and guardians;	1946
(j) To authorize the completion of real property contracts	1947
on petition of executors and administrators;	1948
(k) To construe wills;	1949
(l) To render declaratory judgments, including, but not	1950
limited to, those rendered pursuant to Chapter 5817. of the	1951
Revised Code;	1952
(m) To direct and control the conduct of fiduciaries and	1953
settle their accounts;	1954
(n) To authorize the sale or lease of any estate created	1955
by will if the estate is held in trust, on petition by the	1956
trustee;	1957
(o) To terminate a testamentary trust in any case in which	1958
a court of equity may do so;	1959
(p) To hear and determine actions to contest the validity	1960
of wills;	1961
(q) To make a determination of the presumption of death of	1962
missing persons and to adjudicate the property rights and	1963

obligations of all parties affected by the presumption;	1964
(r) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;	1965 1966
(s) To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;	1967 1968
(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;	1969 1970 1971
(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;	1972 1973 1974
(v) To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;	1975 1976 1977
(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;	1978 1979 1980 1981 1982 1983
(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;	1984 1985 1986 1987 1988
(y) To hear and determine applications of attending physicians in accordance with division (B) of section 2133.15 of the Revised Code;	1989 1990 1991

(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;	1992 1993 1994 1995 1996 1997
(aa) To hear and determine applications for an order relieving an estate from administration under section 2113.03 of the Revised Code;	1998 1999 2000
(bb) To hear and determine applications for an order granting a summary release from administration under section 2113.031 of the Revised Code;	2001 2002 2003
(cc) To hear and determine actions relating to the exercise of the right of disposition, in accordance with section 2108.90 of the Revised Code;	2004 2005 2006
(dd) To hear and determine actions relating to the disinterment and reinterment of human remains under section 517.23 of the Revised Code;	2007 2008 2009
(ee) To hear and determine petitions for an order for treatment of a person <del>suffering from</del> <u>experiencing</u> alcohol and other drug abuse filed under section 5119.93 of the Revised Code and to order treatment of that nature in accordance with, and take other actions afforded to the court under, sections 5119.90 to 5119.98 of the Revised Code.	2010 2011 2012 2013 2014 2015
(2) In addition to the exclusive jurisdiction conferred upon the probate court by division (A)(1) of this section, the probate court shall have exclusive jurisdiction over a particular subject matter if both of the following apply:	2016 2017 2018 2019
(a) Another section of the Revised Code expressly confers	2020

jurisdiction over that subject matter upon the probate court. 2021

(b) No section of the Revised Code expressly confers 2022  
jurisdiction over that subject matter upon any other court or 2023  
agency. 2024

(B) (1) The probate court has concurrent jurisdiction with, 2025  
and the same powers at law and in equity as, the general 2026  
division of the court of common pleas to issue writs and orders, 2027  
and to hear and determine actions as follows: 2028

(a) If jurisdiction relative to a particular subject 2029  
matter is stated to be concurrent in a section of the Revised 2030  
Code or has been construed by judicial decision to be 2031  
concurrent, any action that involves that subject matter; 2032

(b) Any action that involves an inter vivos trust; a trust 2033  
created pursuant to section 5815.28 of the Revised Code; a 2034  
charitable trust or foundation; subject to divisions (A) (1) (t) 2035  
and (y) of this section, a power of attorney, including, but not 2036  
limited to, a durable power of attorney; the medical treatment 2037  
of a competent adult; or a writ of habeas corpus; 2038

(c) Subject to section 2101.31 of the Revised Code, any 2039  
action with respect to a probate estate, guardianship, trust, or 2040  
post-death dispute that involves any of the following: 2041

(i) A designation or removal of a beneficiary of a life 2042  
insurance policy, annuity contract, retirement plan, brokerage 2043  
account, security account, bank account, real property, or 2044  
tangible personal property; 2045

(ii) A designation or removal of a payable-on-death 2046  
beneficiary or transfer-on-death beneficiary; 2047

(iii) A change in the title to any asset involving a joint 2048

and survivorship interest;	2049
(iv) An alleged gift;	2050
(v) The passing of assets upon the death of an individual otherwise than by will, intestate succession, or trust.	2051 2052
(2) Any action that involves a concurrent jurisdiction subject matter and that is before the probate court may be transferred by the probate court, on its order, to the general division of the court of common pleas.	2053 2054 2055 2056
(3) Notwithstanding that the probate court has exclusive jurisdiction to render declaratory judgments under Chapter 5817. of the Revised Code, the probate court may transfer the proceeding to the general division of the court of common pleas pursuant to division (A) of section 5817.04 of the Revised Code.	2057 2058 2059 2060 2061
(C) The probate court has plenary power at law and in equity to dispose fully of any matter that is properly before the court, unless the power is expressly otherwise limited or denied by a section of the Revised Code.	2062 2063 2064 2065
(D) The jurisdiction acquired by a probate court over a matter or proceeding is exclusive of that of any other probate court, except when otherwise provided by law.	2066 2067 2068
<b>Sec. 2127.05.</b> Whenever necessary for the education, support, or the payment of the just debts of the ward, or for the discharge of liens on the real property of the ward, whenever the real property of the ward is suffering unavoidable waste, or a better investment of its value can be made, or whenever it appears that a sale of the real property will be for the benefit of the ward or the ward's children, the guardian of the person and estate or of the estate only of a minor, <del>person</del> unable to manage the person's property because of mental illness	2069 2070 2071 2072 2073 2074 2075 2076 2077

~~or deficiency, habitual drunkard, confined person incompetent~~ 2078  
adult, or other person under disability may commence a civil 2079  
action in the probate court for authority to sell all or any 2080  
part of the real property of the ward. If it appears to the 2081  
advantage of the ward to lay out all or any part of the real 2082  
property in town lots, application for that authority may also 2083  
be made in the action. 2084

When the same person is guardian for two or more wards 2085  
whose real property is owned by them jointly or in common, the 2086  
actions may be joined, and in one complaint the guardian may ask 2087  
for the sale of the interest of all or any number of the 2088  
guardian's wards in the real property. If different persons are 2089  
guardians of wards interested jointly or in common in the same 2090  
real property, they may join as parties plaintiff in the same 2091  
action. On the hearing, in either case, the court may authorize 2092  
the sale of the interest of one or more of the wards. 2093

**Sec. 2127.43.** This chapter extends to an action brought by 2094  
the trustee of a nonresident minor or ~~mentally ill or deficient~~ 2095  
person with a mental illness or mental impairment to sell the 2096  
real property of the ward. 2097

**Sec. 2151.23.** (A) The juvenile court has exclusive 2098  
original jurisdiction under the Revised Code as follows: 2099

(1) Concerning any child who on or about the date 2100  
specified in the complaint, indictment, or information is 2101  
alleged to have violated section 2151.87 of the Revised Code or 2102  
an order issued under that section or to be a juvenile traffic 2103  
offender or a delinquent, unruly, abused, neglected, or 2104  
dependent child and, based on and in relation to the allegation 2105  
pertaining to the child, concerning the parent, guardian, or 2106  
other person having care of a child who is alleged to be an 2107

unruly child for being an habitual truant or who is alleged to 2108  
be a delinquent child for violating a court order regarding the 2109  
child's prior adjudication as an unruly child for being an 2110  
habitual truant; 2111

(2) Subject to divisions (G), (I), (K), and (V) of section 2112  
2301.03 of the Revised Code, to determine the custody of any 2113  
child not a ward of another court of this state; 2114

(3) To hear and determine any application for a writ of 2115  
habeas corpus involving the custody of a child; 2116

(4) To exercise the powers and jurisdiction given the 2117  
probate division of the court of common pleas in Chapter 5122. 2118  
of the Revised Code, if the court has probable cause to believe 2119  
that a child otherwise within the jurisdiction of the court is a 2120  
~~mentally ill person~~ with a mental illness subject to court 2121  
order, as defined in section 5122.01 of the Revised Code; 2122

(5) To hear and determine all criminal cases charging 2123  
adults with the violation of any section of this chapter; 2124

(6) To hear and determine all criminal cases in which an 2125  
adult is charged with a violation of division (C) of section 2126  
2919.21, division (B)(1) of section 2919.22, section 2919.222, 2127  
division (B) of section 2919.23, or section 2919.24 of the 2128  
Revised Code, provided the charge is not included in an 2129  
indictment that also charges the alleged adult offender with the 2130  
commission of a felony arising out of the same actions that are 2131  
the basis of the alleged violation of division (C) of section 2132  
2919.21, division (B)(1) of section 2919.22, section 2919.222, 2133  
division (B) of section 2919.23, or section 2919.24 of the 2134  
Revised Code; 2135

(7) Under the interstate compact on juveniles in section 2136

2151.56 of the Revised Code;	2137
(8) Concerning any child who is to be taken into custody	2138
pursuant to section 2151.31 of the Revised Code, upon being	2139
notified of the intent to take the child into custody and the	2140
reasons for taking the child into custody;	2141
(9) To hear and determine requests for the extension of	2142
temporary custody agreements, and requests for court approval of	2143
permanent custody agreements, that are filed pursuant to section	2144
5103.15 of the Revised Code;	2145
(10) To hear and determine applications for consent to	2146
marry pursuant to section 3101.04 of the Revised Code;	2147
(11) Subject to divisions (G), (I), (K), and (V) of	2148
section 2301.03 of the Revised Code, to hear and determine a	2149
request for an order for the support of any child if the request	2150
is not ancillary to an action for divorce, dissolution of	2151
marriage, annulment, or legal separation, a criminal or civil	2152
action involving an allegation of domestic violence, or an	2153
action for support brought under Chapter 3115. of the Revised	2154
Code;	2155
(12) Concerning an action commenced under section 121.38	2156
of the Revised Code;	2157
(13) To hear and determine violations of section 3321.38	2158
of the Revised Code;	2159
(14) To exercise jurisdiction and authority over the	2160
parent, guardian, or other person having care of a child alleged	2161
to be a delinquent child, unruly child, or juvenile traffic	2162
offender, based on and in relation to the allegation pertaining	2163
to the child;	2164

(15) To conduct the hearings, and to make the 2165  
determinations, adjudications, and orders authorized or required 2166  
under sections 2152.82 to 2152.86 and Chapter 2950. of the 2167  
Revised Code regarding a child who has been adjudicated a 2168  
delinquent child and to refer the duties conferred upon the 2169  
juvenile court judge under sections 2152.82 to 2152.86 and 2170  
Chapter 2950. of the Revised Code to magistrates appointed by 2171  
the juvenile court judge in accordance with Juvenile Rule 40; 2172

(16) To hear and determine a petition for a protection 2173  
order against a child under section 2151.34 or 3113.31 of the 2174  
Revised Code and to enforce a protection order issued or a 2175  
consent agreement approved under either section against a child 2176  
until a date certain but not later than the date the child 2177  
attains nineteen years of age; 2178

(17) Concerning emancipated young adults under sections 2179  
2151.45 to 2151.455 of the Revised Code. 2180

(B) Except as provided in divisions (G) and (I) of section 2181  
2301.03 of the Revised Code, the juvenile court has original 2182  
jurisdiction under the Revised Code: 2183

(1) To hear and determine all cases of misdemeanors 2184  
charging adults with any act or omission with respect to any 2185  
child, which act or omission is a violation of any state law or 2186  
any municipal ordinance; 2187

(2) To determine the paternity of any child alleged to 2188  
have been born out of wedlock pursuant to sections 3111.01 to 2189  
3111.18 of the Revised Code; 2190

(3) Under the uniform interstate family support act in 2191  
Chapter 3115. of the Revised Code; 2192

(4) To hear and determine an application for an order for 2193

the support of any child, if the child is not a ward of another	2194
court of this state;	2195
(5) To hear and determine an action commenced under	2196
section 3111.28 of the Revised Code;	2197
(6) To hear and determine a motion filed under section	2198
3119.961 of the Revised Code;	2199
(7) To receive filings under section 3109.74 of the	2200
Revised Code, and to hear and determine actions arising under	2201
sections 3109.51 to 3109.80 of the Revised Code.	2202
(8) To enforce an order for the return of a child made	2203
under the Hague Convention on the Civil Aspects of International	2204
Child Abduction pursuant to section 3127.32 of the Revised Code;	2205
(9) To grant any relief normally available under the laws	2206
of this state to enforce a child custody determination made by a	2207
court of another state and registered in accordance with section	2208
3127.35 of the Revised Code.	2209
(C) The juvenile court, except as to juvenile courts that	2210
are a separate division of the court of common pleas or a	2211
separate and independent juvenile court, has jurisdiction to	2212
hear, determine, and make a record of any action for divorce or	2213
legal separation that involves the custody or care of children	2214
and that is filed in the court of common pleas and certified by	2215
the court of common pleas with all the papers filed in the	2216
action to the juvenile court for trial, provided that no	2217
certification of that nature shall be made to any juvenile court	2218
unless the consent of the juvenile judge first is obtained.	2219
After a certification of that nature is made and consent is	2220
obtained, the juvenile court shall proceed as if the action	2221
originally had been begun in that court, except as to awards for	2222

spousal support or support due and unpaid at the time of 2223  
certification, over which the juvenile court has no 2224  
jurisdiction. 2225

(D) The juvenile court, except as provided in division (I) 2226  
of section 2301.03 of the Revised Code, has jurisdiction to hear 2227  
and determine all matters as to custody and support of children 2228  
duly certified by the court of common pleas to the juvenile 2229  
court after a divorce decree has been granted, including 2230  
jurisdiction to modify the judgment and decree of the court of 2231  
common pleas as the same relate to the custody and support of 2232  
children. 2233

(E) The juvenile court, except as provided in division (I) 2234  
of section 2301.03 of the Revised Code, has jurisdiction to hear 2235  
and determine the case of any child certified to the court by 2236  
any court of competent jurisdiction if the child comes within 2237  
the jurisdiction of the juvenile court as defined by this 2238  
section. 2239

(F) (1) The juvenile court shall exercise its jurisdiction 2240  
in child custody matters in accordance with sections 3109.04 and 2241  
3127.01 to 3127.53 of the Revised Code and, as applicable, 2242  
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 2243  
Revised Code. 2244

(2) The juvenile court shall exercise its jurisdiction in 2245  
child support matters in accordance with section 3109.05 of the 2246  
Revised Code. 2247

(G) Any juvenile court that makes or modifies an order for 2248  
child support shall comply with Chapters 3119., 3121., 3123., 2249  
and 3125. of the Revised Code. If any person required to pay 2250  
child support under an order made by a juvenile court on or 2251

after April 15, 1985, or modified on or after December 1, 1986, 2252  
is found in contempt of court for failure to make support 2253  
payments under the order, the court that makes the finding, in 2254  
addition to any other penalty or remedy imposed, shall assess 2255  
all court costs arising out of the contempt proceeding against 2256  
the person and require the person to pay any reasonable 2257  
attorney's fees of any adverse party, as determined by the 2258  
court, that arose in relation to the act of contempt. 2259

(H) If a child who is charged with an act that would be an 2260  
offense if committed by an adult was fourteen years of age or 2261  
older and under eighteen years of age at the time of the alleged 2262  
act and if the case is transferred for criminal prosecution 2263  
pursuant to section 2152.12 of the Revised Code, except as 2264  
provided in section 2152.121 of the Revised Code, the juvenile 2265  
court does not have jurisdiction to hear or determine the case 2266  
subsequent to the transfer. The court to which the case is 2267  
transferred for criminal prosecution pursuant to that section 2268  
has jurisdiction subsequent to the transfer to hear and 2269  
determine the case in the same manner as if the case originally 2270  
had been commenced in that court, subject to section 2152.121 of 2271  
the Revised Code, including, but not limited to, jurisdiction to 2272  
accept a plea of guilty or another plea authorized by Criminal 2273  
Rule 11 or another section of the Revised Code and jurisdiction 2274  
to accept a verdict and to enter a judgment of conviction 2275  
pursuant to the Rules of Criminal Procedure against the child 2276  
for the commission of the offense that was the basis of the 2277  
transfer of the case for criminal prosecution, whether the 2278  
conviction is for the same degree or a lesser degree of the 2279  
offense charged, for the commission of a lesser-included 2280  
offense, or for the commission of another offense that is 2281  
different from the offense charged. 2282

(I) If a person under eighteen years of age allegedly 2283  
commits an act that would be a felony if committed by an adult 2284  
and if the person is not taken into custody or apprehended for 2285  
that act until after the person attains twenty-one years of age, 2286  
the juvenile court does not have jurisdiction to hear or 2287  
determine any portion of the case charging the person with 2288  
committing that act. In those circumstances, divisions (A) and 2289  
(B) of section 2152.12 of the Revised Code do not apply 2290  
regarding the act, and the case charging the person with 2291  
committing the act shall be a criminal prosecution commenced and 2292  
heard in the appropriate court having jurisdiction of the 2293  
offense as if the person had been eighteen years of age or older 2294  
when the person committed the act. All proceedings pertaining to 2295  
the act shall be within the jurisdiction of the court having 2296  
jurisdiction of the offense, and that court has all the 2297  
authority and duties in the case that it has in other criminal 2298  
cases in that court. 2299

(J) In exercising its exclusive original jurisdiction 2300  
under division (A) (16) of this section with respect to any 2301  
proceedings brought under section 2151.34 or 3113.31 of the 2302  
Revised Code in which the respondent is a child, the juvenile 2303  
court retains all dispositional powers consistent with existing 2304  
rules of juvenile procedure and may also exercise its discretion 2305  
to adjudicate proceedings as provided in sections 2151.34 and 2306  
3113.31 of the Revised Code, including the issuance of 2307  
protection orders or the approval of consent agreements under 2308  
those sections. 2309

**Sec. 2151.414.** (A) (1) Upon the filing of a motion pursuant 2310  
to section 2151.413 of the Revised Code for permanent custody of 2311  
a child, the court shall schedule a hearing and give notice of 2312  
the filing of the motion and of the hearing, in accordance with 2313

section 2151.29 of the Revised Code, to all parties to the 2314  
action and to the child's guardian ad litem. The notice also 2315  
shall contain a full explanation that the granting of permanent 2316  
custody permanently divests the parents of their parental 2317  
rights, a full explanation of their right to be represented by 2318  
counsel and to have counsel appointed pursuant to Chapter 120. 2319  
of the Revised Code if they are indigent, and the name and 2320  
telephone number of the court employee designated by the court 2321  
pursuant to section 2151.314 of the Revised Code to arrange for 2322  
the prompt appointment of counsel for indigent persons. 2323

The court shall conduct a hearing in accordance with 2324  
section 2151.35 of the Revised Code to determine if it is in the 2325  
best interest of the child to permanently terminate parental 2326  
rights and grant permanent custody to the agency that filed the 2327  
motion. The adjudication that the child is an abused, neglected, 2328  
or dependent child and any dispositional order that has been 2329  
issued in the case under section 2151.353 of the Revised Code 2330  
pursuant to the adjudication shall not be readjudicated at the 2331  
hearing and shall not be affected by a denial of the motion for 2332  
permanent custody. 2333

(2) The court shall hold the hearing scheduled pursuant to 2334  
division (A)(1) of this section not later than one hundred 2335  
twenty days after the agency files the motion for permanent 2336  
custody, except that, for good cause shown, the court may 2337  
continue the hearing for a reasonable period of time beyond the 2338  
one-hundred-twenty-day deadline. The court shall issue an order 2339  
that grants, denies, or otherwise disposes of the motion for 2340  
permanent custody, and journalize the order, not later than two 2341  
hundred days after the agency files the motion. 2342

If a motion is made under division (D)(2) of section 2343

2151.413 of the Revised Code and no dispositional hearing has 2344  
been held in the case, the court may hear the motion in the 2345  
dispositional hearing required by division (B) of section 2346  
2151.35 of the Revised Code. If the court issues an order 2347  
pursuant to section 2151.353 of the Revised Code granting 2348  
permanent custody of the child to the agency, the court shall 2349  
immediately dismiss the motion made under division (D) (2) of 2350  
section 2151.413 of the Revised Code. 2351

The failure of the court to comply with the time periods 2352  
set forth in division (A) (2) of this section does not affect the 2353  
authority of the court to issue any order under this chapter and 2354  
does not provide any basis for attacking the jurisdiction of the 2355  
court or the validity of any order of the court. 2356

(B) (1) Except as provided in division (B) (2) of this 2357  
section, the court may grant permanent custody of a child to a 2358  
movant if the court determines at the hearing held pursuant to 2359  
division (A) of this section, by clear and convincing evidence, 2360  
that it is in the best interest of the child to grant permanent 2361  
custody of the child to the agency that filed the motion for 2362  
permanent custody and that any of the following apply: 2363

(a) The child is not abandoned or orphaned, has not been 2364  
in the temporary custody of one or more public children services 2365  
agencies or private child placing agencies for twelve or more 2366  
months of a consecutive twenty-two-month period, or has not been 2367  
in the temporary custody of one or more public children services 2368  
agencies or private child placing agencies for twelve or more 2369  
months of a consecutive twenty-two-month period if, as described 2370  
in division (D) (1) of section 2151.413 of the Revised Code, the 2371  
child was previously in the temporary custody of an equivalent 2372  
agency in another state, and the child cannot be placed with 2373

either of the child's parents within a reasonable time or should  
not be placed with the child's parents. 2374  
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(b) The child is abandoned. 2376

(c) The child is orphaned, and there are no relatives of  
the child who are able to take permanent custody. 2377  
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(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. 2379  
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(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. 2389  
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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. 2394  
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(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  
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the child cannot be placed with one of the child's parents 2403  
within a reasonable time or should not be placed with either 2404  
parent and determines in accordance with division (D) of this 2405  
section that permanent custody is in the child's best interest. 2406

(C) In making the determinations required by this section 2407  
or division (A) (4) of section 2151.353 of the Revised Code, a 2408  
court shall not consider the effect the granting of permanent 2409  
custody to the agency would have upon any parent of the child. A 2410  
written report of the guardian ad litem of the child shall be 2411  
submitted to the court prior to or at the time of the hearing 2412  
held pursuant to division (A) of this section or section 2151.35 2413  
of the Revised Code but shall not be submitted under oath. 2414

If the court grants permanent custody of a child to a 2415  
movant under this division, the court, upon the request of any 2416  
party, shall file a written opinion setting forth its findings 2417  
of fact and conclusions of law in relation to the proceeding. 2418  
The court shall not deny an agency's motion for permanent 2419  
custody solely because the agency failed to implement any 2420  
particular aspect of the child's case plan. 2421

(D) (1) In determining the best interest of a child at a 2422  
hearing held pursuant to division (A) of this section or for the 2423  
purposes of division (A) (4) or (5) of section 2151.353 or 2424  
division (C) of section 2151.415 of the Revised Code, the court 2425  
shall consider all relevant factors, including, but not limited 2426  
to, the following: 2427

(a) The interaction and interrelationship of the child 2428  
with the child's parents, siblings, relatives, foster caregivers 2429  
and out-of-home providers, and any other person who may 2430  
significantly affect the child; 2431

(b) The wishes of the child, as expressed directly by the 2432  
child or through the child's guardian ad litem, with due regard 2433  
for the maturity of the child; 2434

(c) The custodial history of the child, including whether 2435  
the child has been in the temporary custody of one or more 2436  
public children services agencies or private child placing 2437  
agencies for twelve or more months of a consecutive twenty-two- 2438  
month period, or the child has been in the temporary custody of 2439  
one or more public children services agencies or private child 2440  
placing agencies for twelve or more months of a consecutive 2441  
twenty-two-month period and, as described in division (D) (1) of 2442  
section 2151.413 of the Revised Code, the child was previously 2443  
in the temporary custody of an equivalent agency in another 2444  
state; 2445

(d) The child's need for a legally secure permanent 2446  
placement and whether that type of placement can be achieved 2447  
without a grant of permanent custody to the agency; 2448

(e) Whether any of the factors in divisions (E) (7) to (11) 2449  
of this section apply in relation to the parents and child. 2450

For the purposes of division (D) (1) of this section, a 2451  
child shall be considered to have entered the temporary custody 2452  
of an agency on the earlier of the date the child is adjudicated 2453  
pursuant to section 2151.28 of the Revised Code or the date that 2454  
is sixty days after the removal of the child from home. 2455

(2) If all of the following apply, permanent custody is in 2456  
the best interest of the child, and the court shall commit the 2457  
child to the permanent custody of a public children services 2458  
agency or private child placing agency: 2459

(a) The court determines by clear and convincing evidence 2460

that one or more of the factors in division (E) of this section 2461  
exist and the child cannot be placed with one of the child's 2462  
parents within a reasonable time or should not be placed with 2463  
either parent. 2464

(b) The child has been in an agency's custody for two 2465  
years or longer, and no longer qualifies for temporary custody 2466  
pursuant to division (D) of section 2151.415 of the Revised 2467  
Code. 2468

(c) The child does not meet the requirements for a planned 2469  
permanent living arrangement pursuant to division (A) (5) of 2470  
section 2151.353 of the Revised Code. 2471

(d) Prior to the dispositional hearing, no relative or 2472  
other interested person has filed, or has been identified in, a 2473  
motion for legal custody of the child. 2474

(E) In determining at a hearing held pursuant to division 2475  
(A) of this section or for the purposes of division (A) (4) of 2476  
section 2151.353 of the Revised Code whether a child cannot be 2477  
placed with either parent within a reasonable period of time or 2478  
should not be placed with the parents, the court shall consider 2479  
all relevant evidence. If the court determines, by clear and 2480  
convincing evidence, at a hearing held pursuant to division (A) 2481  
of this section or for the purposes of division (A) (4) of 2482  
section 2151.353 of the Revised Code that one or more of the 2483  
following exist as to each of the child's parents, the court 2484  
shall enter a finding that the child cannot be placed with 2485  
either parent within a reasonable time or should not be placed 2486  
with either parent: 2487

(1) Following the placement of the child outside the 2488  
child's home and notwithstanding reasonable case planning and 2489

diligent efforts by the agency to assist the parents to remedy 2490  
the problems that initially caused the child to be placed 2491  
outside the home, the parent has failed continuously and 2492  
repeatedly to substantially remedy the conditions causing the 2493  
child to be placed outside the child's home. In determining 2494  
whether the parents have substantially remedied those 2495  
conditions, the court shall consider parental utilization of 2496  
medical, psychiatric, psychological, and other social and 2497  
rehabilitative services and material resources that were made 2498  
available to the parents for the purpose of changing parental 2499  
conduct to allow them to resume and maintain parental duties. 2500

(2) Chronic mental illness, chronic emotional illness, 2501  
intellectual disability, physical disability, or chemical 2502  
dependency of the parent that is so severe that it makes the 2503  
parent unable to provide an adequate permanent home for the 2504  
child at the present time and, as anticipated, within one year 2505  
after the court holds the hearing pursuant to division (A) of 2506  
this section or for the purposes of division (A)(4) of section 2507  
2151.353 of the Revised Code; 2508

(3) The parent committed any abuse as described in section 2509  
2151.031 of the Revised Code against the child, caused the child 2510  
to suffer any neglect as described in section 2151.03 of the 2511  
Revised Code, or allowed the child to suffer any neglect as 2512  
described in section 2151.03 of the Revised Code between the 2513  
date that the original complaint alleging abuse or neglect was 2514  
filed and the date of the filing of the motion for permanent 2515  
custody; 2516

(4) The parent has demonstrated a lack of commitment 2517  
toward the child by failing to regularly support, visit, or 2518  
communicate with the child when able to do so, or by other 2519

actions showing an unwillingness to provide an adequate 2520  
permanent home for the child; 2521

(5) The parent is incarcerated for an offense committed 2522  
against the child or a sibling of the child; 2523

(6) The parent has been convicted of or pleaded guilty to 2524  
an offense under division (A) or (C) of section 2919.22 or under 2525  
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 2526  
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.23, 2527  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2528  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 2919.25, 2529  
2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the Revised 2530  
Code, and the child or a sibling of the child was a victim of 2531  
the offense, or the parent has been convicted of or pleaded 2532  
guilty to an offense under section 2903.04 of the Revised Code, 2533  
a sibling of the child was the victim of the offense, and the 2534  
parent who committed the offense poses an ongoing danger to the 2535  
child or a sibling of the child. 2536

(7) The parent has been convicted of or pleaded guilty to 2537  
one of the following: 2538

(a) An offense under section 2903.01, 2903.02, or 2903.03 2539  
of the Revised Code or under an existing or former law of this 2540  
state, any other state, or the United States that is 2541  
substantially equivalent to an offense described in those 2542  
sections and the victim of the offense was a sibling of the 2543  
child or the victim was another child who lived in the parent's 2544  
household at the time of the offense; 2545

(b) An offense under section 2903.11, 2903.12, or 2903.13 2546  
of the Revised Code or under an existing or former law of this 2547  
state, any other state, or the United States that is 2548

substantially equivalent to an offense described in those 2549  
sections and the victim of the offense is the child, a sibling 2550  
of the child, or another child who lived in the parent's 2551  
household at the time of the offense; 2552

(c) An offense under division (B) (2) of section 2919.22 of 2553  
the Revised Code or under an existing or former law of this 2554  
state, any other state, or the United States that is 2555  
substantially equivalent to the offense described in that 2556  
section and the child, a sibling of the child, or another child 2557  
who lived in the parent's household at the time of the offense 2558  
is the victim of the offense; 2559

(d) An offense under section 2907.02, 2907.03, 2907.04, 2560  
2907.05, or 2907.06 of the Revised Code or under an existing or 2561  
former law of this state, any other state, or the United States 2562  
that is substantially equivalent to an offense described in 2563  
those sections and the victim of the offense is the child, a 2564  
sibling of the child, or another child who lived in the parent's 2565  
household at the time of the offense; 2566

(e) An offense under section 2905.32, 2907.21, or 2907.22 2567  
of the Revised Code or under an existing or former law of this 2568  
state, any other state, or the United States that is 2569  
substantially equivalent to the offense described in that 2570  
section and the victim of the offense is the child, a sibling of 2571  
the child, or another child who lived in the parent's household 2572  
at the time of the offense; 2573

(f) A conspiracy or attempt to commit, or complicity in 2574  
committing, an offense described in division (E) (7) (a), (d), or 2575  
(e) of this section. 2576

(8) The parent has repeatedly withheld medical treatment 2577

or food from the child when the parent has the means to provide 2578  
the treatment or food, and, in the case of withheld medical 2579  
treatment, the parent withheld it for a purpose other than to 2580  
treat the physical or mental illness or ~~defect~~ disability of the 2581  
child by spiritual means through prayer alone in accordance with 2582  
the tenets of a recognized religious body. 2583

(9) The parent has placed the child at substantial risk of 2584  
harm two or more times due to alcohol or drug abuse and has 2585  
rejected treatment two or more times or refused to participate 2586  
in further treatment two or more times after a case plan issued 2587  
pursuant to section 2151.412 of the Revised Code requiring 2588  
treatment of the parent was journalized as part of a 2589  
dispositional order issued with respect to the child or an order 2590  
was issued by any other court requiring treatment of the parent. 2591

(10) The parent has abandoned the child. 2592

(11) The parent has had parental rights involuntarily 2593  
terminated with respect to a sibling of the child pursuant to 2594  
this section or section 2151.353 or 2151.415 of the Revised 2595  
Code, or under an existing or former law of this state, any 2596  
other state, or the United States that is substantially 2597  
equivalent to those sections, and the parent has failed to 2598  
provide clear and convincing evidence to prove that, 2599  
notwithstanding the prior termination, the parent can provide a 2600  
legally secure permanent placement and adequate care for the 2601  
health, welfare, and safety of the child. 2602

(12) The parent is incarcerated at the time of the filing 2603  
of the motion for permanent custody or the dispositional hearing 2604  
of the child and will not be available to care for the child for 2605  
at least eighteen months after the filing of the motion for 2606  
permanent custody or the dispositional hearing. 2607

(13) The parent is repeatedly incarcerated, and the 2608  
repeated incarceration prevents the parent from providing care 2609  
for the child. 2610

(14) The parent for any reason is unwilling to provide 2611  
food, clothing, shelter, and other basic necessities for the 2612  
child or to prevent the child from suffering physical, 2613  
emotional, or sexual abuse or physical, emotional, or mental 2614  
neglect. 2615

(15) The parent has committed abuse as described in 2616  
section 2151.031 of the Revised Code against the child or caused 2617  
or allowed the child to suffer neglect as described in section 2618  
2151.03 of the Revised Code, and the court determines that the 2619  
seriousness, nature, or likelihood of recurrence of the abuse or 2620  
neglect makes the child's placement with the child's parent a 2621  
threat to the child's safety. 2622

(16) Any other factor the court considers relevant. 2623

(F) The parents of a child for whom the court has issued 2624  
an order granting permanent custody pursuant to this section, 2625  
upon the issuance of the order, cease to be parties to the 2626  
action. This division is not intended to eliminate or restrict 2627  
any right of the parents to appeal the granting of permanent 2628  
custody of their child to a movant pursuant to this section. 2629

**Sec. 2305.42.** (A) A person who ~~suffers from~~ has epilepsy, 2630  
diabetes, a cardiac condition, or any other type of illness that 2631  
causes temporary blackouts, semiconscious periods, or complete 2632  
unconsciousness, or who ~~suffers from~~ has a condition requiring 2633  
specific medication or medical treatment, is allergic to certain 2634  
medications or items used in medical treatment, wears contact 2635  
lenses, has religious objections to certain forms of medication 2636

or medical treatment, or is unable to communicate coherently or 2637  
effectively in the English language, is authorized and 2638  
encouraged to wear an identifying device. 2639

(B) Any person may carry an identification card. 2640

(C) By wearing an identifying device a person gives ~~his~~ 2641  
consent for any law enforcement officer or medical practitioner 2642  
who finds ~~him~~the person in a disabled condition to make a 2643  
reasonable search of ~~his~~the person's clothing or other effects 2644  
for an identification card. 2645

**Sec. 2305.43.** (A) A law enforcement officer shall make a 2646  
diligent effort to determine whether any disabled person ~~he~~the 2647  
officer finds is an epileptic or a diabetic, or ~~suffers from~~has 2648  
some other type of illness that would cause the condition. 2649  
Whenever feasible, this effort shall be made before the person 2650  
is charged with a crime or taken to a place of detention. 2651

(B) In seeking to determine whether a disabled person 2652  
~~suffers from~~has an illness, a law enforcement officer may make 2653  
a reasonable search for an identifying device and an 2654  
identification card and examine them for emergency information. 2655  
The law enforcement officer may not search for an identifying 2656  
device or an identification card in a manner or to an extent 2657  
that would appear to a reasonable person in the circumstances to 2658  
cause an unreasonable risk of worsening the disabled person's 2659  
condition. 2660

(C) A law enforcement officer who finds a disabled person 2661  
without an identifying device or identification card is not 2662  
relieved of ~~his~~the duty to that person to make a diligent effort 2663  
to ascertain the existence of any illness causing the disabled 2664  
condition. 2665

(D) A cause of action against a law enforcement officer 2666  
does not arise from ~~his~~the officer making a reasonable search of 2667  
the disabled person to locate an identifying device or 2668  
identification card, even though the person is not wearing an 2669  
identifying device or carrying an identification card. 2670

(E) A law enforcement officer who determines or has reason 2671  
to believe that a disabled person ~~is suffering from~~has an 2672  
illness causing ~~his~~the person's condition shall promptly notify 2673  
the person's physician, if practicable. If the officer is unable 2674  
to ascertain the physician's identity or to communicate with 2675  
~~him~~the physician, the officer shall make a reasonable effort to 2676  
cause the disabled person to be transported immediately to a 2677  
medical practitioner or to a facility where medical treatment is 2678  
available. If the officer believes it unduly dangerous to move 2679  
the disabled person, ~~he~~the officer shall make a reasonable 2680  
effort to obtain the assistance of a medical practitioner. 2681

**Sec. 2746.02.** A court of record of this state shall tax as 2682  
costs or otherwise require the payment of fees for the following 2683  
services rendered, as compensation for the following persons, or 2684  
as part of the sentence imposed by the court, or any other of 2685  
the following fees that are applicable in a particular case: 2686

(A) In a felony case, financial sanctions, as provided in 2687  
section 2929.18 of the Revised Code; 2688

(B) In any criminal case, the costs of prosecution, as 2689  
provided in section 2947.23 of the Revised Code; 2690

(C) In a misdemeanor case in which the offender is 2691  
sentenced to a jail term, the local detention facility is 2692  
covered by a policy adopted by the facility's governing 2693  
authority requiring reimbursement for the costs of confinement, 2694

and the offender is presented with an itemized bill pursuant to 2695  
section 2929.37 of the Revised Code for such costs, the costs of 2696  
confinement, as provided in section 2929.24 of the Revised Code; 2697

(D) In a case in which an offender is sentenced for 2698  
endangering children in violation of section 2919.22 of the 2699  
Revised Code, the costs of the offender's supervised community 2700  
service work, as provided in section 2919.22 of the Revised 2701  
Code; 2702

(E) In a case in which a defendant is charged with any of 2703  
certain sexual assault or prostitution-related offenses and is 2704  
found to ~~be suffering from~~ have a venereal disease in an 2705  
infectious stage, the cost of medical treatment, as provided in 2706  
section 2907.27 of the Revised Code; 2707

(F) In a case in which a defendant is charged with 2708  
harassment with a bodily substance, the cost of medical testing, 2709  
as provided in section 2921.38 of the Revised Code; 2710

(G) In a case in which a defendant is charged with 2711  
violating a protection order in violation of section 2919.27 of 2712  
the Revised Code or of a municipal ordinance that is 2713  
substantially similar to that section, the costs of any 2714  
evaluation and preceding examination of the defendant, as 2715  
provided in section 2919.271 of the Revised Code; 2716

(H) Presentence psychological or psychiatric reports, as 2717  
provided in section 2947.06 of the Revised Code; 2718

(I) In a criminal proceeding, the taking of a deposition 2719  
of a person who is imprisoned in a detention facility or state 2720  
correctional institution within this state or who is in the 2721  
custody of the department of youth services, as provided in 2722  
section 2945.47 of the Revised Code; 2723

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

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

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

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

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

(2) In a case in which the court issues a criminal protection order against a minor upon a petition alleging that the respondent committed any of certain assault, menacing, or

trespass offenses, a sexually oriented offense, or an offense 2753  
under a municipal ordinance that is substantially equivalent to 2754  
any of those offenses, as provided in section 2151.34 of the 2755  
Revised Code; 2756

(3) In a case in which the court issues a protection order 2757  
against an adult upon a petition alleging that the respondent 2758  
committed menacing by stalking or a sexually oriented offense, 2759  
as provided in section 2903.214 of the Revised Code; 2760

(4) In a case in which an offender is convicted of 2761  
violating a protection order, as provided in section 2919.27 of 2762  
the Revised Code; 2763

(5) In a case in which the offender is convicted of any 2764  
sexually oriented offense and is a tier III sex offender/child- 2765  
victim offender relative to that offense, as provided in section 2766  
2929.13 of the Revised Code. 2767

(N) In a proceeding for post-conviction relief, a 2768  
transcript, as provided in section 2953.21 of the Revised Code; 2769

(O) In a proceeding for the sealing of a conviction 2770  
record, the fees provided for in section 2953.32 of the Revised 2771  
Code. 2772

**Sec. 2901.30.** (A) As used in sections 2901.30 to 2901.32 2773  
of the Revised Code: 2774

(1) "Information" means information that can be integrated 2775  
into the computer system and that relates to the physical or 2776  
mental description of a minor including, but not limited to, 2777  
height, weight, color of hair and eyes, use of eyeglasses or 2778  
contact lenses, skin coloring, physical or mental 2779  
~~handicaps~~ disabilities, special medical conditions or needs, 2780  
abnormalities, problems, scars and marks, and distinguishing 2781

characteristics, and other information that could assist in 2782  
identifying a minor including, but not limited to, full name and 2783  
nickname, date and place of birth, age, names and addresses of 2784  
parents and other relatives, fingerprints, dental records, 2785  
photographs, social security number, driver's license number, 2786  
credit card numbers, bank account numbers, and clothing. 2787

(2) "Minor" means a person under eighteen years of age. 2788

(3) "Missing children" or "missing child" means either of 2789  
the following: 2790

(a) A minor who has run away from or who otherwise is 2791  
missing from the home of, or the care, custody, and control of, 2792  
the minor's parents, parent who is the residential parent and 2793  
legal custodian, guardian, legal custodian, or other person 2794  
having responsibility for the care of the minor; 2795

(b) A minor who is missing and about whom there is reason 2796  
to believe the minor could be the victim of a violation of 2797  
section 2905.01, 2905.02, 2905.03, or 2919.23 of the Revised 2798  
Code or of a violation of section 2905.04 of the Revised Code as 2799  
it existed prior to July 1, 1996. 2800

(B) When a law enforcement agency in this state that has 2801  
jurisdiction in the matter is informed that a minor is or may be 2802  
a missing child and that the person providing the information 2803  
wishes to file a missing child report, the law enforcement 2804  
agency shall take that report. Upon taking the report, the law 2805  
enforcement agency shall take prompt action upon it, including, 2806  
but not limited to, concerted efforts to locate the missing 2807  
child. No law enforcement agency in this state shall have a rule 2808  
or policy that prohibits or discourages the filing of or the 2809  
taking of action upon a missing child report, within a specified 2810

period following the discovery or formulation of a belief that a 2811  
minor is or could be a missing child. 2812

(C) If a missing child report is made to a law enforcement 2813  
agency in this state that has jurisdiction in the matter, the 2814  
law enforcement agency shall gather readily available 2815  
information about the missing child and integrate it into the 2816  
national crime information center computer immediately following 2817  
the making of the report. The law enforcement agency shall make 2818  
reasonable efforts to acquire additional information about the 2819  
missing child following the transmittal of the initially 2820  
available information, and promptly integrate any additional 2821  
information acquired into such computer systems. 2822

Whenever a law enforcement agency integrates information 2823  
about a missing child into the national crime information center 2824  
computer, the law enforcement agency promptly shall notify the 2825  
missing child's parents, parent who is the residential parent 2826  
and legal custodian, guardian, or legal custodian, or any other 2827  
person responsible for the care of the missing child, that it 2828  
has so integrated the information. 2829

The parents, parent who is the residential parent and 2830  
legal custodian, guardian, legal custodian, or other person 2831  
responsible for the care of the missing child shall provide 2832  
available information upon request, and may provide information 2833  
voluntarily, to the law enforcement agency during the 2834  
information gathering process. The law enforcement agency also 2835  
may obtain available information about the missing child from 2836  
other persons, subject to constitutional and statutory 2837  
limitations. 2838

(D) Upon the filing of a missing child report, the law 2839  
enforcement agency involved may notify the public or nonpublic 2840

school in which the missing child is or was most recently 2841  
enrolled, as ascertained by the agency, that the child is the 2842  
subject of a missing child report and that the child's school 2843  
records are to be marked in accordance with section 3313.672 of 2844  
the Revised Code. 2845

(E) Upon the filing of a missing child report, the law 2846  
enforcement agency involved promptly shall make a reasonable 2847  
attempt to notify other law enforcement agencies within its 2848  
county and, if the agency has jurisdiction in a municipal 2849  
corporation or township that borders another county, to notify 2850  
the law enforcement agency for the municipal corporation or 2851  
township in the other county with which it shares the border, 2852  
that it has taken a missing child report and may be requesting 2853  
assistance or cooperation in the case, and provide relevant 2854  
information to the other law enforcement agencies. The agency 2855  
may notify additional law enforcement agencies, or appropriate 2856  
public children services agencies, about the case, request their 2857  
assistance or cooperation in the case, and provide them with 2858  
relevant information. 2859

Upon request from a law enforcement agency, a public 2860  
children services agency shall grant the law enforcement agency 2861  
access to all information concerning a missing child that the 2862  
agency possesses that may be relevant to the law enforcement 2863  
agency in investigating a missing child report concerning that 2864  
child. The information obtained by the law enforcement agency 2865  
shall be used only to further the investigation to locate the 2866  
missing child. 2867

(F) Upon request, law enforcement agencies in this state 2868  
shall provide assistance to, and cooperate with, other law 2869  
enforcement agencies in their investigation of missing child 2870

cases. The assistance and cooperation under this paragraph shall 2871  
be pursuant to any terms agreed upon by the law enforcement 2872  
agencies, which may include the provision of law enforcement 2873  
services or the use of law enforcement equipment or the 2874  
interchange of services and equipment among the cooperating law 2875  
enforcement agencies. Chapter 2744. of the Revised Code, insofar 2876  
as it applies to the operation of law enforcement agencies, 2877  
shall apply to the cooperating political subdivisions and to the 2878  
law enforcement agency employees when they are rendering 2879  
services pursuant to this paragraph outside the territory of the 2880  
political subdivision by which they are employed. Law 2881  
enforcement agency employees rendering services outside the 2882  
territory of the political subdivision in which they are 2883  
employed, pursuant to this paragraph, shall be entitled to 2884  
participate in any indemnity fund established by their employer 2885  
to the same extent as if they were rendering service within the 2886  
territory of their employing political subdivision. Those law 2887  
enforcement agency employees also shall be entitled to all the 2888  
rights and benefits of Chapter 4123. of the Revised Code to the 2889  
same extent as if rendering services within the territory of 2890  
their employing political subdivision. 2891

The information in any missing child report made to a law 2892  
enforcement agency shall be made available, upon request, to law 2893  
enforcement personnel of this state, other states, and the 2894  
federal government when the law enforcement personnel indicate 2895  
that the request is to aid in identifying or locating a missing 2896  
child or the possible identification of a deceased minor who, 2897  
upon discovery, cannot be identified. 2898

(G) When a missing child has not been located within 2899  
thirty days after the date on which the missing child report 2900  
pertaining to the child was filed with a law enforcement agency, 2901

that law enforcement agency shall request the missing child's 2902  
parents, parent who is the residential parent and legal 2903  
custodian, guardian, or legal custodian, or any other person 2904  
responsible for the care of the missing child, to provide 2905  
written consent for the law enforcement agency to contact the 2906  
missing child's dentist and request the missing child's dental 2907  
records. Upon receipt of such written consent, the dentist shall 2908  
release a copy of the missing child's dental records to the law 2909  
enforcement agency and shall provide and encode the records in 2910  
such form as requested by the law enforcement agency. The law 2911  
enforcement agency then shall integrate information in the 2912  
records into the national crime information center computer in 2913  
order to compare the records to those of unidentified deceased 2914  
persons. This division does not prevent a law enforcement agency 2915  
from seeking consent to obtain copies of a missing child's 2916  
dental records, or prevent a missing child's parents, parent who 2917  
is the residential parent and legal custodian, guardian, or 2918  
legal custodian, or any other person responsible for the care of 2919  
the missing child, from granting consent for the release of 2920  
copies of the missing child's dental records to a law 2921  
enforcement agency, at any time. 2922

(H) A missing child's parents, parent who is the 2923  
residential parent and legal custodian, guardian, or legal 2924  
custodian, or any other persons responsible for the care of a 2925  
missing child, immediately shall notify the law enforcement 2926  
agency with which they filed the missing child report whenever 2927  
the child has returned to their home or to their care, custody, 2928  
and control, has been released if the missing child was the 2929  
victim of an offense listed in division (A) (3) (b) of this 2930  
section, or otherwise has been located. Upon such notification 2931  
or upon otherwise learning that a missing child has returned to 2932

the home of, or to the care, custody, and control of the missing 2933  
child's parents, parent who is the residential parent and legal 2934  
custodian, guardian, legal custodian, or other person 2935  
responsible for the missing child's care, has been released if 2936  
the missing child was the victim of an offense listed in 2937  
division (A) (3) (b) of this section, or otherwise has been 2938  
located, the law enforcement agency involved promptly shall 2939  
integrate the fact that the minor no longer is a missing child 2940  
into the national crime information center computer and shall 2941  
inform any school that was notified under division (D) of this 2942  
section that the minor is no longer a missing child. 2943

**Sec. 2903.10.** As used in sections 2903.13 and 2903.16 of 2944  
the Revised Code: 2945

(A) ~~"Functionally impaired person"~~ "Person with a 2946  
functional impairment" means any person who has a physical or 2947  
mental impairment that prevents ~~him~~ the person from providing for 2948  
~~his~~ the person's own care or protection or whose infirmities 2949  
caused by aging prevent ~~him~~ the person from providing for ~~his~~ the 2950  
person's own care or protection. 2951

(B) "Caretaker" means a person who assumes the duty to 2952  
provide for the care and protection of a ~~functionally impaired~~ 2953  
person with a functional impairment on a voluntary basis, by 2954  
contract, through receipt of payment for care and protection, as 2955  
a result of a family relationship, or by order of a court of 2956  
competent jurisdiction. "Caretaker" does not include a person 2957  
who owns, operates, or administers, or who is an agent or 2958  
employee of, a care facility, as defined in section 2903.33 of 2959  
the Revised Code. 2960

**Sec. 2903.13.** (A) No person shall knowingly cause or 2961  
attempt to cause physical harm to another or to another's 2962

unborn. 2963

(B) No person shall recklessly cause serious physical harm 2964  
to another or to another's unborn. 2965

(C) (1) Whoever violates this section is guilty of assault, 2966  
and the court shall sentence the offender as provided in this 2967  
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 2968  
(8), (9), and (10) of this section. Except as otherwise provided 2969  
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 2970  
section, assault is a misdemeanor of the first degree. 2971

(2) Except as otherwise provided in this division, if the 2972  
offense is committed by a caretaker against a ~~functionally-~~ 2973  
~~impaired person with a functional impairment~~ under the 2974  
caretaker's care, assault is a felony of the fourth degree. If 2975  
the offense is committed by a caretaker against a ~~functionally-~~ 2976  
~~impaired person with a functional impairment~~ under the 2977  
caretaker's care, if the offender previously has been convicted 2978  
of or pleaded guilty to a violation of this section or section 2979  
2903.11 or 2903.16 of the Revised Code, and if in relation to 2980  
the previous conviction the offender was a caretaker and the 2981  
victim was a ~~functionally-impaired person with a functional~~ 2982  
~~impairment~~ under the offender's care, assault is a felony of the 2983  
third degree. 2984

(3) If the offense occurs in or on the grounds of a state 2985  
correctional institution or an institution of the department of 2986  
youth services, the victim of the offense is an employee of the 2987  
department of rehabilitation and correction or the department of 2988  
youth services, and the offense is committed by a person 2989  
incarcerated in the state correctional institution or by a 2990  
person institutionalized in the department of youth services 2991  
institution pursuant to a commitment to the department of youth 2992

services, assault is a felony of the third degree. 2993

(4) If the offense is committed in any of the following 2994  
circumstances, assault is a felony of the fifth degree: 2995

(a) The offense occurs in or on the grounds of a local 2996  
correctional facility, the victim of the offense is an employee 2997  
of the local correctional facility or a probation department or 2998  
is on the premises of the facility for business purposes or as a 2999  
visitor, and the offense is committed by a person who is under 3000  
custody in the facility subsequent to the person's arrest for 3001  
any crime or delinquent act, subsequent to the person's being 3002  
charged with or convicted of any crime, or subsequent to the 3003  
person's being alleged to be or adjudicated a delinquent child. 3004

(b) The offense occurs off the grounds of a state 3005  
correctional institution and off the grounds of an institution 3006  
of the department of youth services, the victim of the offense 3007  
is an employee of the department of rehabilitation and 3008  
correction, the department of youth services, or a probation 3009  
department, the offense occurs during the employee's official 3010  
work hours and while the employee is engaged in official work 3011  
responsibilities, and the offense is committed by a person 3012  
incarcerated in a state correctional institution or 3013  
institutionalized in the department of youth services who 3014  
temporarily is outside of the institution for any purpose, by a 3015  
parolee, by an offender under transitional control, under a 3016  
community control sanction, or on an escorted visit, by a person 3017  
under post-release control, or by an offender under any other 3018  
type of supervision by a government agency. 3019

(c) The offense occurs off the grounds of a local 3020  
correctional facility, the victim of the offense is an employee 3021  
of the local correctional facility or a probation department, 3022

the offense occurs during the employee's official work hours and 3023  
while the employee is engaged in official work responsibilities, 3024  
and the offense is committed by a person who is under custody in 3025  
the facility subsequent to the person's arrest for any crime or 3026  
delinquent act, subsequent to the person being charged with or 3027  
convicted of any crime, or subsequent to the person being 3028  
alleged to be or adjudicated a delinquent child and who 3029  
temporarily is outside of the facility for any purpose or by a 3030  
parolee, by an offender under transitional control, under a 3031  
community control sanction, or on an escorted visit, by a person 3032  
under post-release control, or by an offender under any other 3033  
type of supervision by a government agency. 3034

(d) The victim of the offense is a school teacher or 3035  
administrator or a school bus operator, and the offense occurs 3036  
in a school, on school premises, in a school building, on a 3037  
school bus, or while the victim is outside of school premises or 3038  
a school bus and is engaged in duties or official 3039  
responsibilities associated with the victim's employment or 3040  
position as a school teacher or administrator or a school bus 3041  
operator, including, but not limited to, driving, accompanying, 3042  
or chaperoning students at or on class or field trips, athletic 3043  
events, or other school extracurricular activities or functions 3044  
outside of school premises. 3045

(5) If the victim of the offense is a peace officer or an 3046  
investigator of the bureau of criminal identification and 3047  
investigation, a firefighter, or a person performing emergency 3048  
medical service, while in the performance of their official 3049  
duties, assault is a felony of the fourth degree. 3050

(6) If the victim of the offense is a peace officer or an 3051  
investigator of the bureau of criminal identification and 3052

investigation and if the victim suffered serious physical harm 3053  
as a result of the commission of the offense, assault is a 3054  
felony of the fourth degree, and the court, pursuant to division 3055  
(F) of section 2929.13 of the Revised Code, shall impose as a 3056  
mandatory prison term one of the prison terms prescribed for a 3057  
felony of the fourth degree that is at least twelve months in 3058  
duration. 3059

(7) If the victim of the offense is an officer or employee 3060  
of a public children services agency or a private child placing 3061  
agency and the offense relates to the officer's or employee's 3062  
performance or anticipated performance of official 3063  
responsibilities or duties, assault is either a felony of the 3064  
fifth degree or, if the offender previously has been convicted 3065  
of or pleaded guilty to an offense of violence, the victim of 3066  
that prior offense was an officer or employee of a public 3067  
children services agency or private child placing agency, and 3068  
that prior offense related to the officer's or employee's 3069  
performance or anticipated performance of official 3070  
responsibilities or duties, a felony of the fourth degree. 3071

(8) If the victim of the offense is a health care 3072  
professional of a hospital, a health care worker of a hospital, 3073  
or a security officer of a hospital whom the offender knows or 3074  
has reasonable cause to know is a health care professional of a 3075  
hospital, a health care worker of a hospital, or a security 3076  
officer of a hospital, if the victim is engaged in the 3077  
performance of the victim's duties, and if the hospital offers 3078  
de-escalation or crisis intervention training for such 3079  
professionals, workers, or officers, assault is one of the 3080  
following: 3081

(a) Except as otherwise provided in division (C) (8) (b) of 3082

this section, assault committed in the specified circumstances 3083  
is a misdemeanor of the first degree. Notwithstanding the fine 3084  
specified in division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of 3085  
the Revised Code for a misdemeanor of the first degree, in 3086  
sentencing the offender under this division and if the court 3087  
decides to impose a fine, the court may impose upon the offender 3088  
a fine of not more than five thousand dollars. 3089

(b) If the offender previously has been convicted of or 3090  
pleaded guilty to one or more assault or homicide offenses 3091  
committed against hospital personnel, assault committed in the 3092  
specified circumstances is a felony of the fifth degree. 3093

(9) If the victim of the offense is a judge, magistrate, 3094  
prosecutor, or court official or employee whom the offender 3095  
knows or has reasonable cause to know is a judge, magistrate, 3096  
prosecutor, or court official or employee, and if the victim is 3097  
engaged in the performance of the victim's duties, assault is 3098  
one of the following: 3099

(a) Except as otherwise provided in division ~~(C) (8) (b)~~ (C) 3100  
(9) (b) of this section, assault committed in the specified 3101  
circumstances is a misdemeanor of the first degree. In 3102  
sentencing the offender under this division, if the court 3103  
decides to impose a fine, notwithstanding the fine specified in 3104  
division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of the Revised 3105  
Code for a misdemeanor of the first degree, the court may impose 3106  
upon the offender a fine of not more than five thousand dollars. 3107

(b) If the offender previously has been convicted of or 3108  
pleaded guilty to one or more assault or homicide offenses 3109  
committed against justice system personnel, assault committed in 3110  
the specified circumstances is a felony of the fifth degree. 3111

(10) If an offender who is convicted of or pleads guilty 3112  
to assault when it is a misdemeanor also is convicted of or 3113  
pleads guilty to a specification as described in section 3114  
2941.1423 of the Revised Code that was included in the 3115  
indictment, count in the indictment, or information charging the 3116  
offense, the court shall sentence the offender to a mandatory 3117  
jail term as provided in division (G) of section 2929.24 of the 3118  
Revised Code. 3119

If an offender who is convicted of or pleads guilty to 3120  
assault when it is a felony also is convicted of or pleads 3121  
guilty to a specification as described in section 2941.1423 of 3122  
the Revised Code that was included in the indictment, count in 3123  
the indictment, or information charging the offense, except as 3124  
otherwise provided in division (C)(6) of this section, the court 3125  
shall sentence the offender to a mandatory prison term as 3126  
provided in division (B)(8) of section 2929.14 of the Revised 3127  
Code. 3128

(D) As used in this section: 3129

(1) "Peace officer" has the same meaning as in section 3130  
2935.01 of the Revised Code. 3131

(2) "Firefighter" has the same meaning as in section 3132  
3937.41 of the Revised Code. 3133

(3) "Emergency medical service" has the same meaning as in 3134  
section 4765.01 of the Revised Code. 3135

(4) "Local correctional facility" means a county, 3136  
multicounty, municipal, municipal-county, or multicounty- 3137  
municipal jail or workhouse, a minimum security jail established 3138  
under section 341.23 or 753.21 of the Revised Code, or another 3139  
county, multicounty, municipal, municipal-county, or 3140

multicounty-municipal facility used for the custody of persons 3141  
arrested for any crime or delinquent act, persons charged with 3142  
or convicted of any crime, or persons alleged to be or 3143  
adjudicated a delinquent child. 3144

(5) "Employee of a local correctional facility" means a 3145  
person who is an employee of the political subdivision or of one 3146  
or more of the affiliated political subdivisions that operates 3147  
the local correctional facility and who operates or assists in 3148  
the operation of the facility. 3149

(6) "School teacher or administrator" means either of the 3150  
following: 3151

(a) A person who is employed in the public schools of the 3152  
state under a contract described in section 3311.77 or 3319.08 3153  
of the Revised Code in a position in which the person is 3154  
required to have a certificate issued pursuant to sections 3155  
3319.22 to 3319.311 of the Revised Code. 3156

(b) A person who is employed by a nonpublic school for 3157  
which the state board of education prescribes minimum standards 3158  
under section 3301.07 of the Revised Code and who is 3159  
certificated in accordance with section 3301.071 of the Revised 3160  
Code. 3161

(7) "Community control sanction" has the same meaning as 3162  
in section 2929.01 of the Revised Code. 3163

(8) "Escorted visit" means an escorted visit granted under 3164  
section 2967.27 of the Revised Code. 3165

(9) "Post-release control" and "transitional control" have 3166  
the same meanings as in section 2967.01 of the Revised Code. 3167

(10) "Investigator of the bureau of criminal 3168

identification and investigation" has the same meaning as in 3169  
section 2903.11 of the Revised Code. 3170

(11) "Health care professional" and "health care worker" 3171  
have the same meanings as in section 2305.234 of the Revised 3172  
Code. 3173

(12) "Assault or homicide offense committed against 3174  
hospital personnel" means a violation of this section or of 3175  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 3176  
2903.12, or 2903.14 of the Revised Code committed in 3177  
circumstances in which all of the following apply: 3178

(a) The victim of the offense was a health care 3179  
professional of a hospital, a health care worker of a hospital, 3180  
or a security officer of a hospital. 3181

(b) The offender knew or had reasonable cause to know that 3182  
the victim was a health care professional of a hospital, a 3183  
health care worker of a hospital, or a security officer of a 3184  
hospital. 3185

(c) The victim was engaged in the performance of the 3186  
victim's duties. 3187

(d) The hospital offered de-escalation or crisis 3188  
intervention training for such professionals, workers, or 3189  
officers. 3190

(13) "De-escalation or crisis intervention training" means 3191  
de-escalation or crisis intervention training for health care 3192  
professionals of a hospital, health care workers of a hospital, 3193  
and security officers of a hospital to facilitate interaction 3194  
with patients, members of a patient's family, and visitors, 3195  
including those with mental impairments. 3196

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

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

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

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

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

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

(b) "Hospital" does not include any of the following:	3226
(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health <u>and addiction services</u> or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;	3227 3228 3229 3230 3231 3232 3233
(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.	3234 3235 3236 3237 3238 3239 3240 3241 3242 3243
(20) "Health maintenance organization" has the same meaning as in section 3727.01 of the Revised Code.	3244 3245
<b>Sec. 2903.15.</b> (A) No parent, guardian, custodian, or person having custody of a child under eighteen years of age or of a <del>mentally or physically handicapped</del> <u>child with a mental or physical disability</u> under twenty-one years of age shall cause serious physical harm to the child, or the death of the child, as a proximate result of permitting the child to be abused, to be tortured, to be administered corporal punishment or other physical disciplinary measure, or to be physically restrained in a cruel manner or for a prolonged period.	3246 3247 3248 3249 3250 3251 3252 3253 3254

(B) It is an affirmative defense to a charge under this 3255  
section that the defendant did not have readily available a 3256  
means to prevent the harm to the child or the death of the child 3257  
and that the defendant took timely and reasonable steps to 3258  
summon aid. 3259

(C) Whoever violates this section is guilty of permitting 3260  
child abuse. If the violation of this section causes serious 3261  
physical harm to the child, permitting child abuse is a felony 3262  
of the third degree. If the violation of this section causes the 3263  
death of the child, permitting child abuse is a felony of the 3264  
first degree. 3265

**Sec. 2903.16.** (A) No caretaker shall knowingly fail to 3266  
provide a ~~functionally impaired person with a functional~~ 3267  
impairment under the caretaker's care with any treatment, care, 3268  
goods, or service that is necessary to maintain the health or 3269  
safety of the ~~functionally impaired person with a functional~~ 3270  
impairment when this failure results in physical harm or serious 3271  
physical harm to the ~~functionally impaired person with a~~ 3272  
functional impairment. 3273

(B) No caretaker shall recklessly fail to provide a 3274  
~~functionally impaired person with a functional impairment~~ under 3275  
the caretaker's care with any treatment, care, goods, or service 3276  
that is necessary to maintain the health or safety of the 3277  
~~functionally impaired person with a functional impairment~~ when 3278  
this failure results in serious physical harm to the 3279  
~~functionally impaired person with a functional impairment~~. 3280

(C) (1) Whoever violates division (A) of this section is 3281  
guilty of knowingly failing to provide for a ~~functionally-~~ 3282  
~~impaired person with a functional impairment~~, a misdemeanor of 3283  
the first degree. If the ~~functionally impaired person with a~~ 3284

functional impairment under the offender's care suffers serious 3285  
physical harm as a result of the violation of this section, a 3286  
violation of division (A) of this section is a felony of the 3287  
fourth degree. 3288

(2) Whoever violates division (B) of this section is 3289  
guilty of recklessly failing to provide for a ~~functionally-~~ 3290  
~~impaired person with a functional impairment~~, a misdemeanor of 3291  
the second degree. If the ~~functionally impaired person with a~~ 3292  
functional impairment under the offender's care suffers serious 3293  
physical harm as a result of the violation of this section, a 3294  
violation of division (B) of this section is a felony of the 3295  
fourth degree. 3296

**Sec. 2903.341.** (A) As used in this section: 3297

(1) "Developmental disabilities caretaker" means any 3298  
developmental disabilities employee or any person who assumes 3299  
the duty to provide for the care and protection of a person with 3300  
a developmental disability on a voluntary basis, by contract, 3301  
through receipt of payment for care and protection, as a result 3302  
of a family relationship, or by order of a court of competent 3303  
jurisdiction. "Developmental disabilities caretaker" includes a 3304  
person who is an employee of a care facility and a person who is 3305  
an employee of an entity under contract with a provider. 3306  
"Developmental disabilities caretaker" does not include a person 3307  
who owns, operates, or administers a care facility or who is an 3308  
agent of a care facility unless that person also personally 3309  
provides care to a person with a developmental disability. 3310

(2) "Developmental disabilities employee" has the same 3311  
meaning as in section 5123.50 of the Revised Code. 3312

(3) "Developmental disability" has the same meaning as in 3313

section 5123.01 of the Revised Code. 3314

(B) No developmental disabilities caretaker shall create a 3315  
substantial risk to the health or safety of a person with a 3316  
developmental disability. A developmental disabilities caretaker 3317  
does not create a substantial risk to the health or safety of a 3318  
person with a developmental disability under this division when 3319  
the developmental disabilities caretaker treats a physical or 3320  
mental illness or ~~defect-disability~~ of the person with a 3321  
developmental disability by spiritual means through prayer 3322  
alone, in accordance with the tenets of a recognized religious 3323  
body. 3324

(C) No person who owns, operates, or administers a care 3325  
facility or who is an agent of a care facility shall condone, or 3326  
knowingly permit, any conduct by a developmental disabilities 3327  
caretaker who is employed by or under the control of the owner, 3328  
operator, administrator, or agent that is in violation of 3329  
division (B) of this section and that involves a person with a 3330  
developmental disability who is under the care of the owner, 3331  
operator, administrator, or agent. A person who relies upon 3332  
treatment by spiritual means through prayer alone, in accordance 3333  
with the tenets of a recognized religious denomination, shall 3334  
not be considered endangered under this division for that reason 3335  
alone. 3336

(D) (1) It is an affirmative defense to a charge of a 3337  
violation of division (B) or (C) of this section that the 3338  
actor's conduct was committed in good faith solely because the 3339  
actor was ordered to commit the conduct by a person to whom one 3340  
of the following applies: 3341

(a) The person has supervisory authority over the actor. 3342

(b) The person has authority over the actor's conduct 3343  
pursuant to a contract for the provision of services. 3344

(2) It is an affirmative defense to a charge of a 3345  
violation of division (C) of this section that the person who 3346  
owns, operates, or administers a care facility or who is an 3347  
agent of a care facility and who is charged with the violation 3348  
is following the individual service plan for the involved person 3349  
with a developmental disability or that the admission, 3350  
discharge, and transfer rule set forth in the Administrative 3351  
Code is being followed. 3352

(3) It is an affirmative defense to a charge of a 3353  
violation of division (C) of this section that the actor did not 3354  
have readily available a means to prevent either the harm to the 3355  
person with a developmental disability or the death of such a 3356  
person and the actor took reasonable steps to summon aid. 3357

(E) (1) Except as provided in division (E) (2) or (E) (3) of 3358  
this section, whoever violates division (B) or (C) of this 3359  
section is guilty of patient endangerment, a misdemeanor of the 3360  
first degree. 3361

(2) If the offender previously has been convicted of, or 3362  
pleaded guilty to, a violation of this section, patient 3363  
endangerment is a felony of the fourth degree. 3364

(3) If the violation results in serious physical harm to 3365  
the person with a developmental disability, patient endangerment 3366  
is a felony of the third degree. 3367

**Sec. 2907.27.** (A) (1) If a person is charged with a 3368  
violation of section 2907.02, 2907.03, 2907.04, 2907.24, 3369  
2907.241, or 2907.25 of the Revised Code or with a violation of 3370  
a municipal ordinance that is substantially equivalent to any of 3371

those sections, the arresting authorities or a court, upon the 3372  
request of the prosecutor in the case or upon the request of the 3373  
victim, shall cause the accused to submit to one or more 3374  
appropriate tests to determine if the accused ~~is suffering from~~ 3375  
has a venereal disease. 3376

(2) If the accused is found to ~~be suffering from~~ have a 3377  
venereal disease in an infectious stage, the accused shall be 3378  
required to submit to medical treatment for that disease. The 3379  
cost of the medical treatment shall be charged to and paid by 3380  
the accused who undergoes the treatment. If the accused is 3381  
indigent, the court shall order the accused to report to a 3382  
facility operated by a city health district or a general health 3383  
district for treatment. If the accused is convicted of or pleads 3384  
guilty to the offense with which the accused is charged and is 3385  
placed under a community control sanction, a condition of 3386  
community control shall be that the offender submit to and 3387  
faithfully follow a course of medical treatment for the venereal 3388  
disease. If the offender does not seek the required medical 3389  
treatment, the court may revoke the offender's community control 3390  
and order the offender to undergo medical treatment during the 3391  
period of the offender's incarceration and to pay the cost of 3392  
that treatment. 3393

(B) (1) (a) If a person is charged with a violation of 3394  
division (B) of section 2903.11 or of section 2907.02, 2907.03, 3395  
2907.04, 2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the 3396  
Revised Code, with a violation of a municipal ordinance that is 3397  
substantially equivalent to that division or any of those 3398  
sections, or with a violation of a statute or municipal 3399  
ordinance in which by force or threat of force the accused 3400  
compelled the victim to engage in sexual activity, the court, 3401  
upon the request of the prosecutor in the case, upon the request 3402

of the victim, or upon the request of any other person whom the court reasonably believes had contact with the accused in circumstances related to the violation that could have resulted in the transmission to that person of the human immunodeficiency virus, shall cause the accused to submit to one or more tests designated by the director of health under section 3701.241 of the Revised Code to determine if the accused is infected with HIV. The court shall cause the accused to submit to the test or tests within forty-eight hours after the indictment, information, or complaint is presented. The court shall order follow-up tests for HIV as may be medically appropriate.

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

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

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

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

(c) The results of a test conducted under division (B) (1)

(a) of this section shall be provided as soon as practicable to the victim, or the parent or guardian of the victim, and the accused. The results of any follow-up test conducted under that division also shall be provided as soon as practicable to the victim, or the parent or guardian of the victim, and the accused. The results of a test performed under division (B) (1) (b) of this section shall be communicated in confidence to the court, the court shall inform the accused of the result, and the court shall inform the victim that the test was performed and that the victim has a right to receive the results on request. Additionally, for a test under either division (B) (1) (a) or (b) of this section, all of the following apply:

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

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

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

incarcerated. 3462

(iv) If the accused tests positive for HIV and the accused 3463  
was charged with, and was convicted of or pleaded guilty to, a 3464  
violation of section 2907.24, 2907.241, or 2907.25 of the 3465  
Revised Code or a violation of a municipal ordinance that is 3466  
substantially equivalent to any of those sections, the test 3467  
results also shall be reported to the law enforcement agency 3468  
that arrested the accused, and the law enforcement agency may 3469  
use the test results as the basis for any future charge of a 3470  
violation of division (B) of any of those sections or a 3471  
violation of a municipal ordinance that is substantially 3472  
equivalent to division (B) of any of those sections. 3473

(v) Except as otherwise provided in the first paragraph in 3474  
division (B)(1)(c) of this section or in division (B)(1)(c)(i), 3475  
(ii), (iii), or (iv) of this section, no disclosure of the test 3476  
results or the fact that a test was performed shall be made, 3477  
other than as evidence in a grand jury proceeding or as evidence 3478  
in a judicial proceeding in accordance with the Rules of 3479  
Evidence. 3480

(vi) If the test result is negative, and the charge has 3481  
not been dismissed or if the accused has been convicted of the 3482  
charge or a different offense arising out of the same 3483  
circumstances as the offense charged, the court shall order that 3484  
the test be repeated not earlier than three months nor later 3485  
than six months after the original test. 3486

(2) If an accused who is free on bond refuses to submit to 3487  
a test ordered by the court pursuant to division (B)(1) of this 3488  
section, the court may order that the accused's bond be revoked 3489  
and that the accused be incarcerated until the test is 3490  
performed. If an accused who is incarcerated refuses to submit 3491

to a test ordered by the court pursuant to division (B) (1) of 3492  
this section, the court shall order the person in charge of the 3493  
jail or prison in which the accused is incarcerated to take any 3494  
action necessary to facilitate the performance of the test, 3495  
including the forcible restraint of the accused for the purpose 3496  
of drawing blood to be used in the test. 3497

(3) A state agency, a political subdivision of the state, 3498  
or an employee of a state agency or of a political subdivision 3499  
of the state is immune from liability in a civil action to 3500  
recover damages for injury, death, or loss to person or property 3501  
allegedly caused by any act or omission in connection with the 3502  
performance of the duties required under division (B) (2) of this 3503  
section unless the acts or omissions are with malicious purpose, 3504  
in bad faith, or in a wanton or reckless manner. 3505

(C) Nothing in this section shall be construed to prevent 3506  
a court in which a person is charged with any offense specified 3507  
in division (A) (1) or (B) (1) (a) of this section from ordering at 3508  
any time during which the complaint, information, or indictment 3509  
is pending, that the accused submit to one or more appropriate 3510  
tests to determine if the accused ~~is suffering from~~ has a 3511  
venereal disease or ~~from~~ HIV. 3512

(D) As used in this section: 3513

(1) "Community control sanction" has the same meaning as 3514  
in section 2929.01 of the Revised Code. 3515

(2) "HIV" means the human immunodeficiency virus. 3516

**Sec. 2919.21.** (A) No person shall abandon, or fail to 3517  
provide adequate support to: 3518

(1) The person's spouse, as required by law; 3519

(2) The person's child who is under age eighteen, or 3520  
~~mentally or physically handicapped~~the persons's child with a 3521  
mental or physical disability who is under age twenty-one; 3522

(3) The person's aged or infirm parent or adoptive parent, 3523  
who from lack of ability and means is unable to provide 3524  
adequately for the parent's own support. 3525

(B) (1) No person shall abandon, or fail to provide support 3526  
as established by a court order to, another person whom, by 3527  
court order or decree, the person: 3528

(a) Is legally obligated to support; or 3529

(b) Was legally obligated to support, and an amount for 3530  
support: 3531

(i) Was due and owing prior to the date the person's duty 3532  
to pay current support terminated; and 3533

(ii) Remains unpaid. 3534

(2) The period of limitation under section 2901.13 of the 3535  
Revised Code applicable to division (B) (1) (b) of this section 3536  
shall begin to run on the date the person's duty to pay current 3537  
support terminates. 3538

(C) No person shall aid, abet, induce, cause, encourage, 3539  
or contribute to a child or a ward of the juvenile court 3540  
becoming a dependent child, as defined in section 2151.04 of the 3541  
Revised Code, or a neglected child, as defined in section 3542  
2151.03 of the Revised Code. 3543

(D) It is an affirmative defense to a charge of failure to 3544  
provide adequate support under division (A) of this section or a 3545  
charge of failure to provide support established by a court 3546  
order under division (B) of this section that the accused was 3547

unable to provide adequate support or the established support 3548  
but did provide the support that was within the accused's 3549  
ability and means. 3550

(E) It is an affirmative defense to a charge under 3551  
division (A) (3) of this section that the parent abandoned the 3552  
accused or failed to support the accused as required by law, 3553  
while the accused was under age eighteen, or ~~was mentally had a~~ 3554  
mental or ~~physically handicapped physical disability~~ and was 3555  
under age twenty-one. 3556

(F) It is not a defense to a charge under division (B) of 3557  
this section that the person whom a court has ordered the 3558  
accused to support is being adequately supported by someone 3559  
other than the accused. 3560

(G) (1) Except as otherwise provided in this division, 3561  
whoever violates division (A) or (B) of this section is guilty 3562  
of nonsupport of dependents, a misdemeanor of the first degree. 3563  
If the offender previously has been convicted of or pleaded 3564  
guilty to a violation of division (A) (2) or (B) of this section 3565  
or if the offender has failed to provide support under division 3566  
(A) (2) or (B) of this section for a total accumulated period of 3567  
twenty-six weeks out of one hundred four consecutive weeks, 3568  
whether or not the twenty-six weeks were consecutive, then a 3569  
violation of division (A) (2) or (B) of this section is a felony 3570  
of the fifth degree. If the offender previously has been 3571  
convicted of or pleaded guilty to a felony violation of this 3572  
section, a violation of division (A) (2) or (B) of this section 3573  
is a felony of the fourth degree. 3574

If the violation of division (A) or (B) of this section is 3575  
a felony, all of the following apply to the sentencing of the 3576  
offender: 3577

(a) Except as otherwise provided in division (G) (1) (b) of 3578  
this section, the court in imposing sentence on the offender 3579  
shall first consider placing the offender on one or more 3580  
community control sanctions under section 2929.16, 2929.17, or 3581  
2929.18 of the Revised Code, with an emphasis under the 3582  
sanctions on intervention for nonsupport, obtaining or 3583  
maintaining employment, or another related condition. 3584

(b) The preference for placement on community control 3585  
sanctions described in division (G) (1) (a) of this section does 3586  
not apply to any offender to whom one or more of the following 3587  
applies: 3588

(i) The court determines that the imposition of a prison 3589  
term on the offender is consistent with the purposes and 3590  
principles of sentencing set forth in section 2929.11 of the 3591  
Revised Code. 3592

(ii) The offender previously was convicted of or pleaded 3593  
guilty to a violation of this section that was a felony, and the 3594  
offender was sentenced to a prison term for that violation. 3595

(iii) The offender previously was convicted of or pleaded 3596  
guilty to a violation of this section that was a felony, the 3597  
offender was sentenced to one or more community control 3598  
sanctions of a type described in division (G) (1) (a) of this 3599  
section for that violation, and the offender failed to comply 3600  
with the conditions of any of those community control sanctions. 3601

(2) If the offender is guilty of nonsupport of dependents 3602  
by reason of failing to provide support to the offender's child 3603  
as required by a child support order issued on or after April 3604  
15, 1985, pursuant to section 2151.23, 2151.231, 2151.232, 3605  
2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, 3115.401, 3606

or former section 3115.31 of the Revised Code, the court, in 3607  
addition to any other sentence imposed, shall assess all court 3608  
costs arising out of the charge against the person and require 3609  
the person to pay any reasonable attorney's fees of any adverse 3610  
party other than the state, as determined by the court, that 3611  
arose in relation to the charge. 3612

(3) Whoever violates division (C) of this section is 3613  
guilty of contributing to the nonsupport of dependents, a 3614  
misdemeanor of the first degree. Each day of violation of 3615  
division (C) of this section is a separate offense. 3616

**Sec. 2919.22.** (A) No person, who is the parent, guardian, 3617  
custodian, person having custody or control, or person in loco 3618  
parentis of a child under eighteen years of age or a ~~mentally or~~ 3619  
~~physically handicapped~~ child with a mental or physical 3620  
disability under twenty-one years of age, shall create a 3621  
substantial risk to the health or safety of the child, by 3622  
violating a duty of care, protection, or support. It is not a 3623  
violation of a duty of care, protection, or support under this 3624  
division when the parent, guardian, custodian, or person having 3625  
custody or control of a child treats the physical or mental 3626  
illness or ~~defect~~ disability of the child by spiritual means 3627  
through prayer alone, in accordance with the tenets of a 3628  
recognized religious body. 3629

(B) No person shall do any of the following to a child 3630  
under eighteen years of age or a ~~mentally or physically~~ 3631  
~~handicapped~~ child with a mental or physical disability under 3632  
twenty-one years of age: 3633

(1) Abuse the child; 3634

(2) Torture or cruelly abuse the child; 3635

(3) Administer corporal punishment or other physical 3636  
disciplinary measure, or physically restrain the child in a 3637  
cruel manner or for a prolonged period, which punishment, 3638  
discipline, or restraint is excessive under the circumstances 3639  
and creates a substantial risk of serious physical harm to the 3640  
child; 3641

(4) Repeatedly administer unwarranted disciplinary 3642  
measures to the child, when there is a substantial risk that 3643  
such conduct, if continued, will seriously impair or retard the 3644  
child's mental health or development; 3645

(5) Entice, coerce, permit, encourage, compel, hire, 3646  
employ, use, or allow the child to act, model, or in any other 3647  
way participate in, or be photographed for, the production, 3648  
presentation, dissemination, or advertisement of any material or 3649  
performance that the offender knows or reasonably should know is 3650  
obscene, is sexually oriented matter, or is nudity-oriented 3651  
matter; 3652

(6) Allow the child to be on the same parcel of real 3653  
property and within one hundred feet of, or, in the case of more 3654  
than one housing unit on the same parcel of real property, in 3655  
the same housing unit and within one hundred feet of, any act in 3656  
violation of section 2925.04 or 2925.041 of the Revised Code 3657  
when the person knows that the act is occurring, whether or not 3658  
any person is prosecuted for or convicted of the violation of 3659  
section 2925.04 or 2925.041 of the Revised Code that is the 3660  
basis of the violation of this division. 3661

(C) (1) No person shall operate a vehicle, streetcar, or 3662  
trackless trolley within this state in violation of division (A) 3663  
of section 4511.19 of the Revised Code when one or more children 3664  
under eighteen years of age are in the vehicle, streetcar, or 3665

trackless trolley. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of this division and a violation of division (A) of section 4511.19 of the Revised Code that constitutes the basis of the charge of the violation of this division. For purposes of sections 4511.191 to 4511.197 of the Revised Code and all related provisions of law, a person arrested for a violation of this division shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

(2) As used in division (C) (1) of this section: 3679

(a) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 3680  
3681

(b) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code. 3682  
3683

(D) (1) Division (B) (5) of this section does not apply to any material or performance that is produced, presented, or disseminated for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, member of the clergy, prosecutor, judge, or other person having a proper interest in the material or performance. 3684  
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(2) Mistake of age is not a defense to a charge under division (B) (5) of this section. 3692  
3693

(3) In a prosecution under division (B) (5) of this 3694

section, the trier of fact may infer that an actor, model, or 3695  
participant in the material or performance involved is a 3696  
juvenile if the material or performance, through its title, 3697  
text, visual representation, or otherwise, represents or depicts 3698  
the actor, model, or participant as a juvenile. 3699

(4) As used in this division and division (B) (5) of this 3700  
section: 3701

(a) "Material," "performance," "obscene," and "sexual 3702  
activity" have the same meanings as in section 2907.01 of the 3703  
Revised Code. 3704

(b) "Nudity-oriented matter" means any material or 3705  
performance that shows a minor in a state of nudity and that, 3706  
taken as a whole by the average person applying contemporary 3707  
community standards, appeals to prurient interest. 3708

(c) "Sexually oriented matter" means any material or 3709  
performance that shows a minor participating or engaging in 3710  
sexual activity, masturbation, or bestiality. 3711

(E) (1) Whoever violates this section is guilty of 3712  
endangering children. 3713

(2) If the offender violates division (A) or (B) (1) of 3714  
this section, endangering children is one of the following, and, 3715  
in the circumstances described in division (E) (2) (e) of this 3716  
section, that division applies: 3717

(a) Except as otherwise provided in division (E) (2) (b), 3718  
(c), or (d) of this section, a misdemeanor of the first degree; 3719

(b) If the offender previously has been convicted of an 3720  
offense under this section or of any offense involving neglect, 3721  
abandonment, contributing to the delinquency of, or physical 3722

abuse of a child, except as otherwise provided in division (E) 3723  
(2) (c) or (d) of this section, a felony of the fourth degree; 3724

(c) If the violation is a violation of division (A) of 3725  
this section and results in serious physical harm to the child 3726  
involved, a felony of the third degree; 3727

(d) If the violation is a violation of division (B) (1) of 3728  
this section and results in serious physical harm to the child 3729  
involved, a felony of the second degree. 3730

(e) If the violation is a felony violation of division (B) 3731  
(1) of this section and the offender also is convicted of or 3732  
pleads guilty to a specification as described in section 3733  
2941.1422 of the Revised Code that was included in the 3734  
indictment, count in the indictment, or information charging the 3735  
offense, the court shall sentence the offender to a mandatory 3736  
prison term as provided in division (B) (7) of section 2929.14 of 3737  
the Revised Code and shall order the offender to make 3738  
restitution as provided in division (B) (8) of section 2929.18 of 3739  
the Revised Code. 3740

(3) If the offender violates division (B) (2), (3), (4), or 3741  
(6) of this section, except as otherwise provided in this 3742  
division, endangering children is a felony of the third degree. 3743  
If the violation results in serious physical harm to the child 3744  
involved, or if the offender previously has been convicted of an 3745  
offense under this section or of any offense involving neglect, 3746  
abandonment, contributing to the delinquency of, or physical 3747  
abuse of a child, endangering children is a felony of the second 3748  
degree. If the offender violates division (B) (2), (3), or (4) of 3749  
this section and the offender also is convicted of or pleads 3750  
guilty to a specification as described in section 2941.1422 of 3751  
the Revised Code that was included in the indictment, count in 3752

the indictment, or information charging the offense, the court 3753  
shall sentence the offender to a mandatory prison term as 3754  
provided in division (B) (7) of section 2929.14 of the Revised 3755  
Code and shall order the offender to make restitution as 3756  
provided in division (B) (8) of section 2929.18 of the Revised 3757  
Code. If the offender violates division (B) (6) of this section 3758  
and the drug involved is methamphetamine, the court shall impose 3759  
a mandatory prison term on the offender as follows: 3760

(a) If the violation is a violation of division (B) (6) of 3761  
this section that is a felony of the third degree under division 3762  
(E) (3) of this section and the drug involved is methamphetamine, 3763  
except as otherwise provided in this division, the court shall 3764  
impose as a mandatory prison term one of the prison terms 3765  
prescribed for a felony of the third degree that is not less 3766  
than two years. If the violation is a violation of division (B) 3767  
(6) of this section that is a felony of the third degree under 3768  
division (E) (3) of this section, if the drug involved is 3769  
methamphetamine, and if the offender previously has been 3770  
convicted of or pleaded guilty to a violation of division (B) (6) 3771  
of this section, a violation of division (A) of section 2925.04 3772  
of the Revised Code, or a violation of division (A) of section 3773  
2925.041 of the Revised Code, the court shall impose as a 3774  
mandatory prison term one of the prison terms prescribed for a 3775  
felony of the third degree that is not less than five years. 3776

(b) If the violation is a violation of division (B) (6) of 3777  
this section that is a felony of the second degree under 3778  
division (E) (3) of this section and the drug involved is 3779  
methamphetamine, except as otherwise provided in this division, 3780  
the court shall impose as a mandatory prison term one of the 3781  
definite prison terms prescribed for a felony of the second 3782  
degree in division (A) (2) (b) of section 2929.14 of the Revised 3783

Code that is not less than three years, except that if the 3784  
violation is committed on or after the effective date of this 3785  
amendment, the court shall impose as the minimum prison term for 3786  
the offense a mandatory prison term that is one of the minimum 3787  
terms prescribed for a felony of the second degree in division 3788  
(A) (2) (a) of that section that is not less than three years. If 3789  
the violation is a violation of division (B) (6) of this section 3790  
that is a felony of the second degree under division (E) (3) of 3791  
this section, if the drug involved is methamphetamine, and if 3792  
the offender previously has been convicted of or pleaded guilty 3793  
to a violation of division (B) (6) of this section, a violation 3794  
of division (A) of section 2925.04 of the Revised Code, or a 3795  
violation of division (A) of section 2925.041 of the Revised 3796  
Code, the court shall impose as a mandatory prison term one of 3797  
the definite prison terms prescribed for a felony of the second 3798  
degree in division (A) (2) (b) of section 2929.14 of the Revised 3799  
Code that is not less than five years, except that if the 3800  
violation is committed on or after ~~the effective date of this~~ 3801  
~~amendment~~ March 22, 2019, the court shall impose as the minimum 3802  
prison term for the offense a mandatory prison term that is one 3803  
of the terms prescribed for a felony of the second degree in 3804  
division (A) (2) (a) of that section that is not less than five 3805  
years. 3806

(4) If the offender violates division (B) (5) of this 3807  
section, endangering children is a felony of the second degree. 3808  
If the offender also is convicted of or pleads guilty to a 3809  
specification as described in section 2941.1422 of the Revised 3810  
Code that was included in the indictment, count in the 3811  
indictment, or information charging the offense, the court shall 3812  
sentence the offender to a mandatory prison term as provided in 3813  
division (B) (7) of section 2929.14 of the Revised Code and shall 3814

order the offender to make restitution as provided in division 3815  
(B) (8) of section 2929.18 of the Revised Code. 3816

(5) If the offender violates division (C) of this section, 3817  
the offender shall be punished as follows: 3818

(a) Except as otherwise provided in division (E) (5) (b) or 3819  
(c) of this section, endangering children in violation of 3820  
division (C) of this section is a misdemeanor of the first 3821  
degree. 3822

(b) If the violation results in serious physical harm to 3823  
the child involved or the offender previously has been convicted 3824  
of an offense under this section or any offense involving 3825  
neglect, abandonment, contributing to the delinquency of, or 3826  
physical abuse of a child, except as otherwise provided in 3827  
division (E) (5) (c) of this section, endangering children in 3828  
violation of division (C) of this section is a felony of the 3829  
fifth degree. 3830

(c) If the violation results in serious physical harm to 3831  
the child involved and if the offender previously has been 3832  
convicted of a violation of division (C) of this section, 3833  
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 3834  
of the Revised Code as it existed prior to March 23, 2000, or 3835  
section 2903.04 of the Revised Code in a case in which the 3836  
offender was subject to the sanctions described in division (D) 3837  
of that section, endangering children in violation of division 3838  
(C) of this section is a felony of the fourth degree. 3839

(d) In addition to any term of imprisonment, fine, or 3840  
other sentence, penalty, or sanction it imposes upon the 3841  
offender pursuant to division (E) (5) (a), (b), or (c) of this 3842  
section or pursuant to any other provision of law and in 3843

addition to any suspension of the offender's driver's or 3844  
commercial driver's license or permit or nonresident operating 3845  
privilege under Chapter 4506., 4509., 4510., or 4511. of the 3846  
Revised Code or under any other provision of law, the court also 3847  
may impose upon the offender a class seven suspension of the 3848  
offender's driver's or commercial driver's license or permit or 3849  
nonresident operating privilege from the range specified in 3850  
division (A) (7) of section 4510.02 of the Revised Code. 3851

(e) In addition to any term of imprisonment, fine, or 3852  
other sentence, penalty, or sanction imposed upon the offender 3853  
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 3854  
or pursuant to any other provision of law for the violation of 3855  
division (C) of this section, if as part of the same trial or 3856  
proceeding the offender also is convicted of or pleads guilty to 3857  
a separate charge charging the violation of division (A) of 3858  
section 4511.19 of the Revised Code that was the basis of the 3859  
charge of the violation of division (C) of this section, the 3860  
offender also shall be sentenced in accordance with section 3861  
4511.19 of the Revised Code for that violation of division (A) 3862  
of section 4511.19 of the Revised Code. 3863

(F) (1) (a) A court may require an offender to perform not 3864  
more than two hundred hours of supervised community service work 3865  
under the authority of an agency, subdivision, or charitable 3866  
organization. The requirement shall be part of the community 3867  
control sanction or sentence of the offender, and the court 3868  
shall impose the community service in accordance with and 3869  
subject to divisions (F) (1) (a) and (b) of this section. The 3870  
court may require an offender whom it requires to perform 3871  
supervised community service work as part of the offender's 3872  
community control sanction or sentence to pay the court a 3873  
reasonable fee to cover the costs of the offender's 3874

participation in the work, including, but not limited to, the 3875  
costs of procuring a policy or policies of liability insurance 3876  
to cover the period during which the offender will perform the 3877  
work. If the court requires the offender to perform supervised 3878  
community service work as part of the offender's community 3879  
control sanction or sentence, the court shall do so in 3880  
accordance with the following limitations and criteria: 3881

(i) The court shall require that the community service 3882  
work be performed after completion of the term of imprisonment 3883  
or jail term imposed upon the offender for the violation of 3884  
division (C) of this section, if applicable. 3885

(ii) The supervised community service work shall be 3886  
subject to the limitations set forth in divisions (B) (1), (2), 3887  
and (3) of section 2951.02 of the Revised Code. 3888

(iii) The community service work shall be supervised in 3889  
the manner described in division (B) (4) of section 2951.02 of 3890  
the Revised Code by an official or person with the 3891  
qualifications described in that division. The official or 3892  
person periodically shall report in writing to the court 3893  
concerning the conduct of the offender in performing the work. 3894

(iv) The court shall inform the offender in writing that 3895  
if the offender does not adequately perform, as determined by 3896  
the court, all of the required community service work, the court 3897  
may order that the offender be committed to a jail or workhouse 3898  
for a period of time that does not exceed the term of 3899  
imprisonment that the court could have imposed upon the offender 3900  
for the violation of division (C) of this section, reduced by 3901  
the total amount of time that the offender actually was 3902  
imprisoned under the sentence or term that was imposed upon the 3903  
offender for that violation and by the total amount of time that 3904

the offender was confined for any reason arising out of the 3905  
offense for which the offender was convicted and sentenced as 3906  
described in sections 2949.08 and 2967.191 of the Revised Code, 3907  
and that, if the court orders that the offender be so committed, 3908  
the court is authorized, but not required, to grant the offender 3909  
credit upon the period of the commitment for the community 3910  
service work that the offender adequately performed. 3911

(b) If a court, pursuant to division (F)(1)(a) of this 3912  
section, orders an offender to perform community service work as 3913  
part of the offender's community control sanction or sentence 3914  
and if the offender does not adequately perform all of the 3915  
required community service work, as determined by the court, the 3916  
court may order that the offender be committed to a jail or 3917  
workhouse for a period of time that does not exceed the term of 3918  
imprisonment that the court could have imposed upon the offender 3919  
for the violation of division (C) of this section, reduced by 3920  
the total amount of time that the offender actually was 3921  
imprisoned under the sentence or term that was imposed upon the 3922  
offender for that violation and by the total amount of time that 3923  
the offender was confined for any reason arising out of the 3924  
offense for which the offender was convicted and sentenced as 3925  
described in sections 2949.08 and 2967.191 of the Revised Code. 3926  
The court may order that a person committed pursuant to this 3927  
division shall receive hour-for-hour credit upon the period of 3928  
the commitment for the community service work that the offender 3929  
adequately performed. No commitment pursuant to this division 3930  
shall exceed the period of the term of imprisonment that the 3931  
sentencing court could have imposed upon the offender for the 3932  
violation of division (C) of this section, reduced by the total 3933  
amount of time that the offender actually was imprisoned under 3934  
that sentence or term and by the total amount of time that the 3935

offender was confined for any reason arising out of the offense 3936  
for which the offender was convicted and sentenced as described 3937  
in sections 2949.08 and 2967.191 of the Revised Code. 3938

(2) Division (F) (1) of this section does not limit or 3939  
affect the authority of the court to suspend the sentence 3940  
imposed upon a misdemeanor offender and place the offender under 3941  
a community control sanction pursuant to section 2929.25 of the 3942  
Revised Code, to require a misdemeanor or felony offender to 3943  
perform supervised community service work in accordance with 3944  
division (B) of section 2951.02 of the Revised Code, or to place 3945  
a felony offender under a community control sanction. 3946

(G) (1) If a court suspends an offender's driver's or 3947  
commercial driver's license or permit or nonresident operating 3948  
privilege under division (E) (5) (d) of this section, the period 3949  
of the suspension shall be consecutive to, and commence after, 3950  
the period of suspension of the offender's driver's or 3951  
commercial driver's license or permit or nonresident operating 3952  
privilege that is imposed under Chapter 4506., 4509., 4510., or 3953  
4511. of the Revised Code or under any other provision of law in 3954  
relation to the violation of division (C) of this section that 3955  
is the basis of the suspension under division (E) (5) (d) of this 3956  
section or in relation to the violation of division (A) of 3957  
section 4511.19 of the Revised Code that is the basis for that 3958  
violation of division (C) of this section. 3959

(2) An offender is not entitled to request, and the court 3960  
shall not grant to the offender, limited driving privileges if 3961  
the offender's license, permit, or privilege has been suspended 3962  
under division (E) (5) (d) of this section and the offender, 3963  
within the preceding six years, has been convicted of or pleaded 3964  
guilty to three or more violations of one or more of the 3965

following: 3966

(a) Division (C) of this section; 3967

(b) Any equivalent offense, as defined in section 4511.181 3968  
of the Revised Code. 3969

(H) (1) If a person violates division (C) of this section 3970  
and if, at the time of the violation, there were two or more 3971  
children under eighteen years of age in the motor vehicle 3972  
involved in the violation, the offender may be convicted of a 3973  
violation of division (C) of this section for each of the 3974  
children, but the court may sentence the offender for only one 3975  
of the violations. 3976

(2) (a) If a person is convicted of or pleads guilty to a 3977  
violation of division (C) of this section but the person is not 3978  
also convicted of and does not also plead guilty to a separate 3979  
charge charging the violation of division (A) of section 4511.19 3980  
of the Revised Code that was the basis of the charge of the 3981  
violation of division (C) of this section, both of the following 3982  
apply: 3983

(i) For purposes of the provisions of section 4511.19 of 3984  
the Revised Code that set forth the penalties and sanctions for 3985  
a violation of division (A) of section 4511.19 of the Revised 3986  
Code, the conviction of or plea of guilty to the violation of 3987  
division (C) of this section shall not constitute a violation of 3988  
division (A) of section 4511.19 of the Revised Code; 3989

(ii) For purposes of any provision of law that refers to a 3990  
conviction of or plea of guilty to a violation of division (A) 3991  
of section 4511.19 of the Revised Code and that is not described 3992  
in division (H) (2) (a) (i) of this section, the conviction of or 3993  
plea of guilty to the violation of division (C) of this section 3994

shall constitute a conviction of or plea of guilty to a 3995  
violation of division (A) of section 4511.19 of the Revised 3996  
Code. 3997

(b) If a person is convicted of or pleads guilty to a 3998  
violation of division (C) of this section and the person also is 3999  
convicted of or pleads guilty to a separate charge charging the 4000  
violation of division (A) of section 4511.19 of the Revised Code 4001  
that was the basis of the charge of the violation of division 4002  
(C) of this section, the conviction of or plea of guilty to the 4003  
violation of division (C) of this section shall not constitute, 4004  
for purposes of any provision of law that refers to a conviction 4005  
of or plea of guilty to a violation of division (A) of section 4006  
4511.19 of the Revised Code, a conviction of or plea of guilty 4007  
to a violation of division (A) of section 4511.19 of the Revised 4008  
Code. 4009

(I) As used in this section: 4010

(1) "Community control sanction" has the same meaning as 4011  
in section 2929.01 of the Revised Code; 4012

(2) "Limited driving privileges" has the same meaning as 4013  
in section 4501.01 of the Revised Code; 4014

(3) "Methamphetamine" has the same meaning as in section 4015  
2925.01 of the Revised Code. 4016

**Sec. 2919.23.** (A) No person, knowing the person is without 4017  
privilege to do so or being reckless in that regard, shall 4018  
entice, take, keep, or harbor a person identified in division 4019  
(A) (1), (2), or (3) of this section from the parent, guardian, 4020  
or custodian of the person identified in division (A) (1), (2), 4021  
or (3) of this section: 4022

(1) A child under the age of eighteen, or a ~~mentally or~~ 4023

~~physically handicapped child with a mental or physical~~ 4024  
~~disability~~ under the age of twenty-one; 4025

(2) A person committed by law to an institution for 4026  
delinquent, unruly, neglected, abused, or dependent children; 4027

(3) A person committed by law to an institution for ~~the~~ 4028  
~~mentally ill persons with mental illnesses~~ or an institution for 4029  
persons with intellectual disabilities. 4030

(B) No person shall aid, abet, induce, cause, or encourage 4031  
a child or a ward of the juvenile court who has been committed 4032  
to the custody of any person, department, or public or private 4033  
institution to leave the custody of that person, department, or 4034  
institution without legal consent. 4035

(C) It is an affirmative defense to a charge of enticing 4036  
or taking under division (A) (1) of this section, that the actor 4037  
reasonably believed that the actor's conduct was necessary to 4038  
preserve the child's health or safety. It is an affirmative 4039  
defense to a charge of keeping or harboring under division (A) 4040  
of this section, that the actor in good faith gave notice to law 4041  
enforcement or judicial authorities within a reasonable time 4042  
after the child or committed person came under the actor's 4043  
shelter, protection, or influence. 4044

(D) (1) Whoever violates this section is guilty of 4045  
interference with custody. 4046

(2) Except as otherwise provided in this division, a 4047  
violation of division (A) (1) of this section is a misdemeanor of 4048  
the first degree. If the child who is the subject of a violation 4049  
of division (A) (1) of this section is removed from the state or 4050  
if the offender previously has been convicted of an offense 4051  
under this section, a violation of division (A) (1) of this 4052

section is a felony of the fifth degree. If the child who is the 4053  
subject of a violation of division (A) (1) of this section 4054  
suffers physical harm as a result of the violation, a violation 4055  
of division (A) (1) of this section is a felony of the fourth 4056  
degree. 4057

(3) A violation of division (A) (2) or (3) of this section 4058  
is a misdemeanor of the third degree. 4059

(4) A violation of division (B) of this section is a 4060  
misdemeanor of the first degree. Each day of violation of 4061  
division (B) of this section is a separate offense. 4062

**Sec. 2921.22.** (A) (1) Except as provided in division (A) (2) 4063  
of this section, no person, knowing that a felony has been or is 4064  
being committed, shall knowingly fail to report such information 4065  
to law enforcement authorities. 4066

(2) No person, knowing that a violation of division (B) of 4067  
section 2913.04 of the Revised Code has been, or is being 4068  
committed or that the person has received information derived 4069  
from such a violation, shall knowingly fail to report the 4070  
violation to law enforcement authorities. 4071

(B) Except for conditions that are within the scope of 4072  
division (E) of this section, no person giving aid to a sick or 4073  
injured person shall negligently fail to report to law 4074  
enforcement authorities any gunshot or stab wound treated or 4075  
observed by the person, or any serious physical harm to persons 4076  
that the person knows or has reasonable cause to believe 4077  
resulted from an offense of violence. 4078

(C) No person who discovers the body or acquires the first 4079  
knowledge of the death of a person shall fail to report the 4080  
death immediately to a physician or advanced practice registered 4081

nurse whom the person knows to be treating the deceased for a 4082  
condition from which death at such time would not be unexpected, 4083  
or to a law enforcement officer, an ambulance service, an 4084  
emergency squad, or the coroner in a political subdivision in 4085  
which the body is discovered, the death is believed to have 4086  
occurred, or knowledge concerning the death is obtained. For 4087  
purposes of this division, "advanced practice registered nurse" 4088  
does not include a certified registered nurse anesthetist. 4089

(D) No person shall fail to provide upon request of the 4090  
person to whom a report required by division (C) of this section 4091  
was made, or to any law enforcement officer who has reasonable 4092  
cause to assert the authority to investigate the circumstances 4093  
surrounding the death, any facts within the person's knowledge 4094  
that may have a bearing on the investigation of the death. 4095

(E) (1) As used in this division, "burn injury" means any 4096  
of the following: 4097

(a) Second or third degree burns; 4098

(b) Any burns to the upper respiratory tract or laryngeal 4099  
edema due to the inhalation of superheated air; 4100

(c) Any burn injury or wound that may result in death; 4101

(d) Any physical harm to persons caused by or as the 4102  
result of the use of fireworks, novelties and trick noisemakers, 4103  
and wire sparklers, as each is defined by section 3743.01 of the 4104  
Revised Code. 4105

(2) No physician, nurse, physician assistant, or limited 4106  
practitioner who, outside a hospital, sanitarium, or other 4107  
medical facility, attends or treats a person who has sustained a 4108  
burn injury that is inflicted by an explosion or other 4109  
incendiary device or that shows evidence of having been 4110

inflicted in a violent, malicious, or criminal manner shall fail 4111  
to report the burn injury immediately to the local arson, or 4112  
fire and explosion investigation, bureau, if there is a bureau 4113  
of this type in the jurisdiction in which the person is attended 4114  
or treated, or otherwise to local law enforcement authorities. 4115

(3) No manager, superintendent, or other person in charge 4116  
of a hospital, sanitarium, or other medical facility in which a 4117  
person is attended or treated for any burn injury that is 4118  
inflicted by an explosion or other incendiary device or that 4119  
shows evidence of having been inflicted in a violent, malicious, 4120  
or criminal manner shall fail to report the burn injury 4121  
immediately to the local arson, or fire and explosion 4122  
investigation, bureau, if there is a bureau of this type in the 4123  
jurisdiction in which the person is attended or treated, or 4124  
otherwise to local law enforcement authorities. 4125

(4) No person who is required to report any burn injury 4126  
under division (E) (2) or (3) of this section shall fail to file, 4127  
within three working days after attending or treating the 4128  
victim, a written report of the burn injury with the office of 4129  
the state fire marshal. The report shall comply with the uniform 4130  
standard developed by the state fire marshal pursuant to 4131  
division (A) (15) of section 3737.22 of the Revised Code. 4132

(5) Anyone participating in the making of reports under 4133  
division (E) of this section or anyone participating in a 4134  
judicial proceeding resulting from the reports is immune from 4135  
any civil or criminal liability that otherwise might be incurred 4136  
or imposed as a result of such actions. Notwithstanding section 4137  
4731.22 of the Revised Code, the physician-patient relationship 4138  
or advanced practice registered nurse-patient relationship is 4139  
not a ground for excluding evidence regarding a person's burn 4140

injury or the cause of the burn injury in any judicial 4141  
proceeding resulting from a report submitted under division (E) 4142  
of this section. 4143

(F) (1) Any doctor of medicine or osteopathic medicine, 4144  
hospital intern or resident, nurse, psychologist, social worker, 4145  
independent social worker, social work assistant, licensed 4146  
professional clinical counselor, licensed professional 4147  
counselor, independent marriage and family therapist, or 4148  
marriage and family therapist who knows or has reasonable cause 4149  
to believe that a patient or client has been the victim of 4150  
domestic violence, as defined in section 3113.31 of the Revised 4151  
Code, shall note that knowledge or belief and the basis for it 4152  
in the patient's or client's records. 4153

(2) Notwithstanding section 4731.22 of the Revised Code, 4154  
the physician-patient privilege or advanced practice registered 4155  
nurse-patient privilege shall not be a ground for excluding any 4156  
information regarding the report containing the knowledge or 4157  
belief noted under division (F) (1) of this section, and the 4158  
information may be admitted as evidence in accordance with the 4159  
Rules of Evidence. 4160

(G) Divisions (A) and (D) of this section do not require 4161  
disclosure of information, when any of the following applies: 4162

(1) The information is privileged by reason of the 4163  
relationship between attorney and client; physician and patient; 4164  
advanced practice registered nurse and patient; licensed 4165  
psychologist or licensed school psychologist and client; 4166  
licensed professional clinical counselor, licensed professional 4167  
counselor, independent social worker, social worker, independent 4168  
marriage and family therapist, or marriage and family therapist 4169  
and client; member of the clergy, rabbi, minister, or priest and 4170

any person communicating information confidentially to the 4171  
member of the clergy, rabbi, minister, or priest for a religious 4172  
counseling purpose of a professional character; husband and 4173  
wife; or a communications assistant and those who are a party to 4174  
a telecommunications relay service call. 4175

(2) The information would tend to incriminate a member of 4176  
the actor's immediate family. 4177

(3) Disclosure of the information would amount to 4178  
revealing a news source, privileged under section 2739.04 or 4179  
2739.12 of the Revised Code. 4180

(4) Disclosure of the information would amount to 4181  
disclosure by a member of the ordained clergy of an organized 4182  
religious body of a confidential communication made to that 4183  
member of the clergy in that member's capacity as a member of 4184  
the clergy by a person seeking the aid or counsel of that member 4185  
of the clergy. 4186

(5) Disclosure would amount to revealing information 4187  
acquired by the actor in the course of the actor's duties in 4188  
connection with a bona fide program of treatment or services for 4189  
~~drug dependent persons~~ with drug dependencies or persons in 4190  
danger of drug dependence, which program is maintained or 4191  
conducted by a hospital, clinic, person, agency, or community 4192  
addiction services provider whose alcohol and drug addiction 4193  
services are certified pursuant to section 5119.36 of the 4194  
Revised Code. 4195

(6) Disclosure would amount to revealing information 4196  
acquired by the actor in the course of the actor's duties in 4197  
connection with a bona fide program for providing counseling 4198  
services to victims of crimes that are violations of section 4199

2907.02 or 2907.05 of the Revised Code or to victims of 4200  
felonious sexual penetration in violation of former section 4201  
2907.12 of the Revised Code. As used in this division, 4202  
"counseling services" include services provided in an informal 4203  
setting by a person who, by education or experience, is 4204  
competent to provide those services. 4205

(H) No disclosure of information pursuant to this section 4206  
gives rise to any liability or recrimination for a breach of 4207  
privilege or confidence. 4208

(I) Whoever violates division (A) or (B) of this section 4209  
is guilty of failure to report a crime. Violation of division 4210  
(A) (1) of this section is a misdemeanor of the fourth degree. 4211  
Violation of division (A) (2) or (B) of this section is a 4212  
misdemeanor of the second degree. 4213

(J) Whoever violates division (C) or (D) of this section 4214  
is guilty of failure to report knowledge of a death, a 4215  
misdemeanor of the fourth degree. 4216

(K) (1) Whoever negligently violates division (E) of this 4217  
section is guilty of a minor misdemeanor. 4218

(2) Whoever knowingly violates division (E) of this 4219  
section is guilty of a misdemeanor of the second degree. 4220

(L) As used in this section, "nurse" includes an advanced 4221  
practice registered nurse, registered nurse, and licensed 4222  
practical nurse. 4223

**Sec. 2921.321.** (A) No person shall knowingly cause, or 4224  
attempt to cause, physical harm to a police dog or horse in 4225  
either of the following circumstances: 4226

(1) The police dog or horse is assisting a law enforcement 4227

officer in the performance of the officer's official duties at 4228  
the time the physical harm is caused or attempted. 4229

(2) The police dog or horse is not assisting a law 4230  
enforcement officer in the performance of the officer's official 4231  
duties at the time the physical harm is caused or attempted, but 4232  
the offender has actual knowledge that the dog or horse is a 4233  
police dog or horse. 4234

(B) No person shall recklessly do any of the following: 4235

(1) Taunt, torment, or strike a police dog or horse; 4236

(2) Throw an object or substance at a police dog or horse; 4237

(3) Interfere with or obstruct a police dog or horse, or 4238  
interfere with or obstruct a law enforcement officer who is 4239  
being assisted by a police dog or horse, in a manner that does 4240  
any of the following: 4241

(a) Inhibits or restricts the law enforcement officer's 4242  
control of the police dog or horse; 4243

(b) Deprives the law enforcement officer of control of the 4244  
police dog or horse; 4245

(c) Releases the police dog or horse from its area of 4246  
control; 4247

(d) Enters the area of control of the police dog or horse 4248  
without the consent of the law enforcement officer, including 4249  
placing food or any other object or substance into that area; 4250

(e) Inhibits or restricts the ability of the police dog or 4251  
horse to assist a law enforcement officer. 4252

(4) Engage in any conduct that is likely to cause serious 4253  
physical injury or death to a police dog or horse; 4254

(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct, the police dog or horse is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(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;	4284 4285
(b) Deprives the assisted or served person of control of the dog;	4286 4287
(c) Releases the dog from its area of control;	4288
(d) Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;	4289 4290 4291
(e) Inhibits or restricts the ability of the dog to assist the assisted or served person.	4292 4293
(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;	4294 4295
(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a <u>person who is blind, deaf, or hearing impaired</u> , or <u>a person with a mobility impaired person impairment</u> or that the person knows is an assistance dog.	4296 4297 4298 4299 4300 4301 4302 4303
(E) (1) Whoever violates division (A) of this section is guilty of assaulting a police dog or horse, and shall be punished as provided in divisions (E) (1) (a) and (b) of this section.	4304 4305 4306 4307
(a) Except as otherwise provided in this division, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse, assaulting a police dog or horse is a felony of the	4308 4309 4310 4311

third degree and the court shall impose as a mandatory prison 4312  
term one of the definite prison terms prescribed in division (A) 4313  
(3) (b) of section 2929.14 of the Revised Code for a felony of 4314  
the third degree. If the violation results in serious physical 4315  
harm to the police dog or horse other than its death, assaulting 4316  
a police dog or horse is a felony of the fourth degree. If the 4317  
violation results in physical harm to the police dog or horse 4318  
other than death or serious physical harm, assaulting a police 4319  
dog or horse is a misdemeanor of the first degree. 4320

(b) In addition to any other sanction imposed for 4321  
assaulting a police dog or horse, if the violation of division 4322  
(A) of this section results in the death of the police dog or 4323  
horse, the sentencing court shall impose as a financial sanction 4324  
a mandatory fine under division (B) (10) of section 2929.18 of 4325  
the Revised Code. The fine shall be paid to the law enforcement 4326  
agency that was served by the police dog or horse that was 4327  
killed, and shall be used by that agency only for one or more of 4328  
the following purposes: 4329

(i) If the dog or horse was not owned by the agency, the 4330  
payment to the owner of the dog or horse of the cost of the dog 4331  
or horse and the cost of the training of the dog or horse to 4332  
qualify it as a police dog or horse, if that cost has not 4333  
previously been paid by the agency; 4334

(ii) After payment of the costs described in division (E) 4335  
(1) (b) (i) of this section, if applicable, payment of the cost of 4336  
replacing the dog or horse that was killed; 4337

(iii) After payment of the costs described in division (E) 4338  
(1) (b) (i) of this section, if applicable, payment of the cost of 4339  
training the replacement dog or horse to qualify it as a police 4340  
dog or horse; 4341

(iv) After payment of the costs described in division (E) 4342  
(1) (b) (i) of this section, if applicable, payment of the cost of 4343  
further training of the replacement dog or horse that is needed 4344  
to train it to the level of training that had been achieved by 4345  
the dog or horse that was killed. 4346

(2) Whoever violates division (B) of this section is 4347  
guilty of harassing a police dog or horse. Except as otherwise 4348  
provided in this division, harassing a police dog or horse is a 4349  
misdemeanor of the second degree. If the violation results in 4350  
the death of the police dog or horse, harassing a police dog or 4351  
horse is a felony of the third degree. If the violation results 4352  
in serious physical harm to the police dog or horse, but does 4353  
not result in its death, harassing a police dog or horse, is a 4354  
felony of the fourth degree. If the violation results in 4355  
physical harm to the police dog or horse, but does not result in 4356  
its death or in serious physical harm to it, harassing a police 4357  
dog or horse is a misdemeanor of the first degree. 4358

(3) Whoever violates division (C) of this section is 4359  
guilty of assaulting an assistance dog. Except as otherwise 4360  
provided in this division, assaulting an assistance dog is a 4361  
misdemeanor of the second degree. If the violation results in 4362  
the death of the assistance dog, assaulting an assistance dog is 4363  
a felony of the third degree. If the violation results in 4364  
serious physical harm to the assistance dog other than its 4365  
death, assaulting an assistance dog is a felony of the fourth 4366  
degree. If the violation results in physical harm to the 4367  
assistance dog other than death or serious physical harm, 4368  
assaulting an assistance dog is a misdemeanor of the first 4369  
degree. 4370

(4) Whoever violates division (D) of this section is 4371

guilty of harassing an assistance dog. Except as otherwise 4372  
provided in this division, harassing an assistance dog is a 4373  
misdemeanor of the second degree. If the violation results in 4374  
the death of the assistance dog, harassing an assistance dog is 4375  
a felony of the third degree. If the violation results in 4376  
serious physical harm to the assistance dog, but does not result 4377  
in its death, harassing an assistance dog is a felony of the 4378  
fourth degree. If the violation results in physical harm to the 4379  
assistance dog, but does not result in its death or in serious 4380  
physical harm to it, harassing an assistance dog is a 4381  
misdemeanor of the first degree. 4382

(5) In addition to any other sanction or penalty imposed 4383  
for the offense under this section, Chapter 2929., or any other 4384  
provision of the Revised Code, whoever violates division (A), 4385  
(B), (C), or (D) of this section is responsible for the payment 4386  
of all of the following: 4387

(a) Any veterinary bill or bill for medication incurred as 4388  
a result of the violation by the police department regarding a 4389  
violation of division (A) or (B) of this section or by the 4390  
person who is blind, deaf, or hearing impaired, or the person 4391  
with a mobility impaired person impairment assisted or served by 4392  
the assistance dog regarding a violation of division (C) or (D) 4393  
of this section; 4394

(b) The cost of any damaged equipment that results from 4395  
the violation; 4396

(c) If the violation did not result in the death of the 4397  
police dog or horse or the assistance dog that was the subject 4398  
of the violation and if, as a result of that dog or horse being 4399  
the subject of the violation, the dog or horse needs further 4400  
training or retraining to be able to continue in the capacity of 4401

a police dog or horse or an assistance dog, the cost of any 4402  
further training or retraining of that dog or horse by a law 4403  
enforcement officer or by the person who is blind, deaf, or 4404  
hearing impaired, ~~or the person with a mobility impaired person-~~ 4405  
~~impairment~~ assisted or served by the assistance dog; 4406

(d) If the violation resulted in the death of the 4407  
assistance dog that was the subject of the violation or resulted 4408  
in serious physical harm to the police dog or horse or the 4409  
assistance dog or horse that was the subject of the violation to 4410  
the extent that the dog or horse needs to be replaced on either 4411  
a temporary or a permanent basis, the cost of replacing that dog 4412  
or horse and of any further training of a new police dog or 4413  
horse or a new assistance dog by a law enforcement officer or by 4414  
the person who is blind, deaf, or hearing impaired, or the 4415  
person with a mobility impaired person-impairment assisted or 4416  
served by the assistance dog, which replacement or training is 4417  
required because of the death of or the serious physical harm to 4418  
the dog or horse that was the subject of the violation. 4419

(F) This section does not apply to a licensed veterinarian 4420  
whose conduct is in accordance with Chapter 4741. of the Revised 4421  
Code. 4422

(G) This section only applies to an offender who knows or 4423  
should know at the time of the violation that the police dog or 4424  
horse or assistance dog that is the subject of a violation under 4425  
this section is a police dog or horse or an assistance dog. 4426

(H) As used in this section: 4427

(1) "Physical harm" means any injury, illness, or other 4428  
physiological impairment, regardless of its gravity or duration. 4429

(2) "Police dog or horse" means a dog or horse that has 4430

been trained, and may be used, to assist law enforcement 4431  
officers in the performance of their official duties. 4432

(3) "Serious physical harm" means any of the following: 4433

(a) Any physical harm that carries a substantial risk of 4434  
death; 4435

(b) Any physical harm that causes permanent maiming or 4436  
that involves some temporary, substantial maiming; 4437

(c) Any physical harm that causes acute pain of a duration 4438  
that results in substantial suffering. 4439

(4) "Assistance dog," "blind," and "~~mobility impaired~~ 4440  
~~person~~" "person with a mobility impairment" have the same 4441  
meanings as in section 955.011 of the Revised Code. 4442

**Sec. 2923.125.** It is the intent of the general assembly 4443  
that Ohio concealed handgun license law be compliant with the 4444  
national instant criminal background check system, that the 4445  
bureau of alcohol, tobacco, firearms, and explosives is able to 4446  
determine that Ohio law is compliant with the national instant 4447  
criminal background check system, and that no person shall be 4448  
eligible to receive a concealed handgun license permit under 4449  
section 2923.125 or 2923.1213 of the Revised Code unless the 4450  
person is eligible lawfully to receive or possess a firearm in 4451  
the United States. 4452

(A) This section applies with respect to the application 4453  
for and issuance by this state of concealed handgun licenses 4454  
other than concealed handgun licenses on a temporary emergency 4455  
basis that are issued under section 2923.1213 of the Revised 4456  
Code. Upon the request of a person who wishes to obtain a 4457  
concealed handgun license with respect to which this section 4458  
applies or to renew a concealed handgun license with respect to 4459

which this section applies, a sheriff, as provided in division 4460  
(I) of this section, shall provide to the person free of charge 4461  
an application form and the web site address at which a 4462  
printable version of the application form that can be downloaded 4463  
and the pamphlet described in division (B) of section 109.731 of 4464  
the Revised Code may be found. A sheriff shall accept a 4465  
completed application form and the fee, items, materials, and 4466  
information specified in divisions (B)(1) to (5) of this section 4467  
at the times and in the manners described in division (I) of 4468  
this section. 4469

(B) An applicant for a concealed handgun license who is a 4470  
resident of this state shall submit a completed application form 4471  
and all of the material and information described in divisions 4472  
(B)(1) to (6) of this section to the sheriff of the county in 4473  
which the applicant resides or to the sheriff of any county 4474  
adjacent to the county in which the applicant resides. An 4475  
applicant for a license who resides in another state shall 4476  
submit a completed application form and all of the material and 4477  
information described in divisions (B)(1) to (7) of this section 4478  
to the sheriff of the county in which the applicant is employed 4479  
or to the sheriff of any county adjacent to the county in which 4480  
the applicant is employed: 4481

(1)(a) A nonrefundable license fee as described in either 4482  
of the following: 4483

(i) For an applicant who has been a resident of this state 4484  
for five or more years, a fee of sixty-seven dollars; 4485

(ii) For an applicant who has been a resident of this 4486  
state for less than five years or who is not a resident of this 4487  
state, but who is employed in this state, a fee of sixty-seven 4488  
dollars plus the actual cost of having a background check 4489

performed by the federal bureau of investigation. 4490

(b) No sheriff shall require an applicant to pay for the 4491  
cost of a background check performed by the bureau of criminal 4492  
identification and investigation. 4493

(c) A sheriff shall waive the payment of the license fee 4494  
described in division (B) (1) (a) of this section in connection 4495  
with an initial or renewal application for a license that is 4496  
submitted by an applicant who is an active or reserve member of 4497  
the armed forces of the United States or has retired from or was 4498  
honorably discharged from military service in the active or 4499  
reserve armed forces of the United States, a retired peace 4500  
officer, a retired person described in division (B) (1) (b) of 4501  
section 109.77 of the Revised Code, or a retired federal law 4502  
enforcement officer who, prior to retirement, was authorized 4503  
under federal law to carry a firearm in the course of duty, 4504  
unless the retired peace officer, person, or federal law 4505  
enforcement officer retired as the result of a mental 4506  
disability. 4507

(d) The sheriff shall deposit all fees paid by an 4508  
applicant under division (B) (1) (a) of this section into the 4509  
sheriff's concealed handgun license issuance fund established 4510  
pursuant to section 311.42 of the Revised Code. The county shall 4511  
distribute the fees in accordance with section 311.42 of the 4512  
Revised Code. 4513

(2) A color photograph of the applicant that was taken 4514  
within thirty days prior to the date of the application; 4515

(3) One or more of the following competency 4516  
certifications, each of which shall reflect that, regarding a 4517  
certification described in division (B) (3) (a), (b), (c), (e), or 4518

(f) of this section, within the three years immediately 4519  
preceding the application the applicant has performed that to 4520  
which the competency certification relates and that, regarding a 4521  
certification described in division (B) (3) (d) of this section, 4522  
the applicant currently is an active or reserve member of the 4523  
armed forces of the United States, the applicant has retired 4524  
from or was honorably discharged from military service in the 4525  
active or reserve armed forces of the United States, or within 4526  
the ten years immediately preceding the application the 4527  
retirement of the peace officer, person described in division 4528  
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 4529  
enforcement officer to which the competency certification 4530  
relates occurred: 4531

(a) An original or photocopy of a certificate of 4532  
completion of a firearms safety, training, or requalification or 4533  
firearms safety instructor course, class, or program that was 4534  
offered by or under the auspices of a national gun advocacy 4535  
organization and that complies with the requirements set forth 4536  
in division (G) of this section; 4537

(b) An original or photocopy of a certificate of 4538  
completion of a firearms safety, training, or requalification or 4539  
firearms safety instructor course, class, or program that 4540  
satisfies all of the following criteria: 4541

(i) It was open to members of the general public. 4542

(ii) It utilized qualified instructors who were certified 4543  
by a national gun advocacy organization, the executive director 4544  
of the Ohio peace officer training commission pursuant to 4545  
section 109.75 or 109.78 of the Revised Code, or a governmental 4546  
official or entity of another state. 4547

(iii) It was offered by or under the auspices of a law enforcement agency of this or another state or the United States, a public or private college, university, or other similar postsecondary educational institution located in this or another state, a firearms training school located in this or another state, or another type of public or private entity or organization located in this or another state.

(iv) It complies with the requirements set forth in division (G) of this section.

(c) An original or photocopy of a certificate of completion of a state, county, municipal, or department of natural resources peace officer training school that is approved by the executive director of the Ohio peace officer training commission pursuant to section 109.75 of the Revised Code and that complies with the requirements set forth in division (G) of this section, or the applicant has satisfactorily completed and been issued a certificate of completion of a basic firearms training program, a firearms requalification training program, or another basic training program described in section 109.78 or 109.801 of the Revised Code that complies with the requirements set forth in division (G) of this section;

(d) A document that evidences both of the following:

(i) That the applicant is an active or reserve member of the armed forces of the United States, has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States, is a retired trooper of the state highway patrol, or is a retired peace officer or federal law enforcement officer described in division (B) (1) of this section or a retired person described in division (B) (1) (b) of section 109.77 of the Revised Code and division (B) (1) of

this section; 4578

(ii) That, through participation in the military service 4579  
or through the former employment described in division (B) (3) (d) 4580  
(i) of this section, the applicant acquired experience with 4581  
handling handguns or other firearms, and the experience so 4582  
acquired was equivalent to training that the applicant could 4583  
have acquired in a course, class, or program described in 4584  
division (B) (3) (a), (b), or (c) of this section. 4585

(e) A certificate or another similar document that 4586  
evidences satisfactory completion of a firearms training, 4587  
safety, or requalification or firearms safety instructor course, 4588  
class, or program that is not otherwise described in division 4589  
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 4590  
by an instructor who was certified by an official or entity of 4591  
the government of this or another state or the United States or 4592  
by a national gun advocacy organization, and that complies with 4593  
the requirements set forth in division (G) of this section; 4594

(f) An affidavit that attests to the applicant's 4595  
satisfactory completion of a course, class, or program described 4596  
in division (B) (3) (a), (b), (c), or (e) of this section and that 4597  
is subscribed by the applicant's instructor or an authorized 4598  
representative of the entity that offered the course, class, or 4599  
program or under whose auspices the course, class, or program 4600  
was offered; 4601

(g) A document that evidences that the applicant has 4602  
successfully completed the Ohio peace officer training program 4603  
described in section 109.79 of the Revised Code. 4604

(4) A certification by the applicant that the applicant 4605  
has read the pamphlet prepared by the Ohio peace officer 4606

training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.

(5) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of 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 4636  
that division and, upon making the information available through 4637  
the system, shall issue to the applicant a concealed handgun 4638  
license that shall expire as described in division (D) (2) (a) of 4639  
this section if all of the following apply: 4640

(a) The applicant is legally living in the United States. 4641  
For purposes of division (D) (1) (a) of this section, if a person 4642  
is absent from the United States in compliance with military or 4643  
naval orders as an active or reserve member of the armed forces 4644  
of the United States and if prior to leaving the United States 4645  
the person was legally living in the United States, the person, 4646  
solely by reason of that absence, shall not be considered to 4647  
have lost the person's status as living in the United States. 4648

(b) The applicant is at least twenty-one years of age. 4649

(c) The applicant is not a fugitive from justice. 4650

(d) The applicant is not under indictment for or otherwise 4651  
charged with a felony; an offense under Chapter 2925., 3719., or 4652  
4729. of the Revised Code that involves the illegal possession, 4653  
use, sale, administration, or distribution of or trafficking in 4654  
a drug of abuse; a misdemeanor offense of violence; or a 4655  
violation of section 2903.14 or 2923.1211 of the Revised Code. 4656

(e) Except as otherwise provided in division (D) (4) or (5) 4657  
of this section, the applicant has not been convicted of or 4658  
pleaded guilty to a felony or an offense under Chapter 2925., 4659  
3719., or 4729. of the Revised Code that involves the illegal 4660  
possession, use, sale, administration, or distribution of or 4661  
trafficking in a drug of abuse; has not been adjudicated a 4662  
delinquent child for committing an act that if committed by an 4663  
adult would be a felony or would be an offense under Chapter 4664

2925., 3719., or 4729. of the Revised Code that involves the 4665  
illegal possession, use, sale, administration, or distribution 4666  
of or trafficking in a drug of abuse; has not been convicted of, 4667  
pleaded guilty to, or adjudicated a delinquent child for 4668  
committing a violation of section 2903.13 of the Revised Code 4669  
when the victim of the violation is a peace officer, regardless 4670  
of whether the applicant was sentenced under division (C) (4) of 4671  
that section; and has not been convicted of, pleaded guilty to, 4672  
or adjudicated a delinquent child for committing any other 4673  
offense that is not previously described in this division that 4674  
is a misdemeanor punishable by imprisonment for a term exceeding 4675  
one year. 4676

(f) Except as otherwise provided in division (D) (4) or (5) 4677  
of this section, the applicant, within three years of the date 4678  
of the application, has not been convicted of or pleaded guilty 4679  
to a misdemeanor offense of violence other than a misdemeanor 4680  
violation of section 2921.33 of the Revised Code or a violation 4681  
of section 2903.13 of the Revised Code when the victim of the 4682  
violation is a peace officer, or a misdemeanor violation of 4683  
section 2923.1211 of the Revised Code; and has not been 4684  
adjudicated a delinquent child for committing an act that if 4685  
committed by an adult would be a misdemeanor offense of violence 4686  
other than a misdemeanor violation of section 2921.33 of the 4687  
Revised Code or a violation of section 2903.13 of the Revised 4688  
Code when the victim of the violation is a peace officer or for 4689  
committing an act that if committed by an adult would be a 4690  
misdemeanor violation of section 2923.1211 of the Revised Code. 4691

(g) Except as otherwise provided in division (D) (1) (e) of 4692  
this section, the applicant, within five years of the date of 4693  
the application, has not been convicted of, pleaded guilty to, 4694  
or adjudicated a delinquent child for committing two or more 4695

violations of section 2903.13 or 2903.14 of the Revised Code. 4696

(h) Except as otherwise provided in division (D) (4) or (5) 4697  
of this section, the applicant, within ten years of the date of 4698  
the application, has not been convicted of, pleaded guilty to, 4699  
or adjudicated a delinquent child for committing a violation of 4700  
section 2921.33 of the Revised Code. 4701

(i) The applicant ~~has not been adjudicated as a mental-~~ 4702  
~~defective,~~ has not been committed to any mental institution, is 4703  
not under adjudication of mental incompetence, has not been 4704  
found by a court to be a ~~mentally ill person with a mental~~ 4705  
illness subject to court order, and is not an involuntary 4706  
patient other than one who is a patient only for purposes of 4707  
observation. As used in this division, "~~mentally ill person with~~ 4708  
a mental illness subject to court order" and "patient" have the 4709  
same meanings as in section 5122.01 of the Revised Code. 4710

(j) The applicant is not currently subject to a civil 4711  
protection order, a temporary protection order, or a protection 4712  
order issued by a court of another state. 4713

(k) The applicant certifies that the applicant desires a 4714  
legal means to carry a concealed handgun for defense of the 4715  
applicant or a member of the applicant's family while engaged in 4716  
lawful activity. 4717

(l) The applicant submits a competency certification of 4718  
the type described in division (B) (3) of this section and 4719  
submits a certification of the type described in division (B) (4) 4720  
of this section regarding the applicant's reading of the 4721  
pamphlet prepared by the Ohio peace officer training commission 4722  
pursuant to section 109.731 of the Revised Code. 4723

(m) The applicant currently is not subject to a suspension 4724

imposed under division (A) (2) of section 2923.128 of the Revised Code of a concealed handgun license that previously was issued to the applicant under this section or section 2923.1213 of the Revised Code or a similar suspension imposed by another state regarding a concealed handgun license issued by that state.

(n) If the applicant resides in another state, the applicant is employed in this state.

(o) The applicant certifies that the applicant is not an unlawful user of or addicted to any controlled substance as defined in 21 U.S.C. 802.

(p) If the applicant is not a United States citizen, the applicant is an alien and has not been admitted to the United States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a) (26).

(q) The applicant has not been discharged from the armed forces of the United States under dishonorable conditions.

(r) The applicant certifies that the applicant has not renounced the applicant's United States citizenship, if applicable.

(s) The applicant has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2919.25 of the Revised Code or a similar violation in another state.

(2) (a) A concealed handgun license that a sheriff issues under division (D) (1) of this section shall expire five years after the date of issuance.

If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of

letters and numbers identifying the license in accordance with 4753  
the procedure prescribed by the Ohio peace officer training 4754  
commission pursuant to section 109.731 of the Revised Code. 4755

(b) If a sheriff denies an application under this section 4756  
because the applicant does not satisfy the criteria described in 4757  
division (D) (1) of this section, the sheriff shall specify the 4758  
grounds for the denial in a written notice to the applicant. The 4759  
applicant may appeal the denial pursuant to section 119.12 of 4760  
the Revised Code in the county served by the sheriff who denied 4761  
the application. If the denial was as a result of the criminal 4762  
records check conducted pursuant to section 311.41 of the 4763  
Revised Code and if, pursuant to section 2923.127 of the Revised 4764  
Code, the applicant challenges the criminal records check 4765  
results using the appropriate challenge and review procedure 4766  
specified in that section, the time for filing the appeal 4767  
pursuant to section 119.12 of the Revised Code and this division 4768  
is tolled during the pendency of the request or the challenge 4769  
and review. 4770

(c) If the court in an appeal under section 119.12 of the 4771  
Revised Code and division (D) (2) (b) of this section enters a 4772  
judgment sustaining the sheriff's refusal to grant to the 4773  
applicant a concealed handgun license, the applicant may file a 4774  
new application beginning one year after the judgment is 4775  
entered. If the court enters a judgment in favor of the 4776  
applicant, that judgment shall not restrict the authority of a 4777  
sheriff to suspend or revoke the license pursuant to section 4778  
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 4779  
the license for any proper cause that may occur after the date 4780  
the judgment is entered. In the appeal, the court shall have 4781  
full power to dispose of all costs. 4782

(3) If the sheriff with whom an application for a  
concealed handgun license was filed under this section becomes  
aware that the applicant has been arrested for or otherwise  
charged with an offense that would disqualify the applicant from  
holding the license, the sheriff shall suspend the processing of  
the application until the disposition of the case arising from  
the arrest or charge.

(4) If an applicant has been convicted of or pleaded  
guilty to an offense identified in division (D)(1)(e), (f), or  
(h) of this section or has been adjudicated a delinquent child  
for committing an act or violation identified in any of those  
divisions, and if a court has ordered the sealing or expungement  
of the records of that conviction, guilty plea, or adjudication  
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to  
2953.36, or section 2953.37 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 sheriff with whom the application was  
submitted shall not consider the conviction, guilty plea, or  
adjudication in making a determination under division (D)(1) or  
(F) of this section or, in relation to an application for a  
concealed handgun license on a temporary emergency basis  
submitted under section 2923.1213 of the Revised Code, in making  
a determination under division (B)(2) of that section.

(5) If an applicant has been convicted of or pleaded  
guilty to a minor misdemeanor offense or has been adjudicated a  
delinquent child for committing an act or violation that is a  
minor misdemeanor offense, the sheriff with whom the application  
was submitted shall not consider the conviction, guilty plea, or  
adjudication in making a determination under division (D)(1) or

(F) of this section or, in relation to an application for a 4814  
concealed handgun license on a temporary basis submitted under 4815  
section 2923.1213 of the Revised Code, in making a determination 4816  
under division (B) (2) of that section. 4817

(E) If a concealed handgun license issued under this 4818  
section is lost or is destroyed, the licensee may obtain from 4819  
the sheriff who issued that license a duplicate license upon the 4820  
payment of a fee of fifteen dollars and the submission of an 4821  
affidavit attesting to the loss or destruction of the license. 4822  
The sheriff, in accordance with the procedures prescribed in 4823  
section 109.731 of the Revised Code, shall place on the 4824  
replacement license a combination of identifying numbers 4825  
different from the combination on the license that is being 4826  
replaced. 4827

(F) (1) (a) Except as provided in division (F) (1) (b) of this 4828  
section, a licensee who wishes to renew a concealed handgun 4829  
license issued under this section may do so at any time before 4830  
the expiration date of the license or at any time after the 4831  
expiration date of the license by filing with the sheriff of the 4832  
county in which the applicant resides or with the sheriff of an 4833  
adjacent county, or in the case of an applicant who resides in 4834  
another state with the sheriff of the county that issued the 4835  
applicant's previous concealed handgun license an application 4836  
for renewal of the license obtained pursuant to division (D) of 4837  
this section, a certification by the applicant that, subsequent 4838  
to the issuance of the license, the applicant has reread the 4839  
pamphlet prepared by the Ohio peace officer training commission 4840  
pursuant to section 109.731 of the Revised Code that reviews 4841  
firearms, dispute resolution, and use of deadly force matters, 4842  
and a nonrefundable license renewal fee in an amount determined 4843  
pursuant to division (F) (4) of this section unless the fee is 4844

waived. 4845

(b) A person on active duty in the armed forces of the 4846  
United States or in service with the peace corps, volunteers in 4847  
service to America, or the foreign service of the United States 4848  
is exempt from the license requirements of this section for the 4849  
period of the person's active duty or service and for six months 4850  
thereafter, provided the person was a licensee under this 4851  
section at the time the person commenced the person's active 4852  
duty or service or had obtained a license while on active duty 4853  
or service. The spouse or a dependent of any such person on 4854  
active duty or in service also is exempt from the license 4855  
requirements of this section for the period of the person's 4856  
active duty or service and for six months thereafter, provided 4857  
the spouse or dependent was a licensee under this section at the 4858  
time the person commenced the active duty or service or had 4859  
obtained a license while the person was on active duty or 4860  
service, and provided further that the person's active duty or 4861  
service resulted in the spouse or dependent relocating outside 4862  
of this state during the period of the active duty or service. 4863  
This division does not prevent such a person or the person's 4864  
spouse or dependent from making an application for the renewal 4865  
of a concealed handgun license during the period of the person's 4866  
active duty or service. 4867

(2) A sheriff shall accept a completed renewal 4868  
application, the license renewal fee, and the information 4869  
specified in division (F)(1) of this section at the times and in 4870  
the manners described in division (I) of this section. Upon 4871  
receipt of a completed renewal application, of certification 4872  
that the applicant has reread the specified pamphlet prepared by 4873  
the Ohio peace officer training commission, and of a license 4874  
renewal fee unless the fee is waived, a sheriff, in the manner 4875

specified in section 311.41 of the Revised Code shall conduct or 4876  
cause to be conducted the criminal records check and the 4877  
incompetency records check described in section 311.41 of the 4878  
Revised Code. The sheriff shall renew the license if the sheriff 4879  
determines that the applicant continues to satisfy the 4880  
requirements described in division (D) (1) of this section, 4881  
except that the applicant is not required to meet the 4882  
requirements of division (D) (1) (1) of this section. A renewed 4883  
license shall expire five years after the date of issuance. A 4884  
renewed license is subject to division (E) of this section and 4885  
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 4886  
shall comply with divisions (D) (2) and (3) of this section when 4887  
the circumstances described in those divisions apply to a 4888  
requested license renewal. If a sheriff denies the renewal of a 4889  
concealed handgun license, the applicant may appeal the denial, 4890  
or challenge the criminal record check results that were the 4891  
basis of the denial if applicable, in the same manner as 4892  
specified in division (D) (2) (b) of this section and in section 4893  
2923.127 of the Revised Code, regarding the denial of a license 4894  
under this section. 4895

(3) A renewal application submitted pursuant to division 4896  
(F) of this section shall only require the licensee to list on 4897  
the application form information and matters occurring since the 4898  
date of the licensee's last application for a license pursuant 4899  
to division (B) or (F) of this section. A sheriff conducting the 4900  
criminal records check and the incompetency records check 4901  
described in section 311.41 of the Revised Code shall conduct 4902  
the check only from the date of the licensee's last application 4903  
for a license pursuant to division (B) or (F) of this section 4904  
through the date of the renewal application submitted pursuant 4905  
to division (F) of this section. 4906

(4) An applicant for a renewal concealed handgun license 4907  
under this section shall submit to the sheriff of the county in 4908  
which the applicant resides or to the sheriff of any county 4909  
adjacent to the county in which the applicant resides, or in the 4910  
case of an applicant who resides in another state to the sheriff 4911  
of the county that issued the applicant's previous concealed 4912  
handgun license, a nonrefundable license fee as described in 4913  
either of the following: 4914

(a) For an applicant who has been a resident of this state 4915  
for five or more years, a fee of fifty dollars; 4916

(b) For an applicant who has been a resident of this state 4917  
for less than five years or who is not a resident of this state 4918  
but who is employed in this state, a fee of fifty dollars plus 4919  
the actual cost of having a background check performed by the 4920  
federal bureau of investigation. 4921

(5) The concealed handgun license of a licensee who is no 4922  
longer a resident of this state or no longer employed in this 4923  
state, as applicable, is valid until the date of expiration on 4924  
the license, and the licensee is prohibited from renewing the 4925  
concealed handgun license. 4926

(G) (1) Each course, class, or program described in 4927  
division (B) (3) (a), (b), (c), or (e) of this section shall 4928  
provide to each person who takes the course, class, or program 4929  
the web site address at which the pamphlet prepared by the Ohio 4930  
peace officer training commission pursuant to section 109.731 of 4931  
the Revised Code that reviews firearms, dispute resolution, and 4932  
use of deadly force matters may be found. Each such course, 4933  
class, or program described in one of those divisions shall 4934  
include at least eight hours of training in the safe handling 4935  
and use of a firearm that shall include training, provided as 4936

described in division (G) (3) of this section, on all of the 4937  
following: 4938

(a) The ability to name, explain, and demonstrate the 4939  
rules for safe handling of a handgun and proper storage 4940  
practices for handguns and ammunition; 4941

(b) The ability to demonstrate and explain how to handle 4942  
ammunition in a safe manner; 4943

(c) The ability to demonstrate the knowledge, skills, and 4944  
attitude necessary to shoot a handgun in a safe manner; 4945

(d) Gun handling training; 4946

(e) A minimum of two hours of in-person training that 4947  
consists of range time and live-fire training. 4948

(2) To satisfactorily complete the course, class, or 4949  
program described in division (B) (3) (a), (b), (c), or (e) of 4950  
this section, the applicant shall pass a competency examination 4951  
that shall include both of the following: 4952

(a) A written section, provided as described in division 4953  
(G) (3) of this section, on the ability to name and explain the 4954  
rules for the safe handling of a handgun and proper storage 4955  
practices for handguns and ammunition; 4956

(b) An in-person physical demonstration of competence in 4957  
the use of a handgun and in the rules for safe handling and 4958  
storage of a handgun and a physical demonstration of the 4959  
attitude necessary to shoot a handgun in a safe manner. 4960

(3) (a) Except as otherwise provided in this division, the 4961  
training specified in division (G) (1) (a) of this section shall 4962  
be provided to the person receiving the training in person by an 4963  
instructor. If the training specified in division (G) (1) (a) of 4964

this section is provided by a course, class, or program 4965  
described in division (B) (3) (a) of this section, or it is 4966  
provided by a course, class, or program described in division 4967  
(B) (3) (b), (c), or (e) of this section and the instructor is a 4968  
qualified instructor certified by a national gun advocacy 4969  
organization, the training so specified, other than the training 4970  
that requires the person receiving the training to demonstrate 4971  
handling abilities, may be provided online or as a combination 4972  
of in-person and online training, as long as the online training 4973  
includes an interactive component that regularly engages the 4974  
person. 4975

(b) Except as otherwise provided in this division, the 4976  
written section of the competency examination specified in 4977  
division (G) (2) (a) of this section shall be administered to the 4978  
person taking the competency examination in person by an 4979  
instructor. If the training specified in division (G) (1) (a) of 4980  
this section is provided to the person receiving the training by 4981  
a course, class, or program described in division (B) (3) (a) of 4982  
this section, or it is provided by a course, class, or program 4983  
described in division (B) (3) (b), (c), or (e) of this section and 4984  
the instructor is a qualified instructor certified by a national 4985  
gun advocacy organization, the written section of the competency 4986  
examination specified in division (G) (2) (a) of this section may 4987  
be administered online, as long as the online training includes 4988  
an interactive component that regularly engages the person. 4989

(4) The competency certification described in division (B) 4990  
(3) (a), (b), (c), or (e) of this section shall be dated and 4991  
shall attest that the course, class, or program the applicant 4992  
successfully completed met the requirements described in 4993  
division (G) (1) of this section and that the applicant passed 4994  
the competency examination described in division (G) (2) of this 4995

section. 4996

(H) Upon deciding to issue a concealed handgun license, 4997  
deciding to issue a replacement concealed handgun license, or 4998  
deciding to renew a concealed handgun license pursuant to this 4999  
section, and before actually issuing or renewing the license, 5000  
the sheriff shall make available through the law enforcement 5001  
automated data system all information contained on the license. 5002  
If the license subsequently is suspended under division (A) (1) 5003  
or (2) of section 2923.128 of the Revised Code, revoked pursuant 5004  
to division (B) (1) of section 2923.128 of the Revised Code, or 5005  
lost or destroyed, the sheriff also shall make available through 5006  
the law enforcement automated data system a notation of that 5007  
fact. The superintendent of the state highway patrol shall 5008  
ensure that the law enforcement automated data system is so 5009  
configured as to permit the transmission through the system of 5010  
the information specified in this division. 5011

(I) (1) A sheriff shall accept a completed application form 5012  
or renewal application, and the fee, items, materials, and 5013  
information specified in divisions (B) (1) to (5) or division (F) 5014  
of this section, whichever is applicable, and shall provide an 5015  
application form or renewal application to any person during at 5016  
least fifteen hours a week and shall provide the web site 5017  
address at which a printable version of the application form 5018  
that can be downloaded and the pamphlet described in division 5019  
(B) of section 109.731 of the Revised Code may be found at any 5020  
time, upon request. The sheriff shall post notice of the hours 5021  
during which the sheriff is available to accept or provide the 5022  
information described in this division. 5023

(2) A sheriff shall transmit a notice to the attorney 5024  
general, in a manner determined by the attorney general, every 5025

time a license is issued that waived payment under division (B) 5026  
(1) (c) of this section for an applicant who is an active or 5027  
reserve member of the armed forces of the United States or has 5028  
retired from or was honorably discharged from military service 5029  
in the active or reserve armed forces of the United States. The 5030  
attorney general shall monitor and inform sheriffs issuing 5031  
licenses under this section when the amount of license fee 5032  
payments waived and transmitted to the attorney general reach 5033  
one million five hundred thousand dollars each year. Once a 5034  
sheriff is informed that the payments waived reached one million 5035  
five hundred thousand dollars in any year, a sheriff shall no 5036  
longer waive payment of a license fee for an applicant who is an 5037  
active or reserve member of the armed forces of the United 5038  
States or has retired from or was honorably discharged from 5039  
military service in the active or reserve armed forces of the 5040  
United States for the remainder of that year. 5041

**Sec. 2923.128.** (A) (1) (a) If a licensee holding a valid 5042  
concealed handgun license is arrested for or otherwise charged 5043  
with an offense described in division (D) (1) (d) of section 5044  
2923.125 of the Revised Code or with a violation of section 5045  
2923.15 of the Revised Code or becomes subject to a temporary 5046  
protection order or to a protection order issued by a court of 5047  
another state that is substantially equivalent to a temporary 5048  
protection order, the sheriff who issued the license shall 5049  
suspend it and shall comply with division (A) (3) of this section 5050  
upon becoming aware of the arrest, charge, or protection order. 5051  
Upon suspending the license, the sheriff also shall comply with 5052  
division (H) of section 2923.125 of the Revised Code. 5053

(b) A suspension under division (A) (1) (a) of this section 5054  
shall be considered as beginning on the date that the licensee 5055  
is arrested for or otherwise charged with an offense described 5056

in that division or on the date the appropriate court issued the protection order described in that division, irrespective of when the sheriff notifies the licensee under division (A) (3) of this section. The suspension shall end on the date on which the charges are dismissed or the licensee is found not guilty of the offense described in division (A) (1) (a) of this section or, subject to division (B) of this section, on the date the appropriate court terminates the protection order described in that division. If the suspension so ends, the sheriff shall return the license or temporary emergency license to the licensee.

(2) (a) If a licensee holding a valid concealed handgun license is convicted of or pleads guilty to a misdemeanor violation of division (B) (1), (2), or (4) of section 2923.12 of the Revised Code or of division (E) (1), (2), (3), or (5) of section 2923.16 of the Revised Code, except as provided in division (A) (2) (c) of this section and subject to division (C) of this section, the sheriff who issued the license shall suspend it and shall comply with division (A) (3) of this section upon becoming aware of the conviction or guilty plea. Upon suspending the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(b) A suspension under division (A) (2) (a) of this section shall be considered as beginning on the date that the licensee is convicted of or pleads guilty to the offense described in that division, irrespective of when the sheriff notifies the licensee under division (A) (3) of this section. If the suspension is imposed for a misdemeanor violation of division (B) (1) or (2) of section 2923.12 of the Revised Code or of division (E) (1), (2), or (3) of section 2923.16 of the Revised Code, it shall end on the date that is one year after the date

that the licensee is convicted of or pleads guilty to that 5088  
violation. If the suspension is imposed for a misdemeanor 5089  
violation of division (B) (4) of section 2923.12 of the Revised 5090  
Code or of division (E) (5) of section 2923.16 of the Revised 5091  
Code, it shall end on the date that is two years after the date 5092  
that the licensee is convicted of or pleads guilty to that 5093  
violation. If the licensee's license was issued under section 5094  
2923.125 of the Revised Code and the license remains valid after 5095  
the suspension ends as described in this division, when the 5096  
suspension ends, the sheriff shall return the license to the 5097  
licensee. If the licensee's license was issued under section 5098  
2923.125 of the Revised Code and the license expires before the 5099  
suspension ends as described in this division, or if the 5100  
licensee's license was issued under section 2923.1213 of the 5101  
Revised Code, the licensee is not eligible to apply for a new 5102  
license under section 2923.125 or 2923.1213 of the Revised Code 5103  
or to renew the license under section 2923.125 of the Revised 5104  
Code until after the suspension ends as described in this 5105  
division. 5106

(c) The license of a licensee who is convicted of or 5107  
pleads guilty to a violation of division (B) (1) of section 5108  
2923.12 or division (E) (1) or (2) of section 2923.16 of the 5109  
Revised Code shall not be suspended pursuant to division (A) (2) 5110  
(a) of this section if, at the time of the stop of the licensee 5111  
for a law enforcement purpose, for a traffic stop, or for a 5112  
purpose defined in section 5503.34 of the Revised Code that was 5113  
the basis of the violation, any law enforcement officer involved 5114  
with the stop or the employee of the motor carrier enforcement 5115  
unit who made the stop had actual knowledge of the licensee's 5116  
status as a licensee. 5117

(3) Upon becoming aware of an arrest, charge, or 5118

protection order described in division (A) (1) (a) of this section 5119  
with respect to a licensee who was issued a concealed handgun 5120  
license, or a conviction of or plea of guilty to a misdemeanor 5121  
offense described in division (A) (2) (a) of this section with 5122  
respect to a licensee who was issued a concealed handgun license 5123  
and with respect to which division (A) (2) (c) of this section 5124  
does not apply, subject to division (C) of this section, the 5125  
sheriff who issued the licensee's license shall notify the 5126  
licensee, by certified mail, return receipt requested, at the 5127  
licensee's last known residence address that the license has 5128  
been suspended and that the licensee is required to surrender 5129  
the license at the sheriff's office within ten days of the date 5130  
on which the notice was mailed. If the suspension is pursuant to 5131  
division (A) (2) of this section, the notice shall identify the 5132  
date on which the suspension ends. 5133

(B) (1) A sheriff who issues a concealed handgun license to 5134  
a licensee shall revoke the license in accordance with division 5135  
(B) (2) of this section upon becoming aware that the licensee 5136  
satisfies any of the following: 5137

(a) The licensee is under twenty-one years of age. 5138

(b) Subject to division (C) of this section, at the time 5139  
of the issuance of the license, the licensee did not satisfy the 5140  
eligibility requirements of division (D) (1) (c), (d), (e), (f), 5141  
(g), or (h) of section 2923.125 of the Revised Code. 5142

(c) Subject to division (C) of this section, on or after 5143  
the date on which the license was issued, the licensee is 5144  
convicted of or pleads guilty to a violation of section 2923.15 5145  
of the Revised Code or an offense described in division (D) (1) 5146  
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 5147

(d) On or after the date on which the license was issued, 5148  
the licensee becomes subject to a civil protection order or to a 5149  
protection order issued by a court of another state that is 5150  
substantially equivalent to a civil protection order. 5151

(e) The licensee knowingly carries a concealed handgun 5152  
into a place that the licensee knows is an unauthorized place 5153  
specified in division (B) of section 2923.126 of the Revised 5154  
Code. 5155

(f) On or after the date on which the license was issued, 5156  
the licensee is ~~adjudicated as a~~ under adjudication of mental 5157  
~~defective~~ incompetence or is committed to a mental institution. 5158

(g) At the time of the issuance of the license, the 5159  
licensee did not meet the residency requirements described in 5160  
division (D)(1) of section 2923.125 of the Revised Code and 5161  
currently does not meet the residency requirements described in 5162  
that division. 5163

(h) Regarding a license issued under section 2923.125 of 5164  
the Revised Code, the competency certificate the licensee 5165  
submitted was forged or otherwise was fraudulent. 5166

(2) Upon becoming aware of any circumstance listed in 5167  
division (B)(1) of this section that applies to a particular 5168  
licensee who was issued a concealed handgun license, subject to 5169  
division (C) of this section, the sheriff who issued the license 5170  
to the licensee shall notify the licensee, by certified mail, 5171  
return receipt requested, at the licensee's last known residence 5172  
address that the license is subject to revocation and that the 5173  
licensee may come to the sheriff's office and contest the 5174  
sheriff's proposed revocation within fourteen days of the date 5175  
on which the notice was mailed. After the fourteen-day period 5176

and after consideration of any information that the licensee 5177  
provides during that period, if the sheriff determines on the 5178  
basis of the information of which the sheriff is aware that the 5179  
licensee is described in division (B) (1) of this section and no 5180  
longer satisfies the requirements described in division (D) (1) 5181  
of section 2923.125 of the Revised Code that are applicable to 5182  
the licensee's type of license, the sheriff shall revoke the 5183  
license, notify the licensee of that fact, and require the 5184  
licensee to surrender the license. Upon revoking the license, 5185  
the sheriff also shall comply with division (H) of section 5186  
2923.125 of the Revised Code. 5187

(C) If a sheriff who issues a concealed handgun license to 5188  
a licensee becomes aware that at the time of the issuance of the 5189  
license the licensee had been convicted of or pleaded guilty to 5190  
an offense identified in division (D) (1) (e), (f), or (h) of 5191  
section 2923.125 of the Revised Code or had been adjudicated a 5192  
delinquent child for committing an act or violation identified 5193  
in any of those divisions or becomes aware that on or after the 5194  
date on which the license was issued the licensee has been 5195  
convicted of or pleaded guilty to an offense identified in 5196  
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 5197  
shall not consider that conviction, guilty plea, or adjudication 5198  
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 5199  
(1), and (B) (2) of this section if a court has ordered the 5200  
sealing or expungement of the records of that conviction, guilty 5201  
plea, or adjudication pursuant to sections 2151.355 to 2151.358 5202  
or sections 2953.31 to 2953.36 of the Revised Code or the 5203  
licensee has been relieved under operation of law or legal 5204  
process from the disability imposed pursuant to section 2923.13 5205  
of the Revised Code relative to that conviction, guilty plea, or 5206  
adjudication. 5207

(D) As used in this section, "motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code. 5208  
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**Sec. 2923.1213.** (A) As used in this section: 5211

(1) "Evidence of imminent danger" means any of the following: 5212  
5213

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed; 5214  
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(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor. 5219  
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(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 5229  
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(B) (1) A person seeking a concealed handgun license on a temporary emergency basis shall submit to the sheriff of the county in which the person resides or, if the person usually resides in another state, to the sheriff of the county in which the person is temporarily staying, all of the following: 5231  
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5233  
5234  
5235

(a) Evidence of imminent danger to the person or a member 5236

of the person's family; 5237

(b) A sworn affidavit that contains all of the information 5238  
required to be on the license and attesting that the person is 5239  
legally living in the United States; is at least twenty-one 5240  
years of age; is not a fugitive from justice; is not under 5241  
indictment for or otherwise charged with an offense identified 5242  
in division (D) (1) (d) of section 2923.125 of the Revised Code; 5243  
has not been convicted of or pleaded guilty to an offense, and 5244  
has not been adjudicated a delinquent child for committing an 5245  
act, identified in division (D) (1) (e) of that section and to 5246  
which division (B) (3) of this section does not apply; within 5247  
three years of the date of the submission, has not been 5248  
convicted of or pleaded guilty to an offense, and has not been 5249  
adjudicated a delinquent child for committing an act, identified 5250  
in division (D) (1) (f) of that section and to which division (B) 5251  
(3) of this section does not apply; within five years of the 5252  
date of the submission, has not been convicted of, pleaded 5253  
guilty, or adjudicated a delinquent child for committing two or 5254  
more violations identified in division (D) (1) (g) of that 5255  
section; within ten years of the date of the submission, has not 5256  
been convicted of, pleaded guilty, or adjudicated a delinquent 5257  
child for committing a violation identified in division (D) (1) 5258  
(h) of that section and to which division (B) (3) of this section 5259  
does not apply; ~~has not been adjudicated as a mental defective,~~ 5260  
has not been committed to any mental institution, is not under 5261  
adjudication of mental incompetence, has not been found by a 5262  
court to be a ~~mentally ill person~~ with a mental illness subject 5263  
to court order, and is not an involuntary patient other than one 5264  
who is a patient only for purposes of observation, as described 5265  
in division (D) (1) (i) of that section; is not currently subject 5266  
to a civil protection order, a temporary protection order, or a 5267

protection order issued by a court of another state, as 5268  
described in division (D) (1) (j) of that section; is not 5269  
currently subject to a suspension imposed under division (A) (2) 5270  
of section 2923.128 of the Revised Code of a concealed handgun 5271  
license that previously was issued to the person or a similar 5272  
suspension imposed by another state regarding a concealed 5273  
handgun license issued by that state; is not an unlawful user of 5274  
or addicted to any controlled substance as defined in 21 U.S.C. 5275  
802; if applicable, is an alien and has not been admitted to the 5276  
United States under a nonimmigrant visa, as defined in the 5277  
"Immigration and Nationality Act," 8 U.S.C. 1101(a) (26); has not 5278  
been discharged from the armed forces of the United States under 5279  
dishonorable conditions; if applicable, has not renounced the 5280  
applicant's United States citizenship; and has not been 5281  
convicted of, pleaded guilty to, or been adjudicated a 5282  
delinquent child for committing a violation identified in 5283  
division (D) (1) (s) of section 2923.125 of the Revised Code; 5284

(c) A nonrefundable temporary emergency license fee as 5285  
described in either of the following: 5286

(i) For an applicant who has been a resident of this state 5287  
for five or more years, a fee of fifteen dollars plus the actual 5288  
cost of having a background check performed by the bureau of 5289  
criminal identification and investigation pursuant to section 5290  
311.41 of the Revised Code; 5291

(ii) For an applicant who has been a resident of this 5292  
state for less than five years or who is not a resident of this 5293  
state, but is temporarily staying in this state, a fee of 5294  
fifteen dollars plus the actual cost of having background checks 5295  
performed by the federal bureau of investigation and the bureau 5296  
of criminal identification and investigation pursuant to section 5297

311.41 of the Revised Code. 5298

(d) A set of fingerprints of the applicant provided as 5299  
described in section 311.41 of the Revised Code through use of 5300  
an electronic fingerprint reading device or, if the sheriff to 5301  
whom the application is submitted does not possess and does not 5302  
have ready access to the use of an electronic fingerprint 5303  
reading device, on a standard impression sheet prescribed 5304  
pursuant to division (C) (2) of section 109.572 of the Revised 5305  
Code. If the fingerprints are provided on a standard impression 5306  
sheet, the person also shall provide the person's social 5307  
security number to the sheriff. 5308

(2) A sheriff shall accept the evidence of imminent 5309  
danger, the sworn affidavit, the fee, and the set of 5310  
fingerprints required under division (B) (1) of this section at 5311  
the times and in the manners described in division (I) of this 5312  
section. Upon receipt of the evidence of imminent danger, the 5313  
sworn affidavit, the fee, and the set of fingerprints required 5314  
under division (B) (1) of this section, the sheriff, in the 5315  
manner specified in section 311.41 of the Revised Code, 5316  
immediately shall conduct or cause to be conducted the criminal 5317  
records check and the incompetency records check described in 5318  
section 311.41 of the Revised Code. Immediately upon receipt of 5319  
the results of the records checks, the sheriff shall review the 5320  
information and shall determine whether the criteria set forth 5321  
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 5322  
of the Revised Code apply regarding the person. If the sheriff 5323  
determines that all of the criteria set forth in divisions (D) 5324  
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 5325  
Code apply regarding the person, the sheriff shall immediately 5326  
make available through the law enforcement automated data system 5327  
all information that will be contained on the temporary 5328

emergency license for the person if one is issued, and the 5329  
superintendent of the state highway patrol shall ensure that the 5330  
system is so configured as to permit the transmission through 5331  
the system of that information. Upon making that information 5332  
available through the law enforcement automated data system, the 5333  
sheriff shall immediately issue to the person a concealed 5334  
handgun license on a temporary emergency basis. 5335

If the sheriff denies the issuance of a license on a 5336  
temporary emergency basis to the person, the sheriff shall 5337  
specify the grounds for the denial in a written notice to the 5338  
person. The person may appeal the denial, or challenge criminal 5339  
records check results that were the basis of the denial if 5340  
applicable, in the same manners specified in division (D) (2) of 5341  
section 2923.125 and in section 2923.127 of the Revised Code, 5342  
regarding the denial of an application for a concealed handgun 5343  
license under that section. 5344

The license on a temporary emergency basis issued under 5345  
this division shall be in the form, and shall include all of the 5346  
information, described in divisions (A) (2) (a) and (d) of section 5347  
109.731 of the Revised Code, and also shall include a unique 5348  
combination of identifying letters and numbers in accordance 5349  
with division (A) (2) (c) of that section. 5350

The license on a temporary emergency basis issued under 5351  
this division is valid for ninety days and may not be renewed. A 5352  
person who has been issued a license on a temporary emergency 5353  
basis under this division shall not be issued another license on 5354  
a temporary emergency basis unless at least four years has 5355  
expired since the issuance of the prior license on a temporary 5356  
emergency basis. 5357

(3) If a person seeking a concealed handgun license on a 5358

temporary emergency basis has been convicted of or pleaded 5359  
guilty to an offense identified in division (D) (1) (e), (f), or 5360  
(h) of section 2923.125 of the Revised Code or has been 5361  
adjudicated a delinquent child for committing an act or 5362  
violation identified in any of those divisions, and if a court 5363  
has ordered the sealing or expungement of the records of that 5364  
conviction, guilty plea, or adjudication pursuant to sections 5365  
2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the 5366  
Revised Code or the applicant has been relieved under operation 5367  
of law or legal process from the disability imposed pursuant to 5368  
section 2923.13 of the Revised Code relative to that conviction, 5369  
guilty plea, or adjudication, the conviction, guilty plea, or 5370  
adjudication shall not be relevant for purposes of the sworn 5371  
affidavit described in division (B) (1) (b) of this section, and 5372  
the person may complete, and swear to the truth of, the 5373  
affidavit as if the conviction, guilty plea, or adjudication 5374  
never had occurred. 5375

(4) The sheriff shall waive the payment pursuant to 5376  
division (B) (1) (c) of this section of the license fee in 5377  
connection with an application that is submitted by an applicant 5378  
who is a retired peace officer, a retired person described in 5379  
division (B) (1) (b) of section 109.77 of the Revised Code, or a 5380  
retired federal law enforcement officer who, prior to 5381  
retirement, was authorized under federal law to carry a firearm 5382  
in the course of duty, unless the retired peace officer, person, 5383  
or federal law enforcement officer retired as the result of a 5384  
mental disability. 5385

The sheriff shall deposit all fees paid by an applicant 5386  
under division (B) (1) (c) of this section into the sheriff's 5387  
concealed handgun license issuance fund established pursuant to 5388  
section 311.42 of the Revised Code. 5389

(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 sections 2923.12 to 2923.16 of the Revised Code for a licensee under section 2923.125 of the Revised Code apply to a licensee under this section. The person is subject to the same restrictions, and to all other procedures, duties, and sanctions, that apply to a person who carries a license issued under section 2923.125 of the Revised Code, other than the license renewal procedures set forth in that section.

(D) A sheriff who issues a concealed handgun license on a temporary emergency basis under this section shall not require a person seeking to carry a concealed handgun in accordance with this section to submit a competency certificate as a prerequisite for issuing the license and shall comply with division (H) of section 2923.125 of the Revised Code in regards to the license. The sheriff shall suspend or revoke the license in accordance with section 2923.128 of the Revised Code. In addition to the suspension or revocation procedures set forth in section 2923.128 of the Revised Code, the sheriff may revoke the license upon receiving information, verifiable by public documents, that the person is not eligible to possess a firearm under either the laws of this state or of the United States or that the person committed perjury in obtaining the license; if the sheriff revokes a license under this additional authority, the sheriff shall notify the person, by certified mail, return receipt requested, at the person's last known residence address that the license has been revoked and that the person is required to surrender the license at the sheriff's office within

ten days of the date on which the notice was mailed. Division 5421  
(H) of section 2923.125 of the Revised Code applies regarding 5422  
any suspension or revocation of a concealed handgun license on a 5423  
temporary emergency basis. 5424

(E) A sheriff who issues a concealed handgun license on a 5425  
temporary emergency basis under this section shall retain, for 5426  
the entire period during which the license is in effect, the 5427  
evidence of imminent danger that the person submitted to the 5428  
sheriff and that was the basis for the license, or a copy of 5429  
that evidence, as appropriate. 5430

(F) If a concealed handgun license on a temporary 5431  
emergency basis issued under this section is lost or is 5432  
destroyed, the licensee may obtain from the sheriff who issued 5433  
that license a duplicate license upon the payment of a fee of 5434  
fifteen dollars and the submission of an affidavit attesting to 5435  
the loss or destruction of the license. The sheriff, in 5436  
accordance with the procedures prescribed in section 109.731 of 5437  
the Revised Code, shall place on the replacement license a 5438  
combination of identifying numbers different from the 5439  
combination on the license that is being replaced. 5440

(G) The attorney general shall prescribe, and shall make 5441  
available to sheriffs, a standard form to be used under division 5442  
(B) of this section by a person who applies for a concealed 5443  
handgun license on a temporary emergency basis on the basis of 5444  
imminent danger of a type described in division (A) (1) (a) of 5445  
this section. The attorney general shall design the form to 5446  
enable applicants to provide the information that is required by 5447  
law to be collected, and shall update the form as necessary. 5448  
Burdens or restrictions to obtaining a concealed handgun license 5449  
that are not expressly prescribed in law shall not be 5450

incorporated into the form. The attorney general shall post a 5451  
printable version of the form on the web site of the attorney 5452  
general and shall provide the address of the web site to any 5453  
person who requests the form. 5454

(H) A sheriff who receives any fees paid by a person under 5455  
this section shall deposit all fees so paid into the sheriff's 5456  
concealed handgun license issuance expense fund established 5457  
under section 311.42 of the Revised Code. 5458

(I) A sheriff shall accept evidence of imminent danger, a 5459  
sworn affidavit, the fee, and the set of fingerprints specified 5460  
in division (B)(1) of this section at any time during normal 5461  
business hours. In no case shall a sheriff require an 5462  
appointment, or designate a specific period of time, for the 5463  
submission or acceptance of evidence of imminent danger, a sworn 5464  
affidavit, the fee, and the set of fingerprints specified in 5465  
division (B)(1) of this section, or for the provision to any 5466  
person of a standard form to be used for a person to apply for a 5467  
concealed handgun license on a temporary emergency basis. 5468

**Sec. 2923.13.** (A) Unless relieved from disability under 5469  
operation of law or legal process, no person shall knowingly 5470  
acquire, have, carry, or use any firearm or dangerous ordnance, 5471  
if any of the following apply: 5472

(1) The person is a fugitive from justice. 5473

(2) The person is under indictment for or has been 5474  
convicted of any felony offense of violence or has been 5475  
adjudicated a delinquent child for the commission of an offense 5476  
that, if committed by an adult, would have been a felony offense 5477  
of violence. 5478

(3) The person is under indictment for or has been 5479

convicted of any felony offense involving the illegal 5480  
possession, use, sale, administration, distribution, or 5481  
trafficking in any drug of abuse or has been adjudicated a 5482  
delinquent child for the commission of an offense that, if 5483  
committed by an adult, would have been a felony offense 5484  
involving the illegal possession, use, sale, administration, 5485  
distribution, or trafficking in any drug of abuse. 5486

(4) The person ~~is~~ has a drug dependent dependency, is in 5487  
danger of drug dependence, or ~~a~~ has chronic alcoholic alcoholism. 5488

(5) The person is under adjudication of mental 5489  
incompetence, ~~has been adjudicated as a mental defective~~, ~~has~~ 5490  
~~been committed to a mental institution, has been found by a~~ 5491  
court to be a ~~mentally ill person~~ with a mental illness subject 5492  
to court order, or is an involuntary patient other than one who 5493  
is a patient only for purposes of observation. As used in this 5494  
division, "~~mentally ill person~~ with a mental illness subject to 5495  
court order" and "patient" have the same meanings as in section 5496  
5122.01 of the Revised Code. 5497

(B) Whoever violates this section is guilty of having 5498  
weapons while under disability, a felony of the third degree. 5499

(C) For the purposes of this section, "under operation of 5500  
law or legal process" shall not itself include mere completion, 5501  
termination, or expiration of a sentence imposed as a result of 5502  
a criminal conviction. 5503

**Sec. 2925.01.** As used in this chapter: 5504

(A) "Administer," "controlled substance," "controlled 5505  
substance analog," "dispense," "distribute," "hypodermic," 5506  
"manufacturer," "official written order," "person," 5507  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 5508

"schedule III," "schedule IV," "schedule V," and "wholesaler" 5509  
have the same meanings as in section 3719.01 of the Revised 5510  
Code. 5511

(B) ~~"Drug dependent person" and "drug-Drug of abuse" and~~ 5512  
"person with a drug dependency" have the same meanings as in 5513  
section 3719.011 of the Revised Code. 5514

(C) "Drug," "dangerous drug," "licensed health 5515  
professional authorized to prescribe drugs," and "prescription" 5516  
have the same meanings as in section 4729.01 of the Revised 5517  
Code. 5518

(D) "Bulk amount" of a controlled substance means any of 5519  
the following: 5520

(1) For any compound, mixture, preparation, or substance 5521  
included in schedule I, schedule II, or schedule III, with the 5522  
exception of any controlled substance analog, marihuana, 5523  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 5524  
hashish and except as provided in division (D) (2), (5), or (6) 5525  
of this section, whichever of the following is applicable: 5526

(a) An amount equal to or exceeding ten grams or twenty- 5527  
five unit doses of a compound, mixture, preparation, or 5528  
substance that is or contains any amount of a schedule I opiate 5529  
or opium derivative; 5530

(b) An amount equal to or exceeding ten grams of a 5531  
compound, mixture, preparation, or substance that is or contains 5532  
any amount of raw or gum opium; 5533

(c) An amount equal to or exceeding thirty grams or ten 5534  
unit doses of a compound, mixture, preparation, or substance 5535  
that is or contains any amount of a schedule I hallucinogen 5536  
other than tetrahydrocannabinol or lysergic acid amide, or a 5537

schedule I stimulant or depressant; 5538

(d) An amount equal to or exceeding twenty grams or five 5539  
times the maximum daily dose in the usual dose range specified 5540  
in a standard pharmaceutical reference manual of a compound, 5541  
mixture, preparation, or substance that is or contains any 5542  
amount of a schedule II opiate or opium derivative; 5543

(e) An amount equal to or exceeding five grams or ten unit 5544  
doses of a compound, mixture, preparation, or substance that is 5545  
or contains any amount of phencyclidine; 5546

(f) An amount equal to or exceeding one hundred twenty 5547  
grams or thirty times the maximum daily dose in the usual dose 5548  
range specified in a standard pharmaceutical reference manual of 5549  
a compound, mixture, preparation, or substance that is or 5550  
contains any amount of a schedule II stimulant that is in a 5551  
final dosage form manufactured by a person authorized by the 5552  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 5553  
U.S.C.A. 301, as amended, and the federal drug abuse control 5554  
laws, as defined in section 3719.01 of the Revised Code, that is 5555  
or contains any amount of a schedule II depressant substance or 5556  
a schedule II hallucinogenic substance; 5557

(g) An amount equal to or exceeding three grams of a 5558  
compound, mixture, preparation, or substance that is or contains 5559  
any amount of a schedule II stimulant, or any of its salts or 5560  
isomers, that is not in a final dosage form manufactured by a 5561  
person authorized by the Federal Food, Drug, and Cosmetic Act 5562  
and the federal drug abuse control laws. 5563

(2) An amount equal to or exceeding one hundred twenty 5564  
grams or thirty times the maximum daily dose in the usual dose 5565  
range specified in a standard pharmaceutical reference manual of 5566

a compound, mixture, preparation, or substance that is or 5567  
contains any amount of a schedule III or IV substance other than 5568  
an anabolic steroid or a schedule III opiate or opium 5569  
derivative; 5570

(3) An amount equal to or exceeding twenty grams or five 5571  
times the maximum daily dose in the usual dose range specified 5572  
in a standard pharmaceutical reference manual of a compound, 5573  
mixture, preparation, or substance that is or contains any 5574  
amount of a schedule III opiate or opium derivative; 5575

(4) An amount equal to or exceeding two hundred fifty 5576  
milliliters or two hundred fifty grams of a compound, mixture, 5577  
preparation, or substance that is or contains any amount of a 5578  
schedule V substance; 5579

(5) An amount equal to or exceeding two hundred solid 5580  
dosage units, sixteen grams, or sixteen milliliters of a 5581  
compound, mixture, preparation, or substance that is or contains 5582  
any amount of a schedule III anabolic steroid; 5583

(6) For any compound, mixture, preparation, or substance 5584  
that is a combination of a fentanyl-related compound and any 5585  
other compound, mixture, preparation, or substance included in 5586  
schedule III, schedule IV, or schedule V, if the defendant is 5587  
charged with a violation of section 2925.11 of the Revised Code 5588  
and the sentencing provisions set forth in divisions (C)(10)(b) 5589  
and (C)(11) of that section will not apply regarding the 5590  
defendant and the violation, the bulk amount of the controlled 5591  
substance for purposes of the violation is the amount specified 5592  
in division (D)(1), (2), (3), (4), or (5) of this section for 5593  
the other schedule III, IV, or V controlled substance that is 5594  
combined with the fentanyl-related compound. 5595

(E) "Unit dose" means an amount or unit of a compound, 5596  
mixture, or preparation containing a controlled substance that 5597  
is separately identifiable and in a form that indicates that it 5598  
is the amount or unit by which the controlled substance is 5599  
separately administered to or taken by an individual. 5600

(F) "Cultivate" includes planting, watering, fertilizing, 5601  
or tilling. 5602

(G) "Drug abuse offense" means any of the following: 5603

(1) A violation of division (A) of section 2913.02 that 5604  
constitutes theft of drugs, or a violation of section 2925.02, 5605  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 5606  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 5607  
or 2925.37 of the Revised Code; 5608

(2) A violation of an existing or former law of this or 5609  
any other state or of the United States that is substantially 5610  
equivalent to any section listed in division (G) (1) of this 5611  
section; 5612

(3) An offense under an existing or former law of this or 5613  
any other state, or of the United States, of which planting, 5614  
cultivating, harvesting, processing, making, manufacturing, 5615  
producing, shipping, transporting, delivering, acquiring, 5616  
possessing, storing, distributing, dispensing, selling, inducing 5617  
another to use, administering to another, using, or otherwise 5618  
dealing with a controlled substance is an element; 5619

(4) A conspiracy to commit, attempt to commit, or 5620  
complicity in committing or attempting to commit any offense 5621  
under division (G) (1), (2), or (3) of this section. 5622

(H) "Felony drug abuse offense" means any drug abuse 5623  
offense that would constitute a felony under the laws of this 5624

state, any other state, or the United States.	5625
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	5626 5627
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:	5628 5629 5630 5631 5632 5633
(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	5634 5635 5636 5637
(b) Any aerosol propellant;	5638
(c) Any fluorocarbon refrigerant;	5639
(d) Any anesthetic gas.	5640
(2) Gamma Butyrolactone;	5641
(3) 1,4 Butanediol.	5642
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	5643 5644 5645 5646 5647 5648
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation	5649 5650 5651

of the premises upon which the thing or substance is found. 5652

(L) "Sample drug" means a drug or pharmaceutical 5653  
preparation that would be hazardous to health or safety if used 5654  
without the supervision of a licensed health professional 5655  
authorized to prescribe drugs, or a drug of abuse, and that, at 5656  
one time, had been placed in a container plainly marked as a 5657  
sample by a manufacturer. 5658

(M) "Standard pharmaceutical reference manual" means the 5659  
current edition, with cumulative changes if any, of references 5660  
that are approved by the state board of pharmacy. 5661

(N) "Juvenile" means a person under eighteen years of age. 5662

(O) "Counterfeit controlled substance" means any of the 5663  
following: 5664

(1) Any drug that bears, or whose container or label 5665  
bears, a trademark, trade name, or other identifying mark used 5666  
without authorization of the owner of rights to that trademark, 5667  
trade name, or identifying mark; 5668

(2) Any unmarked or unlabeled substance that is 5669  
represented to be a controlled substance manufactured, 5670  
processed, packed, or distributed by a person other than the 5671  
person that manufactured, processed, packed, or distributed it; 5672

(3) Any substance that is represented to be a controlled 5673  
substance but is not a controlled substance or is a different 5674  
controlled substance; 5675

(4) Any substance other than a controlled substance that a 5676  
reasonable person would believe to be a controlled substance 5677  
because of its similarity in shape, size, and color, or its 5678  
markings, labeling, packaging, distribution, or the price for 5679

which it is sold or offered for sale. 5680

(P) An offense is "committed in the vicinity of a school" 5681  
if the offender commits the offense on school premises, in a 5682  
school building, or within one thousand feet of the boundaries 5683  
of any school premises, regardless of whether the offender knows 5684  
the offense is being committed on school premises, in a school 5685  
building, or within one thousand feet of the boundaries of any 5686  
school premises. 5687

(Q) "School" means any school operated by a board of 5688  
education, any community school established under Chapter 3314. 5689  
of the Revised Code, or any nonpublic school for which the state 5690  
board of education prescribes minimum standards under section 5691  
3301.07 of the Revised Code, whether or not any instruction, 5692  
extracurricular activities, or training provided by the school 5693  
is being conducted at the time a criminal offense is committed. 5694

(R) "School premises" means either of the following: 5695

(1) The parcel of real property on which any school is 5696  
situated, whether or not any instruction, extracurricular 5697  
activities, or training provided by the school is being 5698  
conducted on the premises at the time a criminal offense is 5699  
committed; 5700

(2) Any other parcel of real property that is owned or 5701  
leased by a board of education of a school, the governing 5702  
authority of a community school established under Chapter 3314. 5703  
of the Revised Code, or the governing body of a nonpublic school 5704  
for which the state board of education prescribes minimum 5705  
standards under section 3301.07 of the Revised Code and on which 5706  
some of the instruction, extracurricular activities, or training 5707  
of the school is conducted, whether or not any instruction, 5708

extracurricular activities, or training provided by the school 5709  
is being conducted on the parcel of real property at the time a 5710  
criminal offense is committed. 5711

(S) "School building" means any building in which any of 5712  
the instruction, extracurricular activities, or training 5713  
provided by a school is conducted, whether or not any 5714  
instruction, extracurricular activities, or training provided by 5715  
the school is being conducted in the school building at the time 5716  
a criminal offense is committed. 5717

(T) "Disciplinary counsel" means the disciplinary counsel 5718  
appointed by the board of commissioners on grievances and 5719  
discipline of the supreme court under the Rules for the 5720  
Government of the Bar of Ohio. 5721

(U) "Certified grievance committee" means a duly 5722  
constituted and organized committee of the Ohio state bar 5723  
association or of one or more local bar associations of the 5724  
state of Ohio that complies with the criteria set forth in Rule 5725  
V, section 6 of the Rules for the Government of the Bar of Ohio. 5726

(V) "Professional license" means any license, permit, 5727  
certificate, registration, qualification, admission, temporary 5728  
license, temporary permit, temporary certificate, or temporary 5729  
registration that is described in divisions (W) (1) to (37) of 5730  
this section and that qualifies a person as a professionally 5731  
licensed person. 5732

(W) "Professionally licensed person" means any of the 5733  
following: 5734

(1) A person who has received a certificate or temporary 5735  
certificate as a certified public accountant or who has 5736  
registered as a public accountant under Chapter 4701. of the 5737

Revised Code and who holds an Ohio permit issued under that	5738
chapter;	5739
(2) A person who holds a certificate of qualification to	5740
practice architecture issued or renewed and registered under	5741
Chapter 4703. of the Revised Code;	5742
(3) A person who is registered as a landscape architect	5743
under Chapter 4703. of the Revised Code or who holds a permit as	5744
a landscape architect issued under that chapter;	5745
(4) A person licensed under Chapter 4707. of the Revised	5746
Code;	5747
(5) A person who has been issued a certificate of	5748
registration as a registered barber under Chapter 4709. of the	5749
Revised Code;	5750
(6) A person licensed and regulated to engage in the	5751
business of a debt pooling company by a legislative authority,	5752
under authority of Chapter 4710. of the Revised Code;	5753
(7) A person who has been issued a cosmetologist's	5754
license, hair designer's license, manicurist's license,	5755
esthetician's license, natural hair stylist's license, advanced	5756
cosmetologist's license, advanced hair designer's license,	5757
advanced manicurist's license, advanced esthetician's license,	5758
advanced natural hair stylist's license, cosmetology	5759
instructor's license, hair design instructor's license,	5760
manicurist instructor's license, esthetics instructor's license,	5761
natural hair style instructor's license, independent	5762
contractor's license, or tanning facility permit under Chapter	5763
4713. of the Revised Code;	5764
(8) A person who has been issued a license to practice	5765
dentistry, a general anesthesia permit, a conscious sedation	5766

permit, a limited resident's license, a limited teaching 5767  
license, a dental hygienist's license, or a dental hygienist's 5768  
teacher's certificate under Chapter 4715. of the Revised Code; 5769

(9) A person who has been issued an embalmer's license, a 5770  
funeral director's license, a funeral home license, or a 5771  
crematory license, or who has been registered for an embalmer's 5772  
or funeral director's apprenticeship under Chapter 4717. of the 5773  
Revised Code; 5774

(10) A person who has been licensed as a registered nurse 5775  
or practical nurse, or who has been issued a certificate for the 5776  
practice of nurse-midwifery under Chapter 4723. of the Revised 5777  
Code; 5778

(11) A person who has been licensed to practice optometry 5779  
or to engage in optical dispensing under Chapter 4725. of the 5780  
Revised Code; 5781

(12) A person licensed to act as a pawnbroker under 5782  
Chapter 4727. of the Revised Code; 5783

(13) A person licensed to act as a precious metals dealer 5784  
under Chapter 4728. of the Revised Code; 5785

(14) A person licensed under Chapter 4729. of the Revised 5786  
Code as a pharmacist or pharmacy intern or registered under that 5787  
chapter as a registered pharmacy technician, certified pharmacy 5788  
technician, or pharmacy technician trainee; 5789

(15) A person licensed under Chapter 4729. of the Revised 5790  
Code as a manufacturer of dangerous drugs, outsourcing facility, 5791  
third-party logistics provider, repackager of dangerous drugs, 5792  
wholesale distributor of dangerous drugs, or terminal 5793  
distributor of dangerous drugs; 5794

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	5795 5796
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	5797 5798 5799 5800 5801
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	5802 5803
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	5804 5805 5806
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	5807 5808
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	5809 5810
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	5811 5812
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	5813 5814
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	5815 5816
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	5817 5818
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under	5819 5820 5821

Chapter 4741. of the Revised Code;	5822
(27) A person who has been issued a hearing aid dealer's	5823
or fitter's license or trainee permit under Chapter 4747. of the	5824
Revised Code;	5825
(28) A person who has been issued a class A, class B, or	5826
class C license or who has been registered as an investigator or	5827
security guard employee under Chapter 4749. of the Revised Code;	5828
(29) A person licensed to practice as a nursing home	5829
administrator under Chapter 4751. of the Revised Code;	5830
(30) A person licensed to practice as a speech-language	5831
pathologist or audiologist under Chapter 4753. of the Revised	5832
Code;	5833
(31) A person issued a license as an occupational	5834
therapist or physical therapist under Chapter 4755. of the	5835
Revised Code;	5836
(32) A person who is licensed as a licensed professional	5837
clinical counselor, licensed professional counselor, social	5838
worker, independent social worker, independent marriage and	5839
family therapist, or marriage and family therapist, or	5840
registered as a social work assistant under Chapter 4757. of the	5841
Revised Code;	5842
(33) A person issued a license to practice dietetics under	5843
Chapter 4759. of the Revised Code;	5844
(34) A person who has been issued a license or limited	5845
permit to practice respiratory therapy under Chapter 4761. of	5846
the Revised Code;	5847
(35) A person who has been issued a real estate appraiser	5848
certificate under Chapter 4763. of the Revised Code;	5849

(36) A person who has been issued a home inspector license	5850
under Chapter 4764. of the Revised Code;	5851
(37) A person who has been admitted to the bar by order of	5852
the supreme court in compliance with its prescribed and	5853
published rules.	5854
(X) "Cocaine" means any of the following:	5855
(1) A cocaine salt, isomer, or derivative, a salt of a	5856
cocaine isomer or derivative, or the base form of cocaine;	5857
(2) Coca leaves or a salt, compound, derivative, or	5858
preparation of coca leaves, including ecgonine, a salt, isomer,	5859
or derivative of ecgonine, or a salt of an isomer or derivative	5860
of ecgonine;	5861
(3) A salt, compound, derivative, or preparation of a	5862
substance identified in division (X) (1) or (2) of this section	5863
that is chemically equivalent to or identical with any of those	5864
substances, except that the substances shall not include	5865
decocainized coca leaves or extraction of coca leaves if the	5866
extractions do not contain cocaine or ecgonine.	5867
(Y) "L.S.D." means lysergic acid diethylamide.	5868
(Z) "Hashish" means a resin or a preparation of a resin to	5869
which both of the following apply:	5870
(1) It is contained in or derived from any part of the	5871
plant of the genus cannabis, whether in solid form or in a	5872
liquid concentrate, liquid extract, or liquid distillate form.	5873
(2) It has a delta-9 tetrahydrocannabinol concentration of	5874
more than three-tenths per cent.	5875
"Hashish" does not include a hemp byproduct in the	5876

possession of a licensed hemp processor under Chapter 928. of 5877  
the Revised Code, provided that the hemp byproduct is being 5878  
produced, stored, and disposed of in accordance with rules 5879  
adopted under section 928.03 of the Revised Code. 5880

(AA) "Marihuana" has the same meaning as in section 5881  
3719.01 of the Revised Code, except that it does not include 5882  
hashish. 5883

(BB) An offense is "committed in the vicinity of a 5884  
juvenile" if the offender commits the offense within one hundred 5885  
feet of a juvenile or within the view of a juvenile, regardless 5886  
of whether the offender knows the age of the juvenile, whether 5887  
the offender knows the offense is being committed within one 5888  
hundred feet of or within view of the juvenile, or whether the 5889  
juvenile actually views the commission of the offense. 5890

(CC) "Presumption for a prison term" or "presumption that 5891  
a prison term shall be imposed" means a presumption, as 5892  
described in division (D) of section 2929.13 of the Revised 5893  
Code, that a prison term is a necessary sanction for a felony in 5894  
order to comply with the purposes and principles of sentencing 5895  
under section 2929.11 of the Revised Code. 5896

(DD) "Major drug offender" has the same meaning as in 5897  
section 2929.01 of the Revised Code. 5898

(EE) "Minor drug possession offense" means either of the 5899  
following: 5900

(1) A violation of section 2925.11 of the Revised Code as 5901  
it existed prior to July 1, 1996; 5902

(2) A violation of section 2925.11 of the Revised Code as 5903  
it exists on and after July 1, 1996, that is a misdemeanor or a 5904  
felony of the fifth degree. 5905

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	5906 5907
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	5908 5909
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	5910 5911 5912
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	5913 5914 5915 5916 5917
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	5918 5919
(KK) "Fentanyl-related compound" means any of the following:	5920 5921
(1) Fentanyl;	5922
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	5923 5924 5925
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	5926 5927
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	5928 5929
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	5930 5931 5932

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	5933 5934
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	5935 5936
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	5937 5938
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	5939 5940
(10) Alfentanil;	5941
(11) Carfentanil;	5942
(12) Remifentanil;	5943
(13) Sufentanil;	5944
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	5945 5946
(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:	5947 5948 5949 5950 5951 5952 5953
(a) A chemical scaffold consisting of both of the following:	5954 5955
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	5956 5957
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached	5958 5959

aromatic ring or other lipophilic group to that nitrogen. 5960

(b) A polar functional group attached to the chemical 5961  
scaffold, including but not limited to a hydroxyl, ketone, 5962  
amide, or ester; 5963

(c) An alkyl or aryl substitution off the ring nitrogen of 5964  
the chemical scaffold; and 5965

(d) The compound has not been approved for medical use by 5966  
the United States food and drug administration. 5967

(LL) "First degree felony mandatory prison term" means one 5968  
of the definite prison terms prescribed in division (A) (1) (b) of 5969  
section 2929.14 of the Revised Code for a felony of the first 5970  
degree, except that if the violation for which sentence is being 5971  
imposed is committed on or after March 22, 2019, it means one of 5972  
the minimum prison terms prescribed in division (A) (1) (a) of 5973  
that section for a felony of the first degree. 5974

(MM) "Second degree felony mandatory prison term" means 5975  
one of the definite prison terms prescribed in division (A) (2) 5976  
(b) of section 2929.14 of the Revised Code for a felony of the 5977  
second degree, except that if the violation for which sentence 5978  
is being imposed is committed on or after March 22, 2019, it 5979  
means one of the minimum prison terms prescribed in division (A) 5980  
(2) (a) of that section for a felony of the second degree. 5981

(NN) "Maximum first degree felony mandatory prison term" 5982  
means the maximum definite prison term prescribed in division 5983  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 5984  
the first degree, except that if the violation for which 5985  
sentence is being imposed is committed on or after March 22, 5986  
2019, it means the longest minimum prison term prescribed in 5987  
division (A) (1) (a) of that section for a felony of the first 5988

degree. 5989

(OO) "Maximum second degree felony mandatory prison term" 5990  
means the maximum definite prison term prescribed in division 5991  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 5992  
the second degree, except that if the violation for which 5993  
sentence is being imposed is committed on or after March 22, 5994  
2019, it means the longest minimum prison term prescribed in 5995  
division (A) (2) (a) of that section for a felony of the second 5996  
degree. 5997

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 5998  
as in section 928.01 of the Revised Code. 5999

**Sec. 2925.02.** (A) No person shall knowingly do any of the 6000  
following: 6001

(1) By force, threat, or deception, administer to another 6002  
or induce or cause another to use a controlled substance; 6003

(2) By any means, administer or furnish to another or 6004  
induce or cause another to use a controlled substance with 6005  
purpose to cause serious physical harm to the other person, or 6006  
with purpose to cause the other person to become ~~drug dependent~~a 6007  
person with drug dependency; 6008

(3) By any means, administer or furnish to another or 6009  
induce or cause another to use a controlled substance, and 6010  
thereby cause serious physical harm to the other person, or 6011  
cause the other person to become ~~drug dependent~~a person with 6012  
drug dependency; 6013

(4) By any means, do any of the following: 6014

(a) Furnish or administer a controlled substance to a 6015  
juvenile who is at least two years the offender's junior, when 6016

the offender knows the age of the juvenile or is reckless in 6017  
that regard; 6018

(b) Induce or cause a juvenile who is at least two years 6019  
the offender's junior to use a controlled substance, when the 6020  
offender knows the age of the juvenile or is reckless in that 6021  
regard; 6022

(c) Induce or cause a juvenile who is at least two years 6023  
the offender's junior to commit a felony drug abuse offense, 6024  
when the offender knows the age of the juvenile or is reckless 6025  
in that regard; 6026

(d) Use a juvenile, whether or not the offender knows the 6027  
age of the juvenile, to perform any surveillance activity that 6028  
is intended to prevent the detection of the offender or any 6029  
other person in the commission of a felony drug abuse offense or 6030  
to prevent the arrest of the offender or any other person for 6031  
the commission of a felony drug abuse offense. 6032

(5) By any means, furnish or administer a controlled 6033  
substance to a pregnant woman or induce or cause a pregnant 6034  
woman to use a controlled substance, when the offender knows 6035  
that the woman is pregnant or is reckless in that regard. 6036

(B) Division (A) (1), (3), (4), or (5) of this section does 6037  
not apply to manufacturers, wholesalers, licensed health 6038  
professionals authorized to prescribe drugs, pharmacists, owners 6039  
of pharmacies, and other persons whose conduct is in accordance 6040  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 6041  
4741. of the Revised Code. 6042

(C) Whoever violates this section is guilty of corrupting 6043  
another with drugs. The penalty for the offense shall be 6044  
determined as follows: 6045

(1) 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 I or II, with the exception of 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, 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.

(3) If the offense is a violation of division (A) (1), (2), (3), or (4) 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, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (3) (b) of this section, corrupting another with drugs committed in those circumstances is a felony of the fourth degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(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 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.

(4) 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 I or II, with the exception of 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, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs 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.

(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 6136  
the offender's driver's or commercial driver's license or permit 6137  
for not more than five years. The court also shall do all of the 6138  
following that are applicable regarding the offender: 6139

(1) (a) If the violation is a felony of the first, second, 6140  
or third degree, the court shall impose upon the offender the 6141  
mandatory fine specified for the offense under division (B) (1) 6142  
of section 2929.18 of the Revised Code unless, as specified in 6143  
that division, the court determines that the offender is 6144  
indigent. 6145

(b) Notwithstanding any contrary provision of section 6146  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 6147  
to division (D) (1) (a) of this section and any fine imposed for a 6148  
violation of this section pursuant to division (A) of section 6149  
2929.18 of the Revised Code shall be paid by the clerk of the 6150  
court in accordance with and subject to the requirements of, and 6151  
shall be used as specified in, division (F) of section 2925.03 6152  
of the Revised Code. 6153

(c) If a person is charged with any violation of this 6154  
section that is a felony of the first, second, or third degree, 6155  
posts bail, and forfeits the bail, the forfeited bail shall be 6156  
paid by the clerk of the court pursuant to division (D) (1) (b) of 6157  
this section as if it were a fine imposed for a violation of 6158  
this section. 6159

(2) If the offender is a professionally licensed person, 6160  
in addition to any other sanction imposed for a violation of 6161  
this section, the court immediately shall comply with section 6162  
2925.38 of the Revised Code. 6163

(E) Notwithstanding the prison term otherwise authorized 6164

or required for the offense under division (C) of this section 6165  
and sections 2929.13 and 2929.14 of the Revised Code, if the 6166  
violation of division (A) of this section involves the sale, 6167  
offer to sell, or possession of a schedule I or II controlled 6168  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 6169  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 6170  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 6171  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 6172  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 6173  
if the court imposing sentence upon the offender finds that the 6174  
offender as a result of the violation is a major drug offender 6175  
and is guilty of a specification of the type described in 6176  
division (A) of section 2941.1410 of the Revised Code, the 6177  
court, in lieu of the prison term that otherwise is authorized 6178  
or required, shall impose upon the offender the mandatory prison 6179  
term specified in division (B) (3) (a) of section 2929.14 of the 6180  
Revised Code. 6181

(F) (1) If the sentencing court suspends the offender's 6182  
driver's or commercial driver's license or permit under division 6183  
(D) of this section, the offender, at any time after the 6184  
expiration of two years from the day on which the offender's 6185  
sentence was imposed or from the day on which the offender 6186  
finally was released from a prison term under the sentence, 6187  
whichever is later, may file a motion with the sentencing court 6188  
requesting termination of the suspension. Upon the filing of the 6189  
motion and the court's finding of good cause for the 6190  
determination, the court may terminate the suspension. 6191

(2) Any offender who received a mandatory suspension of 6192  
the offender's driver's or commercial driver's license or permit 6193  
under this section prior to September 13, 2016, may file a 6194  
motion with the sentencing court requesting the termination of 6195

the suspension. However, an offender who pleaded guilty to or 6196  
was convicted of a violation of section 4511.19 of the Revised 6197  
Code or a substantially similar municipal ordinance or law of 6198  
another state or the United States that arose out of the same 6199  
set of circumstances as the violation for which the offender's 6200  
license or permit was suspended under this section shall not 6201  
file such a motion. 6202

Upon the filing of a motion under division (F) (2) of this 6203  
section, the sentencing court, in its discretion, may terminate 6204  
the suspension. 6205

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 6206  
felony the court is not required to impose a prison term, a 6207  
mandatory prison term, or a term of life imprisonment upon the 6208  
offender, the court may directly impose a sentence that consists 6209  
of one or more community control sanctions authorized pursuant 6210  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 6211  
the court is sentencing an offender for a fourth degree felony 6212  
OVI offense under division (G) (1) of section 2929.13 of the 6213  
Revised Code, in addition to the mandatory term of local 6214  
incarceration imposed under that division and the mandatory fine 6215  
required by division (B) (3) of section 2929.18 of the Revised 6216  
Code, the court may impose upon the offender a community control 6217  
sanction or combination of community control sanctions in 6218  
accordance with sections 2929.16 and 2929.17 of the Revised 6219  
Code. If the court is sentencing an offender for a third or 6220  
fourth degree felony OVI offense under division (G) (2) of 6221  
section 2929.13 of the Revised Code, in addition to the 6222  
mandatory prison term or mandatory prison term and additional 6223  
prison term imposed under that division, the court also may 6224  
impose upon the offender a community control sanction or 6225  
combination of community control sanctions under section 2929.16 6226

or 2929.17 of the Revised Code, but the offender shall serve all 6227  
of the prison terms so imposed prior to serving the community 6228  
control sanction. 6229

The duration of all community control sanctions imposed on 6230  
an offender under this division shall not exceed five years. If 6231  
the offender absconds or otherwise leaves the jurisdiction of 6232  
the court in which the offender resides without obtaining 6233  
permission from the court or the offender's probation officer to 6234  
leave the jurisdiction of the court, or if the offender is 6235  
confined in any institution for the commission of any offense 6236  
while under a community control sanction, the period of the 6237  
community control sanction ceases to run until the offender is 6238  
brought before the court for its further action. If the court 6239  
sentences the offender to one or more nonresidential sanctions 6240  
under section 2929.17 of the Revised Code, the court shall 6241  
impose as a condition of the nonresidential sanctions that, 6242  
during the period of the sanctions, the offender must abide by 6243  
the law and must not leave the state without the permission of 6244  
the court or the offender's probation officer. The court may 6245  
impose any other conditions of release under a community control 6246  
sanction that the court considers appropriate, including, but 6247  
not limited to, requiring that the offender not ingest or be 6248  
injected with a drug of abuse and submit to random drug testing 6249  
as provided in division (D) of this section to determine whether 6250  
the offender ingested or was injected with a drug of abuse and 6251  
requiring that the results of the drug test indicate that the 6252  
offender did not ingest or was not injected with a drug of 6253  
abuse. 6254

(2) (a) If a court sentences an offender to any community 6255  
control sanction or combination of community control sanctions 6256  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 6257

the Revised Code, the court shall place the offender under the 6258  
general control and supervision of a department of probation in 6259  
the county that serves the court for purposes of reporting to 6260  
the court a violation of any condition of the sanctions, any 6261  
condition of release under a community control sanction imposed 6262  
by the court, a violation of law, or the departure of the 6263  
offender from this state without the permission of the court or 6264  
the offender's probation officer. Alternatively, if the offender 6265  
resides in another county and a county department of probation 6266  
has been established in that county or that county is served by 6267  
a multicounty probation department established under section 6268  
2301.27 of the Revised Code, the court may request the court of 6269  
common pleas of that county to receive the offender into the 6270  
general control and supervision of that county or multicounty 6271  
department of probation for purposes of reporting to the court a 6272  
violation of any condition of the sanctions, any condition of 6273  
release under a community control sanction imposed by the court, 6274  
a violation of law, or the departure of the offender from this 6275  
state without the permission of the court or the offender's 6276  
probation officer, subject to the jurisdiction of the trial 6277  
judge over and with respect to the person of the offender, and 6278  
to the rules governing that department of probation. 6279

If there is no department of probation in the county that 6280  
serves the court, the court shall place the offender, regardless 6281  
of the offender's county of residence, under the general control 6282  
and supervision of the adult parole authority or an entity 6283  
authorized under division (B) of section 2301.27 of the Revised 6284  
Code to provide probation and supervisory services to counties 6285  
for purposes of reporting to the court a violation of any of the 6286  
sanctions, any condition of release under a community control 6287  
sanction imposed by the court, a violation of law, or the 6288

departure of the offender from this state without the permission 6289  
of the court or the offender's probation officer. 6290

(b) If the court imposing sentence on an offender 6291  
sentences the offender to any community control sanction or 6292  
combination of community control sanctions authorized pursuant 6293  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 6294  
if the offender violates any condition of the sanctions, 6295  
violates any condition of release under a community control 6296  
sanction imposed by the court, violates any law, or departs the 6297  
state without the permission of the court or the offender's 6298  
probation officer, the public or private person or entity that 6299  
operates or administers the sanction or the program or activity 6300  
that comprises the sanction shall report the violation or 6301  
departure directly to the sentencing court, or shall report the 6302  
violation or departure to the county or multicounty department 6303  
of probation with general control and supervision over the 6304  
offender under division (A) (2) (a) of this section or the officer 6305  
of that department who supervises the offender, or, if there is 6306  
no such department with general control and supervision over the 6307  
offender under that division, to the adult parole authority or 6308  
an entity authorized under division (B) of section 2301.27 of 6309  
the Revised Code to provide probation and supervisory services 6310  
to the county. If the public or private person or entity that 6311  
operates or administers the sanction or the program or activity 6312  
that comprises the sanction reports the violation or departure 6313  
to the county or multicounty department of probation, the adult 6314  
parole authority, or any other entity providing probation and 6315  
supervisory services to the county, the department's, 6316  
authority's, or other entity's officers may treat the offender 6317  
as if the offender were on probation and in violation of the 6318  
probation, and shall report the violation of the condition of 6319

the sanction, any condition of release under a community control 6320  
sanction imposed by the court, the violation of law, or the 6321  
departure from the state without the required permission to the 6322  
sentencing court. 6323

(3) If an offender who is eligible for community control 6324  
sanctions under this section admits to ~~being having a drug~~ 6325  
~~addicted~~ addiction or the court has reason to believe that the 6326  
offender ~~is has a drug~~ addicted addiction, and if the offense for 6327  
which the offender is being sentenced was related to the 6328  
addiction, the court may require that the offender be assessed 6329  
by a properly credentialed professional within a specified 6330  
period of time and shall require the professional to file a 6331  
written assessment of the offender with the court. If a court 6332  
imposes treatment and recovery support services as a community 6333  
control sanction, the court shall direct the level and type of 6334  
treatment and recovery support services after consideration of 6335  
the written assessment, if available at the time of sentencing, 6336  
and recommendations of the professional and other treatment and 6337  
recovery support services providers. 6338

(4) If an assessment completed pursuant to division (A) (3) 6339  
of this section indicates that the offender ~~is addicted~~ has an 6340  
addiction to drugs or alcohol, the court may include in any 6341  
community control sanction imposed for a violation of section 6342  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 6343  
2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code a 6344  
requirement that the offender participate in alcohol and drug 6345  
addiction services and recovery supports certified under section 6346  
5119.36 of the Revised Code or offered by a properly 6347  
credentialed community addiction services provider. 6348

(B) (1) If the conditions of a community control sanction 6349

imposed for a felony are violated or if the offender violates a law or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may impose on the violator one or more of the following penalties:

(a) A longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit specified in division (A) of this section;

(b) A more restrictive sanction under section 2929.16, 2929.17, or 2929.18 of the Revised Code, including but not limited to, a new term in a community-based correctional facility, halfway house, or jail pursuant to division (A)(6) of section 2929.16 of the Revised Code;

(c) A prison term on the offender pursuant to section 2929.14 of the Revised Code and division (B)(3) of this section, provided that a prison term imposed under this division is subject to the following limitations, as applicable:

(i) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fifth degree, the prison term shall not exceed ninety days, provided that if the remaining period of community control at the time of the violation or the remaining period of the suspended prison sentence at that time is less than ninety days, the prison term shall not exceed the length of the remaining period of community control or the remaining period of the suspended prison sentence. If the court imposes a prison term as described in this division, division (B)(2)(b) of this section applies.

(ii) If the prison term is imposed for any technical violation of the conditions of a community control sanction

imposed for a felony of the fourth degree that is not an offense 6379  
of violence and is not a sexually oriented offense, the prison 6380  
term shall not exceed one hundred eighty days, provided that if 6381  
the remaining period of the community control at the time of the 6382  
violation or the remaining period of the suspended prison 6383  
sentence at that time is less than one hundred eighty days, the 6384  
prison term shall not exceed the length of the remaining period 6385  
of community control or the remaining period of the suspended 6386  
prison sentence. If the court imposes a prison term as described 6387  
in this division, division (B) (2) (b) of this section applies. 6388

(2) (a) If an offender was acting pursuant to division (B) 6389  
(2) (b) of section 2925.11 of the Revised Code and in so doing 6390  
violated the conditions of a community control sanction based on 6391  
a minor drug possession offense, as defined in section 2925.11 6392  
of the Revised Code, the sentencing court may consider the 6393  
offender's conduct in seeking or obtaining medical assistance 6394  
for another in good faith or for self or may consider the 6395  
offender being the subject of another person seeking or 6396  
obtaining medical assistance in accordance with that division as 6397  
a mitigating factor before imposing any of the penalties 6398  
described in division (B) (1) of this section. 6399

(b) If a court imposes a prison term on an offender under 6400  
division (B) (1) (c) (i) or (ii) of this section for a technical 6401  
violation of the conditions of a community control sanction, one 6402  
of the following is applicable with respect to the time that the 6403  
offender spends in prison under the term: 6404

(i) Subject to division (B) (2) (b) (ii) of this section, it 6405  
shall be credited against the offender's community control 6406  
sanction that was being served at the time of the violation, and 6407  
the remaining time under that community control sanction shall 6408

be reduced by the time that the offender spends in prison under 6409  
the prison term. The offender upon release from the prison term 6410  
shall continue serving the remaining time under the community 6411  
control sanction, as reduced under this division. 6412

(ii) If the offender at the time of the violation was 6413  
serving a community control sanction as part of a suspended 6414  
prison sentence, it shall be credited against the offender's 6415  
community control sanction that was being served at the time of 6416  
the violation and against the suspended prison sentence, and the 6417  
remaining time under that community control sanction and under 6418  
the suspended prison sentence shall be reduced by the time that 6419  
the offender spends in prison under the prison term. The 6420  
offender upon release from the prison term shall continue 6421  
serving the remaining time under the community control sanction, 6422  
as reduced under this division. 6423

(c) A court is not limited in the number of times it may 6424  
sentence an offender to a prison term under division (B) (1) (c) 6425  
of this section for a violation of the conditions of a community 6426  
control sanction or for a violation of a law or leaving the 6427  
state without the permission of the court or the offender's 6428  
probation officer. If an offender who is under a community 6429  
control sanction violates the conditions of the sanction or 6430  
violates a law or leaves the state without the permission of the 6431  
court or the offender's probation officer, is sentenced to a 6432  
prison term for the violation or conduct, is released from the 6433  
term after serving it, and subsequently violates the conditions 6434  
of the sanction or violates a law or leaves the state without 6435  
the permission of the court or the offender's probation officer, 6436  
the court may impose a new prison term sanction on the offender 6437  
under division (B) (1) (c) of this section for the subsequent 6438  
violation or conduct. 6439

(3) The prison term, if any, imposed on a violator 6440  
pursuant to this division and division (B) (1) of this section 6441  
shall be within the range of prison terms described in this 6442  
division and shall not exceed the prison term specified in the 6443  
notice provided to the offender at the sentencing hearing 6444  
pursuant to division (B) (2) of section 2929.19 of the Revised 6445  
Code. The court may reduce the longer period of time that the 6446  
offender is required to spend under the longer sanction, the 6447  
more restrictive sanction, or a prison term imposed pursuant to 6448  
division (B) (1) of this section by the time the offender 6449  
successfully spent under the sanction that was initially 6450  
imposed. Except as otherwise specified in this division, the 6451  
prison term imposed under this division and division (B) (1) of 6452  
this section shall be within the range of prison terms available 6453  
as a definite term for the offense for which the sanction that 6454  
was violated was imposed. If the offense for which the sanction 6455  
that was violated was imposed is a felony of the first or second 6456  
degree committed on or after March 22, 2019, the prison term so 6457  
imposed under this division shall be within the range of prison 6458  
terms available as a minimum term for the offense under division 6459  
(A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code. 6460

(C) If an offender, for a significant period of time, 6461  
fulfills the conditions of a sanction imposed pursuant to 6462  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 6463  
exemplary manner, the court may reduce the period of time under 6464  
the sanction or impose a less restrictive sanction, but the 6465  
court shall not permit the offender to violate any law or permit 6466  
the offender to leave the state without the permission of the 6467  
court or the offender's probation officer. 6468

(D) (1) If a court under division (A) (1) of this section 6469  
imposes a condition of release under a community control 6470

sanction that requires the offender to submit to random drug 6471  
testing, the department of probation, the adult parole 6472  
authority, or any other entity that has general control and 6473  
supervision of the offender under division (A)(2)(a) of this 6474  
section may cause the offender to submit to random drug testing 6475  
performed by a laboratory or entity that has entered into a 6476  
contract with any of the governmental entities or officers 6477  
authorized to enter into a contract with that laboratory or 6478  
entity under section 341.26, 753.33, or 5120.63 of the Revised 6479  
Code. 6480

(2) If no laboratory or entity described in division (D) 6481  
(1) of this section has entered into a contract as specified in 6482  
that division, the department of probation, the adult parole 6483  
authority, or any other entity that has general control and 6484  
supervision of the offender under division (A)(2)(a) of this 6485  
section shall cause the offender to submit to random drug 6486  
testing performed by a reputable public laboratory to determine 6487  
whether the individual who is the subject of the drug test 6488  
ingested or was injected with a drug of abuse. 6489

(3) A laboratory or entity that has entered into a 6490  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 6491  
Revised Code shall perform the random drug tests under division 6492  
(D)(1) of this section in accordance with the applicable 6493  
standards that are included in the terms of that contract. A 6494  
public laboratory shall perform the random drug tests under 6495  
division (D)(2) of this section in accordance with the standards 6496  
set forth in the policies and procedures established by the 6497  
department of rehabilitation and correction pursuant to section 6498  
5120.63 of the Revised Code. An offender who is required under 6499  
division (A)(1) of this section to submit to random drug testing 6500  
as a condition of release under a community control sanction and 6501

whose test results indicate that the offender ingested or was 6502  
injected with a drug of abuse shall pay the fee for the drug 6503  
test if the department of probation, the adult parole authority, 6504  
or any other entity that has general control and supervision of 6505  
the offender requires payment of a fee. A laboratory or entity 6506  
that performs the random drug testing on an offender under 6507  
division (D) (1) or (2) of this section shall transmit the 6508  
results of the drug test to the appropriate department of 6509  
probation, the adult parole authority, or any other entity that 6510  
has general control and supervision of the offender under 6511  
division (A) (2) (a) of this section. 6512

(E) As used in this section, "technical violation" means a 6513  
violation of the conditions of a community control sanction 6514  
imposed for a felony of the fifth degree, or for a felony of the 6515  
fourth degree that is not an offense of violence and is not a 6516  
sexually oriented offense, and to which neither of the following 6517  
applies: 6518

(1) The violation consists of a new criminal offense that 6519  
is a felony or that is a misdemeanor other than a minor 6520  
misdemeanor, and the violation is committed while under the 6521  
community control sanction. 6522

(2) The violation consists of or includes the offender's 6523  
articulated or demonstrated refusal to participate in the 6524  
community control sanction imposed on the offender or any of its 6525  
conditions, and the refusal demonstrates to the court that the 6526  
offender has abandoned the objects of the community control 6527  
sanction or condition. 6528

**Sec. 2929.20.** (A) As used in this section: 6529

(1) (a) Except as provided in division (A) (1) (b) of this 6530

section, "eligible offender" means any person who, on or after 6531  
April 7, 2009, is serving a stated prison term that includes one 6532  
or more nonmandatory prison terms. 6533

(b) "Eligible offender" does not include any person who, 6534  
on or after April 7, 2009, is serving a stated prison term for 6535  
any of the following criminal offenses that was a felony and was 6536  
committed while the person held a public office in this state: 6537

(i) A violation of section 2921.02, 2921.03, 2921.05, 6538  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 6539  
Code; 6540

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 6541  
2921.12 of the Revised Code, when the conduct constituting the 6542  
violation was related to the duties of the offender's public 6543  
office or to the offender's actions as a public official holding 6544  
that public office; 6545

(iii) A violation of an existing or former municipal 6546  
ordinance or law of this or any other state or the United States 6547  
that is substantially equivalent to any violation listed in 6548  
division (A) (1) (b) (i) of this section; 6549

(iv) A violation of an existing or former municipal 6550  
ordinance or law of this or any other state or the United States 6551  
that is substantially equivalent to any violation listed in 6552  
division (A) (1) (b) (ii) of this section, when the conduct 6553  
constituting the violation was related to the duties of the 6554  
offender's public office or to the offender's actions as a 6555  
public official holding that public office; 6556

(v) A conspiracy to commit, attempt to commit, or 6557  
complicity in committing any offense listed in division (A) (1) 6558  
(b) (i) or described in division (A) (1) (b) (iii) of this section; 6559

(vi) A conspiracy to commit, attempt to commit, or 6560  
complicity in committing any offense listed in division (A) (1) 6561  
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 6562  
if the conduct constituting the offense that was the subject of 6563  
the conspiracy, that would have constituted the offense 6564  
attempted, or constituting the offense in which the offender was 6565  
complicit was or would have been related to the duties of the 6566  
offender's public office or to the offender's actions as a 6567  
public official holding that public office. 6568

(2) "Nonmandatory prison term" means a prison term that is 6569  
not a mandatory prison term. 6570

(3) "Public office" means any elected federal, state, or 6571  
local government office in this state. 6572

(4) "Victim's representative" has the same meaning as in 6573  
section 2930.01 of the Revised Code. 6574

(5) "Imminent danger of death," "medically incapacitated," 6575  
and "terminal illness" have the same meanings as in section 6576  
2967.05 of the Revised Code. 6577

(6) "Aggregated nonmandatory prison term or terms" means 6578  
the aggregate of the following: 6579

(a) All nonmandatory definite prison terms; 6580

(b) With respect to any non-life felony indefinite prison 6581  
term, all nonmandatory minimum prison terms imposed as part of 6582  
the non-life felony indefinite prison term or terms. 6583

(B) On the motion of an eligible offender or upon its own 6584  
motion, the sentencing court may reduce the eligible offender's 6585  
aggregated nonmandatory prison term or terms through a judicial 6586  
release under this section. 6587

(C) An eligible offender may file a motion for judicial 6588  
release with the sentencing court within the following 6589  
applicable periods: 6590

(1) If the aggregated nonmandatory prison term or terms is 6591  
less than two years, the eligible offender may file the motion 6592  
at any time after the offender is delivered to a state 6593  
correctional institution or, if the prison term includes a 6594  
mandatory prison term or terms, at any time after the expiration 6595  
of all mandatory prison terms. 6596

(2) If the aggregated nonmandatory prison term or terms is 6597  
at least two years but less than five years, the eligible 6598  
offender may file the motion not earlier than one hundred eighty 6599  
days after the offender is delivered to a state correctional 6600  
institution or, if the prison term includes a mandatory prison 6601  
term or terms, not earlier than one hundred eighty days after 6602  
the expiration of all mandatory prison terms. 6603

(3) If the aggregated nonmandatory prison term or terms is 6604  
five years, the eligible offender may file the motion not 6605  
earlier than the date on which the eligible offender has served 6606  
four years of the offender's stated prison term or, if the 6607  
prison term includes a mandatory prison term or terms, not 6608  
earlier than four years after the expiration of all mandatory 6609  
prison terms. 6610

(4) If the aggregated nonmandatory prison term or terms is 6611  
more than five years but not more than ten years, the eligible 6612  
offender may file the motion not earlier than the date on which 6613  
the eligible offender has served five years of the offender's 6614  
stated prison term or, if the prison term includes a mandatory 6615  
prison term or terms, not earlier than five years after the 6616  
expiration of all mandatory prison terms. 6617

(5) If the aggregated nonmandatory prison term or terms is 6618  
more than ten years, the eligible offender may file the motion 6619  
not earlier than the later of the date on which the offender has 6620  
served one-half of the offender's stated prison term or the date 6621  
specified in division (C) (4) of this section. 6622

(D) Upon receipt of a timely motion for judicial release 6623  
filed by an eligible offender under division (C) of this section 6624  
or upon the sentencing court's own motion made within the 6625  
appropriate time specified in that division, the court may deny 6626  
the motion without a hearing or schedule a hearing on the 6627  
motion. The court shall not grant the motion without a hearing. 6628  
If a court denies a motion without a hearing, the court later 6629  
may consider judicial release for that eligible offender on a 6630  
subsequent motion filed by that eligible offender unless the 6631  
court denies the motion with prejudice. If a court denies a 6632  
motion with prejudice, the court may later consider judicial 6633  
release on its own motion. If a court denies a motion after a 6634  
hearing, the court shall not consider a subsequent motion for 6635  
that eligible offender. The court shall hold only one hearing 6636  
for any eligible offender. 6637

A hearing under this section shall be conducted in open 6638  
court not less than thirty or more than sixty days after the 6639  
motion is filed, provided that the court may delay the hearing 6640  
for one hundred eighty additional days. If the court holds a 6641  
hearing, the court shall enter a ruling on the motion within ten 6642  
days after the hearing. If the court denies the motion without a 6643  
hearing, the court shall enter its ruling on the motion within 6644  
sixty days after the motion is filed. 6645

(E) If a court schedules a hearing under division (D) of 6646  
this section, the court shall notify the eligible offender and 6647

the head of the state correctional institution in which the 6648  
eligible offender is confined prior to the hearing. The head of 6649  
the state correctional institution immediately shall notify the 6650  
appropriate person at the department of rehabilitation and 6651  
correction of the hearing, and the department within twenty-four 6652  
hours after receipt of the notice, shall post on the database it 6653  
maintains pursuant to section 5120.66 of the Revised Code the 6654  
offender's name and all of the information specified in division 6655  
(A) (1) (c) (i) of that section. If the court schedules a hearing 6656  
for judicial release, the court promptly shall give notice of 6657  
the hearing to the prosecuting attorney of the county in which 6658  
the eligible offender was indicted. Upon receipt of the notice 6659  
from the court, the prosecuting attorney shall do whichever of 6660  
the following is applicable: 6661

(1) Subject to division (E) (2) of this section, notify the 6662  
victim of the offense or the victim's representative pursuant to 6663  
division (B) of section 2930.16 of the Revised Code; 6664

(2) If the offense was an offense of violence that is a 6665  
felony of the first, second, or third degree, except as 6666  
otherwise provided in this division, notify the victim or the 6667  
victim's representative of the hearing regardless of whether the 6668  
victim or victim's representative has requested the 6669  
notification. The notice of the hearing shall not be given under 6670  
this division to a victim or victim's representative if the 6671  
victim or victim's representative has requested pursuant to 6672  
division (B) (2) of section 2930.03 of the Revised Code that the 6673  
victim or the victim's representative not be provided the 6674  
notice. If notice is to be provided to a victim or victim's 6675  
representative under this division, the prosecuting attorney may 6676  
give the notice by any reasonable means, including regular mail, 6677  
telephone, and electronic mail, in accordance with division (D) 6678

(1) of section 2930.16 of the Revised Code. If the notice is 6679  
based on an offense committed prior to March 22, 2013, the 6680  
notice also shall include the opt-out information described in 6681  
division (D) (1) of section 2930.16 of the Revised Code. The 6682  
prosecuting attorney, in accordance with division (D) (2) of 6683  
section 2930.16 of the Revised Code, shall keep a record of all 6684  
attempts to provide the notice, and of all notices provided, 6685  
under this division. Division (E) (2) of this section, and the 6686  
notice-related provisions of division (K) of this section, 6687  
division (D) (1) of section 2930.16, division (H) of section 6688  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 6689  
(b) of section 2967.26, division (D) (1) of section 2967.28, and 6690  
division (A) (2) of section 5149.101 of the Revised Code enacted 6691  
in the act in which division (E) (2) of this section was enacted, 6692  
shall be known as "Roberta's Law." 6693

(F) Upon an offender's successful completion of 6694  
rehabilitative activities, the head of the state correctional 6695  
institution may notify the sentencing court of the successful 6696  
completion of the activities. 6697

(G) Prior to the date of the hearing on a motion for 6698  
judicial release under this section, the head of the state 6699  
correctional institution in which the eligible offender is 6700  
confined shall send to the court an institutional summary report 6701  
on the eligible offender's conduct in the institution and in any 6702  
institution from which the eligible offender may have been 6703  
transferred. Upon the request of the prosecuting attorney of the 6704  
county in which the eligible offender was indicted or of any law 6705  
enforcement agency, the head of the state correctional 6706  
institution, at the same time the person sends the institutional 6707  
summary report to the court, also shall send a copy of the 6708  
report to the requesting prosecuting attorney and law 6709

enforcement agencies. The institutional summary report shall 6710  
cover the eligible offender's participation in school, 6711  
vocational training, work, treatment, and other rehabilitative 6712  
activities and any disciplinary action taken against the 6713  
eligible offender. The report shall be made part of the record 6714  
of the hearing. A presentence investigation report is not 6715  
required for judicial release. 6716

(H) If the court grants a hearing on a motion for judicial 6717  
release under this section, the eligible offender shall attend 6718  
the hearing if ordered to do so by the court. Upon receipt of a 6719  
copy of the journal entry containing the order, the head of the 6720  
state correctional institution in which the eligible offender is 6721  
incarcerated shall deliver the eligible offender to the sheriff 6722  
of the county in which the hearing is to be held. The sheriff 6723  
shall convey the eligible offender to and from the hearing. 6724

(I) At the hearing on a motion for judicial release under 6725  
this section, the court shall afford the eligible offender and 6726  
the eligible offender's attorney an opportunity to present 6727  
written and, if present, oral information relevant to the 6728  
motion. The court shall afford a similar opportunity to the 6729  
prosecuting attorney, the victim or the victim's representative, 6730  
and any other person the court determines is likely to present 6731  
additional relevant information. The court shall consider any 6732  
statement of a victim made pursuant to section 2930.14 or 6733  
2930.17 of the Revised Code, any victim impact statement 6734  
prepared pursuant to section 2947.051 of the Revised Code, and 6735  
any report made under division (G) of this section. The court 6736  
may consider any written statement of any person submitted to 6737  
the court pursuant to division (L) of this section. After ruling 6738  
on the motion, the court shall notify the victim of the ruling 6739  
in accordance with sections 2930.03 and 2930.16 of the Revised 6740

Code. 6741

(J) (1) A court shall not grant a judicial release under 6742  
this section to an eligible offender who is imprisoned for a 6743  
felony of the first or second degree, or to an eligible offender 6744  
who committed an offense under Chapter 2925. or 3719. of the 6745  
Revised Code and for whom there was a presumption under section 6746  
2929.13 of the Revised Code in favor of a prison term, unless 6747  
the court, with reference to factors under section 2929.12 of 6748  
the Revised Code, finds both of the following: 6749

(a) That a sanction other than a prison term would 6750  
adequately punish the offender and protect the public from 6751  
future criminal violations by the eligible offender because the 6752  
applicable factors indicating a lesser likelihood of recidivism 6753  
outweigh the applicable factors indicating a greater likelihood 6754  
of recidivism; 6755

(b) That a sanction other than a prison term would not 6756  
demean the seriousness of the offense because factors indicating 6757  
that the eligible offender's conduct in committing the offense 6758  
was less serious than conduct normally constituting the offense 6759  
outweigh factors indicating that the eligible offender's conduct 6760  
was more serious than conduct normally constituting the offense. 6761

(2) A court that grants a judicial release to an eligible 6762  
offender under division (J) (1) of this section shall specify on 6763  
the record both findings required in that division and also 6764  
shall list all the factors described in that division that were 6765  
presented at the hearing. 6766

(K) If the court grants a motion for judicial release 6767  
under this section, the court shall order the release of the 6768  
eligible offender, shall place the eligible offender under an 6769

appropriate community control sanction, under appropriate 6770  
conditions, and under the supervision of the department of 6771  
probation serving the court and shall reserve the right to 6772  
reimpose the sentence that it reduced if the offender violates 6773  
the sanction. If the court reimposes the reduced sentence, it 6774  
may do so either concurrently with, or consecutive to, any new 6775  
sentence imposed upon the eligible offender as a result of the 6776  
violation that is a new offense. Except as provided in division 6777  
(R) (2) of this section, the period of community control shall be 6778  
no longer than five years. The court, in its discretion, may 6779  
reduce the period of community control by the amount of time the 6780  
eligible offender spent in jail or prison for the offense and in 6781  
prison. If the court made any findings pursuant to division (J) 6782  
(1) of this section, the court shall serve a copy of the 6783  
findings upon counsel for the parties within fifteen days after 6784  
the date on which the court grants the motion for judicial 6785  
release. 6786

If the court grants a motion for judicial release, the 6787  
court shall notify the appropriate person at the department of 6788  
rehabilitation and correction, and the department shall post 6789  
notice of the release on the database it maintains pursuant to 6790  
section 5120.66 of the Revised Code. The court also shall notify 6791  
the prosecuting attorney of the county in which the eligible 6792  
offender was indicted that the motion has been granted. Unless 6793  
the victim or the victim's representative has requested pursuant 6794  
to division (B) (2) of section 2930.03 of the Revised Code that 6795  
the victim or victim's representative not be provided the 6796  
notice, the prosecuting attorney shall notify the victim or the 6797  
victim's representative of the judicial release in any manner, 6798  
and in accordance with the same procedures, pursuant to which 6799  
the prosecuting attorney is authorized to provide notice of the 6800

hearing pursuant to division (E) (2) of this section. If the 6801  
notice is based on an offense committed prior to March 22, 2013, 6802  
the notice to the victim or victim's representative also shall 6803  
include the opt-out information described in division (D) (1) of 6804  
section 2930.16 of the Revised Code. 6805

(L) In addition to and independent of the right of a 6806  
victim to make a statement pursuant to section 2930.14, 2930.17, 6807  
or 2946.051 of the Revised Code and any right of a person to 6808  
present written information or make a statement pursuant to 6809  
division (I) of this section, any person may submit to the 6810  
court, at any time prior to the hearing on the offender's motion 6811  
for judicial release, a written statement concerning the effects 6812  
of the offender's crime or crimes, the circumstances surrounding 6813  
the crime or crimes, the manner in which the crime or crimes 6814  
were perpetrated, and the person's opinion as to whether the 6815  
offender should be released. 6816

(M) The changes to this section that are made on September 6817  
30, 2011, apply to any judicial release decision made on or 6818  
after September 30, 2011, for any eligible offender. 6819

(N) Notwithstanding the eligibility requirements specified 6820  
in division (A) of this section and the filing time frames 6821  
specified in division (C) of this section and notwithstanding 6822  
the findings required under division (J) of this section, the 6823  
sentencing court, upon the court's own motion and after 6824  
considering whether the release of the offender into society 6825  
would create undue risk to public safety, may grant a judicial 6826  
release to an offender who is not serving a life sentence at any 6827  
time during the offender's imposed sentence when the director of 6828  
rehabilitation and correction certifies to the sentencing court 6829  
through the chief medical officer for the department of 6830

rehabilitation and correction that the offender is in imminent 6831  
danger of death, is medically incapacitated, or ~~is suffering~~ 6832  
~~from~~ has a terminal illness. 6833

(O) The director of rehabilitation and correction shall 6834  
not certify any offender under division (N) of this section who 6835  
is serving a death sentence. 6836

(P) A motion made by the court under division (N) of this 6837  
section is subject to the notice, hearing, and other procedural 6838  
requirements specified in divisions (D), (E), (G), (H), (I), 6839  
(K), and (L) of this section, except for the following: 6840

(1) The court may waive the offender's appearance at any 6841  
hearing scheduled by the court if the offender's condition makes 6842  
it impossible for the offender to participate meaningfully in 6843  
the proceeding. 6844

(2) The court may grant the motion without a hearing, 6845  
provided that the prosecuting attorney and victim or victim's 6846  
representative to whom notice of the hearing was provided under 6847  
division (E) of this section indicate that they do not wish to 6848  
participate in the hearing or present information relevant to 6849  
the motion. 6850

(Q) The court may request health care records from the 6851  
department of rehabilitation and correction to verify the 6852  
certification made under division (N) of this section. 6853

(R) (1) If the court grants judicial release under division 6854  
(N) of this section, the court shall do all of the following: 6855

(a) Order the release of the offender; 6856

(b) Place the offender under an appropriate community 6857  
control sanction, under appropriate conditions; 6858

(c) Place the offender under the supervision of the 6859  
department of probation serving the court or under the 6860  
supervision of the adult parole authority. 6861

(2) The court, in its discretion, may revoke the judicial 6862  
release if the offender violates the community control sanction 6863  
described in division (R)(1) of this section. The period of that 6864  
community control is not subject to the five-year limitation 6865  
described in division (K) of this section and shall not expire 6866  
earlier than the date on which all of the offender's mandatory 6867  
prison terms expire. 6868

(S) If the health of an offender who is released under 6869  
division (N) of this section improves so that the offender is no 6870  
longer terminally ill, medically incapacitated, or in imminent 6871  
danger of death, the court shall, upon the court's own motion, 6872  
revoke the judicial release. The court shall not grant the 6873  
motion without a hearing unless the offender waives a hearing. 6874  
If a hearing is held, the court shall afford the offender and 6875  
the offender's attorney an opportunity to present written and, 6876  
if the offender or the offender's attorney is present, oral 6877  
information relevant to the motion. The court shall afford a 6878  
similar opportunity to the prosecuting attorney, the victim or 6879  
the victim's representative, and any other person the court 6880  
determines is likely to present additional relevant information. 6881  
A court that grants a motion under this division shall specify 6882  
its findings on the record. 6883

**Sec. 2931.02.** A judge of a county court is a conservator 6884  
of the peace and has jurisdiction in criminal cases throughout 6885  
~~his~~ the judge's area of jurisdiction. ~~He~~ The judge of a county  
court may hear complaints of the peace and issue search 6886  
warrants. Judges of county courts have jurisdiction on sworn 6887  
6888

complaint, to issue a warrant for the arrest of a person charged 6889  
with the commission of a felony where it is made to appear that 6890  
such person has fled or is outside this state and it is 6891  
necessary or desirable to extradite such person. Judges of 6892  
county courts have jurisdiction within their respective areas of 6893  
jurisdiction in all cases of violation of any law relating to: 6894

(A) Adulteration or deception in the sale of dairy 6895  
products and other food, drink, drugs, and medicines; 6896

(B) Prevention of cruelty to animals and children; 6897

(C) The abandonment, nonsupport, or ill treatment of a 6898  
child under eighteen years of age ~~or a physically and mentally~~ 6899  
~~handicapped child under the age of eighteen years by its the~~ 6900  
child's parents; 6901

(D) The abandonment, or ill treatment of a child under 6902  
eighteen years of age ~~or a physically and mentally handicapped~~ 6903  
~~child under the age of eighteen years by its the child's~~ 6904  
guardian; 6905

(E) The employment of a child under fourteen years of age 6906  
in public exhibitions or vocations injurious to health, life, or 6907  
morals, or which will cause or permit ~~him~~the child to suffer 6908  
unnecessary physical or mental pain; 6909

(F) The regulation, restriction, or prohibition of the 6910  
employment of females and minors; 6911

(G) The torturing, unlawfully punishing, ill treating, or 6912  
depriving anyone of necessary food, clothing, or shelter; 6913

(H) Any violation of Chapters 4301. and 4303. of the 6914  
Revised Code, or keeping a place where intoxicating liquor is 6915  
sold, given away, or furnished in violation of any law 6916

prohibiting such acts;	6917
(I) The shipping, selling, using, permitting the use of,	6918
branding, or having unlawful quantities of illuminating oil for	6919
or in a mine;	6920
(J) The sale, shipment, or adulteration of commercial	6921
feeds;	6922
(K) The use of dust-creating machinery in workshops and	6923
factories;	6924
(L) The conducting of a pharmacy, or retail drug or	6925
chemical store, or the dispensing or selling of drugs,	6926
chemicals, poisons, or pharmaceutical preparations therein;	6927
(M) The failure to place and keep in a sanitary condition	6928
a bakery, confectionery, creamery, dairy barn, milk depot,	6929
laboratory, hotel, restaurant, eating house, packing house,	6930
slaughterhouse, ice cream factory, or place where a food product	6931
is manufactured, packed, stored, deposited, collected, prepared,	6932
produced, or sold for any purpose, or for the violation of any	6933
law relating to public health;	6934
(N) Inspection of steam boilers, and of laws licensing	6935
steam engineers and boiler operators;	6936
(O) Prevention of short weighing and measuring and all	6937
violations of the weights and measures laws;	6938
(P) Laws relating to the practice of medicine or surgery,	6939
or any of its branches;	6940
(Q) Laws relating to the filling or refilling of	6941
registered containers by other than the owner, or the defacing	6942
of the marks of ownership thereon;	6943

(R) Offenses arising from or growing out of the violation 6944  
of conservation laws. 6945

**Sec. 2935.33.** (A) If a person charged with a misdemeanor 6946  
is taken before a judge of a court of record and if it appears 6947  
to the judge that the person ~~is an alcoholic~~ has alcoholism or 6948  
is ~~suffering from~~ experiencing acute alcohol intoxication and 6949  
that the person would benefit from services provided by a 6950  
community addiction services provider, the judge may place the 6951  
person temporarily with a community addiction services provider 6952  
in the area in which the court has jurisdiction for inpatient 6953  
care and treatment for an indefinite period not exceeding five 6954  
days. The commitment does not limit the right to release on 6955  
bail. The judge may dismiss a charge of a violation of division 6956  
(B) of section 2917.11 of the Revised Code or of a municipal 6957  
ordinance substantially equivalent to that division if the 6958  
defendant complies with all the conditions of treatment ordered 6959  
by the court. 6960

The court may order that any fines or court costs 6961  
collected by the court from defendants who have received 6962  
inpatient care from a community addiction services provider be 6963  
paid, for the benefit of the program, to the board of alcohol, 6964  
drug addiction, and mental health services of the alcohol, drug 6965  
addiction, and mental health service district in which the 6966  
community addiction services provider is located or to the 6967  
director of mental health and addiction services. 6968

(B) If a person is being sentenced for a violation of 6969  
division (B) of section 2917.11 or section 4511.19 of the 6970  
Revised Code, a misdemeanor violation of section 2919.25 of the 6971  
Revised Code, a misdemeanor violation of section 2919.27 of the 6972  
Revised Code involving a protection order issued or consent 6973

agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, or a violation of a municipal ordinance substantially equivalent to that division or any of those sections and if it appears to the judge at the time of sentencing that the person ~~is an alcoholic~~ has alcoholism or is ~~suffering from~~ experiencing acute alcohol intoxication and that, in lieu of imprisonment, the person would benefit from services provided by a community addiction services provider, the court may commit the person to close supervision in any facility in the area in which the court has jurisdiction that is, or is operated by, such a services provider. Such close supervision may include outpatient services and part-time release, except that a person convicted of a violation of division (A) of section 4511.19 of the Revised Code shall be confined to the facility for at least three days and except that a person convicted of a misdemeanor violation of section 2919.25 of the Revised Code, a misdemeanor violation of section 2919.27 of the Revised Code involving a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, or a violation of a substantially equivalent municipal ordinance shall be confined to the facility in accordance with the order of commitment. A commitment of a person to a facility for purposes of close supervision shall not exceed the maximum term for which the person could be imprisoned.

(C) A law enforcement officer who finds a person subject to prosecution for violation of division (B) of section 2917.11 of the Revised Code or a municipal ordinance substantially equivalent to that division and who has reasonable cause to believe that the person ~~is an alcoholic~~ has alcoholism or is ~~suffering from~~ experiencing acute alcohol intoxication and would

benefit from immediate treatment immediately may place the 7005  
person with a community addiction services provider in the area 7006  
in which the person is found, for emergency treatment, in lieu 7007  
of other arrest procedures, for a maximum period of forty-eight 7008  
hours. During that time, if the person desires to leave such 7009  
custody, the person shall be released forthwith. 7010

(D) As used in this section: 7011

(1) "~~Alcoholic~~" and "~~community~~" Community addiction 7012  
services provider" ~~have~~ has the same ~~meanings~~ meaning as in 7013  
section 5119.01 of the Revised Code; 7014

(2) "Acute alcohol intoxication" means a heavy consumption 7015  
of alcohol over a relatively short period of time, resulting in 7016  
dysfunction of the brain centers controlling behavior, speech, 7017  
and memory and causing characteristic withdrawal symptoms. 7018

**Sec. 2945.25.** A person called as a juror in a criminal 7019  
case may be challenged for the following causes: 7020

(A) That ~~he~~ the person was a member of the grand jury that 7021  
found the indictment in the case; 7022

(B) That ~~he~~ the person is possessed of a state of mind 7023  
evincing enmity or bias toward the defendant or the state; but 7024  
no person summoned as a juror shall be disqualified by reason of 7025  
a previously formed or expressed opinion with reference to the 7026  
guilt or innocence of the accused, if the court is satisfied, 7027  
from examination of the juror or from other evidence, that ~~he~~ the 7028  
juror will render an impartial verdict according to the law and 7029  
the evidence submitted to the jury at the trial; 7030

(C) In the trial of a capital offense, that ~~he~~ the person 7031  
unequivocally states that under no circumstances will ~~he~~ the 7032  
person follow the instructions of a trial judge and consider 7033

fairly the imposition of a sentence of death in a particular 7034  
case. A prospective juror's conscientious or religious 7035  
opposition to the death penalty in and of itself is not grounds 7036  
for a challenge for cause. All parties shall be given wide 7037  
latitude in voir dire questioning in this regard. 7038

(D) That ~~he~~the person is related by consanguinity or 7039  
affinity within the fifth degree to the person alleged to be 7040  
injured or attempted to be injured by the offense charged, or to 7041  
the person on whose complaint the prosecution was instituted, or 7042  
to the defendant; 7043

(E) That ~~he~~the person served on a petit jury drawn in the 7044  
same cause against the same defendant, and that jury was 7045  
discharged after hearing the evidence or rendering a verdict on 7046  
the evidence that was set aside; 7047

(F) That ~~he~~the person served as a juror in a civil case 7048  
brought against the defendant for the same act; 7049

(G) That ~~he~~the person has been subpoenaed in good faith as 7050  
a witness in the case; 7051

(H) That ~~he~~the person ~~is a chronic alcoholic~~has chronic  
alcoholism, or a drug dependent person~~dependency~~; 7052  
7053

(I) That ~~he~~the person has been convicted of a crime that 7054  
by law disqualifies ~~him~~the person from serving on a jury; 7055

(J) That ~~he~~the person has an action pending between ~~him~~  
the person and the state or the defendant; 7056  
7057

(K) That ~~he~~the person or ~~his~~the person's spouse is a party 7058  
to another action then pending in any court in which an attorney 7059  
in the cause then on trial is an attorney, either for or against 7060  
~~him~~the person; 7061

(L) That ~~he~~the person is the person alleged to be injured 7062  
or attempted to be injured by the offense charged, or is the 7063  
person on whose complaint the prosecution was instituted, or the 7064  
defendant; 7065

(M) That ~~he~~the person is the employer or employee, or the 7066  
spouse, parent, son, or daughter of the employer or employee, or 7067  
the counselor, agent, or attorney of any person included in 7068  
division (L) of this section; 7069

(N) That English is not ~~his~~the person's native language, 7070  
and ~~his~~the person's knowledge of English is insufficient to 7071  
permit ~~him~~the person to understand the facts and law in the 7072  
case; 7073

(O) That ~~he~~the person otherwise is unsuitable for any 7074  
other cause to serve as a juror. 7075

The validity of each challenge listed in this section 7076  
shall be determined by the court. 7077

**Sec. 2945.37.** (A) As used in sections 2945.37 to 2945.402 7078  
of the Revised Code: 7079

(1) "Prosecutor" means a prosecuting attorney or a city 7080  
director of law, village solicitor, or similar chief legal 7081  
officer of a municipal corporation who has authority to 7082  
prosecute a criminal case that is before the court or the 7083  
criminal case in which a defendant in a criminal case has been 7084  
found incompetent to stand trial or not guilty by reason of 7085  
insanity. 7086

(2) "Examiner" means either of the following: 7087

(a) A psychiatrist or a licensed clinical psychologist who 7088  
satisfies the criteria of division (I) of section 5122.01 of the 7089

Revised Code or is employed by a certified forensic center 7090  
designated by the department of mental health and addiction 7091  
services to conduct examinations or evaluations. 7092

(b) For purposes of a separate intellectual disability 7093  
evaluation that is ordered by a court pursuant to division (H) 7094  
of section 2945.371 of the Revised Code, a psychologist 7095  
designated by the director of developmental disabilities 7096  
pursuant to that section to conduct that separate intellectual 7097  
disability evaluation. 7098

(3) "Nonsecured status" means any unsupervised, off- 7099  
grounds movement or trial visit from a hospital or institution, 7100  
or any conditional release, that is granted to a person who is 7101  
found incompetent to stand trial and is committed pursuant to 7102  
section 2945.39 of the Revised Code or to a person who is found 7103  
not guilty by reason of insanity and is committed pursuant to 7104  
section 2945.40 of the Revised Code. 7105

(4) "Unsupervised, off-grounds movement" includes only 7106  
off-grounds privileges that are unsupervised and that have an 7107  
expectation of return to the hospital or institution on a daily 7108  
basis. 7109

(5) "Trial visit" means a patient privilege of a longer 7110  
stated duration of unsupervised community contact with an 7111  
expectation of return to the hospital or institution at 7112  
designated times. 7113

(6) "Conditional release" means a commitment status under 7114  
which the trial court at any time may revoke a person's 7115  
conditional release and order the rehospitalization or 7116  
reinstitutionalization of the person as described in division 7117  
(A) of section 2945.402 of the Revised Code and pursuant to 7118

which a person who is found incompetent to stand trial or a 7119  
person who is found not guilty by reason of insanity lives and 7120  
receives treatment in the community for a period of time that 7121  
does not exceed the maximum prison term or term of imprisonment 7122  
that the person could have received for the offense in question 7123  
had the person been convicted of the offense instead of being 7124  
found incompetent to stand trial on the charge of the offense or 7125  
being found not guilty by reason of insanity relative to the 7126  
offense. 7127

(7) "Licensed clinical psychologist," "~~mentally ill person~~ 7128  
with a mental illness subject to court order," and 7129  
"psychiatrist" have the same meanings as in section 5122.01 of 7130  
the Revised Code. 7131

(8) "Person with an intellectual disability subject to 7132  
institutionalization by court order" has the same meaning as in 7133  
section 5123.01 of the Revised Code. 7134

(B) In a criminal action in a court of common pleas, a 7135  
county court, or a municipal court, the court, prosecutor, or 7136  
defense may raise the issue of the defendant's competence to 7137  
stand trial. If the issue is raised before the trial has 7138  
commenced, the court shall hold a hearing on the issue as 7139  
provided in this section. If the issue is raised after the trial 7140  
has commenced, the court shall hold a hearing on the issue only 7141  
for good cause shown or on the court's own motion. 7142

(C) The court shall conduct the hearing required or 7143  
authorized under division (B) of this section within thirty days 7144  
after the issue is raised, unless the defendant has been 7145  
referred for evaluation in which case the court shall conduct 7146  
the hearing within ten days after the filing of the report of 7147  
the evaluation or, in the case of a defendant who is ordered by 7148

the court pursuant to division (H) of section 2945.371 of the Revised Code to undergo a separate intellectual disability evaluation conducted by a psychologist designated by the director of developmental disabilities, within ten days after the filing of the report of the separate intellectual disability evaluation under that division. A hearing may be continued for good cause.

(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. 7179

(G) A defendant is presumed to be competent to stand 7180  
trial. If, after a hearing, the court finds by a preponderance 7181  
of the evidence that, because of the defendant's present mental 7182  
condition, the defendant is incapable of understanding the 7183  
nature and objective of the proceedings against the defendant or 7184  
of assisting in the defendant's defense, the court shall find 7185  
the defendant incompetent to stand trial and shall enter an 7186  
order authorized by section 2945.38 of the Revised Code. 7187

(H) Municipal courts shall follow the procedures set forth 7188  
in sections 2945.37 to 2945.402 of the Revised Code. Except as 7189  
provided in section 2945.371 of the Revised Code, a municipal 7190  
court shall not order an evaluation of the defendant's 7191  
competence to stand trial or the defendant's mental condition at 7192  
the time of the commission of the offense to be conducted at any 7193  
hospital operated by the department of mental health and 7194  
addiction services. Those evaluations shall be performed through 7195  
community resources including, but not limited to, certified 7196  
forensic centers, court probation departments, and community 7197  
mental health services providers. All expenses of the 7198  
evaluations shall be borne by the legislative authority of the 7199  
municipal court, as defined in section 1901.03 of the Revised 7200  
Code, and shall be taxed as costs in the case. If a defendant is 7201  
found incompetent to stand trial or not guilty by reason of 7202  
insanity, a municipal court may commit the defendant as provided 7203  
in sections 2945.38 to 2945.402 of the Revised Code. 7204

**Sec. 2945.38.** (A) If the issue of a defendant's competence 7205  
to stand trial is raised and if the court, upon conducting the 7206  
hearing provided for in section 2945.37 of the Revised Code, 7207  
finds that the defendant is competent to stand trial, the 7208

defendant shall be proceeded against as provided by law. If the 7209  
court finds the defendant competent to stand trial and the 7210  
defendant is receiving psychotropic drugs or other medication, 7211  
the court may authorize the continued administration of the 7212  
drugs or medication or other appropriate treatment in order to 7213  
maintain the defendant's competence to stand trial, unless the 7214  
defendant's attending physician advises the court against 7215  
continuation of the drugs, other medication, or treatment. 7216

(B) (1) (a) If, after taking into consideration all relevant 7217  
reports, information, and other evidence, the court finds that 7218  
the defendant is incompetent to stand trial and that there is a 7219  
substantial probability that the defendant will become competent 7220  
to stand trial within one year if the defendant is provided with 7221  
a course of treatment, the court shall order the defendant to 7222  
undergo treatment. If the defendant has been charged with a 7223  
felony offense and if, after taking into consideration all 7224  
relevant reports, information, and other evidence, the court 7225  
finds that the defendant is incompetent to stand trial, but the 7226  
court is unable at that time to determine whether there is a 7227  
substantial probability that the defendant will become competent 7228  
to stand trial within one year if the defendant is provided with 7229  
a course of treatment, the court shall order continuing 7230  
evaluation and treatment of the defendant for a period not to 7231  
exceed four months to determine whether there is a substantial 7232  
probability that the defendant will become competent to stand 7233  
trial within one year if the defendant is provided with a course 7234  
of treatment. 7235

(b) The court order for the defendant to undergo treatment 7236  
or continuing evaluation and treatment under division (B) (1) (a) 7237  
of this section shall specify that the defendant, if determined 7238  
to require mental health treatment or continuing evaluation and 7239

treatment, either shall be committed to the department of mental 7240  
health and addiction services for treatment or continuing 7241  
evaluation and treatment at a hospital, facility, or agency, as 7242  
determined to be clinically appropriate by the department of 7243  
mental health and addiction services or shall be committed to a 7244  
facility certified by the department of mental health and 7245  
addiction services as being qualified to treat mental illness, 7246  
to a public or community mental health facility, or to a 7247  
psychiatrist or another mental health professional for treatment 7248  
or continuing evaluation and treatment. Prior to placing the 7249  
defendant, the department of mental health and addiction 7250  
services shall obtain court approval for that placement 7251  
following a hearing. The court order for the defendant to 7252  
undergo treatment or continuing evaluation and treatment under 7253  
division (B)(1)(a) of this section shall specify that the 7254  
defendant, if determined to require treatment or continuing 7255  
evaluation and treatment for an intellectual disability, shall 7256  
receive treatment or continuing evaluation and treatment at an 7257  
institution or facility operated by the department of 7258  
developmental disabilities, at a facility certified by the 7259  
department of developmental disabilities as being qualified to 7260  
treat intellectual disabilities, at a public or private 7261  
intellectual disabilities facility, or by a psychiatrist or 7262  
another intellectual disabilities professional. In any case, the 7263  
order may restrict the defendant's freedom of movement as the 7264  
court considers necessary. The prosecutor in the defendant's 7265  
case shall send to the chief clinical officer of the hospital, 7266  
facility, or agency where the defendant is placed by the 7267  
department of mental health and addiction services, or to the 7268  
managing officer of the institution, the director of the program 7269  
or facility, or the person to which the defendant is committed, 7270  
copies of relevant police reports and other background 7271

information that pertains to the defendant and is available to 7272  
the prosecutor unless the prosecutor determines that the release 7273  
of any of the information in the police reports or any of the 7274  
other background information to unauthorized persons would 7275  
interfere with the effective prosecution of any person or would 7276  
create a substantial risk of harm to any person. 7277

In determining the place of commitment, the court shall 7278  
consider the extent to which the person is a danger to the 7279  
person and to others, the need for security, and the type of 7280  
crime involved and shall order the least restrictive alternative 7281  
available that is consistent with public safety and treatment 7282  
goals. In weighing these factors, the court shall give 7283  
preference to protecting public safety. 7284

(c) If the defendant is found incompetent to stand trial, 7285  
if the chief clinical officer of the hospital, facility, or 7286  
agency where the defendant is placed, or the managing officer of 7287  
the institution, the director of the program or facility, or the 7288  
person to which the defendant is committed for treatment or 7289  
continuing evaluation and treatment under division (B) (1) (b) of 7290  
this section determines that medication is necessary to restore 7291  
the defendant's competency to stand trial, and if the defendant 7292  
lacks the capacity to give informed consent or refuses 7293  
medication, the chief clinical officer of the hospital, 7294  
facility, or agency where the defendant is placed, or the 7295  
managing officer of the institution, the director of the program 7296  
or facility, or the person to which the defendant is committed 7297  
for treatment or continuing evaluation and treatment may 7298  
petition the court for authorization for the involuntary 7299  
administration of medication. The court shall hold a hearing on 7300  
the petition within five days of the filing of the petition if 7301  
the petition was filed in a municipal court or a county court 7302

regarding an incompetent defendant charged with a misdemeanor or 7303  
within ten days of the filing of the petition if the petition 7304  
was filed in a court of common pleas regarding an incompetent 7305  
defendant charged with a felony offense. Following the hearing, 7306  
the court may authorize the involuntary administration of 7307  
medication or may dismiss the petition. 7308

(2) If the court finds that the defendant is incompetent 7309  
to stand trial and that, even if the defendant is provided with 7310  
a course of treatment, there is not a substantial probability 7311  
that the defendant will become competent to stand trial within 7312  
one year, the court shall order the discharge of the defendant, 7313  
unless upon motion of the prosecutor or on its own motion, the 7314  
court either seeks to retain jurisdiction over the defendant 7315  
pursuant to section 2945.39 of the Revised Code or files an 7316  
affidavit in the probate court for the civil commitment of the 7317  
defendant pursuant to Chapter 5122. or 5123. of the Revised Code 7318  
alleging that the defendant is a ~~mentally ill~~ person with a 7319  
mental illness subject to court order or a person with an 7320  
intellectual disability subject to institutionalization by court 7321  
order. If an affidavit is filed in the probate court, the trial 7322  
court shall send to the probate court copies of all written 7323  
reports of the defendant's mental condition that were prepared 7324  
pursuant to section 2945.371 of the Revised Code. 7325

The trial court may issue the temporary order of detention 7326  
that a probate court may issue under section 5122.11 or 5123.71 7327  
of the Revised Code, to remain in effect until the probable 7328  
cause or initial hearing in the probate court. Further 7329  
proceedings in the probate court are civil proceedings governed 7330  
by Chapter 5122. or 5123. of the Revised Code. 7331

(C) No defendant shall be required to undergo treatment, 7332

including any continuing evaluation and treatment, under 7333  
division (B) (1) of this section for longer than whichever of the 7334  
following periods is applicable: 7335

(1) One year, if the most serious offense with which the 7336  
defendant is charged is one of the following offenses: 7337

(a) Aggravated murder, murder, or an offense of violence 7338  
for which a sentence of death or life imprisonment may be 7339  
imposed; 7340

(b) An offense of violence that is a felony of the first 7341  
or second degree; 7342

(c) A conspiracy to commit, an attempt to commit, or 7343  
complicity in the commission of an offense described in division 7344  
(C) (1) (a) or (b) of this section if the conspiracy, attempt, or 7345  
complicity is a felony of the first or second degree. 7346

(2) Six months, if the most serious offense with which the 7347  
defendant is charged is a felony other than a felony described 7348  
in division (C) (1) of this section; 7349

(3) Sixty days, if the most serious offense with which the 7350  
defendant is charged is a misdemeanor of the first or second 7351  
degree; 7352

(4) Thirty days, if the most serious offense with which 7353  
the defendant is charged is a misdemeanor of the third or fourth 7354  
degree, a minor misdemeanor, or an unclassified misdemeanor. 7355

(D) Any defendant who is committed pursuant to this 7356  
section shall not voluntarily admit the defendant or be 7357  
voluntarily admitted to a hospital or institution pursuant to 7358  
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised 7359  
Code. 7360

(E) Except as otherwise provided in this division, a 7361  
defendant who is charged with an offense and is committed by the 7362  
court under this section to the department of mental health and 7363  
addiction services or is committed to an institution or facility 7364  
for the treatment of intellectual disabilities shall not be 7365  
granted unsupervised on-grounds movement, supervised off-grounds 7366  
movement, or nonsecured status except in accordance with the 7367  
court order. The court may grant a defendant supervised off- 7368  
grounds movement to obtain medical treatment or specialized 7369  
habilitation treatment services if the person who supervises the 7370  
treatment or the continuing evaluation and treatment of the 7371  
defendant ordered under division (B) (1) (a) of this section 7372  
informs the court that the treatment or continuing evaluation 7373  
and treatment cannot be provided at the hospital or facility 7374  
where the defendant is placed by the department of mental health 7375  
and addiction services or the institution or facility to which 7376  
the defendant is committed. The chief clinical officer of the 7377  
hospital or facility where the defendant is placed by the 7378  
department of mental health and addiction services or the 7379  
managing officer of the institution or director of the facility 7380  
to which the defendant is committed, or a designee of any of 7381  
those persons, may grant a defendant movement to a medical 7382  
facility for an emergency medical situation with appropriate 7383  
supervision to ensure the safety of the defendant, staff, and 7384  
community during that emergency medical situation. The chief 7385  
clinical officer of the hospital or facility where the defendant 7386  
is placed by the department of mental health and addiction 7387  
services or the managing officer of the institution or director 7388  
of the facility to which the defendant is committed shall notify 7389  
the court within twenty-four hours of the defendant's movement 7390  
to the medical facility for an emergency medical situation under 7391  
this division. 7392

(F) The person who supervises the treatment or continuing  
evaluation and treatment of a defendant ordered to undergo  
treatment or continuing evaluation and treatment under division  
(B) (1) (a) of this section shall file a written report with the  
court at the following times:

(1) Whenever the person believes the defendant is capable  
of understanding the nature and objective of the proceedings  
against the defendant and of assisting in the defendant's  
defense;

(2) For a felony offense, fourteen days before expiration  
of the maximum time for treatment as specified in division (C)  
of this section and fourteen days before the expiration of the  
maximum time for continuing evaluation and treatment as  
specified in division (B) (1) (a) of this section, and, for a  
misdemeanor offense, ten days before the expiration of the  
maximum time for treatment, as specified in division (C) of this  
section;

(3) At a minimum, after each six months of treatment;

(4) Whenever the person who supervises the treatment or  
continuing evaluation and treatment of a defendant ordered under  
division (B) (1) (a) of this section believes that there is not a  
substantial probability that the defendant will become capable  
of understanding the nature and objective of the proceedings  
against the defendant or of assisting in the defendant's defense  
even if the defendant is provided with a course of treatment.

(G) A report under division (F) of this section shall  
contain the examiner's findings, the facts in reasonable detail  
on which the findings are based, and the examiner's opinion as  
to the defendant's capability of understanding the nature and

objective of the proceedings against the defendant and of 7422  
assisting in the defendant's defense. If, in the examiner's 7423  
opinion, the defendant remains incapable of understanding the 7424  
nature and objective of the proceedings against the defendant 7425  
and of assisting in the defendant's defense and there is a 7426  
substantial probability that the defendant will become capable 7427  
of understanding the nature and objective of the proceedings 7428  
against the defendant and of assisting in the defendant's 7429  
defense if the defendant is provided with a course of treatment, 7430  
if in the examiner's opinion the defendant ~~remains mentally ill~~ 7431  
~~or~~ continues to have a mental illness or an intellectual 7432  
disability, and if the maximum time for treatment as specified 7433  
in division (C) of this section has not expired, the report also 7434  
shall contain the examiner's recommendation as to the least 7435  
restrictive placement or commitment alternative that is 7436  
consistent with the defendant's treatment needs for restoration 7437  
to competency and with the safety of the community. The court 7438  
shall provide copies of the report to the prosecutor and defense 7439  
counsel. 7440

(H) If a defendant is committed pursuant to division (B) 7441  
(1) of this section, within ten days after the treating 7442  
physician of the defendant or the examiner of the defendant who 7443  
is employed or retained by the treating facility advises that 7444  
there is not a substantial probability that the defendant will 7445  
become capable of understanding the nature and objective of the 7446  
proceedings against the defendant or of assisting in the 7447  
defendant's defense even if the defendant is provided with a 7448  
course of treatment, within ten days after the expiration of the 7449  
maximum time for treatment as specified in division (C) of this 7450  
section, within ten days after the expiration of the maximum 7451  
time for continuing evaluation and treatment as specified in 7452

division (B) (1) (a) of this section, within thirty days after a 7453  
defendant's request for a hearing that is made after six months 7454  
of treatment, or within thirty days after being advised by the 7455  
treating physician or examiner that the defendant is competent 7456  
to stand trial, whichever is the earliest, the court shall 7457  
conduct another hearing to determine if the defendant is 7458  
competent to stand trial and shall do whichever of the following 7459  
is applicable: 7460

(1) If the court finds that the defendant is competent to 7461  
stand trial, the defendant shall be proceeded against as 7462  
provided by law. 7463

(2) If the court finds that the defendant is incompetent 7464  
to stand trial, but that there is a substantial probability that 7465  
the defendant will become competent to stand trial if the 7466  
defendant is provided with a course of treatment, and the 7467  
maximum time for treatment as specified in division (C) of this 7468  
section has not expired, the court, after consideration of the 7469  
examiner's recommendation, shall order that treatment be 7470  
continued, may change the facility or program at which the 7471  
treatment is to be continued, and shall specify whether the 7472  
treatment is to be continued at the same or a different facility 7473  
or program. 7474

(3) If the court finds that the defendant is incompetent 7475  
to stand trial, if the defendant is charged with an offense 7476  
listed in division (C) (1) of this section, and if the court 7477  
finds that there is not a substantial probability that the 7478  
defendant will become competent to stand trial even if the 7479  
defendant is provided with a course of treatment, or if the 7480  
maximum time for treatment relative to that offense as specified 7481  
in division (C) of this section has expired, further proceedings 7482

shall be as provided in sections 2945.39, 2945.401, and 2945.402 7483  
of the Revised Code. 7484

(4) If the court finds that the defendant is incompetent 7485  
to stand trial, if the most serious offense with which the 7486  
defendant is charged is a misdemeanor or a felony other than a 7487  
felony listed in division (C)(1) of this section, and if the 7488  
court finds that there is not a substantial probability that the 7489  
defendant will become competent to stand trial even if the 7490  
defendant is provided with a course of treatment, or if the 7491  
maximum time for treatment relative to that offense as specified 7492  
in division (C) of this section has expired, the court shall 7493  
dismiss the indictment, information, or complaint against the 7494  
defendant. A dismissal under this division is not a bar to 7495  
further prosecution based on the same conduct. The court shall 7496  
discharge the defendant unless the court or prosecutor files an 7497  
affidavit in probate court for civil commitment pursuant to 7498  
Chapter 5122. or 5123. of the Revised Code. If an affidavit for 7499  
civil commitment is filed, the court may detain the defendant 7500  
for ten days pending civil commitment. All of the following 7501  
provisions apply to persons charged with a misdemeanor or a 7502  
felony other than a felony listed in division (C)(1) of this 7503  
section who are committed by the probate court subsequent to the 7504  
court's or prosecutor's filing of an affidavit for civil 7505  
commitment under authority of this division: 7506

(a) The chief clinical officer of the entity, hospital, or 7507  
facility, the managing officer of the institution, the director 7508  
of the program, or the person to which the defendant is 7509  
committed or admitted shall do all of the following: 7510

(i) Notify the prosecutor, in writing, of the discharge of 7511  
the defendant, send the notice at least ten days prior to the 7512

discharge unless the discharge is by the probate court, and 7513  
state in the notice the date on which the defendant will be 7514  
discharged; 7515

(ii) Notify the prosecutor, in writing, when the defendant 7516  
is absent without leave or is granted unsupervised, off-grounds 7517  
movement, and send this notice promptly after the discovery of 7518  
the absence without leave or prior to the granting of the 7519  
unsupervised, off-grounds movement, whichever is applicable; 7520

(iii) Notify the prosecutor, in writing, of the change of 7521  
the defendant's commitment or admission to voluntary status, 7522  
send the notice promptly upon learning of the change to 7523  
voluntary status, and state in the notice the date on which the 7524  
defendant was committed or admitted on a voluntary status. 7525

(b) Upon receiving notice that the defendant will be 7526  
granted unsupervised, off-grounds movement, the prosecutor 7527  
either shall re-indict the defendant or promptly notify the 7528  
court that the prosecutor does not intend to prosecute the 7529  
charges against the defendant. 7530

(I) If a defendant is convicted of a crime and sentenced 7531  
to a jail or workhouse, the defendant's sentence shall be 7532  
reduced by the total number of days the defendant is confined 7533  
for evaluation to determine the defendant's competence to stand 7534  
trial or treatment under this section and sections 2945.37 and 7535  
2945.371 of the Revised Code or by the total number of days the 7536  
defendant is confined for evaluation to determine the 7537  
defendant's mental condition at the time of the offense charged. 7538

**Sec. 2945.39.** (A) If a defendant who is charged with an 7539  
offense described in division (C)(1) of section 2945.38 of the 7540  
Revised Code is found incompetent to stand trial, after the 7541

expiration of the maximum time for treatment as specified in 7542  
division (C) of that section or after the court finds that there 7543  
is not a substantial probability that the defendant will become 7544  
competent to stand trial even if the defendant is provided with 7545  
a course of treatment, one of the following applies: 7546

(1) The court or the prosecutor may file an affidavit in 7547  
probate court for civil commitment of the defendant in the 7548  
manner provided in Chapter 5122. or 5123. of the Revised Code. 7549  
If the court or prosecutor files an affidavit for civil 7550  
commitment, the court may detain the defendant for ten days 7551  
pending civil commitment. If the probate court commits the 7552  
defendant subsequent to the court's or prosecutor's filing of an 7553  
affidavit for civil commitment, the chief clinical officer of 7554  
the entity, hospital, or facility, the managing officer of the 7555  
institution, the director of the program, or the person to which 7556  
the defendant is committed or admitted shall send to the 7557  
prosecutor the notices described in divisions (H) (4) (a) (i) to 7558  
(iii) of section 2945.38 of the Revised Code within the periods 7559  
of time and under the circumstances specified in those 7560  
divisions. 7561

(2) On the motion of the prosecutor or on its own motion, 7562  
the court may retain jurisdiction over the defendant if, at a 7563  
hearing, the court finds both of the following by clear and 7564  
convincing evidence: 7565

(a) The defendant committed the offense with which the 7566  
defendant is charged. 7567

(b) The defendant is a ~~mentally ill person~~ with a mental 7568  
illness subject to court order or a person with an intellectual 7569  
disability subject to institutionalization by court order. 7570

(B) In making its determination under division (A) (2) of 7571  
this section as to whether to retain jurisdiction over the 7572  
defendant, the court may consider all relevant evidence, 7573  
including, but not limited to, any relevant psychiatric, 7574  
psychological, or medical testimony or reports, the acts 7575  
constituting the offense charged, and any history of the 7576  
defendant that is relevant to the defendant's ability to conform 7577  
to the law. 7578

(C) If the court conducts a hearing as described in 7579  
division (A) (2) of this section and if the court does not make 7580  
both findings described in divisions (A) (2) (a) and (b) of this 7581  
section by clear and convincing evidence, the court shall 7582  
dismiss the indictment, information, or complaint against the 7583  
defendant. Upon the dismissal, the court shall discharge the 7584  
defendant unless the court or prosecutor files an affidavit in 7585  
probate court for civil commitment of the defendant pursuant to 7586  
Chapter 5122. or 5123. of the Revised Code. If the court or 7587  
prosecutor files an affidavit for civil commitment, the court 7588  
may order that the defendant be detained for up to ten days 7589  
pending the civil commitment. If the probate court commits the 7590  
defendant subsequent to the court's or prosecutor's filing of an 7591  
affidavit for civil commitment, the chief clinical officer of 7592  
the entity, hospital, or facility, the managing officer of the 7593  
institution, the director of the program, or the person to which 7594  
the defendant is committed or admitted shall send to the 7595  
prosecutor the notices described in divisions (H) (4) (a) (i) to 7596  
(iii) of section 2945.38 of the Revised Code within the periods 7597  
of time and under the circumstances specified in those 7598  
divisions. A dismissal of charges under this division is not a 7599  
bar to further criminal proceedings based on the same conduct. 7600

(D) (1) If the court conducts a hearing as described in 7601

division (A) (2) of this section and if the court makes the 7602  
findings described in divisions (A) (2) (a) and (b) of this 7603  
section by clear and convincing evidence, the court shall commit 7604  
the defendant, if determined to require mental health treatment, 7605  
either to the department of mental health and addiction services 7606  
for treatment at a hospital, facility, or agency as determined 7607  
clinically appropriate by the department of mental health and 7608  
addiction services or to another medical or psychiatric 7609  
facility, as appropriate. Prior to placing the defendant, the 7610  
department of mental health and addiction services shall obtain 7611  
court approval for that placement. If the court conducts such a 7612  
hearing and if it makes those findings by clear and convincing 7613  
evidence, the court shall commit the defendant, if determined to 7614  
require treatment for an intellectual disability, to a facility 7615  
operated by the department of developmental disabilities, or 7616  
another facility, as appropriate. In determining the place of 7617  
commitment, the court shall consider the extent to which the 7618  
person is a danger to the person and to others, the need for 7619  
security, and the type of crime involved and shall order the 7620  
least restrictive alternative available that is consistent with 7621  
public safety and the welfare of the defendant. In weighing 7622  
these factors, the court shall give preference to protecting 7623  
public safety. 7624

(2) If a court makes a commitment of a defendant under 7625  
division (D) (1) of this section, the prosecutor shall send to 7626  
the hospital, facility, or agency where the defendant is placed 7627  
by the department of mental health and addiction services or to 7628  
the defendant's place of commitment all reports of the 7629  
defendant's current mental condition and, except as otherwise 7630  
provided in this division, any other relevant information, 7631  
including, but not limited to, a transcript of the hearing held 7632

pursuant to division (A) (2) of this section, copies of relevant 7633  
police reports, and copies of any prior arrest and conviction 7634  
records that pertain to the defendant and that the prosecutor 7635  
possesses. The prosecutor shall send the reports of the 7636  
defendant's current mental condition in every case of 7637  
commitment, and, unless the prosecutor determines that the 7638  
release of any of the other relevant information to unauthorized 7639  
persons would interfere with the effective prosecution of any 7640  
person or would create a substantial risk of harm to any person, 7641  
the prosecutor also shall send the other relevant information. 7642  
Upon admission of a defendant committed under division (D) (1) of 7643  
this section, the place of commitment shall send to the board of 7644  
alcohol, drug addiction, and mental health services or the 7645  
community mental health board serving the county in which the 7646  
charges against the defendant were filed a copy of all reports 7647  
of the defendant's current mental condition and a copy of the 7648  
other relevant information provided by the prosecutor under this 7649  
division, including, if provided, a transcript of the hearing 7650  
held pursuant to division (A) (2) of this section, the relevant 7651  
police reports, and the prior arrest and conviction records that 7652  
pertain to the defendant and that the prosecutor possesses. 7653

(3) If a court makes a commitment under division (D) (1) of 7654  
this section, all further proceedings shall be in accordance 7655  
with sections 2945.401 and 2945.402 of the Revised Code. 7656

**Sec. 2945.40.** (A) If a person is found not guilty by 7657  
reason of insanity, the verdict shall state that finding, and 7658  
the trial court shall conduct a full hearing to determine 7659  
whether the person is a ~~mentally ill person with a mental~~ 7660  
illness subject to court order or a person with an intellectual 7661  
disability subject to institutionalization by court order. Prior 7662  
to the hearing, if the trial judge believes that there is 7663

probable cause that the person found not guilty by reason of 7664  
insanity is a ~~mentally ill person~~ with a mental illness subject 7665  
to court order or a person with an intellectual disability 7666  
subject to institutionalization by court order, the trial judge 7667  
may issue a temporary order of detention for that person to 7668  
remain in effect for ten court days or until the hearing, 7669  
whichever occurs first. 7670

Any person detained pursuant to a temporary order of 7671  
detention issued under this division shall be held in a suitable 7672  
facility, taking into consideration the place and type of 7673  
confinement prior to and during trial. 7674

(B) The court shall hold the hearing under division (A) of 7675  
this section to determine whether the person found not guilty by 7676  
reason of insanity is a ~~mentally ill person~~ with a mental 7677  
illness subject to court order or a person with an intellectual 7678  
disability subject to institutionalization by court order within 7679  
ten court days after the finding of not guilty by reason of 7680  
insanity. Failure to conduct the hearing within the ten-day 7681  
period shall cause the immediate discharge of the respondent, 7682  
unless the judge grants a continuance for not longer than ten 7683  
court days for good cause shown or for any period of time upon 7684  
motion of the respondent. 7685

(C) If a person is found not guilty by reason of insanity, 7686  
the person has the right to attend all hearings conducted 7687  
pursuant to sections 2945.37 to 2945.402 of the Revised Code. At 7688  
any hearing conducted pursuant to one of those sections, the 7689  
court shall inform the person that the person has all of the 7690  
following rights: 7691

(1) The right to be represented by counsel and to have 7692  
that counsel provided at public expense if the person is 7693

indigent, with the counsel to be appointed by the court under 7694  
Chapter 120. of the Revised Code or under the authority 7695  
recognized in division (C) of section 120.06, division (E) of 7696  
section 120.16, division (E) of section 120.26, or section 7697  
2941.51 of the Revised Code; 7698

(2) The right to have independent expert evaluation and to 7699  
have that independent expert evaluation provided at public 7700  
expense if the person is indigent; 7701

(3) The right to subpoena witnesses and documents, to 7702  
present evidence on the person's behalf, and to cross-examine 7703  
witnesses against the person; 7704

(4) The right to testify in the person's own behalf and to 7705  
not be compelled to testify; 7706

(5) The right to have copies of any relevant medical or 7707  
mental health document in the custody of the state or of any 7708  
place of commitment other than a document for which the court 7709  
finds that the release to the person of information contained in 7710  
the document would create a substantial risk of harm to any 7711  
person. 7712

(D) The hearing under division (A) of this section shall 7713  
be open to the public, and the court shall conduct the hearing 7714  
in accordance with the Rules of Civil Procedure. The court shall 7715  
make and maintain a full transcript and record of the hearing 7716  
proceedings. The court may consider all relevant evidence, 7717  
including, but not limited to, any relevant psychiatric, 7718  
psychological, or medical testimony or reports, the acts 7719  
constituting the offense in relation to which the person was 7720  
found not guilty by reason of insanity, and any history of the 7721  
person that is relevant to the person's ability to conform to 7722

the law. 7723

(E) Upon completion of the hearing under division (A) of 7724  
this section, if the court finds there is not clear and 7725  
convincing evidence that the person is a ~~mentally ill person~~ 7726  
with a mental illness subject to court order or a person with an 7727  
intellectual disability subject to institutionalization by court 7728  
order, the court shall discharge the person, unless a detainer 7729  
has been placed upon the person by the department of 7730  
rehabilitation and correction, in which case the person shall be 7731  
returned to that department. 7732

(F) If, at the hearing under division (A) of this section, 7733  
the court finds by clear and convincing evidence that the person 7734  
is a ~~mentally ill person~~ with a mental illness subject to court 7735  
order, the court shall commit the person either to the 7736  
department of mental health and addiction services for treatment 7737  
in a hospital, facility, or agency as determined clinically 7738  
appropriate by the department of mental health and addiction 7739  
services or to another medical or psychiatric facility, as 7740  
appropriate. Prior to placing the defendant, the department of 7741  
mental health and addiction services shall obtain court approval 7742  
for that placement. If, at the hearing under division (A) of 7743  
this section, the court determines by clear and convincing 7744  
evidence that the person requires treatment for an intellectual 7745  
disability, it shall commit the person to a facility operated by 7746  
the department of developmental disabilities or another 7747  
facility, as appropriate. Further proceedings shall be in 7748  
accordance with sections 2945.401 and 2945.402 of the Revised 7749  
Code. In determining the place of commitment, the court shall 7750  
consider the extent to which the person is a danger to the 7751  
person and to others, the need for security, and the type of 7752  
crime involved and shall order the least restrictive alternative 7753

available that is consistent with public safety and the welfare 7754  
of the person. In weighing these factors, the court shall give 7755  
preference to protecting public safety. 7756

(G) If a court makes a commitment of a person under 7757  
division (F) of this section, the prosecutor shall send to the 7758  
hospital, facility, or agency where the person is placed by the 7759  
department of mental health and addiction services or to the 7760  
defendant's place of commitment all reports of the person's 7761  
current mental condition, and, except as otherwise provided in 7762  
this division, any other relevant information, including, but 7763  
not limited to, a transcript of the hearing held pursuant to 7764  
division (A) of this section, copies of relevant police reports, 7765  
and copies of any prior arrest and conviction records that 7766  
pertain to the person and that the prosecutor possesses. The 7767  
prosecutor shall send the reports of the person's current mental 7768  
condition in every case of commitment, and, unless the 7769  
prosecutor determines that the release of any of the other 7770  
relevant information to unauthorized persons would interfere 7771  
with the effective prosecution of any person or would create a 7772  
substantial risk of harm to any person, the prosecutor also 7773  
shall send the other relevant information. Upon admission of a 7774  
person committed under division (F) of this section, the place 7775  
of commitment shall send to the board of alcohol, drug 7776  
addiction, and mental health services or the community mental 7777  
health board serving the county in which the charges against the 7778  
person were filed a copy of all reports of the person's current 7779  
mental condition and a copy of the other relevant information 7780  
provided by the prosecutor under this division, including, if 7781  
provided, a transcript of the hearing held pursuant to division 7782  
(A) of this section, the relevant police reports, and the prior 7783  
arrest and conviction records that pertain to the person and 7784

that the prosecutor possesses. 7785

(H) A person who is committed pursuant to this section 7786  
shall not voluntarily admit the person or be voluntarily 7787  
admitted to a hospital or institution pursuant to section 7788  
5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 7789

**Sec. 2945.401.** (A) A defendant found incompetent to stand 7790  
trial and committed pursuant to section 2945.39 of the Revised 7791  
Code or a person found not guilty by reason of insanity and 7792  
committed pursuant to section 2945.40 of the Revised Code shall 7793  
remain subject to the jurisdiction of the trial court pursuant 7794  
to that commitment, and to the provisions of this section, until 7795  
the final termination of the commitment as described in division 7796  
(J) (1) of this section. If the jurisdiction is terminated under 7797  
this division because of the final termination of the commitment 7798  
resulting from the expiration of the maximum prison term or term 7799  
of imprisonment described in division (J) (1) (b) of this section, 7800  
the court or prosecutor may file an affidavit for the civil 7801  
commitment of the defendant or person pursuant to Chapter 5122. 7802  
or 5123. of the Revised Code. 7803

(B) A hearing conducted under any provision of sections 7804  
2945.37 to 2945.402 of the Revised Code shall not be conducted 7805  
in accordance with Chapters 5122. and 5123. of the Revised Code. 7806  
Any person who is committed pursuant to section 2945.39 or 7807  
2945.40 of the Revised Code shall not voluntarily admit the 7808  
person or be voluntarily admitted to a hospital or institution 7809  
pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the 7810  
Revised Code. All other provisions of Chapters 5122. and 5123. 7811  
of the Revised Code regarding hospitalization or 7812  
institutionalization shall apply to the extent they are not in 7813  
conflict with this chapter. A commitment under section 2945.39 7814

or 2945.40 of the Revised Code shall not be terminated and the 7815  
conditions of the commitment shall not be changed except as 7816  
otherwise provided in division (D) (2) of this section with 7817  
respect to a person with an intellectual disability subject to 7818  
institutionalization by court order or except by order of the 7819  
trial court. 7820

(C) The department of mental health and addiction services 7821  
or the institution, facility, or program to which a defendant or 7822  
person has been committed under section 2945.39 or 2945.40 of 7823  
the Revised Code shall report in writing to the trial court, at 7824  
the times specified in this division, as to whether the 7825  
defendant or person remains a ~~mentally ill person~~ with a mental 7826  
illness subject to court order or a person with an intellectual 7827  
disability subject to institutionalization by court order and, 7828  
in the case of a defendant committed under section 2945.39 of 7829  
the Revised Code, as to whether the defendant remains 7830  
incompetent to stand trial. The department, institution, 7831  
facility, or program shall make the reports after the initial 7832  
six months of treatment and every two years after the initial 7833  
report is made. The trial court shall provide copies of the 7834  
reports to the prosecutor and to the counsel for the defendant 7835  
or person. Within thirty days after its receipt pursuant to this 7836  
division of a report from the department, institution, facility, 7837  
or program, the trial court shall hold a hearing on the 7838  
continued commitment of the defendant or person or on any 7839  
changes in the conditions of the commitment of the defendant or 7840  
person. The defendant or person may request a change in the 7841  
conditions of confinement, and the trial court shall conduct a 7842  
hearing on that request if six months or more have elapsed since 7843  
the most recent hearing was conducted under this section. 7844

(D) (1) Except as otherwise provided in division (D) (2) of 7845

this section, when a defendant or person has been committed 7846  
under section 2945.39 or 2945.40 of the Revised Code, at any 7847  
time after evaluating the risks to public safety and the welfare 7848  
of the defendant or person, the designee of the department of 7849  
mental health and addiction services or the managing officer of 7850  
the institution or director of the facility or program to which 7851  
the defendant or person is committed may recommend a termination 7852  
of the defendant's or person's commitment or a change in the 7853  
conditions of the defendant's or person's commitment. 7854

Except as otherwise provided in division (D) (2) of this 7855  
section, if the designee of the department of mental health and 7856  
addiction services recommends on-grounds unsupervised movement, 7857  
off-grounds supervised movement, or nonsecured status for the 7858  
defendant or person or termination of the defendant's or 7859  
person's commitment, the following provisions apply: 7860

(a) If the department's designee recommends on-grounds 7861  
unsupervised movement or off-grounds supervised movement, the 7862  
department's designee shall file with the trial court an 7863  
application for approval of the movement and shall send a copy 7864  
of the application to the prosecutor. Within fifteen days after 7865  
receiving the application, the prosecutor may request a hearing 7866  
on the application and, if a hearing is requested, shall so 7867  
inform the department's designee. If the prosecutor does not 7868  
request a hearing within the fifteen-day period, the trial court 7869  
shall approve the application by entering its order approving 7870  
the requested movement or, within five days after the expiration 7871  
of the fifteen-day period, shall set a date for a hearing on the 7872  
application. If the prosecutor requests a hearing on the 7873  
application within the fifteen-day period, the trial court shall 7874  
hold a hearing on the application within thirty days after the 7875  
hearing is requested. If the trial court, within five days after 7876

the expiration of the fifteen-day period, sets a date for a 7877  
hearing on the application, the trial court shall hold the 7878  
hearing within thirty days after setting the hearing date. At 7879  
least fifteen days before any hearing is held under this 7880  
division, the trial court shall give the prosecutor written 7881  
notice of the date, time, and place of the hearing. At the 7882  
conclusion of each hearing conducted under this division, the 7883  
trial court either shall approve or disapprove the application 7884  
and shall enter its order accordingly. 7885

(b) If the department's designee recommends termination of 7886  
the defendant's or person's commitment at any time or if the 7887  
department's designee recommends the first of any nonsecured 7888  
status for the defendant or person, the department's designee 7889  
shall send written notice of this recommendation to the trial 7890  
court and to the local forensic center. The local forensic 7891  
center shall evaluate the committed defendant or person and, 7892  
within thirty days after its receipt of the written notice, 7893  
shall submit to the trial court and the department's designee a 7894  
written report of the evaluation. The trial court shall provide 7895  
a copy of the department's designee's written notice and of the 7896  
local forensic center's written report to the prosecutor and to 7897  
the counsel for the defendant or person. Upon the local forensic 7898  
center's submission of the report to the trial court and the 7899  
department's designee, all of the following apply: 7900

(i) If the forensic center disagrees with the 7901  
recommendation of the department's designee, it shall inform the 7902  
department's designee and the trial court of its decision and 7903  
the reasons for the decision. The department's designee, after 7904  
consideration of the forensic center's decision, shall either 7905  
withdraw, proceed with, or modify and proceed with the 7906  
recommendation. If the department's designee proceeds with, or 7907

modifies and proceeds with, the recommendation, the department's 7908  
designee shall proceed in accordance with division (D) (1) (b) 7909  
(iii) of this section. 7910

(ii) If the forensic center agrees with the recommendation 7911  
of the department's designee, it shall inform the department's 7912  
designee and the trial court of its decision and the reasons for 7913  
the decision, and the department's designee shall proceed in 7914  
accordance with division (D) (1) (b) (iii) of this section. 7915

(iii) If the forensic center disagrees with the 7916  
recommendation of the department's designee and the department's 7917  
designee proceeds with, or modifies and proceeds with, the 7918  
recommendation or if the forensic center agrees with the 7919  
recommendation of the department's designee, the department's 7920  
designee shall work with community mental health services 7921  
providers, programs, facilities, or boards of alcohol, drug 7922  
addiction, and mental health services or community mental health 7923  
boards to develop a plan to implement the recommendation. If the 7924  
defendant or person is on medication, the plan shall include, 7925  
but shall not be limited to, a system to monitor the defendant's 7926  
or person's compliance with the prescribed medication treatment 7927  
plan. The system shall include a schedule that clearly states 7928  
when the defendant or person shall report for a medication 7929  
compliance check. The medication compliance checks shall be 7930  
based upon the effective duration of the prescribed medication, 7931  
taking into account the route by which it is taken, and shall be 7932  
scheduled at intervals sufficiently close together to detect a 7933  
potential increase in mental illness symptoms that the 7934  
medication is intended to prevent. 7935

The department's designee, after consultation with the 7936  
board of alcohol, drug addiction, and mental health services or 7937

the community mental health board serving the area, shall send 7938  
the recommendation and plan developed under division (D) (1) (b) 7939  
(iii) of this section, in writing, to the trial court, the 7940  
prosecutor, and the counsel for the committed defendant or 7941  
person. The trial court shall conduct a hearing on the 7942  
recommendation and plan developed under division (D) (1) (b) (iii) 7943  
of this section. Divisions (D) (1) (c) and (d) and (E) to (J) of 7944  
this section apply regarding the hearing. 7945

(c) If the department's designee's recommendation is for 7946  
nonsecured status or termination of commitment, the prosecutor 7947  
may obtain an independent expert evaluation of the defendant's 7948  
or person's mental condition, and the trial court may continue 7949  
the hearing on the recommendation for a period of not more than 7950  
thirty days to permit time for the evaluation. 7951

The prosecutor may introduce the evaluation report or 7952  
present other evidence at the hearing in accordance with the 7953  
Rules of Evidence. 7954

(d) The trial court shall schedule the hearing on a 7955  
department's designee's recommendation for nonsecured status or 7956  
termination of commitment and shall give reasonable notice to 7957  
the prosecutor and the counsel for the defendant or person. 7958  
Unless continued for independent evaluation at the prosecutor's 7959  
request or for other good cause, the hearing shall be held 7960  
within thirty days after the trial court's receipt of the 7961  
recommendation and plan. 7962

(2) (a) Division (D) (1) of this section does not apply to 7963  
on-grounds unsupervised movement of a defendant or person who 7964  
has been committed under section 2945.39 or 2945.40 of the 7965  
Revised Code, who is a person with an intellectual disability 7966  
subject to institutionalization by court order, and who is being 7967

provided residential habilitation, care, and treatment in a 7968  
facility operated by the department of developmental 7969  
disabilities. 7970

(b) If, pursuant to section 2945.39 of the Revised Code, 7971  
the trial court commits a defendant who is found incompetent to 7972  
stand trial and who is a person with an intellectual disability 7973  
subject to institutionalization by court order, if the defendant 7974  
is being provided residential habilitation, care, and treatment 7975  
in a facility operated by the department of developmental 7976  
disabilities, if an individual who is conducting a survey for 7977  
the department of health to determine the facility's compliance 7978  
with the certification requirements of the medicaid program 7979  
cites the defendant's receipt of the residential habilitation, 7980  
care, and treatment in the facility as being inappropriate under 7981  
the certification requirements, if the defendant's receipt of 7982  
the residential habilitation, care, and treatment in the 7983  
facility potentially jeopardizes the facility's continued 7984  
receipt of federal medicaid moneys, and if as a result of the 7985  
citation the chief clinical officer of the facility determines 7986  
that the conditions of the defendant's commitment should be 7987  
changed, the department of developmental disabilities may cause 7988  
the defendant to be removed from the particular facility and, 7989  
after evaluating the risks to public safety and the welfare of 7990  
the defendant and after determining whether another type of 7991  
placement is consistent with the certification requirements, may 7992  
place the defendant in another facility that the department 7993  
selects as an appropriate facility for the defendant's continued 7994  
receipt of residential habilitation, care, and treatment and 7995  
that is a no less secure setting than the facility in which the 7996  
defendant had been placed at the time of the citation. Within 7997  
three days after the defendant's removal and alternative 7998

placement under the circumstances described in division (D) (2) 7999  
(b) of this section, the department of developmental 8000  
disabilities shall notify the trial court and the prosecutor in 8001  
writing of the removal and alternative placement. 8002

The trial court shall set a date for a hearing on the 8003  
removal and alternative placement, and the hearing shall be held 8004  
within twenty-one days after the trial court's receipt of the 8005  
notice from the department of developmental disabilities. At 8006  
least ten days before the hearing is held, the trial court shall 8007  
give the prosecutor, the department of developmental 8008  
disabilities, and the counsel for the defendant written notice 8009  
of the date, time, and place of the hearing. At the hearing, the 8010  
trial court shall consider the citation issued by the individual 8011  
who conducted the survey for the department of health to be 8012  
prima-facie evidence of the fact that the defendant's commitment 8013  
to the particular facility was inappropriate under the 8014  
certification requirements of the medicaid program and 8015  
potentially jeopardizes the particular facility's continued 8016  
receipt of federal medicaid moneys. At the conclusion of the 8017  
hearing, the trial court may approve or disapprove the 8018  
defendant's removal and alternative placement. If the trial 8019  
court approves the defendant's removal and alternative 8020  
placement, the department of developmental disabilities may 8021  
continue the defendant's alternative placement. If the trial 8022  
court disapproves the defendant's removal and alternative 8023  
placement, it shall enter an order modifying the defendant's 8024  
removal and alternative placement, but that order shall not 8025  
require the department of developmental disabilities to replace 8026  
the defendant for purposes of continued residential 8027  
habilitation, care, and treatment in the facility associated 8028  
with the citation issued by the individual who conducted the 8029

survey for the department of health. 8030

(E) In making a determination under this section regarding 8031  
nonsecured status or termination of commitment, the trial court 8032  
shall consider all relevant factors, including, but not limited 8033  
to, all of the following: 8034

(1) Whether, in the trial court's view, the defendant or 8035  
person currently represents a substantial risk of physical harm 8036  
to the defendant or person or others; 8037

(2) Psychiatric and medical testimony as to the current 8038  
mental and physical condition of the defendant or person; 8039

(3) Whether the defendant or person has insight into the 8040  
defendant's or person's condition so that the defendant or 8041  
person will continue treatment as prescribed or seek 8042  
professional assistance as needed; 8043

(4) The grounds upon which the state relies for the 8044  
proposed commitment; 8045

(5) Any past history that is relevant to establish the 8046  
defendant's or person's degree of conformity to the laws, rules, 8047  
regulations, and values of society; 8048

(6) If there is evidence that the defendant's or person's 8049  
mental illness is in a state of remission, the medically 8050  
suggested cause and degree of the remission and the probability 8051  
that the defendant or person will continue treatment to maintain 8052  
the remissive state of the defendant's or person's illness 8053  
should the defendant's or person's commitment conditions be 8054  
altered. 8055

(F) At any hearing held pursuant to division (C) or (D) (1) 8056  
or (2) of this section, the defendant or the person shall have 8057

all the rights of a defendant or person at a commitment hearing 8058  
as described in section 2945.40 of the Revised Code. 8059

(G) In a hearing held pursuant to division (C) or (D) (1) 8060  
of this section, the prosecutor has the burden of proof as 8061  
follows: 8062

(1) For a recommendation of termination of commitment, to 8063  
show by clear and convincing evidence that the defendant or 8064  
person remains a ~~mentally ill person~~ with a mental illness 8065  
subject to court order or a person with an intellectual 8066  
disability subject to institutionalization by court order; 8067

(2) For a recommendation for a change in the conditions of 8068  
the commitment to a less restrictive status, to show by clear 8069  
and convincing evidence that the proposed change represents a 8070  
threat to public safety or a threat to the safety of any person. 8071

(H) In a hearing held pursuant to division (C) or (D) (1) 8072  
or (2) of this section, the prosecutor shall represent the state 8073  
or the public interest. 8074

(I) At the conclusion of a hearing conducted under 8075  
division (D) (1) of this section regarding a recommendation from 8076  
the designee of the department of mental health and addiction 8077  
services, managing officer of the institution, or director of a 8078  
facility or program, the trial court may approve, disapprove, or 8079  
modify the recommendation and shall enter an order accordingly. 8080

(J) (1) A defendant or person who has been committed 8081  
pursuant to section 2945.39 or 2945.40 of the Revised Code 8082  
continues to be under the jurisdiction of the trial court until 8083  
the final termination of the commitment. For purposes of 8084  
division (J) of this section, the final termination of a 8085  
commitment occurs upon the earlier of one of the following: 8086

(a) The defendant or person no longer 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, as determined by the trial court;

(b) The expiration of the maximum prison term or term of imprisonment that the defendant or person could have received if the defendant or person had been convicted of the most serious offense with which the defendant or person is charged or in relation to which the defendant or person was found not guilty by reason of insanity;

(c) The trial court enters an order terminating the commitment under the circumstances described in division (J) (2) (a) (ii) of this section.

(2) (a) If a defendant is found incompetent to stand trial and committed pursuant to section 2945.39 of the Revised Code, if neither of the circumstances described in divisions (J) (1) (a) and (b) of this section applies to that defendant, and if a report filed with the trial court pursuant to division (C) of this section indicates that the defendant presently is competent to stand trial or if, at any other time during the period of the defendant's commitment, the prosecutor, the counsel for the defendant, or the designee of the department of mental health and addiction services or the managing officer of the institution or director of the facility or program to which the defendant is committed files an application with the trial court alleging that the defendant presently is competent to stand trial and requesting a hearing on the competency issue or the trial court otherwise has reasonable cause to believe that the defendant presently is competent to stand trial and determines on its own motion to hold a hearing on the competency issue, the

trial court shall schedule a hearing on the competency of the 8117  
defendant to stand trial, shall give the prosecutor, the counsel 8118  
for the defendant, and the department's designee or the managing 8119  
officer of the institution or the director of the facility to 8120  
which the defendant is committed notice of the date, time, and 8121  
place of the hearing at least fifteen days before the hearing, 8122  
and shall conduct the hearing within thirty days of the filing 8123  
of the application or of its own motion. If, at the conclusion 8124  
of the hearing, the trial court determines that the defendant 8125  
presently is capable of understanding the nature and objective 8126  
of the proceedings against the defendant and of assisting in the 8127  
defendant's defense, the trial court shall order that the 8128  
defendant is competent to stand trial and shall be proceeded 8129  
against as provided by law with respect to the applicable 8130  
offenses described in division (C)(1) of section 2945.38 of the 8131  
Revised Code and shall enter whichever of the following 8132  
additional orders is appropriate: 8133

(i) If the trial court determines that the defendant 8134  
remains a ~~mentally ill~~ person with a mental illness subject to 8135  
court order or a person with an intellectual disability subject 8136  
to institutionalization by court order, the trial court shall 8137  
order that the defendant's commitment to the department of 8138  
mental health and addiction services or to an institution, 8139  
facility, or program for the treatment of intellectual 8140  
disabilities be continued during the pendency of the trial on 8141  
the applicable offenses described in division (C)(1) of section 8142  
2945.38 of the Revised Code. 8143

(ii) If the trial court determines that the defendant no 8144  
longer is a ~~mentally ill~~ person with a mental illness subject to 8145  
court order or a person with an intellectual disability subject 8146  
to institutionalization by court order, the trial court shall 8147

order that the defendant's commitment to the department of 8148  
mental health and addiction services or to an institution, 8149  
facility, or program for the treatment of intellectual 8150  
disabilities shall not be continued during the pendency of the 8151  
trial on the applicable offenses described in division (C) (1) of 8152  
section 2945.38 of the Revised Code. This order shall be a final 8153  
termination of the commitment for purposes of division (J) (1) (c) 8154  
of this section. 8155

(b) If, at the conclusion of the hearing described in 8156  
division (J) (2) (a) of this section, the trial court determines 8157  
that the defendant remains incapable of understanding the nature 8158  
and objective of the proceedings against the defendant or of 8159  
assisting in the defendant's defense, the trial court shall 8160  
order that the defendant continues to be incompetent to stand 8161  
trial, that the defendant's commitment to the department of 8162  
mental health and addiction services or to an institution, 8163  
facility, or program for the treatment of intellectual 8164  
disabilities shall be continued, and that the defendant remains 8165  
subject to the jurisdiction of the trial court pursuant to that 8166  
commitment, and to the provisions of this section, until the 8167  
final termination of the commitment as described in division (J) 8168  
(1) of this section. 8169

**Sec. 2945.42.** No person is disqualified as a witness in a 8170  
criminal prosecution by reason of the person's interest in the 8171  
prosecution as a party or otherwise or by reason of the person's 8172  
conviction of crime. Husband and wife are competent witnesses to 8173  
testify in behalf of each other in all criminal prosecutions and 8174  
to testify against each other in all actions, prosecutions, and 8175  
proceedings for personal injury of either by the other, bigamy, 8176  
or failure to provide for, neglect of, or cruelty to their 8177  
children under eighteen years of age or their ~~physically or~~ 8178

~~mentally handicapped child with a mental or physical disability~~ 8179  
under twenty-one years of age. A spouse may testify against his 8180  
or her spouse in a prosecution under a provision of sections 8181  
2903.11 to 2903.13, 2919.21, 2919.22, or 2919.25 of the Revised 8182  
Code for cruelty to, neglect of, or abandonment of such spouse, 8183  
in a prosecution against his or her spouse under section 8184  
2903.211 or 2911.211, of the Revised Code for the commission of 8185  
the offense against the spouse who is testifying, in a 8186  
prosecution under section 2919.27 of the Revised Code involving 8187  
a protection order issued or consent agreement approved pursuant 8188  
to section 2919.26 or 3113.31 of the Revised Code for the 8189  
commission of the offense against the spouse who is testifying, 8190  
or in a prosecution under section 2907.02 of the Revised Code 8191  
for the commission of rape or under former section 2907.12 of 8192  
the Revised Code for felonious sexual penetration against such 8193  
spouse in a case in which the offense can be committed against a 8194  
spouse. Such interest, conviction, or relationship may be shown 8195  
for the purpose of affecting the credibility of the witness. 8196  
Husband or wife shall not testify concerning a communication 8197  
made by one to the other, or act done by either in the presence 8198  
of the other, during coverture, unless the communication was 8199  
made or act done in the known presence or hearing of a third 8200  
person competent to be a witness, or in case of personal injury 8201  
by either the husband or wife to the other, or rape or the 8202  
former offense of felonious sexual penetration in a case in 8203  
which the offense can be committed against a spouse, or bigamy, 8204  
or failure to provide for, or neglect or cruelty of either to 8205  
their children under eighteen years of age or their ~~physically-~~ 8206  
~~or mentally handicapped child with a mental or physical~~ 8207  
disability under twenty-one years of age, violation of a 8208  
protection order or consent agreement, or neglect or abandonment 8209  
of a spouse under a provision of those sections. The presence or 8210

whereabouts of the husband or wife is not an act under this 8211  
section. The rule is the same if the marital relation has ceased 8212  
to exist. 8213

**Sec. 2949.29.** (A) The prosecuting attorney, the convict, 8214  
and the convict's counsel shall attend an inquiry commenced as 8215  
provided in section 2949.28 of the Revised Code. The prosecuting 8216  
attorney and the convict or the convict's counsel may produce, 8217  
examine, and cross-examine witnesses, and all findings shall be 8218  
in writing signed by the judge. If it is found that the convict 8219  
is not insane, the sentence shall be executed at the time 8220  
previously appointed, unless that time has passed pending 8221  
completion of the inquiry, in which case the judge conducting 8222  
the inquiry, if authorized by the supreme court, shall appoint a 8223  
time for execution of the sentence to be effective fifteen days 8224  
from the date of the entry of the judge's findings in the 8225  
inquiry. 8226

(B) If it is found that the convict is insane and if 8227  
authorized by the supreme court, the judge shall continue any 8228  
stay of execution of the sentence previously issued, order the 8229  
convict to be confined in the area at which other convicts 8230  
sentenced to death are confined or in a maximum security medical 8231  
or psychiatric facility operated by the department of 8232  
rehabilitation and correction, and order treatment of the 8233  
convict. Thereafter, the court at any time may conduct and, on 8234  
motion of the prosecuting attorney, shall conduct a hearing 8235  
pursuant to division (A) of this section to continue the inquiry 8236  
into the convict's insanity and, as provided in section 2949.28 8237  
of the Revised Code, may appoint one or more psychiatrists or 8238  
psychologists to make a further examination of the convict and 8239  
to submit a report to the court. If the court finds at the 8240  
hearing that the convict is not insane and if the time 8241

previously appointed for execution of the sentence has not 8242  
passed, the sentence shall be executed at the previously 8243  
appointed time. If the court finds at the hearing that the 8244  
convict is not insane and if the time previously appointed for 8245  
execution of the sentence has passed, the judge who conducts the 8246  
hearing, if authorized by the supreme court, shall appoint a new 8247  
time for execution of the sentence to be effective fifteen days 8248  
from the date of the entry of the judge's findings in the 8249  
hearing. 8250

(C) In all proceedings under this section, the convict is 8251  
presumed not to be insane, and the court shall find that the 8252  
convict is not insane unless the court finds by a preponderance 8253  
of the evidence that the convict is insane. 8254

(D) Proceedings for inquiry into the insanity of any 8255  
convict sentenced to death shall be exclusively pursuant to this 8256  
section, section 2949.28 of the Revised Code, and the Rules of 8257  
Evidence. Neither Chapter 5122. or 5123. of the Revised Code nor 8258  
any other provision of the Revised Code nor any other rule 8259  
concerning ~~mentally ill persons~~ with mental illnesses, persons 8260  
with intellectual disabilities, or insane persons applies to any 8261  
proceeding for inquiry into the insanity of any convict 8262  
sentenced to death. 8263

**Sec. 2967.22.** Whenever it is brought to the attention of 8264  
the adult parole authority or a department of probation that a 8265  
parolee, person under a community control sanction, person under 8266  
transitional control, or releasee appears to be a ~~mentally ill~~ 8267  
person with a mental illness subject to court order, as defined 8268  
in section 5122.01 of the Revised Code, or a person with an 8269  
intellectual disability subject to institutionalization by court 8270  
order, as defined in section 5123.01 of the Revised Code, the 8271

parole or probation officer, subject to the approval of the 8272  
chief of the adult parole authority, the designee of the chief 8273  
of the adult parole authority, or the chief probation officer, 8274  
may file an affidavit under section 5122.11 or 5123.71 of the 8275  
Revised Code. A parolee, person under a community control 8276  
sanction, or releasee who is involuntarily detained under 8277  
Chapter 5122. or 5123. of the Revised Code shall receive credit 8278  
against the period of parole or community control or the term of 8279  
post-release control for the period of involuntary detention. 8280

If a parolee, person under a community control sanction, 8281  
person under transitional control, or releasee escapes from an 8282  
institution or facility within the department of mental health 8283  
and addiction services or the department of developmental 8284  
disabilities, the superintendent of the institution immediately 8285  
shall notify the chief of the adult parole authority or the 8286  
chief probation officer. Notwithstanding the provisions of 8287  
section 5122.26 of the Revised Code, the procedure for the 8288  
apprehension, detention, and return of the parolee, person under 8289  
a community control sanction, person under transitional control, 8290  
or releasee is the same as that provided for the apprehension, 8291  
detention, and return of persons who escape from institutions 8292  
operated by the department of rehabilitation and correction. If 8293  
the escaped parolee, person under transitional control, or 8294  
releasee is not apprehended and returned to the custody of the 8295  
department of mental health and addiction services or the 8296  
department of developmental disabilities within ninety days 8297  
after the escape, the parolee, person under transitional 8298  
control, or releasee shall be discharged from the custody of the 8299  
department of mental health and addiction services or the 8300  
department of developmental disabilities and returned to the 8301  
custody of the department of rehabilitation and correction. If 8302

the escaped person under a community control sanction is not 8303  
apprehended and returned to the custody of the department of 8304  
mental health and addiction services or the department of 8305  
developmental disabilities within ninety days after the escape, 8306  
the person under a community control sanction shall be 8307  
discharged from the custody of the department of mental health 8308  
and addiction services or the department of developmental 8309  
disabilities and returned to the custody of the court that 8310  
sentenced that person. 8311

**Sec. 3113.06.** No father, or mother when she is charged 8312  
with the maintenance, of a child under eighteen years of age, or 8313  
a ~~mentally or physically handicapped~~ child with a mental or 8314  
physical disability under age twenty-one, who is legally a ward 8315  
of a public children services agency or is the recipient of aid 8316  
pursuant to Chapter 5107. of the Revised Code, shall neglect or 8317  
refuse to pay such agency the reasonable cost of maintaining 8318  
such child when such father or mother is able to do so by reason 8319  
of property, labor, or earnings. 8320

An offense under this section shall be held committed in 8321  
the county in which the agency is located. The agency shall file 8322  
charges against any parent who violates this section, unless the 8323  
agency files charges under section 2919.21 of the Revised Code, 8324  
or unless charges of nonsupport are filed by a relative or 8325  
guardian of the child, or unless an action to enforce support is 8326  
brought under Chapter 3115. of the Revised Code. 8327

**Sec. 3113.08.** Upon failure of the father or mother of a 8328  
child under eighteen years of age, or of a ~~physically or~~ 8329  
~~mentally handicapped~~ child with a mental or physical disability 8330  
under twenty-one years of age, or the husband of a pregnant 8331  
woman to comply with any order and undertaking provided for in 8332

sections 3113.01 to 3113.14, ~~inclusive,~~ of the Revised Code, 8333  
such person may be arrested by the sheriff or other officer, on 8334  
a warrant issued on the praecipe of the prosecuting attorney, 8335  
and brought before the court of common pleas for sentence. 8336  
Thereupon the court may pass sentence, or for good cause shown, 8337  
may modify the order as to the time and amount of payments, or 8338  
take a new undertaking and further suspend sentence, whichever 8339  
is for the best interests of such child or pregnant woman and of 8340  
the public. 8341

**Sec. 3304.31.** (A) Licenses issued by the bureau of 8342  
services for the visually impaired under section 3304.29 of the 8343  
Revised Code shall be in effect until suspended or revoked. 8344  
Except as provided in division (B) of this section, the bureau 8345  
may deny, revoke, or suspend a license or otherwise discipline a 8346  
licensee upon proof that the licensee is guilty of fraud or 8347  
deceit in procuring or attempting to procure a license, is 8348  
guilty of a felony or a crime of moral turpitude, is addicted to 8349  
the use of habit-forming drugs or alcohol, or is mentally 8350  
incompetent. Such license may also be denied, revoked, or 8351  
suspended on proof of violation by the applicant or licensee of 8352  
the rules established by the bureau for the operation of 8353  
suitable vending facilities by ~~the individuals who are blind~~ or 8354  
if a licensee fails to maintain a vending facility as a suitable 8355  
vending facility. 8356

(B) The bureau shall not refuse to issue a license to an 8357  
applicant because of a conviction of or plea of guilty to an 8358  
offense unless the refusal is in accordance with section 9.79 of 8359  
the Revised Code. 8360

(C) Any individual who is blind and who has had the 8361  
individual's license suspended or revoked or the individual's 8362

application denied by the bureau may reapply for a license and 8363  
may be reinstated or be granted a license by the bureau upon 8364  
presentation of satisfactory evidence that there is no longer 8365  
cause for such suspension, revocation, or denial. Before the 8366  
bureau may revoke, deny, or suspend a license, or otherwise 8367  
discipline a licensee, written charges must be filed by the 8368  
director of the bureau and a hearing shall be held as provided 8369  
in Chapter 119. of the Revised Code. 8370

**Sec. 3313.55.** The board of education of any school 8371  
district in which is located a state, district, county, or 8372  
municipal hospital for children with epilepsy or any public 8373  
institution, except state institutions for the care and 8374  
treatment of delinquent, unstable, or socially maladjusted 8375  
children, shall make provision for the education of all educable 8376  
children therein; except that in the event another school 8377  
district within the same county or an adjoining county is the 8378  
source of sixty per cent or more of the children in said 8379  
hospital or institution, the board of that school district shall 8380  
make provision for the education of all the children therein. In 8381  
any case in which a board provides educational facilities under 8382  
this section, the board that provides the facilities shall be 8383  
entitled to all moneys authorized for the attendance of pupils 8384  
as provided in Chapter 3317. of the Revised Code, tuition as 8385  
provided in section 3317.08 of the Revised Code, and such 8386  
additional compensation as is provided for ~~crippled~~ children 8387  
with disabilities in sections 3323.01 to 3323.12 of the Revised 8388  
Code. Any board that provides the educational facilities for 8389  
children in county or municipal institutions established for the 8390  
care and treatment of children who are delinquent, unstable, or 8391  
socially maladjusted shall not be entitled to any moneys 8392  
provided for ~~crippled~~ children with disabilities in sections 8393

3323.01 to 3323.12 of the Revised Code.	8394
<b>Sec. 3313.65.</b> (A) As used in this section and section	8395
3313.64 of the Revised Code:	8396
(1) A person is "in a residential facility" if the person	8397
is a resident or a resident patient of an institution, home, or	8398
other residential facility that is:	8399
(a) Licensed as a nursing home, residential care facility,	8400
or home for the aging by the director of health under section	8401
3721.02 of the Revised Code;	8402
(b) Maintained as a county home or district home by the	8403
board of county commissioners or a joint board of county	8404
commissioners under Chapter 5155. of the Revised Code;	8405
(c) Operated or administered by a board of alcohol, drug	8406
addiction, and mental health services under section 340.037 of	8407
the Revised Code, or provides residential care pursuant to	8408
contracts made under section 340.036 of the Revised Code;	8409
(d) Maintained as a state institution for <del>the mentally ill</del>	8410
<u>persons with mental illnesses</u> under Chapter 5119. of the Revised	8411
Code;	8412
(e) Licensed by the department of mental health and	8413
addiction services under section 5119.33 or 5119.34 of the	8414
Revised Code;	8415
(f) Licensed as a residential facility by the department	8416
of developmental disabilities under section 5123.19 of the	8417
Revised Code;	8418
(g) Operated by the veteran's administration or another	8419
agency of the United States government;	8420

(h) Operated by the Ohio veterans' home.	8421
(2) A person is "in a correctional facility" if any of the following apply:	8422
	8423
(a) The person is an Ohio resident and is:	8424
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	8425
	8426
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	8427
	8428
(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.	8429
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(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.	8440
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	8443
(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.	8444
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(4) "Community control sanction" has the same meaning as 8450  
in section 2929.01 of the Revised Code. 8451

(5) "Post-release control sanction" has the same meaning 8452  
as in section 2967.01 of the Revised Code. 8453

(B) If the circumstances described in division (C) of this 8454  
section apply, the determination of what school district must 8455  
admit a child to its schools and what district, if any, is 8456  
liable for tuition shall be made in accordance with this 8457  
section, rather than section 3313.64 of the Revised Code. 8458

(C) A child who does not reside in the school district in 8459  
which the child's parent resides and for whom a tuition 8460  
obligation previously has not been established under division 8461  
(C) (2) of section 3313.64 of the Revised Code shall be admitted 8462  
to the schools of the district in which the child resides if at 8463  
least one of the child's parents is in a residential or 8464  
correctional facility or a juvenile residential placement and 8465  
the other parent, if living and not in such a facility or 8466  
placement, is not known to reside in this state. 8467

(D) Regardless of who has custody or care of the child, 8468  
whether the child resides in a home, or whether the child 8469  
receives special education, if a district admits a child under 8470  
division (C) of this section, tuition shall be paid to that 8471  
district as follows: 8472

(1) If the child's parent is in a juvenile residential 8473  
placement, by the district in which the child's parent resided 8474  
at the time the parent became subject to the jurisdiction of the 8475  
juvenile court; 8476

(2) If the child's parent is in a correctional facility, 8477  
by the district in which the child's parent resided at the time 8478

the sentence was imposed; 8479

(3) If the child's parent is in a residential facility, by 8480  
the district in which the parent resided at the time the parent 8481  
was admitted to the residential facility, except that if the 8482  
parent was transferred from another residential facility, 8483  
tuition shall be paid by the district in which the parent 8484  
resided at the time the parent was admitted to the facility from 8485  
which the parent first was transferred; 8486

(4) In the event of a disagreement as to which school 8487  
district is liable for tuition under division (C) (1), (2), or 8488  
(3) of this section, the superintendent of public instruction 8489  
shall determine which district shall pay tuition. 8490

(E) If a child covered by division (D) of this section 8491  
receives special education in accordance with Chapter 3323. of 8492  
the Revised Code, the tuition shall be paid in accordance with 8493  
section 3323.13 or 3323.14 of the Revised Code. Tuition for 8494  
children who do not receive special education shall be paid in 8495  
accordance with division (J) of section 3313.64 of the Revised 8496  
Code. 8497

**Sec. 3313.71.** School physicians may make examinations, 8498  
which shall include tests to determine the existence of hearing 8499  
defects, and diagnoses of all children referred to them. They 8500  
may make such examination of teachers and other school employees 8501  
and inspection of school buildings as in their opinion the 8502  
protection of health of the pupils, teachers, and other school 8503  
employees requires. 8504

Boards of education shall require and provide, in 8505  
accordance with section 3313.67 of the Revised Code, such tests 8506  
and examinations for tuberculosis of pupils in selected grades 8507

and of school employees as may be required by the director of 8508  
health. 8509

Boards may require annual tuberculin tests of any grades. 8510  
All pupils with positive reactions to the test shall have chest 8511  
x-rays and all positive reactions and x-ray findings shall be 8512  
reported promptly to the county record bureau of tuberculosis 8513  
cases provided for in section 339.74 of the Revised Code. Boards 8514  
shall waive the required test where a pupil presents a written 8515  
statement from the pupil's family physician certifying that such 8516  
test has been given and that such pupil is free from 8517  
tuberculosis in a communicable stage, or that such test is 8518  
inadvisable for medical reasons, or from the pupil's parent or 8519  
guardian objecting to such test because of religious 8520  
convictions. 8521

Whenever a pupil, teacher, or other school employee is 8522  
found to be ill or ~~suffering from~~ have tuberculosis in a 8523  
communicable stage or other communicable disease, the school 8524  
physician shall promptly send such pupil, teacher, or other 8525  
school employee home, with a statement, in the case of a pupil, 8526  
to the pupil's parents or guardian, briefly setting forth the 8527  
discovered facts, and advising that the family physician be 8528  
consulted. School physicians shall keep accurate card-index 8529  
records of all examinations, and said records, that they may be 8530  
uniform throughout the state, shall be according to the form 8531  
prescribed by the state board of education, and the reports 8532  
shall be made according to the method of said form. If the 8533  
parent or guardian of any pupil or any teacher or other school 8534  
employee, after notice from the board of education, furnishes 8535  
within two weeks thereafter the written certificate of any 8536  
reputable physician that the pupil, teacher, or other school 8537  
employee has been examined, in such cases the service of the 8538

school physician shall be dispensed with, and such certificate 8539  
shall be furnished by such parent or guardian, as required by 8540  
the board of education. Such individual records shall not be 8541  
open to the public and shall be solely for the use of the boards 8542  
of education and boards of health officer. If any teacher or 8543  
other school employee is found to have tuberculosis in a 8544  
communicable stage or other communicable disease, the teacher's 8545  
or employee's employment shall be discontinued or suspended upon 8546  
such terms as to salary as the board deems just until the school 8547  
physician has certified to a recovery from such disease. The 8548  
methods of making the tuberculin tests and chest x-rays required 8549  
by this section shall be such as are approved by the director of 8550  
health. 8551

This section shall apply to all elementary and high 8552  
schools for which the state board of education sets minimum 8553  
standards pursuant to section 3301.07 of the Revised Code. 8554

**Sec. 3313.74.** No person shall establish any institution to 8555  
house or care for persons ~~suffering from having~~ a communicable 8556  
disease, as defined by the director of health, within two 8557  
thousand feet of any public, private, or parochial school 8558  
operating under the standards set by the school laws or school 8559  
land used for recreational purposes in connection with school 8560  
activities. 8561

This section does not apply to members of an established 8562  
household ~~suffering from having~~ such ailments. 8563

**Sec. 3319.232.** The state board of education shall adopt 8564  
standards for attaining a license for teaching students with 8565  
visual disabilities that require the licensee to demonstrate 8566  
competency in reading and writing braille. The standards for 8567  
demonstrating competency shall be ~~consistent with~~ developed with 8568

reference to those adopted for ~~teachers-transcribers~~ by the 8569  
national library service for the blind and ~~physically-~~ 8570  
~~handicapped of the~~ print disabled, library of congress. 8571

**Sec. 3335.41.** The board of trustees of the Ohio state 8572  
university shall operate and manage a neuropsychiatric service 8573  
of the college of medicine which shall be a center for teaching 8574  
and research in the fields of neurology and psychiatry and a 8575  
center for the treatment and care of persons ~~suffering from-~~ 8576  
having mental, nervous, or allied diseases. The university shall 8577  
conduct graduate training programs in neurology and psychiatry, 8578  
with a view towards securing and maintaining academic and 8579  
professional accreditation of such programs. 8580

The board of trustees, on the recommendation of the 8581  
president and other administrative officers of the university, 8582  
shall adopt rules and regulations for the operation of the 8583  
neuropsychiatric service. 8584

The board of trustees may enter into agreements with other 8585  
public and private agencies for cooperative efforts in teaching 8586  
and research in the fields of neurology and psychiatry and for 8587  
the treatment of persons ~~suffering from~~ having mental, nervous, 8588  
or allied diseases. 8589

**Sec. 3335.42.** The board of trustees of the Ohio state 8590  
university shall operate and manage a treatment service for 8591  
tuberculosis and other diseases as part of the college of 8592  
medicine, which service shall be a center for teaching and 8593  
research in the fields of tuberculosis and other diseases and a 8594  
center for treatment of patients ~~suffering from~~ having such 8595  
diseases. 8596

The board of trustees, on the recommendation of the 8597

president and other administrative officers of the university, 8598  
shall adopt rules for the operation of the treatment service 8599  
established under this section. 8600

The board of trustees may enter into agreements with the 8601  
director of the department of health for cooperative efforts in 8602  
research in the fields of tuberculosis and other diseases and 8603  
for the treatment of patients, ~~suffering from~~ having such 8604  
diseases, as may be under jurisdiction of the department of 8605  
health. The board may enter into agreements with other public 8606  
and private agencies for cooperative efforts in teaching, 8607  
research, and patient care in the fields of tuberculosis and 8608  
other diseases. 8609

**Sec. 3335.50.** The board of trustees of the Ohio state 8610  
university shall establish and operate an organization known as 8611  
the "Ohio rehabilitation center" for the development and 8612  
application of means and methods for restoring ~~physically-~~ 8613  
~~handicapped persons~~ with physical disabilities to positions of 8614  
improved social and economic ~~usefulness,~~ participation. The center 8615  
shall be under the control of the board of trustees of the 8616  
university through the regular university administrative and 8617  
fiscal officers. 8618

**Sec. 3335.51.** The objectives of the Ohio rehabilitation 8619  
center shall be to rehabilitate ~~handicapped or disabled persons~~ 8620  
with disabilities whose rehabilitation requires extended 8621  
residential care or intensive study and services; to cooperate 8622  
with, aid, and supplement such public and private projects for 8623  
rehabilitation as may be established in the various communities 8624  
of the state; to provide training for persons seeking competence 8625  
in the several disciplines pertaining to the field of 8626  
rehabilitation; to conduct research and demonstrations in 8627

connection with the problems and techniques of rehabilitation; 8628  
to disseminate information and promote public understanding 8629  
respecting the problems incident to the rehabilitation of ~~the~~ 8630  
~~handicapped persons with disabilities~~ and their return to 8631  
~~productive usefulness~~ social and economic participation; and to 8632  
afford such other services of rehabilitation as the center may 8633  
develop for the benefit of citizens of this state. 8634

**Sec. 3335.55.** Every department, office, or institution of 8635  
the state and any political subdivision thereof may make such 8636  
arrangements or contracts with the board of trustees of the Ohio 8637  
state university for use of the Ohio rehabilitation center as 8638  
may be appropriate in order to provide for the rehabilitation in 8639  
any proper case of ~~disabled or handicapped persons with~~ 8640  
disabilities in respect of whom such department, office, or 8641  
institution or political subdivision is responsible or exercises 8642  
supervision under any law of the state or ordinance or 8643  
regulation of a political subdivision thereof. Every appropriate 8644  
effort shall be made to rehabilitate and restore to social and 8645  
economic ~~usefulness~~ participation all persons who are or may 8646  
probably become charges of the state or of a political 8647  
subdivision. Whenever any law of the state makes provision for 8648  
or authorizes payment for medical services, hospital services, 8649  
or for the care of any ~~disabled or handicapped persons with~~ 8650  
disabilities, such provision or authorization shall be deemed to 8651  
include rehabilitation of such person. Any such arrangement or 8652  
contract may establish the charges which shall be paid for 8653  
rehabilitation services and facilities. 8654

**Sec. 3353.01.** As used in this chapter: 8655

(A) "Educational television or radio" means television or 8656  
radio programs which serve the educational needs of the 8657

community and which meet the requirements of the federal 8658  
communications commission for noncommercial educational 8659  
television or radio. 8660

(B) "Educational telecommunications network" means a 8661  
system of connected educational television, radio, or radio 8662  
reading service facilities and coordinated programs established 8663  
and operated or controlled by the broadcast educational media 8664  
commission, pursuant to this chapter. 8665

(C) "Transmission" means the sending out of television, 8666  
radio, or radio reading service programs, either directly to the 8667  
public, or to broadcasting stations or services for simultaneous 8668  
broadcast or rebroadcast. 8669

(D) "Transmission facilities" means structures, equipment, 8670  
material, and services used in the transmission of educational 8671  
television, radio, or radio reading service programs. 8672

(E) "Interconnection facilities" means the equipment, 8673  
material, and services used to link one location to another 8674  
location or to several locations by means of telephone line, 8675  
coaxial cable, microwave relays, or other available 8676  
technologies. 8677

(F) "Broadcasting station" means a properly licensed 8678  
noncommercial educational television or radio station, 8679  
appropriately staffed and equipped to produce programs or 8680  
lessons and to broadcast programs. 8681

(G) "Radio reading service" means a nonprofit organization 8682  
that disseminates news and other information to persons who are 8683  
blind and physically handicapped persons with other print 8684  
disabilities. 8685

(H) "Affiliate" means an educational telecommunication 8686

entity, including a television or radio broadcasting station or 8687  
radio reading service. 8688

**Sec. 3375.82.** The state library board shall administer all 8689  
grants and shall provide for the expenditure of all funds 8690  
appropriated for the essential library services support program. 8691  
All grants shall be made under rules adopted by the state 8692  
library board and under the terms of written agreements between 8693  
the state library board and the recipient. Such rules shall be 8694  
designed to: 8695

(A) Ensure every resident of Ohio access to essential 8696  
public library services; 8697

(B) Provide adequate library materials to satisfy the 8698  
reference and research needs of the people of this state; 8699

(C) Assure and encourage local initiative and 8700  
responsibility and support for library services; 8701

(D) Encourage the formation of viable regional library 8702  
systems and library systems providing a full range of library 8703  
services; 8704

(E) Develop adequate standards for services, resources, 8705  
and programs that will serve as a source of information and 8706  
inspiration to persons of all ages, ~~handicapped persons~~ with 8707  
disabilities, and disadvantaged persons, and will encourage 8708  
continuing education beyond the years of formal education; 8709

(F) Encourage adequate financing of public libraries from 8710  
local, state, and other library financial resources. 8711

**Sec. 3501.18.** (A) The board of elections may divide a 8712  
political subdivision within its jurisdiction into precincts, 8713  
establish, define, divide, rearrange, and combine the several 8714

election precincts within its jurisdiction, and change the 8715  
location of the polling place for each precinct when it is 8716  
necessary to maintain the requirements as to the number of 8717  
voters in a precinct and to provide for the convenience of the 8718  
voters and the proper conduct of elections. No change in the 8719  
number of precincts or in precinct boundaries shall be made 8720  
during the twenty-five days immediately preceding a primary or 8721  
general election or between the first day of January and the day 8722  
on which the members of county central committees are elected in 8723  
the years in which those committees are elected. Except as 8724  
otherwise provided in division (C) of this section, each 8725  
precinct shall contain a number of electors, not to exceed one 8726  
thousand four hundred, that the board of elections determines to 8727  
be a reasonable number after taking into consideration the type 8728  
and amount of available equipment, prior voter turnout, the size 8729  
and location of each selected polling place, available parking, 8730  
availability of an adequate number of poll workers, and ~~handicap-~~ 8731  
accessibility for persons with disabilities and other 8732  
accessibility to the polling place. 8733

If the board changes the boundaries of a precinct after 8734  
the filing of a local option election petition pursuant to 8735  
sections 4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised 8736  
Code that calls for a local option election to be held in that 8737  
precinct, the local option election shall be held in the area 8738  
that constituted the precinct at the time the local option 8739  
petition was filed, regardless of the change in the boundaries. 8740

If the board changes the boundaries of a precinct in order 8741  
to meet the requirements of division (B) (1) of this section in a 8742  
manner that causes a member of a county central committee to no 8743  
longer qualify as a representative of an election precinct in 8744  
the county, of a ward of a city in the county, or of a township 8745

in the county, the member shall continue to represent the 8746  
precinct, ward, or township for the remainder of the member's 8747  
term, regardless of the change in boundaries. 8748

In an emergency, the board may provide more than one 8749  
polling place in a precinct. In order to provide for the 8750  
convenience of the voters, the board may locate polling places 8751  
for voting or registration outside the boundaries of precincts, 8752  
provided that the nearest public school or public building shall 8753  
be used if the board determines it to be available and suitable 8754  
for use as a polling place. Except in an emergency, no change in 8755  
the number or location of the polling places in a precinct shall 8756  
be made during the twenty-five days immediately preceding a 8757  
primary or general election. 8758

Electors who have failed to respond within thirty days to 8759  
any confirmation notice shall not be counted in determining the 8760  
size of any precinct under this section. 8761

(B) (1) Except as otherwise provided in division (B) (2) of 8762  
this section, a board of elections shall determine all precinct 8763  
boundaries using geographical units used by the United States 8764  
department of commerce, bureau of the census, in reporting the 8765  
decennial census of Ohio. 8766

(2) The board of elections may apply to the secretary of 8767  
state for a waiver from the requirement of division (B) (1) of 8768  
this section when it is not feasible to comply with that 8769  
requirement because of unusual physical boundaries or 8770  
residential development practices that would cause unusual 8771  
hardship for voters. The board shall identify the affected 8772  
precincts and census units, explain the reason for the waiver 8773  
request, and include a map illustrating where the census units 8774  
will be split because of the requested waiver. If the secretary 8775

of state approves the waiver and so notifies the board of 8776  
elections in writing, the board may change a precinct boundary 8777  
as necessary under this section, notwithstanding the requirement 8778  
in division (B) (1) of this section. 8779

(C) The board of elections may apply to the secretary of 8780  
state for a waiver from the requirement of division (A) of this 8781  
section regarding the number of electors in a precinct when the 8782  
use of geographical units used by the United States department 8783  
of commerce, bureau of the census, will cause a precinct to 8784  
contain more than one thousand four hundred electors. The board 8785  
shall identify the affected precincts and census units, explain 8786  
the reason for the waiver request, and include a map 8787  
illustrating where census units will be split because of the 8788  
requested waiver. If the secretary of state approves the waiver 8789  
and so notifies the board of elections in writing, the board may 8790  
change a precinct boundary as necessary to meet the requirements 8791  
of division (B) (1) of this section. 8792

**Sec. 3501.29.** (A) The board of elections shall provide for 8793  
each precinct a polling place and provide adequate facilities at 8794  
each polling place for conducting the election. The board shall 8795  
provide a sufficient number of screened or curtained voting 8796  
compartments to which electors may retire and conveniently mark 8797  
their ballots, protected from the observation of others. Each 8798  
voting compartment shall be provided at all times with writing 8799  
implements, instructions how to vote, and other necessary 8800  
conveniences for marking the ballot. The voting location manager 8801  
shall ensure that the voting compartments at all times are 8802  
adequately lighted and contain the necessary supplies. The board 8803  
shall utilize, in so far as practicable, rooms in public schools 8804  
and other public buildings for polling places. Upon application 8805  
of the board of elections, the authority which has the control 8806

of any building or grounds supported by taxation under the laws 8807  
of this state, shall make available the necessary space therein 8808  
for the purpose of holding elections and adequate space for the 8809  
storage of voting machines, without charge for the use thereof. 8810  
A reasonable sum may be paid for necessary janitorial service. 8811  
When polling places are established in private buildings, the 8812  
board may pay a reasonable rental therefor, and also the cost of 8813  
liability insurance covering the premises when used for election 8814  
purposes, or the board may purchase a single liability policy 8815  
covering the board and the owners of the premises when used for 8816  
election purposes. When removable buildings are supplied by the 8817  
board, they shall be constructed under the contract let to the 8818  
lowest and best bidder, and the board shall observe all 8819  
ordinances and regulations then in force as to safety. The board 8820  
shall remove all such buildings from streets and other public 8821  
places within thirty days after an election, unless another 8822  
election is to be held within ninety days. 8823

(B) (1) Except as otherwise provided in this section, the 8824  
board shall ensure all of the following: 8825

(a) That polling places are free of barriers that would 8826  
impede ingress and egress of ~~handicapped persons with~~ 8827  
disabilities; 8828

(b) That the minimum number of ~~special-accessible~~ parking 8829  
locations, ~~also known as handicapped parking spaces or~~ 8830  
~~disability parking spaces, for handicapped persons with mobility~~ 8831  
disabilities are designated at each polling place in accordance 8832  
with 28 C.F.R. Part 36, Appendix A, and in compliance with 8833  
division (E) of section 4511.69 of the Revised Code; 8834

(c) That the entrances of polling places are level or are 8835  
provided with a nonskid ramp that meets the requirements of the 8836

"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 8837  
U.S.C. 12101; 8838

(d) That doors are a minimum of thirty-two inches wide. 8839

(2) Notwithstanding division (B)(1)(a), (c), or (d) of 8840  
this section, certain polling places may be specifically 8841  
exempted by the secretary of state upon certification by a board 8842  
of elections that a good faith, but unsuccessful, effort has 8843  
been made to modify, or change the location of, such polling 8844  
places. 8845

(C) At any polling place that is exempted from compliance 8846  
by the secretary of state, the board of elections shall permit 8847  
any ~~handicapped~~ elector with a disability who travels to that 8848  
elector's polling place, but who is unable to enter the polling 8849  
place, to vote, with the assistance of two polling place 8850  
officials of major political parties, in the vehicle that 8851  
conveyed that elector to the polling place, or to receive and 8852  
cast that elector's ballot at the door of the polling place. 8853

(D) The secretary of state shall: 8854

(1) Work with other state agencies to facilitate the 8855  
distribution of information and technical assistance to boards 8856  
of elections to meet the requirements of division (B) of this 8857  
section; 8858

(2) Work with organizations that represent or provide 8859  
services to ~~handicapped, disabled, or elderly~~ citizens who are 8860  
elderly or who have disabilities to effect a wide dissemination 8861  
of information about the availability of absentee voting, voting 8862  
in the voter's vehicle or at the door of the polling place, or 8863  
other election services to ~~handicapped, disabled, or elderly~~ 8864  
citizens who are elderly or who have disabilities. 8865

(E) Before the day of an election, the director of the board of elections of each county shall sign a statement verifying that each polling place that will be used in that county at that election meets the requirements of division (B) (1)(b) of this section. The signed statement shall be sent to the secretary of state by certified mail or electronically.

(F) As used in this section, ~~"handicapped"~~ "disabled" means having lost the use of one or both legs, one or both arms, or any combination thereof, or being blind or so severely ~~disabled~~ impaired as to be unable to move about without the aid of crutches or a wheelchair.

**Sec. 3503.12.** All registrations shall be carefully checked, and in case any person is found to have registered more than once, the additional registration forms shall be canceled by the board of elections.

Six weeks prior to the day of a special, primary, or general election, the board shall publish notices in one or more newspapers of general circulation advertising the places, dates, times, methods of registration, and voter qualifications for registration.

The board shall establish a schedule or program to assure to the extent reasonably possible that, on or before November 1, 1980, all registration places shall be free of barriers that would impede the ingress and egress of ~~handicapped~~ persons with disabilities. Entrances shall be level or shall be provided with a nonskid ramp of not over eight per cent gradient, and doors shall be a minimum of thirty-two inches wide. Registration places located at polling places shall, however, comply with the requirements of section 3501.29 of the Revised Code for the elimination of barriers.

As used in this section, ~~"handicapped"~~ "persons with 8896  
disabilities" means ~~having persons who have~~ lost the use of one 8897  
or both legs, one or both arms, or any combination thereof, or 8898  
~~being~~ are blind or so severely ~~disabled~~ impaired as to be unable 8899  
to move about without the aid of crutches or a wheelchair. 8900

**Sec. 3505.23.** Except as otherwise provided in this 8901  
section, no voter shall be allowed to occupy a voting 8902  
compartment or use a voting machine more than ten minutes when 8903  
all the voting compartments or machines are in use and voters 8904  
are waiting to occupy them. The ten-minute time limit shall not 8905  
apply to any person who requires the use of ~~a disabled~~ 8906  
~~accessible~~ an accessible voting machine as required under the 8907  
"Help America Vote Act of 2002," 116 Stat. 1704, 42 U.S.C. 8908  
15481. 8909

Except as otherwise provided by section 3505.24 of the 8910  
Revised Code, no voter shall occupy a voting compartment or 8911  
machine with another person or speak to anyone, nor shall anyone 8912  
speak to the voter, while the voter is in a voting compartment 8913  
or machine. 8914

In precincts that do not use voting machines the following 8915  
procedure shall be followed: 8916

If a voter tears, soils, defaces, or erroneously marks a 8917  
ballot the voter may return it to the precinct election 8918  
officials and a second ballot shall be issued to the voter. 8919  
Before returning a torn, soiled, defaced, or erroneously marked 8920  
ballot, the voter shall fold it so as to conceal any marks the 8921  
voter made upon it, but the voter shall not remove Stub A 8922  
therefrom. If the voter tears, soils, defaces, or erroneously 8923  
marks such second ballot, the voter may return it to the 8924  
precinct election officials, and a third ballot shall be issued 8925

to the voter. In no case shall more than three ballots be issued 8926  
to a voter. Upon receiving a returned torn, soiled, defaced, or 8927  
erroneously marked ballot the precinct election officials shall 8928  
detach Stub A therefrom, write "Defaced" on the back of such 8929  
ballot, and place the stub and the ballot in the separate 8930  
containers provided therefor. 8931

No elector shall leave the polling place until the elector 8932  
returns to the precinct election officials every ballot issued 8933  
to the elector with Stub A on each ballot attached thereto, 8934  
regardless of whether the elector has or has not placed any 8935  
marks upon the ballot. 8936

Before leaving the voting compartment, the voter shall 8937  
fold each ballot marked by the voter so that no part of the face 8938  
of the ballot is visible, and so that the printing thereon 8939  
indicating the kind of ballot it is and the facsimile signatures 8940  
of the members of the board of elections are visible. The voter 8941  
shall then leave the voting compartment, deliver the voter's 8942  
ballots, and state the voter's name to the precinct election 8943  
official having charge of the ballot box, who shall announce the 8944  
name, detach Stub A from each ballot, and announce the number on 8945  
the stubs. The precinct election officials in charge of the poll 8946  
lists or poll books shall check to ascertain whether the number 8947  
so announced is the number on Stub B of the ballots issued to 8948  
such voter, and if no discrepancy appears to exist, the precinct 8949  
election official in charge of the ballot box shall, in the 8950  
presence of the voter, deposit each such ballot in the ballot 8951  
box and shall place Stub A from each ballot in the container 8952  
provided therefor. The voter shall then immediately leave the 8953  
polling place. 8954

No ballot delivered by a voter to the precinct election 8955

official in charge of the ballot box with Stub A detached 8956  
therefrom, and only ballots provided in accordance with Title 8957  
XXXV of the Revised Code, shall be voted or deposited in the 8958  
ballot box. 8959

In marking a presidential ballot, the voter shall record 8960  
the vote in the manner provided on the ballot next to the names 8961  
of the candidates for the offices of president and vice- 8962  
president. Such ballot shall be considered and counted as a vote 8963  
for each of the candidates for election as presidential elector 8964  
whose names were certified to the secretary of state by the 8965  
political party of such nominees for president and vice- 8966  
president. 8967

In marking an office type ballot or nonpartisan ballot, 8968  
the voter shall record the vote in the manner provided on the 8969  
ballot next to the name of each candidate for whom the voter 8970  
desires to vote. 8971

In marking a primary election ballot, the voter shall 8972  
record the vote in the manner provided on the ballot next to the 8973  
name of each candidate for whom the voter desires to vote. If 8974  
the voter desires to vote for the nomination of a person whose 8975  
name is not printed on the primary election ballot, the voter 8976  
may do so by writing such person's name on the ballot in the 8977  
proper place provided for such purpose. 8978

In marking a questions and issues ballot, the voter shall 8979  
record the vote in the manner provided on the ballot at the left 8980  
or at the right of "YES" or "NO" or other words of similar 8981  
import which are printed on the ballot to enable the voter to 8982  
indicate how the voter votes in connection with each question or 8983  
issue upon which the voter desires to vote. 8984

In marking any ballot on which a blank space has been 8985  
provided wherein an elector may write in the name of a person 8986  
for whom the elector desires to vote, the elector shall write 8987  
such person's name in such blank space and on no other place on 8988  
the ballot. Unless specific provision is made by statute, no 8989  
blank space shall be provided on a ballot for write-in votes, 8990  
and any names written on a ballot other than in a blank space 8991  
provided therefor shall not be counted or recorded. 8992

**Sec. 3506.12.** In counties where marking devices, automatic 8993  
tabulating equipment, voting machines, or any combination of 8994  
these are in use or are to be used, the board of elections: 8995

(A) May combine, rearrange, and enlarge precincts; but the 8996  
board shall arrange for a sufficient number of these devices to 8997  
accommodate the number of electors in each precinct as 8998  
determined by the number of votes cast in that precinct at the 8999  
most recent election for the office of governor, taking into 9000  
consideration the size and location of each selected polling 9001  
place, available parking, handicap-accessibility for persons 9002  
with disabilities and other accessibility to the polling place, 9003  
and the number of candidates and issues to be voted on. 9004  
Notwithstanding section 3501.22 of the Revised Code, the board 9005  
may appoint more than four precinct officers to each precinct if 9006  
this is made necessary by the number of voting machines to be 9007  
used in that precinct. 9008

(B) Except as otherwise provided in this division, shall 9009  
establish one or more counting stations to receive voted ballots 9010  
and other precinct election supplies after the polling precincts 9011  
are closed. Those stations shall be under the supervision and 9012  
direction of the board of elections. Processing and counting of 9013  
voted ballots, and the preparation of summary sheets, shall be 9014

done in the presence of observers approved by the board. A 9015  
certified copy of the summary sheet for the precinct shall be 9016  
posted at each counting station immediately after completion of 9017  
the summary sheet. 9018

**Sec. 3506.19.** On and after the first federal election that 9019  
occurs after January 1, 2006, unless required sooner by the Help 9020  
America Vote Act of 2002, each polling location shall have 9021  
available for use at all elections at least one direct recording 9022  
electronic voting machine or marking device that is accessible 9023  
for individuals with disabilities, including nonvisual 9024  
accessibility for ~~the persons who are~~ blind and visually 9025  
impaired, in a manner that provides the same opportunity for 9026  
access and participation, including privacy and independence, as 9027  
for other voters. 9028

**Sec. 3701.046.** The director of health is authorized to 9029  
make grants for women's health services from funds appropriated 9030  
for that purpose by the general assembly. 9031

None of the funds received through grants for women's 9032  
health services shall be used to provide abortion services. None 9033  
of the funds received through these grants shall be used for 9034  
counseling for or referrals for abortion, except in the case of 9035  
a medical emergency. These funds shall be distributed by the 9036  
director to programs that the department of health determines 9037  
will provide services that are physically and financially 9038  
separate from abortion-providing and abortion-promoting 9039  
activities, and that do not include counseling for or referrals 9040  
for abortion, other than in the case of medical emergency. 9041

These women's health services include and are limited to 9042  
the following: pelvic examinations and laboratory testing; 9043  
breast examinations and patient education on breast cancer; 9044

screening for cervical cancer; screening and treatment for 9045  
sexually transmitted diseases and HIV screening; voluntary 9046  
choice of contraception, including abstinence and natural family 9047  
planning; patient education and pre-pregnancy counseling on the 9048  
dangers of smoking, alcohol, and drug use during pregnancy; 9049  
education on sexual coercion and violence in relationships; and 9050  
prenatal care or referral for prenatal care. These health care 9051  
services shall be provided in a medical clinic setting by 9052  
persons authorized under Chapter 4731. of the Revised Code to 9053  
practice medicine and surgery or osteopathic medicine and 9054  
surgery; authorized under Chapter 4730. of the Revised Code to 9055  
practice as a physician assistant; licensed under Chapter 4723. 9056  
of the Revised Code as a registered nurse or licensed practical 9057  
nurse; or licensed under Chapter 4757. of the Revised Code as a 9058  
social worker, independent social worker, licensed professional 9059  
clinical counselor, or licensed professional counselor. 9060

The director shall adopt rules under Chapter 119. of the 9061  
Revised Code specifying reasonable eligibility standards that 9062  
must be met to receive the state funding and provide reasonable 9063  
methods by which a grantee wishing to be eligible for federal 9064  
funding may comply with these requirements for state funding 9065  
without losing its eligibility for federal funding. 9066

Each applicant for these funds shall provide sufficient 9067  
assurance to the director of all of the following: 9068

(A) The program shall not discriminate in the provision of 9069  
services based on an individual's religion, race, national 9070  
origin, ~~handicapping condition~~ disability, age, sex, number of 9071  
pregnancies, or marital status; 9072

(B) The program shall provide services without subjecting 9073  
individuals to any coercion to accept services or to employ any 9074

particular methods of family planning; 9075

(C) Acceptance of services shall be solely on a voluntary 9076  
basis and may not be made a prerequisite to eligibility for, or 9077  
receipt of, any other service, assistance from, or participation 9078  
in, any other program of the service provider; 9079

(D) Any charges for services provided by the program shall 9080  
be based on the patient's ability to pay and priority in the 9081  
provision of services shall be given to persons from low-income 9082  
families. 9083

In distributing these grant funds, the director shall give 9084  
priority to grant requests from local departments of health for 9085  
women's health services to be provided directly by personnel of 9086  
the local department of health. The director shall issue a 9087  
single request for proposals for all grants for women's health 9088  
services. The director shall send a notification of this request 9089  
for proposals to every local department of health in this state 9090  
and shall place a notification on the department's web site. The 9091  
director shall allow at least thirty days after issuing this 9092  
notification before closing the period to receive applications. 9093

After the closing date for receiving grant applications, 9094  
the director shall first consider grant applications from local 9095  
departments of health that apply for grants for women's health 9096  
services to be provided directly by personnel of the local 9097  
department of health. Local departments of health that apply for 9098  
grants for women's health services to be provided directly by 9099  
personnel of the local department of health need not provide all 9100  
the listed women's health services in order to qualify for a 9101  
grant. However, in prioritizing awards among local departments 9102  
of health that qualify for funding under this paragraph, the 9103  
director may consider, among other reasonable factors, the 9104

comprehensiveness of the women's health services to be offered, 9105  
provided that no local department of health shall be 9106  
discriminated against in the process of awarding these grant 9107  
funds because the applicant does not provide contraception. 9108

If funds remain after awarding grants to all local 9109  
departments of health that qualify for the priority, the 9110  
director may make grants to other applicants. Awards to other 9111  
applicants may be made to those applicants that will offer all 9112  
eight of the listed women's health services or that will offer 9113  
all of the services except contraception. No applicant shall be 9114  
discriminated against in the process of awarding these grant 9115  
funds because the applicant does not provide contraception. 9116

**Sec. 3701.243.** (A) Except as provided in this section or 9117  
section 3701.248 of the Revised Code, no person or agency of 9118  
state or local government that acquires the information while 9119  
providing any health care service or while in the employ of a 9120  
health care facility or health care provider shall disclose or 9121  
compel another to disclose any of the following: 9122

(1) The identity of any individual on whom an HIV test is 9123  
performed; 9124

(2) The results of an HIV test in a form that identifies 9125  
the individual tested; 9126

(3) The identity of any individual diagnosed as having 9127  
AIDS or an AIDS-related condition. 9128

(B) (1) Except as provided in divisions (B) (2), (C), (D), 9129  
and (F) of this section, the results of an HIV test or the 9130  
identity of an individual on whom an HIV test is performed or 9131  
who is diagnosed as having AIDS or an AIDS-related condition may 9132  
be disclosed only to the following: 9133

- (a) The individual who was tested or the individual's legal guardian, and the individual's spouse or any sexual partner; 9134  
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- (b) A person to whom disclosure is authorized by a written release, executed by the individual tested or by the individual's legal guardian and specifying to whom disclosure of the test results or diagnosis is authorized and the time period during which the release is to be effective; 9137  
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- (c) Any physician who treats the individual; 9142
- (d) The department of health or a health commissioner to which reports are made under section 3701.24 of the Revised Code; 9143  
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- (e) A health care facility or provider that procures, processes, distributes, or uses a human body part from a deceased individual, donated for a purpose specified in Chapter 2108. of the Revised Code, and that needs medical information about the deceased individual to ensure that the body part is medically acceptable for its intended purpose; 9146  
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- (f) Health care facility staff committees or accreditation or oversight review organizations conducting program monitoring, program evaluation, or service reviews; 9152  
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- (g) A health care provider, emergency medical services worker, or peace officer who sustained a significant exposure to the body fluids of another individual, if that individual was tested pursuant to division (E)(6) of section 3701.242 of the Revised Code, except that the identity of the individual tested shall not be revealed; 9155  
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- (h) To law enforcement authorities pursuant to a search warrant or a subpoena issued by or at the request of a grand 9161  
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jury, a prosecuting attorney, a city director of law or similar 9163  
chief legal officer of a municipal corporation, or a village 9164  
solicitor, in connection with a criminal investigation or 9165  
prosecution. 9166

(2) The results of an HIV test or a diagnosis of AIDS or 9167  
an AIDS-related condition may be disclosed to a health care 9168  
provider, or an authorized agent or employee of a health care 9169  
facility or a health care provider, if the provider, agent, or 9170  
employee has a medical need to know the information and is 9171  
participating in the diagnosis, care, or treatment of the 9172  
individual on whom the test was performed or who has been 9173  
diagnosed as having AIDS or an AIDS-related condition. 9174

This division does not impose a standard of disclosure 9175  
different from the standard for disclosure of all other specific 9176  
information about a patient to health care providers and 9177  
facilities. Disclosure may not be requested or made solely for 9178  
the purpose of identifying an individual who has a positive HIV 9179  
test result or has been diagnosed as having AIDS or an AIDS- 9180  
related condition in order to refuse to treat the individual. 9181  
Referral of an individual to another health care provider or 9182  
facility based on reasonable professional judgment does not 9183  
constitute refusal to treat the individual. 9184

(3) Not later than ninety days after November 1, 1989, 9185  
each health care facility in this state shall establish a 9186  
protocol to be followed by employees and individuals affiliated 9187  
with the facility in making disclosures authorized by division 9188  
(B) (2) of this section. A person employed by or affiliated with 9189  
a health care facility who determines in accordance with the 9190  
protocol established by the facility that a disclosure is 9191  
authorized by division (B) (2) of this section is immune from 9192

liability to any person in a civil action for damages for 9193  
injury, death, or loss to person or property resulting from the 9194  
disclosure. 9195

(C) (1) Any person or government agency may seek access to 9196  
or authority to disclose the HIV test records of an individual 9197  
in accordance with the following provisions: 9198

(a) The person or government agency shall bring an action 9199  
in a court of common pleas requesting disclosure of or authority 9200  
to disclose the results of an HIV test of a specific individual, 9201  
who shall be identified in the complaint by a pseudonym but 9202  
whose name shall be communicated to the court confidentially, 9203  
pursuant to a court order restricting the use of the name. The 9204  
court shall provide the individual with notice and an 9205  
opportunity to participate in the proceedings if the individual 9206  
is not named as a party. Proceedings shall be conducted in 9207  
chambers unless the individual agrees to a hearing in open 9208  
court. 9209

(b) The court may issue an order granting the plaintiff 9210  
access to or authority to disclose the test results only if the 9211  
court finds by clear and convincing evidence that the plaintiff 9212  
has demonstrated a compelling need for disclosure of the 9213  
information that cannot be accommodated by other means. In 9214  
assessing compelling need, the court shall weigh the need for 9215  
disclosure against the privacy right of the individual tested 9216  
and against any disservice to the public interest that might 9217  
result from the disclosure, such as discrimination against the 9218  
individual or the deterrence of others from being tested. 9219

(c) If the court issues an order, it shall guard against 9220  
unauthorized disclosure by specifying the persons who may have 9221  
access to the information, the purposes for which the 9222

information shall be used, and prohibitions against future 9223  
disclosure. 9224

(2) A person or government agency that considers it 9225  
necessary to disclose the results of an HIV test of a specific 9226  
individual in an action in which it is a party may seek 9227  
authority for the disclosure by filing an in camera motion with 9228  
the court in which the action is being heard. In hearing the 9229  
motion, the court shall employ procedures for confidentiality 9230  
similar to those specified in division (C)(1) of this section. 9231  
The court shall grant the motion only if it finds by clear and 9232  
convincing evidence that a compelling need for the disclosure 9233  
has been demonstrated. 9234

(3) Except for an order issued in a criminal prosecution 9235  
or an order under division (C)(1) or (2) of this section 9236  
granting disclosure of the result of an HIV test of a specific 9237  
individual, a court shall not compel a blood bank, hospital 9238  
blood center, or blood collection facility to disclose the 9239  
result of HIV tests performed on the blood of voluntary donors 9240  
in a way that reveals the identity of any donor. 9241

(4) In a civil action in which the plaintiff seeks to 9242  
recover damages from an individual defendant based on an 9243  
allegation that the plaintiff contracted the HIV virus as a 9244  
result of actions of the defendant, the prohibitions against 9245  
disclosure in this section do not bar discovery of the results 9246  
of any HIV test given to the defendant or any diagnosis that the 9247  
defendant ~~suffers from~~ has AIDS or an AIDS-related condition. 9248

(D) The results of an HIV test or the identity of an 9249  
individual on whom an HIV test is performed or who is diagnosed 9250  
as having AIDS or an AIDS-related condition may be disclosed to 9251  
a federal, state, or local government agency, or the official 9252

representative of such an agency, for purposes of the medicaid 9253  
program, the medicare program, or any other public assistance 9254  
program. 9255

(E) Any disclosure pursuant to this section shall be in 9256  
writing and accompanied by a written statement that includes the 9257  
following or substantially similar language: "This information 9258  
has been disclosed to you from confidential records protected 9259  
from disclosure by state law. You shall make no further 9260  
disclosure of this information without the specific, written, 9261  
and informed release of the individual to whom it pertains, or 9262  
as otherwise permitted by state law. A general authorization for 9263  
the release of medical or other information is not sufficient 9264  
for the purpose of the release of HIV test results or 9265  
diagnoses." 9266

(F) An individual who knows that the individual has 9267  
received a positive result on an HIV test or has been diagnosed 9268  
as having AIDS or an AIDS-related condition shall disclose this 9269  
information to any other person with whom the individual intends 9270  
to make common use of a hypodermic needle or engage in sexual 9271  
conduct as defined in section 2907.01 of the Revised Code. An 9272  
individual's compliance with this division does not prohibit a 9273  
prosecution of the individual for a violation of division (B) of 9274  
section 2903.11 of the Revised Code. 9275

(G) Nothing in this section prohibits the introduction of 9276  
evidence concerning an HIV test of a specific individual in a 9277  
criminal proceeding. 9278

**Sec. 3701.507.** (A) To assist in implementing sections 9279  
3701.503 to 3701.509 of the Revised Code, the medically 9280  
handicapped children's medical advisory council created in 9281  
section 3701.025 of the Revised Code shall appoint a permanent 9282

infant hearing screening subcommittee. The subcommittee shall	9283
consist of the following members:	9284
(1) One otolaryngologist;	9285
(2) One neonatologist;	9286
(3) One pediatrician;	9287
(4) One neurologist;	9288
(5) One hospital administrator;	9289
(6) Two or more audiologists who are experienced in infant hearing screening and evaluation;	9290 9291
(7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;	9292 9293
(8) Two persons who are each a parent of a hearing- impaired child;	9294 9295
(9) One geneticist;	9296
(10) One epidemiologist;	9297
(11) One adult who is deaf or hearing impaired;	9298
(12) One representative from an organization for <del>the</del> <u>persons who are deaf</u> or hearing impaired;	9299 9300
(13) One family advocate;	9301
(14) One nurse from a well-baby neonatal nursery;	9302
(15) One nurse from a special care neonatal nursery;	9303
(16) One teacher of <del>the</del> <u>persons who are deaf</u> who works with infants and toddlers;	9304 9305
(17) One representative of the health insurance industry;	9306

(18) One representative of the <del>bureau for</del> children with medical handicaps <u>program</u> ;	9307 9308
(19) One representative of the department of education;	9309
(20) One representative of the department of medicaid;	9310
(21) Any other person the advisory council appoints.	9311
(B) The infant hearing subcommittee shall:	9312
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	9313 9314 9315
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	9316 9317 9318
(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:	9319 9320 9321 9322
(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;	9323 9324 9325 9326
(b) Identification of locations where hearing evaluations may be conducted;	9327 9328
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	9329 9330
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	9331 9332
(e) Maintenance of a register of newborns and infants who	9333

do not pass the hearing screening; 9334

(f) Preparation of the information required by section 9335  
3701.506 of the Revised Code. 9336

**Sec. 3701.53.** The health commissioner of a city or general 9337  
health district shall: 9338

(A) Investigate each case of inflammation of eyes of the 9339  
newborn or gonorrhoeal ophthalmia as filed with ~~him~~the health 9340  
commissioner and any other such case that comes to ~~his~~the health 9341  
commissioner's attention; 9342

(B) Report all cases of inflammation of the eyes of the 9343  
newborn or gonorrhoeal ophthalmia, and the result of all such 9344  
investigations, as the department of health directs; 9345

(C) Conform to such other rules and regulations as the 9346  
department promulgates for ~~his~~the health commissioner's further 9347  
guidance; 9348

(D) Determine the nature of the inflammation of the eyes 9349  
in any case reported to ~~him~~the health commissioner, and refer 9350  
immediately to the ~~Ohio commission for the blind~~ bureau of 9351  
services for the visually impaired, any inflammation of the 9352  
eyes, for such treatment as the ~~commission~~ bureau deems 9353  
necessary. 9354

**Sec. 3701.65.** (A) There is hereby created in the state 9355  
treasury the "choose life" fund. The fund shall consist of the 9356  
contributions that are paid to the registrar of motor vehicles 9357  
by applicants who voluntarily elect to obtain "choose life" 9358  
license plates pursuant to section 4503.91 of the Revised Code 9359  
and any money returned to the fund under division (E) (1) (d) of 9360  
this section. All investment earnings of the fund shall be 9361  
credited to the fund. 9362

(B) (1) At least annually, the director of health shall 9363  
distribute the money in the fund to any private, nonprofit 9364  
organization that is eligible to receive funds under this 9365  
section and that applies for funding under division (C) of this 9366  
section. 9367

(2) The director shall allocate the funds to each county 9368  
in proportion to the number of "choose life" license plates 9369  
issued during the preceding year to vehicles registered in each 9370  
county. The director shall distribute funds allocated for a 9371  
county as follows: 9372

(a) To one or more eligible organizations located within 9373  
the county; 9374

(b) If no eligible organization located within the county 9375  
applies for funding, to one or more eligible organizations 9376  
located in contiguous counties; 9377

(c) If no eligible organization located within the county 9378  
or a contiguous county applies for funding, to one or more 9379  
eligible organizations within any other county. 9380

(3) The director shall ensure that any funds allocated for 9381  
a county are distributed equally among eligible organizations 9382  
that apply for funding within the county. 9383

(C) Any organization seeking funds under this section 9384  
annually shall apply for distribution of the funds based on the 9385  
county in which the organization is located. An organization 9386  
also may apply for funding in a county in which it is not 9387  
located if it demonstrates that it provides services for 9388  
pregnant women residing in that county. The director shall 9389  
develop an application form and may determine the schedule and 9390  
procedures that an organization shall follow when annually 9391

applying for funds. The application shall inform the applicant 9392  
of the conditions for receiving and using funds under division 9393  
(E) of this section. The application shall require evidence that 9394  
the organization meets all of the following requirements: 9395

(1) Is a private, nonprofit organization; 9396

(2) Is committed to counseling pregnant women about the 9397  
option of adoption; 9398

(3) Provides services within the state to pregnant women 9399  
who are planning to place their children for adoption, including 9400  
counseling and meeting the material needs of the women; 9401

(4) Does not charge women for any services received; 9402

(5) Is not involved or associated with any abortion 9403  
activities, including counseling for or referrals to abortion 9404  
clinics, providing medical abortion-related procedures, or pro- 9405  
abortion advertising; 9406

(6) Does not discriminate in its provision of any services 9407  
on the basis of race, religion, color, age, marital status, 9408  
national origin, ~~handicap~~disability, gender, or age; 9409

(7) If the organization is applying for funding in a 9410  
county in which it is not located, provides services for 9411  
pregnant women residing in that county. 9412

(D) The director shall not distribute funds to an 9413  
organization that does not provide verifiable evidence of the 9414  
requirements specified in the application under division (C) of 9415  
this section and shall not provide additional funds to any 9416  
organization that fails to comply with division (E) of this 9417  
section in regard to its previous receipt of funds under this 9418  
section. 9419

(E) (1) An organization receiving funds under this section 9420  
shall do all of the following: 9421

(a) Use not more than sixty per cent of the funds 9422  
distributed to it for the material needs of pregnant women who 9423  
are planning to place their children for adoption or for infants 9424  
awaiting placement with adoptive parents, including clothing, 9425  
housing, medical care, food, utilities, and transportation; 9426

(b) Use not more than forty per cent of the funds 9427  
distributed to it for counseling, training, or advertising; 9428

(c) Not use any of the funds distributed to it for 9429  
administrative expenses, legal expenses, or capital 9430  
expenditures; 9431

(d) Annually return to the fund created under division (A) 9432  
of this section any unused money that exceeds ten per cent of 9433  
the money distributed to the organization. 9434

(2) The organization annually shall submit to the director 9435  
an audited financial statement verifying its compliance with 9436  
division (E) (1) of this section. 9437

(F) The director, in accordance with Chapter 119. of the 9438  
Revised Code, shall adopt rules to implement this section. 9439

It is not the intent of the general assembly that the 9440  
department create a new position within the department to 9441  
implement and administer this section. It is the intent of the 9442  
general assembly that the implementation and administration of 9443  
this section be accomplished by existing department personnel. 9444

(G) If funds that have been allocated to a county for any 9445  
previous year have not been distributed to one or more eligible 9446  
organizations, the director may distribute those funds in 9447

accordance with this section. 9448

**Sec. 3701.79.** (A) As used in this section: 9449

(1) "Abortion" has the same meaning as in section 2919.11 9450  
of the Revised Code. 9451

(2) "Abortion report" means a form completed pursuant to 9452  
division (C) of this section. 9453

(3) "Ambulatory surgical facility" has the same meaning as 9454  
in section 3702.30 of the Revised Code. 9455

(4) "Department" means the department of health. 9456

(5) "Hospital" means any building, structure, institution, 9457  
or place devoted primarily to the maintenance and operation of 9458  
facilities for the diagnosis, treatment, and medical or surgical 9459  
care for three or more unrelated individuals ~~suffering from~~ 9460  
having illness, disease, injury, or deformity, and regularly 9461  
making available at least clinical laboratory services, 9462  
diagnostic x-ray services, treatment facilities for surgery or 9463  
obstetrical care, or other definitive medical treatment. 9464  
"Hospital" does not include a "home" as defined in section 9465  
3721.01 of the Revised Code. 9466

(6) "Physician's office" means an office or portion of an 9467  
office that is used to provide medical or surgical services to 9468  
the physician's patients. "Physician's office" does not mean an 9469  
ambulatory surgical facility, a hospital, or a hospital 9470  
emergency department. 9471

(7) "Postabortion care" means care given after the uterus 9472  
has been evacuated by abortion. 9473

(B) The department shall be responsible for collecting and 9474  
collating abortion data reported to the department as required 9475

by this section.	9476
(C) The attending physician shall complete an individual	9477
abortion report for the abortion of each zygote, blastocyte,	9478
embryo, or fetus the physician performs. The report shall be	9479
confidential and shall not contain the woman's name. The report	9480
shall include, but is not limited to, all of the following,	9481
insofar as the patient makes the data available that is not	9482
within the physician's knowledge:	9483
(1) Patient number;	9484
(2) The name and address of the facility in which the	9485
abortion was performed, and whether the facility is a hospital,	9486
ambulatory surgical facility, physician's office, or other	9487
facility;	9488
(3) The date of the abortion;	9489
(4) If a surgical abortion, the method of final	9490
disposition of the fetal remains under Chapter 3726. of the	9491
Revised Code;	9492
(5) All of the following regarding the woman on whom the	9493
abortion was performed:	9494
(a) Zip code of residence;	9495
(b) Age;	9496
(c) Race;	9497
(d) Marital status;	9498
(e) Number of previous pregnancies;	9499
(f) Years of education;	9500
(g) Number of living children;	9501

(h) Number of zygotes, blastocytes, embryos, or fetuses previously aborted;	9502 9503
(i) Date of last induced abortion;	9504
(j) Date of last live birth;	9505
(k) Method of contraception at the time of conception;	9506
(l) Date of the first day of the last menstrual period;	9507
(m) Medical condition at the time of the abortion;	9508
(n) Rh-type;	9509
(o) The number of weeks of gestation at the time of the abortion.	9510 9511
(6) The type of abortion procedure performed;	9512
(7) Complications by type;	9513
(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:	9514 9515 9516
(a) A test result indicating Down syndrome in an unborn child;	9517 9518
(b) A prenatal diagnosis of Down syndrome in an unborn child;	9519 9520
(c) Any other reason to believe that an unborn child has Down syndrome.	9521 9522
(9) Type of procedure performed after the abortion;	9523
(10) Type of family planning recommended;	9524
(11) Type of additional counseling given;	9525

(12) Signature of attending physician.	9526
(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.	9527 9528 9529 9530
(E) The appropriate vital records report or certificate shall be made out after the twentieth week of gestation.	9531 9532
(F) A copy of the abortion report shall be made part of the medical record of the patient of the facility in which the abortion was performed.	9533 9534 9535
(G) Each hospital shall file monthly and annual reports listing the total number of women who have undergone a post-twelve-week-gestation abortion and received postabortion care. The annual report shall be filed following the conclusion of the state's fiscal year. Each report shall be filed within thirty days after the end of the applicable reporting period.	9536 9537 9538 9539 9540 9541
(H) Each case in which a physician treats a post abortion complication shall be reported on a postabortion complication form. The report shall be made upon a form prescribed by the department, shall be signed by the attending physician, and shall be confidential.	9542 9543 9544 9545 9546
(I) (1) Not later than the first day of October of each year, the department shall issue an annual report of the abortion data reported to the department for the previous calendar year as required by this section. The annual report shall include at least the following information:	9547 9548 9549 9550 9551
(a) The total number of zygotes, blastocytes, embryos, or fetuses that were aborted;	9552 9553

(b) The number of abortions performed on Ohio and out-of-state residents;	9554
	9555
(c) The number of abortions performed, sorted by each of the following:	9556
	9557
(i) The age of the woman on whom the abortion was performed, using the following categories: under fifteen years of age, fifteen to nineteen years of age, twenty to twenty-four years of age, twenty-five to twenty-nine years of age, thirty to thirty-four years of age, thirty-five to thirty-nine years of age, forty to forty-four years of age, forty-five years of age or older;	9558
	9559
	9560
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	9562
	9563
	9564
(ii) The race and Hispanic ethnicity of the woman on whom the abortion was performed;	9565
	9566
(iii) The education level of the woman on whom the abortion was performed, using the following categories or their equivalents: less than ninth grade, ninth through twelfth grade, one or more years of college;	9567
	9568
	9569
	9570
(iv) The marital status of the woman on whom the abortion was performed;	9571
	9572
(v) The number of living children of the woman on whom the abortion was performed, using the following categories: none, one, or two or more;	9573
	9574
	9575
(vi) The number of weeks of gestation of the woman at the time the abortion was performed, using the following categories: less than nine weeks, nine to twelve weeks, thirteen to nineteen weeks, or twenty weeks or more;	9576
	9577
	9578
	9579
(vii) The county in which the abortion was performed;	9580
(viii) The type of abortion procedure performed;	9581

(ix) The number of zygotes, blastocytes, embryos, or 9582  
fetuses previously aborted by the woman on whom the abortion was 9583  
performed; 9584

(x) The type of facility in which the abortion was 9585  
performed; 9586

(xi) For Ohio residents, the county of residence of the 9587  
woman on whom the abortion was performed. 9588

(2) The report also shall indicate the number and type of 9589  
the abortion complications reported to the department either on 9590  
the abortion report required under division (C) of this section 9591  
or the postabortion complication report required under division 9592  
(H) of this section. 9593

(3) In addition to the annual report required under 9594  
division (I)(1) of this section, the department shall make 9595  
available, on request, the number of abortions performed by zip 9596  
code of residence. 9597

(J) The director of health shall implement this section 9598  
and shall apply to the court of common pleas for temporary or 9599  
permanent injunctions restraining a violation or threatened 9600  
violation of its requirements. This action is an additional 9601  
remedy not dependent on the adequacy of the remedy at law. 9602

**Sec. 3701.81.** (A) No person, knowing or having reasonable 9603  
cause to believe that ~~he is suffering from~~ the person has a 9604  
dangerous, contagious disease, shall knowingly fail to take 9605  
reasonable measures to prevent exposing ~~himself~~ self to other 9606  
persons, except when seeking medical aid. 9607

(B) No person, having charge or care of a person whom 9608  
~~he~~ the person having charge or care knows or has reasonable cause 9609  
to believe ~~is suffering from~~ has a dangerous, contagious 9610

disease, shall recklessly fail to take reasonable measures to 9611  
protect others from exposure to the contagion, and to inform 9612  
health authorities of the existence of the contagion. 9613

(C) No person, having charge of a public conveyance or 9614  
place of public accommodation, amusement, resort, or trade, and 9615  
knowing or having reasonable cause to believe that persons using 9616  
such conveyance or place have been or are being exposed to a 9617  
dangerous, contagious disease, shall negligently fail to take 9618  
reasonable measures to protect the public from exposure to the 9619  
contagion, and to inform health authorities of the existence of 9620  
the contagion. 9621

**Sec. 3702.55.** A person that the director of health 9622  
determines has violated section 3702.53 of the Revised Code 9623  
shall cease conducting the activity that constitutes the 9624  
violation or utilizing the facility resulting from the violation 9625  
not later than thirty days after the person receives the notice 9626  
mailed under section 3702.532 of the Revised Code or, if the 9627  
person appeals the director's determination under section 9628  
3702.60 of the Revised Code, thirty days after the person 9629  
receives an order upholding the director's determination that is 9630  
not subject to further appeal. 9631

If any person determined to have violated section 3702.53 9632  
of the Revised Code fails to cease conducting an activity or 9633  
using a facility as required by this section or if the person 9634  
continues to seek payment or reimbursement for services rendered 9635  
or costs incurred in conducting the activity as prohibited by 9636  
section 3702.56 of the Revised Code, in addition to the 9637  
penalties imposed under section 3702.54 or 3702.541 of the 9638  
Revised Code: 9639

(A) The director of health may refuse to include any beds 9640

involved in the activity in the bed capacity of a hospital for 9641  
purposes of registration under section 3701.07 of the Revised 9642  
Code; 9643

(B) The director of health may refuse to license, or may 9644  
revoke a license or reduce bed capacity previously granted to, a 9645  
hospice care program under section 3712.04 of the Revised Code; 9646  
a nursing home, residential care facility, or home for the aging 9647  
under section 3721.02 of the Revised Code; or any beds within 9648  
any of those facilities that are involved in the activity; 9649

(C) A political subdivision certified under section 9650  
3721.09 of the Revised Code may refuse to license, or may revoke 9651  
a license or reduce bed capacity previously granted to, a 9652  
nursing home, residential care facility, or home for the aging, 9653  
or any beds within any of those facilities that are involved in 9654  
the activity; 9655

(D) The director of mental health and addiction services 9656  
may refuse to license under section 5119.33 of the Revised Code, 9657  
or may revoke a license or reduce bed capacity previously 9658  
granted to, a hospital receiving ~~mentally ill persons~~ with 9659  
mental illnesses or beds within such a hospital that are 9660  
involved in the activity; 9661

(E) The department of medicaid may refuse to enter into a 9662  
provider agreement that includes a facility, beds, or services 9663  
that result from the activity. 9664

**Sec. 3707.06.** (A) Each physician or other person called to 9665  
attend a person ~~suffering from having~~ cholera, plague, yellow 9666  
fever, typhus fever, diphtheria, typhoid fever, or any other 9667  
disease dangerous to the public health, or required by the 9668  
department of health to be reported, shall report to the health 9669

commissioner within whose jurisdiction the sick person is found 9670  
the name, age, sex, and color of the patient, and the house and 9671  
place in which the sick person may be found. In like manner, the 9672  
owner or agent of the owner of a building in which a person 9673  
resides who has any of the listed diseases, or in which are the 9674  
remains of a person having died of any of the listed diseases, 9675  
and the head of the family, immediately after becoming aware of 9676  
the fact, shall give notice thereof to the health commissioner. 9677

(B) No person shall fail to comply with the reporting 9678  
requirements of division (A) of this section. 9679

(C) Information reported under this section that is 9680  
protected health information pursuant to section 3701.17 of the 9681  
Revised Code shall be released only in accordance with that 9682  
section. Information that does not identify an individual may be 9683  
released in summary, statistical, or aggregate form. 9684

**Sec. 3707.20.** No person, who ~~is suffering from~~ has a 9685  
contagious or infectious disease, or who has been exposed to a 9686  
contagious or infectious disease, may be sent or admitted to a 9687  
prison; jail; workhouse; infirmary; children's home; state 9688  
hospital or institution for ~~the persons who are blind, the~~ 9689  
~~mentally ill~~ persons with mental illnesses, or persons with 9690  
intellectual disabilities; school for the blind or deaf; or 9691  
other state or county benevolent institution without first 9692  
making known the facts concerning the illness or exposure to the 9693  
superintendent or other person in charge thereof. When a 9694  
dangerous, contagious, or infectious disease is in a jail or 9695  
prison and a prisoner in the jail or prison exposed to the 9696  
disease is sentenced to a state correctional institution, the 9697  
prisoner shall be confined and isolated in the jail or prison or 9698  
other proper place, upon the order of the proper court, for any 9699

time that is necessary to establish the fact that the prisoner 9700  
has not contracted the disease. 9701

**Sec. 3707.22.** The trustees or managers of any institution 9702  
mentioned in section 3707.21 of the Revised Code may contract 9703  
for the care, treatment, or detention of any persons affected 9704  
with or exposed to any disease mentioned in such section with 9705  
any corporation having a hospital or other proper place for the 9706  
isolation or care of persons ~~suffering from~~ having or exposed to 9707  
contagious disease, and may remove such persons to such hospital 9708  
or place. In the case of persons detained in an institution as 9709  
punishment for a crime, an order for such removal shall be 9710  
obtained from the court which imposed the punishment. In an 9711  
order for such removal, the court may require such provisions to 9712  
be made for safely guarding the prisoner while in such hospital 9713  
or place as it deems necessary. 9714

**Sec. 3707.29.** The legislative authority of a municipal 9715  
corporation may purchase land within or without its boundaries 9716  
and erect thereon suitable hospital buildings for the isolation, 9717  
care, or treatment of persons ~~suffering from~~ having dangerous 9718  
contagious disease, and provide for the maintenance thereof. The 9719  
plans and specifications for such buildings shall be approved by 9720  
the board of health of the city or general health district in 9721  
which such hospital is to be located. 9722

The legislative authority may issue bonds and apply the 9723  
proceeds thereof to such construction if, at an election held 9724  
for that purpose, two-thirds of the votes cast are in favor 9725  
thereof. Such bonds may not exceed twenty-five thousand dollars, 9726  
with a rate or rates of interest not to exceed the rate provided 9727  
in section 9.95 of the Revised Code, and the principal shall be 9728  
paid within ten years. After the erection of such buildings, the 9729

legislative authority each year may make such appropriations for 9730  
their care, use, and maintenance as are necessary. 9731

**Sec. 3707.30.** Hospital buildings constructed under section 9732  
3707.29 of the Revised Code shall be under the care and control 9733  
of the board of health of the city or general health district in 9734  
which such buildings are located. The board shall appoint all 9735  
employees or other persons necessary to the use, care, and 9736  
maintenance thereof, and shall regulate the entrance of patients 9737  
thereto and their care and treatment. 9738

When a person ~~suffering from having~~ a dangerous contagious 9739  
disease is found in a hotel, lodginghouse, boardinghouse, 9740  
tenement house, or other public place in the municipal 9741  
corporation, the board, if it deems it necessary for the 9742  
protection of the public health, may remove such person to such 9743  
hospital, where all needful provisions shall be made for ~~his~~the 9744  
person's care and treatment. If such person is able, the expense 9745  
so incurred shall be paid by ~~him~~the person. 9746

**Sec. 3719.011.** As used in the Revised Code: 9747

(A) "Drug of abuse" means any controlled substance as 9748  
defined in section 3719.01 of the Revised Code, any harmful 9749  
intoxicant as defined in section 2925.01 of the Revised Code, 9750  
and any dangerous drug as defined in section 4729.01 of the 9751  
Revised Code. 9752

(B) ~~"Drug dependent person"~~"Person with a drug 9753  
dependency" means any person who, by reason of the use of any 9754  
drug of abuse, is physically, psychologically, or physically and 9755  
psychologically dependent upon the use of such drug, to the 9756  
detriment of the person's health or welfare. 9757

(C) "Person in danger of becoming a ~~drug dependent person~~ 9758

with a drug dependency" means any person who, by reason of the 9759  
person's habitual or incontinent use of any drug of abuse, is in 9760  
imminent danger of becoming a ~~drug dependent person~~ with a drug 9761  
dependency. 9762

**Sec. 3719.061.** (A) (1) As used in this section: 9763

(a) "Another adult authorized to consent to the minor's 9764  
medical treatment" means an adult to whom a minor's parent or 9765  
guardian has given written authorization to consent to the 9766  
minor's medical treatment. 9767

(b) "Emergency facility" means a hospital emergency 9768  
department or any other facility that provides emergency care. 9769

(c) "Medical emergency" means a situation that in a 9770  
prescriber's good faith medical judgment creates an immediate 9771  
threat of serious risk to the life or physical health of a 9772  
minor. 9773

(d) "Minor" means an individual under eighteen years of 9774  
age who is not emancipated. 9775

(2) For purposes of this section, an individual under 9776  
eighteen years of age is emancipated only if the individual has 9777  
married, has entered the armed services of the United States, 9778  
has become employed and self-sustaining, or otherwise has become 9779  
independent from the care and control of the individual's 9780  
parent, guardian, or custodian. 9781

(B) Except as provided in division (C) of this section, 9782  
before issuing for a minor the first prescription in a single 9783  
course of treatment for an opioid analgesic, regardless of 9784  
whether the dosage is modified during that course of treatment, 9785  
a prescriber shall do all of the following: 9786

(1) As part of the prescriber's examination of the minor, 9787  
assess whether the minor has ever ~~suffered~~had, or ~~is~~ currently 9788  
~~suffering~~has, ~~from~~ mental health or substance abuse disorders 9789  
and whether the minor has taken or is currently taking 9790  
prescription drugs for treatment of those disorders; 9791

(2) Discuss with the minor and the minor's parent, 9792  
guardian, or another adult authorized to consent to the minor's 9793  
medical treatment all of the following: 9794

(a) The risks of addiction and overdose associated with 9795  
opioid analgesics; 9796

(b) The increased risk of addiction to controlled 9797  
substances of individuals ~~suffering from~~ having both mental 9798  
health and substance abuse disorders; 9799

(c) The dangers of taking opioid analgesics with 9800  
benzodiazepines, alcohol, or other central nervous system 9801  
depressants; 9802

(d) Any other information in the patient counseling 9803  
information section of the labeling for the opioid analgesic 9804  
required under 21 C.F.R. 201.57(c) (18). 9805

(3) Obtain written consent for the prescription from the 9806  
minor's parent, guardian, or, subject to division (E) of this 9807  
section, another adult authorized to consent to the minor's 9808  
medical treatment. 9809

The prescriber shall record the consent on a form, which 9810  
shall be known as the "Start Talking!" consent form. The form 9811  
shall be separate from any other document the prescriber uses to 9812  
obtain informed consent for other treatment provided to the 9813  
minor. The form shall contain all of the following: 9814

(a) The name and quantity of the opioid analgesic being 9815  
prescribed and the amount of the initial dose; 9816

(b) A statement indicating that a controlled substance is 9817  
a drug or other substance that the United States drug 9818  
enforcement administration has identified as having a potential 9819  
for abuse; 9820

(c) A statement certifying that the prescriber discussed 9821  
with the minor and the minor's parent, guardian, or another 9822  
adult authorized to consent to the minor's medical treatment the 9823  
matters described in division (B) (2) of this section; 9824

(d) The number of refills, if any, authorized by the 9825  
prescription; 9826

(e) The signature of the minor's parent, guardian, or 9827  
another adult authorized to consent to the minor's medical 9828  
treatment and the date of signing. 9829

(C) (1) The requirements of division (B) of this section do 9830  
not apply if the minor's treatment with an opioid analgesic 9831  
meets any of the following criteria: 9832

(a) The treatment is associated with or incident to a 9833  
medical emergency. 9834

(b) The treatment is associated with or incident to 9835  
surgery, regardless of whether the surgery is performed on an 9836  
inpatient or outpatient basis. 9837

(c) In the prescriber's professional judgment, fulfilling 9838  
the requirements of division (B) of this section with respect to 9839  
the minor's treatment would be a detriment to the minor's health 9840  
or safety. 9841

(d) Except as provided in division (D) of this section, 9842

the treatment is rendered in a hospital, emergency facility, 9843  
ambulatory surgical facility, nursing home, pediatric respite 9844  
care program, residential care facility, freestanding 9845  
rehabilitation facility, or similar institutional facility. 9846

(2) The requirements of division (B) of this section do 9847  
not apply to a prescription for an opioid analgesic that a 9848  
prescriber issues to a minor at the time of discharge from a 9849  
facility or other location described in division (C) (1) (d) of 9850  
this section. 9851

(D) The exemption in division (C) (1) (d) of this section 9852  
does not apply to treatment rendered in a prescriber's office 9853  
that is located on the premises of or adjacent to a facility or 9854  
other location described in that division. 9855

(E) If the individual who signs the consent form required 9856  
by division (B) (3) of this section is another adult authorized 9857  
to consent to the minor's medical treatment, the prescriber 9858  
shall prescribe not more than a single, seventy-two-hour supply 9859  
and indicate on the prescription the quantity that is to be 9860  
dispensed pursuant to the prescription. 9861

(F) A signed "Start Talking!" consent form obtained under 9862  
this section shall be maintained in the minor's medical record. 9863

**Sec. 3719.61.** Nothing in the laws dealing with drugs of 9864  
abuse shall be construed to prohibit treatment of ~~narcotic drug~~ 9865  
~~dependent persons~~ with narcotic drug dependencies by the 9866  
continuing maintenance of their dependence through an opioid 9867  
treatment program licensed and operated in accordance with 9868  
section 5119.37 of the Revised Code and the rules adopted under 9869  
that section. 9870

**Sec. 3719.70.** (A) When testimony, information, or other 9871

evidence in the possession of a person who uses, possesses, or 9872  
trafficks in any drug of abuse appears necessary to an 9873  
investigation by law enforcement authorities into illicit 9874  
sources of any drug of abuse, or appears necessary to 9875  
successfully institute, maintain, or conclude a prosecution for 9876  
any drug abuse offense, as defined in section 2925.01 of the 9877  
Revised Code, a judge of the court of common pleas may grant to 9878  
that person immunity from prosecution for any offense based upon 9879  
the testimony, information, or other evidence furnished by that 9880  
person, other than a prosecution of that person for giving false 9881  
testimony, information, or other evidence. 9882

(B) (1) When a person is convicted of any misdemeanor drug 9883  
abuse offense, the court, in determining whether to place the 9884  
person under a community control sanction pursuant to section 9885  
2929.25 of the Revised Code, shall take into consideration 9886  
whether the person truthfully has revealed all information 9887  
within the person's knowledge concerning illicit traffic in or 9888  
use of drugs of abuse and, when required, has testified as to 9889  
that information in any proceeding to obtain a search or arrest 9890  
warrant against another or to prosecute another for any offense 9891  
involving a drug of abuse. The information shall include, but is 9892  
not limited to, the identity and whereabouts of accomplices, 9893  
accessories, aiders, and abettors, if any, of the person or 9894  
persons from whom any drug of abuse was obtained or to whom any 9895  
drug of abuse was distributed, and of persons known or believed 9896  
to be ~~drug dependent~~ persons with drug dependencies, together 9897  
with the location of any place or places where and the manner in 9898  
which any drug of abuse is illegally cultivated, manufactured, 9899  
sold, possessed, or used. The information also shall include all 9900  
facts and circumstances surrounding any illicit traffic in or 9901  
use of drugs of abuse of that nature. 9902

(2) If a person otherwise is eligible for intervention in lieu of conviction and being ordered to a period of rehabilitation under section 2951.041 of the Revised Code but the person has failed to cooperate with law enforcement authorities by providing them with the types of information described in division (B) (1) of this section, the person's lack of cooperation may be considered by the court under section 2951.041 of the Revised Code in determining whether to stay all criminal proceedings and order the person to a requested period of intervention.

(C) In the absence of a competent and voluntary waiver of the right against self-incrimination, no information or testimony furnished pursuant to division (B) of this section shall be used in a prosecution of the person furnishing it for any offense other than a prosecution of that person for giving false testimony, information, or other evidence.

**Sec. 3721.011.** (A) In addition to providing accommodations, supervision, and personal care services to its residents, a residential care facility may do the following:

(1) Provide the following skilled nursing care to its residents:

(a) Supervision of special diets;

(b) Application of dressings, in accordance with rules adopted under section 3721.04 of the Revised Code;

(c) Subject to division (B) (1) of this section, administration of medication.

(2) Subject to division (C) of this section, provide other skilled nursing care on a part-time, intermittent basis for not more than a total of one hundred twenty days in a twelve-month

period; 9932

(3) Provide skilled nursing care for more than one hundred 9933  
twenty days in a twelve-month period to a resident when the 9934  
requirements of division (D) of this section are met. 9935

A residential care facility may not admit or retain an 9936  
individual requiring skilled nursing care that is not authorized 9937  
by this section. A residential care facility may not provide 9938  
skilled nursing care beyond the limits established by this 9939  
section. 9940

(B) (1) A residential care facility may admit or retain an 9941  
individual requiring medication, including biologicals, only if 9942  
the individual's personal physician has determined in writing 9943  
that the individual is capable of self-administering the 9944  
medication or the facility provides for the medication to be 9945  
administered to the individual by a home health agency certified 9946  
under Title XVIII of the "Social Security Act," 79 Stat. 620 9947  
(1965), 42 U.S.C. 1395, as amended; a hospice care program 9948  
licensed under Chapter 3712. of the Revised Code; or a member of 9949  
the staff of the residential care facility who is qualified to 9950  
perform medication administration. Medication may be 9951  
administered in a residential care facility only by the 9952  
following persons authorized by law to administer medication: 9953

(a) A registered nurse licensed under Chapter 4723. of the 9954  
Revised Code; 9955

(b) A licensed practical nurse licensed under Chapter 9956  
4723. of the Revised Code who holds proof of successful 9957  
completion of a course in medication administration approved by 9958  
the board of nursing and who administers the medication only at 9959  
the direction of a registered nurse or a physician authorized 9960

under Chapter 4731. of the Revised Code to practice medicine and 9961  
surgery or osteopathic medicine and surgery; 9962

(c) A medication aide certified under Chapter 4723. of the 9963  
Revised Code; 9964

(d) A physician authorized under Chapter 4731. of the 9965  
Revised Code to practice medicine and surgery or osteopathic 9966  
medicine and surgery. 9967

(2) In assisting a resident with self-administration of 9968  
medication, any member of the staff of a residential care 9969  
facility may do the following: 9970

(a) Remind a resident when to take medication and watch to 9971  
ensure that the resident follows the directions on the 9972  
container; 9973

(b) Assist a resident by taking the medication from the 9974  
locked area where it is stored, in accordance with rules adopted 9975  
pursuant to section 3721.04 of the Revised Code, and handing it 9976  
to the resident. If the resident is physically unable to open 9977  
the container, a staff member may open the container for the 9978  
resident. 9979

(c) Assist a resident who is physically impaired but 9980  
mentally alert ~~resident~~, such as a resident with arthritis, 9981  
cerebral palsy, or Parkinson's disease, in removing oral or 9982  
topical medication from containers and in consuming or applying 9983  
the medication, upon request by or with the consent of the 9984  
resident. If a resident is physically unable to place a dose of 9985  
medicine to the resident's mouth without spilling it, a staff 9986  
member may place the dose in a container and place the container 9987  
to the mouth of the resident. 9988

(C) Except as provided in division (D) of this section, a 9989

residential care facility may admit or retain individuals who 9990  
require skilled nursing care beyond the supervision of special 9991  
diets, application of dressings, or administration of 9992  
medication, only if the care will be provided on a part-time, 9993  
intermittent basis for not more than a total of one hundred 9994  
twenty days in any twelve-month period. In accordance with 9995  
Chapter 119. of the Revised Code, the director of health shall 9996  
adopt rules specifying what constitutes the need for skilled 9997  
nursing care on a part-time, intermittent basis. The director 9998  
shall adopt rules that are consistent with rules pertaining to 9999  
home health care adopted by the medicaid director for the 10000  
medicaid program. Skilled nursing care provided pursuant to this 10001  
division may be provided by a home health agency certified for 10002  
participation in the medicare program, a hospice care program 10003  
licensed under Chapter 3712. of the Revised Code, or a member of 10004  
the staff of a residential care facility who is qualified to 10005  
perform skilled nursing care. 10006

A residential care facility that provides skilled nursing 10007  
care pursuant to this division shall do both of the following: 10008

(1) Evaluate each resident receiving the skilled nursing 10009  
care at least once every seven days to determine whether the 10010  
resident should be transferred to a nursing home; 10011

(2) Meet the skilled nursing care needs of each resident 10012  
receiving the care. 10013

(D) (1) A residential care facility may admit or retain an 10014  
individual who requires skilled nursing care for more than one 10015  
hundred twenty days in any twelve-month period only if the 10016  
facility has entered into a written agreement with each of the 10017  
following: 10018

(a) The individual or individual's sponsor;	10019
(b) The individual's personal physician;	10020
(c) Unless the individual's personal physician oversees the skilled nursing care, the provider of the skilled nursing care;	10021 10022 10023
(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.	10024 10025 10026
(2) The agreement required by division (D)(1) of this section shall include all of the following provisions:	10027 10028
(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;	10029 10030 10031
(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;	10032 10033 10034
(c) That the redeterminations will be made according to a schedule specified in the agreement;	10035 10036
(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;	10037 10038 10039
(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.	10040 10041 10042
(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.	10043 10044 10045

<b>Sec. 3721.30.</b> (A) (1) A competency evaluation program	10046
approved by the director of health under division (A) of section	10047
3721.31 of the Revised Code or conducted by the director under	10048
division (C) of that section shall evaluate the competency of a	10049
nurse aide in the following areas:	10050
(a) Basic nursing skills;	10051
(b) Personal care skills;	10052
(c) Recognition of mental health and social service needs;	10053
(d) Care of <del>cognitively impaired</del> residents <u>with cognitive</u>	10054
<u>impairments</u> ;	10055
(e) Basic restorative services;	10056
(f) Residents' rights;	10057
(g) Any other area specified by rule of the director.	10058
(2) Any competency evaluation program approved or	10059
conducted by the director may include a written examination, but	10060
shall permit a nurse aide, at the nurse aide's option, to	10061
establish competency in another manner approved by the director.	10062
A nurse aide shall be permitted to have the competency	10063
evaluation conducted at the long-term care facility at which the	10064
nurse aide is or will be employed, unless the facility has been	10065
determined by the director or the United States secretary of	10066
health and human services to have been out of compliance with	10067
the requirements of subsection (b), (c), or (d) of section 1819	10068
or 1919 of the "Social Security Act," 49 Stat. 620 (1935), 42	10069
U.S.C.A. 301, as amended, within the previous two years.	10070
(B) A training and competency evaluation program approved	10071
or conducted by the director under section 3721.31 of the	10072
Revised Code shall consist of training and competency evaluation	10073

specified by the director in rules adopted under division (C) of 10074  
this section, including a minimum of seventy-five hours divided 10075  
between skills training and classroom instruction in the 10076  
following topic areas: 10077

- (1) Basic nursing skills; 10078
- (2) Personal care skills; 10079
- (3) Recognition of mental health and social service needs; 10080
- (4) Care of ~~cognitively impaired~~ residents with cognitive 10081  
impairments; 10082
- (5) Basic restorative services; 10083
- (6) Residents' rights; 10084
- (7) Needs of various groups of long-term care facility 10085  
residents and patients; 10086
- (8) Other topic areas specified by rule of the director. 10087

(C) In accordance with Chapter 119. of the Revised Code, 10088  
the director shall adopt rules establishing procedures and 10089  
criteria for approval of competency evaluation programs and 10090  
training and competency evaluation programs. The requirements 10091  
established by rules shall be no less stringent than the 10092  
requirements, guidelines, and procedures established by the 10093  
United States secretary of health and human services under 10094  
sections 1819 and 1919 of the "Social Security Act." The 10095  
director also shall adopt rules governing all of the following: 10096

- (1) Procedures for determination of an individual's 10097  
competency to perform services as a nurse aide; 10098
- (2) The curriculum of training and competency evaluation 10099  
programs; 10100

(3) The clinical supervision and physical facilities used for competency evaluation programs and training and competency evaluation programs;	10101 10102 10103
(4) The number of hours of training required in training and competency evaluation programs;	10104 10105
(5) The qualifications for instructors, coordinators, and evaluators of competency evaluation programs and training and competency evaluation programs;	10106 10107 10108
(6) Requirements that approved competency evaluation programs and training and competency evaluation programs must meet to retain approval;	10109 10110 10111
(7) Standards for successful completion of a competency evaluation program or training and competency evaluation program;	10112 10113 10114
(8) Procedures and criteria for review and reapproval of competency evaluation programs and training and competency evaluation programs;	10115 10116 10117
(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;	10118 10119 10120 10121 10122
(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;	10123 10124 10125 10126
(11) Procedures for reporting to the nurse aide registry established under section 3721.32 of the Revised Code whether or	10127 10128

not individuals participating in competency evaluation programs 10129  
and training and competency evaluation programs have 10130  
successfully completed the programs. 10131

(D) In accordance with Chapter 119. of the Revised Code, 10132  
the director may adopt rules prescribing criteria and procedures 10133  
for approval of training programs for instructors and 10134  
coordinators for training and competency evaluation programs, 10135  
and for evaluators for competency evaluation programs. The 10136  
director may adopt other rules that ~~he~~the director considers 10137  
necessary for the administration and enforcement of sections 10138  
3721.28 to 3721.34 of the Revised Code or for compliance with 10139  
requirements, guidelines, or procedures issued by the United 10140  
States secretary of health and human services for implementation 10141  
of section 1819 or 1919 of the "Social Security Act." 10142

(E) No person or government entity shall impose on a nurse 10143  
aide any charge for participation in any competency evaluation 10144  
program or training and competency evaluation program approved 10145  
or conducted by the director under section 3721.31 of the 10146  
Revised Code, including any charge for textbooks, other required 10147  
course materials, or a competency evaluation. 10148

(F) No person or government entity shall require that an 10149  
individual used by the person or government entity as a nurse 10150  
aide or seeking employment as a nurse aide pay or repay, either 10151  
before or while the individual is employed by the person or 10152  
government entity or when the individual leaves the person or 10153  
government entity's employ, any costs associated with the 10154  
individual's participation in a competency evaluation program or 10155  
training and competency evaluation program approved or conducted 10156  
by the director. 10157

**Sec. 3781.111.** (A) In addition to the powers conferred by 10158

any other section of the Revised Code, the board of building standards shall adopt standards and rules to facilitate the reasonable access and use by all persons with a disability of all buildings and the facilities of buildings for which plans are submitted for approval under section 3791.04 of the Revised Code. No standard or rule shall be applied to any building the plans or drawings, specifications, and date of which have been approved prior to the time that the standard or rule takes effect.

(B) (1) Except as otherwise provided in this section, the standards and rules adopted by the board pursuant to this section shall be in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, and the "Fair Housing Amendments Act of 1988," 102 Stat. 1619, 42 U.S.C.A. 3601, as amended.

(2) For purposes of enforcement by the Ohio civil rights commission only, approval of a plan as required under section 3791.04 of the Revised Code creates a rebuttable presumption that the plans, drawings, specifications, or data submitted are in compliance with the rules adopted by the board pursuant to this section as they relate to accessibility.

(C) All signs posted to designate ~~special-accessible~~ parking locations for persons with a disability and persons with disabilities that limit or impair the ability to walk in accordance with division (E) of section 4511.69 of the Revised Code and the standards and rules adopted pursuant to this section shall be mounted on a fixed or movable post or otherwise affixed in a vertical position so that the distance from the ground to the bottom edge of the sign measures not less than five feet. If a new sign or a replacement sign designating a-

~~special~~an accessible parking location is posted on or after 10189  
October 14, 1999, there also shall be affixed upon the surface 10190  
of that sign or affixed next to the designating sign a notice 10191  
that states the fine applicable for the offense of parking a 10192  
motor vehicle in the ~~special~~-designated accessible parking 10193  
location if the motor vehicle is not legally entitled to be 10194  
parked in that location. 10195

(D) As used in this section, "disability" has the same 10196  
meaning as in section 4112.01 of the Revised Code. As used in 10197  
division (C) of this section, "persons with disabilities that 10198  
limit or impair the ability to walk" has the same meaning as in 10199  
division (A) (1) of section 4503.44 of the Revised Code. 10200

(E) No owner of a building or facility where ~~special~~-accessible 10201  
accessible parking locations for persons with a disability must 10202  
be designated in accordance with the standards and rules adopted 10203  
pursuant to this section shall fail to properly mark the ~~special~~-accessible 10204  
accessible parking locations as required by those standards and 10205  
rules or fail to maintain the markings of the ~~special~~-accessible 10206  
parking locations, including the erection and maintenance of the 10207  
fixed or movable signs. 10208

(F) The board annually shall provide statewide training on 10209  
the rules adopted by the board pursuant to this section as they 10210  
relate to accessibility for nonresidential building department 10211  
personnel certified by the board who approve, review plans, and 10212  
inspect nonresidential construction. 10213

**Sec. 3781.112.** (A) As used in this section, "secured 10214  
facility" means any of the following: 10215

(1) A maternity unit, newborn care nursery, or maternity 10216  
home licensed under Chapter 3711. of the Revised Code; 10217

(2) A pediatric intensive care unit subject to rules	10218
adopted by the director of health pursuant to section 3702.11 of	10219
the Revised Code;	10220
(3) A children's hospital, as defined in section 3727.01	10221
of the Revised Code;	10222
(4) A hospital that is licensed under section 5119.33 of	10223
the Revised Code to receive <del>mentally ill</del> persons <u>with mental</u>	10224
<u>illnesses</u> ;	10225
(5) The portion of a nursing home licensed under section	10226
3721.02 of the Revised Code or in accordance with section	10227
3721.09 of the Revised Code in which specialized care is	10228
provided to residents of the nursing home who have physical or	10229
mental conditions that require a resident to be restricted in	10230
the resident's freedom of movement for the health and safety of	10231
the resident, the staff attending the resident, or the general	10232
public.	10233
(B) A secured facility may take reasonable steps in	10234
accordance with rules the board of building standards adopts	10235
under division (A) of section 3781.10 of the Revised Code and in	10236
accordance with the state fire code the fire marshal adopts	10237
under section 3737.82 of the Revised Code, to deny egress to	10238
confine and protect patients or residents of the secured	10239
facility who are not capable of self-preservation. A secured	10240
facility that wishes to deny egress to those patients or	10241
residents may use delayed-egress doors and electronically coded	10242
doors to deny egress, on the condition that those doors are	10243
installed and used in accordance with rules the board of	10244
building standards adopts under division (A) of section 3781.10	10245
of the Revised Code and in accordance with the state fire code	10246
the fire marshal adopts under section 3737.82 of the Revised	10247

Code. A secured facility also may install controlled-egress 10248  
locks, in compliance with rules the board of building standards 10249  
adopts under division (A) of section 3781.10 of the Revised Code 10250  
and in compliance with the state fire code the fire marshal 10251  
adopts under section 3737.82 of the Revised Code, in areas of 10252  
the secured facility where patients or residents who have 10253  
physical or mental conditions that would endanger the patients 10254  
or residents, the staff attending the patients or residents, or 10255  
the general public if those patients or residents are not 10256  
restricted in their freedom of movement. A secured facility that 10257  
uses delayed-egress doors and electronically coded doors, 10258  
controlled-egress locks, or both, shall do both of the 10259  
following: 10260

(1) Provide continuous, twenty-four-hour custodial care to 10261  
the patients or residents of the facility; 10262

(2) Establish a system to evacuate patients or residents 10263  
in the event of fire or other emergency. 10264

**Sec. 3781.19.** There is hereby established in the 10265  
department of commerce a board of building appeals consisting of 10266  
five members who shall be appointed by the governor with the 10267  
advice and consent of the senate. Terms of office shall be for 10268  
four years, commencing on the fourteenth day of October and 10269  
ending on the thirteenth day of October. Each member shall hold 10270  
office from the date of appointment until the end of the term 10271  
for which the member was appointed. Any member appointed to fill 10272  
a vacancy occurring prior to the expiration of the term for 10273  
which the member's predecessor was appointed shall hold office 10274  
for the remainder of such term. Any member shall continue in 10275  
office subsequent to the expiration date of the member's term 10276  
until a successor takes office, or until a period of sixty days 10277

has elapsed, whichever occurs first. One member shall be an attorney-at-law, admitted to the bar of this state and of the remaining members, one shall be a registered architect and one shall be a professional engineer, each of whom shall be duly licensed to practice their respective professions in this state, one shall be a fire prevention officer qualified under section 3737.66 of the Revised Code, and one shall be a person with recognized ability in the plumbing or pipefitting profession. No member of the board of building standards shall be a member of the board of building appeals. Each member shall be paid an amount fixed pursuant to Chapter 124. of the Revised Code per diem. The department shall provide and assign to the board such employees as are required by the board to perform its functions. The board may adopt its own rules of procedure not inconsistent with sections 3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change them in its discretion. The board may establish reasonable fees, based on actual costs for administration of filing and processing, not to exceed two hundred dollars, for the costs of filing and processing appeals. A full and complete record of all proceedings of the board shall be kept and be open to public inspection.

In the enforcement by any department of the state or any political subdivision of this chapter and Chapter 3791., and sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, 4104.45, 4105.011, and 4105.11 of the Revised Code and any rule made thereunder, such department is the agency referred to in sections 119.07, 119.08, and 119.10 of the Revised Code.

The appropriate municipal or county board of appeals, where one exists, certified pursuant to section 3781.20 of the Revised Code shall conduct the adjudication hearing referred to in sections 119.09 to 119.13 and required by section 3781.031 of

the Revised Code. If there is no certified municipal or county 10309  
board of appeals, the board of building appeals shall conduct 10310  
the adjudication hearing. If the adjudication hearing concerns 10311  
section 3781.111 of the Revised Code or any rule made 10312  
thereunder, reasonable notice of the time, date, place, and 10313  
subject of the hearing shall be given to any local corporation, 10314  
association, or other organization composed of or representing 10315  
~~handicapped persons~~ with disabilities, as defined in section 10316  
3781.111 of the Revised Code, or if there is no local 10317  
organization, then to any statewide corporation, association, or 10318  
other organization composed of or representing ~~handicapped~~ 10319  
persons with disabilities. 10320

In addition to the provisions of Chapter 119. of the 10321  
Revised Code, the municipal, county, or state board of building 10322  
appeals, as the agency conducting the adjudication hearing, may 10323  
reverse or modify the order of the enforcing agency if it finds 10324  
that the order is contrary to this chapter and Chapters 3791. 10325  
and 4104., and sections 3737.41, 3737.42, 4105.011, and 4105.11 10326  
of the Revised Code and any rule made thereunder or to a fair 10327  
interpretation or application of such laws or any rule made 10328  
thereunder, or that a variance from the provisions of such laws 10329  
or any rule made thereunder, in the specific case, will not be 10330  
contrary to the public interest where a literal enforcement of 10331  
such provisions will result in unnecessary hardship. 10332

The state board of building appeals or a certified 10333  
municipal or county board of appeals shall render its decision 10334  
within thirty days after the date of the adjudication hearing. 10335  
Following the adjudication hearing, any municipal or county 10336  
officer, official municipal or county board, or person who was a 10337  
party to the hearing before the municipal or county board of 10338  
appeals may apply to the state board of appeals for a de novo 10339

hearing before the state board, or may appeal directly to the 10340  
court of common pleas pursuant to section 3781.031 of the 10341  
Revised Code. 10342

In addition, any local corporation, association, or other 10343  
organization composed of or representing ~~handicapped~~ persons 10344  
with disabilities as defined in section 3781.111 of the Revised 10345  
Code, or, if no local corporation, association, or organization 10346  
exists, then any statewide corporation, association, or other 10347  
organization composed of or representing ~~handicapped~~ persons 10348  
with disabilities may apply for the de novo hearing or appeal to 10349  
the court of common pleas from any decision of a certified 10350  
municipal or county board of appeals interpreting, applying, or 10351  
granting a variance from section 3781.111 of the Revised Code 10352  
and any rule made thereunder. Application for a de novo hearing 10353  
before the state board shall be made no later than thirty days 10354  
after the municipal or county board renders its decision. 10355

The state board of building appeals or the appropriate 10356  
certified local board of building appeals shall grant variances 10357  
and exemptions from the requirements of section 3781.108 of the 10358  
Revised Code in accordance with rules adopted by the board of 10359  
building standards pursuant to division (K) of section 3781.10 10360  
of the Revised Code. 10361

The state board of building appeals or the appropriate 10362  
certified local board of building appeals shall, in granting a 10363  
variance or exemption from section 3781.108 of the Revised Code, 10364  
in addition to any other considerations the state or the 10365  
appropriate local board determines appropriate, consider the 10366  
architectural and historical significance of the building. 10367

**Sec. 3791.031.** (A) As used in this section, "place of 10368  
public assembly" means: 10369

(1) Enclosed theatres, except the lobby; opera houses; 10370  
auditoriums; classrooms; elevators; rooms in which persons are 10371  
confined as a matter of health care, including but not limited 10372  
to a hospital room and a room in a residential care facility 10373  
serving as the residence of a person living in such residential 10374  
care facility; 10375

(2) All buildings and other enclosed structures owned by 10376  
the state, its agencies, or political subdivisions, including 10377  
but not limited to hospitals and state institutions for ~~the~~ 10378  
~~mentally ill~~ persons with mental illnesses and persons with 10379  
intellectual disabilities; university and college buildings, 10380  
except rooms within those buildings used primarily as the 10381  
residences of students or other persons affiliated with the 10382  
university or college; office buildings; libraries; museums; and 10383  
vehicles used in public transportation. That portion of a 10384  
building or other enclosed structure that is owned by the state, 10385  
a state agency, or a political subdivision and that is used 10386  
primarily as a food service establishment is not a place of 10387  
public assembly. 10388

(3) Each portion of a building or enclosed structure that 10389  
is not included in division (A) (1) or (2) of this section is a 10390  
place of public assembly if it has a seating capacity of fifty 10391  
or more persons and is available to the public. Restaurants, 10392  
food service establishments, dining rooms, cafes, cafeterias, or 10393  
other rooms used primarily for the service of food, as well as 10394  
bowling alleys and places licensed by the division of liquor 10395  
control to sell intoxicating beverages for consumption on the 10396  
premises, are not places of public assembly. 10397

(B) For the purpose of separating persons who smoke from 10398  
persons who do not smoke for the comfort and health of persons 10399

not smoking, in every place of public assembly there shall be an 10400  
area where smoking is not permitted, which shall be designated a 10401  
no smoking area; provided that, no more than one-half of the 10402  
rooms in any health care facility in which persons are confined 10403  
as a matter of health care may be designated as smoking areas in 10404  
their entirety. The designation shall be made before the place 10405  
of public assembly is made available to the public. In places 10406  
included in division (A)(1) of this section, the local fire 10407  
authority having jurisdiction shall designate the no smoking 10408  
area. In places included in division (A)(2) of this section that 10409  
are owned by the state or its agencies, except the capitol 10410  
square, the director of administrative services shall designate 10411  
the area, and if the place is owned by a political subdivision, 10412  
its legislative authority shall designate an officer who shall 10413  
designate the area. The house rules committee shall designate 10414  
the no smoking areas in all capitol square spaces used by the 10415  
house of representatives; the senate rules committee shall 10416  
designate the no smoking areas in all capitol square spaces used 10417  
by the senate and the legislative service commission; the 10418  
capitol square review and advisory board shall designate the no 10419  
smoking areas in all other spaces in the capitol square. In 10420  
places included in division (A)(3) of this section, the person 10421  
having control of the operations of the place of public assembly 10422  
shall designate the no smoking area. In places included in 10423  
division (A)(2) of this section which are also included in 10424  
division (A)(1) of this section, the officer who has authority 10425  
to designate the area in places in division (A)(2) of this 10426  
section shall designate the no smoking area. A no smoking area 10427  
may include the entire place of public assembly. Designations 10428  
shall be made by the placement of signs that are clearly visible 10429  
and that state "no smoking." No person shall remove signs from 10430  
areas designated as no smoking areas. 10431

(C) This section does not affect or modify the prohibition 10432  
contained in division (B) of section 3313.751 of the Revised 10433  
Code. 10434

(D) No person shall smoke in any area designated as a no 10435  
smoking area in accordance with division (B) of this section. 10436

(E) Whoever violates this section is guilty of a minor 10437  
misdemeanor. 10438

**Sec. 3901.491.** (A) As used in this section: 10439

(1) "Genetic screening or testing" means a laboratory test 10440  
of a person's genes or chromosomes for ~~abnormalities, defects,~~ 10441  
~~or deficiencies,~~ genotypes, mutations, or chromosomal changes, 10442  
including carrier status, that are linked to physical or mental 10443  
disorders or impairments, or that indicate a susceptibility to 10444  
illness, disease, or other disorders, whether physical or 10445  
mental, which test is a direct test for ~~abnormalities, defects,~~ 10446  
~~or deficiencies,~~ genotypes, mutations, or chromosomal changes, 10447  
and not an indirect manifestation of genetic disorders. 10448

(2) "Insurer" means any person authorized under Title 10449  
XXXIX of the Revised Code to engage in the business of sickness 10450  
and accident insurance. 10451

(3) "Sickness and accident insurance" means sickness and 10452  
accident insurance under Chapter 3923. of the Revised Code 10453  
excluding disability income insurance and excluding supplemental 10454  
policies of sickness and accident insurance. 10455

(B) No insurer or public employee benefit plan shall do 10456  
either of the following: 10457

(1) Consider any information obtained from genetic 10458  
screening or testing in processing an application for an 10459

individual or group policy of sickness and accident insurance or 10460  
public employee benefit plan, or in determining insurability 10461  
under such a policy or plan; 10462

(2) Inquire, directly or indirectly, into the results of 10463  
genetic screening or testing or use such information, in whole 10464  
or in part, to cancel, refuse to issue or renew, limit benefits 10465  
under, or set premiums for a sickness and accident insurance 10466  
policy or public employee benefit plan. 10467

(C) Any insurer or plan that has engaged in, is engaged 10468  
in, or is about to engage in a violation of division (B) of this 10469  
section is subject to the jurisdiction of the superintendent of 10470  
insurance under section 3901.04 of the Revised Code. 10471

**Sec. 3901.501.** (A) As used in this section: 10472

(1) "Genetic screening or testing" means a laboratory test 10473  
of a person's genes or chromosomes for ~~abnormalities, defects,~~ 10474  
~~or deficiencies, genotypes, mutations, or chromosomal changes,~~ 10475  
including carrier status, that are linked to physical or mental 10476  
disorders or impairments, or that indicate a susceptibility to 10477  
illness, disease, or other disorders, whether physical or 10478  
mental, which test is a direct test for ~~abnormalities, defects,~~ 10479  
~~or deficiencies, genotypes, mutations, or chromosomal changes,~~ 10480  
and not an indirect manifestation of genetic disorders. 10481

(2) "Self-insurer" means any government entity providing 10482  
coverage for health care services on a self-insurance basis. 10483

(B) Upon the repeal of section 3901.50 of the Revised 10484  
Code, no self-insurer shall do either of the following: 10485

(1) Consider any information obtained from genetic 10486  
screening or testing in processing an application for coverage 10487  
under a plan of self-insurance or in determining insurability 10488

under such a plan; 10489

(2) Inquire, directly or indirectly, into the results of 10490  
genetic screening or testing or use such information, in whole 10491  
or in part, to cancel, refuse to provide or renew, or limit 10492  
benefits under, a plan of self-insurance. 10493

(C) Any self-insurer that has engaged in, is engaged in, 10494  
or is about to engage in a violation of division (B) of this 10495  
section is subject to the jurisdiction of the superintendent of 10496  
insurance under section 3901.04 of the Revised Code. 10497

**Sec. 3923.24.** (A) Notwithstanding section 3901.71 of the 10498  
Revised Code, every certificate furnished by an insurer in 10499  
connection with, or pursuant to any provision of, any group 10500  
sickness and accident insurance policy delivered, issued for 10501  
delivery, renewed, or used in this state on or after January 1, 10502  
1972, every policy of sickness and accident insurance delivered, 10503  
issued for delivery, renewed, or used in this state on or after 10504  
January 1, 1972, and every multiple employer welfare arrangement 10505  
offering an insurance program, which provides that coverage of 10506  
an unmarried dependent child of a parent or legal guardian will 10507  
terminate upon attainment of the limiting age for dependent 10508  
children specified in the contract shall also provide in 10509  
substance both of the following: 10510

(1) Once an unmarried child has attained the limiting age 10511  
for dependent children, as provided in the policy, upon the 10512  
request of the insured, the insurer shall offer to cover the 10513  
unmarried child until the child attains twenty-six years of age 10514  
if all of the following are true: 10515

(a) The child is the natural child, stepchild, or adopted 10516  
child of the insured. 10517

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education. 10518  
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10520

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage. 10521  
10522  
10523

(d) The child is not eligible for the medicaid program or the medicare program. 10524  
10525

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following: 10526  
10527  
10528  
10529

(a) Incapable of self-sustaining employment by reason of an intellectual disability or physical ~~handicap~~disability; 10530  
10531

(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance. 10532  
10533

(B) Proof of such incapacity and dependence for purposes of division (A) (2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually after the two-year period following the child's attainment of the limiting age, the insurer may require proof satisfactory to it of the continuance of such incapacity and dependency. 10534  
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(C) Nothing in this section shall require an insurer to cover a dependent child who has an intellectual disability or physical ~~handicap~~disability if the contract is underwritten on evidence of insurability based on health factors set forth in the application, or if such dependent child does not satisfy the 10542  
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conditions of the contract as to any requirement for evidence of 10547  
insurability or other provision of the contract, satisfaction of 10548  
which is required for coverage thereunder to take effect. In any 10549  
such case, the terms of the contract shall apply with regard to 10550  
the coverage or exclusion of the dependent from such coverage. 10551  
Nothing in this section shall apply to accidental death or 10552  
dismemberment benefits provided by any such policy of sickness 10553  
and accident insurance. 10554

(D) Nothing in this section shall do any of the following: 10555

(1) Require that any policy offer coverage for dependent 10556  
children or provide coverage for an unmarried dependent child's 10557  
children as dependents on the policy; 10558

(2) Require an employer to pay for any part of the premium 10559  
for an unmarried dependent child that has attained the limiting 10560  
age for dependents, as provided in the policy; 10561

(3) Require an employer to offer health insurance coverage 10562  
to the dependents of any employee. 10563

(E) This section does not apply to any policies or 10564  
certificates covering only accident, credit, dental, disability 10565  
income, long-term care, hospital indemnity, medicare supplement, 10566  
specified disease, or vision care; coverage under a one-time- 10567  
limited-duration policy that is less than twelve months; 10568  
coverage issued as a supplement to liability insurance; 10569  
insurance arising out of a workers' compensation or similar law; 10570  
automobile medical-payment insurance; or insurance under which 10571  
benefits are payable with or without regard to fault and that is 10572  
statutorily required to be contained in any liability insurance 10573  
policy or equivalent self-insurance. 10574

(F) As used in this section, "health benefit plan" has the 10575

same meaning as in section 3924.01 of the Revised Code and also 10576  
includes both of the following: 10577

(1) A public employee benefit plan; 10578

(2) A health benefit plan as regulated under the "Employee 10579  
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 10580

**Sec. 3923.241.** (A) Notwithstanding section 3901.71 of the 10581  
Revised Code, any public employee benefit plan that provides 10582  
that coverage of an unmarried dependent child will terminate 10583  
upon attainment of the limiting age for dependent children 10584  
specified in the plan shall also provide in substance both of 10585  
the following: 10586

(1) Once an unmarried child has attained the limiting age 10587  
for dependent children, as provided in the plan, upon the 10588  
request of the employee, the public employee benefit plan shall 10589  
offer to cover the unmarried child until the child attains 10590  
twenty-six years of age if all of the following are true: 10591

(a) The child is the natural child, stepchild, or adopted 10592  
child of the employee. 10593

(b) The child is a resident of this state or a full-time 10594  
student at an accredited public or private institution of higher 10595  
education. 10596

(c) The child is not employed by an employer that offers 10597  
any health benefit plan under which the child is eligible for 10598  
coverage. 10599

(d) The child is not eligible for the medicaid program or 10600  
the medicare program. 10601

(2) That attainment of the limiting age for dependent 10602  
children shall not operate to terminate the coverage of a 10603

dependent child if the child is and continues to be both of the 10604  
following: 10605

(a) Incapable of self-sustaining employment by reason of 10606  
an intellectual disability or physical ~~handicap~~disability; 10607

(b) Primarily dependent upon the plan member for support 10608  
and maintenance. 10609

(B) Proof of incapacity and dependence for purposes of 10610  
division (A) (2) of this section shall be furnished to the public 10611  
employee benefit plan within thirty-one days of the child's 10612  
attainment of the limiting age. Upon request, but not more 10613  
frequently than annually, the public employee benefit plan may 10614  
require proof satisfactory to it of the continuance of such 10615  
incapacity and dependency. 10616

(C) Nothing in this section shall do any of the following: 10617

(1) Require that any public employee benefit plan offer 10618  
coverage for dependent children or provide coverage for an 10619  
unmarried dependent child's children as dependents on the public 10620  
employee benefit plan; 10621

(2) Require an employer to pay for any part of the premium 10622  
for an unmarried dependent child that has attained the limiting 10623  
age for dependents, as provided in the plan; 10624

(3) Require an employer to offer health insurance coverage 10625  
to the dependents of any employee. 10626

(D) This section does not apply to any public employee 10627  
benefit plan covering only accident, credit, dental, disability 10628  
income, long-term care, hospital indemnity, medicare supplement, 10629  
specified disease, or vision care; coverage under a one-time- 10630  
limited-duration policy that is less than twelve months; 10631

coverage issued as a supplement to liability insurance; 10632  
insurance arising out of a workers' compensation or similar law; 10633  
automobile medical-payment insurance; or insurance under which 10634  
benefits are payable with or without regard to fault and which 10635  
is statutorily required to be contained in any liability 10636  
insurance policy or equivalent self-insurance. 10637

(E) As used in this section, "health benefit plan" has the 10638  
same meaning as in section 3924.01 of the Revised Code and also 10639  
includes both of the following: 10640

(1) A public employee benefit plan; 10641

(2) A health benefit plan as regulated under the "Employee 10642  
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 10643

**Sec. 3999.16.** No officer, director, trustee, agent, or 10644  
employee of any insurance company, corporation, or association 10645  
authorized to transact business in this state shall knowingly 10646  
use underwriting standards or rates that result in unfair 10647  
discrimination against any ~~handicapped~~ person with a disability. 10648  
This section does not prevent reasonable classifications of 10649  
~~handicapped~~ persons with disabilities for determining insurance 10650  
rates. 10651

As used in this section, ~~"handicapped"~~ "disability" means 10652  
a medically diagnosable, abnormal condition which is expected to 10653  
continue for a considerable length of time, whether correctable 10654  
or uncorrectable by good medical practice, which can reasonably 10655  
be expected to limit the person's functional ability, including 10656  
but not limited to seeing, hearing, thinking, ambulating, 10657  
climbing, descending, lifting, grasping, sitting, rising, any 10658  
related function, or any limitation due to weakness or 10659  
significantly decreased endurance, so that the person cannot 10660

perform the person's everyday routine living and working without 10661  
significantly increased hardship and vulnerability to what are 10662  
considered the everyday obstacles and hazards encountered by ~~the~~ 10663  
~~nonhandicapped~~persons without disabilities. 10664

**Sec. 4105.13.** Every elevator shall be constructed, 10665  
equipped, maintained, and operated, with respect to the 10666  
supporting members, elevator car, shaftways, guides, cables, 10667  
doors, and gates, safety stops and mechanism, electrical 10668  
apparatus and wiring, mechanical apparatus, counterweights, and 10669  
all other appurtenances, in accordance with state laws and rules 10670  
as are authorized in respect thereto. Where reasonable safety is 10671  
obtained without complying to the literal requirements of such 10672  
rules as in cases of practical difficulty or unnecessary 10673  
hardship, the literal requirements of such rules shall not be 10674  
required. The superintendent of industrial compliance may permit 10675  
the installation of vertical wheelchair lifts in public 10676  
buildings to provide for ~~handicapped~~accessibility for persons  
with disabilities where such lifts do not meet the literal 10677  
requirements of the rules adopted by the board of building 10678  
standards pursuant to section 4105.011 of the Revised Code, 10679  
provided that reasonable safety may be obtained. 10680  
10681

**Sec. 4111.06.** In order to prevent curtailment of 10682  
opportunities for employment, to avoid undue hardship, and to 10683  
safeguard the minimum wage rates under sections 4111.01 to 10684  
4111.17 of the Revised Code, the director of commerce shall 10685  
adopt rules under section 4111.05 of the Revised Code, 10686  
permitting employment in any occupation at wages lower than the 10687  
wage rates applicable under sections 4111.01 to 4111.17 of the 10688  
Revised Code, of individuals whose earning capacity is impaired 10689  
by physical or mental ~~deficiencies~~disabilities or injuries. The 10690  
rules shall provide for licenses to be issued authorizing 10691

employment at the wages of specific individuals or groups of 10692  
employees, or by specific employers or groups of employers, 10693  
pursuant to the rules. The rules shall not conflict with the 10694  
"Americans with Disabilities Act of 1990," 104 Stat. 328, 42 10695  
U.S.C.A. 12111, et seq. 10696

**Sec. 4112.02.** It shall be an unlawful discriminatory 10697  
practice: 10698

(A) For any employer, because of the race, color, 10699  
religion, sex, military status, national origin, disability, 10700  
age, or ancestry of any person, to discharge without just cause, 10701  
to refuse to hire, or otherwise to discriminate against that 10702  
person with respect to hire, tenure, terms, conditions, or 10703  
privileges of employment, or any matter directly or indirectly 10704  
related to employment. 10705

(B) For an employment agency or personnel placement 10706  
service, because of race, color, religion, sex, military status, 10707  
national origin, disability, age, or ancestry, to do any of the 10708  
following: 10709

(1) Refuse or fail to accept, register, classify properly, 10710  
or refer for employment, or otherwise discriminate against any 10711  
person; 10712

(2) Comply with a request from an employer for referral of 10713  
applicants for employment if the request directly or indirectly 10714  
indicates that the employer fails to comply with the provisions 10715  
of sections 4112.01 to 4112.07 of the Revised Code. 10716

(C) For any labor organization to do any of the following: 10717

(1) Limit or classify its membership on the basis of race, 10718  
color, religion, sex, military status, national origin, 10719  
disability, age, or ancestry; 10720

(2) Discriminate against, limit the employment 10721  
opportunities of, or otherwise adversely affect the employment 10722  
status, wages, hours, or employment conditions of any person as 10723  
an employee because of race, color, religion, sex, military 10724  
status, national origin, disability, age, or ancestry. 10725

(D) For any employer, labor organization, or joint labor- 10726  
management committee controlling apprentice training programs to 10727  
discriminate against any person because of race, color, 10728  
religion, sex, military status, national origin, disability, or 10729  
ancestry in admission to, or employment in, any program 10730  
established to provide apprentice training. 10731

(E) Except where based on a bona fide occupational 10732  
qualification certified in advance by the commission, for any 10733  
employer, employment agency, personnel placement service, or 10734  
labor organization, prior to employment or admission to 10735  
membership, to do any of the following: 10736

(1) Elicit or attempt to elicit any information concerning 10737  
the race, color, religion, sex, military status, national 10738  
origin, disability, age, or ancestry of an applicant for 10739  
employment or membership; 10740

(2) Make or keep a record of the race, color, religion, 10741  
sex, military status, national origin, disability, age, or 10742  
ancestry of any applicant for employment or membership; 10743

(3) Use any form of application for employment, or 10744  
personnel or membership blank, seeking to elicit information 10745  
regarding race, color, religion, sex, military status, national 10746  
origin, disability, age, or ancestry; but an employer holding a 10747  
contract containing a nondiscrimination clause with the 10748  
government of the United States, or any department or agency of 10749

that government, may require an employee or applicant for 10750  
employment to furnish documentary proof of United States 10751  
citizenship and may retain that proof in the employer's 10752  
personnel records and may use photographic or fingerprint 10753  
identification for security purposes; 10754

(4) Print or publish or cause to be printed or published 10755  
any notice or advertisement relating to employment or membership 10756  
indicating any preference, limitation, specification, or 10757  
discrimination, based upon race, color, religion, sex, military 10758  
status, national origin, disability, age, or ancestry; 10759

(5) Announce or follow a policy of denying or limiting, 10760  
through a quota system or otherwise, employment or membership 10761  
opportunities of any group because of the race, color, religion, 10762  
sex, military status, national origin, disability, age, or 10763  
ancestry of that group; 10764

(6) Utilize in the recruitment or hiring of persons any 10765  
employment agency, personnel placement service, training school 10766  
or center, labor organization, or any other employee-referring 10767  
source known to discriminate against persons because of their 10768  
race, color, religion, sex, military status, national origin, 10769  
disability, age, or ancestry. 10770

(F) For any person seeking employment to publish or cause 10771  
to be published any advertisement that specifies or in any 10772  
manner indicates that person's race, color, religion, sex, 10773  
military status, national origin, disability, age, or ancestry, 10774  
or expresses a limitation or preference as to the race, color, 10775  
religion, sex, military status, national origin, disability, 10776  
age, or ancestry of any prospective employer. 10777

(G) For any proprietor or any employee, keeper, or manager 10778

of a place of public accommodation to deny to any person, except 10779  
for reasons applicable alike to all persons regardless of race, 10780  
color, religion, sex, military status, national origin, 10781  
disability, age, or ancestry, the full enjoyment of the 10782  
accommodations, advantages, facilities, or privileges of the 10783  
place of public accommodation. 10784

(H) Subject to section 4112.024 of the Revised Code, for 10785  
any person to do any of the following: 10786

(1) Refuse to sell, transfer, assign, rent, lease, 10787  
sublease, or finance housing accommodations, refuse to negotiate 10788  
for the sale or rental of housing accommodations, or otherwise 10789  
deny or make unavailable housing accommodations because of race, 10790  
color, religion, sex, military status, familial status, 10791  
ancestry, disability, or national origin; 10792

(2) Represent to any person that housing accommodations 10793  
are not available for inspection, sale, or rental, when in fact 10794  
they are available, because of race, color, religion, sex, 10795  
military status, familial status, ancestry, disability, or 10796  
national origin; 10797

(3) Discriminate against any person in the making or 10798  
purchasing of loans or the provision of other financial 10799  
assistance for the acquisition, construction, rehabilitation, 10800  
repair, or maintenance of housing accommodations, or any person 10801  
in the making or purchasing of loans or the provision of other 10802  
financial assistance that is secured by residential real estate, 10803  
because of race, color, religion, sex, military status, familial 10804  
status, ancestry, disability, or national origin or because of 10805  
the racial composition of the neighborhood in which the housing 10806  
accommodations are located, provided that the person, whether an 10807  
individual, corporation, or association of any type, lends money 10808

as one of the principal aspects or incident to the person's 10809  
principal business and not only as a part of the purchase price 10810  
of an owner-occupied residence the person is selling nor merely 10811  
casually or occasionally to a relative or friend; 10812

(4) Discriminate against any person in the terms or 10813  
conditions of selling, transferring, assigning, renting, 10814  
leasing, or subleasing any housing accommodations or in 10815  
furnishing facilities, services, or privileges in connection 10816  
with the ownership, occupancy, or use of any housing 10817  
accommodations, including the sale of fire, extended coverage, 10818  
or homeowners insurance, because of race, color, religion, sex, 10819  
military status, familial status, ancestry, disability, or 10820  
national origin or because of the racial composition of the 10821  
neighborhood in which the housing accommodations are located; 10822

(5) Discriminate against any person in the terms or 10823  
conditions of any loan of money, whether or not secured by 10824  
mortgage or otherwise, for the acquisition, construction, 10825  
rehabilitation, repair, or maintenance of housing accommodations 10826  
because of race, color, religion, sex, military status, familial 10827  
status, ancestry, disability, or national origin or because of 10828  
the racial composition of the neighborhood in which the housing 10829  
accommodations are located; 10830

(6) Refuse to consider without prejudice the combined 10831  
income of both husband and wife for the purpose of extending 10832  
mortgage credit to a married couple or either member of a 10833  
married couple; 10834

(7) Print, publish, or circulate any statement or 10835  
advertisement, or make or cause to be made any statement or 10836  
advertisement, relating to the sale, transfer, assignment, 10837  
rental, lease, sublease, or acquisition of any housing 10838

accommodations, or relating to the loan of money, whether or not 10839  
secured by mortgage or otherwise, for the acquisition, 10840  
construction, rehabilitation, repair, or maintenance of housing 10841  
accommodations, that indicates any preference, limitation, 10842  
specification, or discrimination based upon race, color, 10843  
religion, sex, military status, familial status, ancestry, 10844  
disability, or national origin, or an intention to make any such 10845  
preference, limitation, specification, or discrimination; 10846

(8) Except as otherwise provided in division (H) (8) or 10847  
(17) of this section, make any inquiry, elicit any information, 10848  
make or keep any record, or use any form of application 10849  
containing questions or entries concerning race, color, 10850  
religion, sex, military status, familial status, ancestry, 10851  
disability, or national origin in connection with the sale or 10852  
lease of any housing accommodations or the loan of any money, 10853  
whether or not secured by mortgage or otherwise, for the 10854  
acquisition, construction, rehabilitation, repair, or 10855  
maintenance of housing accommodations. Any person may make 10856  
inquiries, and make and keep records, concerning race, color, 10857  
religion, sex, military status, familial status, ancestry, 10858  
disability, or national origin for the purpose of monitoring 10859  
compliance with this chapter. 10860

(9) Include in any transfer, rental, or lease of housing 10861  
accommodations any restrictive covenant, or honor or exercise, 10862  
or attempt to honor or exercise, any restrictive covenant; 10863

(10) Induce or solicit, or attempt to induce or solicit, a 10864  
housing accommodations listing, sale, or transaction by 10865  
representing that a change has occurred or may occur with 10866  
respect to the racial, religious, sexual, military status, 10867  
familial status, or ethnic composition of the block, 10868

neighborhood, or other area in which the housing accommodations 10869  
are located, or induce or solicit, or attempt to induce or 10870  
solicit, a housing accommodations listing, sale, or transaction 10871  
by representing that the presence or anticipated presence of 10872  
persons of any race, color, religion, sex, military status, 10873  
familial status, ancestry, disability, or national origin, in 10874  
the block, neighborhood, or other area will or may have results 10875  
including, but not limited to, the following: 10876

(a) The lowering of property values; 10877

(b) A change in the racial, religious, sexual, military 10878  
status, familial status, or ethnic composition of the block, 10879  
neighborhood, or other area; 10880

(c) An increase in criminal or antisocial behavior in the 10881  
block, neighborhood, or other area; 10882

(d) A decline in the quality of the schools serving the 10883  
block, neighborhood, or other area. 10884

(11) Deny any person access to or membership or 10885  
participation in any multiple-listing service, real estate 10886  
brokers' organization, or other service, organization, or 10887  
facility relating to the business of selling or renting housing 10888  
accommodations, or discriminate against any person in the terms 10889  
or conditions of that access, membership, or participation, on 10890  
account of race, color, religion, sex, military status, familial 10891  
status, national origin, disability, or ancestry; 10892

(12) Coerce, intimidate, threaten, or interfere with any 10893  
person in the exercise or enjoyment of, or on account of that 10894  
person's having exercised or enjoyed or having aided or 10895  
encouraged any other person in the exercise or enjoyment of, any 10896  
right granted or protected by division (H) of this section; 10897

(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, military status, familial status, or ethnic composition;	10898 10899 10900 10901 10902
(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;	10903 10904 10905 10906 10907
(15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of a disability of any of the following:	10908 10909 10910
(a) The buyer or renter;	10911
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	10912 10913 10914
(c) Any individual associated with the person described in division (H) (15) (b) of this section.	10915 10916
(16) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of a disability of any of the following:	10917 10918 10919 10920 10921
(a) That person;	10922
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	10923 10924 10925

(c) Any individual associated with the person described in	10926
division (H) (16) (b) of this section.	10927
(17) Except as otherwise provided in division (H) (17) of	10928
this section, make an inquiry to determine whether an applicant	10929
for the sale or rental of housing accommodations, a person	10930
residing in or intending to reside in the housing accommodations	10931
after they are sold, rented, or made available, or any	10932
individual associated with that person has a disability, or make	10933
an inquiry to determine the nature or severity of a disability	10934
of the applicant or such a person or individual. The following	10935
inquiries may be made of all applicants for the sale or rental	10936
of housing accommodations, regardless of whether they have	10937
disabilities:	10938
(a) An inquiry into an applicant's ability to meet the	10939
requirements of ownership or tenancy;	10940
(b) An inquiry to determine whether an applicant is	10941
qualified for housing accommodations available only to persons	10942
with disabilities or persons with a particular type of	10943
disability;	10944
(c) An inquiry to determine whether an applicant is	10945
qualified for a priority available to persons with disabilities	10946
or persons with a particular type of disability;	10947
(d) An inquiry to determine whether an applicant currently	10948
uses a controlled substance in violation of section 2925.11 of	10949
the Revised Code or a substantively comparable municipal	10950
ordinance;	10951
(e) An inquiry to determine whether an applicant at any	10952
time has been convicted of or pleaded guilty to any offense, an	10953
element of which is the illegal sale, offer to sell,	10954

cultivation, manufacture, other production, shipment, 10955  
transportation, delivery, or other distribution of a controlled 10956  
substance. 10957

(18) (a) Refuse to permit, at the expense of a person with 10958  
a disability, reasonable modifications of existing housing 10959  
accommodations that are occupied or to be occupied by the person 10960  
with a disability, if the modifications may be necessary to 10961  
afford the person with a disability full enjoyment of the 10962  
housing accommodations. This division does not preclude a 10963  
landlord of housing accommodations that are rented or to be 10964  
rented to a ~~disabled~~ tenant with a disability from conditioning 10965  
permission for a proposed modification upon the ~~disabled~~ 10966  
~~tenant's~~ tenant with a disability doing one or more of the 10967  
following: 10968

(i) Providing a reasonable description of the proposed 10969  
modification and reasonable assurances that the proposed 10970  
modification will be made in a workerlike manner and that any 10971  
required building permits will be obtained prior to the 10972  
commencement of the proposed modification; 10973

(ii) Agreeing to restore at the end of the tenancy the 10974  
interior of the housing accommodations to the condition they 10975  
were in prior to the proposed modification, but subject to 10976  
reasonable wear and tear during the period of occupancy, if it 10977  
is reasonable for the landlord to condition permission for the 10978  
proposed modification upon the agreement; 10979

(iii) Paying into an interest-bearing escrow account that 10980  
is in the landlord's name, over a reasonable period of time, a 10981  
reasonable amount of money not to exceed the projected costs at 10982  
the end of the tenancy of the restoration of the interior of the 10983  
housing accommodations to the condition they were in prior to 10984

the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if the landlord finds the account reasonably necessary to ensure the availability of funds for the restoration work. The interest earned in connection with an escrow account described in this division shall accrue to the benefit of the ~~disabled~~ tenant with a disability who makes payments into the account.

(b) A landlord shall not condition permission for a proposed modification upon a ~~disabled tenant's~~ tenant with a disability's payment of a security deposit that exceeds the customarily required security deposit of all tenants of the particular housing accommodations.

(19) Refuse to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including associated public and common use areas;

(20) Fail to comply with the standards and rules adopted under division (A) of section 3781.111 of the Revised Code;

(21) Discriminate against any person in the selling, brokering, or appraising of real property because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin;

(22) Fail to design and construct covered multifamily dwellings for first occupancy on or after June 30, 1992, in accordance with the following conditions:

(a) The dwellings shall have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site.

- (b) With respect to dwellings that have a building entrance on an accessible route, all of the following apply:
- (i) The public use areas and common use areas of the dwellings shall be readily accessible to and usable by persons with a disability.
- (ii) All the doors designed to allow passage into and within all premises shall be sufficiently wide to allow passage by persons with a disability who are in wheelchairs.
- (iii) All premises within covered multifamily dwelling units shall contain an accessible route into and through the dwelling; all light switches, electrical outlets, thermostats, and other environmental controls within such units shall be in accessible locations; the bathroom walls within such units shall contain reinforcements to allow later installation of grab bars; and the kitchens and bathrooms within such units shall be designed and constructed in a manner that enables an individual in a wheelchair to maneuver about such rooms.
- For purposes of division (H) (22) of this section, "covered multifamily dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.
- (I) For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code.
- (J) For any person to aid, abet, incite, compel, or coerce
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the doing of any act declared by this section to be an unlawful  
discriminatory practice, to obstruct or prevent any person from  
complying with this chapter or any order issued under it, or to  
attempt directly or indirectly to commit any act declared by  
this section to be an unlawful discriminatory practice.

(K) Nothing in divisions (A) to (E) of this section shall  
be construed to require a person with a disability to be  
employed or trained under circumstances that would significantly  
increase the occupational hazards affecting either the person  
with a disability, other employees, the general public, or the  
facilities in which the work is to be performed, or to require  
the employment or training of a person with a disability in a  
job that requires the person with a disability routinely to  
undertake any task, the performance of which is substantially  
and inherently impaired by the person's disability.

(L) With regard to age, it shall not be an unlawful  
discriminatory practice and it shall not constitute a violation  
of division (A) of section 4112.14 of the Revised Code for any  
employer, employment agency, joint labor-management committee  
controlling apprenticeship training programs, or labor  
organization to do any of the following:

(1) Establish bona fide employment qualifications  
reasonably related to the particular business or occupation that  
may include standards for skill, aptitude, physical capability,  
intelligence, education, maturation, and experience;

(2) Observe the terms of a bona fide seniority system or  
any bona fide employee benefit plan, including, but not limited  
to, a retirement, pension, or insurance plan, that is not a  
subterfuge to evade the purposes of this section. However, no  
such employee benefit plan shall excuse the failure to hire any

individual, and no such seniority system or employee benefit 11073  
plan shall require or permit the involuntary retirement of any 11074  
individual, because of the individual's age except as provided 11075  
for in the "Age Discrimination in Employment Act Amendment of 11076  
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 11077  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 11078  
3342, 29 U.S.C.A. 623, as amended. 11079

(3) Retire an employee who has attained sixty-five years 11080  
of age who, for the two-year period immediately before 11081  
retirement, is employed in a bona fide executive or a high 11082  
policymaking position, if the employee is entitled to an 11083  
immediate nonforfeitable annual retirement benefit from a 11084  
pension, profit-sharing, savings, or deferred compensation plan, 11085  
or any combination of those plans, of the employer of the 11086  
employee, which equals, in the aggregate, at least forty-four 11087  
thousand dollars, in accordance with the conditions of the "Age 11088  
Discrimination in Employment Act Amendment of 1978," 92 Stat. 11089  
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 11090  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 11091  
631, as amended; 11092

(4) Observe the terms of any bona fide apprenticeship 11093  
program if the program is registered with the Ohio 11094  
apprenticeship council pursuant to sections 4139.01 to 4139.06 11095  
of the Revised Code and is approved by the federal committee on 11096  
apprenticeship of the United States department of labor. 11097

(M) Nothing in this chapter prohibiting age discrimination 11098  
and nothing in division (A) of section 4112.14 of the Revised 11099  
Code shall be construed to prohibit the following: 11100

(1) The designation of uniform age the attainment of which 11101  
is necessary for public employees to receive pension or other 11102

retirement benefits pursuant to Chapter 145., 742., 3307., 11103  
3309., or 5505. of the Revised Code; 11104

(2) The mandatory retirement of uniformed patrol officers 11105  
of the state highway patrol as provided in section 5505.16 of 11106  
the Revised Code; 11107

(3) The maximum age requirements for appointment as a 11108  
patrol officer in the state highway patrol established by 11109  
section 5503.01 of the Revised Code; 11110

(4) The maximum age requirements established for original 11111  
appointment to a police department or fire department in 11112  
sections 124.41 and 124.42 of the Revised Code; 11113

(5) Any maximum age not in conflict with federal law that 11114  
may be established by a municipal charter, municipal ordinance, 11115  
or resolution of a board of township trustees for original 11116  
appointment as a police officer or firefighter; 11117

(6) Any mandatory retirement provision not in conflict 11118  
with federal law of a municipal charter, municipal ordinance, or 11119  
resolution of a board of township trustees pertaining to police 11120  
officers and firefighters; 11121

(7) Until January 1, 1994, the mandatory retirement of any 11122  
employee who has attained seventy years of age and who is 11123  
serving under a contract of unlimited tenure, or similar 11124  
arrangement providing for unlimited tenure, at an institution of 11125  
higher education as defined in the "Education Amendments of 11126  
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 11127

(N) (1) (a) Except as provided in division (N) (1) (b) of this 11128  
section, for purposes of divisions (A) to (E) of this section, a 11129  
disability does not include any physiological disorder or 11130  
condition, mental or psychological disorder, or disease or 11131

condition caused by an illegal use of any controlled substance 11132  
by an employee, applicant, or other person, if an employer, 11133  
employment agency, personnel placement service, labor 11134  
organization, or joint labor-management committee acts on the 11135  
basis of that illegal use. 11136

(b) Division (N) (1) (a) of this section does not apply to 11137  
an employee, applicant, or other person who satisfies any of the 11138  
following: 11139

(i) The employee, applicant, or other person has 11140  
successfully completed a supervised drug rehabilitation program 11141  
and no longer is engaging in the illegal use of any controlled 11142  
substance, or the employee, applicant, or other person otherwise 11143  
successfully has been rehabilitated and no longer is engaging in 11144  
that illegal use. 11145

(ii) The employee, applicant, or other person is 11146  
participating in a supervised drug rehabilitation program and no 11147  
longer is engaging in the illegal use of any controlled 11148  
substance. 11149

(iii) The employee, applicant, or other person is 11150  
erroneously regarded as engaging in the illegal use of any 11151  
controlled substance, but the employee, applicant, or other 11152  
person is not engaging in that illegal use. 11153

(2) Divisions (A) to (E) of this section do not prohibit 11154  
an employer, employment agency, personnel placement service, 11155  
labor organization, or joint labor-management committee from 11156  
doing any of the following: 11157

(a) Adopting or administering reasonable policies or 11158  
procedures, including, but not limited to, testing for the 11159  
illegal use of any controlled substance, that are designed to 11160

ensure that an individual described in division (N) (1) (b) (i) or 11161  
(ii) of this section no longer is engaging in the illegal use of 11162  
any controlled substance; 11163

(b) Prohibiting the illegal use of controlled substances 11164  
and the use of alcohol at the workplace by all employees; 11165

(c) Requiring that employees not be under the influence of 11166  
alcohol or not be engaged in the illegal use of any controlled 11167  
substance at the workplace; 11168

(d) Requiring that employees behave in conformance with 11169  
the requirements established under "The Drug-Free Workplace Act 11170  
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 11171

(e) Holding an employee who engages in the illegal use of 11172  
any controlled substance or who is an alcoholic has alcoholism 11173  
to the same qualification standards for employment or job 11174  
performance, and the same behavior, to which the employer, 11175  
employment agency, personnel placement service, labor 11176  
organization, or joint labor-management committee holds other 11177  
employees, even if any unsatisfactory performance or behavior is 11178  
related to an employee's illegal use of a controlled substance 11179  
or alcoholism; 11180

(f) Exercising other authority recognized in the 11181  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 11182  
U.S.C.A. 12101, as amended, including, but not limited to, 11183  
requiring employees to comply with any applicable federal 11184  
standards. 11185

(3) For purposes of this chapter, a test to determine the 11186  
illegal use of any controlled substance does not include a 11187  
medical examination. 11188

(4) Division (N) of this section does not encourage, 11189

prohibit, or authorize, and shall not be construed as 11190  
encouraging, prohibiting, or authorizing, the conduct of testing 11191  
for the illegal use of any controlled substance by employees, 11192  
applicants, or other persons, or the making of employment 11193  
decisions based on the results of that type of testing. 11194

(O) This section does not apply to a religious 11195  
corporation, association, educational institution, or society 11196  
with respect to the employment of an individual of a particular 11197  
religion to perform work connected with the carrying on by that 11198  
religious corporation, association, educational institution, or 11199  
society of its activities. 11200

The unlawful discriminatory practices defined in this 11201  
section do not make it unlawful for a person or an appointing 11202  
authority administering an examination under section 124.23 of 11203  
the Revised Code to obtain information about an applicant's 11204  
military status for the purpose of determining if the applicant 11205  
is eligible for the additional credit that is available under 11206  
that section. 11207

**Sec. 4115.33.** (A) The state committee for the purchase of 11208  
products and services provided by persons with severe 11209  
disabilities shall adopt rules in accordance with Chapter 119. 11210  
of the Revised Code that do all of the following: 11211

(1) Determine which products manufactured and site- 11212  
specific services provided by persons with severe disabilities 11213  
and offered for sale to state agencies, political subdivisions, 11214  
or instrumentalities of the state are suitable for procurement; 11215

(2) Verify the fair market prices of the products and 11216  
services described in division (A)(1) of this section. The fair 11217  
market prices shall not recover any profit. The committee 11218

periodically shall revise the fair market prices in accordance 11219  
with changing market conditions. 11220

(3) Establish, maintain, and publish a list of all the 11221  
products and site-specific services described in division (A) (1) 11222  
of this section. The committee periodically shall revise this 11223  
procurement list as products or services are added to or removed 11224  
from the products and services described in division (A) (1) of 11225  
this section. The committee also shall make available the 11226  
procurement list and revisions of it, on request, to all 11227  
purchasing officers of state agencies, political subdivisions, 11228  
and instrumentalities of the state. 11229

(4) Establish criteria for determining what constitutes a 11230  
substantial ~~handicap~~-impediment to employment that prevents 11231  
persons with severe disabilities from currently engaging in 11232  
normal competitive employment. In establishing the criteria, the 11233  
committee shall consult with appropriate entities of government 11234  
and take into account the views of nongovernmental entities 11235  
representing persons with severe disabilities. The committee 11236  
shall further give weight of the criteria established by the 11237  
federal committee for purchase from people who are blind or 11238  
severely disabled, pursuant to the "Javits-Wagner-O'Day Act," 52 11239  
Stat. 1196 (1938), 41 U.S.C.A. 46, as amended. 11240

(5) Certify all qualified nonprofit agencies that meet the 11241  
requirements of division (B) of section 4115.31 of the Revised 11242  
Code. When a qualified nonprofit agency is certified by the 11243  
committee, its products and services that the committee 11244  
determines are suitable for procurement by state agencies, 11245  
political subdivisions, and instrumentalities of the state shall 11246  
be placed on the procurement list established under division (A) 11247  
(3) of this section. 11248

(6) Establish procedures for the operation of each central nonprofit agency approved under section 4115.35 of the Revised Code. 11249  
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(B) The committee may adopt rules in accordance with Chapter 119. of the Revised Code that do either or both of the following: 11252  
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(1) Establish pilot programs to improve the administration of sections 4115.31 to 4115.35 of the Revised Code; 11255  
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(2) Establish a fee structure for each central nonprofit agency approved under section 4115.35 of the Revised Code. 11257  
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The committee also may adopt any other rule under Chapter 119. of the Revised Code necessary for the effective and efficient administration of sections 4115.31 to 4115.35 of the Revised Code. 11259  
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(C) The committee may conduct a study and evaluation of its activities under sections 4115.31 to 4115.35 of the Revised Code for the purpose of assuring effective and efficient administration of its duties and responsibilities under those sections. The committee also may study, on its own or in conjunction with public or private entities, problems related to the employment of persons with severe disabilities and the development or adaptation of production methods that would enable a greater utilization of persons with severe disabilities. 11263  
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**Sec. 4121.61.** (A) As used in sections 4121.61 to 4121.69 of the Revised Code, "self-insuring employer" has the same meaning as in section 4123.01 of the Revised Code. 11273  
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(B) The administrator of workers' compensation, with the advice and consent of the bureau of workers' compensation board 11276  
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of directors, shall adopt rules, take measures, and make 11278  
expenditures as it deems necessary to aid claimants who have 11279  
sustained compensable injuries or incurred compensable 11280  
occupational diseases pursuant to Chapter 4123., 4127., or 4131. 11281  
of the Revised Code to return to work or to assist in lessening 11282  
or removing any resulting ~~handicap~~impairment. 11283

**Sec. 4123.343.** This section shall be construed liberally 11284  
to the end that employers shall be encouraged to employ and 11285  
retain in their employment ~~handicapped employees with~~ 11286  
disabilities as defined in this section. 11287

(A) As used in this section, ~~"handicapped employee"~~ 11288  
"employee with a disability" means an employee who is afflicted 11289  
with or subject to any physical or mental impairment, or both, 11290  
whether congenital or due to an injury or disease of such 11291  
character that the impairment constitutes ~~a handicap an~~ 11292  
impediment in obtaining employment or would constitute ~~a~~ 11293  
~~handicap an impediment~~ in obtaining reemployment if the employee 11294  
should become unemployed and whose ~~handicap disability~~ is due to 11295  
any of the following diseases or conditions: 11296

(1) Epilepsy; 11297

(2) Diabetes; 11298

(3) Cardiac disease; 11299

(4) Arthritis; 11300

(5) Amputated foot, leg, arm, or hand; 11301

(6) Loss of sight of one or both eyes or a partial loss of 11302  
uncorrected vision of more than seventy-five per cent 11303  
bilaterally; 11304

(7) Residual disability from poliomyelitis; 11305

(8) Cerebral palsy;	11306
(9) Multiple sclerosis;	11307
(10) Parkinson's disease;	11308
(11) Cerebral vascular accident;	11309
(12) Tuberculosis;	11310
(13) Silicosis;	11311
(14) Psycho-neurotic disability following treatment in a recognized medical or mental institution;	11312 11313
(15) Hemophilia;	11314
(16) Chronic osteomyelitis;	11315
(17) Ankylosis of joints;	11316
(18) Hyper insulinism;	11317
(19) Muscular dystrophies;	11318
(20) Arterio-sclerosis;	11319
(21) Thrombo-phlebitis;	11320
(22) Varicose veins;	11321
(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;	11322 11323 11324 11325
(24) Coal miners' pneumoconiosis, commonly referred to as "black lung disease";	11326 11327
(25) Disability with respect to which an individual has completed a rehabilitation program conducted pursuant to	11328 11329

sections 4121.61 to 4121.69 of the Revised Code. 11330

(B) Under the circumstances set forth in this section all 11331  
or such portion as the administrator determines of the 11332  
compensation and benefits paid in any claim arising hereafter 11333  
shall be charged to and paid from the statutory surplus fund 11334  
created under section 4123.34 of the Revised Code and only the 11335  
portion remaining shall be merit-rated or otherwise treated as 11336  
part of the accident or occupational disease experience of the 11337  
employer. The provisions of this section apply only in cases of 11338  
death, total disability, whether temporary or permanent, and all 11339  
disabilities compensated under division (B) of section 4123.57 11340  
of the Revised Code. The administrator shall adopt rules 11341  
specifying the grounds upon which charges to the statutory 11342  
surplus fund are to be made. The administrator, in those rules, 11343  
shall require that a settlement agreement approved pursuant to 11344  
section 4123.65 of the Revised Code or a settlement agreement 11345  
approved by a court of competent jurisdiction in this state be 11346  
treated as an award of compensation granted by the administrator 11347  
for the purpose of making a determination under this section. 11348

(C) Any employer who has in its employ ~~a handicapped an~~ 11349  
employee with a disability is entitled, in the event the person 11350  
is injured, to a determination under this section. 11351

An employer shall file an application under this section 11352  
for a determination with the bureau or commission in the same 11353  
manner as other claims. An application only may be made in cases 11354  
where ~~a handicapped an~~ employee with a disability or ~~a~~ 11355  
~~handicapped employee's~~ the dependents of an employee with a 11356  
disability claim or are receiving an award of compensation as a 11357  
result of an injury or occupational disease occurring or 11358  
contracted on or after the date on which division (A) of this 11359

section first included the ~~handicap~~disability of such employee. 11360

(D) The circumstances under and the manner in which an 11361  
apportionment under this section shall be made are: 11362

(1) Whenever ~~a handicapped~~an employee with a disability 11363  
is injured or further disabled or dies as the result of an 11364  
injury or occupational disease sustained in the course of and 11365  
arising out of ~~a handicapped employee's~~an employee with a 11366  
disability's employment in this state and the administrator 11367  
awards compensation therefor and when it appears to the 11368  
satisfaction of the administrator that the injury or 11369  
occupational disease or the death resulting therefrom would not 11370  
have occurred but for the pre-existing physical or mental 11371  
impairment of the ~~handicapped~~employee with a disability, all 11372  
compensation and benefits payable on account of the disability 11373  
or death shall be paid from the surplus fund. 11374

(2) Whenever ~~a handicapped~~an employee with a disability 11375  
is injured or further disabled or dies as a result of an injury 11376  
or occupational disease and the administrator finds that the 11377  
injury or occupational disease would have been sustained or 11378  
suffered without regard to the employee's pre-existing 11379  
impairment but that the resulting disability or death was caused 11380  
at least in part through aggravation of the employee's pre- 11381  
existing disability, the administrator shall determine in a 11382  
manner that is equitable and reasonable and based upon medical 11383  
evidence the amount of disability or proportion of the cost of 11384  
the death award that is attributable to the employee's pre- 11385  
existing disability and the amount found shall be charged to the 11386  
statutory surplus fund. 11387

(E) The benefits and provisions of this section apply only 11388  
to employers who have complied with this chapter through 11389

insurance with the state fund. 11390

(F) No employer shall in any year receive credit under 11391  
this section in an amount greater than the premium the employer 11392  
paid. 11393

(G) An order issued by the administrator pursuant to this 11394  
section is appealable under section 4123.511 of the Revised Code 11395  
but is not appealable to court under section 4123.512 of the 11396  
Revised Code. 11397

**Sec. 4123.57.** Partial disability compensation shall be 11398  
paid as follows. 11399

Except as provided in this section, not earlier than 11400  
twenty-six weeks after the date of termination of the latest 11401  
period of payments under section 4123.56 of the Revised Code, or 11402  
not earlier than twenty-six weeks after the date of the injury 11403  
or contraction of an occupational disease in the absence of 11404  
payments under section 4123.56 of the Revised Code, the employee 11405  
may file an application with the bureau of workers' compensation 11406  
for the determination of the percentage of the employee's 11407  
permanent partial disability resulting from an injury or 11408  
occupational disease. 11409

Whenever the application is filed, the bureau shall send a 11410  
copy of the application to the employee's employer or the 11411  
employer's representative and shall schedule the employee for a 11412  
medical examination by the bureau medical section. The bureau 11413  
shall send a copy of the report of the medical examination to 11414  
the employee, the employer, and their representatives. 11415  
Thereafter, the administrator of workers' compensation shall 11416  
review the employee's claim file and make a tentative order as 11417  
the evidence before the administrator at the time of the making 11418

of the order warrants. If the administrator determines that 11419  
there is a conflict of evidence, the administrator shall send 11420  
the application, along with the claimant's file, to the district 11421  
hearing officer who shall set the application for a hearing. 11422

If an employee fails to respond to an attempt to schedule 11423  
a medical examination by the bureau medical section, or fails to 11424  
attend a medical examination scheduled under this section 11425  
without notice or explanation, the employee's application for a 11426  
finding shall be dismissed without prejudice. The employee may 11427  
refile the application. A dismissed application does not toll 11428  
the continuing jurisdiction of the industrial commission under 11429  
section 4123.52 of the Revised Code. The administrator shall 11430  
adopt rules addressing the manner in which an employee will be 11431  
notified of a possible dismissal and how an employee may refile 11432  
an application for a determination. 11433

The administrator shall notify the employee, the employer, 11434  
and their representatives, in writing, of the tentative order 11435  
and of the parties' right to request a hearing. Unless the 11436  
employee, the employer, or their representative notifies the 11437  
administrator, in writing, of an objection to the tentative 11438  
order within twenty days after receipt of the notice thereof, 11439  
the tentative order shall go into effect and the employee shall 11440  
receive the compensation provided in the order. In no event 11441  
shall there be a reconsideration of a tentative order issued 11442  
under this division. 11443

If the employee, the employer, or their representatives 11444  
timely notify the administrator of an objection to the tentative 11445  
order, the matter shall be referred to a district hearing 11446  
officer who shall set the application for hearing with written 11447  
notices to all interested persons. Upon referral to a district 11448

hearing officer, the employer may obtain a medical examination 11449  
of the employee, pursuant to rules of the industrial commission. 11450

(A) The district hearing officer, upon the application, 11451  
shall determine the percentage of the employee's permanent 11452  
disability, except as is subject to division (B) of this 11453  
section, based upon that condition of the employee resulting 11454  
from the injury or occupational disease and causing permanent 11455  
impairment evidenced by medical or clinical findings reasonably 11456  
demonstrable. The employee shall receive sixty-six and two- 11457  
thirds per cent of the employee's average weekly wage, but not 11458  
more than a maximum of thirty-three and one-third per cent of 11459  
the statewide average weekly wage as defined in division (C) of 11460  
section 4123.62 of the Revised Code, per week regardless of the 11461  
average weekly wage, for the number of weeks which equals the 11462  
percentage of two hundred weeks. Except on application for 11463  
reconsideration, review, or modification, which is filed within 11464  
ten days after the date of receipt of the decision of the 11465  
district hearing officer, in no instance shall the former award 11466  
be modified unless it is found from medical or clinical findings 11467  
that the condition of the claimant resulting from the injury has 11468  
so progressed as to have increased the percentage of permanent 11469  
partial disability. A staff hearing officer shall hear an 11470  
application for reconsideration filed and the staff hearing 11471  
officer's decision is final. An employee may file an application 11472  
for a subsequent determination of the percentage of the 11473  
employee's permanent disability. If such an application is 11474  
filed, the bureau shall send a copy of the application to the 11475  
employer or the employer's representative. No sooner than sixty 11476  
days from the date of the mailing of the application to the 11477  
employer or the employer's representative, the administrator 11478  
shall review the application. The administrator may require a 11479

medical examination or medical review of the employee. The 11480  
administrator shall issue a tentative order based upon the 11481  
evidence before the administrator, provided that if the 11482  
administrator requires a medical examination or medical review, 11483  
the administrator shall not issue the tentative order until the 11484  
completion of the examination or review. 11485

The employer may obtain a medical examination of the 11486  
employee and may submit medical evidence at any stage of the 11487  
process up to a hearing before the district hearing officer, 11488  
pursuant to rules of the commission. The administrator shall 11489  
notify the employee, the employer, and their representatives, in 11490  
writing, of the nature and amount of any tentative order issued 11491  
on an application requesting a subsequent determination of the 11492  
percentage of an employee's permanent disability. An employee, 11493  
employer, or their representatives may object to the tentative 11494  
order within twenty days after the receipt of the notice 11495  
thereof. If no timely objection is made, the tentative order 11496  
shall go into effect. In no event shall there be a 11497  
reconsideration of a tentative order issued under this division. 11498  
If an objection is timely made, the application for a subsequent 11499  
determination shall be referred to a district hearing officer 11500  
who shall set the application for a hearing with written notice 11501  
to all interested persons. No application for subsequent 11502  
percentage determinations on the same claim for injury or 11503  
occupational disease shall be accepted for review by the 11504  
district hearing officer unless supported by substantial 11505  
evidence of new and changed circumstances developing since the 11506  
time of the hearing on the original or last determination. 11507

No award shall be made under this division based upon a 11508  
percentage of disability which, when taken with all other 11509  
percentages of permanent disability, exceeds one hundred per 11510

cent. If the percentage of the permanent disability of the 11511  
employee equals or exceeds ninety per cent, compensation for 11512  
permanent partial disability shall be paid for two hundred 11513  
weeks. 11514

Compensation payable under this division accrues and is 11515  
payable to the employee from the date of last payment of 11516  
compensation, or, in cases where no previous compensation has 11517  
been paid, from the date of the injury or the date of the 11518  
diagnosis of the occupational disease. 11519

When an award under this division has been made prior to 11520  
the death of an employee, all unpaid installments accrued or to 11521  
accrue under the provisions of the award are payable to the 11522  
surviving spouse, or if there is no surviving spouse, to the 11523  
dependent children of the employee, and if there are no children 11524  
surviving, then to other dependents as the administrator 11525  
determines. 11526

(B) For purposes of this division, "payable per week" 11527  
means the seven-consecutive-day period in which compensation is 11528  
paid in installments according to the schedule associated with 11529  
the applicable injury as set forth in this division. 11530

Compensation paid in weekly installments according to the 11531  
schedule described in this division may only be commuted to one 11532  
or more lump sum payments pursuant to the procedure set forth in 11533  
section 4123.64 of the Revised Code. 11534

In cases included in the following schedule the 11535  
compensation payable per week to the employee is the statewide 11536  
average weekly wage as defined in division (C) of section 11537  
4123.62 of the Revised Code per week and shall be paid in 11538  
installments according to the following schedule: 11539

For the loss of a first finger, commonly known as a thumb,	11540
sixty weeks.	11541
For the loss of a second finger, commonly called index	11542
finger, thirty-five weeks.	11543
For the loss of a third finger, thirty weeks.	11544
For the loss of a fourth finger, twenty weeks.	11545
For the loss of a fifth finger, commonly known as the	11546
little finger, fifteen weeks.	11547
The loss of a second, or distal, phalange of the thumb is	11548
considered equal to the loss of one half of such thumb; the loss	11549
of more than one half of such thumb is considered equal to the	11550
loss of the whole thumb.	11551
The loss of the third, or distal, phalange of any finger	11552
is considered equal to the loss of one-third of the finger.	11553
The loss of the middle, or second, phalange of any finger	11554
is considered equal to the loss of two-thirds of the finger.	11555
The loss of more than the middle and distal phalanges of	11556
any finger is considered equal to the loss of the whole finger.	11557
In no case shall the amount received for more than one finger	11558
exceed the amount provided in this schedule for the loss of a	11559
hand.	11560
For the loss of the metacarpal bone (bones of the palm)	11561
for the corresponding thumb, or fingers, add ten weeks to the	11562
number of weeks under this division.	11563
For ankylosis (total stiffness of) or contractures (due to	11564
scars or injuries) which makes any of the fingers, thumbs, or	11565
parts of either useless, the same number of weeks apply to the	11566

members or parts thereof as given for the loss thereof. 11567

If the claimant has suffered the loss of two or more 11568  
fingers by amputation or ankylosis and the nature of the 11569  
claimant's employment in the course of which the claimant was 11570  
working at the time of the injury or occupational disease is 11571  
such that the ~~handicap-impairment~~ or disability resulting from 11572  
the loss of fingers, or loss of use of fingers, exceeds the 11573  
normal ~~handicap-impairment~~ or disability resulting from the loss 11574  
of fingers, or loss of use of fingers, the administrator may 11575  
take that fact into consideration and increase the award of 11576  
compensation accordingly, but the award made shall not exceed 11577  
the amount of compensation for loss of a hand. 11578

For the loss of a hand, one hundred seventy-five weeks. 11579

For the loss of an arm, two hundred twenty-five weeks. 11580

For the loss of a great toe, thirty weeks. 11581

For the loss of one of the toes other than the great toe, 11582  
ten weeks. 11583

The loss of more than two-thirds of any toe is considered 11584  
equal to the loss of the whole toe. 11585

The loss of less than two-thirds of any toe is considered 11586  
no loss, except as to the great toe; the loss of the great toe 11587  
up to the interphalangeal joint is co-equal to the loss of one- 11588  
half of the great toe; the loss of the great toe beyond the 11589  
interphalangeal joint is considered equal to the loss of the 11590  
whole great toe. 11591

For the loss of a foot, one hundred fifty weeks. 11592

For the loss of a leg, two hundred weeks. 11593

For the loss of the sight of an eye, one hundred twenty- 11594  
five weeks. 11595

For the permanent partial loss of sight of an eye, the 11596  
portion of one hundred twenty-five weeks as the administrator in 11597  
each case determines, based upon the percentage of vision 11598  
actually lost as a result of the injury or occupational disease, 11599  
but, in no case shall an award of compensation be made for less 11600  
than twenty-five per cent loss of uncorrected vision. "Loss of 11601  
uncorrected vision" means the percentage of vision actually lost 11602  
as the result of the injury or occupational disease. 11603

For the permanent and total loss of hearing of one ear, 11604  
twenty-five weeks; but in no case shall an award of compensation 11605  
be made for less than permanent and total loss of hearing of one 11606  
ear. 11607

For the permanent and total loss of hearing, one hundred 11608  
twenty-five weeks; but, except pursuant to the next preceding 11609  
paragraph, in no case shall an award of compensation be made for 11610  
less than permanent and total loss of hearing. 11611

In case an injury or occupational disease results in 11612  
serious facial or head disfigurement which either impairs or may 11613  
in the future impair the opportunities to secure or retain 11614  
employment, the administrator shall make an award of 11615  
compensation as it deems proper and equitable, in view of the 11616  
nature of the disfigurement, and not to exceed the sum of ten 11617  
thousand dollars. For the purpose of making the award, it is not 11618  
material whether the employee is gainfully employed in any 11619  
occupation or trade at the time of the administrator's 11620  
determination. 11621

When an award under this division has been made prior to 11622

the death of an employee all unpaid installments accrued or to 11623  
accrue under the provisions of the award shall be payable to the 11624  
surviving spouse, or if there is no surviving spouse, to the 11625  
dependent children of the employee and if there are no such 11626  
children, then to such dependents as the administrator 11627  
determines. 11628

When an employee has sustained the loss of a member by 11629  
severance, but no award has been made on account thereof prior 11630  
to the employee's death, the administrator shall make an award 11631  
in accordance with this division for the loss which shall be 11632  
payable to the surviving spouse, or if there is no surviving 11633  
spouse, to the dependent children of the employee and if there 11634  
are no such children, then to such dependents as the 11635  
administrator determines. 11636

(C) Compensation for partial impairment under divisions 11637  
(A) and (B) of this section is in addition to the compensation 11638  
paid the employee pursuant to section 4123.56 of the Revised 11639  
Code. A claimant may receive compensation under divisions (A) 11640  
and (B) of this section. 11641

In all cases arising under division (B) of this section, 11642  
if it is determined by any one of the following: (1) the amputee 11643  
clinic at University hospital, Ohio state university; (2) the 11644  
opportunities for Ohioans with disabilities agency; (3) an 11645  
amputee clinic or prescribing physician approved by the 11646  
administrator or the administrator's designee, that an injured 11647  
or disabled employee is in need of an artificial appliance, or 11648  
in need of a repair thereof, regardless of whether the appliance 11649  
or its repair will be serviceable in the vocational 11650  
rehabilitation of the injured employee, and regardless of 11651  
whether the employee has returned to or can ever again return to 11652

any gainful employment, the bureau shall pay the cost of the 11653  
artificial appliance or its repair out of the surplus created by 11654  
division (B) of section 4123.34 of the Revised Code. 11655

In those cases where an opportunities for Ohioans with 11656  
disabilities agency's recommendation that an injured or disabled 11657  
employee is in need of an artificial appliance would conflict 11658  
with their state plan, adopted pursuant to the "Rehabilitation 11659  
Act of 1973," 87 Stat. 355, 29 U.S.C.A. 701, the administrator 11660  
or the administrator's designee or the bureau may obtain a 11661  
recommendation from an amputee clinic or prescribing physician 11662  
that they determine appropriate. 11663

(D) If an employee of a state fund employer makes 11664  
application for a finding and the administrator finds that the 11665  
employee has contracted silicosis as defined in division (Y), or 11666  
coal miners' pneumoconiosis as defined in division (Z), or 11667  
asbestosis as defined in division (BB) of section 4123.68 of the 11668  
Revised Code, and that a change of such employee's occupation is 11669  
medically advisable in order to decrease substantially further 11670  
exposure to silica dust, asbestos, or coal dust and if the 11671  
employee, after the finding, has changed or shall change the 11672  
employee's occupation to an occupation in which the exposure to 11673  
silica dust, asbestos, or coal dust is substantially decreased, 11674  
the administrator shall allow to the employee an amount equal to 11675  
fifty per cent of the statewide average weekly wage per week for 11676  
a period of thirty weeks, commencing as of the date of the 11677  
discontinuance or change, and for a period of one hundred weeks 11678  
immediately following the expiration of the period of thirty 11679  
weeks, the employee shall receive sixty-six and two-thirds per 11680  
cent of the loss of wages resulting directly and solely from the 11681  
change of occupation but not to exceed a maximum of an amount 11682  
equal to fifty per cent of the statewide average weekly wage per 11683

week. No such employee is entitled to receive more than one 11684  
allowance on account of discontinuance of employment or change 11685  
of occupation and benefits shall cease for any period during 11686  
which the employee is employed in an occupation in which the 11687  
exposure to silica dust, asbestos, or coal dust is not 11688  
substantially less than the exposure in the occupation in which 11689  
the employee was formerly employed or for any period during 11690  
which the employee may be entitled to receive compensation or 11691  
benefits under section 4123.68 of the Revised Code on account of 11692  
disability from silicosis, asbestosis, or coal miners' 11693  
pneumoconiosis. An award for change of occupation for a coal 11694  
miner who has contracted coal miners' pneumoconiosis may be 11695  
granted under this division even though the coal miner continues 11696  
employment with the same employer, so long as the coal miner's 11697  
employment subsequent to the change is such that the coal 11698  
miner's exposure to coal dust is substantially decreased and a 11699  
change of occupation is certified by the claimant as permanent. 11700  
The administrator may accord to the employee medical and other 11701  
benefits in accordance with section 4123.66 of the Revised Code. 11702

(E) If a firefighter or police officer makes application 11703  
for a finding and the administrator finds that the firefighter 11704  
or police officer has contracted a cardiovascular and pulmonary 11705  
disease as defined in division (W) of section 4123.68 of the 11706  
Revised Code, and that a change of the firefighter's or police 11707  
officer's occupation is medically advisable in order to decrease 11708  
substantially further exposure to smoke, toxic gases, chemical 11709  
fumes, and other toxic vapors, and if the firefighter, or police 11710  
officer, after the finding, has changed or changes occupation to 11711  
an occupation in which the exposure to smoke, toxic gases, 11712  
chemical fumes, and other toxic vapors is substantially 11713  
decreased, the administrator shall allow to the firefighter or 11714

police officer an amount equal to fifty per cent of the 11715  
statewide average weekly wage per week for a period of thirty 11716  
weeks, commencing as of the date of the discontinuance or 11717  
change, and for a period of seventy-five weeks immediately 11718  
following the expiration of the period of thirty weeks the 11719  
administrator shall allow the firefighter or police officer 11720  
sixty-six and two-thirds per cent of the loss of wages resulting 11721  
directly and solely from the change of occupation but not to 11722  
exceed a maximum of an amount equal to fifty per cent of the 11723  
statewide average weekly wage per week. No such firefighter or 11724  
police officer is entitled to receive more than one allowance on 11725  
account of discontinuance of employment or change of occupation 11726  
and benefits shall cease for any period during which the 11727  
firefighter or police officer is employed in an occupation in 11728  
which the exposure to smoke, toxic gases, chemical fumes, and 11729  
other toxic vapors is not substantially less than the exposure 11730  
in the occupation in which the firefighter or police officer was 11731  
formerly employed or for any period during which the firefighter 11732  
or police officer may be entitled to receive compensation or 11733  
benefits under section 4123.68 of the Revised Code on account of 11734  
disability from a cardiovascular and pulmonary disease. The 11735  
administrator may accord to the firefighter or police officer 11736  
medical and other benefits in accordance with section 4123.66 of 11737  
the Revised Code. 11738

(F) An order issued under this section is appealable 11739  
pursuant to section 4123.511 of the Revised Code but is not 11740  
appealable to court under section 4123.512 of the Revised Code. 11741

**Sec. 4123.58.** (A) In cases of permanent total disability, 11742  
the employee shall receive an award to continue until the 11743  
employee's death in the amount of sixty-six and two-thirds per 11744  
cent of the employee's average weekly wage, but, except as 11745

otherwise provided in division (B) of this section, not more 11746  
than a maximum amount of weekly compensation which is equal to 11747  
sixty-six and two-thirds per cent of the statewide average 11748  
weekly wage as defined in division (C) of section 4123.62 of the 11749  
Revised Code in effect on the date of injury or on the date the 11750  
disability due to the occupational disease begins, nor not less 11751  
than a minimum amount of weekly compensation which is equal to 11752  
fifty per cent of the statewide average weekly wage as defined 11753  
in division (C) of section 4123.62 of the Revised Code in effect 11754  
on the date of injury or on the date the disability due to the 11755  
occupational disease begins, unless the employee's average 11756  
weekly wage is less than fifty per cent of the statewide average 11757  
weekly wage at the time of the injury, in which event the 11758  
employee shall receive compensation in an amount equal to the 11759  
employee's average weekly wage. 11760

(B) In the event the weekly workers' compensation amount 11761  
when combined with disability benefits received pursuant to the 11762  
Social Security Act is less than the statewide average weekly 11763  
wage as defined in division (C) of section 4123.62 of the 11764  
Revised Code, then the maximum amount of weekly compensation 11765  
shall be the statewide average weekly wage as defined in 11766  
division (C) of section 4123.62 of the Revised Code. At any time 11767  
that social security disability benefits terminate or are 11768  
reduced, the workers' compensation award shall be recomputed to 11769  
pay the maximum amount permitted under this division. 11770

(C) Permanent total disability shall be compensated 11771  
according to this section only when at least one of the 11772  
following applies to the claimant: 11773

(1) The claimant has lost, or lost the use of both hands 11774  
or both arms, or both feet or both legs, or both eyes, or of any 11775

two thereof; however, the loss or loss of use of one limb does 11776  
not constitute the loss or loss of use of two body parts; 11777

(2) The impairment resulting from the employee's injury or 11778  
occupational disease prevents the employee from engaging in 11779  
sustained remunerative employment utilizing the employment 11780  
skills that the employee has or may reasonably be expected to 11781  
develop. 11782

(D) Permanent total disability shall not be compensated 11783  
when the reason the employee is unable to engage in sustained 11784  
remunerative employment is due to any of the following reasons, 11785  
whether individually or in combination: 11786

(1) Impairments of the employee that are not the result of 11787  
an allowed injury or occupational disease; 11788

(2) Solely the employee's age or aging; 11789

(3) The employee retired or otherwise is not working for 11790  
reasons unrelated to the allowed injury or occupational disease. 11791

(4) The employee has not engaged in educational or 11792  
rehabilitative efforts to enhance the employee's employability, 11793  
unless such efforts are determined to be in vain. 11794

(E) Compensation payable under this section for permanent 11795  
total disability is in addition to benefits payable under 11796  
division (B) of section 4123.57 of the Revised Code. 11797

(F) If an employee is awarded compensation for permanent 11798  
total disability under this section because the employee 11799  
sustained a traumatic brain injury, the employee is entitled to 11800  
that compensation regardless of the employee's employment in a 11801  
sheltered workshop subsequent to the award, on the condition 11802  
that the employee does not receive income, compensation, or 11803

remuneration from that employment in excess of two thousand 11804  
dollars in any calendar quarter. As used in this division, 11805  
"sheltered workshop" means a state agency or nonprofit 11806  
organization established to carry out a program of 11807  
rehabilitation for ~~handicapped~~ individuals with disabilities or 11808  
to provide these individuals with remunerative employment or 11809  
other occupational rehabilitating activity. 11810

**Sec. 4123.68.** Every employee who is disabled because of 11811  
the contraction of an occupational disease or the dependent of 11812  
an employee whose death is caused by an occupational disease, is 11813  
entitled to the compensation provided by sections 4123.55 to 11814  
4123.59 and 4123.66 of the Revised Code subject to the 11815  
modifications relating to occupational diseases contained in 11816  
this chapter. An order of the administrator issued under this 11817  
section is appealable pursuant to sections 4123.511 and 4123.512 11818  
of the Revised Code. 11819

The following diseases are occupational diseases and 11820  
compensable as such when contracted by an employee in the course 11821  
of the employment in which such employee was engaged and due to 11822  
the nature of any process described in this section. A disease 11823  
which meets the definition of an occupational disease is 11824  
compensable pursuant to this chapter though it is not 11825  
specifically listed in this section. 11826

SCHEDULE 11827

Description of disease or injury and description of 11828  
process: 11829

(A) Anthrax: Handling of wool, hair, bristles, hides, and 11830  
skins. 11831

(B) Glanders: Care of any equine animal ~~suffering from~~ 11832

<u>having</u> glanders; handling carcass of such animal.	11833
(C) Lead poisoning: Any industrial process involving the use of lead or its preparations or compounds.	11834 11835
(D) Mercury poisoning: Any industrial process involving the use of mercury or its preparations or compounds.	11836 11837
(E) Phosphorous poisoning: Any industrial process involving the use of phosphorous or its preparations or compounds.	11838 11839 11840
(F) Arsenic poisoning: Any industrial process involving the use of arsenic or its preparations or compounds.	11841 11842
(G) Poisoning by benzol or by nitro-derivatives and amido-derivatives of benzol (dinitro-benzol, anilin, and others): Any industrial process involving the use of benzol or nitro-derivatives or amido-derivatives of benzol or its preparations or compounds.	11843 11844 11845 11846 11847
(H) Poisoning by gasoline, benzine, naphtha, or other volatile petroleum products: Any industrial process involving the use of gasoline, benzine, naphtha, or other volatile petroleum products.	11848 11849 11850 11851
(I) Poisoning by carbon bisulphide: Any industrial process involving the use of carbon bisulphide or its preparations or compounds.	11852 11853 11854
(J) Poisoning by wood alcohol: Any industrial process involving the use of wood alcohol or its preparations.	11855 11856
(K) Infection or inflammation of the skin on contact surfaces due to oils, cutting compounds or lubricants, dust, liquids, fumes, gases, or vapors: Any industrial process involving the handling or use of oils, cutting compounds or	11857 11858 11859 11860

lubricants, or involving contact with dust, liquids, fumes,	11861
gases, or vapors.	11862
(L) Epithelion cancer or ulceration of the skin or of the	11863
corneal surface of the eye due to carbon, pitch, tar, or tarry	11864
compounds: Handling or industrial use of carbon, pitch, or tarry	11865
compounds.	11866
(M) Compressed air illness: Any industrial process carried	11867
on in compressed air.	11868
(N) Carbon dioxide poisoning: Any process involving the	11869
evolution or resulting in the escape of carbon dioxide.	11870
(O) Brass or zinc poisoning: Any process involving the	11871
manufacture, founding, or refining of brass or the melting or	11872
smelting of zinc.	11873
(P) Manganese dioxide poisoning: Any process involving the	11874
grinding or milling of manganese dioxide or the escape of	11875
manganese dioxide dust.	11876
(Q) Radium poisoning: Any industrial process involving the	11877
use of radium and other radioactive substances in luminous	11878
paint.	11879
(R) Tenosynovitis and prepatellar bursitis: Primary	11880
tenosynovitis characterized by a passive effusion or crepitus	11881
into the tendon sheath of the flexor or extensor muscles of the	11882
hand, due to frequently repetitive motions or vibrations, or	11883
prepatellar bursitis due to continued pressure.	11884
(S) Chrome ulceration of the skin or nasal passages: Any	11885
industrial process involving the use of or direct contact with	11886
chromic acid or bichromates of ammonium, potassium, or sodium or	11887
their preparations.	11888

(T) Potassium cyanide poisoning: Any industrial process 11889  
involving the use of or direct contact with potassium cyanide. 11890

(U) Sulphur dioxide poisoning: Any industrial process in 11891  
which sulphur dioxide gas is evolved by the expansion of liquid 11892  
sulphur dioxide. 11893

(V) Berylliosis: Berylliosis means a disease of the lungs 11894  
caused by breathing beryllium in the form of dust or fumes, 11895  
producing characteristic changes in the lungs and demonstrated 11896  
by x-ray examination, by biopsy or by autopsy. 11897

This chapter does not entitle an employee or the 11898  
employee's dependents to compensation, medical treatment, or 11899  
payment of funeral expenses for disability or death from 11900  
berylliosis unless the employee has been subjected to injurious 11901  
exposure to beryllium dust or fumes in the employee's employment 11902  
in this state preceding the employee's disablement and only in 11903  
the event of such disability or death resulting within eight 11904  
years after the last injurious exposure; provided that such 11905  
eight-year limitation does not apply to disability or death from 11906  
exposure occurring after January 1, 1976. In the event of death 11907  
following continuous total disability commencing within eight 11908  
years after the last injurious exposure, the requirement of 11909  
death within eight years after the last injurious exposure does 11910  
not apply. 11911

Before awarding compensation for partial or total 11912  
disability or death due to berylliosis, the administrator of 11913  
workers' compensation shall refer the claim to a qualified 11914  
medical specialist for examination and recommendation with 11915  
regard to the diagnosis, the extent of the disability, the 11916  
nature of the disability, whether permanent or temporary, the 11917  
cause of death, and other medical questions connected with the 11918

claim. An employee shall submit to such examinations, including 11919  
clinical and x-ray examinations, as the administrator requires. 11920  
In the event that an employee refuses to submit to examinations, 11921  
including clinical and x-ray examinations, after notice from the 11922  
administrator, or in the event that a claimant for compensation 11923  
for death due to berylliosis fails to produce necessary consents 11924  
and permits, after notice from the administrator, so that such 11925  
autopsy examination and tests may be performed, then all rights 11926  
for compensation are forfeited. The reasonable compensation of 11927  
such specialist and the expenses of examinations and tests shall 11928  
be paid, if the claim is allowed, as part of the expenses of the 11929  
claim, otherwise they shall be paid from the surplus fund. 11930

(W) Cardiovascular, pulmonary, or respiratory diseases 11931  
incurred by firefighters or police officers following exposure 11932  
to heat, smoke, toxic gases, chemical fumes and other toxic 11933  
substances: Any cardiovascular, pulmonary, or respiratory 11934  
disease of a firefighter or police officer caused or induced by 11935  
the cumulative effect of exposure to heat, the inhalation of 11936  
smoke, toxic gases, chemical fumes and other toxic substances in 11937  
the performance of the firefighter's or police officer's duty 11938  
constitutes a presumption, which may be refuted by affirmative 11939  
evidence, that such occurred in the course of and arising out of 11940  
the firefighter's or police officer's employment. For the 11941  
purpose of this section, "firefighter" means any regular member 11942  
of a lawfully constituted fire department of a municipal 11943  
corporation or township, whether paid or volunteer, and "police 11944  
officer" means any regular member of a lawfully constituted 11945  
police department of a municipal corporation, township or 11946  
county, whether paid or volunteer. 11947

This chapter does not entitle a firefighter, or police 11948  
officer, or the firefighter's or police officer's dependents to 11949

compensation, medical treatment, or payment of funeral expenses 11950  
for disability or death from a cardiovascular, pulmonary, or 11951  
respiratory disease, unless the firefighter or police officer 11952  
has been subject to injurious exposure to heat, smoke, toxic 11953  
gases, chemical fumes, and other toxic substances in the 11954  
firefighter's or police officer's employment in this state 11955  
preceding the firefighter's or police officer's disablement, 11956  
some portion of which has been after January 1, 1967, except as 11957  
provided in division (E) of section 4123.57 of the Revised Code. 11958

Compensation on account of cardiovascular, pulmonary, or 11959  
respiratory diseases of firefighters and police officers is 11960  
payable only in the event of temporary total disability, 11961  
permanent total disability, or death, in accordance with section 11962  
4123.56, 4123.58, or 4123.59 of the Revised Code. Medical, 11963  
hospital, and nursing expenses are payable in accordance with 11964  
this chapter. Compensation, medical, hospital, and nursing 11965  
expenses are payable only in the event of such disability or 11966  
death resulting within eight years after the last injurious 11967  
exposure; provided that such eight-year limitation does not 11968  
apply to disability or death from exposure occurring after 11969  
January 1, 1976. In the event of death following continuous 11970  
total disability commencing within eight years after the last 11971  
injurious exposure, the requirement of death within eight years 11972  
after the last injurious exposure does not apply. 11973

This chapter does not entitle a firefighter or police 11974  
officer, or the firefighter's or police officer's dependents, to 11975  
compensation, medical, hospital, and nursing expenses, or 11976  
payment of funeral expenses for disability or death due to a 11977  
cardiovascular, pulmonary, or respiratory disease in the event 11978  
of failure or omission on the part of the firefighter or police 11979  
officer truthfully to state, when seeking employment, the place, 11980

duration, and nature of previous employment in answer to an 11981  
inquiry made by the employer. 11982

Before awarding compensation for disability or death under 11983  
this division, the administrator shall refer the claim to a 11984  
qualified medical specialist for examination and recommendation 11985  
with regard to the diagnosis, the extent of disability, the 11986  
cause of death, and other medical questions connected with the 11987  
claim. A firefighter or police officer shall submit to such 11988  
examinations, including clinical and x-ray examinations, as the 11989  
administrator requires. In the event that a firefighter or 11990  
police officer refuses to submit to examinations, including 11991  
clinical and x-ray examinations, after notice from the 11992  
administrator, or in the event that a claimant for compensation 11993  
for death under this division fails to produce necessary 11994  
consents and permits, after notice from the administrator, so 11995  
that such autopsy examination and tests may be performed, then 11996  
all rights for compensation are forfeited. The reasonable 11997  
compensation of such specialists and the expenses of examination 11998  
and tests shall be paid, if the claim is allowed, as part of the 11999  
expenses of the claim, otherwise they shall be paid from the 12000  
surplus fund. 12001

(X) (1) Cancer contracted by a firefighter: Cancer 12002  
contracted by a firefighter who has been assigned to at least 12003  
six years of hazardous duty as a firefighter constitutes a 12004  
presumption that the cancer was contracted in the course of and 12005  
arising out of the firefighter's employment if the firefighter 12006  
was exposed to an agent classified by the international agency 12007  
for research on cancer or its successor organization as a group 12008  
1 or 2A carcinogen. 12009

(2) The presumption described in division (X) (1) of this 12010

section is rebuttable in any of the following situations: 12011

(a) There is evidence that the firefighter's exposure, 12012  
outside the scope of the firefighter's official duties, to 12013  
cigarettes, tobacco products, or other conditions presenting an 12014  
extremely high risk for the development of the cancer alleged, 12015  
was probably a significant factor in the cause or progression of 12016  
the cancer. 12017

(b) There is evidence that shows, by a preponderance of 12018  
competent scientific evidence, that exposure to the type of 12019  
carcinogen alleged did not or could not have caused the cancer 12020  
being alleged. 12021

(c) There is evidence that the firefighter was not exposed 12022  
to an agent classified by the international agency for research 12023  
on cancer as a group 1 or 2A carcinogen. 12024

(d) There is evidence that the firefighter incurred the 12025  
type of cancer alleged before becoming a member of the fire 12026  
department. 12027

(e) The firefighter is seventy years of age or older. 12028

(3) The presumption described in division (X)(1) of this 12029  
section does not apply if it has been more than fifteen years 12030  
since the firefighter was last assigned to hazardous duty as a 12031  
firefighter. 12032

(4) Compensation for cancer contracted by a firefighter in 12033  
the course of hazardous duty under division (X) of this section 12034  
is payable only in the event of temporary total disability, 12035  
working wage loss, permanent total disability, or death, in 12036  
accordance with division (A) or (B)(1) of section 4123.56 and 12037  
sections 4123.58 and 4123.59 of the Revised Code. 12038

(5) As used in division (X) of this section, "hazardous duty" has the same meaning as in 5 C.F.R. 550.902, as amended. 12039  
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(Y) Silicosis: Silicosis means a disease of the lungs caused by breathing silica dust (silicon dioxide) producing fibrous nodules distributed through the lungs and demonstrated by x-ray examination, by biopsy or by autopsy. 12041  
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(Z) Coal miners' pneumoconiosis: Coal miners' pneumoconiosis, commonly referred to as "black lung disease," resulting from working in the coal mine industry and due to exposure to the breathing of coal dust, and demonstrated by x-ray examination, biopsy, autopsy or other medical or clinical tests. 12045  
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This chapter does not entitle an employee or the employee's dependents to compensation, medical treatment, or payment of funeral expenses for disability or death from silicosis, asbestosis, or coal miners' pneumoconiosis unless the employee has been subject to injurious exposure to silica dust (silicon dioxide), asbestos, or coal dust in the employee's employment in this state preceding the employee's disablement, some portion of which has been after October 12, 1945, except as provided in division (E) of section 4123.57 of the Revised Code. 12051  
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Compensation on account of silicosis, asbestosis, or coal miners' pneumoconiosis are payable only in the event of temporary total disability, permanent total disability, or death, in accordance with sections 4123.56, 4123.58, and 4123.59 of the Revised Code. Medical, hospital, and nursing expenses are payable in accordance with this chapter. Compensation, medical, hospital, and nursing expenses are payable only in the event of such disability or death resulting within eight years after the last injurious exposure; provided that such eight-year 12060  
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limitation does not apply to disability or death occurring after 12069  
January 1, 1976, and further provided that such eight-year 12070  
limitation does not apply to any asbestosis cases. In the event 12071  
of death following continuous total disability commencing within 12072  
eight years after the last injurious exposure, the requirement 12073  
of death within eight years after the last injurious exposure 12074  
does not apply. 12075

This chapter does not entitle an employee or the 12076  
employee's dependents to compensation, medical, hospital and 12077  
nursing expenses, or payment of funeral expenses for disability 12078  
or death due to silicosis, asbestosis, or coal miners' 12079  
pneumoconiosis in the event of the failure or omission on the 12080  
part of the employee truthfully to state, when seeking 12081  
employment, the place, duration, and nature of previous 12082  
employment in answer to an inquiry made by the employer. 12083

Before awarding compensation for disability or death due 12084  
to silicosis, asbestosis, or coal miners' pneumoconiosis, the 12085  
administrator shall refer the claim to a qualified medical 12086  
specialist for examination and recommendation with regard to the 12087  
diagnosis, the extent of disability, the cause of death, and 12088  
other medical questions connected with the claim. An employee 12089  
shall submit to such examinations, including clinical and x-ray 12090  
examinations, as the administrator requires. In the event that 12091  
an employee refuses to submit to examinations, including 12092  
clinical and x-ray examinations, after notice from the 12093  
administrator, or in the event that a claimant for compensation 12094  
for death due to silicosis, asbestosis, or coal miners' 12095  
pneumoconiosis fails to produce necessary consents and permits, 12096  
after notice from the commission, so that such autopsy 12097  
examination and tests may be performed, then all rights for 12098  
compensation are forfeited. The reasonable compensation of such 12099

specialist and the expenses of examinations and tests shall be 12100  
paid, if the claim is allowed, as a part of the expenses of the 12101  
claim, otherwise they shall be paid from the surplus fund. 12102

(AA) Radiation illness: Any industrial process involving 12103  
the use of radioactive materials. 12104

Claims for compensation and benefits due to radiation 12105  
illness are payable only in the event death or disability 12106  
occurred within eight years after the last injurious exposure 12107  
provided that such eight-year limitation does not apply to 12108  
disability or death from exposure occurring after January 1, 12109  
1976. In the event of death following continuous disability 12110  
which commenced within eight years of the last injurious 12111  
exposure the requirement of death within eight years after the 12112  
last injurious exposure does not apply. 12113

(BB) Asbestosis: Asbestosis means a disease caused by 12114  
inhalation or ingestion of asbestos, demonstrated by x-ray 12115  
examination, biopsy, autopsy, or other objective medical or 12116  
clinical tests. 12117

All conditions, restrictions, limitations, and other 12118  
provisions of this section, with reference to the payment of 12119  
compensation or benefits on account of silicosis or coal miners' 12120  
pneumoconiosis apply to the payment of compensation or benefits 12121  
on account of any other occupational disease of the respiratory 12122  
tract resulting from injurious exposures to dust. 12123

The refusal to produce the necessary consents and permits 12124  
for autopsy examination and testing shall not result in 12125  
forfeiture of compensation provided the administrator finds that 12126  
such refusal was the result of bona fide religious convictions 12127  
or teachings to which the claimant for compensation adhered 12128

prior to the death of the decedent. 12129

**Sec. 4123.70.** No compensation shall be awarded on account 12130  
of disability or death from disease ~~suffered~~ experienced by an 12131  
employee who, at the time of entering into the employment from 12132  
which the disease is claimed to have resulted, willfully and 12133  
falsely represented ~~himself~~ self as not having previously 12134  
~~suffered from~~ had such disease. Compensation shall not be 12135  
awarded on account of both injury and disease, except when the 12136  
disability is caused by a disease and an injury, in which event 12137  
the administrator of workers' compensation may apportion the 12138  
payment of compensation provided for in sections 4123.56 to 12139  
4123.59 of the Revised Code between the funds as in ~~his~~ the 12140  
administrator's judgment seems just and proper. 12141

If an employee ~~is suffering from~~ has both occupational 12142  
disease and an injury, and the administrator can determine which 12143  
is causing ~~his~~ the employee's disability, the administrator shall 12144  
pay compensation therefor from the proper fund. 12145

Compensation for loss sustained on account of occupational 12146  
disease by an employee mentioned in division (A) (1) of section 12147  
4123.01 of the Revised Code, or the dependents of such employee, 12148  
shall be paid from the fund provided for in sections 4123.38 to 12149  
4123.41 and 4123.48 of the Revised Code. 12150

Compensation for loss sustained on account of a disease by 12151  
an employee mentioned in division (A) (2) of section 4123.01 of 12152  
the Revised Code, or the dependents of the employee, shall be 12153  
paid ~~from the occupational disease fund or~~ by the employer of 12154  
the employee, if the employer is a self-insuring employer. 12155

**Sec. 4123.71.** Every physician in this state attending on 12156  
or called in to visit a patient whom the physician believes to 12157

~~be suffering from~~ have an occupational disease as defined in 12158  
section 4123.68 of the Revised Code shall, within forty-eight 12159  
hours from the time of making such diagnosis, send to the bureau 12160  
of workers' compensation a report stating: 12161

(A) Name, address, and occupation of patient; 12162

(B) Name and address of business in which employed; 12163

(C) Nature of disease; 12164

(D) Name and address of employer of patient; 12165

(E) Such other information as is reasonably required by 12166  
the bureau. 12167

The reports shall be made on blanks to be furnished by the 12168  
bureau. A physician who sends the report within the time stated 12169  
to the bureau is in compliance with this section. 12170

Reports made under this section shall not be evidence of 12171  
the facts therein stated in any action arising out of a disease 12172  
therein reported. 12173

The bureau shall, within twenty-four hours after the 12174  
receipt of the report, send a copy thereof to the employer of 12175  
the patient named in the report. 12176

**Sec. 4141.01.** As used in this chapter, unless the context 12177  
otherwise requires: 12178

(A) (1) "Employer" means the state, its instrumentalities, 12179  
its political subdivisions and their instrumentalities, Indian 12180  
tribes, and any individual or type of organization including any 12181  
partnership, limited liability company, association, trust, 12182  
estate, joint-stock company, insurance company, or corporation, 12183  
whether domestic or foreign, or the receiver, trustee in 12184

bankruptcy, trustee, or the successor thereof, or the legal 12185  
representative of a deceased person who subsequent to December 12186  
31, 1971, or in the case of political subdivisions or their 12187  
instrumentalities, subsequent to December 31, 1973: 12188

(a) Had in employment at least one individual, or in the 12189  
case of a nonprofit organization, subsequent to December 31, 12190  
1973, had not less than four individuals in employment for some 12191  
portion of a day in each of twenty different calendar weeks, in 12192  
either the current or the preceding calendar year whether or not 12193  
the same individual was in employment in each such day; or 12194

(b) Except for a nonprofit organization, had paid for 12195  
service in employment wages of fifteen hundred dollars or more 12196  
in any calendar quarter in either the current or preceding 12197  
calendar year; or 12198

(c) Had paid, subsequent to December 31, 1977, for 12199  
employment in domestic service in a local college club, or local 12200  
chapter of a college fraternity or sorority, cash remuneration 12201  
of one thousand dollars or more in any calendar quarter in the 12202  
current calendar year or the preceding calendar year, or had 12203  
paid subsequent to December 31, 1977, for employment in domestic 12204  
service in a private home cash remuneration of one thousand 12205  
dollars in any calendar quarter in the current calendar year or 12206  
the preceding calendar year: 12207

(i) For the purposes of divisions (A)(1)(a) and (b) of 12208  
this section, there shall not be taken into account any wages 12209  
paid to, or employment of, an individual performing domestic 12210  
service as described in this division. 12211

(ii) An employer under this division shall not be an 12212  
employer with respect to wages paid for any services other than 12213

domestic service unless the employer is also found to be an 12214  
employer under division (A) (1) (a), (b), or (d) of this section. 12215

(d) As a farm operator or a crew leader subsequent to 12216  
December 31, 1977, had in employment individuals in agricultural 12217  
labor; and 12218

(i) During any calendar quarter in the current calendar 12219  
year or the preceding calendar year, paid cash remuneration of 12220  
twenty thousand dollars or more for the agricultural labor; or 12221

(ii) Had at least ten individuals in employment in 12222  
agricultural labor, not including agricultural workers who are 12223  
aliens admitted to the United States to perform agricultural 12224  
labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the 12225  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 12226  
1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in 12227  
each of the twenty different calendar weeks, in either the 12228  
current or preceding calendar year whether or not the same 12229  
individual was in employment in each day; or 12230

(e) Is not otherwise an employer as defined under division 12231  
(A) (1) (a) or (b) of this section; and 12232

(i) For which, within either the current or preceding 12233  
calendar year, service, except for domestic service in a private 12234  
home not covered under division (A) (1) (c) of this section, is or 12235  
was performed with respect to which such employer is liable for 12236  
any federal tax against which credit may be taken for 12237  
contributions required to be paid into a state unemployment 12238  
fund; 12239

(ii) Which, as a condition for approval of this chapter 12240  
for full tax credit against the tax imposed by the "Federal 12241  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 12242

is required, pursuant to such act to be an employer under this chapter; or

(iii) Who became an employer by election under division (A) (4) or (5) of this section and for the duration of such election; or

(f) In the case of the state, its instrumentalities, its political subdivisions, and their instrumentalities, and Indian tribes, had in employment, as defined in divisions (B) (2) (a) and (B) (2) (1) of this section, at least one individual;

(g) For the purposes of division (A) (1) (a) of this section, if any week includes both the thirty-first day of December and the first day of January, the days of that week before the first day of January shall be considered one calendar week and the days beginning the first day of January another week.

(2) Each individual employed to perform or to assist in performing the work of any agent or employee of an employer is employed by such employer for all the purposes of this chapter, whether such individual was hired or paid directly by such employer or by such agent or employee, provided the employer had actual or constructive knowledge of the work. All individuals performing services for an employer of any person in this state who maintains two or more establishments within this state are employed by a single employer for the purposes of this chapter.

(3) An employer subject to this chapter within any calendar year is subject to this chapter during the whole of such year and during the next succeeding calendar year.

(4) An employer not otherwise subject to this chapter who files with the director of job and family services a written

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election to become an employer subject to this chapter for not 12272  
less than two calendar years shall, with the written approval of 12273  
such election by the director, become an employer subject to 12274  
this chapter to the same extent as all other employers as of the 12275  
date stated in such approval, and shall cease to be subject to 12276  
this chapter as of the first day of January of any calendar year 12277  
subsequent to such two calendar years only if at least thirty 12278  
days prior to such first day of January the employer has filed 12279  
with the director a written notice to that effect. 12280

(5) Any employer for whom services that do not constitute 12281  
employment are performed may file with the director a written 12282  
election that all such services performed by individuals in the 12283  
employer's employ in one or more distinct establishments or 12284  
places of business shall be deemed to constitute employment for 12285  
all the purposes of this chapter, for not less than two calendar 12286  
years. Upon written approval of the election by the director, 12287  
such services shall be deemed to constitute employment subject 12288  
to this chapter from and after the date stated in such approval. 12289  
Such services shall cease to be employment subject to this 12290  
chapter as of the first day of January of any calendar year 12291  
subsequent to such two calendar years only if at least thirty 12292  
days prior to such first day of January such employer has filed 12293  
with the director a written notice to that effect. 12294

(6) "Employer" does not include a franchisor with respect 12295  
to the franchisor's relationship with a franchisee or an 12296  
employee of a franchisee, unless the franchisor agrees to assume 12297  
that role in writing or a court of competent jurisdiction 12298  
determines that the franchisor exercises a type or degree of 12299  
control over the franchisee or the franchisee's employees that 12300  
is not customarily exercised by a franchisor for the purpose of 12301  
protecting the franchisor's trademark, brand, or both. For 12302

purposes of this division, "franchisor" and "franchisee" have 12303  
the same meanings as in 16 C.F.R. 436.1. 12304

(B) (1) "Employment" means service performed by an 12305  
individual for remuneration under any contract of hire, written 12306  
or oral, express or implied, including service performed in 12307  
interstate commerce and service performed by an officer of a 12308  
corporation, without regard to whether such service is 12309  
executive, managerial, or manual in nature, and without regard 12310  
to whether such officer is a stockholder or a member of the 12311  
board of directors of the corporation, unless it is shown to the 12312  
satisfaction of the director that such individual has been and 12313  
will continue to be free from direction or control over the 12314  
performance of such service, both under a contract of service 12315  
and in fact. The director shall adopt rules to define "direction 12316  
or control." 12317

(2) "Employment" includes: 12318

(a) Service performed after December 31, 1977, by an 12319  
individual in the employ of the state or any of its 12320  
instrumentalities, or any political subdivision thereof or any 12321  
of its instrumentalities or any instrumentality of more than one 12322  
of the foregoing or any instrumentality of any of the foregoing 12323  
and one or more other states or political subdivisions and 12324  
without regard to divisions (A) (1) (a) and (b) of this section, 12325  
provided that such service is excluded from employment as 12326  
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 12327  
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 12328  
(3) of this section; or the services of employees covered by 12329  
voluntary election, as provided under divisions (A) (4) and (5) 12330  
of this section; 12331

(b) Service performed after December 31, 1971, by an 12332

individual in the employ of a religious, charitable, 12333  
educational, or other organization which is excluded from the 12334  
term "employment" as defined in the "Federal Unemployment Tax 12335  
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 12336  
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 12337  
excluded under division (B) (3) of this section; 12338

(c) Domestic service performed after December 31, 1977, 12339  
for an employer, as provided in division (A) (1) (c) of this 12340  
section; 12341

(d) Agricultural labor performed after December 31, 1977, 12342  
for a farm operator or a crew leader, as provided in division 12343  
(A) (1) (d) of this section; 12344

(e) Subject to division (B) (2) (m) of this section, service 12345  
not covered under division (B) (1) of this section which is 12346  
performed after December 31, 1971: 12347

(i) As an agent-driver or commission-driver engaged in 12348  
distributing meat products, vegetable products, fruit products, 12349  
bakery products, beverages other than milk, laundry, or dry- 12350  
cleaning services, for the individual's employer or principal; 12351

(ii) As a traveling or city salesperson, other than as an 12352  
agent-driver or commission-driver, engaged on a full-time basis 12353  
in the solicitation on behalf of and in the transmission to the 12354  
salesperson's employer or principal except for sideline sales 12355  
activities on behalf of some other person of orders from 12356  
wholesalers, retailers, contractors, or operators of hotels, 12357  
restaurants, or other similar establishments for merchandise for 12358  
resale, or supplies for use in their business operations, 12359  
provided that for the purposes of division (B) (2) (e) (ii) of this 12360  
section, the services shall be deemed employment if the contract 12361

of service contemplates that substantially all of the services 12362  
are to be performed personally by the individual and that the 12363  
individual does not have a substantial investment in facilities 12364  
used in connection with the performance of the services other 12365  
than in facilities for transportation, and the services are not 12366  
in the nature of a single transaction that is not a part of a 12367  
continuing relationship with the person for whom the services 12368  
are performed. 12369

(f) An individual's entire service performed within or 12370  
both within and without the state if: 12371

(i) The service is localized in this state. 12372

(ii) The service is not localized in any state, but some 12373  
of the service is performed in this state and either the base of 12374  
operations, or if there is no base of operations then the place 12375  
from which such service is directed or controlled, is in this 12376  
state or the base of operations or place from which such service 12377  
is directed or controlled is not in any state in which some part 12378  
of the service is performed but the individual's residence is in 12379  
this state. 12380

(g) Service not covered under division (B) (2) (f) (ii) of 12381  
this section and performed entirely without this state, with 12382  
respect to no part of which contributions are required and paid 12383  
under an unemployment compensation law of any other state, the 12384  
Virgin Islands, Canada, or of the United States, if the 12385  
individual performing such service is a resident of this state 12386  
and the director approves the election of the employer for whom 12387  
such services are performed; or, if the individual is not a 12388  
resident of this state but the place from which the service is 12389  
directed or controlled is in this state, the entire services of 12390  
such individual shall be deemed to be employment subject to this 12391

chapter, provided service is deemed to be localized within this 12392  
state if the service is performed entirely within this state or 12393  
if the service is performed both within and without this state 12394  
but the service performed without this state is incidental to 12395  
the individual's service within the state, for example, is 12396  
temporary or transitory in nature or consists of isolated 12397  
transactions; 12398

(h) Service of an individual who is a citizen of the 12399  
United States, performed outside the United States except in 12400  
Canada after December 31, 1971, or the Virgin Islands, after 12401  
December 31, 1971, and before the first day of January of the 12402  
year following that in which the United States secretary of 12403  
labor approves the Virgin Islands law for the first time, in the 12404  
employ of an American employer, other than service which is 12405  
"employment" under divisions (B) (2) (f) and (g) of this section 12406  
or similar provisions of another state's law, if: 12407

(i) The employer's principal place of business in the 12408  
United States is located in this state; 12409

(ii) The employer has no place of business in the United 12410  
States, but the employer is an individual who is a resident of 12411  
this state; or the employer is a corporation which is organized 12412  
under the laws of this state, or the employer is a partnership 12413  
or a trust and the number of partners or trustees who are 12414  
residents of this state is greater than the number who are 12415  
residents of any other state; or 12416

(iii) None of the criteria of divisions (B) (2) (f) (i) and 12417  
(ii) of this section is met but the employer has elected 12418  
coverage in this state or the employer having failed to elect 12419  
coverage in any state, the individual has filed a claim for 12420  
benefits, based on such service, under this chapter. 12421

(i) For the purposes of division (B) (2) (h) of this section, the term "American employer" means an employer who is an individual who is a resident of the United States; or a partnership, if two-thirds or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of the United States or of any state, provided the term "United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(j) Notwithstanding any other provisions of divisions (B) (1) and (2) of this section, service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, which, as a condition for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be covered under this chapter.

(k) Construction services performed by any individual under a construction contract, as defined in section 4141.39 of the Revised Code, if the director determines that the employer for whom services are performed has the right to direct or control the performance of the services and that the individuals who perform the services receive remuneration for the services performed. The director shall presume that the employer for whom services are performed has the right to direct or control the performance of the services if ten or more of the following criteria apply:

- (i) The employer directs or controls the manner or method by which instructions are given to the individual performing services; 12453  
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- (ii) The employer requires particular training for the individual performing services; 12456  
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- (iii) Services performed by the individual are integrated into the regular functioning of the employer; 12458  
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- (iv) The employer requires that services be provided by a particular individual; 12460  
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- (v) The employer hires, supervises, or pays the wages of the individual performing services; 12462  
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- (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; 12464  
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- (vii) The employer requires the individual to perform services during established hours; 12467  
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- (viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer; 12469  
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- (ix) The employer requires the individual to perform services on the employer's premises; 12472  
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- (x) The employer requires the individual performing services to follow the order of work established by the employer; 12474  
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12476
- (xi) The employer requires the individual performing services to make oral or written reports of progress; 12477  
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- (xii) The employer makes payment to the individual for 12479

services on a regular basis, such as hourly, weekly, or monthly;	12480
(xiii) The employer pays expenses for the individual performing services;	12481 12482
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	12483 12484
(xv) The individual performing services has not invested in the facilities used to perform services;	12485 12486
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	12487 12488 12489
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	12490 12491
(xviii) The individual performing services does not make the services available to the general public;	12492 12493
(xix) The employer has a right to discharge the individual performing services;	12494 12495
(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.	12496 12497 12498 12499
(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	12500 12501 12502 12503 12504 12505 12506 12507

under division (B) (3) of this section. 12508

(m) Service performed by an individual for or on behalf of 12509  
a motor carrier transporting property as an operator of a 12510  
vehicle or vessel, unless all of the following factors apply to 12511  
the individual and the motor carrier has not elected to consider 12512  
the individual's service as employment: 12513

(i) The individual owns the vehicle or vessel that is used 12514  
in performing the services for or on behalf of the carrier, or 12515  
the individual leases the vehicle or vessel under a bona fide 12516  
lease agreement that is not a temporary replacement lease 12517  
agreement. For purposes of this division, a bona fide lease 12518  
agreement does not include an agreement between the individual 12519  
and the motor carrier transporting property for which, or on 12520  
whose behalf, the individual provides services. 12521

(ii) The individual is responsible for supplying the 12522  
necessary personal services to operate the vehicle or vessel 12523  
used to provide the service. 12524

(iii) The compensation paid to the individual is based on 12525  
factors related to work performed, including on a mileage-based 12526  
rate or a percentage of any schedule of rates, and not solely on 12527  
the basis of the hours or time expended. 12528

(iv) The individual substantially controls the means and 12529  
manner of performing the services, in conformance with 12530  
regulatory requirements and specifications of the shipper. 12531

(v) The individual enters into a written contract with the 12532  
carrier for whom the individual is performing the services that 12533  
describes the relationship between the individual and the 12534  
carrier to be that of an independent contractor and not that of 12535  
an employee. 12536

(vi) The individual is responsible for substantially all 12537  
of the principal operating costs of the vehicle or vessel and 12538  
equipment used to provide the services, including maintenance, 12539  
fuel, repairs, supplies, vehicle or vessel insurance, and 12540  
personal expenses, except that the individual may be paid by the 12541  
carrier the carrier's fuel surcharge and incidental costs, 12542  
including tolls, permits, and lumper fees. 12543

(vii) The individual is responsible for any economic loss 12544  
or economic gain from the arrangement with the carrier. 12545

(viii) The individual is not performing services described 12546  
in 26 U.S.C. 3306(c) (7) or (8). 12547

(3) "Employment" does not include the following services 12548  
if they are found not subject to the "Federal Unemployment Tax 12549  
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 12550  
services are not required to be included under division (B) (2) 12551  
(j) of this section: 12552

(a) Service performed after December 31, 1977, in 12553  
agricultural labor, except as provided in division (A) (1) (d) of 12554  
this section; 12555

(b) Domestic service performed after December 31, 1977, in 12556  
a private home, local college club, or local chapter of a 12557  
college fraternity or sorority except as provided in division 12558  
(A) (1) (c) of this section; 12559

(c) Service performed after December 31, 1977, for this 12560  
state or a political subdivision as described in division (B) (2) 12561  
(a) of this section when performed: 12562

(i) As a publicly elected official; 12563

(ii) As a member of a legislative body, or a member of the 12564

judiciary;	12565
(iii) As a military member of the Ohio national guard;	12566
(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;	12567 12568 12569 12570
(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.	12571 12572 12573 12574 12575 12576
(d) In the employ of any governmental unit or instrumentality of the United States;	12577 12578
(e) Service performed after December 31, 1971:	12579
(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	12580 12581 12582 12583 12584 12585
(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	12586 12587 12588 12589 12590 12591 12592 12593

has so certified to the employer, provided that this subdivision 12594  
shall not apply to service performed in a program established 12595  
for or on behalf of an employer or group of employers. 12596

(f) Service performed by an individual in the employ of 12597  
the individual's son, daughter, or spouse and service performed 12598  
by a child under the age of eighteen in the employ of the 12599  
child's father or mother; 12600

(g) Service performed for one or more principals by an 12601  
individual who is compensated on a commission basis, who in the 12602  
performance of the work is master of the individual's own time 12603  
and efforts, and whose remuneration is wholly dependent on the 12604  
amount of effort the individual chooses to expend, and which 12605  
service is not subject to the "Federal Unemployment Tax Act," 53 12606  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 12607  
after December 31, 1971: 12608

(i) By an individual for an employer as an insurance agent 12609  
or as an insurance solicitor, if all this service is performed 12610  
for remuneration solely by way of commission; 12611

(ii) As a home worker performing work, according to 12612  
specifications furnished by the employer for whom the services 12613  
are performed, on materials or goods furnished by such employer 12614  
which are required to be returned to the employer or to a person 12615  
designated for that purpose. 12616

(h) Service performed after December 31, 1971: 12617

(i) In the employ of a church or convention or association 12618  
of churches, or in an organization which is operated primarily 12619  
for religious purposes and which is operated, supervised, 12620  
controlled, or principally supported by a church or convention 12621  
or association of churches; 12622

(ii) By a duly ordained, commissioned, or licensed 12623  
minister of a church in the exercise of the individual's 12624  
ministry or by a member of a religious order in the exercise of 12625  
duties required by such order; or 12626

(iii) In a facility conducted for the purpose of carrying 12627  
out a program of rehabilitation for individuals whose earning 12628  
capacity is impaired by age or physical or mental ~~deficiency~~ 12629  
disability or injury, or providing remunerative work for 12630  
individuals who because of their impaired physical or mental 12631  
capacity cannot be readily absorbed in the competitive labor 12632  
market, by an individual receiving such rehabilitation or 12633  
remunerative work. 12634

(i) Service performed after June 30, 1939, with respect to 12635  
which unemployment compensation is payable under the "Railroad 12636  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 12637  
351; 12638

(j) Service performed by an individual in the employ of 12639  
any organization exempt from income tax under section 501 of the 12640  
"Internal Revenue Code of 1954," if the remuneration for such 12641  
service does not exceed fifty dollars in any calendar quarter, 12642  
or if such service is in connection with the collection of dues 12643  
or premiums for a fraternal beneficial society, order, or 12644  
association and is performed away from the home office or is 12645  
ritualistic service in connection with any such society, order, 12646  
or association; 12647

(k) Casual labor not in the course of an employer's trade 12648  
or business; incidental service performed by an officer, 12649  
appraiser, or member of a finance committee of a bank, building 12650  
and loan association, savings and loan association, or savings 12651  
association when the remuneration for such incidental service 12652

exclusive of the amount paid or allotted for directors' fees 12653  
does not exceed sixty dollars per calendar quarter is casual 12654  
labor; 12655

(l) Service performed in the employ of a voluntary 12656  
employees' beneficial association providing for the payment of 12657  
life, sickness, accident, or other benefits to the members of 12658  
such association or their dependents or their designated 12659  
beneficiaries, if admission to a membership in such association 12660  
is limited to individuals who are officers or employees of a 12661  
municipal or public corporation, of a political subdivision of 12662  
the state, or of the United States and no part of the net 12663  
earnings of such association inures, other than through such 12664  
payments, to the benefit of any private shareholder or 12665  
individual; 12666

(m) Service performed by an individual in the employ of a 12667  
foreign government, including service as a consular or other 12668  
officer or employee or of a nondiplomatic representative; 12669

(n) Service performed in the employ of an instrumentality 12670  
wholly owned by a foreign government if the service is of a 12671  
character similar to that performed in foreign countries by 12672  
employees of the United States or of an instrumentality thereof 12673  
and if the director finds that the secretary of state of the 12674  
United States has certified to the secretary of the treasury of 12675  
the United States that the foreign government, with respect to 12676  
whose instrumentality exemption is claimed, grants an equivalent 12677  
exemption with respect to similar service performed in the 12678  
foreign country by employees of the United States and of 12679  
instrumentalities thereof; 12680

(o) Service with respect to which unemployment 12681  
compensation is payable under an unemployment compensation 12682

system established by an act of congress; 12683

(p) Service performed as a student nurse in the employ of 12684  
a hospital or a nurses' training school by an individual who is 12685  
enrolled and is regularly attending classes in a nurses' 12686  
training school chartered or approved pursuant to state law, and 12687  
service performed as an intern in the employ of a hospital by an 12688  
individual who has completed a four years' course in a medical 12689  
school chartered or approved pursuant to state law; 12690

(q) Service performed by an individual under the age of 12691  
eighteen in the delivery or distribution of newspapers or 12692  
shopping news, not including delivery or distribution to any 12693  
point for subsequent delivery or distribution; 12694

(r) Service performed in the employ of the United States 12695  
or an instrumentality of the United States immune under the 12696  
Constitution of the United States from the contributions imposed 12697  
by this chapter, except that to the extent that congress permits 12698  
states to require any instrumentalities of the United States to 12699  
make payments into an unemployment fund under a state 12700  
unemployment compensation act, this chapter shall be applicable 12701  
to such instrumentalities and to services performed for such 12702  
instrumentalities in the same manner, to the same extent, and on 12703  
the same terms as to all other employers, individuals, and 12704  
services, provided that if this state is not certified for any 12705  
year by the proper agency of the United States under section 12706  
3304 of the "Internal Revenue Code of 1954," the payments 12707  
required of such instrumentalities with respect to such year 12708  
shall be refunded by the director from the fund in the same 12709  
manner and within the same period as is provided in division (E) 12710  
of section 4141.09 of the Revised Code with respect to 12711  
contributions erroneously collected; 12712

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not subject to or required to be covered for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.	12713 12714 12715 12716 12717 12718
(t) Service performed in the employ of a day camp whose camping season does not exceed twelve weeks in any calendar year, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:	12719 12720 12721 12722 12723
(i) In the employ of a hospital, if the service is performed by a patient of the hospital, as defined in division (W) of this section;	12724 12725 12726
(ii) For a prison or other correctional institution by an inmate of the prison or correctional institution;	12727 12728
(iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization.	12729 12730 12731
(u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.	12732 12733 12734 12735 12736 12737 12738 12739
(v) Notwithstanding any other provisions of division (B) (3) of this section, services that are excluded under divisions	12740 12741

(B) (3) (g), (j), (k), and (l) of this section shall not be 12742  
excluded from employment when performed for a nonprofit 12743  
organization, as defined in division (X) of this section, or for 12744  
this state or its instrumentalities, or for a political 12745  
subdivision or its instrumentalities or for Indian tribes; 12746

(w) Service that is performed by an individual working as 12747  
an election official or election worker if the amount of 12748  
remuneration received by the individual during the calendar year 12749  
for services as an election official or election worker is less 12750  
than one thousand dollars; 12751

(x) Service performed for an elementary or secondary 12752  
school that is operated primarily for religious purposes, that 12753  
is described in subsection 501(c) (3) and exempt from federal 12754  
income taxation under subsection 501(a) of the Internal Revenue 12755  
Code, 26 U.S.C.A. 501; 12756

(y) Service performed by a person committed to a penal 12757  
institution. 12758

(z) Service performed for an Indian tribe as described in 12759  
division (B) (2) (l) of this section when performed in any of the 12760  
following manners: 12761

(i) As a publicly elected official; 12762

(ii) As a member of an Indian tribal council; 12763

(iii) As a member of a legislative or judiciary body; 12764

(iv) In a position which, pursuant to Indian tribal law, 12765  
is designated as a major nontenured policymaking or advisory 12766  
position, or a policymaking or advisory position where the 12767  
performance of the duties ordinarily does not require more than 12768  
eight hours of time per week; 12769

(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency. 12770  
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(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. 12773  
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(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code. 12781  
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(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. 12783  
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(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in 12798  
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this chapter, for loss of remuneration due to the individual's 12800  
unemployment. 12801

(D) "Benefit rights" means the weekly benefit amount and 12802  
the maximum benefit amount that may become payable to an 12803  
individual within the individual's benefit year as determined by 12804  
the director. 12805

(E) "Claim for benefits" means a claim for waiting period 12806  
or benefits for a designated week. 12807

(F) "Additional claim" means the first claim for benefits 12808  
filed following any separation from employment during a benefit 12809  
year; "continued claim" means any claim other than the first 12810  
claim for benefits and other than an additional claim. 12811

(G) "Wages" means remuneration paid to an employee by each 12812  
of the employee's employers with respect to employment; except 12813  
that wages shall not include that part of remuneration paid 12814  
during any calendar year to an individual by an employer or such 12815  
employer's predecessor in interest in the same business or 12816  
enterprise, which in any calendar year is in excess of nine 12817  
thousand dollars on and after January 1, 1995; nine thousand 12818  
five hundred dollars on and after January 1, 2018; and nine 12819  
thousand dollars on and after January 1, 2020. Remuneration in 12820  
excess of such amounts shall be deemed wages subject to 12821  
contribution to the same extent that such remuneration is 12822  
defined as wages under the "Federal Unemployment Tax Act," 84 12823  
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 12824  
remuneration paid an employee by an employer with respect to 12825  
employment in another state, upon which contributions were 12826  
required and paid by such employer under the unemployment 12827  
compensation act of such other state, shall be included as a 12828  
part of remuneration in computing the amount specified in this 12829

division. 12830

(H) (1) "Remuneration" means all compensation for personal 12831  
services, including commissions and bonuses and the cash value 12832  
of all compensation in any medium other than cash, except that 12833  
in the case of agricultural or domestic service, "remuneration" 12834  
includes only cash remuneration. Gratuities customarily received 12835  
by an individual in the course of the individual's employment 12836  
from persons other than the individual's employer and which are 12837  
accounted for by such individual to the individual's employer 12838  
are taxable wages. 12839

The reasonable cash value of compensation paid in any 12840  
medium other than cash shall be estimated and determined in 12841  
accordance with rules prescribed by the director, provided that 12842  
"remuneration" does not include: 12843

(a) Payments as provided in divisions (b) (2) to (b) (20) of 12844  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 12845  
713, 26 U.S.C.A. 3301 to 3311, as amended; 12846

(b) The payment by an employer, without deduction from the 12847  
remuneration of the individual in the employer's employ, of the 12848  
tax imposed upon an individual in the employer's employ under 12849  
section 3101 of the "Internal Revenue Code of 1954," with 12850  
respect to services performed after October 1, 1941. 12851

(2) "Cash remuneration" means all remuneration paid in 12852  
cash, including commissions and bonuses, but not including the 12853  
cash value of all compensation in any medium other than cash. 12854

(I) "Interested party" means the director and any party to 12855  
whom notice of a determination of an application for benefit 12856  
rights or a claim for benefits is required to be given under 12857  
section 4141.28 of the Revised Code. 12858

(J) "Annual payroll" means the total amount of wages 12859  
subject to contributions during a twelve-month period ending 12860  
with the last day of the second calendar quarter of any calendar 12861  
year. 12862

(K) "Average annual payroll" means the average of the last 12863  
three annual payrolls of an employer, provided that if, as of 12864  
any computation date, the employer has had less than three 12865  
annual payrolls in such three-year period, such average shall be 12866  
based on the annual payrolls which the employer has had as of 12867  
such date. 12868

(L) (1) "Contributions" means the money payments to the 12869  
state unemployment compensation fund required of employers by 12870  
section 4141.25 of the Revised Code and of the state and any of 12871  
its political subdivisions electing to pay contributions under 12872  
section 4141.242 of the Revised Code. Employers paying 12873  
contributions shall be described as "contributory employers." 12874

(2) "Payments in lieu of contributions" means the money 12875  
payments to the state unemployment compensation fund required of 12876  
reimbursing employers under sections 4141.241 and 4141.242 of 12877  
the Revised Code. 12878

(M) An individual is "totally unemployed" in any week 12879  
during which the individual performs no services and with 12880  
respect to such week no remuneration is payable to the 12881  
individual. 12882

(N) An individual is "partially unemployed" in any week 12883  
if, due to involuntary loss of work, the total remuneration 12884  
payable to the individual for such week is less than the 12885  
individual's weekly benefit amount. 12886

(O) "Week" means the calendar week ending at midnight 12887

Saturday unless an equivalent week of seven consecutive calendar days is prescribed by the director. 12888  
12889

(1) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to this chapter. A calendar week with respect to which an individual earns remuneration but for which payment was not made within the base period, when necessary to qualify for benefit rights, may be considered to be a qualifying week. The number of qualifying weeks which may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter. 12890  
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(2) "Average weekly wage" means the amount obtained by dividing an individual's total remuneration for all qualifying weeks during the base period by the number of such qualifying weeks, provided that if the computation results in an amount that is not a multiple of one dollar, such amount shall be rounded to the next lower multiple of one dollar. 12899  
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(P) "Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment. 12905  
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(Q) (1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except as provided in division (Q) (2) of this section. 12908  
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(2) If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's benefit year. Such base period shall be known 12912  
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as the "alternate base period." If information as to weeks and 12917  
wages for the most recent quarter of the alternate base period 12918  
is not available to the director from the regular quarterly 12919  
reports of wage information, which are systematically 12920  
accessible, the director may, consistent with the provisions of 12921  
section 4141.28 of the Revised Code, base the determination of 12922  
eligibility for benefits on the affidavit of the claimant with 12923  
respect to weeks and wages for that calendar quarter. The 12924  
claimant shall furnish payroll documentation, where available, 12925  
in support of the affidavit. The determination based upon the 12926  
alternate base period as it relates to the claimant's benefit 12927  
rights, shall be amended when the quarterly report of wage 12928  
information from the employer is timely received and that 12929  
information causes a change in the determination. As provided in 12930  
division (B) of section 4141.28 of the Revised Code, any 12931  
benefits paid and charged to an employer's account, based upon a 12932  
claimant's affidavit, shall be adjusted effective as of the 12933  
beginning of the claimant's benefit year. No calendar quarter in 12934  
a base period or alternate base period shall be used to 12935  
establish a subsequent benefit year. 12936

(3) The "base period" of a combined wage claim, as 12937  
described in division (H) of section 4141.43 of the Revised 12938  
Code, shall be the base period prescribed by the law of the 12939  
state in which the claim is allowed. 12940

(4) For purposes of determining the weeks that comprise a 12941  
completed calendar quarter under this division, only those weeks 12942  
ending at midnight Saturday within the calendar quarter shall be 12943  
utilized. 12944

(R) (1) "Benefit year" with respect to an individual means 12945  
the fifty-two week period beginning with the first day of that 12946

week with respect to which the individual first files a valid 12947  
application for determination of benefit rights, and thereafter 12948  
the fifty-two week period beginning with the first day of that 12949  
week with respect to which the individual next files a valid 12950  
application for determination of benefit rights after the 12951  
termination of the individual's last preceding benefit year, 12952  
except that the application shall not be considered valid unless 12953  
the individual has had employment in six weeks that is subject 12954  
to this chapter or the unemployment compensation act of another 12955  
state, or the United States, and has, since the beginning of the 12956  
individual's previous benefit year, in the employment earned 12957  
three times the average weekly wage determined for the previous 12958  
benefit year. The "benefit year" of a combined wage claim, as 12959  
described in division (H) of section 4141.43 of the Revised 12960  
Code, shall be the benefit year prescribed by the law of the 12961  
state in which the claim is allowed. Any application for 12962  
determination of benefit rights made in accordance with section 12963  
4141.28 of the Revised Code is valid if the individual filing 12964  
such application is unemployed, has been employed by an employer 12965  
or employers subject to this chapter in at least twenty 12966  
qualifying weeks within the individual's base period, and has 12967  
earned or been paid remuneration at an average weekly wage of 12968  
not less than twenty-seven and one-half per cent of the 12969  
statewide average weekly wage for such weeks. For purposes of 12970  
determining whether an individual has had sufficient employment 12971  
since the beginning of the individual's previous benefit year to 12972  
file a valid application, "employment" means the performance of 12973  
services for which remuneration is payable. 12974

(2) Effective for benefit years beginning on and after 12975  
December 26, 2004, any application for determination of benefit 12976  
rights made in accordance with section 4141.28 of the Revised 12977

Code is valid if the individual satisfies the criteria described 12978  
in division (R) (1) of this section, and if the reason for the 12979  
individual's separation from employment is not disqualifying 12980  
pursuant to division (D) (2) of section 4141.29 or section 12981  
4141.291 of the Revised Code. A disqualification imposed 12982  
pursuant to division (D) (2) of section 4141.29 or section 12983  
4141.291 of the Revised Code must be removed as provided in 12984  
those sections as a requirement of establishing a valid 12985  
application for benefit years beginning on and after December 12986  
26, 2004. 12987

(3) The statewide average weekly wage shall be calculated 12988  
by the director once a year based on the twelve-month period 12989  
ending the thirtieth day of June, as set forth in division (B) 12990  
(3) of section 4141.30 of the Revised Code, rounded down to the 12991  
nearest dollar. Increases or decreases in the amount of 12992  
remuneration required to have been earned or paid in order for 12993  
individuals to have filed valid applications shall become 12994  
effective on Sunday of the calendar week in which the first day 12995  
of January occurs that follows the twelve-month period ending 12996  
the thirtieth day of June upon which the calculation of the 12997  
statewide average weekly wage was based. 12998

(4) As used in this division, an individual is 12999  
"unemployed" if, with respect to the calendar week in which such 13000  
application is filed, the individual is "partially unemployed" 13001  
or "totally unemployed" as defined in this section or if, prior 13002  
to filing the application, the individual was separated from the 13003  
individual's most recent work for any reason which terminated 13004  
the individual's employee-employer relationship, or was laid off 13005  
indefinitely or for a definite period of seven or more days. 13006

(S) "Calendar quarter" means the period of three 13007

consecutive calendar months ending on the thirty-first day of 13008  
March, the thirtieth day of June, the thirtieth day of 13009  
September, and the thirty-first day of December, or the 13010  
equivalent thereof as the director prescribes by rule. 13011

(T) "Computation date" means the first day of the third 13012  
calendar quarter of any calendar year. 13013

(U) "Contribution period" means the calendar year 13014  
beginning on the first day of January of any year. 13015

(V) "Agricultural labor," for the purpose of this 13016  
division, means any service performed prior to January 1, 1972, 13017  
which was agricultural labor as defined in this division prior 13018  
to that date, and service performed after December 31, 1971: 13019

(1) On a farm, in the employ of any person, in connection 13020  
with cultivating the soil, or in connection with raising or 13021  
harvesting any agricultural or horticultural commodity, 13022  
including the raising, shearing, feeding, caring for, training, 13023  
and management of livestock, bees, poultry, and fur-bearing 13024  
animals and wildlife; 13025

(2) In the employ of the owner or tenant or other operator 13026  
of a farm in connection with the operation, management, 13027  
conservation, improvement, or maintenance of such farm and its 13028  
tools and equipment, or in salvaging timber or clearing land of 13029  
brush and other debris left by hurricane, if the major part of 13030  
such service is performed on a farm; 13031

(3) In connection with the production or harvesting of any 13032  
commodity defined as an agricultural commodity in section 15 (g) 13033  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 13034  
U.S.C. 1141j, as amended, or in connection with the ginning of 13035  
cotton, or in connection with the operation or maintenance of 13036

ditches, canals, reservoirs, or waterways, not owned or operated 13037  
for profit, used exclusively for supplying and storing water for 13038  
farming purposes; 13039

(4) In the employ of the operator of a farm in handling, 13040  
planting, drying, packing, packaging, processing, freezing, 13041  
grading, storing, or delivering to storage or to market or to a 13042  
carrier for transportation to market, in its unmanufactured 13043  
state, any agricultural or horticultural commodity, but only if 13044  
the operator produced more than one half of the commodity with 13045  
respect to which such service is performed; 13046

(5) In the employ of a group of operators of farms, or a 13047  
cooperative organization of which the operators are members, in 13048  
the performance of service described in division (V) (4) of this 13049  
section, but only if the operators produced more than one-half 13050  
of the commodity with respect to which the service is performed; 13051

(6) Divisions (V) (4) and (5) of this section shall not be 13052  
deemed to be applicable with respect to service performed: 13053

(a) In connection with commercial canning or commercial 13054  
freezing or in connection with any agricultural or horticultural 13055  
commodity after its delivery to a terminal market for 13056  
distribution for consumption; or 13057

(b) On a farm operated for profit if the service is not in 13058  
the course of the employer's trade or business. 13059

As used in division (V) of this section, "farm" includes 13060  
stock, dairy, poultry, fruit, fur-bearing animal, and truck 13061  
farms, plantations, ranches, nurseries, ranges, greenhouses, or 13062  
other similar structures used primarily for the raising of 13063  
agricultural or horticultural commodities and orchards. 13064

(W) "Hospital" means an institution which has been 13065

registered or licensed by the Ohio department of health as a 13066  
hospital. 13067

(X) "Nonprofit organization" means an organization, or 13068  
group of organizations, described in section 501(c)(3) of the 13069  
"Internal Revenue Code of 1954," and exempt from income tax 13070  
under section 501(a) of that code. 13071

(Y) "Institution of higher education" means a public or 13072  
nonprofit educational institution, including an educational 13073  
institution operated by an Indian tribe, which: 13074

(1) Admits as regular students only individuals having a 13075  
certificate of graduation from a high school, or the recognized 13076  
equivalent; 13077

(2) Is legally authorized in this state or by the Indian 13078  
tribe to provide a program of education beyond high school; and 13079

(3) Provides an educational program for which it awards a 13080  
bachelor's or higher degree, or provides a program which is 13081  
acceptable for full credit toward such a degree, a program of 13082  
post-graduate or post-doctoral studies, or a program of training 13083  
to prepare students for gainful employment in a recognized 13084  
occupation. 13085

For the purposes of this division, all colleges and 13086  
universities in this state are institutions of higher education. 13087

(Z) For the purposes of this chapter, "states" includes 13088  
the District of Columbia, the Commonwealth of Puerto Rico, and 13089  
the Virgin Islands. 13090

(AA) "Alien" means, for the purposes of division (A)(1)(d) 13091  
of this section, an individual who is an alien admitted to the 13092  
United States to perform service in agricultural labor pursuant 13093

to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 13094  
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(BB) (1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and: 13096  
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(a) Pays, either on the individual's own behalf or on behalf of the other employer or farm operator, the individuals so furnished by the individual for the service in agricultural labor performed by them; 13099  
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(b) Has not entered into a written agreement with the other employer or farm operator under which the agricultural worker is designated as in the employ of the other employer or farm operator. 13103  
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(2) For the purposes of this chapter, any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator shall be treated as an employee of the crew leader if: 13107  
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(a) The crew leader holds a valid certificate of registration under the "Farm Labor Contractor Registration Act of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 13111  
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(b) Substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and 13114  
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(c) If the individual is not in the employment of the other employer or farm operator within the meaning of division (B) (1) of this section. 13118  
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(3) For the purposes of this division, any individual who 13121

is furnished by a crew leader to perform service in agricultural 13122  
labor for any other employer or farm operator and who is not 13123  
treated as in the employment of the crew leader under division 13124  
(BB) (2) of this section shall be treated as the employee of the 13125  
other employer or farm operator and not of the crew leader. The 13126  
other employer or farm operator shall be treated as having paid 13127  
cash remuneration to the individual in an amount equal to the 13128  
amount of cash remuneration paid to the individual by the crew 13129  
leader, either on the crew leader's own behalf or on behalf of 13130  
the other employer or farm operator, for the service in 13131  
agricultural labor performed for the other employer or farm 13132  
operator. 13133

(CC) "Educational institution" means an institution other 13134  
than an institution of higher education as defined in division 13135  
(Y) of this section, including an educational institution 13136  
operated by an Indian tribe, which: 13137

(1) Offers participants, trainees, or students an 13138  
organized course of study or training designed to transfer to 13139  
them knowledge, skills, information, doctrines, attitudes, or 13140  
abilities from, by, or under the guidance of an instructor or 13141  
teacher; and 13142

(2) Is approved, chartered, or issued a permit to operate 13143  
as a school by the state board of education, other government 13144  
agency, or Indian tribe that is authorized within the state to 13145  
approve, charter, or issue a permit for the operation of a 13146  
school. 13147

For the purposes of this division, the courses of study or 13148  
training which the institution offers may be academic, 13149  
technical, trade, or preparation for gainful employment in a 13150  
recognized occupation. 13151

(DD) "Cost savings day" means any unpaid day off from work 13152  
in which employees continue to accrue employee benefits which 13153  
have a determinable value including, but not limited to, 13154  
vacation, pension contribution, sick time, and life and health 13155  
insurance. 13156

(EE) "Motor carrier" has the same meaning as in section 13157  
4923.01 of the Revised Code. 13158

**Sec. 4173.02.** (A) Any retail establishment that has a 13159  
toilet facility for its employees is encouraged to permit a 13160  
customer to use that facility during normal business hours if 13161  
the toilet facility is reasonably safe and all of the following 13162  
conditions are met: 13163

(1) The customer requesting the use of the employee toilet 13164  
facility ~~suffers from~~ has an eligible medical condition or 13165  
utilizes an ostomy device. 13166

(2) The employee toilet facility is not located in an area 13167  
where providing access would create an obvious health or safety 13168  
risk to the customer or an obvious security risk to the retail 13169  
establishment. 13170

(3) A public restroom or employee restroom normally 13171  
available to the public is not immediately accessible to the 13172  
customer. 13173

(B) This section does not require a retail establishment 13174  
to make any physical changes to an employee toilet facility. 13175

(C) No restroom facility, by reason of being made 13176  
available to a customer pursuant to this section, shall be 13177  
considered a public facility for the purpose of laws or 13178  
regulations that generally govern facilities available to the 13179  
public. That restroom facility shall be governed by the laws and 13180

regulations that otherwise would govern the facility if it were 13181  
not made available to a customer pursuant to this section. 13182

**Sec. 4501.21.** (A) There is hereby created in the state 13183  
treasury the license plate contribution fund. The fund shall 13184  
consist of all contributions paid by motor vehicle registrants 13185  
and collected by the registrar of motor vehicles pursuant to 13186  
sections 4503.491, 4503.492, 4503.493, 4503.494, 4503.495, 13187  
4503.496, 4503.497, 4503.498, 4503.499, 4503.4910, 4503.4911, 13188  
4503.50, 4503.501, 4503.502, 4503.505, 4503.506, 4503.508, 13189  
4503.509, 4503.51, 4503.514, 4503.521, 4503.522, 4503.523, 13190  
4503.524, 4503.525, 4503.526, 4503.528, 4503.529, 4503.531, 13191  
4503.534, 4503.545, 4503.55, 4503.551, 4503.552, 4503.553, 13192  
4503.554, 4503.555, 4503.556, 4503.557, 4503.561, 4503.562, 13193  
4503.564, 4503.565, 4503.566, 4503.567, 4503.576, 4503.577, 13194  
4503.579, 4503.581, 4503.591, 4503.592, 4503.594, 4503.595, 13195  
4503.596, 4503.67, 4503.68, 4503.69, 4503.70, 4503.701, 13196  
4503.702, 4503.71, 4503.711, 4503.712, 4503.713, 4503.714, 13197  
4503.715, 4503.716, 4503.72, 4503.722, 4503.724, 4503.725, 13198  
4503.73, 4503.732, 4503.733, 4503.734, 4503.74, 4503.75, 13199  
4503.751, 4503.752, 4503.754, 4503.763, 4503.764, 4503.765, 13200  
4503.767, 4503.85, 4503.86, 4503.87, 4503.871, 4503.872, 13201  
4503.873, 4503.874, 4503.875, 4503.876, 4503.877, 4503.878, 13202  
4503.879, 4503.88, 4503.881, 4503.882, 4503.883, 4503.884, 13203  
4503.89, 4503.891, 4503.892, 4503.893, 4503.899, 4503.90, 13204  
4503.901, 4503.902, 4503.903, 4503.904, 4503.905, 4503.906, 13205  
4503.907, 4503.908, 4503.909, 4503.92, 4503.931, 4503.932, 13206  
4503.94, 4503.941, 4503.942, 4503.944, 4503.945, 4503.951, 13207  
4503.952, 4503.953, 4503.954, 4503.955, 4503.956, 4503.957, 13208  
4503.958, 4503.961, 4503.962, 4503.963, 4503.97, and 4503.98 of 13209  
the Revised Code. 13210

(B) The registrar shall pay the contributions the 13211

registrar collects in the fund as follows: 13212

The registrar shall pay the contributions received 13213  
pursuant to section 4503.491 of the Revised Code to the breast 13214  
cancer fund of Ohio, which shall use that money only to pay for 13215  
programs that provide assistance and education to Ohio breast 13216  
cancer patients and that improve access for such patients to 13217  
quality health care and clinical trials and shall not use any of 13218  
the money for abortion information, counseling, services, or 13219  
other abortion-related activities. 13220

The registrar shall pay the contributions the registrar 13221  
receives pursuant to section 4503.492 of the Revised Code to the 13222  
organization cancer support community central Ohio, which shall 13223  
deposit the money into the Sheryl L. Kraner Fund of that 13224  
organization. Cancer support community central Ohio shall expend 13225  
the money it receives pursuant to this division only in the same 13226  
manner and for the same purposes as that organization expends 13227  
other money in that fund. 13228

The registrar shall pay the contributions received 13229  
pursuant to section 4503.493 of the Revised Code to the autism 13230  
society of Ohio, which shall use the contributions for programs 13231  
and autism awareness efforts throughout the state. 13232

The registrar shall pay the contributions the registrar 13233  
receives pursuant to section 4503.494 of the Revised Code to the 13234  
national multiple sclerosis society for distribution in equal 13235  
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 13236  
chapters of the national multiple sclerosis society. These 13237  
chapters shall use the money they receive under this section to 13238  
assist in paying the expenses they incur in providing services 13239  
directly to their clients. 13240

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 13270  
children's hospital, which shall use the contributions to fund 13271  
research for the cure of childhood cancers. 13272

The registrar shall pay the contributions the registrar 13273  
receives pursuant to section 4503.50 of the Revised Code to the 13274  
future farmers of America foundation, which shall deposit the 13275  
contributions into its general account to be used for 13276  
educational and scholarship purposes of the future farmers of 13277  
America foundation. 13278

The registrar shall pay the contributions the registrar 13279  
receives pursuant to section 4503.501 of the Revised Code to the 13280  
4-H youth development program of the Ohio state university 13281  
extension program, which shall use those contributions to pay 13282  
the expenses it incurs in conducting its educational activities. 13283

The registrar shall pay the contributions received 13284  
pursuant to section 4503.502 of the Revised Code to the Ohio 13285  
cattlemen's foundation, which shall use those contributions for 13286  
scholarships and other educational activities. 13287

The registrar shall pay the contributions received 13288  
pursuant to section 4503.505 of the Revised Code to the 13289  
organization Ohio region phi theta kappa, which shall use those 13290  
contributions for scholarships for students who are members of 13291  
that organization. 13292

The registrar shall pay the contributions the registrar 13293  
receives pursuant to section 4503.506 of the Revised Code to 13294  
Ohio demolay, which shall use the contributions for 13295  
scholarships, educational programs, and any other programs or 13296  
events the organization holds or sponsors in this state. 13297

The registrar shall pay the contributions received 13298

pursuant to section 4503.508 of the Revised Code to the 13299  
organization bottoms up diaper drive to provide funding for that 13300  
organization for collecting and delivering diapers to parents in 13301  
need. 13302

The registrar shall pay the contributions the registrar 13303  
receives pursuant to section 4503.509 of the Revised Code to a 13304  
kid again, incorporated for distribution in equal amounts to the 13305  
Ohio chapters of a kid again. 13306

The registrar shall pay each contribution the registrar 13307  
receives pursuant to section 4503.51 of the Revised Code to the 13308  
university or college whose name or marking or design appears on 13309  
collegiate license plates that are issued to a person under that 13310  
section. A university or college that receives contributions 13311  
from the fund shall deposit the contributions into its general 13312  
scholarship fund. 13313

The registrar shall pay the contributions the registrar 13314  
receives pursuant to section 4503.514 of the Revised Code to the 13315  
university of Notre Dame in South Bend, Indiana, for purposes of 13316  
awarding grants or scholarships to residents of Ohio who attend 13317  
the university. The university shall not use any of the funds it 13318  
receives for purposes of administering the scholarship program. 13319  
The registrar shall enter into appropriate agreements with the 13320  
university of Notre Dame to effectuate the distribution of such 13321  
funds as provided in this section. 13322

The registrar shall pay the contributions the registrar 13323  
receives pursuant to section 4503.521 of the Revised Code to the 13324  
Ohio bicycle federation to assist that organization in paying 13325  
for the educational programs it sponsors in support of Ohio 13326  
cyclists of all ages. 13327

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 13388  
be separate and distinct from any other account the pro football 13389  
hall of fame maintains, to be used exclusively for the purpose 13390  
of promoting the pro football hall of fame as a travel 13391  
destination. 13392

The registrar shall pay the contributions that are paid to 13393  
the registrar pursuant to section 4503.545 of the Revised Code 13394  
to the national rifle association foundation, which shall use 13395  
the money to pay the costs of the educational activities and 13396  
programs the foundation holds or sponsors in this state. 13397

The registrar shall pay to the Ohio pet fund the 13398  
contributions the registrar receives pursuant to section 13399  
4503.551 of the Revised Code and any other money from any other 13400  
source, including donations, gifts, and grants, that is 13401  
designated by the source to be paid to the Ohio pet fund. The 13402  
Ohio pet fund shall use the moneys it receives under this 13403  
section to support programs for the sterilization of dogs and 13404  
cats and for educational programs concerning the proper 13405  
veterinary care of those animals, and for expenses of the Ohio 13406  
pet fund that are reasonably necessary for it to obtain and 13407  
maintain its tax-exempt status and to perform its duties. 13408

The registrar shall pay the contributions the registrar 13409  
receives pursuant to section 4503.552 of the Revised Code to the 13410  
rock and roll hall of fame and museum, incorporated. 13411

The registrar shall pay the contributions the registrar 13412  
receives pursuant to section 4503.553 of the Revised Code to the 13413  
Ohio coalition for animals, incorporated, a nonprofit 13414  
corporation. Except as provided in division (B) of this section, 13415  
the coalition shall distribute the money to its members, and the 13416  
members shall use the money only to pay for educational, 13417

charitable, and other programs of each coalition member that 13418  
provide care for unwanted, abused, and neglected horses. The 13419  
Ohio coalition for animals may use a portion of the money to pay 13420  
for reasonable marketing costs incurred in the design and 13421  
promotion of the license plate and for administrative costs 13422  
incurred in the disbursement and management of funds received 13423  
under this section. 13424

The registrar shall pay the contributions the registrar 13425  
receives pursuant to section 4503.554 of the Revised Code to the 13426  
Ohio state council of the knights of Columbus, which shall use 13427  
the contributions to pay for its charitable activities and 13428  
programs. 13429

The registrar shall pay the contributions the registrar 13430  
receives pursuant to section 4503.555 of the Revised Code to the 13431  
western reserve historical society, which shall use the 13432  
contributions to fund the Crawford auto aviation museum. 13433

The registrar shall pay the contributions the registrar 13434  
receives pursuant to section 4503.556 of the Revised Code to the 13435  
Erica J. Holloman foundation, inc., for the awareness of triple 13436  
negative breast cancer. The foundation shall use the 13437  
contributions for charitable and educational purposes. 13438

The registrar shall pay each contribution the registrar 13439  
receives pursuant to section 4503.557 of the Revised Code to the 13440  
central Ohio chapter of the Ronald McDonald house charities, 13441  
which shall distribute the contribution to the chapter of the 13442  
Ronald McDonald house charities in whose geographic territory 13443  
the person who paid the contribution resides. 13444

The registrar shall pay the contributions the registrar 13445  
receives pursuant to section 4503.561 of the Revised Code to the 13446

state of Ohio chapter of ducks unlimited, inc., which shall 13447  
deposit the contributions into a special bank account that it 13448  
establishes. The special bank account shall be separate and 13449  
distinct from any other account the state of Ohio chapter of 13450  
ducks unlimited, inc., maintains and shall be used exclusively 13451  
for the purpose of protecting, enhancing, restoring, and 13452  
managing wetlands and conserving wildlife habitat. The state of 13453  
Ohio chapter of ducks unlimited, inc., annually shall notify the 13454  
registrar in writing of the name, address, and account to which 13455  
such payments are to be made. 13456

The registrar shall pay the contributions the registrar 13457  
receives pursuant to section 4503.562 of the Revised Code to the 13458  
Mahoning river consortium, which shall use the money to pay the 13459  
expenses it incurs in restoring and maintaining the Mahoning 13460  
river watershed. 13461

The registrar shall pay the contributions the registrar 13462  
receives pursuant to section 4503.564 of the Revised Code to the 13463  
Glen Helen association to pay expenses related to the Glen Helen 13464  
nature preserve. 13465

The registrar shall pay the contributions the registrar 13466  
receives pursuant to section 4503.565 of the Revised Code to the 13467  
conservancy for Cuyahoga valley national park, which shall use 13468  
the money in support of the park. 13469

The registrar shall pay the contributions the registrar 13470  
receives pursuant to section 4503.566 of the Revised Code to the 13471  
Ottawa national wildlife refuge, which shall use the 13472  
contributions for wildlife preservation purposes. 13473

The registrar shall pay the contributions the registrar 13474  
receives pursuant to section 4503.567 of the Revised Code to the 13475

girls on the run of Franklin county, inc., which shall use the 13476  
contributions to support the activities of the organization. 13477

The registrar shall pay the contributions the registrar 13478  
receives pursuant to section 4503.576 of the Revised Code to the 13479  
Ohio state beekeepers association, which shall use those 13480  
contributions to promote beekeeping, provide educational 13481  
information about beekeeping, and to support other state and 13482  
local beekeeping programs. 13483

The registrar shall pay the contributions the registrar 13484  
receives pursuant to section 4503.577 of the Revised Code to the 13485  
national aviation hall of fame, which shall use the 13486  
contributions to fulfill its mission of honoring aerospace 13487  
legends to inspire future leaders. 13488

The registrar shall pay the contributions the registrar 13489  
receives pursuant to section 4503.579 of the Revised Code to the 13490  
national council of negro women, incorporated, which shall use 13491  
the contributions for educational purposes. 13492

The registrar shall pay the contributions the registrar 13493  
receives pursuant to section 4503.581 of the Revised Code to the 13494  
Ohio sons of the American legion, which shall use the 13495  
contributions to support the activities of the organization. 13496

The registrar shall pay to a sports commission created 13497  
pursuant to section 4503.591 of the Revised Code each 13498  
contribution the registrar receives under that section that an 13499  
applicant pays to obtain license plates that bear the logo of a 13500  
professional sports team located in the county of that sports 13501  
commission and that is participating in the license plate 13502  
program pursuant to division (E) of that section, irrespective 13503  
of the county of residence of an applicant. 13504

The registrar shall pay to a community charity each 13505  
contribution the registrar receives under section 4503.591 of 13506  
the Revised Code that an applicant pays to obtain license plates 13507  
that bear the logo of a professional sports team that is 13508  
participating in the license plate program pursuant to division 13509  
(G) of that section. 13510

The registrar shall pay the contributions the registrar 13511  
receives pursuant to section 4503.592 of the Revised Code to 13512  
pollinator partnership's monarch wings across Ohio program, 13513  
which shall use the contributions for the protection and 13514  
preservation of the monarch butterfly and pollinator corridor in 13515  
Ohio and for educational programs. 13516

The registrar shall pay the contributions the registrar 13517  
receives pursuant to section 4503.594 of the Revised Code to 13518  
pelotonia, which shall use the contributions for the purpose of 13519  
supporting cancer research. 13520

The registrar shall pay the contributions the registrar 13521  
receives pursuant to section 4503.595 of the Revised Code to the 13522  
Stan Hywet hall and gardens. 13523

The registrar shall pay the contributions the registrar 13524  
receives pursuant to section 4503.596 of the Revised Code to the 13525  
Cuyahoga valley scenic railroad. 13526

The registrar shall pay the contributions the registrar 13527  
receives pursuant to section 4503.67 of the Revised Code to the 13528  
Dan Beard council of the boy scouts of America. The council 13529  
shall distribute all contributions in an equitable manner 13530  
throughout the state to regional councils of the boy scouts. 13531

The registrar shall pay the contributions the registrar 13532  
receives pursuant to section 4503.68 of the Revised Code to the 13533

girl scouts of Ohio's heartland. The girl scouts of Ohio's 13534  
heartland shall distribute all contributions in an equitable 13535  
manner throughout the state to regional councils of the girl 13536  
scouts. 13537

The registrar shall pay the contributions the registrar 13538  
receives pursuant to section 4503.69 of the Revised Code to the 13539  
Dan Beard council of the boy scouts of America. The council 13540  
shall distribute all contributions in an equitable manner 13541  
throughout the state to regional councils of the boy scouts. 13542

The registrar shall pay the contributions the registrar 13543  
receives pursuant to section 4503.70 of the Revised Code to the 13544  
charitable foundation of the grand lodge of Ohio, f. & a. m., 13545  
which shall use the contributions for scholarship purposes. 13546

The registrar shall pay the contributions the registrar 13547  
receives pursuant to section 4503.701 of the Revised Code to the 13548  
Prince Hall grand lodge of free and accepted masons of Ohio, 13549  
which shall use the contributions for scholarship purposes. 13550

The registrar shall pay the contributions the registrar 13551  
receives pursuant to section 4503.702 of the Revised Code to the 13552  
Ohio Association of the Improved Benevolent and Protective Order 13553  
of the Elks of the World, which shall use the funds for 13554  
charitable purposes. 13555

The registrar shall pay the contributions the registrar 13556  
receives pursuant to section 4503.71 of the Revised Code to the 13557  
fraternal order of police of Ohio, incorporated, which shall 13558  
deposit the fees into its general account to be used for 13559  
purposes of the fraternal order of police of Ohio, incorporated. 13560

The registrar shall pay the contributions the registrar 13561  
receives pursuant to section 4503.711 of the Revised Code to the 13562

fraternal order of police of Ohio, incorporated, which shall 13563  
deposit the contributions into an account that it creates to be 13564  
used for the purpose of advancing and protecting the law 13565  
enforcement profession, promoting improved law enforcement 13566  
methods, and teaching respect for law and order. 13567

The registrar shall pay the contributions received 13568  
pursuant to section 4503.712 of the Revised Code to Ohio 13569  
concerns of police survivors, which shall use those 13570  
contributions to provide whatever assistance may be appropriate 13571  
to the families of Ohio law enforcement officers who are killed 13572  
in the line of duty. 13573

The registrar shall pay the contributions received 13574  
pursuant to section 4503.713 of the Revised Code to the greater 13575  
Cleveland peace officers memorial society, which shall use those 13576  
contributions to honor law enforcement officers who have died in 13577  
the line of duty and support its charitable purposes. 13578

The registrar shall pay the contributions received 13579  
pursuant to section 4503.714 of the Revised Code to the Ohio 13580  
association of chiefs of police. 13581

The registrar shall pay the contributions the registrar 13582  
receives pursuant to section 4503.715 of the Revised Code to the 13583  
fallen linemen organization, which shall use the contributions 13584  
to recognize and memorialize fallen linemen and support their 13585  
families. 13586

The registrar shall pay the contributions the registrar 13587  
receives pursuant to section 4503.716 of the Revised Code to the 13588  
fallen timbers battlefield preservation commission, which shall 13589  
use the contributions to further the mission of the commission. 13590

The registrar shall pay the contributions the registrar 13591

receives pursuant to section 4503.72 of the Revised Code to the 13592  
organization known on March 31, 2003, as the Ohio CASA/GAL 13593  
association, a private, nonprofit corporation organized under 13594  
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 13595  
shall use these contributions to pay the expenses it incurs in 13596  
administering a program to secure the proper representation in 13597  
the courts of this state of abused, neglected, and dependent 13598  
children, and for the training and supervision of persons 13599  
participating in that program. 13600

The registrar shall pay the contributions the registrar 13601  
receives pursuant to section 4503.722 of the Revised Code to the 13602  
Down Syndrome Association of Central Ohio, which shall use the 13603  
contributions for advocacy purposes throughout the state. 13604

The registrar shall pay the contributions the registrar 13605  
receives pursuant to section 4503.724 of the Revised Code to the 13606  
Ohio Chapter of the American Foundation for Suicide Prevention, 13607  
which shall use the contributions for programs, education, and 13608  
advocacy purposes throughout the state. 13609

The registrar shall pay the contributions the registrar 13610  
receives pursuant to section 4503.725 of the Revised Code to the 13611  
ALS association central & southern Ohio chapter, which shall 13612  
split the contributions between that chapter and the ALS 13613  
association northern Ohio chapter in accordance with any 13614  
agreement between the two associations. The contributions shall 13615  
be used to discover treatments and a cure for ALS, and to serve, 13616  
advocate for, and empower people affected by ALS to live their 13617  
lives to the fullest. 13618

The registrar shall pay the contributions the registrar 13619  
receives pursuant to section 4503.73 of the Revised Code to 13620  
Wright B. Flyer, incorporated, which shall deposit the 13621

contributions into its general account to be used for purposes 13622  
of Wright B. Flyer, incorporated. 13623

The registrar shall pay the contributions the registrar 13624  
receives pursuant to section 4503.732 of the Revised Code to the 13625  
Siegel Shuster society, a nonprofit organization dedicated to 13626  
commemorating and celebrating the creation of Superman in 13627  
Cleveland, Ohio. 13628

The registrar shall pay the contributions the registrar 13629  
receives pursuant to section 4503.733 of the Revised Code to the 13630  
central Ohio chapter of the juvenile diabetes research 13631  
foundation, which shall distribute the contributions to the 13632  
chapters of the juvenile diabetes research foundation in whose 13633  
geographic territory the person who paid the contribution 13634  
resides. 13635

The registrar shall pay the contributions the registrar 13636  
receives pursuant to section 4503.734 of the Revised Code to the 13637  
Ohio highway patrol auxiliary foundation, which shall use the 13638  
contributions to fulfill the foundation's mission of supporting 13639  
law enforcement education and assistance. 13640

The registrar shall pay the contributions the registrar 13641  
receives pursuant to section 4503.74 of the Revised Code to the 13642  
Columbus zoological park association, which shall disburse the 13643  
moneys to Ohio's major metropolitan zoos, as defined in section 13644  
4503.74 of the Revised Code, in accordance with a written 13645  
agreement entered into by the major metropolitan zoos. 13646

The registrar shall pay the contributions the registrar 13647  
receives pursuant to section 4503.75 of the Revised Code to the 13648  
rotary foundation, located on March 31, 2003, in Evanston, 13649  
Illinois, to be placed in a fund known as the permanent fund and 13650

used to endow educational and humanitarian programs of the 13651  
rotary foundation. 13652

The registrar shall pay the contributions the registrar 13653  
receives pursuant to section 4503.751 of the Revised Code to the 13654  
Ohio association of realtors, which shall deposit the 13655  
contributions into a property disaster relief fund maintained 13656  
under the Ohio realtors charitable and education foundation. 13657

The registrar shall pay the contributions the registrar 13658  
receives pursuant to section 4503.752 of the Revised Code to 13659  
buckeye corvettes, incorporated, which shall use the 13660  
contributions to pay for its charitable activities and programs. 13661

The registrar shall pay the contributions the registrar 13662  
receives pursuant to section 4503.754 of the Revised Code to the 13663  
municipal corporation of Twinsburg. 13664

The registrar shall pay the contributions the registrar 13665  
receives pursuant to section 4503.763 of the Revised Code to the 13666  
Ohio history connection to be used solely to build, support, and 13667  
maintain the Ohio battleflag collection within the Ohio history 13668  
connection. 13669

The registrar shall pay the contributions the registrar 13670  
receives pursuant to section 4503.764 of the Revised Code to the 13671  
Medina county historical society, which shall use those 13672  
contributions to distribute between the various historical 13673  
societies and museums in Medina county. 13674

The registrar shall pay the contributions the registrar 13675  
receives pursuant to section 4503.765 of the Revised Code to the 13676  
Amaranth grand chapter foundation, which shall use the 13677  
contributions for communal outreach, charitable service, and 13678  
scholarship purposes. 13679

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.

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.

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.

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.

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

students regarding bullying, dating violence, drug abuse, 13710  
suicide prevention, and human trafficking. The school district 13711  
superintendent or, in the school district superintendent's 13712  
discretion, the appropriate school principal or appropriate 13713  
school counselors shall determine any charitable organizations 13714  
that the school district hires to provide those services. The 13715  
school district also may use the contributions it receives to 13716  
pay for members of the faculty of the school district to receive 13717  
training in providing such services to the students of the 13718  
school district. The school district shall ensure that any 13719  
charitable organization that is hired by the district is exempt 13720  
from federal income taxation under subsection 501(c)(3) of the 13721  
Internal Revenue Code. The school district shall not use the 13722  
contributions it receives for any other purpose. 13723

The registrar shall pay the contributions the registrar 13724  
receives pursuant to section 4503.872 of the Revised Code to the 13725  
Canton city school district. The district may use the 13726  
contributions for student welfare, but shall not use the 13727  
contributions for any political purpose or to pay salaries of 13728  
district employees. 13729

The registrar shall pay the contributions the registrar 13730  
receives pursuant to section 4503.873 of the Revised Code to 13731  
Padua Franciscan high school located in the municipal 13732  
corporation of Parma. The school shall use fifty per cent of the 13733  
contributions it receives to provide tuition assistance to its 13734  
students. The school shall use the remaining fifty per cent to 13735  
pay the expenses it incurs in providing services to the school's 13736  
students that assist in developing or maintaining the mental and 13737  
emotional well-being of the students. The services provided may 13738  
include bereavement counseling, instruction in defensive driving 13739  
techniques, sensitivity training, and the counseling and 13740

education of students regarding bullying, dating violence, drug 13741  
abuse, suicide prevention, and human trafficking. As a part of 13742  
providing such services, the school may pay for members of the 13743  
faculty of the school to receive training in providing those 13744  
services. The school principal or, in the school principal's 13745  
discretion, appropriate school counselors shall determine any 13746  
charitable organizations that the school hires to provide those 13747  
services. The school shall ensure that any such charitable 13748  
organization is exempt from federal income taxation under 13749  
subsection 501(c)(3) of the Internal Revenue Code. The school 13750  
shall not use the contributions it receives for any other 13751  
purpose. 13752

The registrar shall pay the contributions the registrar 13753  
receives pursuant to section 4503.874 of the Revised Code to St. 13754  
Edward high school located in the municipal corporation of 13755  
Lakewood. The school shall use fifty per cent of the 13756  
contributions it receives to provide tuition assistance to its 13757  
students. The school shall use the remaining fifty per cent to 13758  
pay the expenses it incurs in providing services to the school's 13759  
students that assist in developing or maintaining the mental and 13760  
emotional well-being of the students. The services provided may 13761  
include bereavement counseling, instruction in defensive driving 13762  
techniques, sensitivity training, and the counseling and 13763  
education of students regarding bullying, dating violence, drug 13764  
abuse, suicide prevention, and human trafficking. As a part of 13765  
providing such services, the school may pay for members of the 13766  
faculty of the school to receive training in providing those 13767  
services. The school principal or, in the school principal's 13768  
discretion, appropriate school counselors shall determine any 13769  
charitable organizations that the school hires to provide those 13770  
services. The school shall ensure that any such charitable 13771

organization is exempt from federal income taxation under 13772  
subsection 501(c)(3) of the Internal Revenue Code. The school 13773  
shall not use the contributions it receives for any other 13774  
purpose. 13775

The registrar shall pay the contributions the registrar 13776  
receives pursuant to section 4503.875 of the Revised Code to 13777  
Walsh Jesuit high school located in the municipal corporation of 13778  
Cuyahoga Falls. The school shall use fifty per cent of the 13779  
contributions it receives to provide tuition assistance to its 13780  
students. The school shall use the remaining fifty per cent to 13781  
pay the expenses it incurs in providing services to the school's 13782  
students that assist in developing or maintaining the mental and 13783  
emotional well-being of the students. The services provided may 13784  
include bereavement counseling, instruction in defensive driving 13785  
techniques, sensitivity training, and the counseling and 13786  
education of students regarding bullying, dating violence, drug 13787  
abuse, suicide prevention, and human trafficking. As a part of 13788  
providing such services, the school may pay for members of the 13789  
faculty of the school to receive training in providing those 13790  
services. The school principal or, in the school principal's 13791  
discretion, appropriate school counselors shall determine any 13792  
charitable organizations that the school hires to provide those 13793  
services. The school shall ensure that any such charitable 13794  
organization is exempt from federal income taxation under 13795  
subsection 501(c)(3) of the Internal Revenue Code. The school 13796  
shall not use the contributions it receives for any other 13797  
purpose. 13798

The registrar shall pay the contributions the registrar 13799  
receives pursuant to section 4503.876 of the Revised Code to the 13800  
North Royalton city school district. The school district shall 13801  
use the contributions it receives to pay the expenses it incurs 13802

in providing services to the school district's students that 13803  
assist in developing or maintaining the mental and emotional 13804  
well-being of the students. The services provided may include 13805  
bereavement counseling, instruction in defensive driving 13806  
techniques, sensitivity training, and the counseling and 13807  
education of students regarding bullying, dating violence, drug 13808  
abuse, suicide prevention, and human trafficking. The school 13809  
district superintendent or, in the school district 13810  
superintendent's discretion, the appropriate school principal or 13811  
appropriate school counselors shall determine any charitable 13812  
organizations that the school district hires to provide those 13813  
services. The school district also may use the contributions it 13814  
receives to pay for members of the faculty of the school 13815  
district to receive training in providing such services to the 13816  
students of the school district. The school district shall 13817  
ensure that any charitable organization that is hired by the 13818  
district is exempt from federal income taxation under subsection 13819  
501(c)(3) of the Internal Revenue Code. The school district 13820  
shall not use the contributions it receives for any other 13821  
purpose. 13822

The registrar shall pay the contributions the registrar 13823  
receives pursuant to section 4503.877 of the Revised Code to the 13824  
Independence local school district. The school district shall 13825  
use the contributions it receives to pay the expenses it incurs 13826  
in providing services to the school district's students that 13827  
assist in developing or maintaining the mental and emotional 13828  
well-being of the students. The services provided may include 13829  
bereavement counseling, instruction in defensive driving 13830  
techniques, sensitivity training, and the counseling and 13831  
education of students regarding bullying, dating violence, drug 13832  
abuse, suicide prevention, and human trafficking. The school 13833

district superintendent or, in the school district 13834  
superintendent's discretion, the appropriate school principal or 13835  
appropriate school counselors shall determine any charitable 13836  
organizations that the school district hires to provide those 13837  
services. The school district also may use the contributions it 13838  
receives to pay for members of the faculty of the school 13839  
district to receive training in providing such services to the 13840  
students of the school district. The school district shall 13841  
ensure that any charitable organization that is hired by the 13842  
district is exempt from federal income taxation under subsection 13843  
501(c)(3) of the Internal Revenue Code. The school district 13844  
shall not use the contributions it receives for any other 13845  
purpose. 13846

The registrar shall pay the contributions the registrar 13847  
receives pursuant to section 4503.878 of the Revised Code to the 13848  
Cuyahoga Heights local school district. The school district 13849  
shall use the contributions it receives to pay the expenses it 13850  
incurs in providing services to the school district's students 13851  
that assist in developing or maintaining the mental and 13852  
emotional well-being of the students. The services provided may 13853  
include bereavement counseling, instruction in defensive driving 13854  
techniques, sensitivity training, and the counseling and 13855  
education of students regarding bullying, dating violence, drug 13856  
abuse, suicide prevention, and human trafficking. The school 13857  
district superintendent or, in the school district 13858  
superintendent's discretion, the appropriate school principal or 13859  
appropriate school counselors, shall determine any charitable 13860  
organizations that the school district hires to provide those 13861  
services. The school district also may use the contributions it 13862  
receives to pay for members of the faculty of the school 13863  
district to receive training in providing such services to the 13864

students of the school district. The school district shall 13865  
ensure that any charitable organization that is hired by the 13866  
district is exempt from federal income taxation under subsection 13867  
501(c) (3) of the Internal Revenue Code. The school district 13868  
shall not use the contributions it receives for any other 13869  
purpose. 13870

The registrar shall pay the contributions the registrar 13871  
receives pursuant to section 4503.879 of the Revised Code to the 13872  
west technical high school alumni association, which shall use 13873  
the contributions for activities sponsored by the association. 13874

The registrar shall pay the contributions the registrar 13875  
receives pursuant to section 4503.88 of the Revised Code to the 13876  
Kenston local school district. The school district shall use the 13877  
contributions it receives to pay the expenses it incurs in 13878  
providing services that assist in developing or maintaining a 13879  
culture of environmental responsibility and an innovative 13880  
science, technology, engineering, art, and math (S.T.E.A.M.) 13881  
curriculum to the school district's students. The school 13882  
district shall not use the contributions it receives for any 13883  
other purpose. 13884

The registrar shall pay the contributions the registrar 13885  
receives pursuant to section 4503.881 of the Revised Code to La 13886  
Salle high school in the municipal corporation of Cincinnati. 13887  
The high school shall not use the contributions it receives for 13888  
any political purpose. 13889

The registrar shall pay the contributions the registrar 13890  
receives pursuant to section 4503.882 of the Revised Code to St. 13891  
John's Jesuit high school and academy located in the municipal 13892  
corporation of Toledo. The school shall use the contributions it 13893  
receives to provide tuition assistance for students attending 13894

the school. 13895

The registrar shall pay the contributions the registrar receives pursuant to section 4503.883 of the Revised Code to St. Charles preparatory school located in the municipal corporation of Columbus, which shall use the contributions for the school's alumni association and the alumni association's purposes. 13896  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.884 of the Revised Code to Archbishop Moeller high school located in the municipal corporation of Cincinnati. The high school shall not use the contributions it receives for any political purpose. 13901  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.89 of the Revised Code to the American red cross of greater Columbus on behalf of the Ohio chapters of the American red cross, which shall use the contributions for disaster readiness, preparedness, and response programs on a statewide basis. 13906  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.891 of the Revised Code to the Ohio lions foundation. The foundation shall use the contributions for charitable and educational purposes. 13912  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.892 of the Revised Code to the Hudson city school district. The school district shall not use the contributions it receives for any political purpose. 13916  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.893 of the Revised Code to the Harrison Central jr./sr. high school located in the municipal corporation of Cadiz. 13920  
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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.

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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.

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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.

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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

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discretion, appropriate school counselors shall determine any 13954  
charitable organizations that the school hires to provide those 13955  
services. The school shall ensure that any such charitable 13956  
organization is exempt from federal income taxation under 13957  
subsection 501(c)(3) of the Internal Revenue Code. The school 13958  
shall not use the contributions it receives for any other 13959  
purpose. 13960

The registrar shall pay the contributions the registrar 13961  
receives pursuant to section 4503.903 of the Revised Code to the 13962  
Brecksville-Broadview Heights city school district. The school 13963  
district shall use the contributions it receives to pay the 13964  
expenses it incurs in providing services to the school 13965  
district's students that assist in developing or maintaining the 13966  
mental and emotional well-being of the students. The services 13967  
provided may include bereavement counseling, instruction in 13968  
defensive driving techniques, sensitivity training, and the 13969  
counseling and education of students regarding bullying, dating 13970  
violence, drug abuse, suicide prevention, and human trafficking. 13971  
The school district superintendent or, in the school district 13972  
superintendent's discretion, the appropriate school principal or 13973  
appropriate school counselors shall determine any charitable 13974  
organizations that the school district hires to provide those 13975  
services. The school district also may use the contributions it 13976  
receives to pay for members of the faculty of the school 13977  
district to receive training in providing such services to the 13978  
students of the school district. The school district shall 13979  
ensure that any charitable organization that is hired by the 13980  
district is exempt from federal income taxation under subsection 13981  
501(c)(3) of the Internal Revenue Code. The school district 13982  
shall not use the contributions it receives for any other 13983  
purpose. 13984

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, 14016  
sensitivity training, and the counseling and education of 14017  
students regarding bullying, dating violence, drug abuse, 14018  
suicide prevention, and human trafficking. The career center's 14019  
superintendent or in the career center's superintendent's 14020  
discretion, the school board or appropriate school counselors 14021  
shall determine any charitable organizations that the career 14022  
center hires to provide those services. The career center also 14023  
may use the contributions it receives to pay for members of the 14024  
faculty of the career center to receive training in providing 14025  
such services to the students of the career center. The career 14026  
center shall ensure that any charitable organization that is 14027  
hired by the career center is exempt from federal income 14028  
taxation under subsection 501(c)(3) of the Internal Revenue 14029  
Code. The career center shall not use the contributions it 14030  
receives for any other purpose. 14031

The registrar shall pay the contributions the registrar 14032  
receives pursuant to section 4503.906 of the Revised Code to the 14033  
Stow-Munroe Falls city school district. The school district 14034  
shall not use the contributions it receives for any political 14035  
purpose. 14036

The registrar shall pay the contributions the registrar 14037  
receives pursuant to section 4503.907 of the Revised Code to the 14038  
Twinsburg city school district. The school district shall not 14039  
use the contributions it receives for any political purpose. 14040

The registrar shall pay the contributions the registrar 14041  
receives pursuant to section 4503.908 of the Revised Code to St. 14042  
Xavier high school located in Springfield township in Hamilton 14043  
county. The school shall use fifty per cent of the contributions 14044  
it receives to provide tuition assistance to its students. The 14045

school shall use the remaining fifty per cent to pay the 14046  
expenses it incurs in providing services to the school's 14047  
students that assist in developing or maintaining the mental and 14048  
emotional well-being of the students. The services provided may 14049  
include bereavement counseling, instruction in defensive driving 14050  
techniques, sensitivity training, and the counseling and 14051  
education of students regarding bullying, dating violence, drug 14052  
abuse, suicide prevention, and human trafficking. As a part of 14053  
providing such services, the school may pay for members of the 14054  
faculty of the school to receive training in providing those 14055  
services. The school principal or, in the school principal's 14056  
discretion, appropriate school counselors shall determine any 14057  
charitable organizations that the school hires to provide those 14058  
services. The school shall ensure that any such charitable 14059  
organization is exempt from federal income taxation under 14060  
subsection 501(c)(3) of the Internal Revenue Code. The school 14061  
shall not use the contributions it receives for any other 14062  
purpose. 14063

The registrar shall pay the contributions the registrar 14064  
receives pursuant to section 4503.909 of the Revised Code to the 14065  
Grandview Heights city school district, which shall use the 14066  
contributions for its gifted programs and special education and 14067  
related services. 14068

The registrar shall pay the contributions received 14069  
pursuant to section 4503.92 of the Revised Code to support our 14070  
troops, incorporated, a national nonprofit corporation, which 14071  
shall use those contributions in accordance with its articles of 14072  
incorporation and for the benefit of servicemembers of the armed 14073  
forces of the United States and their families when they are in 14074  
financial need. 14075

The registrar shall pay the contributions received 14076  
pursuant to section 4503.931 of the Revised Code to healthy New 14077  
Albany, which shall use the contributions for its community 14078  
programs, events, and other activities. 14079

The registrar shall pay the contributions the registrar 14080  
receives pursuant to section 4503.932 of the Revised Code to 14081  
habitat for humanity of Ohio, inc., which shall use the 14082  
contributions for its projects related to building affordable 14083  
houses. 14084

The registrar shall pay the contributions the registrar 14085  
receives pursuant to section 4503.94 of the Revised Code to the 14086  
Michelle's leading star foundation, which shall use the money 14087  
solely to fund the rental, lease, or purchase of the simulated 14088  
driving curriculum of the Michelle's leading star foundation by 14089  
boards of education of city, exempted village, local, and joint 14090  
vocational school districts. 14091

The registrar shall pay the contributions the registrar 14092  
receives pursuant to section 4503.941 of the Revised Code to the 14093  
Ohio chapter international society of arboriculture, which shall 14094  
use the money to increase consumer awareness on the importance 14095  
of proper tree care and to raise funds for the chapter's 14096  
educational efforts. 14097

The registrar shall pay the contributions received 14098  
pursuant to section 4503.942 of the Revised Code to zero, the 14099  
end of prostate cancer, incorporated, a nonprofit organization, 14100  
which shall use those contributions to raise awareness of 14101  
prostate cancer, to support research to end prostate cancer, and 14102  
to support prostate cancer patients and their families. 14103

The registrar shall pay the contributions the registrar 14104

receives pursuant to section 4503.944 of the Revised Code to the 14105  
eastern European congress of Ohio, which shall use the 14106  
contributions for charitable and educational purposes. 14107

The registrar shall pay the contributions the registrar 14108  
receives pursuant to section 4503.945 of the Revised Code to the 14109  
Summit metro parks foundation, which shall use the money in 14110  
support of the Summit county metro parks. 14111

The registrar shall pay the contributions the registrar 14112  
receives pursuant to section 4503.951 of the Revised Code to the 14113  
Cincinnati city school district. 14114

The registrar shall pay the contributions the registrar 14115  
receives pursuant to section 4503.952 of the Revised Code to 14116  
Hawken school located in northeast Ohio. The school shall use 14117  
fifty per cent of the contributions it receives to provide 14118  
tuition assistance to its students. The school shall use the 14119  
remaining fifty per cent to pay the expenses it incurs in 14120  
providing services to the school's students that assist in 14121  
developing or maintaining the mental and emotional well-being of 14122  
the students. The services provided may include bereavement 14123  
counseling, instruction in defensive driving techniques, 14124  
sensitivity training, and the counseling and education of 14125  
students regarding bullying, dating violence, drug abuse, 14126  
suicide prevention, and human trafficking. As a part of 14127  
providing such services, the school may pay for members of the 14128  
faculty of the school to receive training in providing those 14129  
services. The school principal or, in the school principal's 14130  
discretion, appropriate school counselors shall determine any 14131  
charitable organizations that the school hires to provide those 14132  
services. The school shall ensure that any such charitable 14133  
organization is exempt from federal income taxation under 14134

subsection 501(c)(3) of the Internal Revenue Code. The school 14135  
shall not use the contributions it receives for any other 14136  
purpose. 14137

The registrar shall pay the contributions the registrar 14138  
receives pursuant to section 4503.953 of the Revised Code to 14139  
Gilmour academy located in the municipal corporation of Gates 14140  
Mills. The school shall use fifty per cent of the contributions 14141  
it receives to provide tuition assistance to its students. The 14142  
school shall use the remaining fifty per cent to pay the 14143  
expenses it incurs in providing services to the school's 14144  
students that assist in developing or maintaining the mental and 14145  
emotional well-being of the students. The services provided may 14146  
include bereavement counseling, instruction in defensive driving 14147  
techniques, sensitivity training, and the counseling and 14148  
education of students regarding bullying, dating violence, drug 14149  
abuse, suicide prevention, and human trafficking. As a part of 14150  
providing such services, the school may pay for members of the 14151  
faculty of the school to receive training in providing those 14152  
services. The school principal or, in the school principal's 14153  
discretion, appropriate school counselors shall determine any 14154  
charitable organizations that the school hires to provide those 14155  
services. The school shall ensure that any such charitable 14156  
organization is exempt from federal income taxation under 14157  
subsection 501(c)(3) of the Internal Revenue Code. The school 14158  
shall not use the contributions it receives for any other 14159  
purpose. 14160

The registrar shall pay the contributions the registrar 14161  
receives pursuant to section 4503.954 of the Revised Code to 14162  
University school located in the suburban area near the 14163  
municipal corporation of Cleveland. The school shall use fifty 14164  
per cent of the contributions it receives to provide tuition 14165

assistance to its students. The school shall use the remaining 14166  
fifty per cent to pay the expenses it incurs in providing 14167  
services to the school's students that assist in developing or 14168  
maintaining the mental and emotional well-being of the students. 14169  
The services provided may include bereavement counseling, 14170  
instruction in defensive driving techniques, sensitivity 14171  
training, and the counseling and education of students regarding 14172  
bullying, dating violence, drug abuse, suicide prevention, and 14173  
human trafficking. As a part of providing such services, the 14174  
school may pay for members of the faculty of the school to 14175  
receive training in providing those services. The school 14176  
principal or, in the school principal's discretion, appropriate 14177  
school counselors shall determine any charitable organizations 14178  
that the school hires to provide those services. The school 14179  
shall ensure that any such charitable organization is exempt 14180  
from federal income taxation under subsection 501(c)(3) of the 14181  
Internal Revenue Code. The school shall not use the 14182  
contributions it receives for any other purpose. 14183

The registrar shall pay the contributions the registrar 14184  
receives pursuant to section 4503.955 of the Revised Code to 14185  
Saint Albert the Great school located in North Royalton. The 14186  
school shall use fifty per cent of the contributions it receives 14187  
to provide tuition assistance to its students. The school shall 14188  
use the remaining fifty per cent to pay the expenses it incurs 14189  
in providing services to the school's students that assist in 14190  
developing or maintaining the mental and emotional well-being of 14191  
the students. The services provided may include bereavement 14192  
counseling, instruction in defensive driving techniques, 14193  
sensitivity training, and the counseling and education of 14194  
students regarding bullying, dating violence, drug abuse, 14195  
suicide prevention, and human trafficking. As a part of 14196

providing such services, the school may pay for members of the 14197  
faculty of the school to receive training in providing those 14198  
services. The school principal or, in the school principal's 14199  
discretion, appropriate school counselors shall determine any 14200  
charitable organizations that the school hires to provide those 14201  
services. The school shall ensure that any such charitable 14202  
organization is exempt from federal income taxation under 14203  
subsection 501(c)(3) of the Internal Revenue Code. The school 14204  
shall not use the contributions it receives for any other 14205  
purpose. 14206

The registrar shall pay the contributions the registrar 14207  
receives pursuant to section 4503.956 of the Revised Code to the 14208  
Liberty Center local school district, which shall use the 14209  
contributions for its gifted programs and special education and 14210  
related services. 14211

The registrar shall pay the contributions the registrar 14212  
receives pursuant to section 4503.957 of the Revised Code to 14213  
John F. Kennedy Catholic school located in Warren. The school 14214  
shall not use the contributions it receives for any political 14215  
purpose. 14216

The registrar shall pay the contributions the registrar 14217  
receives pursuant to section 4503.958 of the Revised Code to 14218  
Elder high school located in the municipal corporation of 14219  
Cincinnati. The school shall use fifty per cent of the 14220  
contributions it receives to provide tuition assistance to its 14221  
students, twenty-five per cent of the contributions to benefit 14222  
arts and enrichment at the school, and twenty-five per cent of 14223  
the contributions to benefit athletics at the school. 14224

The registrar shall pay the contributions the registrar 14225  
receives pursuant to section 4503.961 of the Revised Code to 14226

Fairfield senior high school located in the municipal 14227  
corporation of Fairfield. The high school shall not use the 14228  
contributions for any political purpose. 14229

The registrar shall pay the contributions the registrar 14230  
receives pursuant to section 4503.962 of the Revised Code to 14231  
Hamilton high school located in the municipal corporation of 14232  
Hamilton. The high school shall not use the contributions for 14233  
any political purpose. 14234

The registrar shall pay the contributions the registrar 14235  
receives pursuant to section 4503.963 of the Revised Code to 14236  
Ross high school located in Ross township in Butler county. The 14237  
high school shall not use the contributions for any political 14238  
purpose. 14239

The registrar shall pay the contributions the registrar 14240  
receives pursuant to section 4503.97 of the Revised Code to the 14241  
friends of united Hatzalah of Israel, which shall use the money 14242  
to support united Hatzalah of Israel, which provides free 14243  
emergency medical first response throughout Israel. 14244

The registrar shall pay the contributions the registrar 14245  
receives pursuant to section 4503.98 of the Revised Code to the 14246  
Westerville parks foundation to support the programs and 14247  
activities of the foundation and its mission of pursuing the 14248  
city of Westerville's vision of becoming "A City Within A Park." 14249

(C) All investment earnings of the license plate 14250  
contribution fund shall be credited to the fund. Not later than 14251  
the first day of May of every year, the registrar shall 14252  
distribute to each entity described in division (B) of this 14253  
section the investment income the fund earned the previous 14254  
calendar year. The amount of such a distribution paid to an 14255

entity shall be proportionate to the amount of money the entity 14256  
received from the fund during the previous calendar year. 14257

**Sec. 4503.04.** Except as provided in sections 4503.042 and 14258  
4503.65 of the Revised Code for the registration of commercial 14259  
cars, trailers, semitrailers, and certain buses, the rates of 14260  
the taxes imposed by section 4503.02 of the Revised Code shall 14261  
be as follows: 14262

(A) (1) For motor vehicles having three wheels or less, the 14263  
license tax is: 14264

(a) For each motorized bicycle or moped, ten dollars; 14265

(b) For each motorcycle, autocycle, cab-enclosed 14266  
motorcycle, motor-driven cycle, or motor scooter, fourteen 14267  
dollars. 14268

(2) For each low-speed, under-speed, and utility vehicle, 14269  
and each mini-truck, ten dollars. 14270

(B) For each passenger car, twenty dollars; 14271

(C) For each manufactured home, each mobile home, and each 14272  
travel trailer or house vehicle, ten dollars; 14273

(D) For each noncommercial motor vehicle designed by the 14274  
manufacturer to carry a load of no more than three-quarters of 14275  
one ton and for each motor home, thirty-five dollars; for each 14276  
noncommercial motor vehicle designed by the manufacturer to 14277  
carry a load of more than three-quarters of one ton, but not 14278  
more than one ton, seventy dollars; 14279

(E) For each noncommercial trailer, the license tax is: 14280

(1) Eighty-five cents for each one hundred pounds or part 14281  
thereof for the first two thousand pounds or part thereof of 14282

weight of vehicle fully equipped;	14283
(2) One dollar and forty cents for each one hundred pounds	14284
or part thereof in excess of two thousand pounds up to and	14285
including ten thousand pounds.	14286
(F) Notwithstanding its weight, twelve dollars for any:	14287
(1) Vehicle equipped, owned, and used by a charitable or	14288
nonprofit corporation exclusively for the purpose of	14289
administering chest x-rays or receiving blood donations;	14290
(2) Van used principally for the transportation of	14291
<del>handicapped persons</del> <u>with disabilities</u> that has been modified by	14292
being equipped with adaptive equipment to facilitate the	14293
movement of such persons into and out of the van;	14294
(3) Bus used principally for the transportation of	14295
<del>handicapped persons</del> <u>with disabilities</u> or persons sixty-five	14296
years of age or older.	14297
(G) Notwithstanding its weight, twenty dollars for any bus	14298
used principally for the transportation of persons in a	14299
ridesharing arrangement.	14300
(H) For each transit bus having motor power the license	14301
tax is twelve dollars.	14302
"Transit bus" means either a motor vehicle having a	14303
seating capacity of more than seven persons which is operated	14304
and used by any person in the rendition of a public mass	14305
transportation service primarily in a municipal corporation or	14306
municipal corporations and provided at least seventy-five per	14307
cent of the annual mileage of such service and use is within	14308
such municipal corporation or municipal corporations or a motor	14309
vehicle having a seating capacity of more than seven persons	14310

which is operated solely for the transportation of persons 14311  
associated with a charitable or nonprofit corporation, but does 14312  
not mean any motor vehicle having a seating capacity of more 14313  
than seven persons when such vehicle is used in a ridesharing 14314  
capacity or any bus described by division (F) (3) of this 14315  
section. 14316

The application for registration of such transit bus shall 14317  
be accompanied by an affidavit prescribed by the registrar of 14318  
motor vehicles and signed by the person or an agent of the firm 14319  
or corporation operating such bus stating that the bus has a 14320  
seating capacity of more than seven persons, and that it is 14321  
either to be operated and used in the rendition of a public mass 14322  
transportation service and that at least seventy-five per cent 14323  
of the annual mileage of such operation and use shall be within 14324  
one or more municipal corporations or that it is to be operated 14325  
solely for the transportation of persons associated with a 14326  
charitable or nonprofit corporation. 14327

The form of the license plate, and the manner of its 14328  
attachment to the vehicle, shall be prescribed by the registrar 14329  
of motor vehicles. 14330

(I) Except as otherwise provided in division (A) or (J) of 14331  
this section, the minimum tax for any vehicle having motor power 14332  
is ten dollars and eighty cents, and for each noncommercial 14333  
trailer, five dollars. 14334

(J) (1) Except as otherwise provided in division (J) of 14335  
this section, for each farm truck, except a noncommercial motor 14336  
vehicle, that is owned, controlled, or operated by one or more 14337  
farmers exclusively in farm use as defined in this section, and 14338  
not for commercial purposes, and provided that at least seventy- 14339  
five per cent of such farm use is by or for the one or more 14340

owners, controllers, or operators of the farm in the operation 14341  
of which a farm truck is used, the license tax is five dollars 14342  
plus: 14343

(a) Fifty cents per one hundred pounds or part thereof for 14344  
the first three thousand pounds; 14345

(b) Seventy cents per one hundred pounds or part thereof 14346  
in excess of three thousand pounds up to and including four 14347  
thousand pounds; 14348

(c) Ninety cents per one hundred pounds or part thereof in 14349  
excess of four thousand pounds up to and including six thousand 14350  
pounds; 14351

(d) Two dollars for each one hundred pounds or part 14352  
thereof in excess of six thousand pounds up to and including ten 14353  
thousand pounds; 14354

(e) Two dollars and twenty-five cents for each one hundred 14355  
pounds or part thereof in excess of ten thousand pounds; 14356

(f) The minimum license tax for any farm truck shall be 14357  
twelve dollars. 14358

(2) The owner of a farm truck may register the truck for a 14359  
period of one-half year by paying one-half the registration tax 14360  
imposed on the truck under this chapter and one-half the amount 14361  
of any tax imposed on the truck under Chapter 4504. of the 14362  
Revised Code. 14363

(3) A farm bus may be registered for a period of two 14364  
hundred ten days from the date of issue of the license plates 14365  
for the bus, for a fee of ten dollars, provided such license 14366  
plates shall not be issued for more than one such period in any 14367  
calendar year. Such use does not include the operation of trucks 14368

by commercial processors of agricultural products. 14369

(4) License plates for farm trucks and for farm buses 14370  
shall have some distinguishing marks, letters, colors, or other 14371  
characteristics to be determined by the director of public 14372  
safety. 14373

(5) Every person registering a farm truck or bus under 14374  
this section shall furnish an affidavit certifying that the 14375  
truck or bus licensed to that person is to be so used as to meet 14376  
the requirements necessary for the farm truck or farm bus 14377  
classification. 14378

Any farmer may use a truck owned by the farmer for 14379  
commercial purposes by paying the difference between the 14380  
commercial truck registration fee and the farm truck 14381  
registration fee for the remaining part of the registration 14382  
period for which the truck is registered. Such remainder shall 14383  
be calculated from the beginning of the semiannual period in 14384  
which application for such commercial license is made. 14385

Taxes at the rates provided in this section are in lieu of 14386  
all taxes on or with respect to the ownership of such motor 14387  
vehicles, except as provided in sections 4503.042, 4503.06, and 14388  
4503.65 of the Revised Code. 14389

(K) Other than trucks registered under the international 14390  
registration plan in another jurisdiction and for which this 14391  
state has received an apportioned registration fee, the license 14392  
tax for each truck which is owned, controlled, or operated by a 14393  
nonresident, and licensed in another state, and which is used 14394  
exclusively for the transportation of nonprocessed agricultural 14395  
products intrastate, from the place of production to the place 14396  
of processing, is twenty-four dollars. 14397

"Truck," as used in this division, means any pickup truck, 14398  
straight truck, semitrailer, or trailer other than a travel 14399  
trailer. Nonprocessed agricultural products, as used in this 14400  
division, does not include livestock or grain. 14401

A license issued under this division shall be issued for a 14402  
period of one hundred thirty days in the same manner in which 14403  
all other licenses are issued under this section, provided that 14404  
no truck shall be so licensed for more than one one-hundred- 14405  
thirty-day period during any calendar year. 14406

The license issued pursuant to this division shall consist 14407  
of a windshield decal to be designed by the director of public 14408  
safety. 14409

Every person registering a truck under this division shall 14410  
furnish an affidavit certifying that the truck licensed to the 14411  
person is to be used exclusively for the purposes specified in 14412  
this division. 14413

(L) Every person registering a motor vehicle as a 14414  
noncommercial motor vehicle as defined in section 4501.01 of the 14415  
Revised Code, or registering a trailer as a noncommercial 14416  
trailer as defined in that section, shall furnish an affidavit 14417  
certifying that the motor vehicle or trailer so licensed to the 14418  
person is to be so used as to meet the requirements necessary 14419  
for the noncommercial vehicle classification. 14420

(M) Every person registering a van or bus as provided in 14421  
divisions (F) (2) and (3) of this section shall furnish a 14422  
notarized statement certifying that the van or bus licensed to 14423  
the person is to be used for the purposes specified in those 14424  
divisions. The form of the license plate issued for such motor 14425  
vehicles shall be prescribed by the registrar. 14426

(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 14458  
section 4501.06 of the Revised Code. 14459

(2) Division (O) (1) of this section does not apply to a 14460  
farm truck or farm bus registered under division (J) of this 14461  
section. 14462

(P) As used in this section: 14463

(1) "Van" means any motor vehicle having a single rear 14464  
axle and an enclosed body without a second seat. 14465

(2) ~~"Handicapped person"~~ "Person with a disability" means 14466  
any person who has lost the use of one or both legs, or one or 14467  
both arms, or is blind, deaf, or ~~so severely disabled as to be~~ 14468  
unable to move about without the aid of crutches or a 14469  
wheelchair. 14470

(3) "Farm truck" means a truck used in the transportation 14471  
from the farm of products of the farm, including livestock and 14472  
its products, poultry and its products, floricultural and 14473  
horticultural products, and in the transportation to the farm of 14474  
supplies for the farm, including tile, fence, and every other 14475  
thing or commodity used in agricultural, floricultural, 14476  
horticultural, livestock, and poultry production and livestock, 14477  
poultry, and other animals and things used for breeding, 14478  
feeding, or other purposes connected with the operation of the 14479  
farm. 14480

(4) "Farm bus" means a bus used only for the 14481  
transportation of agricultural employees and used only in the 14482  
transportation of such employees as are necessary in the 14483  
operation of the farm. 14484

(5) "Farm supplies" includes fuel used exclusively in the 14485  
operation of a farm, including one or more homes located on and 14486

used in the operation of one or more farms, and furniture and 14487  
other things used in and around such homes. 14488

**Sec. 4503.042.** The rates established under this section 14489  
apply to commercial cars, buses, trailers, and semitrailers that 14490  
are not subject to apportioned rates under the international 14491  
registration plan. 14492

(A) The rates of the annual registration taxes imposed by 14493  
section 4503.02 of the Revised Code, based on gross vehicle 14494  
weight or combined gross vehicle weight, for commercial cars 14495  
that are not apportionable are as follows: 14496

(1) For not more than two thousand pounds, forty-five 14497  
dollars; 14498

(2) For more than two thousand but not more than six 14499  
thousand pounds, seventy dollars; 14500

(3) For more than six thousand but not more than ten 14501  
thousand pounds, eighty-five dollars; 14502

(4) For more than ten thousand but not more than fourteen 14503  
thousand pounds, one hundred five dollars; 14504

(5) For more than fourteen thousand but not more than 14505  
eighteen thousand pounds, one hundred twenty-five dollars; 14506

(6) For more than eighteen thousand but not more than 14507  
twenty-two thousand pounds, one hundred fifty dollars; 14508

(7) For more than twenty-two thousand but not more than 14509  
twenty-six thousand pounds, one hundred seventy-five dollars; 14510

(8) For more than twenty-six thousand but not more than 14511  
thirty thousand pounds, three hundred fifty-five dollars; 14512

(9) For more than thirty thousand but not more than 14513

thirty-four thousand pounds, four hundred twenty dollars;	14514
(10) For more than thirty-four thousand but not more than	14515
thirty-eight thousand pounds, four hundred eighty dollars;	14516
(11) For more than thirty-eight thousand but not more than	14517
forty-two thousand pounds, five hundred forty dollars;	14518
(12) For more than forty-two thousand but not more than	14519
forty-six thousand pounds, six hundred dollars;	14520
(13) For more than forty-six thousand but not more than	14521
fifty thousand pounds, six hundred sixty dollars;	14522
(14) For more than fifty thousand but not more than fifty-	14523
four thousand pounds, seven hundred twenty-five dollars;	14524
(15) For more than fifty-four thousand but not more than	14525
fifty-eight thousand pounds, seven hundred eighty-five dollars;	14526
(16) For more than fifty-eight thousand but not more than	14527
sixty-two thousand pounds, eight hundred fifty-five dollars;	14528
(17) For more than sixty-two thousand but not more than	14529
sixty-six thousand pounds, nine hundred twenty-five dollars;	14530
(18) For more than sixty-six thousand but not more than	14531
seventy thousand pounds, nine hundred ninety-five dollars;	14532
(19) For more than seventy thousand but not more than	14533
seventy-four thousand pounds, one thousand eighty dollars;	14534
(20) For more than seventy-four thousand but not more than	14535
seventy-eight thousand pounds, one thousand two hundred dollars;	14536
(21) For more than seventy-eight thousand pounds, one	14537
thousand three hundred forty dollars.	14538
(B) The rates of the annual registration taxes imposed by	14539

section 4503.02 of the Revised Code, based on gross vehicle	14540
weight or combined gross vehicle weight, for buses that are not	14541
apportionable are as follows:	14542
(1) For not more than two thousand pounds, ten dollars;	14543
(2) For more than two thousand but not more than six	14544
thousand pounds, forty dollars;	14545
(3) For more than six thousand but not more than ten	14546
thousand pounds, one hundred dollars;	14547
(4) For more than ten thousand but not more than fourteen	14548
thousand pounds, one hundred eighty dollars;	14549
(5) For more than fourteen thousand but not more than	14550
eighteen thousand pounds, two hundred sixty dollars;	14551
(6) For more than eighteen thousand but not more than	14552
twenty-two thousand pounds, three hundred forty dollars;	14553
(7) For more than twenty-two thousand but not more than	14554
twenty-six thousand pounds, four hundred twenty dollars;	14555
(8) For more than twenty-six thousand but not more than	14556
thirty thousand pounds, five hundred dollars;	14557
(9) For more than thirty thousand but not more than	14558
thirty-four thousand pounds, five hundred eighty dollars;	14559
(10) For more than thirty-four thousand but not more than	14560
thirty-eight thousand pounds, six hundred sixty dollars;	14561
(11) For more than thirty-eight thousand but not more than	14562
forty-two thousand pounds, seven hundred forty dollars;	14563
(12) For more than forty-two thousand but not more than	14564
forty-six thousand pounds, eight hundred twenty dollars;	14565

(13) For more than forty-six thousand but not more than	14566
fifty thousand pounds, nine hundred forty dollars;	14567
(14) For more than fifty thousand but not more than fifty-	14568
four thousand pounds, one thousand dollars;	14569
(15) For more than fifty-four thousand but not more than	14570
fifty-eight thousand pounds, one thousand ninety dollars;	14571
(16) For more than fifty-eight thousand but not more than	14572
sixty-two thousand pounds, one thousand one hundred eighty	14573
dollars;	14574
(17) For more than sixty-two thousand but not more than	14575
sixty-six thousand pounds, one thousand two hundred seventy	14576
dollars;	14577
(18) For more than sixty-six thousand but not more than	14578
seventy thousand pounds, one thousand three hundred sixty	14579
dollars;	14580
(19) For more than seventy thousand but not more than	14581
seventy-four thousand pounds, one thousand four hundred fifty	14582
dollars;	14583
(20) For more than seventy-four thousand but not more than	14584
seventy-eight thousand pounds, one thousand five hundred forty	14585
dollars;	14586
(21) For more than seventy-eight thousand pounds, one	14587
thousand six hundred thirty dollars.	14588
(C) The rate of the tax for each trailer and semitrailer	14589
is twenty-five dollars.	14590
(D) If an application for registration renewal is not	14591
applied for prior to the expiration date of the registration or	14592

within thirty days after that date, the registrar or deputy 14593  
registrar shall collect a fee of ten dollars for the issuance of 14594  
the vehicle registration, but may waive the fee for good cause 14595  
shown if the application is accompanied by supporting evidence 14596  
as the registrar may require. The fee shall be in addition to 14597  
all other fees established by this section. A deputy registrar 14598  
shall retain fifty cents of the fee and shall transmit the 14599  
remaining amount to the registrar at the time and in the manner 14600  
provided by section 4503.10 of the Revised Code. The registrar 14601  
shall deposit all moneys received under this division into the 14602  
public safety - highway purposes fund established in section 14603  
4501.06 of the Revised Code. 14604

(E) The rates established by this section shall not apply 14605  
to any of the following: 14606

(1) Vehicles equipped, owned, and used by a charitable or 14607  
nonprofit corporation exclusively for the purpose of 14608  
administering chest x-rays or receiving blood donations; 14609

(2) Vans used principally for the transportation of 14610  
~~handicapped~~ persons with disabilities that have been modified by 14611  
being equipped with adaptive equipment to facilitate the 14612  
movement of such persons into and out of the vans; 14613

(3) Buses used principally for the transportation of 14614  
~~handicapped~~ persons with disabilities or persons sixty-five 14615  
years of age or older; 14616

(4) Buses used principally for the transportation of 14617  
persons in a ridesharing arrangement; 14618

(5) Transit buses having motor power; 14619

(6) Noncommercial trailers, mobile homes, or manufactured 14620  
homes. 14621

**Sec. 4503.44.** (A) As used in this section and in section 14622  
4511.69 of the Revised Code: 14623

(1) "Person with a disability that limits or impairs the 14624  
ability to walk" means any person who, as determined by a health 14625  
care provider, meets any of the following criteria: 14626

(a) Cannot walk two hundred feet without stopping to rest; 14627

(b) Cannot walk without the use of, or assistance from, a 14628  
brace, cane, crutch, another person, prosthetic device, 14629  
wheelchair, or other assistive device; 14630

(c) Is restricted by a lung disease to such an extent that 14631  
the person's forced (respiratory) expiratory volume for one 14632  
second, when measured by spirometry, is less than one liter, or 14633  
the arterial oxygen tension is less than sixty millimeters of 14634  
mercury on room air at rest; 14635

(d) Uses portable oxygen; 14636

(e) Has a cardiac condition to the extent that the 14637  
person's functional limitations are classified in severity as 14638  
class III or class IV according to standards set by the American 14639  
heart association; 14640

(f) Is severely limited in the ability to walk due to an 14641  
arthritic, neurological, or orthopedic condition; 14642

(g) Is blind, legally blind, or severely visually 14643  
impaired. 14644

(2) "Organization" means any private organization or 14645  
corporation, or any governmental board, agency, department, 14646  
division, or office, that, as part of its business or program, 14647  
transports persons with disabilities that limit or impair the 14648  
ability to walk on a regular basis in a motor vehicle that has 14649

not been altered for the purpose of providing it with ~~special-~~ 14650  
accessible equipment for use by persons with disabilities. This 14651  
definition does not apply to division (I) of this section. 14652

(3) "Health care provider" means a physician, physician 14653  
assistant, advanced practice registered nurse, optometrist, or 14654  
chiropractor as defined in this section except that an 14655  
optometrist shall only make determinations as to division (A) (1) 14656  
(g) of this section. 14657

(4) "Physician" means a person licensed to practice 14658  
medicine or surgery or osteopathic medicine and surgery under 14659  
Chapter 4731. of the Revised Code. 14660

(5) "Chiropractor" means a person licensed to practice 14661  
chiropractic under Chapter 4734. of the Revised Code. 14662

(6) "Advanced practice registered nurse" means a certified 14663  
nurse practitioner, clinical nurse specialist, certified 14664  
registered nurse anesthetist, or certified nurse-midwife who 14665  
holds a certificate of authority issued by the board of nursing 14666  
under Chapter 4723. of the Revised Code. 14667

(7) "Physician assistant" means a person who is licensed 14668  
as a physician assistant under Chapter 4730. of the Revised 14669  
Code. 14670

(8) "Optometrist" means a person licensed to engage in the 14671  
practice of optometry under Chapter 4725. of the Revised Code. 14672

(B) (1) An organization, or a person with a disability that 14673  
limits or impairs the ability to walk, may apply for the 14674  
registration of any motor vehicle the organization or person 14675  
owns or leases. When a motor vehicle has been altered for the 14676  
purpose of providing it with ~~special-~~accessible equipment for a 14677  
person with a disability that limits or impairs the ability to 14678

walk, but is owned or leased by someone other than such a 14679  
person, the owner or lessee may apply to the registrar or a 14680  
deputy registrar for registration under this section. The 14681  
application for registration of a motor vehicle owned or leased 14682  
by a person with a disability that limits or impairs the ability 14683  
to walk shall be accompanied by a signed statement from the 14684  
applicant's health care provider certifying that the applicant 14685  
meets at least one of the criteria contained in division (A)(1) 14686  
of this section and that the disability is expected to continue 14687  
for more than six consecutive months. The application for 14688  
registration of a motor vehicle that has been altered for the 14689  
purpose of providing it with ~~special-accessible~~ equipment for a 14690  
person with a disability that limits or impairs the ability to 14691  
walk but is owned by someone other than such a person shall be 14692  
accompanied by such documentary evidence of vehicle alterations 14693  
as the registrar may require by rule. 14694

(2) When an organization, a person with a disability that 14695  
limits or impairs the ability to walk, or a person who does not 14696  
have a disability that limits or impairs the ability to walk but 14697  
owns a motor vehicle that has been altered for the purpose of 14698  
providing it with ~~special-accessible~~ equipment for a person with 14699  
a disability that limits or impairs the ability to walk first 14700  
submits an application for registration of a motor vehicle under 14701  
this section and every fifth year thereafter, the organization 14702  
or person shall submit a signed statement from the applicant's 14703  
health care provider, a completed application, and any required 14704  
documentary evidence of vehicle alterations as provided in 14705  
division (B)(1) of this section, and also a power of attorney 14706  
from the owner of the motor vehicle if the applicant leases the 14707  
vehicle. Upon submission of these items, the registrar or deputy 14708  
registrar shall issue to the applicant appropriate vehicle 14709

registration and a set of license plates and validation 14710  
stickers, or validation stickers alone when required by section 14711  
4503.191 of the Revised Code. In addition to the letters and 14712  
numbers ordinarily inscribed thereon, the license plates shall 14713  
be imprinted with the international symbol of access. The 14714  
license plates and validation stickers shall be issued upon 14715  
payment of the regular license fee as prescribed under section 14716  
4503.04 of the Revised Code and any motor vehicle tax levied 14717  
under Chapter 4504. of the Revised Code, and the payment of a 14718  
service fee equal to the amount specified in division (D) or (G) 14719  
of section 4503.10 of the Revised Code. 14720

(C) (1) A person with a disability that limits or impairs 14721  
the ability to walk may apply to the registrar of motor vehicles 14722  
for a removable windshield placard by completing and signing an 14723  
application provided by the registrar. The person shall include 14724  
with the application a prescription from the person's health 14725  
care provider prescribing such a placard for the person based 14726  
upon a determination that the person meets at least one of the 14727  
criteria contained in division (A) (1) of this section. The 14728  
health care provider shall state on the prescription the length 14729  
of time the health care provider expects the applicant to have 14730  
the disability that limits or impairs the person's ability to 14731  
walk. 14732

In addition to one placard or one or more sets of license 14733  
plates, a person with a disability that limits or impairs the 14734  
ability to walk is entitled to one additional placard, but only 14735  
if the person applies separately for the additional placard, 14736  
states the reasons why the additional placard is needed, and the 14737  
registrar, in the registrar's discretion determines that good 14738  
and justifiable cause exists to approve the request for the 14739  
additional placard. 14740

(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 14772  
a manner that allows the expiration date of the placard to be 14773  
indicated on it through the punching, drilling, boring, or 14774  
creation by any other means of holes in the placard. 14775

(4) At the time a removable windshield placard is issued 14776  
to a person with a disability that limits or impairs the ability 14777  
to walk, the registrar or deputy registrar shall enter into the 14778  
records of the bureau of motor vehicles the last date on which 14779  
the person will have that disability, as indicated on the 14780  
accompanying prescription. Not less than thirty days prior to 14781  
that date and all removable windshield placard renewal dates, 14782  
the bureau shall send a renewal notice to that person at the 14783  
person's last known address as shown in the records of the 14784  
bureau, informing the person that the person's removable 14785  
windshield placard will expire on the indicated date not to 14786  
exceed five years from the date of issuance, and that the person 14787  
is required to renew the placard by submitting to the registrar 14788  
or a deputy registrar another prescription, as described in 14789  
division (C) (1) or (2) of this section, and by complying with 14790  
the renewal provisions prescribed in division (C) (3) of this 14791  
section. If such a prescription is not received by the registrar 14792  
or a deputy registrar by that date, the placard issued to that 14793  
person expires and no longer is valid, and this fact shall be 14794  
recorded in the records of the bureau. 14795

(5) At least once every year, on a date determined by the 14796  
registrar, the bureau shall examine the records of the office of 14797  
vital statistics, located within the department of health, that 14798  
pertain to deceased persons, and also the bureau's records of 14799  
all persons who have been issued removable windshield placards 14800  
and temporary removable windshield placards. If the records of 14801  
the office of vital statistics indicate that a person to whom a 14802

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. 14833

(b) Any active-duty member of the armed forces of the 14834  
United States, including the reserve components of the armed 14835  
forces and the national guard, who has an illness or injury that 14836  
limits or impairs the ability to walk may apply to the registrar 14837  
or a deputy registrar for a temporary removable windshield 14838  
placard. With the application, the person shall present evidence 14839  
of the person's active-duty status and the illness or injury. 14840  
Evidence of the illness or injury may include a current 14841  
department of defense convalescent leave statement, any 14842  
department of defense document indicating that the person 14843  
currently has an ill or injured casualty status or has limited 14844  
duties, or a prescription from any health care provider 14845  
prescribing the placard for the applicant. Upon receipt of the 14846  
application and the necessary evidence, the registrar or deputy 14847  
registrar shall issue the applicant the temporary removable 14848  
windshield placard without the payment of any service fee. 14849

(2) The temporary removable windshield placard shall be of 14850  
the same size and form as the removable windshield placard, 14851  
shall be printed in white on a red-colored background, and shall 14852  
bear the word "temporary" in letters of such size as the 14853  
registrar shall prescribe. A temporary removable windshield 14854  
placard also shall bear the date of expiration on the front and 14855  
back of the placard, and shall be valid until expired, 14856  
surrendered, or revoked, but in no case shall such a placard be 14857  
valid for a period of less than sixty days. The registrar shall 14858  
provide the application form and shall determine the information 14859  
to be included on it, provided that the registrar shall not 14860  
require a health care provider's prescription or certification 14861  
for a person applying under division (D) (1) (b) of this section. 14862  
The registrar also shall determine the material of which the 14863

temporary removable windshield placard is to be made and any 14864  
other information to be included on the placard and shall adopt 14865  
rules relating to the issuance, expiration, surrender, 14866  
revocation, and proper display of those placards. Any temporary 14867  
removable windshield placard issued after October 14, 1999, 14868  
shall be manufactured in a manner that allows for the expiration 14869  
date of the placard to be indicated on it through the punching, 14870  
drilling, boring, or creation by any other means of holes in the 14871  
placard. 14872

(E) If an applicant for a removable windshield placard is 14873  
a veteran of the armed forces of the United States whose 14874  
disability, as defined in division (A)(1) of this section, is 14875  
service-connected, the registrar or deputy registrar, upon 14876  
receipt of the application, presentation of a signed statement 14877  
from the applicant's health care provider certifying the 14878  
applicant's disability, and presentation of such documentary 14879  
evidence from the department of veterans affairs that the 14880  
disability of the applicant meets at least one of the criteria 14881  
identified in division (A)(1) of this section and is service- 14882  
connected as the registrar may require by rule, but without the 14883  
payment of any service fee, shall issue the applicant a 14884  
removable windshield placard that is valid until expired, 14885  
surrendered, or revoked. 14886

(F) Upon a conviction of a violation of division (H) or 14887  
(I) of this section, the court shall report the conviction, and 14888  
send the placard, if available, to the registrar, who thereupon 14889  
shall revoke the privilege of using the placard and send notice 14890  
in writing to the placardholder at that holder's last known 14891  
address as shown in the records of the bureau, and the 14892  
placardholder shall return the placard if not previously 14893  
surrendered to the court, to the registrar within ten days 14894

following mailing of the notice. 14895

Whenever a person to whom a removable windshield placard 14896  
has been issued moves to another state, the person shall 14897  
surrender the placard to the registrar; and whenever an 14898  
organization to which a placard has been issued changes its 14899  
place of operation to another state, the organization shall 14900  
surrender the placard to the registrar. 14901

(G) Subject to division (F) of section 4511.69 of the 14902  
Revised Code, the operator of a motor vehicle displaying a 14903  
removable windshield placard, temporary removable windshield 14904  
placard, or the ~~special-accessible~~ license plates authorized by 14905  
this section is entitled to park the motor vehicle in any 14906  
~~special-accessible~~ parking location reserved for persons with 14907  
disabilities that limit or impair the ability to walk, ~~also~~ 14908  
~~known as handicapped parking spaces or disability parking~~ 14909  
~~spaces.~~ 14910

(H) No person or organization that is not eligible for the 14911  
issuance of license plates or any placard under this section 14912  
shall willfully and falsely represent that the person or 14913  
organization is so eligible. 14914

No person or organization shall display license plates 14915  
issued under this section unless the license plates have been 14916  
issued for the vehicle on which they are displayed and are 14917  
valid. 14918

(I) No person or organization to which a removable 14919  
windshield placard or temporary removable windshield placard is 14920  
issued shall do either of the following: 14921

(1) Display or permit the display of the placard on any 14922  
motor vehicle when having reasonable cause to believe the motor 14923

vehicle is being used in connection with an activity that does 14924  
not include providing transportation for persons with 14925  
disabilities that limit or impair the ability to walk; 14926

(2) Refuse to return or surrender the placard, when 14927  
required. 14928

(J) If a removable windshield placard, temporary removable 14929  
windshield placard, or parking card is lost, destroyed, or 14930  
mutilated, the placardholder or cardholder may obtain a 14931  
duplicate by doing both of the following: 14932

(1) Furnishing suitable proof of the loss, destruction, or 14933  
mutilation to the registrar; 14934

(2) Paying a service fee equal to the amount specified in 14935  
division (D) or (G) of section 4503.10 of the Revised Code. 14936

Any placardholder or cardholder who loses a placard or 14937  
card and, after obtaining a duplicate, finds the original, 14938  
immediately shall surrender the original placard or card to the 14939  
registrar. 14940

(K) (1) The registrar shall pay all fees received under 14941  
this section for the issuance of removable windshield placards 14942  
or temporary removable windshield placards or duplicate 14943  
removable windshield placards or cards into the state treasury 14944  
to the credit of the public safety - highway purposes fund 14945  
created in section 4501.06 of the Revised Code. 14946

(2) In addition to the fees collected under this section, 14947  
the registrar or deputy registrar shall ask each person applying 14948  
for a removable windshield placard or temporary removable 14949  
windshield placard or duplicate removable windshield placard or 14950  
license plate issued under this section, whether the person 14951  
wishes to make a two-dollar voluntary contribution to support 14952

rehabilitation employment services. The registrar shall transmit 14953  
the contributions received under this division to the treasurer 14954  
of state for deposit into the rehabilitation employment fund, 14955  
which is hereby created in the state treasury. A deputy 14956  
registrar shall transmit the contributions received under this 14957  
division to the registrar in the time and manner prescribed by 14958  
the registrar. The contributions in the fund shall be used by 14959  
the opportunities for Ohioans with disabilities agency to 14960  
purchase services related to vocational evaluation, work 14961  
adjustment, personal adjustment, job placement, job coaching, 14962  
and community-based assessment from accredited community 14963  
rehabilitation program facilities. 14964

(L) For purposes of enforcing this section, every peace 14965  
officer is deemed to be an agent of the registrar. Any peace 14966  
officer or any authorized employee of the bureau of motor 14967  
vehicles who, in the performance of duties authorized by law, 14968  
becomes aware of a person whose placard or parking card has been 14969  
revoked pursuant to this section, may confiscate that placard or 14970  
parking card and return it to the registrar. The registrar shall 14971  
prescribe any forms used by law enforcement agencies in 14972  
administering this section. 14973

No peace officer, law enforcement agency employing a peace 14974  
officer, or political subdivision or governmental agency 14975  
employing a peace officer, and no employee of the bureau is 14976  
liable in a civil action for damages or loss to persons arising 14977  
out of the performance of any duty required or authorized by 14978  
this section. As used in this division, "peace officer" has the 14979  
same meaning as in division (B) of section 2935.01 of the 14980  
Revised Code. 14981

(M) All applications for registration of motor vehicles, 14982

removable windshield placards, and temporary removable 14983  
windshield placards issued under this section, all renewal 14984  
notices for such items, and all other publications issued by the 14985  
bureau that relate to this section shall set forth the criminal 14986  
penalties that may be imposed upon a person who violates any 14987  
provision relating to ~~special-accessible~~ license plates issued 14988  
under this section, the parking of vehicles displaying such 14989  
license plates, and the issuance, procurement, use, and display 14990  
of removable windshield placards and temporary removable 14991  
windshield placards issued under this section. 14992

(N) Whoever violates this section is guilty of a 14993  
misdemeanor of the fourth degree. 14994

**Sec. 4506.07.** (A) An applicant for a commercial driver's 14995  
license, restricted commercial driver's license, or a commercial 14996  
driver's license temporary instruction permit, or a duplicate of 14997  
such a license or permit, shall submit an application upon a 14998  
form approved and furnished by the registrar of motor vehicles. 14999  
Except as provided in section 4506.24 of the Revised Code in 15000  
regard to a restricted commercial driver's license, the 15001  
applicant shall sign the application which shall contain the 15002  
following information: 15003

(1) The applicant's name, date of birth, social security 15004  
account number, sex, general description including height, 15005  
weight, and color of hair and eyes, current residence, duration 15006  
of residence in this state, state of domicile, country of 15007  
citizenship, and occupation; 15008

(2) Whether the applicant previously has been licensed to 15009  
operate a commercial motor vehicle or any other type of motor 15010  
vehicle in another state or a foreign jurisdiction and, if so, 15011  
when, by what state, and whether the license or driving 15012

privileges currently are suspended or revoked in any 15013  
jurisdiction, or the applicant otherwise has been disqualified 15014  
from operating a commercial motor vehicle, or is subject to an 15015  
out-of-service order issued under this chapter or any similar 15016  
law of another state or a foreign jurisdiction and, if so, the 15017  
date of, locations involved, and reason for the suspension, 15018  
revocation, disqualification, or out-of-service order; 15019

(3) Whether the applicant ~~is afflicted with or suffering~~ 15020  
~~from~~ has any physical or mental disability or disease that 15021  
prevents the applicant from exercising reasonable and ordinary 15022  
control over a motor vehicle while operating it upon a highway 15023  
or is or has been subject to any condition resulting in episodic 15024  
impairment of consciousness or loss of muscular control and, if 15025  
so, the nature and extent of the disability, disease, or 15026  
condition, and the names and addresses of the physicians 15027  
attending the applicant; 15028

(4) Whether the applicant has obtained a medical 15029  
examiner's certificate as required by this chapter and, 15030  
beginning January 30, 2012, the applicant, prior to or at the 15031  
time of applying, has self-certified to the registrar the 15032  
applicable status of the applicant under division (A) (1) of 15033  
section 4506.10 of the Revised Code; 15034

(5) Whether the applicant has pending a citation for 15035  
violation of any motor vehicle law or ordinance except a parking 15036  
violation and, if so, a description of the citation, the court 15037  
having jurisdiction of the offense, and the date when the 15038  
offense occurred; 15039

(6) If an applicant has not certified the applicant's 15040  
willingness to make an anatomical gift under section 2108.05 of 15041  
the Revised Code, whether the applicant wishes to certify 15042

willingness to make such an anatomical gift, which shall be 15043  
given no consideration in the issuance of a license; 15044

(7) Whether the applicant has executed a valid durable 15045  
power of attorney for health care pursuant to sections 1337.11 15046  
to 1337.17 of the Revised Code or has executed a declaration 15047  
governing the use or continuation, or the withholding or 15048  
withdrawal, of life-sustaining treatment pursuant to sections 15049  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 15050  
executed either type of instrument, whether the applicant wishes 15051  
the license issued to indicate that the applicant has executed 15052  
the instrument; 15053

(8) Whether the applicant is a veteran, active duty, or 15054  
reservist of the armed forces of the United States and, if the 15055  
applicant is such, whether the applicant wishes the license 15056  
issued to indicate that the applicant is a veteran, active duty, 15057  
or reservist of the armed forces of the United States by a 15058  
military designation on the license. 15059

(B) Every applicant shall certify, on a form approved and 15060  
furnished by the registrar, all of the following: 15061

(1) That the motor vehicle in which the applicant intends 15062  
to take the driving skills test is representative of the type of 15063  
motor vehicle that the applicant expects to operate as a driver; 15064

(2) That the applicant is not subject to any 15065  
disqualification or out-of-service order, or license suspension, 15066  
revocation, or cancellation, under the laws of this state, of 15067  
another state, or of a foreign jurisdiction and does not have 15068  
more than one driver's license issued by this or another state 15069  
or a foreign jurisdiction; 15070

(3) Any additional information, certification, or evidence 15071

that the registrar requires by rule in order to ensure that the 15072  
issuance of a commercial driver's license or commercial driver's 15073  
license temporary instruction permit to the applicant is in 15074  
compliance with the law of this state and with federal law. 15075

(C) Every applicant shall execute a form, approved and 15076  
furnished by the registrar, under which the applicant consents 15077  
to the release by the registrar of information from the 15078  
applicant's driving record. 15079

(D) The registrar or a deputy registrar, in accordance 15080  
with section 3503.11 of the Revised Code, shall register as an 15081  
elector any applicant for a commercial driver's license or for a 15082  
renewal or duplicate of such a license under this chapter, if 15083  
the applicant is eligible and wishes to be registered as an 15084  
elector. The decision of an applicant whether to register as an 15085  
elector shall be given no consideration in the decision of 15086  
whether to issue the applicant a license or a renewal or 15087  
duplicate. 15088

(E) The registrar or a deputy registrar, in accordance 15089  
with section 3503.11 of the Revised Code, shall offer the 15090  
opportunity of completing a notice of change of residence or 15091  
change of name to any applicant for a commercial driver's 15092  
license or for a renewal or duplicate of such a license who is a 15093  
resident of this state, if the applicant is a registered elector 15094  
who has changed the applicant's residence or name and has not 15095  
filed such a notice. 15096

(F) In considering any application submitted pursuant to 15097  
this section, the bureau of motor vehicles may conduct any 15098  
inquiries necessary to ensure that issuance or renewal of a 15099  
commercial driver's license would not violate any provision of 15100  
the Revised Code or federal law. 15101

(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 15131  
afflicted with epilepsy, or whether the applicant now ~~is~~ 15132  
~~suffering from~~ has any physical or mental disability or disease 15133  
and, if so, the nature and extent of the disability or disease, 15134  
giving the names and addresses of physicians then or previously 15135  
in attendance upon the applicant; 15136

(d) Whether an applicant for a duplicate driver's license, 15137  
duplicate license containing a motorcycle operator endorsement, 15138  
or duplicate license containing a motor-driven cycle or motor 15139  
scooter endorsement has pending a citation for violation of any 15140  
motor vehicle law or ordinance, a description of any such 15141  
citation pending, and the date of the citation; 15142

(e) If an applicant has not certified the applicant's 15143  
willingness to make an anatomical gift under section 2108.05 of 15144  
the Revised Code, whether the applicant wishes to certify 15145  
willingness to make such an anatomical gift, which shall be 15146  
given no consideration in the issuance of a license or 15147  
endorsement; 15148

(f) Whether the applicant has executed a valid durable 15149  
power of attorney for health care pursuant to sections 1337.11 15150  
to 1337.17 of the Revised Code or has executed a declaration 15151  
governing the use or continuation, or the withholding or 15152  
withdrawal, of life-sustaining treatment pursuant to sections 15153  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 15154  
executed either type of instrument, whether the applicant wishes 15155  
the applicant's license to indicate that the applicant has 15156  
executed the instrument; 15157

(g) On and after October 7, 2009, whether the applicant is 15158  
a veteran, active duty, or reservist of the armed forces of the 15159  
United States and, if the applicant is such, whether the 15160

applicant wishes the applicant's license to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license.

(2) Every applicant for a driver's license shall be photographed in color at the time the application for the license is made. The application shall state any additional information that the registrar requires.

(B) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any person who applies for a license or endorsement under division (A) of this section, or for a renewal or duplicate of the license or endorsement, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant a license or endorsement, or a renewal or duplicate.

(C) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall offer the opportunity of completing a notice of change of residence or change of name to any applicant for a driver's license or endorsement under division (A) of this section, or for a renewal or duplicate of the license or endorsement, if the applicant is a registered elector who has changed the applicant's residence or name and has not filed such a notice.

(D) In addition to any other information it contains, on and after October 7, 2009, the approved form furnished by the registrar of motor vehicles for an application for a license or endorsement or an application for a duplicate of any such license or endorsement shall inform applicants that the

applicant must present a copy of the applicant's DD-214 or an 15191  
equivalent document in order to qualify to have the license or 15192  
duplicate indicate that the applicant is a veteran, active duty, 15193  
or reservist of the armed forces of the United States based on a 15194  
request made pursuant to division (A) (1) (g) of this section. 15195

**Sec. 4507.08.** (A) No probationary license shall be issued 15196  
to any person under the age of eighteen who has been adjudicated 15197  
an unruly or delinquent child or a juvenile traffic offender for 15198  
having committed any act that if committed by an adult would be 15199  
a drug abuse offense, as defined in section 2925.01 of the 15200  
Revised Code, a violation of division (B) of section 2917.11, or 15201  
a violation of division (A) of section 4511.19 of the Revised 15202  
Code, unless the person has been required by the court to attend 15203  
a drug abuse or alcohol abuse education, intervention, or 15204  
treatment program specified by the court and has satisfactorily 15205  
completed the program. 15206

(B) No temporary instruction permit or driver's license 15207  
shall be issued to any person whose license has been suspended, 15208  
during the period for which the license was suspended, nor to 15209  
any person whose license has been canceled, under Chapter 4510. 15210  
or any other provision of the Revised Code. 15211

(C) No temporary instruction permit or driver's license 15212  
shall be issued to any person whose commercial driver's license 15213  
is suspended under Chapter 4510. or any other provision of the 15214  
Revised Code during the period of the suspension. 15215

No temporary instruction permit or driver's license shall 15216  
be issued to any person when issuance is prohibited by division 15217  
(A) of section 4507.091 of the Revised Code. 15218

(D) No temporary instruction permit or driver's license 15219

shall be issued to, or retained by, any of the following 15220  
persons: 15221

(1) Any person who ~~is an alcoholic~~has alcoholism, or is 15222  
addicted to the use of controlled substances to the extent that 15223  
the use constitutes an impairment to the person's ability to 15224  
operate a motor vehicle with the required degree of safety; 15225

(2) Any person who is under the age of eighteen and has 15226  
been adjudicated an unruly or delinquent child or a juvenile 15227  
traffic offender for having committed any act that if committed 15228  
by an adult would be a drug abuse offense, as defined in section 15229  
2925.01 of the Revised Code, a violation of division (B) of 15230  
section 2917.11, or a violation of division (A) of section 15231  
4511.19 of the Revised Code, unless the person has been required 15232  
by the court to attend a drug abuse or alcohol abuse education, 15233  
intervention, or treatment program specified by the court and 15234  
has satisfactorily completed the program; 15235

(3) Any person who, in the opinion of the registrar, ~~is~~ 15236  
~~afflicted with or suffering from~~has a physical or mental 15237  
disability or disease that prevents the person from exercising 15238  
reasonable and ordinary control over a motor vehicle while 15239  
operating the vehicle upon the highways, except that a 15240  
restricted license effective for six months may be issued to any 15241  
person otherwise qualified who is or has been subject to any 15242  
condition resulting in episodic impairment of consciousness or 15243  
loss of muscular control and whose condition, in the opinion of 15244  
the registrar, is dormant or is sufficiently under medical 15245  
control that the person is capable of exercising reasonable and 15246  
ordinary control over a motor vehicle. A restricted license 15247  
effective for six months shall be issued to any person who 15248  
otherwise is qualified and who is subject to any condition that 15249

causes episodic impairment of consciousness or a loss of 15250  
muscular control if the person presents a statement from a 15251  
licensed physician that the person's condition is under 15252  
effective medical control and the period of time for which the 15253  
control has been continuously maintained, unless, thereafter, a 15254  
medical examination is ordered and, pursuant thereto, cause for 15255  
denial is found. 15256

A person to whom a six-month restricted license has been 15257  
issued shall give notice of the person's medical condition to 15258  
the registrar on forms provided by the registrar and signed by 15259  
the licensee's physician. The notice shall be sent to the 15260  
registrar six months after the issuance of the license. 15261  
Subsequent restricted licenses issued to the same individual 15262  
shall be effective for six months. 15263

(4) Any person who is unable to understand highway 15264  
warnings or traffic signs or directions given in the English 15265  
language; 15266

(5) Any person making an application whose driver's 15267  
license or driving privileges are under cancellation, 15268  
revocation, or suspension in the jurisdiction where issued or 15269  
any other jurisdiction, until the expiration of one year after 15270  
the license was canceled or revoked or until the period of 15271  
suspension ends. Any person whose application is denied under 15272  
this division may file a petition in the municipal court or 15273  
county court in whose jurisdiction the person resides agreeing 15274  
to pay the cost of the proceedings and alleging that the conduct 15275  
involved in the offense that resulted in suspension, 15276  
cancellation, or revocation in the foreign jurisdiction would 15277  
not have resulted in a suspension, cancellation, or revocation 15278  
had the offense occurred in this state. If the petition is 15279

granted, the petitioner shall notify the registrar by a 15280  
certified copy of the court's findings and a license shall not 15281  
be denied under this division. 15282

(6) Any person who is under a class one or two suspension 15283  
imposed for a violation of section 2903.01, 2903.02, 2903.04, 15284  
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 15285  
Code or whose driver's or commercial driver's license or permit 15286  
was permanently revoked prior to January 1, 2004, for a 15287  
substantially equivalent violation pursuant to section 4507.16 15288  
of the Revised Code; 15289

(7) Any person who is not a resident or temporary resident 15290  
of this state. 15291

(E) No person whose driver's license or permit has been 15292  
suspended under Chapter 4510. of the Revised Code or any other 15293  
provision of the Revised Code shall have driving privileges 15294  
reinstated if the registrar determines that a warrant has been 15295  
issued in this state or any other state for the person's arrest 15296  
and that warrant is an active warrant. 15297

**Sec. 4508.01.** As used in this chapter: 15298

(A) "Beginning driver" means any person being trained to 15299  
drive a particular motor vehicle who has not been previously 15300  
licensed to drive that motor vehicle by any state or country. 15301

(B) ~~"Disabled person"~~ "Person with a disability" means a 15302  
person who, in the opinion of the registrar of motor vehicles, 15303  
~~is afflicted with or suffering from~~ has a physical or mental 15304  
disability or disease that prevents the person, in the absence 15305  
of special training or equipment, from exercising reasonable and 15306  
ordinary control over a motor vehicle while operating the 15307  
vehicle upon the highways. ~~"Disabled person"~~ "Person with a 15308

disability" does not mean any person who is or has been subject 15309  
to any condition resulting in episodic impairment of 15310  
consciousness or loss of muscular control and whose condition, 15311  
in the opinion of the registrar, is dormant or is sufficiently 15312  
under medical control that the person is capable of exercising 15313  
reasonable and ordinary control over a motor vehicle. 15314

(C) "Driver training school" or "school" means any of the 15315  
following: 15316

(1) A private business enterprise conducted by an 15317  
individual, association, partnership, or corporation for the 15318  
education and training of persons to operate or drive motor 15319  
vehicles, that does any of the following: 15320

(a) Uses public streets or highways to provide training 15321  
and charges a consideration or tuition for such services; 15322

(b) Provides an online driver education course approved by 15323  
the director of public safety pursuant to division (A) (2) of 15324  
section 4508.02 of the Revised Code and charges a consideration 15325  
or tuition for the course; 15326

(c) Provides an abbreviated driver training course for 15327  
adults that is approved by the director pursuant to division (F) 15328  
of section 4508.02 of the Revised Code and charges a 15329  
consideration or tuition for the course. 15330

(2) A lead school district as provided in section 4508.09 15331  
of the Revised Code; 15332

(3) A board of education of a city, exempted village, 15333  
local, or joint vocational school district or the governing 15334  
board of an educational service center that offers a driver 15335  
education course for high school students enrolled in the 15336  
district or in a district served by the educational service 15337

center. 15338

(D) "Instructor" means any person, whether acting for self 15339  
as operator of a driver training school or for such a school for 15340  
compensation, who teaches, conducts classes of, gives 15341  
demonstrations to, or supervises practice of, persons learning 15342  
to operate or drive motor vehicles. 15343

(E) "Lead school district" means a school district, 15344  
including a joint vocational school district, designated by the 15345  
department of education as either a vocational education 15346  
planning district itself or as responsible for providing primary 15347  
vocational education leadership within a vocational education 15348  
planning district that is composed of a group of districts. A 15349  
"vocational education planning district" is a school district or 15350  
group of school districts designated by the department as 15351  
responsible for planning and providing vocational education 15352  
services to students within the district or group of districts. 15353

**Sec. 4508.03.** (A) No person shall establish a driver 15354  
training school or continue the operation of an existing school 15355  
unless the person applies for and obtains from the director of 15356  
public safety a license in the manner and form prescribed by the 15357  
director. 15358

The director shall adopt rules that establish the 15359  
requirements for a school license, including requirements 15360  
concerning location, equipment, courses of instruction, 15361  
instructors, previous records of the school and instructors, 15362  
financial statements, schedule of fees and charges, insurance in 15363  
the sum and with those provisions as the director considers 15364  
necessary to protect adequately the interests of the public, and 15365  
any other matters as the director may prescribe for the 15366  
protection of the public. The rules also shall require financial 15367

responsibility information as part of the driver education 15368  
curriculum. 15369

(B) Any school that offers a driver training program for 15370  
~~disabled persons with disabilities~~ shall provide specially 15371  
trained instructors for the driver training of such persons. No 15372  
school shall operate a driver training program for ~~disabled-~~ 15373  
persons with disabilities after June 30, 1978, unless it has 15374  
been licensed for such operation by the director. No person 15375  
shall act as a specially trained instructor in a driver training 15376  
program for ~~disabled persons with disabilities~~ operated by a 15377  
school after June 30, 1978, unless that person has been licensed 15378  
by the director. 15379

(C) The director shall certify instructors to teach driver 15380  
training to ~~disabled persons with disabilities~~ in accordance 15381  
with training program requirements established by the department 15382  
of public safety. 15383

(D) No person shall operate a driver training school 15384  
unless the person has a valid license issued by the director 15385  
under this section. 15386

(E) Whoever violates division (D) of this section is 15387  
guilty of operating a driver training school without a valid 15388  
license, a misdemeanor of the second degree. On a second or 15389  
subsequent offense within two years after the first offense, the 15390  
person is guilty of a misdemeanor of the first degree. 15391

**Sec. 4508.04.** (A) No person shall act as a driver training 15392  
instructor, and no person shall act as a driver training 15393  
instructor for ~~disabled persons with disabilities~~, unless such 15394  
person applies for and obtains from the director of public 15395  
safety a license in the manner and form prescribed by the 15396

director. The director shall provide by rule for instructors' 15397  
license requirements including physical condition, knowledge of 15398  
the courses of instruction, motor vehicle laws and safety 15399  
principles, previous personal and employment records, and such 15400  
other matters as the director may prescribe for the protection 15401  
of the public. Driver training instructors for ~~disabled~~ persons 15402  
with disabilities shall meet such additional requirements and 15403  
receive such additional classroom and practical instruction as 15404  
the director shall prescribe by rule. 15405

(B) The director may issue a license under this section to 15406  
a person convicted of a disqualifying offense as determined in 15407  
accordance with section 9.79 of the Revised Code. 15408

(C) No person shall knowingly make a false statement on a 15409  
license application submitted under this section. 15410

(D) Upon successful completion of all requirements for an 15411  
initial instructor license, the director shall issue an 15412  
applicant a probationary license, which expires one hundred 15413  
eighty days from the date of issuance. In order to receive a 15414  
driver training instructor license, a person issued a 15415  
probationary license shall pass an assessment prescribed in 15416  
rules adopted by the director pursuant to section 4508.02 of the 15417  
Revised Code. The person shall pass the assessment prior to 15418  
expiration of the probationary license. If the person fails to 15419  
pass the assessment, or fails to meet any standards required for 15420  
a driver training instructor license, the director may extend 15421  
the expiration date of the person's probationary license. Upon 15422  
successful completion of the assessment and approval of the 15423  
director, the director shall issue to the person a driver 15424  
training instructor license. 15425

(E) (1) Whoever violates division (A) of this section is 15426

guilty of acting as a driver training instructor without a valid license, a misdemeanor of the first degree. 15427  
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(2) Whoever violates division (C) of this section may be charged with falsification under section 2921.13 of the Revised Code. 15429  
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**Sec. 4511.01.** As used in this chapter and in Chapter 4513. of the Revised Code: 15432  
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(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. 15434  
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(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. 15444  
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(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. 15485

(4) Vehicles used by fire departments, including motor 15486  
vehicles when used by volunteer fire fighters responding to 15487  
emergency calls in the fire department service when identified 15488  
as required by the director of public safety. 15489

Any vehicle used to transport or provide emergency medical 15490  
service to an ill or injured person, when certified as a public 15491  
safety vehicle, shall be considered a public safety vehicle when 15492  
transporting an ill or injured person to a hospital regardless 15493  
of whether such vehicle has already passed a hospital. 15494

(5) Vehicles used by the motor carrier enforcement unit 15495  
for the enforcement of orders and rules of the public utilities 15496  
commission as specified in section 5503.34 of the Revised Code. 15497

(F) "School bus" means every bus designed for carrying 15498  
more than nine passengers that is owned by a public, private, or 15499  
governmental agency or institution of learning and operated for 15500  
the transportation of children to or from a school session or a 15501  
school function, or owned by a private person and operated for 15502  
compensation for the transportation of children to or from a 15503  
school session or a school function, provided "school bus" does 15504  
not include a bus operated by a municipally owned transportation 15505  
system, a mass transit company operating exclusively within the 15506  
territorial limits of a municipal corporation, or within such 15507  
limits and the territorial limits of municipal corporations 15508  
immediately contiguous to such municipal corporation, nor a 15509  
common passenger carrier certified by the public utilities 15510  
commission unless such bus is devoted exclusively to the 15511  
transportation of children to and from a school session or a 15512  
school function, and "school bus" does not include a van or bus 15513  
used by a licensed child day-care center or type A family day- 15514

care home to transport children from the child day-care center 15515  
or type A family day-care home to a school if the van or bus 15516  
does not have more than fifteen children in the van or bus at 15517  
any time. 15518

(G) "Bicycle" means every device, other than a device that 15519  
is designed solely for use as a play vehicle by a child, that is 15520  
propelled solely by human power upon which a person may ride, 15521  
and that has two or more wheels, any of which is more than 15522  
fourteen inches in diameter. 15523

(H) "Motorized bicycle" or "moped" means any vehicle 15524  
having either two tandem wheels or one wheel in the front and 15525  
two wheels in the rear, that may be pedaled, and that is 15526  
equipped with a helper motor of not more than fifty cubic 15527  
centimeters piston displacement that produces not more than one 15528  
brake horsepower and is capable of propelling the vehicle at a 15529  
speed of not greater than twenty miles per hour on a level 15530  
surface. "Motorized bicycle" or "moped" does not include an 15531  
electric bicycle. 15532

(I) "Commercial tractor" means every motor vehicle having 15533  
motive power designed or used for drawing other vehicles and not 15534  
so constructed as to carry any load thereon, or designed or used 15535  
for drawing other vehicles while carrying a portion of such 15536  
other vehicles, or load thereon, or both. 15537

(J) "Agricultural tractor" means every self-propelling 15538  
vehicle designed or used for drawing other vehicles or wheeled 15539  
machinery but having no provision for carrying loads 15540  
independently of such other vehicles, and used principally for 15541  
agricultural purposes. 15542

(K) "Truck" means every motor vehicle, except trailers and 15543

semitrailers, designed and used to carry property. 15544

(L) "Bus" means every motor vehicle designed for carrying 15545  
more than nine passengers and used for the transportation of 15546  
persons other than in a ridesharing arrangement, and every motor 15547  
vehicle, automobile for hire, or funeral car, other than a 15548  
taxicab or motor vehicle used in a ridesharing arrangement, 15549  
designed and used for the transportation of persons for 15550  
compensation. 15551

(M) "Trailer" means every vehicle designed or used for 15552  
carrying persons or property wholly on its own structure and for 15553  
being drawn by a motor vehicle, including any such vehicle when 15554  
formed by or operated as a combination of a "semitrailer" and a 15555  
vehicle of the dolly type, such as that commonly known as a 15556  
"trailer dolly," a vehicle used to transport agricultural 15557  
produce or agricultural production materials between a local 15558  
place of storage or supply and the farm when drawn or towed on a 15559  
street or highway at a speed greater than twenty-five miles per 15560  
hour, and a vehicle designed and used exclusively to transport a 15561  
boat between a place of storage and a marina, or in and around a 15562  
marina, when drawn or towed on a street or highway for a 15563  
distance of more than ten miles or at a speed of more than 15564  
twenty-five miles per hour. 15565

(N) "Semitrailer" means every vehicle designed or used for 15566  
carrying persons or property with another and separate motor 15567  
vehicle so that in operation a part of its own weight or that of 15568  
its load, or both, rests upon and is carried by another vehicle. 15569

(O) "Pole trailer" means every trailer or semitrailer 15570  
attached to the towing vehicle by means of a reach, pole, or by 15571  
being boomed or otherwise secured to the towing vehicle, and 15572  
ordinarily used for transporting long or irregular shaped loads 15573

such as poles, pipes, or structural members capable, generally, 15574  
of sustaining themselves as beams between the supporting 15575  
connections. 15576

(P) "Railroad" means a carrier of persons or property 15577  
operating upon rails placed principally on a private right-of- 15578  
way. 15579

(Q) "Railroad train" means a steam engine or an electric 15580  
or other motor, with or without cars coupled thereto, operated 15581  
by a railroad. 15582

(R) "Streetcar" means a car, other than a railroad train, 15583  
for transporting persons or property, operated upon rails 15584  
principally within a street or highway. 15585

(S) "Trackless trolley" means every car that collects its 15586  
power from overhead electric trolley wires and that is not 15587  
operated upon rails or tracks. 15588

(T) "Explosives" means any chemical compound or mechanical 15589  
mixture that is intended for the purpose of producing an 15590  
explosion that contains any oxidizing and combustible units or 15591  
other ingredients in such proportions, quantities, or packing 15592  
that an ignition by fire, by friction, by concussion, by 15593  
percussion, or by a detonator of any part of the compound or 15594  
mixture may cause such a sudden generation of highly heated 15595  
gases that the resultant gaseous pressures are capable of 15596  
producing destructive effects on contiguous objects, or of 15597  
destroying life or limb. Manufactured articles shall not be held 15598  
to be explosives when the individual units contain explosives in 15599  
such limited quantities, of such nature, or in such packing, 15600  
that it is impossible to procure a simultaneous or a destructive 15601  
explosion of such units, to the injury of life, limb, or 15602

property by fire, by friction, by concussion, by percussive, or 15603  
by a detonator, such as fixed ammunition for small arms, 15604  
firecrackers, or safety fuse matches. 15605

(U) "Flammable liquid" means any liquid that has a flash 15606  
point of seventy degrees fahrenheit, or less, as determined by a 15607  
tagliabue or equivalent closed cup test device. 15608

(V) "Gross weight" means the weight of a vehicle plus the 15609  
weight of any load thereon. 15610

(W) "Person" means every natural person, firm, co- 15611  
partnership, association, or corporation. 15612

(X) "Pedestrian" means any natural person afoot. 15613  
"Pedestrian" includes a personal delivery device as defined in 15614  
section 4511.513 of the Revised Code unless the context clearly 15615  
suggests otherwise. 15616

(Y) "Driver or operator" means every person who drives or 15617  
is in actual physical control of a vehicle, trackless trolley, 15618  
or streetcar. 15619

(Z) "Police officer" means every officer authorized to 15620  
direct or regulate traffic, or to make arrests for violations of 15621  
traffic regulations. 15622

(AA) "Local authorities" means every county, municipal, 15623  
and other local board or body having authority to adopt police 15624  
regulations under the constitution and laws of this state. 15625

(BB) "Street" or "highway" means the entire width between 15626  
the boundary lines of every way open to the use of the public as 15627  
a thoroughfare for purposes of vehicular travel. 15628

(CC) "Controlled-access highway" means every street or 15629  
highway in respect to which owners or occupants of abutting 15630

lands and other persons have no legal right of access to or from 15631  
the same except at such points only and in such manner as may be 15632  
determined by the public authority having jurisdiction over such 15633  
street or highway. 15634

(DD) "Private road or driveway" means every way or place 15635  
in private ownership used for vehicular travel by the owner and 15636  
those having express or implied permission from the owner but 15637  
not by other persons. 15638

(EE) "Roadway" means that portion of a highway improved, 15639  
designed, or ordinarily used for vehicular travel, except the 15640  
berm or shoulder. If a highway includes two or more separate 15641  
roadways the term "roadway" means any such roadway separately 15642  
but not all such roadways collectively. 15643

(FF) "Sidewalk" means that portion of a street between the 15644  
curb lines, or the lateral lines of a roadway, and the adjacent 15645  
property lines, intended for the use of pedestrians. 15646

(GG) "Laned highway" means a highway the roadway of which 15647  
is divided into two or more clearly marked lanes for vehicular 15648  
traffic. 15649

(HH) "Through highway" means every street or highway as 15650  
provided in section 4511.65 of the Revised Code. 15651

(II) "State highway" means a highway under the 15652  
jurisdiction of the department of transportation, outside the 15653  
limits of municipal corporations, provided that the authority 15654  
conferred upon the director of transportation in section 5511.01 15655  
of the Revised Code to erect state highway route markers and 15656  
signs directing traffic shall not be modified by sections 15657  
4511.01 to 4511.79 and 4511.99 of the Revised Code. 15658

(JJ) "State route" means every highway that is designated 15659

with an official state route number and so marked. 15660

(KK) "Intersection" means: 15661

(1) The area embraced within the prolongation or 15662  
connection of the lateral curb lines, or, if none, the lateral 15663  
boundary lines of the roadways of two highways that join one 15664  
another at, or approximately at, right angles, or the area 15665  
within which vehicles traveling upon different highways that 15666  
join at any other angle might come into conflict. The junction 15667  
of an alley or driveway with a roadway or highway does not 15668  
constitute an intersection unless the roadway or highway at the 15669  
junction is controlled by a traffic control device. 15670

(2) If a highway includes two roadways that are thirty 15671  
feet or more apart, then every crossing of each roadway of such 15672  
divided highway by an intersecting highway constitutes a 15673  
separate intersection. If both intersecting highways include two 15674  
roadways thirty feet or more apart, then every crossing of any 15675  
two roadways of such highways constitutes a separate 15676  
intersection. 15677

(3) At a location controlled by a traffic control signal, 15678  
regardless of the distance between the separate intersections as 15679  
described in division (KK) (2) of this section: 15680

(a) If a stop line, yield line, or crosswalk has not been 15681  
designated on the roadway within the median between the separate 15682  
intersections, the two intersections and the roadway and median 15683  
constitute one intersection. 15684

(b) Where a stop line, yield line, or crosswalk line is 15685  
designated on the roadway on the intersection approach, the area 15686  
within the crosswalk and any area beyond the designated stop 15687  
line or yield line constitute part of the intersection. 15688

(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, 15718  
including the street or highway, where, for a distance of three 15719  
hundred feet or more, the frontage is improved with residences 15720  
or residences and buildings in use for business. 15721

(PP) "Urban district" means the territory contiguous to 15722  
and including any street or highway which is built up with 15723  
structures devoted to business, industry, or dwelling houses 15724  
situated at intervals of less than one hundred feet for a 15725  
distance of a quarter of a mile or more, and the character of 15726  
such territory is indicated by official traffic control devices. 15727

(QQ) "Traffic control device" means a flagger, sign, 15728  
signal, marking, or other device used to regulate, warn, or 15729  
guide traffic, placed on, over, or adjacent to a street, 15730  
highway, private road open to public travel, pedestrian 15731  
facility, or shared-use path by authority of a public agency or 15732  
official having jurisdiction, or, in the case of a private road 15733  
open to public travel, by authority of the private owner or 15734  
private official having jurisdiction. 15735

(RR) "Traffic control signal" means any highway traffic 15736  
signal by which traffic is alternately directed to stop and 15737  
permitted to proceed. 15738

(SS) "Railroad sign or signal" means any sign, signal, or 15739  
device erected by authority of a public body or official or by a 15740  
railroad and intended to give notice of the presence of railroad 15741  
tracks or the approach of a railroad train. 15742

(TT) "Traffic" means pedestrians, ridden or herded 15743  
animals, vehicles, streetcars, trackless trolleys, and other 15744  
devices, either singly or together, while using for purposes of 15745  
travel any highway or private road open to public travel. 15746

(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.	15776
(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.	15777 15778 15779
(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.	15780 15781 15782
(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected.	15783 15784
(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.	15785 15786 15787 15788 15789
(DDD) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.	15790 15791 15792 15793 15794
(EEE) "Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a <del>handicapped person</del> <u>with a disability</u> and that is incapable of a speed in excess of eight miles per hour.	15795 15796 15797 15798
(FFF) "Child day-care center" and "type A family day-care home" have the same meanings as in section 5104.01 of the Revised Code.	15799 15800 15801
(GGG) "Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on	15802 15803

each side of one axle at the rear of the tractor, is designed or 15804  
used for drawing other vehicles or wheeled machinery, has no 15805  
provision for carrying loads independently of the drawn vehicles 15806  
or machinery, and is used principally for agricultural purposes. 15807

(HHH) "Operate" means to cause or have caused movement of 15808  
a vehicle, streetcar, or trackless trolley. 15809

(III) "Predicate motor vehicle or traffic offense" means 15810  
any of the following: 15811

(1) A violation of section 4511.03, 4511.051, 4511.12, 15812  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 15813  
4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 15814  
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 15815  
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 15816  
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 15817  
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 15818  
4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 15819  
4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 15820  
4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 15821  
4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 15822  
4511.84 of the Revised Code; 15823

(2) A violation of division (A)(2) of section 4511.17, 15824  
divisions (A) to (D) of section 4511.51, or division (A) of 15825  
section 4511.74 of the Revised Code; 15826

(3) A violation of any provision of sections 4511.01 to 15827  
4511.76 of the Revised Code for which no penalty otherwise is 15828  
provided in the section that contains the provision violated; 15829

(4) A violation of section 4511.214 of the Revised Code; 15830

(5) A violation of a municipal ordinance that is 15831  
substantially similar to any section or provision set forth or 15832

described in division (III) (1), (2), (3), or (4) of this section. 15833  
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(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. 15835  
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(KKK) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. 15839  
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(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. 15841  
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(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. 15846  
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(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. 15851  
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(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 15856  
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public travel" includes a gated toll road but does not include a 15862  
road within a private gated property where access is restricted 15863  
at all times, a parking area, a driving aisle within a parking 15864  
area, or a private grade crossing. 15865

(PPP) "Shared-use path" means a bikeway outside the 15866  
traveled way and physically separated from motorized vehicular 15867  
traffic by an open space or barrier and either within the 15868  
highway right-of-way or within an independent alignment. A 15869  
shared-use path also may be used by pedestrians, including 15870  
skaters, joggers, users of manual and motorized wheelchairs, and 15871  
other authorized motorized and non-motorized users. A shared-use 15872  
path does not include any trail that is intended to be used 15873  
primarily for mountain biking, hiking, equestrian use, or other 15874  
similar uses, or any other single track or natural surface trail 15875  
that has historically been reserved for nonmotorized use. 15876

(QQQ) "Highway maintenance vehicle" means a vehicle used 15877  
in snow and ice removal or road surface maintenance, including a 15878  
snow plow, traffic line striper, road sweeper, mowing machine, 15879  
asphalt distributing vehicle, or other such vehicle designed for 15880  
use in specific highway maintenance activities. 15881

(RRR) "Waste collection vehicle" means a vehicle used in 15882  
the collection of garbage, refuse, trash, or recyclable 15883  
materials. 15884

(SSS) "Electric bicycle" means a "class 1 electric 15885  
bicycle," a "class 2 electric bicycle," or a "class 3 electric 15886  
bicycle" as defined in this section. 15887

(TTT) "Class 1 electric bicycle" means a bicycle that is 15888  
equipped with fully operable pedals and an electric motor of 15889  
less than seven hundred fifty watts that provides assistance 15890

only when the rider is pedaling and ceases to provide assistance 15891  
when the bicycle reaches the speed of twenty miles per hour. 15892

(UUU) "Class 2 electric bicycle" means a bicycle that is 15893  
equipped with fully operable pedals and an electric motor of 15894  
less than seven hundred fifty watts that may provide assistance 15895  
regardless of whether the rider is pedaling and is not capable 15896  
of providing assistance when the bicycle reaches the speed of 15897  
twenty miles per hour. 15898

(VVV) "Class 3 electric bicycle" means a bicycle that is 15899  
equipped with fully operable pedals and an electric motor of 15900  
less than seven hundred fifty watts that provides assistance 15901  
only when the rider is pedaling and ceases to provide assistance 15902  
when the bicycle reaches the speed of twenty-eight miles per 15903  
hour. 15904

(WWW) "Low-speed micromobility device" means a device 15905  
weighing less than one hundred pounds that has handlebars, is 15906  
propelled by an electric motor or human power, and has an 15907  
attainable speed on a paved level surface of not more than 15908  
twenty miles per hour when propelled by the electric motor. 15909

**Sec. 4511.69.** (A) Every vehicle stopped or parked upon a 15910  
roadway where there is an adjacent curb shall be stopped or 15911  
parked with the right-hand wheels of the vehicle parallel with 15912  
and not more than twelve inches from the right-hand curb, unless 15913  
it is impossible to approach so close to the curb; in such case 15914  
the stop shall be made as close to the curb as possible and only 15915  
for the time necessary to discharge and receive passengers or to 15916  
load or unload merchandise. Local authorities by ordinance may 15917  
permit angle parking on any roadway under their jurisdiction, 15918  
except that angle parking shall not be permitted on a state 15919  
route within a municipal corporation unless an unoccupied 15920

roadway width of not less than twenty-five feet is available for 15921  
free-moving traffic. 15922

(B) Local authorities by ordinance may permit parking of 15923  
vehicles with the left-hand wheels adjacent to and within twelve 15924  
inches of the left-hand curb of a one-way roadway. 15925

(C) (1) (a) Except as provided in division (C) (1) (b) of this 15926  
section, no vehicle or trackless trolley shall be stopped or 15927  
parked on a road or highway with the vehicle or trackless 15928  
trolley facing in a direction other than the direction of travel 15929  
on that side of the road or highway. 15930

(b) The operator of a motorcycle may back the motorcycle 15931  
into an angled parking space so that when the motorcycle is 15932  
parked it is facing in a direction other than the direction of 15933  
travel on the side of the road or highway. 15934

(2) The operator of a motorcycle may back the motorcycle 15935  
into a parking space that is located on the side of, and 15936  
parallel to, a road or highway. The motorcycle may face any 15937  
direction when so parked. Not more than two motorcycles at a 15938  
time shall be parked in a parking space as described in division 15939  
(C) (2) of this section irrespective of whether or not the space 15940  
is metered. 15941

(D) Notwithstanding any statute or any rule, resolution, 15942  
or ordinance adopted by any local authority, air compressors, 15943  
tractors, trucks, and other equipment, while being used in the 15944  
construction, reconstruction, installation, repair, or removal 15945  
of facilities near, on, over, or under a street or highway, may 15946  
stop, stand, or park where necessary in order to perform such 15947  
work, provided a flagperson is on duty or warning signs or 15948  
lights are displayed as may be prescribed by the director of 15949

transportation. 15950

(E) ~~Special Accessible~~ parking locations and privileges 15951  
for persons with disabilities that limit or impair the ability 15952  
to walk, ~~also known as handicapped parking spaces or disability-~~ 15953  
~~parking spaces,~~ shall be provided and designated by all 15954  
political subdivisions and by the state and all agencies and 15955  
instrumentalities thereof at all offices and facilities, where 15956  
parking is provided, whether owned, rented, or leased, and at 15957  
all publicly owned parking garages. The locations shall be 15958  
designated through the posting of an elevated sign, whether 15959  
permanently affixed or movable, imprinted with the international 15960  
symbol of access and shall be reasonably close to exits, 15961  
entrances, elevators, and ramps. All elevated signs posted in 15962  
accordance with this division and division (C) of section 15963  
3781.111 of the Revised Code shall be mounted on a fixed or 15964  
movable post, and the distance from the ground to the bottom 15965  
edge of the sign shall measure not less than five feet. If a new 15966  
sign or a replacement sign designating ~~a special~~ an accessible 15967  
parking location is posted on or after October 14, 1999, there 15968  
also shall be affixed upon the surface of that sign or affixed 15969  
next to the designating sign a notice that states the fine 15970  
applicable for the offense of parking a motor vehicle in the 15971  
~~special~~ designated accessible parking location if the motor 15972  
vehicle is not legally entitled to be parked in that location. 15973

(F) (1) (a) No person shall stop, stand, or park any motor 15974  
vehicle at ~~special-accessible~~ parking locations provided under 15975  
division (E) of this section or at ~~special-accessible~~ clearly 15976  
marked parking locations provided in or on privately owned 15977  
parking lots, parking garages, or other parking areas and 15978  
designated in accordance with that division, unless one of the 15979  
following applies: 15980

(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 16011  
in an area that is commonly known as an access aisle, which area 16012  
is marked by diagonal stripes and is located immediately 16013  
adjacent to a ~~special~~an accessible parking location provided 16014  
under division (E) of this section or at a ~~special~~an accessible 16015  
clearly marked parking location provided in or on a privately 16016  
owned parking lot, parking garage, or other parking area and 16017  
designated in accordance with that division. 16018

(G) When a motor vehicle is being operated by or for the 16019  
transport of a person with a disability that limits or impairs 16020  
the ability to walk and is displaying a removable windshield 16021  
placard or a temporary removable windshield placard or ~~special~~ 16022  
accessible license plates, or when a motor vehicle is being 16023  
operated by or for the transport of a ~~handicapped person with a~~ 16024  
disability and is displaying a parking card or ~~special~~ 16025  
~~handicapped~~accessible license plates, the motor vehicle is 16026  
permitted to park for a period of two hours in excess of the 16027  
legal parking period permitted by local authorities, except 16028  
where local ordinances or police rules provide otherwise or 16029  
where the vehicle is parked in such a manner as to be clearly a 16030  
traffic hazard. 16031

(H) No owner of an office, facility, or parking garage 16032  
where ~~special~~accessible parking locations are required to be 16033  
designated in accordance with division (E) of this section shall 16034  
fail to properly mark the ~~special~~accessible parking locations 16035  
in accordance with that division or fail to maintain the 16036  
markings of the ~~special~~accessible locations, including the 16037  
erection and maintenance of the fixed or movable signs. 16038

(I) Nothing in this section shall be construed to require 16039  
a person or organization to apply for a removable windshield 16040

placard or ~~special-accessible~~ license plates if the parking card 16041  
or ~~special-accessible~~ license plates issued to the person or 16042  
organization under prior law have not expired or been 16043  
surrendered or revoked. 16044

(J) (1) Whoever violates division (A) or (C) of this 16045  
section is guilty of a minor misdemeanor. 16046

(2) (a) Whoever violates division (F) (1) (a) (i) or (ii) of 16047  
this section is guilty of a misdemeanor and shall be punished as 16048  
provided in division (J) (2) (a) and (b) of this section. Except 16049  
as otherwise provided in division (J) (2) (a) of this section, an 16050  
offender who violates division (F) (1) (a) (i) or (ii) of this 16051  
section shall be fined not less than two hundred fifty nor more 16052  
than five hundred dollars. An offender who violates division (F) 16053  
(1) (a) (i) or (ii) of this section shall be fined not more than 16054  
one hundred dollars if the offender, prior to sentencing, proves 16055  
either of the following to the satisfaction of the court: 16056

(i) At the time of the violation of division (F) (1) (a) (i) 16057  
of this section, the offender or the person for whose transport 16058  
the motor vehicle was being operated had been issued a removable 16059  
windshield placard that then was valid or ~~special-accessible~~ 16060  
license plates that then were valid but the offender or the 16061  
person neglected to display the placard or license plates as 16062  
described in division (F) (1) (a) (i) of this section. 16063

(ii) At the time of the violation of division (F) (1) (a) 16064  
(ii) of this section, the offender or the person for whose 16065  
transport the motor vehicle was being operated had been issued a 16066  
parking card that then was valid or ~~special-handicapped-~~ 16067  
accessible license plates that then were valid but the offender 16068  
or the person neglected to display the card or license plates as 16069  
described in division (F) (1) (a) (ii) of this section. 16070

(b) In no case shall an offender who violates division (F) 16071  
(1) (a) (i) or (ii) of this section be sentenced to any term of 16072  
imprisonment. 16073

An arrest or conviction for a violation of division (F) (1) 16074  
(a) (i) or (ii) of this section does not constitute a criminal 16075  
record and need not be reported by the person so arrested or 16076  
convicted in response to any inquiries contained in any 16077  
application for employment, license, or other right or 16078  
privilege, or made in connection with the person's appearance as 16079  
a witness. 16080

The clerk of the court shall pay every fine collected 16081  
under divisions (J) (2) and (3) of this section to the political 16082  
subdivision in which the violation occurred. Except as provided 16083  
in division (J) (2) of this section, the political subdivision 16084  
shall use the fine moneys it receives under divisions (J) (2) and 16085  
(3) of this section to pay the expenses it incurs in complying 16086  
with the signage and notice requirements contained in division 16087  
(E) of this section. The political subdivision may use up to 16088  
fifty per cent of each fine it receives under divisions (J) (2) 16089  
and (3) of this section to pay the costs of educational, 16090  
advocacy, support, and assistive technology programs for persons 16091  
with disabilities, and for public improvements within the 16092  
political subdivision that benefit or assist persons with 16093  
disabilities, if governmental agencies or nonprofit 16094  
organizations offer the programs. 16095

(3) Whoever violates division (F) (2) of this section shall 16096  
be fined not less than two hundred fifty nor more than five 16097  
hundred dollars. 16098

In no case shall an offender who violates division (F) (2) 16099  
of this section be sentenced to any term of imprisonment. An 16100

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 16130  
issued under section 4503.41 or 4503.44 of the Revised Code, and 16131  
also mean any substantially similar license plates or removable 16132  
windshield placard or temporary removable windshield placard 16133  
issued by a state, district, country, or sovereignty. 16134

**Sec. 4517.01.** As used in sections 4517.01 to 4517.65 of 16135  
the Revised Code: 16136

(A) "Persons" includes individuals, firms, partnerships, 16137  
associations, joint stock companies, corporations, and any 16138  
combinations of individuals. 16139

(B) "Motor vehicle" means motor vehicle as defined in 16140  
section 4501.01 of the Revised Code and also includes "all- 16141  
purpose vehicle" and "off-highway motorcycle" as those terms are 16142  
defined in section 4519.01 of the Revised Code. "Motor vehicle" 16143  
does not include a snowmobile as defined in section 4519.01 of 16144  
the Revised Code or manufactured and mobile homes. 16145

(C) "New motor vehicle" means a motor vehicle, the legal 16146  
title to which has never been transferred by a manufacturer, 16147  
remanufacturer, distributor, or dealer to an ultimate purchaser. 16148

(D) "Ultimate purchaser" means, with respect to any new 16149  
motor vehicle, the first person, other than a dealer purchasing 16150  
in the capacity of a dealer, who in good faith purchases such 16151  
new motor vehicle for purposes other than resale. 16152

(E) "Business" includes any activities engaged in by any 16153  
person for the object of gain, benefit, or advantage either 16154  
direct or indirect. 16155

(F) "Engaging in business" means commencing, conducting, 16156  
or continuing in business, or liquidating a business when the 16157  
liquidator thereof holds self out to be conducting such 16158

business; making a casual sale or otherwise making transfers in 16159  
the ordinary course of business when the transfers are made in 16160  
connection with the disposition of all or substantially all of 16161  
the transferor's assets is not engaging in business. 16162

(G) "Retail sale" or "sale at retail" means the act or 16163  
attempted act of selling, bartering, exchanging, or otherwise 16164  
disposing of a motor vehicle to an ultimate purchaser for use as 16165  
a consumer. 16166

(H) "Retail installment contract" includes any contract in 16167  
the form of a note, chattel mortgage, conditional sales 16168  
contract, lease, agreement, or other instrument payable in one 16169  
or more installments over a period of time and arising out of 16170  
the retail sale of a motor vehicle. 16171

(I) "Farm machinery" means all machines and tools used in 16172  
the production, harvesting, and care of farm products. 16173

(J) "Dealer" or "motor vehicle dealer" means any new motor 16174  
vehicle dealer, any motor vehicle leasing dealer, and any used 16175  
motor vehicle dealer. 16176

(K) "New motor vehicle dealer" means any person engaged in 16177  
the business of selling at retail, displaying, offering for 16178  
sale, or dealing in new motor vehicles pursuant to a contract or 16179  
agreement entered into with the manufacturer, remanufacturer, or 16180  
distributor of the motor vehicles. 16181

(L) "Used motor vehicle dealer" means any person engaged 16182  
in the business of selling, displaying, offering for sale, or 16183  
dealing in used motor vehicles, at retail or wholesale, but does 16184  
not mean any new motor vehicle dealer selling, displaying, 16185  
offering for sale, or dealing in used motor vehicles 16186  
incidentally to engaging in the business of selling, displaying, 16187

offering for sale, or dealing in new motor vehicles, any person 16188  
engaged in the business of dismantling, salvaging, or rebuilding 16189  
motor vehicles by means of using used parts, or any public 16190  
officer performing official duties. 16191

(M) "Motor vehicle leasing dealer" means any person 16192  
engaged in the business of regularly making available, offering 16193  
to make available, or arranging for another person to use a 16194  
motor vehicle pursuant to a bailment, lease, sublease, or other 16195  
contractual arrangement under which a charge is made for its use 16196  
at a periodic rate for a term of thirty days or more, and title 16197  
to the motor vehicle is in and remains in the motor vehicle 16198  
leasing dealer who originally leases it, irrespective of whether 16199  
or not the motor vehicle is the subject of a later sublease, and 16200  
not in the user, but does not mean a manufacturer or its 16201  
affiliate leasing to its employees or to dealers. 16202

(N) "Salesperson" means any person employed by a dealer to 16203  
sell, display, and offer for sale, or deal in motor vehicles for 16204  
a commission, compensation, or other valuable consideration, but 16205  
does not mean any public officer performing official duties. 16206

(O) "Casual sale" means any transfer of a motor vehicle by 16207  
a person other than a new motor vehicle dealer, used motor 16208  
vehicle dealer, motor vehicle salvage dealer, as defined in 16209  
division (A) of section 4738.01 of the Revised Code, 16210  
salesperson, motor vehicle auction owner, manufacturer, or 16211  
distributor acting in the capacity of a dealer, salesperson, 16212  
auction owner, manufacturer, or distributor, to a person who 16213  
purchases the motor vehicle for use as a consumer. 16214

(P) "Motor vehicle auction owner" means any person who is 16215  
engaged wholly or in part in the business of auctioning motor 16216  
vehicles, but does not mean a construction equipment auctioneer 16217

or a construction equipment auction licensee. 16218

(Q) "Manufacturer" means a person who manufactures, 16219  
assembles, or imports motor vehicles, including motor homes, but 16220  
does not mean a person who only assembles or installs a body, 16221  
special equipment unit, finishing trim, or accessories on a 16222  
motor vehicle chassis supplied by a manufacturer or distributor. 16223

(R) "Tent-type fold-out camping trailer" means any vehicle 16224  
intended to be used, when stationary, as a temporary shelter 16225  
with living and sleeping facilities, and that is subject to the 16226  
following properties and limitations: 16227

(1) A minimum of twenty-five per cent of the fold-out 16228  
portion of the top and sidewalls combined must be constructed of 16229  
canvas, vinyl, or other fabric, and form an integral part of the 16230  
shelter. 16231

(2) When folded, the unit must not exceed: 16232

(a) Fifteen feet in length, exclusive of bumper and 16233  
tongue; 16234

(b) Sixty inches in height from the point of contact with 16235  
the ground; 16236

(c) Eight feet in width; 16237

(d) One ton gross weight at time of sale. 16238

(S) "Distributor" means any person authorized by a motor 16239  
vehicle manufacturer to distribute new motor vehicles to 16240  
licensed new motor vehicle dealers, but does not mean a person 16241  
who only assembles or installs a body, special equipment unit, 16242  
finishing trim, or accessories on a motor vehicle chassis 16243  
supplied by a manufacturer or distributor. 16244

(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 16274  
in section 1301.201 of the Revised Code, including, but not 16275  
limited to, the duty to act in a fair and equitable manner so as 16276  
to guarantee freedom from coercion, intimidation, or threats of 16277  
coercion or intimidation; provided however, that recommendation, 16278  
endorsement, exposition, persuasion, urging, or argument shall 16279  
not be considered to constitute a lack of good faith. 16280

(BB) "Coerce" means to compel or attempt to compel by 16281  
failing to act in good faith or by threat of economic harm, 16282  
breach of contract, or other adverse consequences. Coerce does 16283  
not mean to argue, urge, recommend, or persuade. 16284

(CC) "Relevant market area" means any area within a radius 16285  
of ten miles from the site of a potential new dealership, except 16286  
that for manufactured home or recreational vehicle dealerships 16287  
the radius shall be twenty-five miles. The ten-mile radius shall 16288  
be measured from the dealer's established place of business that 16289  
is used exclusively for the purpose of selling, displaying, 16290  
offering for sale, or dealing in motor vehicles. 16291

(DD) "Wholesale" or "at wholesale" means the act or 16292  
attempted act of selling, bartering, exchanging, or otherwise 16293  
disposing of a motor vehicle to a transferee for the purpose of 16294  
resale and not for ultimate consumption by that transferee. 16295

(EE) "Motor vehicle wholesaler" means any person licensed 16296  
as a dealer under the laws of another state and engaged in the 16297  
business of selling, displaying, or offering for sale used motor 16298  
vehicles, at wholesale, but does not mean any motor vehicle 16299  
dealer as defined in this section. 16300

(FF) (1) "Remanufacturer" means a person who assembles or 16301  
installs passenger seating, walls, a roof elevation, or a body 16302

extension on a conversion van with the motor vehicle chassis 16303  
supplied by a manufacturer or distributor, a person who modifies 16304  
a truck chassis supplied by a manufacturer or distributor for 16305  
use as a public safety or public service vehicle, a person who 16306  
modifies a motor vehicle chassis supplied by a manufacturer or 16307  
distributor for use as a limousine or hearse, or a person who 16308  
modifies an incomplete motor vehicle cab and chassis supplied by 16309  
a new motor vehicle dealer or distributor for use as a tow 16310  
truck, but does not mean either of the following: 16311

(a) A person who assembles or installs passenger seating, 16312  
a roof elevation, or a body extension on a recreational vehicle 16313  
as defined in division (Q) and referred to in division (B) of 16314  
section 4501.01 of the Revised Code; 16315

(b) A person who assembles or installs ~~special~~ equipment 16316  
or accessories for ~~handicapped persons~~ with disabilities, as 16317  
defined in section 4503.44 of the Revised Code, upon a motor 16318  
vehicle chassis supplied by a manufacturer or distributor. 16319

(2) For the purposes of division (FF)(1) of this section, 16320  
"public safety vehicle or public service vehicle" means a fire 16321  
truck, ambulance, school bus, street sweeper, garbage packing 16322  
truck, or cement mixer, or a mobile self-contained facility 16323  
vehicle. 16324

(3) For the purposes of division (FF)(1) of this section, 16325  
"limousine" means a motor vehicle, designed only for the purpose 16326  
of carrying nine or fewer passengers, that a person modifies by 16327  
cutting the original chassis, lengthening the wheelbase by forty 16328  
inches or more, and reinforcing the chassis in such a way that 16329  
all modifications comply with all applicable federal motor 16330  
vehicle safety standards. No person shall qualify as or be 16331  
deemed to be a remanufacturer who produces limousines unless the 16332

person has a written agreement with the manufacturer of the 16333  
chassis the person utilizes to produce the limousines to 16334  
complete properly the remanufacture of the chassis into 16335  
limousines. 16336

(4) For the purposes of division (FF)(1) of this section, 16337  
"hearse" means a motor vehicle, designed only for the purpose of 16338  
transporting a single casket, that is equipped with a 16339  
compartment designed specifically to carry a single casket that 16340  
a person modifies by cutting the original chassis, lengthening 16341  
the wheelbase by ten inches or more, and reinforcing the chassis 16342  
in such a way that all modifications comply with all applicable 16343  
federal motor vehicle safety standards. No person shall qualify 16344  
as or be deemed to be a remanufacturer who produces hearses 16345  
unless the person has a written agreement with the manufacturer 16346  
of the chassis the person utilizes to produce the hearses to 16347  
complete properly the remanufacture of the chassis into hearses. 16348

(5) For the purposes of division (FF)(1) of this section, 16349  
"mobile self-contained facility vehicle" means a mobile 16350  
classroom vehicle, mobile laboratory vehicle, bookmobile, 16351  
bloodmobile, testing laboratory, and mobile display vehicle, 16352  
each of which is designed for purposes other than for passenger 16353  
transportation and other than the transportation or displacement 16354  
of cargo, freight, materials, or merchandise. A vehicle is 16355  
remanufactured into a mobile self-contained facility vehicle in 16356  
part by the addition of insulation to the body shell, and 16357  
installation of all of the following: a generator, electrical 16358  
wiring, plumbing, holding tanks, doors, windows, cabinets, 16359  
shelving, and heating, ventilating, and air conditioning 16360  
systems. 16361

(6) For the purposes of division (FF)(1) of this section, 16362

"tow truck" means both of the following: 16363

(a) An incomplete cab and chassis that are purchased by a 16364  
remanufacturer from a new motor vehicle dealer or distributor of 16365  
the cab and chassis and on which the remanufacturer then 16366  
installs in a permanent manner a wrecker body it purchases from 16367  
a manufacturer or distributor of wrecker bodies, installs an 16368  
emergency flashing light pylon and emergency lights upon the 16369  
mast of the wrecker body or rooftop, and installs such other 16370  
related accessories and equipment, including push bumpers, front 16371  
grille guards with pads and other custom-ordered items such as 16372  
painting, special lettering, and safety striping so as to create 16373  
a complete motor vehicle capable of lifting and towing another 16374  
motor vehicle. 16375

(b) An incomplete cab and chassis that are purchased by a 16376  
remanufacturer from a new motor vehicle dealer or distributor of 16377  
the cab and chassis and on which the remanufacturer then 16378  
installs in a permanent manner a car carrier body it purchases 16379  
from a manufacturer or distributor of car carrier bodies, 16380  
installs an emergency flashing light pylon and emergency lights 16381  
upon the rooftop, and installs such other related accessories 16382  
and equipment, including push bumpers, front grille guards with 16383  
pads and other custom-ordered items such as painting, special 16384  
lettering, and safety striping. 16385

As used in division (FF) (6) (b) of this section, "car 16386  
carrier body" means a mechanical or hydraulic apparatus capable 16387  
of lifting and holding a motor vehicle on a flat level surface 16388  
so that one or more motor vehicles can be transported, once the 16389  
car carrier is permanently installed upon an incomplete cab and 16390  
chassis. 16391

(GG) "Operating as a new motor vehicle dealership" means 16392

engaging in activities such as displaying, offering for sale, 16393  
and selling new motor vehicles at retail, operating a service 16394  
facility to perform repairs and maintenance on motor vehicles, 16395  
offering for sale and selling motor vehicle parts at retail, and 16396  
conducting all other acts that are usual and customary to the 16397  
operation of a new motor vehicle dealership. For the purposes of 16398  
this chapter only, possession of either a valid new motor 16399  
vehicle dealer franchise agreement or a new motor vehicle 16400  
dealers license, or both of these items, is not evidence that a 16401  
person is operating as a new motor vehicle dealership. 16402

(HH) "Outdoor power equipment" means garden and small 16403  
utility tractors, walk-behind and riding mowers, chainsaws, and 16404  
tillers. 16405

(II) "Remote service facility" means premises that are 16406  
separate from a licensed new motor vehicle dealer's sales 16407  
facility by not more than one mile and that are used by the 16408  
dealer to perform repairs, warranty work, recall work, and 16409  
maintenance on motor vehicles pursuant to a franchise agreement 16410  
entered into with a manufacturer of motor vehicles. A remote 16411  
service facility shall be deemed to be part of the franchise 16412  
agreement and is subject to all the rights, duties, obligations, 16413  
and requirements of Chapter 4517. of the Revised Code that 16414  
relate to the performance of motor vehicle repairs, warranty 16415  
work, recall work, and maintenance work by new motor vehicle 16416  
dealers. 16417

(JJ) "Recreational vehicle" has the same meaning as in 16418  
section 4501.01 of the Revised Code. 16419

(KK) "Construction equipment auctioneer" means a person 16420  
who holds both a valid auction firm license issued under Chapter 16421  
4707. of the Revised Code and a valid construction equipment 16422

auction license issued under this chapter.	16423
(LL) "Large construction or transportation equipment"	16424
means vehicles having a gross vehicle weight rating of more than	16425
ten thousand pounds and includes road rollers, traction engines,	16426
power shovels, power cranes, commercial cars and trucks, or farm	16427
trucks, and other similar vehicles obtained primarily from the	16428
construction, mining, transportation or farming industries.	16429
(MM) "Local market conditions" includes, but is not	16430
limited to:	16431
(1) Demographics in the franchisee's area;	16432
(2) Geographical and market characteristics in the	16433
franchisee's area;	16434
(3) Local economic circumstances;	16435
(4) The proximity of other motor vehicle dealers of the	16436
same line-make;	16437
(5) The proximity of motor vehicle manufacturing	16438
facilities;	16439
(6) The buying patterns of motor vehicle purchasers;	16440
(7) Customer drive time and drive distance.	16441
<b>Sec. 4517.12.</b> (A) The registrar of motor vehicles shall	16442
deny the application of any person for a license as a motor	16443
vehicle dealer, motor vehicle leasing dealer, or motor vehicle	16444
auction owner and refuse to issue the license if the registrar	16445
finds that the applicant:	16446
(1) Has made any false statement of a material fact in the	16447
application;	16448
(2) Has not complied with sections 4517.01 to 4517.45 of	16449

the Revised Code; 16450

(3) Is of bad business repute or has habitually defaulted 16451  
on financial obligations; 16452

(4) Is engaged or will engage in the business of selling 16453  
at retail any new motor vehicles without having written 16454  
authority from the manufacturer or distributor thereof to sell 16455  
new motor vehicles and to perform repairs under the terms of the 16456  
manufacturer's or distributor's new motor vehicle warranty, 16457  
except as provided in division (C) of this section and except 16458  
that a person who assembles or installs special equipment or 16459  
accessories for ~~handicapped~~ persons with disabilities, as 16460  
defined in section 4503.44 of the Revised Code, upon a motor 16461  
vehicle chassis supplied by a manufacturer or distributor shall 16462  
not be denied a license pursuant to division (A) (4) of this 16463  
section; 16464

(5) Has been convicted of a disqualifying offense as 16465  
determined in accordance with section 9.79 of the Revised Code; 16466

(6) Has entered into or is about to enter into a contract 16467  
or agreement with a manufacturer or distributor of motor 16468  
vehicles that is contrary to sections 4517.01 to 4517.45 of the 16469  
Revised Code; 16470

(7) Is insolvent; 16471

(8) Is of insufficient responsibility to ensure the prompt 16472  
payment of any final judgments that might reasonably be entered 16473  
against the applicant because of the transaction of business as 16474  
a motor vehicle dealer, motor vehicle leasing dealer, or motor 16475  
vehicle auction owner during the period of the license applied 16476  
for, or has failed to satisfy any such judgment; 16477

(9) Has no established place of business that, where 16478

applicable, is used or will be used for the purpose of selling, 16479  
displaying, offering for sale, dealing in, or leasing motor 16480  
vehicles at the location for which application is made; 16481

(10) Has, less than twelve months prior to making 16482  
application, been denied a motor vehicle dealer's, motor vehicle 16483  
leasing dealer's, or motor vehicle auction owner's license, or 16484  
has any such license revoked; 16485

(11) Is a manufacturer, or a parent company, subsidiary, 16486  
or affiliated entity of a manufacturer, applying for a license 16487  
to sell or lease new or used motor vehicles at retail. Division 16488  
(A) (11) of this section shall not serve as a basis for the 16489  
termination, revocation, or nonrenewal of a license granted 16490  
prior to September 4, 2014. Nothing in division (A) (11) of this 16491  
section shall prohibit a manufacturer from doing either of the 16492  
following: 16493

(a) Owning, operating, or controlling not more than three 16494  
licensed motor vehicle dealerships if, as of January 1, 2014, 16495  
the manufacturer was selling or otherwise distributing its motor 16496  
vehicles at an established place of business in this state. Such 16497  
ownership, operation, or control may continue unless the 16498  
manufacturer's motor vehicle operations are sold or acquired or 16499  
the manufacturer produces any motor vehicles other than all- 16500  
electric motor vehicles. 16501

(b) Disposing of motor vehicles at wholesale at the 16502  
termination of a consumer lease through a motor vehicle auction. 16503

(B) If the applicant is a corporation or partnership, the 16504  
registrar may refuse to issue a license if any officer, 16505  
director, or partner of the applicant has been guilty of any act 16506  
or omission that would be cause for refusing or revoking a 16507

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; 16537

(b) A service and parts facility for remanufactured 16538  
vehicles; 16539

(c) Full-time service and parts personnel with the proper 16540  
training and technical expertise to service the remanufactured 16541  
vehicles sold by the applicant. 16542

**Sec. 4521.01.** As used in this chapter: 16543

(A) "Parking infraction" means a violation of any 16544  
ordinance, resolution, or regulation enacted by a local 16545  
authority that regulates the standing or parking of vehicles and 16546  
that is authorized pursuant to section 505.17 or 4511.07 of the 16547  
Revised Code, or a violation of any ordinance, resolution, or 16548  
regulation enacted by a local authority as authorized by this 16549  
chapter, if the local authority in either of these cases also 16550  
has enacted an ordinance, resolution, or regulation of the type 16551  
described in division (A) of section 4521.02 of the Revised Code 16552  
in relation to the particular regulatory ordinance, resolution, 16553  
or regulation. 16554

(B) "Vehicle" has the same meaning as in section 4511.01 16555  
of the Revised Code. 16556

(C) "Court" means a municipal court, county court, 16557  
juvenile court, or mayor's court, unless specifically identified 16558  
as one of these courts, in which case it means the specifically 16559  
identified court. 16560

(D) "Local authority" means every county, municipal 16561  
corporation, township, or other local board or body having 16562  
authority to adopt police regulations pursuant to the 16563  
constitution and laws of this state. 16564

(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 16596  
dollars, plus costs and other administrative charges, per 16597  
violation. 16598

If a local authority chooses to adopt a specific fine for 16599  
a violation of an ordinance, resolution, or regulation that 16600  
regulates the standing or parking of a vehicle in a ~~disability~~ 16601  
an accessible parking space, the fine the local authority 16602  
establishes for such offense shall be an amount not less than 16603  
two hundred fifty dollars but not more than five hundred 16604  
dollars. 16605

(B) A local authority that enacts an ordinance, 16606  
resolution, or regulation pursuant to division (A) of this 16607  
section also may enact an ordinance, resolution, or regulation 16608  
that provides for the impoundment or immobilization of vehicles 16609  
found standing or parked in violation of the regulatory 16610  
ordinance, resolution, or regulation and the release of the 16611  
vehicles to their owners. In no case shall an ordinance, 16612  
resolution, or regulation require the owner of the vehicle to 16613  
post bond or deposit cash in excess of one thousand dollars in 16614  
order to obtain release of the vehicle. 16615

(C) A local authority that enacts any ordinance, 16616  
resolution, or regulation pursuant to division (A) of this 16617  
section also shall enact an ordinance, resolution, or regulation 16618  
that specifies the time within which a person who is issued a 16619  
parking ticket must answer in relation to the parking infraction 16620  
charged in the ticket. 16621

**Sec. 4521.10.** (A) (1) If a judgment or default judgment is 16622  
entered against a person pursuant to section 4521.08 of the 16623  
Revised Code for a violation of an ordinance, resolution, or 16624  
regulation that regulates the standing or parking of a vehicle 16625

in ~~a disability~~ an accessible parking space and the person has 16626  
not paid the judgment or default judgment within ten days of the 16627  
date of entry of the judgment, the parking violations bureau, 16628  
joint parking violations bureau, or traffic violations bureau in 16629  
which the judgment was entered may give notice of that fact to 16630  
the registrar of motor vehicles. The notice, if given, shall be 16631  
given not earlier than sixteen days nor later than three years 16632  
after the date of entry of the judgment, and shall be in a form 16633  
and manner, and contain such information, as the registrar 16634  
prescribes. 16635

(2) If three or more judgments or default judgments have 16636  
been entered against a person pursuant to section 4521.08 of the 16637  
Revised Code and the person has not paid the judgments or 16638  
default judgments within ten days of the date of entry of the 16639  
third judgment, the parking violations bureau, joint parking 16640  
violations bureau, or traffic violations bureau in which the 16641  
judgments were entered may give notice of that fact to the 16642  
registrar. The notice, if given, shall be given not earlier than 16643  
sixteen days nor later than three years after the date of entry 16644  
of the third judgment, and shall be in a form and manner, and 16645  
contain such information, as the registrar prescribes. 16646

(B) (1) Upon receipt of a notice as provided in division 16647  
(A) of this section, neither the registrar nor any deputy 16648  
registrar shall accept any application for the registration or 16649  
transfer of registration of any motor vehicle owned or leased by 16650  
the person named in the notice unless the person presents a 16651  
release as provided in division (C) of this section or unless 16652  
the registrar is properly notified by the parking violations 16653  
bureau, joint parking violations bureau, or traffic violations 16654  
bureau that the judgment or default judgment described in 16655  
division (A) (1) of this section or the judgments or default 16656

judgments described in division (A) (2) of this section have been 16657  
paid, dismissed, or reversed on appeal, or that the initial 16658  
notice was given in error and is therefore canceled. 16659

(2) The registrar shall not be required to give effect to 16660  
any notice provided by a parking violations bureau, joint 16661  
parking violations bureau, or traffic violations bureau under 16662  
division (A) of this section unless the information contained in 16663  
the "Ohio uniform traffic tickets" described in Traffic Rule 3 16664  
(A) and (B) that the bureau processes is transmitted to the 16665  
registrar by means of an electronic transfer system. 16666

(C) When a notice as provided in division (A) of this 16667  
section is given to the registrar and the judgments or default 16668  
judgments are subsequently paid, dismissed, or reversed on 16669  
appeal, or it is discovered that the notice was given in error 16670  
and is therefore canceled, the parking violations bureau, joint 16671  
parking violations bureau, or traffic violations bureau giving 16672  
the initial notice shall immediately notify the registrar of 16673  
such payment, dismissal, reversal, or cancellation. The 16674  
notification shall be in a form and manner, and contain such 16675  
information, as the registrar prescribes. If the initial notice 16676  
was not given in error, the parking violations bureau, joint 16677  
parking violations bureau, or traffic violations bureau shall 16678  
charge the person a five dollar processing fee for each judgment 16679  
or default judgment to cover the costs of the bureau of motor 16680  
vehicles in administering this section. Upon payment of the fee, 16681  
the parking violations bureau, joint parking violations bureau, 16682  
or traffic violations bureau shall give to the person a release 16683  
to be presented at the time of registering or transferring the 16684  
registration of a motor vehicle owned or leased by the person. 16685  
All fees collected under this division shall be transmitted 16686  
monthly to the registrar for deposit in the public safety - 16687

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 16718  
motor vehicle. 16719

(G) In determining whether the judgments or default 16720  
judgments that have been entered against a person as provided in 16721  
division (A) (2) of this section total three or more, the parking 16722  
violations bureau, joint parking violations bureau, or traffic 16723  
violations bureau may apply to that total any violation the 16724  
person committed during the relevant time period by illegally 16725  
standing or parking a vehicle in ~~a disability~~ an accessible 16726  
parking space, irrespective of the amount of the fine imposed 16727  
for such violation. 16728

(H) The registrar shall adopt such rules as the registrar 16729  
considers necessary to ensure the orderly operation of sections 16730  
4521.09 and 4521.10 of the Revised Code, and any parking 16731  
violations bureau, joint parking violations bureau, or traffic 16732  
violations bureau shall conform to those rules. 16733

**Sec. 4551.05.** At the discretion of the court before whom 16734  
the defendant is brought for a violation of sections 4551.01 to 16735  
4551.03, inclusive, of the Revised Code, the cut trees or boughs 16736  
being transported at the time of the offense may immediately be 16737  
disposed of at the highest obtainable price, and the money 16738  
obtained from such sale shall be impounded by the court, pending 16739  
determination of the ownership of such trees or boughs. If such 16740  
owners are unknown and cannot be ascertained within thirty days 16741  
after such sale, or if there is money remaining after the claims 16742  
of known owners have been satisfied, all money thereafter 16743  
remaining shall be paid to the local county welfare board for 16744  
expenditures in aid to ~~crippled or indigent~~ children with 16745  
disabilities or who are indigent. 16746

**Sec. 4741.221.** (A) The state veterinary medical licensing 16747

board may, prior to or after a hearing conducted under section 16748  
4741.22 of the Revised Code, and in lieu of taking or in 16749  
addition to any action it may take under that section, refer any 16750  
veterinarian or registered veterinarian technician: 16751

(1) Who ~~suffers from~~ experiences alcohol or substance 16752  
abuse, to the Ohio veterinary medical association special 16753  
assistance committee, the Ohio physicians health program, or an 16754  
advocacy group approved by the board, for support and assistance 16755  
in the coordination of the treatment of that veterinarian or 16756  
technician; 16757

(2) Who has violated any provision of this chapter for any 16758  
offense for which the board normally would not seek the 16759  
revocation or suspension of the person's license or 16760  
registration, to the Ohio veterinary medical association special 16761  
committee on peer review. 16762

(B) To implement this section, the board shall adopt rules 16763  
in accordance with Chapter 119. of the Revised Code. 16764

**Sec. 4747.12.** (A) In accordance with Chapter 119. of the 16765  
Revised Code, the state speech and hearing professionals board 16766  
may revoke, suspend, place on probation, or refuse to issue or 16767  
renew a license or permit or reprimand a licensee or permit 16768  
holder if the person who holds such license or permit: 16769

(1) Is convicted of a disqualifying offense or a crime of 16770  
moral turpitude as those terms are defined in section 4776.10 of 16771  
the Revised Code; 16772

(2) Procured a license or permit by fraud or deceit 16773  
practiced upon the board; 16774

(3) Obtained any fee or made any sale of a hearing aid by 16775  
fraud or misrepresentation; 16776

- (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; 16777  
16778  
16779  
16780  
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- (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; 16782  
16783  
16784  
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- (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; 16786  
16787  
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- (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; 16793  
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16795  
16796
- (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; 16797  
16798  
16799  
16800
- (9) Engaged in the fitting and sale of hearing aids under a false name or an alias; 16801  
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- (10) Engaged in the practice of dealing in or fitting of hearing aids while ~~suffering from~~ having a contagious or infectious disease; 16803  
16804  
16805

(11) Was found by the board to be guilty of gross incompetence or negligence in the fitting or sale of hearing aids;	16806 16807 16808
(12) Permitted another person to use the licensee's license;	16809 16810
(13) Violate the code of ethical practice adopted under section 4744.50 of the Revised Code;	16811 16812
(14) Made or filed a false report or record in the sale or dispensing of a hearing aid;	16813 16814
(15) Aided or abetted the unlicensed sale, fitting, or dispensing of a hearing aid;	16815 16816
(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;	16817 16818 16819
(17) Engaged in illegal, incompetent, or habitually negligent practice;	16820 16821
(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;	16822 16823 16824 16825
(19) Violated this chapter or any lawful order given or rule adopted by the board;	16826 16827
(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;	16828 16829 16830 16831 16832

(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 16862  
ambulatory or ~~confined to a~~ using a wheelchair. 16863

(E) "Ambulette" means a motor vehicle that is specifically 16864  
designed, constructed, or modified and equipped and is intended 16865  
to be used for transportation upon the streets or highways of 16866  
this state of persons who require use of a wheelchair or other 16867  
mobility aid. 16868

(F) "Basic life support" means treatment described in 16869  
section 4765.37 of the Revised Code that an EMT is certified to 16870  
perform. 16871

(G) "Disaster situation" means any condition or situation 16872  
described by rule of the state board of emergency medical, fire, 16873  
and transportation services as a mass casualty, major emergency, 16874  
natural disaster, or national emergency. 16875

(H) "Emergency medical service organization" means an 16876  
organization that uses EMTs, AEMTs, or paramedics, or a 16877  
combination of EMTs, AEMTs, and paramedics, to provide medical 16878  
care to victims of illness or injury. An emergency medical 16879  
service organization includes, but is not limited to, a 16880  
commercial ambulance service organization, a hospital, and a 16881  
funeral home. 16882

(I) "EMT," "AEMT," and "paramedic" have the same meanings 16883  
as in sections 4765.01 and 4765.011 of the Revised Code. 16884

(J) "Fixed wing air ambulance" means a fixed wing aircraft 16885  
that is specifically designed, constructed, or modified and 16886  
equipped and is intended to be used as a means of air medical 16887  
transportation. 16888

(K) "Health care practitioner" has the same meaning as in 16889  
section 3701.74 of the Revised Code. 16890

(L) "Health care services" has the same meaning as in 16891  
section 3922.01 of the Revised Code. 16892

(M) "Intermediate life support" means treatment described 16893  
in section 4765.38 of the Revised Code that an AEMT is certified 16894  
to perform. 16895

(N) "Major emergency" means any emergency event that 16896  
cannot be resolved through the use of locally available 16897  
emergency resources. 16898

(O) "Mass casualty" means an emergency event that results 16899  
in ten or more persons being injured, incapacitated, made ill, 16900  
or killed. 16901

(P) "Medical emergency" means an unforeseen event 16902  
affecting an individual in such a manner that a need for 16903  
immediate care is created. 16904

(Q) "Mobile intensive care unit" means an ambulance used 16905  
only for maintaining specialized or intensive care treatment and 16906  
used primarily for interhospital transports of patients whose 16907  
conditions require care beyond the scope of a paramedic as 16908  
provided in section 4765.39 of the Revised Code. 16909

(R) (1) "Nonemergency medical service organization" means a 16910  
person that does both of the following: 16911

(a) Provides services to the public on a regular basis for 16912  
the purpose of transporting individuals who require the use of a 16913  
wheelchair or other mobility aid to receive health care services 16914  
in nonemergency circumstances; 16915

(b) Provides the services for a fee, regardless of whether 16916  
the fee is paid by the person being transported, a third party 16917  
payer, as defined in section 3702.51 of the Revised Code, or any 16918

other person or government entity. 16919

(2) "Nonemergency medical service organization" does not 16920  
include a health care facility, as defined in section 1751.01 of 16921  
the Revised Code, that provides ambulette services only to 16922  
patients of that facility. 16923

(S) "Nontransport vehicle" means a motor vehicle operated 16924  
by a licensed emergency medical service organization not as an 16925  
ambulance, but as a vehicle for providing services in 16926  
conjunction with the ambulances operated by the organization or 16927  
other emergency medical service organizations. 16928

(T) "Patient" means any individual who as a result of 16929  
illness or injury needs medical attention, whose physical or 16930  
mental condition is such that there is imminent danger of loss 16931  
of life or significant health impairment, or who may be 16932  
otherwise incapacitated or helpless as a result of a physical or 16933  
mental condition, or any individual whose physical condition 16934  
requires the use of a wheelchair or other mobility aid. 16935

(U) "Rotorcraft air ambulance" means a helicopter or other 16936  
aircraft capable of vertical takeoffs, vertical landings, and 16937  
hovering that is specifically designed, constructed, or modified 16938  
and equipped and is intended to be used as a means of air 16939  
medical transportation. 16940

(V) "Taxicab" means a taxicab vehicle operated by a 16941  
taxicab service company, provided the company is not a 16942  
nonemergency medical service organization. 16943

(W) "Transportation network company driver" has the same 16944  
meaning as in section 3942.01 of the Revised Code. 16945

(X) "Transportation network company services" has the same 16946  
meaning as in section 3942.01 of the Revised Code. 16947

**Sec. 4905.79.** Any telephone company, as defined in section 16948  
5727.01 of the Revised Code, or, as authorized by the public 16949  
utilities commission, any affiliate of such a company, that 16950  
provides any telephone service program implemented after March 16951  
27, 1991, to aid ~~the communicatively impaired persons with~~ 16952  
communicative impairments in accessing the telephone network 16953  
shall be allowed a tax credit for the costs of any such program 16954  
under section 5733.56 of the Revised Code. Relative to any such 16955  
program, the commission, in accordance with its rules, shall 16956  
allow interested parties to intervene and participate in any 16957  
proceeding or part of a proceeding brought before the commission 16958  
pursuant to this section. The commission shall adopt rules it 16959  
considers necessary to carry out this section. 16960

**Sec. 4933.122.** No natural gas, gas, or electric light 16961  
company shall terminate service, except for safety reasons or 16962  
upon the request of the customer, at any time to a residential 16963  
consumer, except pursuant to procedures that provide for all of 16964  
the following: 16965

(A) Reasonable prior notice is given to such consumer, 16966  
including notice of rights and remedies, and no due date shall 16967  
be established, after which a customer's account is considered 16968  
to be in arrears if unpaid, that is less than fourteen days 16969  
after the mailing of the billing. This limitation does not apply 16970  
to charges to customers that receive service pursuant to an 16971  
arrangement authorized by section 4905.31 of the Revised Code, 16972  
nor to electric light companies operated not for profit or 16973  
public utilities that are owned or operated by a municipal 16974  
corporation. 16975

(B) A reasonable opportunity is given to dispute the 16976  
reasons for such termination; 16977

(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 17007  
disability is removed, no action shall be brought for damages 17008  
caused by such change or diversion, unless it is begun within 17009  
six months from the filing of the certificate for the change 17010  
with the secretary of state, and the publication of notice 17011  
thereof by the company for four consecutive weeks in a newspaper 17012  
published in such county. 17013

**Sec. 5101.56.** (A) As used in this section, "physician" 17014  
means a person who holds a valid license to practice medicine 17015  
and surgery or osteopathic medicine and surgery issued under 17016  
Chapter 4731. of the Revised Code. 17017

(B) Unless required by the United States Constitution or 17018  
by federal statute, regulation, or decisions of federal courts, 17019  
state or local funds may not be used for payment or 17020  
reimbursement for abortion services unless the certification 17021  
required by division (C) of this section is made and one of the 17022  
following circumstances exists: 17023

(1) The woman ~~suffers from~~ has a physical disorder, 17024  
physical injury, or physical illness, including a life- 17025  
endangering physical condition caused by or arising from the 17026  
pregnancy, that would, as certified by a physician, place the 17027  
woman in danger of death unless an abortion is performed. 17028

(2) The pregnancy was the result of an act of rape and the 17029  
patient, the patient's legal guardian, or the person who made 17030  
the report to the law enforcement agency, certifies in writing 17031  
that prior to the performance of the abortion a report was filed 17032  
with a law enforcement agency having the requisite jurisdiction, 17033  
unless the patient was physically unable to comply with the 17034  
reporting requirement and that fact is certified by the 17035  
physician performing the abortion. 17036

(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 17066  
the report to the law enforcement agency certified in writing 17067  
that prior to the performance of the abortion a report was filed 17068  
with a law enforcement agency having the requisite jurisdiction; 17069

(c) The pregnancy was the result of an act of incest and 17070  
the patient, the patient's legal guardian, or the person who 17071  
made the report certified in writing that prior to the 17072  
performance of the abortion a report was filed with either a law 17073  
enforcement agency having the requisite jurisdiction or, in the 17074  
case of a minor, with a county children services agency 17075  
established under Chapter 5153. of the Revised Code; 17076

(d) The pregnancy was the result of an act of rape and in 17077  
my professional opinion the recipient was physically unable to 17078  
comply with the reporting requirement; or 17079

(e) The pregnancy was a result of an act of incest and in 17080  
my professional opinion the recipient was physically unable to 17081  
comply with the reporting requirement. 17082

(D) Payment or reimbursement for abortion services shall 17083  
not be made with state or local funds for associated services 17084  
such as anesthesia, laboratory tests, or hospital services if 17085  
the abortion service itself cannot be paid or reimbursed with 17086  
state or local funds. All abortion services for which a 17087  
physician is seeking reimbursement or payment for the purposes 17088  
of this division shall be submitted on a hard-copy billing 17089  
invoice. 17090

(E) Documentation that supports the certification made by 17091  
a physician shall be maintained by the physician in the 17092  
recipient's medical record. When the physician certifies that 17093  
circumstances described in division (C) (2) (b) or (c) of this 17094

section are the case, a copy of the statement signed by the 17095  
patient, the patient's legal guardian, or the person who made 17096  
the report shall be maintained in the patient's medical record. 17097

(F) Nothing in this section denies reimbursement for drugs 17098  
or devices to prevent implantation of the fertilized ovum, or 17099  
for medical procedures for the termination of an ectopic 17100  
pregnancy. This section does not apply to treatments for 17101  
incomplete, missed, or septic abortions. 17102

(G) If enforcement of this section will adversely affect 17103  
eligibility of the state or a political subdivision of the state 17104  
for participation in a federal program, this section shall be 17105  
enforced to the extent permissible without preventing 17106  
participation in that federal program. 17107

**Sec. 5101.60.** As used in sections 5101.60 to 5101.73 of 17108  
the Revised Code: 17109

(A) "Abandonment" means desertion of an adult by a 17110  
caretaker without having made provision for transfer of the 17111  
adult's care. 17112

(B) "Abuse" means the infliction upon an adult by self or 17113  
others of injury, unreasonable confinement, intimidation, or 17114  
cruel punishment with resulting physical harm, pain, or mental 17115  
anguish. 17116

(C) "Adult" means any person sixty years of age or older 17117  
within this state who is ~~handicapped~~disabled by the infirmities 17118  
of aging or who has a physical or mental impairment which 17119  
prevents the person from providing for the person's own care or 17120  
protection, and who resides in an independent living 17121  
arrangement. 17122

(D) "Area agency on aging" means a public or private 17123

nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging. 17124  
17125  
17126

(E) "Caretaker" means the person assuming the primary responsibility for the care of an adult by any of the following means: 17127  
17128  
17129

(1) On a voluntary basis; 17130

(2) By contract; 17131

(3) Through receipt of payment for care; 17132

(4) As a result of a family relationship; 17133

(5) By order of a court of competent jurisdiction. 17134

(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. 17135  
17136  
17137  
17138  
17139

(G) "Court" means the probate court in the county where an adult resides. 17140  
17141

(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. 17142  
17143  
17144

(I) "Emergency services" means protective services furnished to an adult in an emergency. 17145  
17146

(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 17147  
17148  
17149  
17150

or the adult's resources in any of the following ways: 17151

(1) Without the adult's consent or the consent of the 17152  
person authorized to give consent on the adult's behalf; 17153

(2) Beyond the scope of the express or implied consent of 17154  
the adult or the person authorized to give consent on the 17155  
adult's behalf; 17156

(3) By deception; 17157

(4) By threat; 17158

(5) By intimidation. 17159

(K) "In need of protective services" means an adult known 17160  
or suspected to be suffering from abuse, neglect, or 17161  
exploitation to an extent that either life is endangered or 17162  
physical harm, mental anguish, or mental illness results or is 17163  
likely to result. 17164

(L) "Incapacitated person" means a person who is impaired 17165  
for any reason to the extent that the person lacks sufficient 17166  
understanding or capacity to make and carry out reasonable 17167  
decisions concerning the person's self or resources, with or 17168  
without the assistance of a caretaker. Refusal to consent to the 17169  
provision of services shall not be the sole determinative that 17170  
the person is incapacitated. 17171

(M) "Independent living arrangement" means a domicile of a 17172  
person's own choosing, including, but not limited to, a private 17173  
home, apartment, trailer, or rooming house. "Independent living 17174  
arrangement" includes a residential facility licensed under 17175  
section 5119.22 of the Revised Code that provides 17176  
accommodations, supervision, and personal care services for 17177  
three to sixteen unrelated adults, but does not include any 17178

other institution or facility licensed by the state or a 17179  
facility in which a person resides as a result of voluntary, 17180  
civil, or criminal commitment. 17181

(N) "Mental illness" means a substantial disorder of 17182  
thought, mood, perception, orientation, or memory that grossly 17183  
impairs judgment, behavior, capacity to recognize reality, or 17184  
ability to meet the ordinary demands of life. 17185

(O) "Neglect" means any of the following: 17186

(1) Failure of an adult to provide for self the goods or 17187  
services necessary to avoid physical harm, mental anguish, or 17188  
mental illness; 17189

(2) Failure of a caretaker to provide such goods or 17190  
services; 17191

(3) Abandonment. 17192

(P) "Outpatient health facility" means a facility where 17193  
medical care and preventive, diagnostic, therapeutic, 17194  
rehabilitative, or palliative items or services are provided to 17195  
outpatients by or under the direction of a physician or dentist. 17196

(Q) "Peace officer" means a peace officer as defined in 17197  
section 2935.01 of the Revised Code. 17198

(R) "Physical harm" means bodily pain, injury, impairment, 17199  
or disease suffered by an adult. 17200

(S) "Protective services" means services provided by the 17201  
county department of job and family services or its designated 17202  
agency to an adult who has been determined by evaluation to 17203  
require such services for the prevention, correction, or 17204  
discontinuance of an act of as well as conditions resulting from 17205  
abuse, neglect, or exploitation. Protective services may 17206

include, but are not limited to, case work services, medical 17207  
care, mental health services, legal services, fiscal management, 17208  
home health care, homemaker services, housing-related services, 17209  
guardianship services, and placement services as well as the 17210  
provision of such commodities as food, clothing, and shelter. 17211

(T) "Reasonable decisions" means decisions made in daily 17212  
living that facilitate the provision of food, shelter, clothing, 17213  
and health care necessary for life support. 17214

(U) "Senior service provider" means a person who provides 17215  
care or specialized services to an adult. 17216

(V) "Working day" means Monday, Tuesday, Wednesday, 17217  
Thursday, and Friday, except when such day is a holiday as 17218  
defined in section 1.14 of the Revised Code. 17219

**Sec. 5104.015.** The director of job and family services 17220  
shall adopt rules in accordance with Chapter 119. of the Revised 17221  
Code governing the operation of child day-care centers, 17222  
including parent cooperative centers, part-time centers, and 17223  
drop-in centers. The rules shall reflect the various forms of 17224  
child care and the needs of children receiving child care or 17225  
publicly funded child care and shall include specific rules for 17226  
school-age child care centers that are developed in consultation 17227  
with the department of education. The rules shall include the 17228  
following: 17229

(A) Submission of a site plan and descriptive plan of 17230  
operation to demonstrate how the center proposes to meet the 17231  
requirements of this chapter and rules adopted pursuant to this 17232  
chapter for the initial license application; 17233

(B) Standards for ensuring that the physical surroundings 17234  
of the center are safe and sanitary including the physical 17235

environment, the physical plant, and the equipment of the center;	17236 17237
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;	17238 17239 17240
(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.	17241 17242 17243 17244 17245 17246 17247 17248 17249 17250
(E) Admissions policies and procedures;	17251
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	17252 17253 17254
(G) First aid and emergency procedures;	17255
(H) Procedures for discipline and supervision of children;	17256
(I) Standards for the provision of nutritious meals and snacks;	17257 17258
(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;	17259 17260 17261
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	17262 17263

(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;	17264 17265 17266 17267
(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;	17268 17269 17270
(N) Procedures for record keeping, organization, and administration;	17271 17272
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	17273 17274 17275
(P) Inspection procedures;	17276
(Q) Procedures and standards for setting initial license application fees;	17277 17278
(R) Procedures for receiving, recording, and responding to complaints about centers;	17279 17280
(S) Procedures for enforcing section 5104.04 of the Revised Code;	17281 17282
(T) Minimum qualifications for employment as an administrator or child-care staff member;	17283 17284
(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;	17285 17286 17287 17288
(V) Standards providing for the <del>special</del> -needs of children who <del>are handicapped</del> <u>have disabilities</u> or who require treatment	17289 17290

for health conditions while the child is receiving child care or	17291
publicly funded child care in the center;	17292
(W) A procedure for reporting of injuries of children that	17293
occur at the center;	17294
(X) Standards for licensing child day-care centers for	17295
children with short-term illnesses and other temporary medical	17296
conditions;	17297
(Y) Minimum requirements for instructional time for child	17298
day-care centers rated through the step up to quality program	17299
established pursuant to section 5104.29 of the Revised Code;	17300
(Z) Any other procedures and standards necessary to carry	17301
out the provisions of this chapter regarding child day-care	17302
centers.	17303
<b>Sec. 5104.017.</b> The director of job and family services	17304
shall adopt rules pursuant to Chapter 119. of the Revised Code	17305
governing the operation of type A family day-care homes,	17306
including parent cooperative type A homes, part-time type A	17307
homes, drop-in type A homes, and school-age child type A homes.	17308
The rules shall reflect the various forms of child care and the	17309
needs of children receiving child care. The rules shall include	17310
the following:	17311
(A) Submission of a site plan and descriptive plan of	17312
operation to demonstrate how the type A home proposes to meet	17313
the requirements of this chapter and rules adopted pursuant to	17314
this chapter for the initial license application;	17315
(B) Standards for ensuring that the physical surroundings	17316
of the type A home are safe and sanitary, including the physical	17317
environment, the physical plant, and the equipment of the type A	17318
home;	17319

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	17320 17321 17322
(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;	17323 17324 17325 17326 17327 17328
(E) Admissions policies and procedures;	17329
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	17330 17331 17332
(G) First aid and emergency procedures;	17333
(H) Procedures for discipline and supervision of children;	17334
(I) Standards for the provision of nutritious meals and snacks;	17335 17336
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	17337 17338 17339
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	17340 17341
(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;	17342 17343 17344 17345
(M) Procedures for ensuring the safety and adequate	17346

supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	17347 17348
(N) Procedures for record keeping, organization, and administration;	17349 17350
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	17351 17352 17353
(P) Inspection procedures;	17354
(Q) Procedures and standards for setting initial license application fees;	17355 17356
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	17357 17358
(S) Procedures for enforcing section 5104.04 of the Revised Code;	17359 17360
(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;	17361 17362 17363 17364 17365
(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;	17366 17367 17368 17369
(V) Standards providing for the <del>special</del> needs of children who <del>are handicapped</del> <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;	17370 17371 17372 17373

(W) Standards for the maximum number of children per child-care staff member;	17374 17375
(X) Requirements for the amount of usable indoor floor space for each child;	17376 17377
(Y) Requirements for safe outdoor play space;	17378
(Z) Qualifications and training requirements for administrators and for child-care staff members;	17379 17380
(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;	17381 17382 17383 17384
(BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	17385 17386
(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;	17387 17388 17389
(DD) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	17390 17391
<b>Sec. 5104.018.</b> 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:	17392 17393 17394 17395 17396 17397 17398
(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	17399 17400 17401

Code;	17402
(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;	17403 17404 17405
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	17406 17407 17408
(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;	17409 17410 17411 17412 17413 17414
(E) Admission policies and procedures;	17415
(F) Health care, first aid and emergency procedures;	17416
(G) Procedures for the care of sick children;	17417
(H) Procedures for discipline and supervision of children;	17418
(I) Nutritional standards;	17419
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	17420 17421 17422
(K) Procedures for screening administrators and employees, including any necessary physical examinations and immunizations;	17423 17424
(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;	17425 17426 17427 17428

(M) Standards for the safe transport of children when under the care of administrators;	17429 17430
(N) Procedures for issuing, denying, or revoking licenses;	17431
(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;	17432 17433 17434
(P) Procedures for record keeping and evaluation;	17435
(Q) Procedures for receiving, recording, and responding to complaints;	17436 17437
(R) Standards providing for the <del>special</del> needs of children who <del>are handicapped</del> <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;	17438 17439 17440 17441
(S) Requirements for the amount of usable indoor floor space for each child;	17442 17443
(T) Requirements for safe outdoor play space;	17444
(U) Qualification and training requirements for administrators;	17445 17446
(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;	17447 17448 17449 17450
(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;	17451 17452 17453 17454
(X) Minimum requirements for instructional time for type B	17455

homes rated through the step up to quality program established 17456  
pursuant to section 5104.29 of the Revised Code; 17457

(Y) Any other procedures and standards necessary to carry 17458  
out the provisions of this chapter regarding licensure of type B 17459  
homes. 17460

**Sec. 5104.019.** The director of job and family services 17461  
shall adopt rules in accordance with Chapter 119. of the Revised 17462  
Code governing the certification of in-home aides. The rules 17463  
shall provide for safeguarding the health, safety, and welfare 17464  
of children receiving publicly funded child care in their own 17465  
home and shall include the following: 17466

(A) Standards for ensuring that the child's home and the 17467  
physical surroundings of the child's home are safe and sanitary, 17468  
including physical environment, physical plant, and equipment; 17469

(B) Standards for the supervision, care, and discipline of 17470  
children receiving publicly funded child care in their own home; 17471

(C) Standards for a program of activities, and for play 17472  
equipment, materials, and supplies to enhance the development of 17473  
each child; however, any educational curricula, philosophies, 17474  
and methodologies that are developmentally appropriate and that 17475  
enhance the social, emotional, intellectual, and physical 17476  
development of each child shall be permissible; 17477

(D) Health care, first aid, and emergency procedures, 17478  
procedures for the care of sick children, procedures for 17479  
discipline and supervision of children, nutritional standards, 17480  
and procedures for screening children and in-home aides, 17481  
including any necessary physical examinations and immunizations; 17482

(E) Methods of encouraging parental participation and 17483  
ensuring that the rights of children, parents, and in-home aides 17484

are protected and the responsibilities of parents and in-home  
aides are met; 17485  
17486

(F) Standards for the safe transport of children when 17487  
under the care of in-home aides; 17488

(G) Procedures for issuing, renewing, denying, refusing to 17489  
renew, or revoking certificates; 17490

(H) Procedures for inspection of homes of children 17491  
receiving publicly funded child care in their own homes; 17492

(I) Procedures for record keeping and evaluation; 17493

(J) Procedures for receiving, recording, and responding to 17494  
complaints; 17495

(K) Qualifications and training requirements for in-home 17496  
aides; 17497

(L) Standards providing for the ~~special~~ needs of children 17498  
who ~~are handicapped~~ have disabilities or who receive treatment 17499  
for health conditions while the child is receiving publicly 17500  
funded child care in the child's own home; 17501

(M) Any other procedures and standards necessary to carry 17502  
out the provisions of this chapter regarding certification of 17503  
in-home aides. 17504

**Sec. 5107.26.** (A) As used in this section, "transitional 17505  
child care" means publicly funded child care provided under 17506  
division (A) (3) of section 5104.34 of the Revised Code. 17507

(B) Except as provided in division (C) of this section: 17508

(1) Each member of an assistance group participating in 17509  
Ohio works first is ineligible to participate in the program for 17510  
six payment months if a county department of job and family 17511

services determines that a member of the assistance group 17512  
terminated the member's employment. 17513

(2) Each person who, on the day prior to the day a 17514  
recipient begins to receive transitional child care, was a 17515  
member of the recipient's assistance group is ineligible to 17516  
participate in Ohio works first for six payment months if a 17517  
county department determines that the recipient terminated the 17518  
recipient's employment. 17519

(C) No assistance group member shall lose or be denied 17520  
eligibility to participate in Ohio works first pursuant to 17521  
division (B) of this section if the termination of employment 17522  
was because an assistance group member or recipient of 17523  
transitional child care secured comparable or better employment 17524  
or the county department of job and family services certifies 17525  
that the member or recipient terminated the employment with just 17526  
cause. 17527

Just cause includes the following: 17528

(1) Discrimination by an employer based on age, race, sex, 17529  
color, ~~handicap~~disability, religious beliefs, or national 17530  
origin; 17531

(2) Work demands or conditions that render continued 17532  
employment unreasonable, such as working without being paid on 17533  
schedule; 17534

(3) Employment that has become unsuitable due to any of 17535  
the following: 17536

(a) The wage is less than the federal minimum wage; 17537

(b) The work is at a site subject to a strike or lockout, 17538  
unless the strike has been enjoined under section 208 of the 17539

"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 17540  
U.S.C.A. 178, as amended, an injunction has been issued under 17541  
section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 17542  
U.S.C.A. 160, as amended, or an injunction has been issued under 17543  
section 4117.16 of the Revised Code; 17544

(c) The documented degree of risk to the member or 17545  
recipient's health and safety is unreasonable; 17546

(d) The member or recipient is physically or mentally 17547  
unfit to perform the employment, as documented by medical 17548  
evidence or by reliable information from other sources. 17549

(4) Documented illness of the member or recipient or of 17550  
another assistance group member of the member or recipient 17551  
requiring the presence of the member or recipient; 17552

(5) A documented household emergency; 17553

(6) Lack of adequate child care for children of the member 17554  
or recipient who are under six years of age. 17555

**Sec. 5109.16.** To facilitate prompt and authoritative 17556  
identification of goods and articles made by blind persons, any 17557  
person, public or private institution or agency, firm, 17558  
association, or corporation engaged in the manufacture or 17559  
distribution of goods or articles made by blind persons may 17560  
apply to the ~~commission for the blind~~ bureau of services for the 17561  
visually impaired for registration and authorization to use an 17562  
official imprint, stamp, symbol, or label, designed or approved 17563  
by the ~~commission~~ bureau to identify blind-made products and 17564  
containing the words, "made by a blind ~~workman~~ worker" or "made 17565  
by the blind," or "blind-made" and to which shall be added the 17566  
name of the manufacturer, the place of manufacture, and such 17567  
other information as the ~~commission~~ bureau prescribes. 17568

The ~~commission~~ bureau shall adopt rules ~~and regulations~~ 17569  
with respect to procedures to be followed in determining whether 17570  
an applicant is engaged in the manufacture or distribution of 17571  
blind-made goods or articles. Any applicant who complies with 17572  
such rules and regulations and sections 5109.15 to 5109.18, ~~—~~ 17573  
~~inclusive,~~ of the Revised Code, shall be provided with a 17574  
certificate of registration and authorization to use the 17575  
official mark of identification for blind-made products, valid 17576  
for one year from the date of issue. 17577

The ~~commission~~ bureau may register, without investigation, 17578  
nonresident individuals and out-of-state agencies, firms, 17579  
associations, or corporations upon proof that they are 17580  
recognized and approved by the state of residence or organized 17581  
pursuant to a law of such state imposing requirements 17582  
substantially similar to those prescribed by sections 5109.15 to 17583  
5109.18, ~~— inclusive,~~ of the Revised Code. 17584

**Sec. 5109.18.** No person, public or private institution or 17585  
agency, firm, association, or corporation shall manufacture, 17586  
distribute, display, advertise, offer for sale, or sell goods or 17587  
articles represented as made by blind persons unless such goods 17588  
or articles bear an official imprint, stamp, symbol, or label 17589  
designed or approved pursuant to section 5109.16 of the Revised 17590  
Code by the ~~commission for the blind~~ bureau of services for the 17591  
visually impaired which was attached by a person, institution, 17592  
agency, firm, association, or corporation holding a valid 17593  
certificate of registration issued by the ~~commission~~ bureau. A 17594  
blind person offering for sale or selling a product made by 17595  
~~him~~ the blind person is not required to apply for registration or 17596  
to label such product. 17597

**Sec. 5119.01.** (A) As used in this chapter: 17598

(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 17628  
rules adopted under section 5119.36 of the Revised Code as 17629  
requiring certification under that section. 17630

~~(7)~~(6) "Community addiction services provider" means an 17631  
agency, association, corporation or other legal entity, 17632  
individual, or program that provides one or more of the 17633  
following: 17634

(a) Alcohol and drug addiction services that are certified 17635  
by the director of mental health and addiction services under 17636  
section 5119.36 of the Revised Code; 17637

(b) Gambling addiction services; 17638

(c) Recovery supports that are related to alcohol and drug 17639  
addiction services or gambling addiction services and paid for 17640  
with federal, state, or local funds administered by the 17641  
department of mental health and addiction services or a board of 17642  
alcohol, drug addiction, and mental health services. 17643

~~(8)~~(7) "Community mental health services provider" means 17644  
an agency, association, corporation, individual, or program that 17645  
provides either of the following: 17646

(a) Mental health services that are certified by the 17647  
director of mental health and addiction services under section 17648  
5119.36 of the Revised Code; 17649

(b) Recovery supports that are related to mental health 17650  
services and paid for with federal, state, or local funds 17651  
administered by the department of mental health and addiction 17652  
services or a board of alcohol, drug addiction, and mental 17653  
health services. 17654

~~(9)~~(8) "Drug addiction" means the use of a drug of abuse, 17655

as defined in section 3719.011 of the Revised Code, by an 17656  
individual to the extent that the individual becomes physically 17657  
or psychologically dependent on the drug or endangers the 17658  
health, safety, or welfare of the individual or others. 17659

~~(10)~~(9) "Gambling addiction" means the use of gambling by 17660  
an individual to the extent that it causes psychological, 17661  
financial, emotional, marital, legal, or other difficulties 17662  
endangering the health, safety, or welfare of the individual or 17663  
others. 17664

~~(11)~~(10) "Gambling addiction services" means services for 17665  
the treatment of persons who have a gambling addiction and for 17666  
the prevention of gambling addiction. 17667

~~(12)~~(11) "Hospital" means a hospital or inpatient unit 17668  
licensed by the department of mental health and addiction 17669  
services under section 5119.33 of the Revised Code, and any 17670  
institution, hospital, or other place established, controlled, 17671  
or supervised by the department under Chapter 5119. of the 17672  
Revised Code. 17673

~~(13)~~(12) "Included opioid and co-occurring drug addiction 17674  
services and recovery supports" means the addiction services and 17675  
recovery supports that, pursuant to section 340.033 of the 17676  
Revised Code, are included in the array of services and recovery 17677  
supports for all levels of opioid and co-occurring drug 17678  
addiction required to be included in the community-based 17679  
continuum of care established under section 340.032 of the 17680  
Revised Code. 17681

~~(14)~~(13) "Medication-assisted treatment" has the same 17682  
meaning as in section 340.01 of the Revised Code. 17683

~~(15)~~(14) "Mental illness" means a substantial disorder of 17684

thought, mood, perception, orientation, or memory that grossly 17685  
impairs judgment, behavior, capacity to recognize reality, or 17686  
ability to meet the ordinary demands of life. 17687

~~(16)~~ (15) "Mental health services" means services for the 17688  
assessment, care, or treatment of persons who have a mental 17689  
illness and for the prevention of mental illness. 17690

~~(17)~~ (16) "Opioid treatment program" has the same meaning 17691  
as in 42 C.F.R. 8.2. 17692

~~(18)~~ (17) "Recovery supports" means assistance that is 17693  
intended to help an individual ~~who is an alcoholic or has a~~ with 17694  
alcoholism, drug addiction, or mental illness, or a member of 17695  
such an individual's family, initiate and sustain the 17696  
individual's recovery from alcoholism, drug addiction, or mental 17697  
illness. "Recovery supports" does not mean alcohol and drug 17698  
addiction services or mental health services. 17699

~~(19) (a)~~ (18) (a) "Residence" means a person's physical 17700  
presence in a county with intent to remain there, except in 17701  
either of the following circumstances: 17702

(i) If a person is receiving a mental health treatment 17703  
service at a facility that includes nighttime sleeping 17704  
accommodations, "residence" means that county in which the 17705  
person maintained the person's primary place of residence at the 17706  
time the person entered the facility; 17707

(ii) If a person is committed pursuant to section 2945.38, 17708  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 17709  
"residence" means the county where the criminal charges were 17710  
filed. 17711

(b) When the residence of a person is disputed, the matter 17712  
of residence shall be referred to the department of mental 17713

health and addiction services for investigation and 17714  
determination. Residence shall not be a basis for a board of 17715  
alcohol, drug addiction, and mental health services to deny 17716  
services to any person present in the board's service district, 17717  
and the board shall provide services for a person whose 17718  
residence is in dispute while residence is being determined and 17719  
for a person in an emergency situation. 17720

(B) Any reference in this chapter to a board of alcohol, 17721  
drug addiction, and mental health services also refers to an 17722  
alcohol and drug addiction services board or a community mental 17723  
health board in a service district in which an alcohol and drug 17724  
addiction services board or a community mental health board has 17725  
been established under section 340.021 or former section 340.02 17726  
of the Revised Code. 17727

**Sec. 5119.10.** (A) The director of mental health and 17728  
addiction services is the chief executive and appointing 17729  
authority of the department of mental health and addiction 17730  
services. The director may organize the department for its 17731  
efficient operation, including creating divisions or offices as 17732  
necessary. The director may establish procedures for the 17733  
governance of the department, conduct of its employees and 17734  
officers, performance of its business, and custody, use, and 17735  
preservation of departmental records, papers, books, documents, 17736  
and property. Whenever the Revised Code imposes a duty upon or 17737  
requires an action of the department or any of its institutions, 17738  
the director or the director's designee shall perform the action 17739  
or duty in the name of the department, except that the medical 17740  
director appointed pursuant to section 5119.11 of the Revised 17741  
Code shall be responsible for decisions relating to medical 17742  
diagnosis, treatment, rehabilitation, quality assurance, and the 17743  
clinical aspects of the following: licensure of hospitals and 17744

residential facilities, research, community addiction and mental 17745  
health plans, and certification and delivery of addiction 17746  
services and mental health services. 17747

(B) The director shall: 17748

(1) Adopt rules for the proper execution of the powers and 17749  
duties of the department with respect to the institutions under 17750  
its control, and require the performance of additional duties by 17751  
the officers of the institutions as necessary to fully meet the 17752  
requirements, intents, and purposes of this chapter. In case of 17753  
an apparent conflict between the powers conferred upon any 17754  
managing officer and those conferred by such sections upon the 17755  
department, the presumption shall be conclusive in favor of the 17756  
department. 17757

(2) Adopt rules for the nonpartisan management of the 17758  
institutions under the department's control. An officer or 17759  
employee of the department or any officer or employee of any 17760  
institution under its control who, by solicitation or otherwise, 17761  
exerts influence directly or indirectly to induce any other 17762  
officer or employee of the department or any of its institutions 17763  
to adopt the exerting officer's or employee's political views or 17764  
to favor any particular person, issue, or candidate for office 17765  
shall be removed from the exerting officer's or employee's 17766  
office or position, by the department in case of an officer or 17767  
employee, and by the governor in case of the director. 17768

(3) Appoint such employees, including the medical 17769  
director, as are necessary for the efficient conduct of the 17770  
department, and prescribe their titles and duties; 17771

(4) Prescribe the forms of affidavits, applications, 17772  
medical certificates, orders of hospitalization and release, and 17773

all other forms, reports, and records that are required in the hospitalization or admission and release of all persons to the institutions under the control of the department, or are otherwise required under this chapter or Chapter 5122. of the Revised Code;

(5) Exercise the powers and perform the duties relating to addiction and mental health facilities, addiction services, mental health services, and recovery supports that are assigned to the director under this chapter and Chapter 340. of the Revised Code;

(6) Develop and implement clinical evaluation and monitoring of services that are operated by the department;

(7) Adopt rules establishing standards for the performance of evaluations by a forensic center or other psychiatric program or facility of the mental condition of defendants ordered by the court under section 2919.271, or 2945.371 of the Revised Code, and for the treatment of defendants who have been found incompetent to stand trial and ordered by the court under section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised Code to receive treatment in facilities;

(8) On behalf of the department, have the authority and responsibility for entering into contracts and other agreements with providers, agencies, institutions, and other entities, both public and private, as necessary for the department to carry out its duties under this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code. Chapter 125. of the Revised Code does not apply to contracts the director enters into under this section for addiction services, mental health services, or recovery supports provided to individuals who have an addiction or mental illness by providers, agencies, institutions, and

other entities not owned or operated by the department. 17804

(9) Adopt rules in accordance with Chapter 119. of the 17805  
Revised Code specifying the supplemental services that may be 17806  
provided through a trust authorized by section 5815.28 of the 17807  
Revised Code; 17808

(10) Adopt rules in accordance with Chapter 119. of the 17809  
Revised Code establishing standards for the maintenance and 17810  
distribution to a beneficiary of assets of a trust authorized by 17811  
section 5815.28 of the Revised Code. 17812

(C) The director may contract with hospitals licensed by 17813  
the department under section 5119.33 of the Revised Code for the 17814  
care and treatment of ~~mentally ill patients~~ with mental  
illnesses, or with persons, organizations, or agencies for the 17815  
custody, evaluation, supervision, care, or treatment of ~~mentally~~  
~~ill persons~~ with mental illnesses receiving services elsewhere 17816  
than within the enclosure of a hospital operated under section 17817  
5119.14 of the Revised Code. 17818  
17819  
17820

**Sec. 5119.14.** (A) The department of mental health and 17821  
addiction services shall maintain, operate, manage, and govern 17822  
state institutions and other services for the care and treatment 17823  
of ~~mentally ill persons~~ with mental illnesses. 17824

(B) (1) The department of mental health and addiction 17825  
services may, with the approval of the governor, designate the 17826  
name and purpose of any institutions under its jurisdiction and 17827  
may change, with the approval of the governor, the designation 17828  
and name when necessary. 17829

(2) The department shall divide the state into districts 17830  
for the purpose of designating the institution in which ~~mentally~~  
~~ill persons~~ with mental illnesses are hospitalized and may 17831  
17832

change the districts. 17833

(3) Subject to section 5139.08 and pursuant to Chapter 17834  
5122. of the Revised Code and on the agreement of the 17835  
departments of mental health and addiction services and youth 17836  
services, the department of mental health and addiction services 17837  
may receive from the department of youth services for 17838  
psychiatric observation, diagnosis, or treatment any person 17839  
eighteen years of age or older in the custody of the department 17840  
of youth services. The departments may enter into a written 17841  
agreement specifying the procedures necessary to implement this 17842  
division. 17843

(C) The department of mental health and addiction services 17844  
shall designate hospitals, facilities, and community mental 17845  
health services providers for the custody, care, and special 17846  
treatment of, and authorize payment for such custody, care, and 17847  
special treatment provided to, persons who are charged with a 17848  
crime and who are found incompetent to stand trial or not guilty 17849  
by reason of insanity. 17850

(D) The department of mental health and addiction services 17851  
may do any of the following: 17852

(1) Require reports from the managing officer of any 17853  
institution under the department's jurisdiction, relating to the 17854  
admission, examination, comprehensive evaluation, diagnosis, 17855  
release, or discharge of any patient; 17856

(2) Visit each institution regularly to review its 17857  
operations and to investigate complaints made by any patient or 17858  
by any person on behalf of a patient, provided these duties may 17859  
be performed by a person designated by the director. 17860

(E) The department of mental health and addiction services 17861

may provide or contract to provide addiction services for 17862  
offenders incarcerated in the state prison system. 17863

(F) In addition to the powers expressly conferred, the 17864  
department of mental health and addiction services shall have 17865  
all powers and authority necessary for the full and efficient 17866  
exercise of the executive, administrative, and fiscal 17867  
supervision over the state institutions described in this 17868  
section. 17869

**Sec. 5119.21.** (A) The department of mental health and 17870  
addiction services shall: 17871

(1) To the extent the department has available resources 17872  
and in consultation with boards of alcohol, drug addiction, and 17873  
mental health services, support the community-based continuum of 17874  
care that the boards are required by section 340.032 of the 17875  
Revised Code to establish. The department shall provide the 17876  
support on a district or multi-district basis. The department 17877  
shall assist in identifying resources, and may prioritize 17878  
support, for one or more of the elements of the community-based 17879  
continuum of care. For the purpose of division (A)(10) of 17880  
section 340.032 of the Revised Code and to the extent the 17881  
department determines is necessary, the department shall define 17882  
additional elements to be included in the community-based 17883  
continuum of care. 17884

(2) Provide training, consultation, and technical 17885  
assistance regarding addiction services, mental health services, 17886  
recovery supports, and appropriate prevention, recovery, and 17887  
mental health promotion activities, including those that are 17888  
culturally competent, to employees of the department, community 17889  
addiction services providers, community mental health services 17890  
providers, and boards of alcohol, drug addiction, and mental 17891

health services; 17892

(3) To the extent the department has available resources, 17893  
promote and support a full range of addiction services, mental 17894  
health services, and recovery supports that are available and 17895  
accessible to all residents of this state, especially for 17896  
severely emotionally disturbed children and adolescents, 17897  
~~severely mentally disabled adults~~ with severe mental 17898  
disabilities, pregnant women, parents, guardians or custodians 17899  
of children at risk of abuse or neglect, and other special 17900  
target populations, including racial and ethnic minorities, as 17901  
determined by the department; 17902

(4) Develop standards and measures for both of the 17903  
following: 17904

(a) Evaluating the effectiveness of addiction services, 17905  
including opioid treatment programs, of mental health services, 17906  
and of recovery supports; 17907

(b) Increasing the accountability of community addiction 17908  
services providers and community mental health services 17909  
providers. 17910

(5) Design and set criteria for the determination of 17911  
priority populations; 17912

(6) Promote, direct, conduct, and coordinate scientific 17913  
research, taking ethnic and racial differences into 17914  
consideration, concerning all of the following: 17915

(a) The causes and prevention of mental illness and 17916  
addiction; 17917

(b) Methods of providing effective addiction services, 17918  
mental health services, and recovery supports; 17919

(c) Means of enhancing the mental health of and recovery from addiction of all residents of this state.	17920 17921
(7) Foster the establishment and availability of vocational rehabilitation services and the creation of employment opportunities for individuals with addiction and mental health needs, including members of racial and ethnic minorities;	17922 17923 17924 17925 17926
(8) Establish a program to protect and promote the rights of persons receiving addiction services, mental health services, and recovery supports, including the issuance of guidelines on informed consent and other rights;	17927 17928 17929 17930
(9) Promote the involvement of persons who are receiving or have received addiction services, mental health services, and recovery supports including families and other persons having a close relationship to a person receiving those services and supports, in the planning, evaluation, delivery, and operation of addiction services, mental health services, and recovery supports;	17931 17932 17933 17934 17935 17936 17937
(10) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of mental health and addiction services. These constituencies shall include consumers of addiction services, mental health services, and recovery supports and the families of such consumers. These constituencies may include public and private providers, employee organizations, and others when appropriate. Whenever the department proposes the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code, the notification and consultation required by this division shall occur prior to the commencement of proceedings under Chapter 119. The department shall adopt rules under	17938 17939 17940 17941 17942 17943 17944 17945 17946 17947 17948 17949

Chapter 119. of the Revised Code that establish procedures for 17950  
the notification and consultation required by this division. 17951

(11) Provide consultation to the department of 17952  
rehabilitation and correction concerning the delivery of 17953  
addiction services and mental health services in state 17954  
correctional institutions; 17955

(12) Promote and coordinate efforts in the provision of 17956  
addiction services by other state agencies, as defined in 17957  
section 1.60 of the Revised Code; courts; hospitals; clinics; 17958  
physicians in private practice; public health authorities; 17959  
boards of alcohol, drug addiction, and mental health services; 17960  
community addiction services providers; law enforcement 17961  
agencies; and related groups; 17962

(13) Provide to each court of record, and biennially 17963  
update, a list of the treatment and education programs within 17964  
that court's jurisdiction that the court may require an 17965  
offender, sentenced pursuant to section 4511.19 of the Revised 17966  
Code, to attend; 17967

(14) Make the warning sign described in sections 3313.752, 17968  
3345.41, and 3707.50 of the Revised Code available on the 17969  
department's internet web site; 17970

(15) Provide a program of gambling addiction services on 17971  
behalf of the state lottery commission, pursuant to an agreement 17972  
entered into with the director of the commission under division 17973  
(K) of section 3770.02 of the Revised Code, and provide a 17974  
program of gambling addiction services on behalf of the Ohio 17975  
casino control commission, under an agreement entered into with 17976  
the executive director of the commission under section 3772.062 17977  
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio 17978

Constitution, the department may enter into agreements with 17979  
boards of alcohol, drug addiction, and mental health services, 17980  
including boards with districts in which a casino facility is 17981  
not located, and nonprofit organizations to provide addiction 17982  
services, and with state institutions of higher education or 17983  
private nonprofit institutions that possess a certificate of 17984  
authorization issued under Chapter 1713. of the Revised Code to 17985  
perform related research. 17986

(B) The department may accept and administer grants from 17987  
public or private sources for carrying out any of the duties 17988  
enumerated in this section. 17989

(C) The department may adopt rules in accordance with 17990  
Chapter 119. of the Revised Code as necessary to implement the 17991  
requirements of this chapter. 17992

**Sec. 5119.311.** The department of mental health and 17993  
addiction services may examine into, with or without expert 17994  
assistance, the question of the mental and physical condition of 17995  
any person committed to or involuntarily confined in any 17996  
hospital for ~~the mentally ill~~persons with mental illnesses, or 17997  
restrained of liberty at any place within this state by reason 17998  
of alleged mental illness and may order and compel the discharge 17999  
of any such person who is not a ~~mentally ill person~~with a 18000  
mental illness subject to court order as defined in division (B) 18001  
of section 5122.01 of the Revised Code and direct what 18002  
disposition shall be made of the person. The order of discharge 18003  
shall be signed by the director of mental health and addiction 18004  
services. Upon receipt of such order by the superintendent or 18005  
other person in charge of the building in which the person named 18006  
in such order is confined, such person shall forthwith be 18007  
discharged or otherwise disposed of according to the terms of 18008

said order, and any further or other detention of such person is 18009  
unlawful. No such order shall be made in favor of any person 18010  
committed and held for trial on a criminal charge, in 18011  
confinement by an order of a judge or court made in a criminal 18012  
proceeding, or in any case unless notice is given to the 18013  
superintendent or other person having charge of the building in 18014  
which the alleged ~~mentally ill person~~ with a mental illness is 18015  
detained, and a reasonable opportunity is allowed the person in 18016  
charge to justify further detention of the person confined. 18017

**Sec. 5119.33.** (A) (1) The department of mental health and 18018  
addiction services shall inspect and license all hospitals that 18019  
receive ~~mentally ill persons~~ with mental illnesses, except those 18020  
hospitals managed by the department. No hospital may receive for 18021  
care or treatment, either at public or private expense, any 18022  
person who is or appears to ~~be mentally ill~~ have a mental 18023  
illness, whether or not so adjudicated, unless the hospital has 18024  
received a license from the department authorizing it to receive 18025  
for care or treatment persons ~~who are mentally ill~~ with mental 18026  
illnesses or the hospital is managed by the department. 18027

(2) No such license shall be granted to a hospital for the 18028  
treatment of ~~mentally ill persons~~ with mental illnesses unless 18029  
the department is satisfied, after investigation, that the 18030  
hospital is managed and operated by qualified persons and has on 18031  
its staff one or more qualified physicians responsible for the 18032  
medical care of the patients confined there. At least one such 18033  
physician shall be a psychiatrist. 18034

(B) The department shall adopt rules under Chapter 119. of 18035  
the Revised Code prescribing minimum standards for the operation 18036  
of hospitals for the care and treatment of ~~mentally ill persons~~ 18037  
with mental illnesses and establishing standards and procedures 18038

for the issuance, renewal, or revocation of full, probationary, 18039  
and interim licenses. No license shall be granted to any 18040  
hospital established or used for the care of ~~mentally ill~~ 18041  
persons with mental illnesses unless such hospital is operating 18042  
in accordance with this section and rules adopted pursuant to 18043  
this section. A full license shall expire one year after the 18044  
date of issuance, a probationary license shall expire at the 18045  
time prescribed by rule adopted pursuant to Chapter 119. of the 18046  
Revised Code by the director of mental health and addiction 18047  
services, and an interim license shall expire ninety days after 18048  
the date of issuance. A full, probationary, or interim license 18049  
may be renewed, except that an interim license may be renewed 18050  
only twice. The department may fix reasonable fees for licenses 18051  
and for license renewals. Such hospitals are subject to 18052  
inspection and on-site review by the department. 18053

(C) Except as otherwise provided in Chapter 5122. of the 18054  
Revised Code, neither the director of mental health and 18055  
addiction services; an employee of the department; a board of 18056  
alcohol, drug addiction, and mental health services or employee 18057  
of a community mental health services provider; nor any other 18058  
public official shall hospitalize any ~~mentally ill~~ person with a 18059  
mental illness for care or treatment in any hospital that is not 18060  
licensed in accordance with this section. 18061

(D) The department may issue an order suspending the 18062  
admission of patients ~~who are mentally ill~~ with mental illnesses 18063  
to a hospital for care or treatment if it finds either of the 18064  
following: 18065

(1) The hospital is not in compliance with rules adopted 18066  
by the director pursuant to this section. 18067

(2) The hospital has been cited for more than one 18068

violation of statutes or rules during any previous period of 18069  
time during which the hospital is licensed pursuant to this 18070  
section. 18071

(E) Any license issued by the department under this 18072  
section may be revoked or not renewed by the department for any 18073  
of the following reasons: 18074

(1) The hospital is no longer a suitable place for the 18075  
care or treatment of ~~mentally ill persons~~ with mental illnesses. 18076

(2) The hospital refuses to be subject to inspection or 18077  
on-site review by the department. 18078

(3) The hospital has failed to furnish humane, kind, and 18079  
adequate treatment and care. 18080

(4) The hospital fails to comply with the licensure rules 18081  
of the department. 18082

(F) The department may inspect, conduct an on-site review, 18083  
and review the records of any hospital that the department has 18084  
reason to believe is operating without a license. 18085

**Sec. 5119.331.** If the department of mental health and 18086  
addiction services determines that a hospital not licensed by 18087  
the department is receiving for care or treatment any person who 18088  
is or appears to ~~be mentally ill~~ have a mental illness, the 18089  
department may request in writing that the attorney general 18090  
petition the court of common pleas in the county where the 18091  
hospital is located to enjoin the hospital from continued 18092  
operation in violation of section 5119.33 of the Revised Code. 18093

**Sec. 5119.333.** No person shall keep or maintain a hospital 18094  
for the care or treatment of ~~mentally ill persons~~ with mental 18095  
illnesses unless it is licensed by the department of mental 18096

health and addiction services, as provided by section 5119.33 of the Revised Code.	18097 18098
<b>Sec. 5119.34.</b> (A) As used in this section and sections 5119.341 and 5119.342 of the Revised Code:	18099 18100
(1) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care.	18101 18102 18103 18104 18105
(2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services.	18106 18107
(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.	18108 18109 18110
(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.	18111 18112 18113
(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.	18114 18115 18116
(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.	18117 18118 18119
(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.	18120 18121 18122 18123 18124

- (8) "Personal care services" means services including, but not limited to, the following: 18125  
18126
- (a) Assisting residents with activities of daily living; 18127
  - (b) Assisting residents with self-administration of medication in accordance with rules adopted under this section; 18128  
18129
  - (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. 18130  
18131  
18132  
18133
- "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. 18134  
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- (9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof. 18139  
18140  
18141
- (10) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code. 18142  
18143
- (11) "Supervision" means any of the following: 18144
- (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; 18145  
18146  
18147
  - (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; 18148  
18149  
18150
  - (c) Assisting a resident in making or keeping an 18151

appointment. 18152

(12) "Unrelated" means that a resident is not related to 18153  
the owner or operator of a residential facility or to the 18154  
owner's or operator's spouse as a parent, grandparent, child, 18155  
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 18156  
uncle, or as the child of an aunt or uncle. 18157

(B) (1) A "residential facility" is a publicly or privately 18158  
operated home or facility that falls into one of the following 18159  
categories: 18160

(a) Class one facilities provide accommodations, 18161  
supervision, personal care services, and mental health services 18162  
for one or more unrelated adults with mental illness or one or 18163  
more unrelated children or adolescents with severe emotional 18164  
disturbances; 18165

(b) Class two facilities provide accommodations, 18166  
supervision, and personal care services to any of the following: 18167

(i) One or two unrelated persons with mental illness; 18168

(ii) One or two unrelated adults who are receiving 18169  
payments under the residential state supplement program; 18170

(iii) Three to sixteen unrelated adults. 18171

(c) Class three facilities provide room and board for five 18172  
or more unrelated adults with mental illness. 18173

(2) "Residential facility" does not include any of the 18174  
following: 18175

(a) A hospital subject to licensure under section 5119.33 18176  
of the Revised Code or an institution maintained, operated, 18177  
managed, and governed by the department of mental health and 18178

addiction services for the hospitalization of ~~mentally ill~~ persons with mental illnesses pursuant to section 5119.14 of the Revised Code; 18179  
18180  
18181

(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities; 18182  
18183  
18184

(c) An institution or association subject to certification under section 5103.03 of the Revised Code; 18185  
18186

(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; 18187  
18188  
18189

(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code; 18190  
18191

(f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program; 18192  
18193

(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; 18194  
18195  
18196  
18197

(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; 18198  
18199  
18200

(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; 18201  
18202  
18203  
18204

(j) The residence of a relative or guardian of a person with mental illness. 18205  
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(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 18236  
application shall be submitted by the operator. When applying 18237  
for the license, the applicant shall pay to the department the 18238  
application fee specified in rules adopted under division (L) of 18239  
this section. The fee is nonrefundable. 18240

The department shall send a copy of an application to the 18241  
ADAMHS board serving the county in which the person operates or 18242  
seeks to operate the facility. The ADAMHS board shall review the 18243  
application and provide to the department any information about 18244  
the applicant or the facility that the board would like the 18245  
department to consider in reviewing the application. 18246

(2) A person may not apply for a license to operate a 18247  
residential facility if the person is or has been the owner, 18248  
operator, or manager of a residential facility for which a 18249  
license to operate was revoked or for which renewal of a license 18250  
was refused for any reason other than nonpayment of the license 18251  
renewal fee, unless both of the following conditions are met: 18252

(a) A period of not less than two years has elapsed since 18253  
the date the director of mental health and addiction services 18254  
issued the order revoking or refusing to renew the facility's 18255  
license. 18256

(b) The director's revocation or refusal to renew the 18257  
license was not based on an act or omission at the facility that 18258  
violated a resident's right to be free from abuse, neglect, or 18259  
exploitation. 18260

(F) (1) The department of mental health and addiction 18261  
services shall inspect and license the operation of residential 18262  
facilities. The department shall consider the past record of the 18263  
facility and the applicant or licensee in arriving at its 18264

licensure decision. 18265

The department may issue full, probationary, and interim 18266  
licenses. A full license shall expire up to three years after 18267  
the date of issuance, a probationary license shall expire in a 18268  
shorter period of time as specified in rules adopted by the 18269  
director of mental health and addiction services under division 18270  
(L) of this section, and an interim license shall expire ninety 18271  
days after the date of issuance. A license may be renewed in 18272  
accordance with rules adopted by the director under division (L) 18273  
of this section. The renewal application shall be submitted by 18274  
the operator. When applying for renewal of a license, the 18275  
applicant shall pay to the department the renewal fee specified 18276  
in rules adopted under division (L) of this section. The fee is 18277  
nonrefundable. 18278

(2) The department may issue an order suspending the 18279  
admission of residents to the facility or refuse to issue or 18280  
renew and may revoke a license if it finds any of the following: 18281

(a) The facility is not in compliance with rules adopted 18282  
by the director pursuant to division (L) of this section; 18283

(b) Any facility operated by the applicant or licensee has 18284  
been cited for a pattern of serious noncompliance or repeated 18285  
violations of statutes or rules during the period of current or 18286  
previous licenses; 18287

(c) The applicant or licensee submits false or misleading 18288  
information as part of a license application, renewal, or 18289  
investigation. 18290

Proceedings initiated to deny applications for full or 18291  
probationary licenses or to revoke such licenses are governed by 18292  
Chapter 119. of the Revised Code. An order issued pursuant to 18293

this division remains in effect during the pendency of those 18294  
proceedings. 18295

(G) The department may issue an interim license to operate 18296  
a residential facility if both of the following conditions are 18297  
met: 18298

(1) The department determines that the closing of or the 18299  
need to remove residents from another residential facility has 18300  
created an emergency situation requiring immediate removal of 18301  
residents and an insufficient number of licensed beds are 18302  
available. 18303

(2) The residential facility applying for an interim 18304  
license meets standards established for interim licenses in 18305  
rules adopted by the director under division (L) of this 18306  
section. 18307

An interim license shall be valid for ninety days and may 18308  
be renewed by the director no more than twice. Proceedings 18309  
initiated to deny applications for or to revoke interim licenses 18310  
under this division are not subject to Chapter 119. of the 18311  
Revised Code. 18312

(H) (1) The department of mental health and addiction 18313  
services may conduct an inspection of a residential facility as 18314  
follows: 18315

(a) Prior to issuance of a license for the facility; 18316

(b) Prior to renewal of the license; 18317

(c) To determine whether the facility has completed a plan 18318  
of correction required pursuant to division (H) (2) of this 18319  
section and corrected deficiencies to the satisfaction of the 18320  
department and in compliance with this section and rules adopted 18321

pursuant to it; 18322

(d) Upon complaint by any individual or agency; 18323

(e) At any time the director considers an inspection to be 18324  
necessary in order to determine whether the facility is in 18325  
compliance with this section and rules adopted pursuant to this 18326  
section. 18327

(2) In conducting inspections the department may conduct 18328  
an on-site examination and evaluation of the residential 18329  
facility and its personnel, activities, and services. The 18330  
department shall have access to examine and copy all records, 18331  
accounts, and any other documents relating to the operation of 18332  
the residential facility, including records pertaining to 18333  
residents, and shall have access to the facility in order to 18334  
conduct interviews with the operator, staff, and residents. 18335  
Following each inspection and review, the department shall 18336  
complete a report listing any deficiencies, and including, when 18337  
appropriate, a time table within which the operator shall 18338  
correct the deficiencies. The department may require the 18339  
operator to submit a plan of correction describing how the 18340  
deficiencies will be corrected. 18341

(I) No person shall do any of the following: 18342

(1) Operate a residential facility unless the facility 18343  
holds a valid license; 18344

(2) Violate any of the conditions of licensure after 18345  
having been granted a license; 18346

(3) Interfere with a state or local official's inspection 18347  
or investigation of a residential facility; 18348

(4) Violate any of the provisions of this section or any 18349

rules adopted pursuant to this section. 18350

(J) The following may enter a residential facility at any 18351  
time: 18352

(1) Employees designated by the director of mental health 18353  
and addiction services; 18354

(2) Employees of an ADAMHS board under either of the 18355  
following circumstances: 18356

(a) When a resident of the facility is receiving services 18357  
from a community mental health services provider under contract 18358  
with that ADAMHS board or another ADAMHS board; 18359

(b) When authorized by section 340.05 of the Revised Code. 18360

(3) Employees of a community mental health services 18361  
provider under either of the following circumstances: 18362

(a) When the provider has a person receiving services 18363  
residing in the facility; 18364

(b) When the provider is acting as an agent of an ADAMHS 18365  
board other than the board with which it is under contract. 18366

(4) Representatives of the state long-term care ombudsman 18367  
program when the facility provides accommodations, supervision, 18368  
and personal care services for three to sixteen unrelated adults 18369  
or to one or two unrelated adults who are receiving payments 18370  
under the residential state supplement program. 18371

The persons specified in division (J) of this section 18372  
shall be afforded access to examine and copy all records, 18373  
accounts, and any other documents relating to the operation of 18374  
the residential facility, including records pertaining to 18375  
residents. 18376

(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;	18406
(7) Measures to be taken by residential facilities	18407
relative to residents' medication;	18408
(8) Requirements relating to preparation of special diets;	18409
(9) The maximum number of residents who may be served in a	18410
residential facility;	18411
(10) The rights of residents of residential facilities and	18412
procedures to protect such rights;	18413
(11) Standards and procedures under which the director may	18414
waive the requirements of any of the rules adopted.	18415
(M) (1) The department may withhold the source of any	18416
complaint reported as a violation of this section when the	18417
department determines that disclosure could be detrimental to	18418
the department's purposes or could jeopardize the investigation.	18419
The department may disclose the source of any complaint if the	18420
complainant agrees in writing to such disclosure and shall	18421
disclose the source upon order by a court of competent	18422
jurisdiction.	18423
(2) Any person who makes a complaint under division (M) (1)	18424
of this section, or any person who participates in an	18425
administrative or judicial proceeding resulting from such a	18426
complaint, is immune from civil liability and is not subject to	18427
criminal prosecution, other than for perjury, unless the person	18428
has acted in bad faith or with malicious purpose.	18429
(N) (1) The director of mental health and addiction	18430
services may petition the court of common pleas of the county in	18431
which a residential facility is located for an order enjoining	18432
any person from operating a residential facility without a	18433

license or from operating a licensed facility when, in the 18434  
director's judgment, there is a present danger to the health or 18435  
safety of any of the occupants of the facility. The court shall 18436  
have jurisdiction to grant such injunctive relief upon a showing 18437  
that the respondent named in the petition is operating a 18438  
facility without a license or there is a present danger to the 18439  
health or safety of any residents of the facility. 18440

(2) When the court grants injunctive relief in the case of 18441  
a facility operating without a license, the court shall issue, 18442  
at a minimum, an order enjoining the facility from admitting new 18443  
residents to the facility and an order requiring the facility to 18444  
assist with the safe and orderly relocation of the facility's 18445  
residents. 18446

(3) If injunctive relief is granted against a facility for 18447  
operating without a license and the facility continues to 18448  
operate without a license, the director shall refer the case to 18449  
the attorney general for further action. 18450

(O) The director may fine a person for violating division 18451  
(I) of this section. The fine shall be five hundred dollars for 18452  
a first offense; for each subsequent offense, the fine shall be 18453  
one thousand dollars. The director's actions in imposing a fine 18454  
shall be taken in accordance with Chapter 119. of the Revised 18455  
Code. 18456

**Sec. 5119.40.** (A) As used in this section, "~~mentally ill~~ 18457  
individual with a mental illness" and "specialized services" 18458  
have the same meanings as in section 5165.03 of the Revised 18459  
Code. 18460

(B) (1) Except as provided in division (B) (2) of this 18461  
section and rules adopted under division (E) (3) of this section, 18462

for purposes of section 5165.03 of the Revised Code, the 18463  
department of mental health and addiction services shall 18464  
determine in accordance with the "Social Security Act," section 18465  
1919(e) (7), 42 U.S.C. 1396r(e) (7), and regulations adopted under 18466  
section 1919(f) (8) (A) of that act, 42 U.S.C. 1396r(f) (8) (A), 18467  
whether, because of the individual's physical and mental 18468  
condition, ~~a mentally ill~~ an individual with a mental illness 18469  
seeking admission to a nursing facility requires the level of 18470  
services provided by a nursing facility and, if the individual 18471  
requires that level of services, whether the individual requires 18472  
specialized services for mental illness. The determination 18473  
required by this division shall be based on an independent 18474  
physical and mental evaluation performed by a person or entity 18475  
other than the department. 18476

(2) Except as provided in division (B) (3) of this section, 18477  
a determination under division (B) (1) of this section is not 18478  
required for any of the following: 18479

(a) An individual seeking readmission to a nursing 18480  
facility after having been transferred from a nursing facility 18481  
to a hospital for care; 18482

(b) An individual who meets all of the following 18483  
conditions: 18484

(i) The individual is admitted to the nursing facility 18485  
directly from a hospital after receiving inpatient care at the 18486  
hospital; 18487

(ii) The individual requires nursing facility services for 18488  
the condition for which care in the hospital was received; 18489

(iii) The individual's attending physician has certified, 18490  
before admission to the nursing facility, that the individual is 18491

likely to require less than thirty days of nursing facility services. 18492  
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(c) An individual transferred from one nursing facility to another nursing facility, with or without an intervening hospital stay. 18494  
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(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: 18497  
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(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; 18502  
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(b) A free-standing hospital, or unit of a hospital, licensed by the department under section 5119.33 of the Revised Code. 18506  
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(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 18509  
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the department. The review and determination shall be completed 18521  
promptly after a nursing facility has notified the department 18522  
that there has been a significant change in the resident's 18523  
mental or physical condition. 18524

(D) (1) In the case of a nursing facility resident who has 18525  
continuously resided in a nursing facility for at least thirty 18526  
months before the date of a review and determination under 18527  
division (C) of this section, if the resident is determined not 18528  
to require the level of services provided by a nursing facility, 18529  
but is determined to require specialized services for mental 18530  
illness, the department, in consultation with the resident's 18531  
family or legal representative and care givers, shall do all of 18532  
the following: 18533

(a) Inform the resident of the institutional and 18534  
noninstitutional alternatives covered under the state plan for 18535  
medical assistance; 18536

(b) Offer the resident the choice of remaining in the 18537  
nursing facility or receiving covered services in an alternative 18538  
institutional or noninstitutional setting; 18539

(c) Clarify the effect on eligibility for services under 18540  
the state plan for medical assistance if the resident chooses to 18541  
leave the facility, including its effect on readmission to the 18542  
facility; 18543

(d) Provide for or arrange for the provision of 18544  
specialized services for the resident's mental illness in the 18545  
setting chosen by the resident. 18546

(2) In the case of a nursing facility resident who has 18547  
continuously resided in a nursing facility for less than thirty 18548  
months before the date of the review and determination under 18549

division (C) of this section, if the resident is determined not 18550  
to require the level of services provided by a nursing facility, 18551  
but is determined to require specialized services for mental 18552  
illness, or if the resident is determined to require neither the 18553  
level of services provided by a nursing facility nor specialized 18554  
services for mental illness, the department shall act in 18555  
accordance with its alternative disposition plan approved by the 18556  
United States department of health and human services under 18557  
section 1919(e) (7) (E) of the "Social Security Act." 18558

(3) In the case of an individual who is determined under 18559  
division (B) or (C) of this section to require both the level of 18560  
services provided by a nursing facility and specialized services 18561  
for mental illness, the department of mental health and 18562  
addiction services shall provide or arrange for the provision of 18563  
the specialized services needed by the individual or resident 18564  
while residing in a nursing facility. 18565

(E) The department of mental health and addiction services 18566  
shall adopt rules in accordance with Chapter 119. of the Revised 18567  
Code that do all of the following: 18568

(1) Establish criteria to be used in making the 18569  
determinations required by divisions (B) and (C) of this 18570  
section. The criteria shall not exceed the criteria established 18571  
by regulations adopted by the United States department of health 18572  
and human services under section 1919(f) (8) (A) of the "Social 18573  
Security Act." 18574

(2) Specify information to be provided by the individual 18575  
or nursing facility resident being assessed; 18576

(3) Specify any circumstances, in addition to 18577  
circumstances listed in division (B) of this section, under 18578

which determinations under divisions (B) and (C) of this section 18579  
are not required to be made. 18580

**Sec. 5119.42.** (A) As used in this section, "private, 18581  
nonprofit organization" means a private association, 18582  
organization, corporation, or other entity that is tax exempt 18583  
under section 501(a) and described in section 501(c) of the 18584  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 18585

(B) To the extent funds are available and on application 18586  
by boards of alcohol, drug addiction, and mental health 18587  
services, the director of mental health and addiction services 18588  
may approve state reimbursement of, or state grants for, 18589  
community construction programs including residential housing 18590  
for ~~severely mentally disabled persons~~ with severe mental 18591  
disabilities and persons with substance use disorders. The 18592  
director may also approve an application for reimbursement or a 18593  
grant for such programs submitted by other governmental entities 18594  
or by private, nonprofit organizations, after the application 18595  
has been reviewed and recommended for approval or disapproval by 18596  
the board of alcohol, drug addiction, and mental health services 18597  
for the district from which the application came, and the 18598  
application is consistent with the board's approved community 18599  
addiction and mental health plan submitted under division (A) of 18600  
section 340.03 of the Revised Code and the board's approved 18601  
budget and list of addiction services, mental health services, 18602  
and recovery supports submitted under divisions (A) and (B) of 18603  
section 340.08 of the Revised Code. 18604

(C) (1) The director of mental health and addiction 18605  
services shall adopt rules in accordance with Chapter 119. of 18606  
the Revised Code that specify procedures for applying for state 18607  
reimbursement of and state grants for community construction 18608

programs, including residential housing for ~~severely mentally~~ 18609  
~~disabled persons~~ with severe mental disabilities and persons 18610  
with substance use disorders and procedures and criteria for 18611  
approval of such reimbursement and grants. 18612

(2) The director of mental health and addiction services 18613  
shall not approve state reimbursement or a state grant unless 18614  
all of the following conditions are met: 18615

(a) The applicant includes with the application a plan 18616  
specifying the services, in addition to housing, that will be 18617  
provided to persons who will reside in the residential housing. 18618  
Services specified may include any of the services described in 18619  
section 340.09 of the Revised Code. 18620

(b) The director is satisfied that the residential housing 18621  
for ~~severely mentally disabled persons~~ with severe mental 18622  
disabilities will be developed to promote the maximum practical 18623  
integration of ~~severely mentally disabled persons~~ with severe 18624  
mental disabilities with persons at the same site who ~~are~~ do not 18625  
~~severely mentally disabled~~ have severe mental disabilities. 18626

(c) The use of any funds distributed pursuant to the 18627  
reimbursement or grant will not subject any obligation from 18628  
which the funds are derived to federal income taxation. 18629

(3) The director may enter into an agreement establishing 18630  
terms for any reimbursement or grant approved under this 18631  
division with the organization, board, or other government 18632  
entity that is the recipient of the reimbursement or grant. Any 18633  
such agreement is subject to any covenant or agreement 18634  
pertaining to any obligation issued to provide funds for the 18635  
reimbursement or grant. 18636

**Sec. 5119.50.** The director of mental health and addiction 18637

services may accept, hold, and administer in trust on behalf of 18638  
the state, if it is for the public interest, any grant, gift, 18639  
devise, or bequest of money or property made to the state for 18640  
the use or benefit of any institution described in section 18641  
5119.14 of the Revised Code or for the use and benefit of 18642  
~~mentally ill persons~~ with mental illnesses under its control. If 18643  
the trust so provides, the money or property may be used for any 18644  
work which the department of mental health and addiction 18645  
services is authorized to undertake. 18646

The department shall keep such gift, grant, devise, or 18647  
bequest as a distinct property or fund and, if it is in money, 18648  
shall invest it in the manner provided by law. The department 18649  
may deposit in a proper trust company or savings bank any money 18650  
left in trust during a specified life or lives and shall adopt 18651  
rules governing the deposit, transfer, withdrawal, or investment 18652  
of such money and the income thereof. 18653

The department shall, in the manner prescribed by the 18654  
director of budget and management pursuant to section 126.21 of 18655  
the Revised Code, account for all money or property received or 18656  
expended under this section. The records, together with a 18657  
statement certified by the depository showing the funds 18658  
deposited there to the credit of the trust, shall be open to 18659  
public inspection. The director of budget and management may 18660  
require the department to file a report with the director on any 18661  
particular portion, or the whole, of any trust property received 18662  
or expended by it. 18663

The department shall, upon the expiration of any trust 18664  
according to its terms, dispose of the funds or property held 18665  
thereunder in the manner provided in the instrument creating the 18666  
trust. If the instrument creating the trust failed to make any 18667

terms of disposition, or if no trust was in evidence, then the 18668  
decedent patient's money, saving or commercial deposits, 18669  
dividends or distributions, bonds, or any other interest-bearing 18670  
debt certificate or stamp issued by the United States government 18671  
shall escheat to the state. All such unclaimed intangible 18672  
personal property of a former patient shall be retained by the 18673  
managing officer in such institution for the period of one year, 18674  
during which time every possible effort shall be made to find 18675  
such former patient or the former patient's legal 18676  
representative. 18677

If, after a period of one year from the time the patient 18678  
has left the institution or has died, the managing officer has 18679  
been unable to locate such person or the person's legal 18680  
representative, then upon proper notice of such fact the 18681  
director shall at that time formulate in writing a method of 18682  
disposition on the minutes of the department authorizing the 18683  
managing officer to convert such intangible personal property to 18684  
cash to be paid into the state treasury to the credit of the 18685  
general revenue fund. 18686

The department shall include in its annual report a 18687  
statement of all money and property and the terms and conditions 18688  
relating thereto. 18689

**Sec. 5119.60.** The department of mental health and 18690  
addiction services shall submit an annual report to the governor 18691  
that shall describe the services the department offers and how 18692  
appropriated funds have been spent. The report shall include all 18693  
of the following: 18694

(A) The utilization of state hospitals by each alcohol, 18695  
drug addiction, and mental health service district; 18696

(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, 18726  
or rehabilitation prescribed or undertaken, and the success or 18727  
failure of the care, treatment, or rehabilitation. The 18728  
department shall collect information about addiction services, 18729  
mental health services, and recovery supports delivered and 18730  
persons served as required for reporting and evaluation relating 18731  
to state and federal funds expended for such purposes. 18732

(B) No community addiction services provider or community 18733  
mental health services provider shall fail to supply statistics 18734  
and other information within its knowledge and with respect to 18735  
its addiction services, mental health services, and recovery 18736  
supports upon request of the department. 18737

(C) Communications by a person seeking aid in good faith 18738  
for alcoholism or drug dependence are confidential, and this 18739  
section does not require the collection or permit the disclosure 18740  
of information which reveals or comprises the identity of any 18741  
person seeking aid. 18742

(D) Based on the information collected and compiled under 18743  
division (A) of this section, the department shall develop a 18744  
project to assess the outcomes of persons served by community 18745  
addiction services providers and community mental health 18746  
services providers that receive funds distributed by the 18747  
department. 18748

**Sec. 5119.70.** The "interstate compact on mental health" is 18749  
hereby ratified, enacted into law, and entered into by the state 18750  
of Ohio as a party thereto with any other state which has 18751  
legally joined in the compact as follows: 18752

INTERSTATE COMPACT ON MENTAL HEALTH 18753

The contracting states solemnly agree that: 18754

Article I 18755

The party states find that the proper and expeditious 18756  
treatment of the mentally ill and ~~mentally retarded~~ 18757  
intellectually disabled can be facilitated by cooperative 18758  
action, to the benefit of the patients, their families, and 18759  
society as a whole. Further, the party states find that the 18760  
necessity of and desirability for furnishing such care and 18761  
treatment bears no primary relation to the residence or 18762  
citizenship of the patient but that, on the contrary, the 18763  
controlling factors of community safety and humanitarianism 18764  
require that facilities and services be made available for all 18765  
who are in need of them. Consequently, it is the purpose of this 18766  
compact and of the party states to provide the necessary legal 18767  
basis for the institutionalization or other appropriate care and 18768  
treatment of the mentally ill and ~~mentally retarded~~ 18769  
intellectually disabled under a system that recognizes the 18770  
paramount importance of patient welfare and to establish the 18771  
responsibilities of the party states in terms of such welfare. 18772

Article II 18773

As used in this compact: 18774

(a) "Sending state" shall mean a party state from which a 18775  
patient is transported pursuant to the provisions of the compact 18776  
or from which it is contemplated that a patient may be so sent. 18777

(b) "Receiving state" shall mean a party state to which a 18778  
patient is transported pursuant to the provisions of the compact 18779  
or to which it is contemplated that a patient may be so sent. 18780

(c) "Institution" shall mean any hospital or other 18781  
facility maintained by a party state or political subdivision 18782  
thereof for the care and treatment of mental illness or ~~mental~~ 18783

~~retardation~~intellectual disability. 18784

(d) "Patient" shall mean any person subject to or eligible 18785  
as determined by the laws of the sending state, for 18786  
institutionalization or other care, treatment, or supervision 18787  
pursuant to the provisions of this compact. 18788

(e) "After-care" shall mean care, treatment and services 18789  
provided a patient, as defined herein, or convalescent status or 18790  
conditional release. 18791

(f) "Mental illness" shall mean mental disease to such 18792  
extent that a person so afflicted requires care and treatment 18793  
for his own welfare, or the welfare of others, or of the 18794  
community. 18795

(g) ~~"Mental retardation"~~"Intellectual disability" shall 18796  
mean ~~mental retardation~~intellectual disability as defined by 18797  
appropriate clinical authorities to such extent that a person so 18798  
afflicted is incapable of managing himself and his affairs, but 18799  
shall not include mental illness as defined herein. 18800

(h) "State" shall mean any state, territory or possession 18801  
of the United States, the District of Columbia, and the 18802  
Commonwealth of Puerto Rico. 18803

Article III 18804

(a) Whenever a person physically present in any party 18805  
state shall be in need of institutionalization by reason of 18806  
mental illness or ~~mental retardation~~intellectual disability, he 18807  
shall be eligible for care and treatment in an institution in 18808  
that state irrespective of his residence, settlement or 18809  
citizenship qualifications. 18810

(b) The provisions of paragraph (a) of this article to the 18811

contrary notwithstanding, any patient may be transferred to an 18812  
institution in another state whenever there are factors based 18813  
upon clinical determinations indicating that the care and 18814  
treatment of said patient would be facilitated or improved 18815  
thereby. Any such institutionalization may be for the entire 18816  
period of care and treatment or for any portion or portions 18817  
thereof. The factors referred to in this paragraph shall include 18818  
the patient's full record with due regard for the location of 18819  
the patient's family, character of the illness and probable 18820  
duration thereof, and such other factors as shall be considered 18821  
appropriate. 18822

(c) No state shall be obliged to receive any patient 18823  
pursuant to the provisions of paragraph (b) of this article 18824  
unless the sending state has given advance notice of its 18825  
intention to send the patient; furnished all available medical 18826  
and other pertinent records concerning the patient; given the 18827  
qualified medical or other appropriate clinical authorities of 18828  
the receiving state an opportunity to examine the patient if 18829  
said authorities so wish; and unless the receiving state shall 18830  
agree to accept the patient. 18831

(d) In the event that the laws of the receiving state 18832  
establish a system of priorities for the admission of patients, 18833  
an interstate patient under this compact shall receive the same 18834  
priority as a local patient and shall be taken in the same order 18835  
and at the same time that he would be taken if he were a local 18836  
patient. 18837

(e) Pursuant to this compact, the determination as to the 18838  
suitable place of institutionalization for a patient may be 18839  
reviewed at any time and such further transfer of the patient 18840  
may be made as seems likely to be in the best interest of the 18841

patient. 18842

Article IV 18843

(a) Whenever, pursuant to the laws of the state in which a 18844  
patient is physically present, it shall be determined that the 18845  
patient should receive after-care or supervision, such care or 18846  
supervision may be provided in a receiving state. If the medical 18847  
or other appropriate clinical authorities having responsibility 18848  
for the care and treatment of the patient in the sending state 18849  
shall have reason to believe that after-care in another state 18850  
would be in the best interest of the patient and would not 18851  
jeopardize the public safety, they shall request the appropriate 18852  
authorities in the receiving state to investigate the 18853  
desirability of affording the patient such after-care in said 18854  
receiving state, and such investigation shall be made with all 18855  
reasonable speed. The request for investigation shall be 18856  
accompanied by complete information concerning the patient's 18857  
intended place of residence and the identity of the person in 18858  
whose charge it is proposed to place the patient, the complete 18859  
medical history of the patient, and such other documents as may 18860  
be pertinent. 18861

(b) If the medical or other appropriate clinical 18862  
authorities having responsibility for the care and treatment of 18863  
the patient in the sending state and the appropriate authorities 18864  
in the receiving state find that the best interest of the 18865  
patient would be served thereby, and if the public safety would 18866  
not be jeopardized thereby, the patient may receive after-care 18867  
or supervision in the receiving state. 18868

(c) In supervising, treating, or caring for a patient on 18869  
after-care pursuant to the terms of this article, a receiving 18870  
state shall employ the same standards of visitation, 18871

examination, care, and treatment that it employs for similar 18872  
local patients. 18873

Article V 18874

Whenever a dangerous or potentially dangerous patient 18875  
escapes from an institution in any party state, that state shall 18876  
promptly notify all appropriate authorities within and without 18877  
the jurisdiction of the escape in a manner reasonably calculated 18878  
to facilitate the speedy apprehension of the escapee. 18879  
Immediately upon the apprehension and identification of any such 18880  
dangerous or potentially dangerous patient, he shall be detained 18881  
in the state where found pending disposition in accordance with 18882  
law. 18883

Article VI 18884

The duly accredited officers of any state party to this 18885  
compact, upon the establishment of their authority and the 18886  
identity of the patient, shall be permitted to transport any 18887  
patient being moved pursuant to this compact through any and all 18888  
states party to this compact, without interference. 18889

Article VII 18890

(a) No person shall be deemed a patient of more than one 18891  
institution at any given time. Completion of transfer of any 18892  
patient to an institution in a receiving state shall have the 18893  
effect of making the person a patient of the institution in the 18894  
receiving state. 18895

(b) The sending state shall pay all costs of and 18896  
incidental to the transportation of any patient pursuant to this 18897  
compact, but any two or more party states may, by making a 18898  
specific agreement for that purpose, arrange for a different 18899  
allocation of costs as among themselves. 18900

(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact.

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a nonparty state relating to institutionalization, care or treatment of the mentally ill or ~~mentally retarded~~ intellectually disabled, or any statutory authority pursuant to which such agreements may be made.

Article VIII

(a) Nothing in this compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the

circumstances; provided, however, that in the case of any 18931  
patient having settlement in the sending state, the court of 18932  
competent jurisdiction in the sending state shall have the sole 18933  
discretion to relieve a guardian appointed by it or continue his 18934  
power and responsibility, whichever it shall deem advisable. The 18935  
court in the receiving state may, in its discretion, confirm or 18936  
reappoint the person or persons previously serving as guardian 18937  
in the sending state in lieu of making a supplemental or 18938  
substitute appointment. 18939

(b) The term "guardian" as used in paragraph (a) of this 18940  
article shall include any guardian, trustee, legal committee, 18941  
conservator, or other person or agency however denominated who 18942  
is charged by law with power to act for or responsibility for 18943  
the person or property of a patient. 18944

Article IX 18945

(a) No provision of this compact except Article V shall 18946  
apply to any person institutionalized while under sentence in a 18947  
penal or correctional institution or while subject to trial on a 18948  
criminal charge, or whose institutionalization is due to the 18949  
commission of an offense for which, in the absence of mental 18950  
illness or ~~mental retardation~~intellectual disability, said 18951  
person would be subject to incarceration in a penal or 18952  
correctional institution. 18953

(b) To every extent possible, it shall be the policy of 18954  
states party to this compact that no patient shall be placed or 18955  
detained in any prison, jail or lockup, but such patient shall, 18956  
with all expedition, be taken to a suitable institutional 18957  
facility for mental ~~illness~~illness or ~~mental~~  
~~retardation~~intellectual disability. 18958  
18959

Article X 18960

(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. 18961  
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(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. 18971  
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Article XI 18975

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. 18976  
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Article XII 18986

This compact shall enter into full force and effect as to any state when enacted by it into law and such states shall 18987  
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thereafter be a party thereto with any and all states legally 18989  
joining therein. 18990

Article XIII 18991

(a) A state party to this compact may withdraw therefrom 18992  
by enacting a statute repealing the same. Such withdrawal shall 18993  
take effect one year after notice thereof has been communicated 18994  
officially and in writing to the governors and compact 18995  
administrators of all other party states. However, the 18996  
withdrawal of any state shall not change the status of any 18997  
patient who has been sent to said state or sent out of said 18998  
state pursuant to the provisions of the compact. 18999

(b) Withdrawal from any agreement permitted by Article VII 19000  
(b) as to costs or from any supplementary agreement made 19001  
pursuant to Article XI shall be in accordance with the terms of 19002  
such agreement. 19003

Article XIV 19004

This compact shall be liberally construed so as to 19005  
effectuate the purposes thereof. The provisions of this compact 19006  
shall be severable and if any phrase, clause, sentence or 19007  
provision of this compact is declared to be contrary to the 19008  
constitution of any party state or of the United States or the 19009  
applicability thereof to any government, agency, person or 19010  
circumstance is held invalid, the validity of the remainder of 19011  
this compact and the applicability thereof to any government, 19012  
agency, person or circumstance shall not be affected thereby. If 19013  
this compact shall be held contrary to the constitution of any 19014  
state party thereto, the compact shall remain in full force and 19015  
effect as to the remaining states and in full force and effect 19016  
as to the state affected as to all severable matters. 19017

**Sec. 5119.90.** As used in sections 5119.90 to 5119.98 of 19018  
the Revised Code: 19019

(A) "Alcohol and other drug abuse" means alcoholism or 19020  
drug addiction. 19021

(B) "Another drug" means a controlled substance as defined 19022  
in section 3719.01 of the Revised Code or a harmful intoxicant 19023  
as defined in section 2925.01 of the Revised Code. 19024

(C) "Board of alcohol, drug addiction, and mental health 19025  
services" means a board of alcohol, drug addiction, and mental 19026  
health services established under section 340.02 or 340.021 of 19027  
the Revised Code. 19028

(D) "Danger" or "threat of danger to self, family, or 19029  
others" means substantial physical harm or threat of substantial 19030  
physical harm upon self, family, or others. 19031

(E) "Hospital" has the same meaning as in section 3701.01 19032  
or 3727.01 of the Revised Code but does not include either a 19033  
hospital operated by the department of mental health and 19034  
addiction services or an inpatient unit licensed by the 19035  
department. 19036

(F) "Intoxicated" means being under the influence of 19037  
alcohol, another drug, or both alcohol and another drug and, as 19038  
a result, having a significantly impaired ability to function. 19039

(G) "Petitioner" means a person who institutes a 19040  
proceeding under sections 5119.91 to 5119.98 of the Revised 19041  
Code. 19042

(H) "Probate court" means the probate division of the 19043  
court of common pleas. 19044

(I) "Qualified health professional" means a person that is 19045

properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law. 19046  
19047

(J) "Residence" means the legal residence of a person as determined by applicable principles governing conflicts of law. 19048  
19049

(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. 19050  
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(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. 19055  
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**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. 19060  
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**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: 19064  
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19066

(A) The person ~~suffers from~~ experiences alcohol and other drug abuse. 19067  
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(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. 19069  
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(C) The person can reasonably benefit from treatment. 19073

**Sec. 5119.93.** (A) A person may initiate proceedings for 19074  
treatment for an individual ~~suffering from~~experiencing alcohol 19075  
and other drug abuse by filing a verified petition in the 19076  
probate court. The petition and all subsequent court documents 19077  
shall be entitled: "In the interest of (name of respondent)." A 19078  
spouse, relative, or guardian of the individual concerning whom 19079  
the petition is filed shall file the petition. A petition filed 19080  
under this division shall be kept confidential and shall not be 19081  
disclosed by any person, except as needed for purposes of this 19082  
section or when disclosure is ordered by a court. 19083

(B) A petition filed under division (A) of this section 19084  
shall set forth all of the following: 19085

(1) The petitioner's relationship to the respondent; 19086

(2) The respondent's name, residence address, and current 19087  
location, if known; 19088

(3) The name and residence of the respondent's parents, if 19089  
living and if known, or of the respondent's legal guardian, if 19090  
any and if known; 19091

(4) The name and residence of the respondent's spouse, if 19092  
any and if known; 19093

(5) The name and residence of the person having custody of 19094  
the respondent, if any, or if no such person is known, the name 19095  
and residence of a near relative or a statement that the person 19096  
is unknown; 19097

(6) The petitioner's belief, including the factual basis 19098  
for the belief, that the respondent is ~~suffering from~~ 19099  
experiencing alcohol and other drug abuse and presents an 19100  
imminent danger or imminent threat of danger to self, family, or 19101  
others if not treated for alcohol or other drug abuse; 19102

(7) If the petitioner's belief specified in division (B) 19103  
(6) of this section is that the respondent is ~~suffering from~~ 19104  
experiencing opioid or opiate abuse, the information provided in 19105  
the petition under that division also shall include any evidence 19106  
that the respondent has overdosed and been revived one or more 19107  
times by an opioid antagonist, overdosed in a vehicle, or 19108  
overdosed in the presence of a minor. 19109

(C) (1) Any petition filed pursuant to divisions (A) and 19110  
(B) of this section shall be accompanied by a certificate of a 19111  
physician who has examined the respondent within two days prior 19112  
to the day that the petition is filed in the probate court. The 19113  
physician shall be authorized to practice medicine and surgery 19114  
or osteopathic medicine and surgery under Chapter 4731. of the 19115  
Revised Code. A physician who is responsible for admitting 19116  
persons into treatment, if that physician examines the 19117  
respondent, may be the physician who completes the certificate. 19118  
The physician's certificate shall set forth the physician's 19119  
findings in support of the need to treat the respondent for 19120  
alcohol or other drug abuse. The certificate shall indicate if 19121  
the respondent presents an imminent danger or imminent threat of 19122  
danger to self, family, or others if not treated. Further, the 19123  
certificate shall indicate the type and length of treatment 19124  
required and if the respondent can reasonably benefit from 19125  
treatment. If the physician's certificate indicates that 19126  
inpatient treatment is required, the certificate shall identify 19127  
any inpatient facilities known to the physician that are able 19128  
and willing to provide the recommended inpatient treatment. 19129

If the respondent refuses to undergo an examination with a 19130  
physician concerning the respondent's possible need for 19131  
treatment for alcohol or other drug abuse, the petition shall 19132  
state that the respondent has refused all requests made by the 19133

petitioner to undergo a physician's examination. In that case, 19134  
the petitioner shall not be required to provide a physician's 19135  
certificate with the petition. 19136

(2) Any petition filed pursuant to divisions (A) and (B) 19137  
of this section shall contain a statement that the petitioner 19138  
has arranged for treatment of the respondent. Further, the 19139  
petition shall be accompanied by a statement from the person or 19140  
facility who has agreed to provide the treatment that verifies 19141  
that the person or facility has agreed to provide the treatment 19142  
and the estimated cost of the treatment. 19143

(D) Any petition filed pursuant to divisions (A) and (B) 19144  
of this section shall be accompanied by both of the following: 19145

(1) One of the following: 19146

(a) A security deposit to be deposited with the clerk of 19147  
the probate court that will cover half of the estimated cost of 19148  
treatment of the respondent; 19149

(b) Documentation establishing that insurance coverage of 19150  
the petitioner or respondent will cover at least half of the 19151  
estimated cost of treatment of the respondent; 19152

(c) Other evidence to the satisfaction of the court 19153  
establishing that the petitioner or respondent will be able to 19154  
cover some of the estimated cost of treatment of the respondent. 19155

(2) One of the following: 19156

(a) A guarantee, signed by the petitioner or another 19157  
person authorized to file the petition, obligating the guarantor 19158  
to pay the costs of the examinations of the respondent conducted 19159  
by the physician and qualified health professional under 19160  
division (B) (5) of section 5119.94 of the Revised Code, the 19161

costs of the respondent that are associated with a hearing 19162  
conducted in accordance with section 5119.94 of the Revised Code 19163  
and that the court determines to be appropriate, and the costs 19164  
of any treatment ordered by the court; 19165

(b) Documentation establishing that insurance coverage of 19166  
the petitioner or respondent will cover the costs described in 19167  
division (D) (2) (a) of this section; 19168

(c) Documentation establishing that, consistent with the 19169  
evidence described in division (D) (1) (c) of this section, the 19170  
petitioner or respondent will cover some of the costs described 19171  
in division (D) (2) (a) of this section. 19172

**Sec. 5120.051.** The department of rehabilitation and 19173  
correction shall provide for the needs of ~~mentally ill~~ persons 19174  
with mental illnesses and persons with intellectual disabilities 19175  
who are incarcerated in state correctional institutions. The 19176  
department may designate an institution or a unit within an 19177  
institution for the custody, care, special training, treatment, 19178  
and rehabilitation of ~~mentally ill persons~~ with mental illnesses 19179  
or persons with intellectual disabilities. 19180

**Sec. 5120.17.** (A) As used in this section: 19181

(1) "Mental illness" means a substantial disorder of 19182  
thought, mood, perception, orientation, or memory that grossly 19183  
impairs judgment, behavior, capacity to recognize reality, or 19184  
ability to meet the ordinary demands of life. 19185

(2) "~~Mentally ill person~~ Person with a mental illness 19186  
subject to hospitalization" means a ~~mentally ill person~~ with a 19187  
mental illness to whom any of the following applies because of 19188  
the person's mental illness: 19189

(a) The person represents a substantial risk of physical 19190

harm to the person as manifested by evidence of threats of, or 19191  
attempts at, suicide or serious self-inflicted bodily harm. 19192

(b) The person represents a substantial risk of physical 19193  
harm to others as manifested by evidence of recent homicidal or 19194  
other violent behavior, evidence of recent threats that place 19195  
another in reasonable fear of violent behavior and serious 19196  
physical harm, or other evidence of present dangerousness. 19197

(c) The person represents a substantial and immediate risk 19198  
of serious physical impairment or injury to the person as 19199  
manifested by evidence that the person is unable to provide for 19200  
and is not providing for the person's basic physical needs 19201  
because of the person's mental illness and that appropriate 19202  
provision for those needs cannot be made immediately available 19203  
in the correctional institution in which the inmate is currently 19204  
housed. 19205

(d) The person would benefit from treatment in a hospital 19206  
for the person's mental illness and is in need of treatment in a 19207  
hospital as manifested by evidence of behavior that creates a 19208  
grave and imminent risk to substantial rights of others or the 19209  
person. 19210

(3) "Psychiatric hospital" means all or part of a facility 19211  
that is operated and managed by the department of mental health 19212  
and addiction services to provide psychiatric hospitalization 19213  
services in accordance with the requirements of this section 19214  
pursuant to an agreement between the directors of rehabilitation 19215  
and correction and mental health and addiction services or, is 19216  
licensed by the department of mental health and addiction 19217  
services pursuant to section 5119.33 of the Revised Code as a 19218  
psychiatric hospital and is accredited by a health care 19219  
accrediting organization approved by the department of mental 19220

health and addiction services and the psychiatric hospital is 19221  
any of the following: 19222

(a) Operated and managed by the department of 19223  
rehabilitation and correction within a facility that is operated 19224  
by the department of rehabilitation and correction; 19225

(b) Operated and managed by a contractor for the 19226  
department of rehabilitation and correction within a facility 19227  
that is operated by the department of rehabilitation and 19228  
correction; 19229

(c) Operated and managed in the community by an entity 19230  
that has contracted with the department of rehabilitation and 19231  
correction to provide psychiatric hospitalization services in 19232  
accordance with the requirements of this section. 19233

(4) "Inmate patient" means an inmate who is admitted to a 19234  
psychiatric hospital. 19235

(5) "Admitted" to a psychiatric hospital means being 19236  
accepted for and staying at least one night at the psychiatric 19237  
hospital. 19238

(6) "Treatment plan" means a written statement of 19239  
reasonable objectives and goals for an inmate patient that is 19240  
based on the needs of the inmate patient and that is established 19241  
by the treatment team, with the active participation of the 19242  
inmate patient and with documentation of that participation. 19243  
"Treatment plan" includes all of the following: 19244

(a) The specific criteria to be used in evaluating 19245  
progress toward achieving the objectives and goals; 19246

(b) The services to be provided to the inmate patient 19247  
during the inmate patient's hospitalization; 19248

(c) The services to be provided to the inmate patient 19249  
after discharge from the hospital, including, but not limited 19250  
to, housing and mental health services provided at the state 19251  
correctional institution to which the inmate patient returns 19252  
after discharge or community mental health services. 19253

(7) "Emergency transfer" means the transfer of ~~a mentally~~ 19254  
~~ill~~ an inmate with a mental illness to a psychiatric hospital 19255  
when the inmate presents an immediate danger to self or others 19256  
and requires hospital-level care. 19257

(8) "Uncontested transfer" means the transfer of ~~a~~ 19258  
~~mentally ill~~ an inmate with a mental illness to a psychiatric 19259  
hospital when the inmate has the mental capacity to, and has 19260  
waived, the hearing required by division (B) of this section. 19261

(9) (a) "Independent decision-maker" means a person who is 19262  
employed or retained by the department of rehabilitation and 19263  
correction and is appointed by the chief or chief clinical 19264  
officer of mental health services as a hospitalization hearing 19265  
officer to conduct due process hearings. 19266

(b) An independent decision-maker who presides over any 19267  
hearing or issues any order pursuant to this section shall be a 19268  
psychiatrist, psychologist, or attorney, shall not be 19269  
specifically associated with the institution in which the inmate 19270  
who is the subject of the hearing or order resides at the time 19271  
of the hearing or order, and previously shall not have had any 19272  
treatment relationship with nor have represented in any legal 19273  
proceeding the inmate who is the subject of the order. 19274

(B) (1) Except as provided in division (C) of this section, 19275  
if the warden of a state correctional institution or the 19276  
warden's designee believes that an inmate should be transferred 19277

from the institution to a psychiatric hospital, the department 19278  
shall hold a hearing to determine whether the inmate is a 19279  
~~mentally ill~~ person with a mental illness subject to 19280  
hospitalization. The department shall conduct the hearing at the 19281  
state correctional institution in which the inmate is confined, 19282  
and the department shall provide qualified independent 19283  
assistance to the inmate for the hearing. An independent 19284  
decision-maker provided by the department shall preside at the 19285  
hearing and determine whether the inmate is a ~~mentally ill~~ 19286  
person with a mental illness subject to hospitalization. 19287

(2) Except as provided in division (C) of this section, 19288  
prior to the hearing held pursuant to division (B) (1) of this 19289  
section, the warden or the warden's designee shall give written 19290  
notice to the inmate that the department is considering 19291  
transferring the inmate to a psychiatric hospital, that it will 19292  
hold a hearing on the proposed transfer at which the inmate may 19293  
be present, that at the hearing the inmate has the rights 19294  
described in division (B) (3) of this section, and that the 19295  
department will provide qualified independent assistance to the 19296  
inmate with respect to the hearing. The department shall not 19297  
hold the hearing until the inmate has received written notice of 19298  
the proposed transfer and has had sufficient time to consult 19299  
with the person appointed by the department to provide 19300  
assistance to the inmate and to prepare for a presentation at 19301  
the hearing. 19302

(3) At the hearing held pursuant to division (B) (1) of 19303  
this section, the department shall disclose to the inmate the 19304  
evidence that it relies upon for the transfer and shall give the 19305  
inmate an opportunity to be heard. Unless the independent 19306  
decision-maker finds good cause for not permitting it, the 19307  
inmate may present documentary evidence and the testimony of 19308

witnesses at the hearing and may confront and cross-examine 19309  
witnesses called by the department. 19310

(4) If the independent decision-maker does not find clear 19311  
and convincing evidence that the inmate is a ~~mentally ill~~ person 19312  
with a mental illness subject to hospitalization, the department 19313  
shall not transfer the inmate to a psychiatric hospital but 19314  
shall continue to confine the inmate in the same state 19315  
correctional institution or in another state correctional 19316  
institution that the department considers appropriate. If the 19317  
independent decision-maker finds clear and convincing evidence 19318  
that the inmate is a ~~mentally ill~~ person with a mental illness 19319  
subject to hospitalization, the decision-maker shall order that 19320  
the inmate be transported to a psychiatric hospital for 19321  
observation and treatment for a period of not longer than thirty 19322  
days. After the hearing, the independent decision-maker shall 19323  
submit to the department a written decision that states one of 19324  
the findings described in division (B) (4) of this section, the 19325  
evidence that the decision-maker relied on in reaching that 19326  
conclusion, and, if the decision is that the inmate should be 19327  
transferred, the reasons for the transfer. 19328

(C) (1) The department may transfer an inmate to a 19329  
psychiatric hospital under an emergency transfer order if the 19330  
chief clinical officer of mental health services of the 19331  
department or that officer's designee and either a psychiatrist 19332  
employed or retained by the department or, in the absence of a 19333  
psychiatrist, a psychologist employed or retained by the 19334  
department determines that the inmate ~~is mentally ill~~ has a 19335  
mental illness, presents an immediate danger to self or others, 19336  
and requires hospital-level care. 19337

(2) The department may transfer an inmate to a psychiatric 19338

hospital under an uncontested transfer order if both of the 19339  
following apply: 19340

(a) A psychiatrist employed or retained by the department 19341  
determines all of the following apply: 19342

(i) The inmate has a mental illness or is a ~~mentally ill~~ 19343  
person with a mental illness subject to hospitalization. 19344

(ii) The inmate requires hospital care to address the 19345  
mental illness. 19346

(iii) The inmate has the mental capacity to make a 19347  
reasoned choice regarding the inmate's transfer to a hospital. 19348

(b) The inmate agrees to a transfer to a hospital. 19349

(3) The written notice and the hearing required under 19350  
divisions (B) (1) and (2) of this section are not required for an 19351  
emergency transfer or uncontested transfer under division (C) (1) 19352  
or (2) of this section. 19353

(4) After an emergency transfer under division (C) (1) of 19354  
this section, the department shall hold a hearing for continued 19355  
hospitalization within five working days after admission of the 19356  
transferred inmate to the psychiatric hospital. The department 19357  
shall hold subsequent hearings pursuant to division (F) of this 19358  
section at the same intervals as required for inmate patients 19359  
who are transported to a psychiatric hospital under division (B) 19360  
(4) of this section. 19361

(5) After an uncontested transfer under division (C) (2) of 19362  
this section, the inmate may withdraw consent to the transfer in 19363  
writing at any time. Upon the inmate's withdrawal of consent, 19364  
the hospital shall discharge the inmate, or, within five working 19365  
days, the department shall hold a hearing for continued 19366

hospitalization. The department shall hold subsequent hearings 19367  
pursuant to division (F) of this section at the same time 19368  
intervals as required for inmate patients who are transported to 19369  
a psychiatric hospital under division (B) (4) of this section. 19370

(D) (1) If an independent decision-maker, pursuant to 19371  
division (B) (4) of this section, orders an inmate transported to 19372  
a psychiatric hospital or if an inmate is transferred pursuant 19373  
to division (C) (1) or (2) of this section, the staff of the 19374  
psychiatric hospital shall examine the inmate patient when 19375  
admitted to the psychiatric hospital as soon as practicable 19376  
after the inmate patient arrives at the hospital and no later 19377  
than twenty-four hours after the time of arrival. The attending 19378  
physician responsible for the inmate patient's care shall give 19379  
the inmate patient all information necessary to enable the 19380  
patient to give a fully informed, intelligent, and knowing 19381  
consent to the treatment the inmate patient will receive in the 19382  
hospital. The attending physician shall tell the inmate patient 19383  
the expected physical and medical consequences of any proposed 19384  
treatment and shall give the inmate patient the opportunity to 19385  
consult with another psychiatrist at the hospital and with the 19386  
inmate advisor. 19387

(2) No inmate patient who is transported or transferred 19388  
pursuant to division (B) (4) or (C) (1) or (2) of this section to 19389  
a psychiatric hospital within a facility that is operated by the 19390  
department of rehabilitation and correction shall be subjected 19391  
to any of the following procedures: 19392

(a) Convulsive therapy; 19393

(b) Major aversive interventions; 19394

(c) Any unusually hazardous treatment procedures; 19395

(d) Psychosurgery.	19396
(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:	19397 19398 19399
(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;	19400 19401 19402 19403 19404 19405
(2) Has a written treatment plan consistent with the evaluation, diagnosis, prognosis, and goals of treatment;	19406 19407
(3) Receives treatment consistent with the treatment plan;	19408
(4) Receives periodic reevaluations of the treatment plan by the professional staff at intervals not to exceed thirty days;	19409 19410 19411
(5) Is provided with adequate medical treatment for physical disease or injury;	19412 19413
(6) Receives humane care and treatment, including, without being limited to, the following:	19414 19415
(a) Access to the facilities and personnel required by the treatment plan;	19416 19417
(b) A humane psychological and physical environment;	19418
(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	19419 19420 19421 19422

can understand; 19423

(d) Opportunity for participation in programs designed to 19424  
help the inmate patient acquire the skills needed to work toward 19425  
discharge from the psychiatric hospital; 19426

(e) The right to be free from unnecessary or excessive 19427  
medication and from unnecessary restraints or isolation; 19428

(f) All other rights afforded inmates in the custody of 19429  
the department consistent with rules, policy, and procedure of 19430  
the department. 19431

(F) The department shall hold a hearing for the continued 19432  
hospitalization of an inmate patient who is transported or 19433  
transferred to a psychiatric hospital pursuant to division (B) 19434  
(4) or (C) (1) of this section prior to the expiration of the 19435  
initial thirty-day period of hospitalization. The department 19436  
shall hold any subsequent hearings, if necessary, not later than 19437  
ninety days after the first thirty-day hearing and then not 19438  
later than each one hundred and eighty days after the 19439  
immediately prior hearing. An independent decision-maker shall 19440  
conduct the hearings at the psychiatric hospital in which the 19441  
inmate patient is confined. The inmate patient shall be afforded 19442  
all of the rights set forth in this section for the hearing 19443  
prior to transfer to the psychiatric hospital. The department 19444  
may not waive a hearing for continued commitment. A hearing for 19445  
continued commitment is mandatory for an inmate patient 19446  
transported or transferred to a psychiatric hospital pursuant to 19447  
division (B) (4) or (C) (1) of this section unless the inmate 19448  
patient has the capacity to make a reasoned choice to execute a 19449  
waiver and waives the hearing in writing. An inmate patient who 19450  
is transferred to a psychiatric hospital pursuant to an 19451  
uncontested transfer under division (C) (2) of this section and 19452

who has scheduled hearings after withdrawal of consent for 19453  
hospitalization may waive any of the scheduled hearings if the 19454  
inmate has the capacity to make a reasoned choice and executes a 19455  
written waiver of the hearing. 19456

If upon completion of the hearing the independent 19457  
decision-maker does not find by clear and convincing evidence 19458  
that the inmate patient is a ~~mentally ill~~ person with a mental 19459  
illness subject to hospitalization, the independent decision- 19460  
maker shall order the inmate patient's discharge from the 19461  
psychiatric hospital. If the independent decision-maker finds by 19462  
clear and convincing evidence that the inmate patient is a 19463  
~~mentally ill~~ person with a mental illness subject to 19464  
hospitalization, the independent decision-maker shall order that 19465  
the inmate patient remain at the psychiatric hospital for 19466  
continued hospitalization until the next required hearing. 19467

If at any time prior to the next required hearing for 19468  
continued hospitalization, the medical director of the hospital 19469  
or the attending physician determines that the treatment needs 19470  
of the inmate patient could be met equally well in an available 19471  
and appropriate less restrictive state correctional institution 19472  
or unit, the medical director or attending physician may 19473  
discharge the inmate to that facility. 19474

(G) An inmate patient is entitled to the credits toward 19475  
the reduction of the inmate patient's stated prison term 19476  
pursuant to Chapters 2967. and 5120. of the Revised Code under 19477  
the same terms and conditions as if the inmate patient were in 19478  
any other institution of the department of rehabilitation and 19479  
correction. 19480

(H) The adult parole authority may place an inmate patient 19481  
on parole or under post-release control directly from a 19482

psychiatric hospital. 19483

(I) If an inmate patient who is a ~~mentally ill~~ person with 19484  
a mental illness subject to hospitalization is to be released 19485  
from a psychiatric hospital because of the expiration of the 19486  
inmate patient's stated prison term, the director of 19487  
rehabilitation and correction or the director's designee, at 19488  
least fourteen days before the expiration date, may file an 19489  
affidavit under section 5122.11 or 5123.71 of the Revised Code 19490  
with the probate court in the county where the psychiatric 19491  
hospital is located or the probate court in the county where the 19492  
inmate will reside, alleging that the inmate patient is a 19493  
~~mentally ill~~ person with a mental illness subject to court 19494  
order, as defined in section 5122.01 of the Revised Code, or a 19495  
person with an intellectual disability subject to 19496  
institutionalization by court order, as defined in section 19497  
5123.01 of the Revised Code, whichever is applicable. The 19498  
proceedings in the probate court shall be conducted pursuant to 19499  
Chapter 5122. or 5123. of the Revised Code except as modified by 19500  
this division. 19501

Upon the request of the inmate patient, the probate court 19502  
shall grant the inmate patient an initial hearing under section 19503  
5122.141 of the Revised Code or a probable cause hearing under 19504  
section 5123.75 of the Revised Code before the expiration of the 19505  
stated prison term. After holding a full hearing, the probate 19506  
court shall make a disposition authorized by section 5122.15 or 19507  
5123.76 of the Revised Code before the date of the expiration of 19508  
the stated prison term. No inmate patient shall be held in the 19509  
custody of the department of rehabilitation and correction past 19510  
the date of the expiration of the inmate patient's stated prison 19511  
term. 19512

(J) The department of rehabilitation and correction shall 19513  
set standards for treatment provided to inmate patients. 19514

(K) A certificate, application, record, or report that is 19515  
made in compliance with this section and that directly or 19516  
indirectly identifies an inmate or former inmate whose 19517  
hospitalization has been sought under this section is 19518  
confidential. No person shall disclose the contents of any 19519  
certificate, application, record, or report of that nature or 19520  
any other psychiatric or medical record or report regarding a 19521  
~~mentally ill~~ an inmate with a mental illness unless one of the 19522  
following applies: 19523

(1) The person identified, or the person's legal guardian, 19524  
if any, consents to disclosure, and the chief clinical officer 19525  
or designee of mental health services of the department of 19526  
rehabilitation and correction determines that disclosure is in 19527  
the best interests of the person. 19528

(2) Disclosure is required by a court order signed by a 19529  
judge. 19530

(3) An inmate patient seeks access to the inmate patient's 19531  
own psychiatric and medical records, unless access is 19532  
specifically restricted in the treatment plan for clear 19533  
treatment reasons. 19534

(4) Hospitals and other institutions and facilities within 19535  
the department of rehabilitation and correction may exchange 19536  
psychiatric records and other pertinent information with other 19537  
hospitals, institutions, and facilities of the department, but 19538  
the information that may be released about an inmate patient is 19539  
limited to medication history, physical health status and 19540  
history, summary of course of treatment in the hospital, summary 19541

of treatment needs, and a discharge summary, if any. 19542

(5) An inmate patient's family member who is involved in 19543  
planning, providing, and monitoring services to the inmate 19544  
patient may receive medication information, a summary of the 19545  
inmate patient's diagnosis and prognosis, and a list of the 19546  
services and personnel available to assist the inmate patient 19547  
and family if the attending physician determines that disclosure 19548  
would be in the best interest of the inmate patient. No 19549  
disclosure shall be made under this division unless the inmate 19550  
patient is notified of the possible disclosure, receives the 19551  
information to be disclosed, and does not object to the 19552  
disclosure. 19553

(6) The department of rehabilitation and correction may 19554  
exchange psychiatric hospitalization records, other mental 19555  
health treatment records, and other pertinent information with 19556  
county sheriffs' offices, hospitals, institutions, and 19557  
facilities of the department of mental health and addiction 19558  
services and with community mental health services providers and 19559  
boards of alcohol, drug addiction, and mental health services 19560  
with which the department of mental health and addiction 19561  
services has a current agreement for patient care or services to 19562  
ensure continuity of care. ~~Disclosure~~ With respect to an inmate 19563  
with a mental illness, disclosure under this division is limited 19564  
to records regarding ~~a mentally ill~~ the inmate's medication 19565  
history, physical health status and history, summary of course 19566  
of treatment, summary of treatment needs, and a discharge 19567  
summary, if any. No office, department, agency, provider, or 19568  
board shall disclose the records and other information unless 19569  
one of the following applies: 19570

(a) The ~~mentally ill~~ inmate with a mental illness is 19571

notified of the possible disclosure and consents to the disclosure. 19572  
19573

(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. 19574  
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(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. 19580  
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The name of an inmate patient shall not be retained with the information obtained during the evaluations. 19585  
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(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. 19587  
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**Sec. 5120.44.** Chapter 5120. of the Revised Code attempts: 19590

(A) To provide humane and scientific treatment and care and the highest attainable degree of individual development for the dependent wards of the state; 19591  
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(B) To provide for the delinquent, conditions of modern education and training that will restore the largest possible portion of them to useful citizenship; 19594  
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(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; 19597  
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(D) To secure by uniform and systematic management the highest attainable degree of economy in the administration of the state institutions.

Such sections shall be liberally construed to attain such purposes.

**Sec. 5121.56.** The support and maintenance of patients confined in state hospitals for ~~the mentally ill~~ persons with mental illnesses, including persons transferred to them from state correctional institutions, and also including persons under indictment or conviction for crime, shall be collected and paid in accordance with sections 5121.30 to 5121.55 of the Revised Code.

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of the Revised Code:

(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(B) "~~Mentally ill person~~ Person with a mental illness subject to court order" means a ~~mentally ill person~~ with a mental illness who, because of the person's illness:

(1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;

(2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;

(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 19658  
self or others or threats of, or attempts at, serious physical 19659  
harm to self or others, provided that the forty-eight-month 19660  
period shall be extended by the length of any hospitalization or 19661  
incarceration of the person that occurred within the forty- 19662  
eight-month period. 19663

(iii) The person, as a result of the person's mental 19664  
illness, is unlikely to voluntarily participate in necessary 19665  
treatment. 19666

(iv) In view of the person's treatment history and current 19667  
behavior, the person is in need of treatment in order to prevent 19668  
a relapse or deterioration that would be likely to result in 19669  
substantial risk of serious harm to the person or others. 19670

(b) An individual who meets only the criteria described in 19671  
division (B) (5) (a) of this section is not subject to 19672  
hospitalization. 19673

(C) (1) "Patient" means, subject to division (C) (2) of this 19674  
section, a person who is admitted either voluntarily or 19675  
involuntarily to a hospital or other place under section 19676  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 19677  
subsequent to a finding of not guilty by reason of insanity or 19678  
incompetence to stand trial or under this chapter, who is under 19679  
observation or receiving treatment in such place. 19680

(2) "Patient" does not include a person admitted to a 19681  
hospital or other place under section 2945.39, 2945.40, 19682  
2945.401, or 2945.402 of the Revised Code to the extent that the 19683  
reference in this chapter to patient, or the context in which 19684  
the reference occurs, is in conflict with any provision of 19685  
sections 2945.37 to 2945.402 of the Revised Code. 19686

(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 19716  
educational requirements set forth in division (B) of section 19717  
4732.10 of the Revised Code and has a minimum of two years' 19718  
full-time professional experience, or the equivalent as 19719  
determined by rule of the state board of psychology, at least 19720  
one year of which shall be a predoctoral internship, in clinical 19721  
psychological work in a public or private hospital or clinic or 19722  
in private practice, diagnosing and treating problems of mental 19723  
illness or intellectual disability under the supervision of a 19724  
psychologist who is licensed or who holds a diploma issued by 19725  
the American board of professional psychology, or whose 19726  
qualifications are substantially similar to those required for 19727  
licensure by the state board of psychology when the supervision 19728  
has occurred prior to enactment of laws governing the practice 19729  
of psychology. 19730

(J) "Health officer" means any public health physician; 19731  
public health nurse; or other person authorized or designated by 19732  
a city or general health district or a board of alcohol, drug 19733  
addiction, and mental health services to perform the duties of a 19734  
health officer under this chapter. 19735

(K) "Chief clinical officer" means the medical director of 19736  
a hospital, community mental health services provider, or board 19737  
of alcohol, drug addiction, and mental health services, or, if 19738  
there is no medical director, the licensed physician responsible 19739  
for the treatment provided by a hospital or community mental 19740  
health services provider. The chief clinical officer may 19741  
delegate to the attending physician responsible for a patient's 19742  
care the duties imposed on the chief clinical officer by this 19743  
chapter. In the case of a community mental health services 19744  
provider, the chief clinical officer shall be designated by the 19745  
governing body of the services provider and shall be a licensed 19746

physician or licensed clinical psychologist who supervises 19747  
diagnostic and treatment services. A licensed physician or 19748  
licensed clinical psychologist designated by the chief clinical 19749  
officer may perform the duties and accept the responsibilities 19750  
of the chief clinical officer in the chief clinical officer's 19751  
absence. 19752

(L) "Working day" or "court day" means Monday, Tuesday, 19753  
Wednesday, Thursday, and Friday, except when such day is a 19754  
holiday. 19755

(M) "Indigent" means unable without deprivation of 19756  
satisfaction of basic needs to provide for the payment of an 19757  
attorney and other necessary expenses of legal representation, 19758  
including expert testimony. 19759

(N) "Respondent" means the person whose detention, 19760  
commitment, hospitalization, continued hospitalization or 19761  
commitment, or discharge is being sought in any proceeding under 19762  
this chapter. 19763

(O) "Ohio protection and advocacy system" has the same 19764  
meaning as in section 5123.60 of the Revised Code. 19765

(P) "Independent expert evaluation" means an evaluation 19766  
conducted by a licensed clinical psychologist, psychiatrist, or 19767  
licensed physician who has been selected by the respondent or 19768  
the respondent's counsel and who consents to conducting the 19769  
evaluation. 19770

(Q) "Court" means the probate division of the court of 19771  
common pleas. 19772

(R) "Expunge" means: 19773

(1) The removal and destruction of court files and 19774

records, originals and copies, and the deletion of all index 19775  
references; 19776

(2) The reporting to the person of the nature and extent 19777  
of any information about the person transmitted to any other 19778  
person by the court; 19779

(3) Otherwise insuring that any examination of court files 19780  
and records in question shall show no record whatever with 19781  
respect to the person; 19782

(4) That all rights and privileges are restored, and that 19783  
the person, the court, and any other person may properly reply 19784  
that no such record exists, as to any matter expunged. 19785

(S) "Residence" means a person's physical presence in a 19786  
county with intent to remain there, except that: 19787

(1) If a person is receiving a mental health service at a 19788  
facility that includes nighttime sleeping accommodations, 19789  
residence means that county in which the person maintained the 19790  
person's primary place of residence at the time the person 19791  
entered the facility; 19792

(2) If a person is committed pursuant to section 2945.38, 19793  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 19794  
residence means the county where the criminal charges were 19795  
filed. 19796

When the residence of a person is disputed, the matter of 19797  
residence shall be referred to the department of mental health 19798  
and addiction services for investigation and determination. 19799  
Residence shall not be a basis for a board of alcohol, drug 19800  
addiction, and mental health services to deny services to any 19801  
person present in the board's service district, and the board 19802  
shall provide services for a person whose residence is in 19803

dispute while residence is being determined and for a person in 19804  
an emergency situation. 19805

(T) "Admission" to a hospital or other place means that a 19806  
patient is accepted for and stays at least one night at the 19807  
hospital or other place. 19808

(U) "Prosecutor" means the prosecuting attorney, village 19809  
solicitor, city director of law, or similar chief legal officer 19810  
who prosecuted a criminal case in which a person was found not 19811  
guilty by reason of insanity, who would have had the authority 19812  
to prosecute a criminal case against a person if the person had 19813  
not been found incompetent to stand trial, or who prosecuted a 19814  
case in which a person was found guilty. 19815

(V) (1) "Treatment plan" means a written statement of 19816  
reasonable objectives and goals for an individual established by 19817  
the treatment team, with specific criteria to evaluate progress 19818  
towards achieving those objectives. 19819

(2) The active participation of the patient in 19820  
establishing the objectives and goals shall be documented. The 19821  
treatment plan shall be based on patient needs and include 19822  
services to be provided to the patient while the patient is 19823  
hospitalized, after the patient is discharged, or in an 19824  
outpatient setting. The treatment plan shall address services to 19825  
be provided. In the establishment of the treatment plan, 19826  
consideration should be given to the availability of services, 19827  
which may include but are not limited to all of the following: 19828

(a) Community psychiatric supportive treatment; 19829

(b) Assertive community treatment; 19830

(c) Medications; 19831

(d) Individual or group therapy;	19832
(e) Peer support services;	19833
(f) Financial services;	19834
(g) Housing or supervised living services;	19835
(h) Alcohol or substance abuse treatment;	19836
(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.	19837 19838 19839 19840
(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.	19841 19842 19843 19844
(W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	19845 19846
(X) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	19847 19848
(Y) "Local correctional facility" has the same meaning as in section 2903.13 of the Revised Code.	19849 19850
(Z) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code.	19851 19852 19853
<b>Sec. 5122.03.</b> 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:	19854 19855 19856 19857 19858

(A) The patient was admitted on the patient's own 19859  
application and the request for release is made by a person 19860  
other than the patient, release may be conditional upon the 19861  
agreement of the patient; or 19862

(B) The chief clinical officer of the hospital, within 19863  
three court days from the receipt of the request for release, 19864  
files or causes to be filed with the court of the county where 19865  
the patient is hospitalized or of the county where the patient 19866  
is a resident, an affidavit under section 5122.11 of the Revised 19867  
Code. Release may be postponed until the hearing held under 19868  
section 5122.141 of the Revised Code. A telephone communication 19869  
within three court days from the receipt of the request for 19870  
release from the chief clinical officer to the court, indicating 19871  
that the required affidavit has been mailed, is sufficient 19872  
compliance with the time limit for filing such affidavit. 19873

Unless the patient is released within three days from the 19874  
receipt of the request by the chief clinical officer, the 19875  
request shall serve as a request for an initial hearing under 19876  
section 5122.141 of the Revised Code. If the court finds that 19877  
the patient is a ~~mentally ill person~~ with a mental illness 19878  
subject to court order, all provisions of this chapter with 19879  
respect to involuntary hospitalization apply to such person. 19880

Judicial proceedings for hospitalization shall not be 19881  
commenced with respect to a voluntary patient except pursuant to 19882  
this section. 19883

Sections 5121.30 to 5121.56 of the Revised Code apply to 19884  
persons received in a hospital operated by the department of 19885  
mental health and addiction services on a voluntary application. 19886

The chief clinical officer of the hospital shall provide 19887

reasonable means and arrangements for informing patients of 19888  
their rights to release as provided in this section and for 19889  
assisting them in making and presenting requests for release or 19890  
for a hearing under section 5122.141 of the Revised Code. 19891

Before a patient is released from a public hospital, the 19892  
chief clinical officer shall, when possible, notify the board of 19893  
the patient's county of residence of the patient's pending 19894  
release after the chief clinical officer has informed the 19895  
patient that the board will be so notified. 19896

**Sec. 5122.05.** (A) The chief clinical officer of a hospital 19897  
may, and the chief clinical officer of a public hospital in all 19898  
cases of psychiatric medical emergencies, shall receive for 19899  
observation, diagnosis, care, and treatment any person whose 19900  
admission is applied for under any of the following procedures: 19901

(1) Emergency procedure, as provided in section 5122.10 of 19902  
the Revised Code; 19903

(2) Judicial procedure as provided in sections 2945.38, 19904  
2945.39, 2945.40, 2945.401, 2945.402, and 5122.11 to 5122.15 of 19905  
the Revised Code. 19906

Upon application for such admission, the chief clinical 19907  
officer of a hospital immediately shall notify the board of the 19908  
patient's county of residence. To assist the hospital in 19909  
determining whether the patient is subject to involuntary 19910  
hospitalization and whether alternative services are available, 19911  
the board or an agency the board designates promptly shall 19912  
assess the patient unless the board or agency already has 19913  
performed such assessment, or unless the commitment is pursuant 19914  
to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of 19915  
the Revised Code. 19916

(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 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 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 19946  
may immediately transport the person to a hospital or, 19947  
notwithstanding section 5119.33 of the Revised Code, to a 19948  
general hospital not licensed by the department of mental health 19949  
and addiction services where the person may be held for the 19950  
period prescribed in this section: 19951

(a) A psychiatrist; 19952

(b) A licensed physician; 19953

(c) A licensed clinical psychologist; 19954

(d) A clinical nurse specialist who is certified as a 19955  
psychiatric-mental health CNS by the American nurses 19956  
credentialing center; 19957

(e) A certified nurse practitioner who is certified as a 19958  
psychiatric-mental health NP by the American nurses 19959  
credentialing center; 19960

(f) A health officer; 19961

(g) A parole officer; 19962

(h) A police officer; 19963

(i) A sheriff. 19964

(2) If the chief of the adult parole authority or a parole 19965  
or probation officer with the approval of the chief of the 19966  
authority has reason to believe that a parolee, an offender 19967  
under a community control sanction or post-release control 19968  
sanction, or an offender under transitional control is a 19969  
~~mentally ill person with a mental illness~~ subject to court order 19970  
and represents a substantial risk of physical harm to self or 19971  
others if allowed to remain at liberty pending examination, the 19972

chief or officer may take the parolee or offender into custody 19973  
and may immediately transport the parolee or offender to a 19974  
hospital or, notwithstanding section 5119.33 of the Revised 19975  
Code, to a general hospital not licensed by the department of 19976  
mental health and addiction services where the parolee or 19977  
offender may be held for the period prescribed in this section. 19978

(B) A written statement shall be given to the hospital by 19979  
the individual authorized under division (A) (1) or (2) of this 19980  
section to transport the person. The statement shall specify the 19981  
circumstances under which such person was taken into custody and 19982  
the reasons for the belief that the person is a ~~mentally ill~~ 19983  
person with a mental illness subject to court order and 19984  
represents a substantial risk of physical harm to self or others 19985  
if allowed to remain at liberty pending examination. This 19986  
statement shall be made available to the respondent or the 19987  
respondent's attorney upon request of either. 19988

(C) Every reasonable and appropriate effort shall be made 19989  
to take persons into custody in the least conspicuous manner 19990  
possible. A person taking the respondent into custody pursuant 19991  
to this section shall explain to the respondent: the name and 19992  
professional designation and affiliation of the person taking 19993  
the respondent into custody; that the custody-taking is not a 19994  
criminal arrest; and that the person is being taken for 19995  
examination by mental health professionals at a specified mental 19996  
health facility identified by name. 19997

(D) If a person taken into custody under this section is 19998  
transported to a general hospital, the general hospital may 19999  
admit the person, or provide care and treatment for the person, 20000  
or both, notwithstanding section 5119.33 of the Revised Code, 20001  
but by the end of twenty-four hours after arrival at the general 20002

hospital, the person shall be transferred to a hospital as 20003  
defined in section 5122.01 of the Revised Code. 20004

(E) A person transported or transferred to a hospital or 20005  
community mental health services provider under this section 20006  
shall be examined by the staff of the hospital or services 20007  
provider within twenty-four hours after arrival at the hospital 20008  
or services provider. If to conduct the examination requires 20009  
that the person remain overnight, the hospital or services 20010  
provider shall admit the person in an unclassified status until 20011  
making a disposition under this section. After the examination, 20012  
if the chief clinical officer of the hospital or services 20013  
provider believes that the person is not a ~~mentally ill~~ person 20014  
with a mental illness subject to court order, the chief clinical 20015  
officer shall release or discharge the person immediately unless 20016  
a court has issued a temporary order of detention applicable to 20017  
the person under section 5122.11 of the Revised Code. After the 20018  
examination, if the chief clinical officer believes that the 20019  
person is a ~~mentally ill~~ person with a mental illness subject to 20020  
court order, the chief clinical officer may detain the person 20021  
for not more than three court days following the day of the 20022  
examination and during such period admit the person as a 20023  
voluntary patient under section 5122.02 of the Revised Code or 20024  
file an affidavit under section 5122.11 of the Revised Code. If 20025  
neither action is taken and a court has not otherwise issued a 20026  
temporary order of detention applicable to the person under 20027  
section 5122.11 of the Revised Code, the chief clinical officer 20028  
shall discharge the person at the end of the three-day period 20029  
unless the person has been sentenced to the department of 20030  
rehabilitation and correction and has not been released from the 20031  
person's sentence, in which case the person shall be returned to 20032  
that department. 20033

**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 20065  
order, the judge or referee may issue a temporary order of 20066  
detention ordering any health or police officer or sheriff to 20067  
take into custody and transport the person to a hospital or 20068  
other place designated in section 5122.17 of the Revised Code, 20069  
or may set the matter for further hearing. If a temporary order 20070  
of detention is issued and the person is transported to a 20071  
hospital or other designated place, the court that issued the 20072  
order shall retain jurisdiction over the case as it relates to 20073  
the person's outpatient treatment, notwithstanding that the 20074  
hospital or other designated place to which the person is 20075  
transported is outside the territorial jurisdiction of the 20076  
court. 20077

The person may be observed and treated until the hearing 20078  
provided for in section 5122.141 of the Revised Code. If no such 20079  
hearing is held, the person may be observed and treated until 20080  
the hearing provided for in section 5122.15 of the Revised Code. 20081

**Sec. 5122.111.** To initiate proceedings for court-ordered 20082  
treatment of a person under section 5122.11 of the Revised Code, 20083  
a person or persons shall file an affidavit with the probate 20084  
court that is identical in form and content to the following: 20085

AFFIDAVIT OF MENTAL ILLNESS 20086

The State of Ohio 20087

\_\_\_\_\_ County, ss. 20088

\_\_\_\_\_ Court 20089

\_\_\_\_\_ 20090

the undersigned, residing at 20091

\_\_\_\_\_ 20092

says, that he/she has information to believe or has actual	20093
knowledge that	20094
<hr/>	
(Please specify specific category(ies) below with an X.)	20095
[ ] Represents a substantial risk of physical harm to self as	20096
manifested by evidence of threats of, or attempts at, suicide or	20097
serious self-inflicted bodily harm;	20098
[ ] Represents a substantial risk of physical harm to others as	20099
manifested by evidence of recent homicidal or other violent	20100
behavior or evidence of recent threats that place another in	20101
reasonable fear of violent behavior and serious physical harm or	20102
other evidence of present dangerousness;	20103
[ ] Represents a substantial and immediate risk of serious	20104
physical impairment or injury to self as manifested by evidence	20105
of being unable to provide for and of not providing for basic	20106
physical needs because of mental illness and that appropriate	20107
provision for such needs cannot be made immediately available in	20108
the community;	20109
[ ] Would benefit from treatment for mental illness and is in	20110
need of such treatment as manifested by evidence of behavior	20111
that creates a grave and imminent risk to substantial rights of	20112
others or the person; or	20113
[ ] Would benefit from treatment as manifested by evidence of	20114
behavior that indicates all of the following:	20115
(a) The person is unlikely to survive safely in the community	20116
without supervision, based on a clinical determination.	20117
(b) The person has a history of lack of compliance with	20118
treatment for mental illness and one of the following applies:	20119
	20120

(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 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.

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(Name of the party filing the affidavit) further says that the facts supporting this belief are as follows:

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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.

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Name of Patient's Last Physician or Licensed Clinical  
Psychologist

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\_\_\_\_\_  
Address of Patient's Last Physician or Licensed Clinical  
Psychologist

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\_\_\_\_\_

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The name and address of respondent's legal guardian, spouse, and  
adult next of kin are:

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20165

Name	Kinship	Address	
_____	Legal Guardian	_____	20166 20167
_____	Spouse	_____	20168 20169
_____	Adult Next of Kin	_____	20170 20171
_____	Adult Next of Kin	_____	20172 20173
_____		_____	20174

The following constitutes additional information that may be  
necessary for the purpose of determining residence:

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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\_\_\_\_\_

20183

Signature of the party filing  
the affidavit

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20185

Sworn to before me and signed in my presence on the day and year  
above dated.

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\_\_\_\_\_

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Signature of Probate Judge,  
Deputy Clerk, or Notary  
Public

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WAIVER

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I, the undersigned party filing the affidavit hereby waive the  
issuing and service of notice of the hearing on said affidavit,  
and voluntarily enter my appearance herein.

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20195

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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\_\_\_\_\_

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Signature of the party filing  
the affidavit

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**Sec. 5122.13.** Within two business days after receipt of  
the affidavit required by section 5122.11 of the Revised Code,  
the probate court shall refer the affidavit to the board of  
alcohol, drug addiction, and mental health services or community  
mental health services provider the board designates to assist

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the court in determining whether the respondent is subject to 20205  
court-ordered treatment and whether alternatives to 20206  
hospitalization are available, unless the services provider or 20207  
board has already performed such screening. The board or 20208  
services provider shall review the allegations of the affidavit 20209  
and other information relating to whether or not the person 20210  
named in the affidavit or statement is a ~~mentally ill~~ person 20211  
with a mental illness subject to court order, and the 20212  
availability of appropriate treatment alternatives. 20213

The person who conducts the investigation shall promptly 20214  
make a report to the court, in writing, in open court or in 20215  
chambers, as directed by the court and a full record of the 20216  
report shall be made by the court. The report is not admissible 20217  
as evidence for the purpose of establishing whether or not the 20218  
respondent is a ~~mentally ill~~ person with a mental illness 20219  
subject to court order, but shall be considered by the court in 20220  
its determination of an appropriate placement for any person 20221  
after that person is found to be a ~~mentally ill~~ person with a 20222  
mental illness subject to court order. 20223

The court, prior to the hearing under section 5122.141 of 20224  
the Revised Code, shall release a copy of the investigative 20225  
report to the respondent's counsel. 20226

Nothing in this section precludes a judge or referee from 20227  
issuing a temporary order of detention pursuant to section 20228  
5122.11 of the Revised Code. 20229

**Sec. 5122.141.** (A) A respondent who is involuntarily 20230  
placed in a hospital or other place as designated in section 20231  
5122.10 or 5122.17 of the Revised Code, or with respect to whom 20232  
proceedings have been instituted under section 5122.11 of the 20233  
Revised Code, shall be afforded a hearing to determine whether 20234

or not the respondent is a ~~mentally ill~~ person with a mental illness subject to court order. The hearing shall be conducted pursuant to section 5122.15 of the Revised Code, and the respondent shall have the right to counsel as provided in that section.

(B) The hearing shall be conducted within five court days from the day on which the respondent is detained or an affidavit is filed, whichever occurs first, in a physical setting not likely to have a harmful effect on the respondent, and may be conducted in a hospital in or out of the county. On the motion of the respondent, the respondent's counsel, the chief clinical officer, or on its own motion, and for good cause shown, the court may order a continuance of the hearing. The continuance may be for no more than ten days from the day on which the respondent is detained or on which an affidavit is filed, whichever occurs first. Failure to conduct the hearing within this time shall effect an immediate discharge of the respondent. If the proceedings are not reinstated within thirty days, all records of the proceedings shall be expunged.

(C) If the court does not find that the respondent is a ~~mentally ill~~ person with a mental illness subject to court order, it shall order the respondent's immediate discharge, and shall expunge all record of the proceedings during this period.

(D) If the court finds that the respondent is a ~~mentally ill~~ person with a mental illness subject to court order, the court may issue an interim order of detention ordering any health or police officer or sheriff to take into custody and transport such person to a hospital or other place designated in section 5122.17 of the Revised Code, where the respondent may be observed and treated.

(E) A respondent or a respondent's counsel, after 20265  
obtaining the consent of the respondent, may waive the hearing 20266  
provided for in this section. In such case, unless the person 20267  
has been discharged, a mandatory full hearing shall be held by 20268  
the thirtieth day after the original involuntary detention of 20269  
the respondent. Failure to conduct the mandatory full hearing 20270  
within this time limit shall result in the immediate discharge 20271  
of the respondent. 20272

(F) Where possible, the initial hearing shall be held 20273  
before the respondent is taken into custody. 20274

**Sec. 5122.15.** (A) Full hearings shall be conducted in a 20275  
manner consistent with this chapter and with due process of law. 20276  
The hearings shall be conducted by a judge of the probate court 20277  
or a referee designated by a judge of the probate court and may 20278  
be conducted in or out of the county in which the respondent is 20279  
held. Any referee designated under this division shall be an 20280  
attorney. 20281

(1) With the consent of the respondent, the following 20282  
shall be made available to counsel for the respondent: 20283

(a) All relevant documents, information, and evidence in 20284  
the custody or control of the state or prosecutor; 20285

(b) All relevant documents, information, and evidence in 20286  
the custody or control of the hospital in which the respondent 20287  
currently is held, or in which the respondent has been held 20288  
pursuant to this chapter; 20289

(c) All relevant documents, information, and evidence in 20290  
the custody or control of any hospital, facility, or person not 20291  
included in division (A) (1) (a) or (b) of this section. 20292

(2) The respondent has the right to attend the hearing and 20293

to be represented by counsel of the respondent's choice. The 20294  
right to attend the hearing may be waived only by the respondent 20295  
or counsel for the respondent after consultation with the 20296  
respondent. 20297

(3) If the respondent is not represented by counsel, is 20298  
absent from the hearing, and has not validly waived the right to 20299  
counsel, the court shall appoint counsel immediately to 20300  
represent the respondent at the hearing, reserving the right to 20301  
tax costs of appointed counsel to the respondent, unless it is 20302  
shown that the respondent is indigent. If the court appoints 20303  
counsel, or if the court determines that the evidence relevant 20304  
to the respondent's absence does not justify the absence, the 20305  
court shall continue the case. 20306

(4) The respondent shall be informed that the respondent 20307  
may retain counsel and have independent expert evaluation. If 20308  
the respondent is unable to obtain an attorney, the respondent 20309  
shall be represented by court-appointed counsel. If the 20310  
respondent is indigent, court-appointed counsel and independent 20311  
expert evaluation shall be provided as an expense under section 20312  
5122.43 of the Revised Code. 20313

(5) The hearing shall be closed to the public, unless 20314  
counsel for the respondent, with the permission of the 20315  
respondent, requests that the hearing be open to the public. 20316

(6) If the hearing is closed to the public, the court, for 20317  
good cause shown, may admit persons who have a legitimate 20318  
interest in the proceedings. If the respondent, the respondent's 20319  
counsel, or the designee of the director or of the chief 20320  
clinical officer objects to the admission of any person, the 20321  
court shall hear the objection and any opposing argument and 20322  
shall rule upon the admission of the person to the hearing. 20323

(7) The affiant under section 5122.11 of the Revised Code shall be subject to subpoena by either party. 20324  
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(8) The court shall examine the sufficiency of all documents filed and shall inform the respondent, if present, and the respondent's counsel of the nature and content of the documents and the reason for which the respondent is being detained, or for which the respondent's placement is being sought. 20326  
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(9) The court shall receive only reliable, competent, and material evidence. 20332  
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(10) Unless proceedings are initiated pursuant to section 5120.17 or 5139.08 of the Revised Code, an attorney that the board designates shall present the case demonstrating that the respondent is a ~~mentally ill~~ person with a mental illness subject to court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive treatment plans, if any. In proceedings pursuant to section 5120.17 or 5139.08 of the Revised Code, the attorney general shall designate an attorney who shall present the case demonstrating that the respondent is a ~~mentally ill~~ person with a mental illness subject to court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive treatment plans, if any. 20334  
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(11) The respondent or the respondent's counsel has the right to subpoena witnesses and documents and to examine and cross-examine witnesses. 20347  
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(12) The respondent has the right, but shall not be compelled, to testify, and shall be so advised by the court. 20350  
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(13) On motion of the respondent or the respondent's 20352

counsel for good cause shown, or on the court's own motion, the 20353  
court may order a continuance of the hearing. 20354

(14) If the respondent is represented by counsel and the 20355  
respondent's counsel requests a transcript and record, or if the 20356  
respondent is not represented by counsel, the court shall make 20357  
and maintain a full transcript and record of the proceeding. If 20358  
the respondent is indigent and the transcript and record is 20359  
made, a copy shall be provided to the respondent upon request 20360  
and be treated as an expense under section 5122.43 of the 20361  
Revised Code. 20362

(15) To the extent not inconsistent with this chapter, the 20363  
Rules of Civil Procedure are applicable. 20364

(B) Unless, upon completion of the hearing the court finds 20365  
by clear and convincing evidence that the respondent is a 20366  
~~mentally ill~~ person with a mental illness subject to court 20367  
order, it shall order the respondent's discharge immediately. 20368

(C) If, upon completion of the hearing, the court finds by 20369  
clear and convincing evidence that the respondent is a ~~mentally~~ 20370  
~~ill~~ person with a mental illness subject to court order, the 20371  
court shall order the respondent for a period not to exceed 20372  
ninety days to any of the following: 20373

(1) A hospital operated by the department of mental health 20374  
and addiction services if the respondent is committed pursuant 20375  
to section 5139.08 of the Revised Code; 20376

(2) A nonpublic hospital; 20377

(3) The veterans' administration or other agency of the 20378  
United States government; 20379

(4) A board of alcohol, drug addiction, and mental health 20380

services or services provider the board designates; 20381

(5) Receive private psychiatric or psychological care and 20382  
treatment; 20383

(6) Any other suitable facility or person consistent with 20384  
the diagnosis, prognosis, and treatment needs of the respondent. 20385  
A jail or other local correctional facility is not a suitable 20386  
facility. 20387

(D) Any order made pursuant to division (C) (2), (3), (5), 20388  
or (6) of this section shall be conditioned upon the receipt by 20389  
the court of consent by the hospital, facility, agency, or 20390  
person to accept the respondent and may include a requirement 20391  
that a person or entity described in division (C) (2), (3), (5), 20392  
or (6) of this section inform the board of alcohol, drug 20393  
addiction, and mental health services or community mental health 20394  
services provider the board designates about the progress of the 20395  
respondent with the treatment plan. 20396

(E) In determining the entity or person to which the 20397  
respondent is to be committed under division (C) of this 20398  
section, the court shall consider the diagnosis, prognosis, 20399  
preferences of the respondent and the projected treatment plan 20400  
for the respondent and shall order the implementation of the 20401  
least restrictive alternative available and consistent with 20402  
treatment goals. If the court determines that the least 20403  
restrictive alternative available that is consistent with 20404  
treatment goals is inpatient hospitalization, the court's order 20405  
shall so state. 20406

(F) During the ninety-day period the entity or person 20407  
shall examine and treat the respondent. If the respondent is 20408  
receiving treatment in an outpatient setting, or receives 20409

treatment in an outpatient setting during a subsequent period of 20410  
continued commitment under division (H) of this section, the 20411  
entity or person to whom the respondent is committed shall 20412  
determine the appropriate outpatient treatment for the 20413  
respondent. If, at any time prior to the expiration of the 20414  
ninety-day period, it is determined by the entity or person that 20415  
the respondent's treatment needs could be equally well met in an 20416  
available and appropriate less restrictive setting, both of the 20417  
following apply: 20418

(1) The respondent shall be released from the care of the 20419  
entity or person immediately and shall be referred to the court 20420  
together with a report of the findings and recommendations of 20421  
the entity or person; 20422

(2) The entity or person shall notify the respondent's 20423  
counsel or the attorney designated by a board of alcohol, drug 20424  
addiction, and mental health services or, if the respondent was 20425  
committed to a board or a services provider designated by the 20426  
board, it shall place the respondent in the least restrictive 20427  
setting available consistent with treatment goals and notify the 20428  
court and the respondent's counsel of the placement. 20429

The court shall dismiss the case or order placement in the 20430  
least restrictive setting. 20431

(G) (1) Except as provided in division (G) (2) of this 20432  
section, any person for whom proceedings for treatment have been 20433  
commenced pursuant to section 5122.11 of the Revised Code, may 20434  
apply at any time for voluntary admission or treatment to the 20435  
entity or person to which the person was committed. Upon 20436  
admission as a voluntary patient the chief clinical officer of 20437  
the entity or the person immediately shall notify the court, the 20438  
patient's counsel, and the attorney designated by the board, if 20439

the attorney has entered the proceedings, in writing of that 20440  
fact, and, upon receipt of the notice, the court shall dismiss 20441  
the case. 20442

(2) A person who is found incompetent to stand trial or 20443  
not guilty by reason of insanity and who is committed pursuant 20444  
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 20445  
Revised Code shall not voluntarily commit the person pursuant to 20446  
this section until after the final termination of the 20447  
commitment, as described in division (J) of section 2945.401 of 20448  
the Revised Code. 20449

(H) If, at the end of the first ninety-day period or any 20450  
subsequent period of continued commitment, there has been no 20451  
disposition of the case, either by discharge or voluntary 20452  
admission or treatment, the entity or person shall discharge the 20453  
patient immediately, unless at least ten days before the 20454  
expiration of the period the attorney the board designates or 20455  
the prosecutor files with the court an application for continued 20456  
commitment. The application of the attorney or the prosecutor 20457  
shall include a written report containing the diagnosis, 20458  
prognosis, past treatment, a list of alternative treatment 20459  
settings and plans, and identification of the treatment setting 20460  
that is the least restrictive consistent with treatment needs. 20461  
The attorney the board designates or the prosecutor shall file 20462  
the written report at least three days prior to the full 20463  
hearing. A copy of the application and written report shall be 20464  
provided to the respondent's counsel immediately. 20465

The court shall hold a full hearing on applications for 20466  
continued commitment at the expiration of the first ninety-day 20467  
period and at least every two years after the expiration of the 20468  
first ninety-day period. 20469

Hearings following any application for continued 20470  
commitment are mandatory and may not be waived. 20471

For a respondent who is ordered to receive treatment in an 20472  
outpatient setting, if at any time after the first ninety-day 20473  
period the entity or person to whom the respondent was ordered 20474  
determines that the respondent has demonstrated voluntary 20475  
consent for treatment, that entity or person shall immediately 20476  
notify the respondent, the respondent's counsel, the attorney 20477  
designated by the board, and the court. The entity or person 20478  
shall submit to the court a report of the findings and 20479  
recommendations. The court may dismiss the case upon review of 20480  
the facts. 20481

Upon request of a person who is involuntarily committed 20482  
under this section, or the person's counsel, that is made more 20483  
than one hundred eighty days after the person's last full 20484  
hearing, mandatory or requested, the court shall hold a full 20485  
hearing on the person's continued commitment. Upon the 20486  
application of a person involuntarily committed under this 20487  
section, supported by an affidavit of a psychiatrist or licensed 20488  
clinical psychologist, alleging that the person no longer is a 20489  
~~mentally ill person with a mental illness~~ subject to court 20490  
order, the court for good cause shown may hold a full hearing on 20491  
the person's continued commitment prior to the expiration of one 20492  
hundred eighty days after the person's last full hearing. 20493  
Section 5122.12 of the Revised Code applies to all hearings on 20494  
continued commitment. 20495

If the court, after a hearing for continued commitment 20496  
finds by clear and convincing evidence that the respondent is a 20497  
~~mentally ill person with a mental illness~~ subject to court 20498  
order, the court may order continued commitment at places or to 20499

persons specified in division (C) of this section. 20500

(I) Unless the admission is pursuant to section 5120.17 or 20501  
5139.08 of the Revised Code, the chief clinical officer of the 20502  
entity admitting a respondent pursuant to a judicial proceeding, 20503  
within ten working days of the admission, shall make a report of 20504  
the admission to the board of alcohol, drug addiction, and 20505  
mental health services serving the respondent's county of 20506  
residence. 20507

(J) A referee appointed by the court may make all orders 20508  
that a judge may make under this section and sections 5122.11 20509  
and 5122.141 of the Revised Code, except an order of contempt of 20510  
court. The orders of a referee take effect immediately. Within 20511  
fourteen days of the making of an order by a referee, a party 20512  
may file written objections to the order with the court. The 20513  
filed objections shall be considered a motion, shall be 20514  
specific, and shall state their grounds with particularity. 20515  
Within ten days of the filing of the objections, a judge of the 20516  
court shall hold a hearing on the objections and may hear and 20517  
consider any testimony or other evidence relating to the 20518  
respondent's mental condition. At the conclusion of the hearing, 20519  
the judge may ratify, rescind, or modify the referee's order. 20520

(K) An order of the court under division (C), (H), or (J) 20521  
of this section is a final order. 20522

(L) Before a board, or a services provider the board 20523  
designates, may place an unconsenting respondent in an inpatient 20524  
setting from a less restrictive placement, the board or services 20525  
provider shall do all of the following: 20526

(1) Determine that the respondent is in immediate need of 20527  
treatment in an inpatient setting because the respondent 20528

represents a substantial risk of physical harm to the respondent 20529  
or others if allowed to remain in a less restrictive setting; 20530

(2) On the day of placement in the inpatient setting or on 20531  
the next court day, file with the court a motion for transfer to 20532  
an inpatient setting or communicate to the court by telephone 20533  
that the required motion has been mailed; 20534

(3) Ensure that every reasonable and appropriate effort is 20535  
made to take the respondent to the inpatient setting in the 20536  
least conspicuous manner possible; 20537

(4) Immediately notify the board's designated attorney and 20538  
the respondent's attorney. 20539

At the respondent's request, the court shall hold a 20540  
hearing on the motion and make a determination pursuant to 20541  
division (E) of this section within five days of the placement. 20542

(M) Before a board, or a services provider the board 20543  
designates, may move a respondent from one residential placement 20544  
to another, the board or services provider shall consult with 20545  
the respondent about the placement. If the respondent objects to 20546  
the placement, the proposed placement and the need for it shall 20547  
be reviewed by a qualified mental health professional who 20548  
otherwise is not involved in the treatment of the respondent. 20549

(N) The entity or person to whom the respondent was 20550  
ordered for treatment in an outpatient setting may submit a 20551  
report to the court indicating that the respondent has either 20552  
failed to comply with the treatment plan or begun to demonstrate 20553  
signs of decompensation that may be grounds for hospitalization. 20554  
On receipt of the report, the court shall promptly schedule a 20555  
hearing to review the case. The court shall conduct the hearing 20556  
in a manner consistent with this chapter and due process of law. 20557

The board shall receive notice of the hearing and the board and 20558  
entity or person treating the respondent shall submit a report 20559  
to the court with a plan for appropriate alternative treatment, 20560  
if any, or recommend that the court discontinue the court- 20561  
ordered treatment. The court shall consider available and 20562  
appropriate alternative placements but shall not impose criminal 20563  
sanctions that result in confinement in a jail or other local 20564  
correctional facility based on the respondent's failure to 20565  
comply with the treatment plan. The court may not order the 20566  
respondent to a more restrictive placement unless the criteria 20567  
specified in division (L) of this section are met and may not 20568  
order the respondent to an inpatient setting unless the court 20569  
determines by clear and convincing evidence presented by the 20570  
board that the respondent meets the criteria specified in 20571  
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 20572  
the Revised Code. 20573

**Sec. 5122.19.** Every person transported to a hospital or 20574  
community mental health services provider pursuant to sections 20575  
5122.11 to 5122.16 of the Revised Code, shall be examined by the 20576  
staff of the hospital or services provider as soon as 20577  
practicable after arrival at the hospital or services provider. 20578  
Such an examination shall be held within twenty-four hours after 20579  
the time of arrival, and if the chief clinical officer fails 20580  
after such an examination to certify that in the chief clinical 20581  
officer's opinion the person is a ~~mentally ill~~ person with a 20582  
mental illness subject to court order, the person shall be 20583  
immediately released. 20584

**Sec. 5122.21.** (A) The chief clinical officer shall as 20585  
frequently as practicable, and at least once every thirty days, 20586  
examine or cause to be examined every patient, and, whenever the 20587  
chief clinical officer determines that the conditions justifying 20588

involuntary hospitalization or commitment no longer obtain, 20589  
shall discharge the patient not under indictment or conviction 20590  
for crime and immediately make a report of the discharge to the 20591  
department of mental health and addiction services. The chief 20592  
clinical officer may discharge a patient who is under an 20593  
indictment, a sentence of imprisonment, a community control 20594  
sanction, or a post-release control sanction or on parole ten 20595  
days after written notice of intent to discharge the patient has 20596  
been given by personal service or certified mail, return receipt 20597  
requested, to the court having criminal jurisdiction over the 20598  
patient. Except when the patient was found not guilty by reason 20599  
of insanity and the defendant's commitment is pursuant to 20600  
section 2945.40 of the Revised Code, the chief clinical officer 20601  
has final authority to discharge a patient who is under an 20602  
indictment, a sentence of imprisonment, a community control 20603  
sanction, or a post-release control sanction or on parole. 20604

(B) After a finding pursuant to section 5122.15 of the 20605  
Revised Code that a person is a ~~mentally ill~~ person with a 20606  
mental illness subject to court order, the chief clinical 20607  
officer of the hospital or community mental health services 20608  
provider to which the person is ordered or to which the person 20609  
is transferred under section 5122.20 of the Revised Code, may 20610  
grant a discharge without the consent or authorization of any 20611  
court. 20612

Upon discharge, the chief clinical officer shall notify 20613  
the court that caused the judicial hospitalization of the 20614  
discharge from the hospital. 20615

**Sec. 5122.27.** The chief clinical officer of the hospital 20616  
or the chief clinical officer's designee shall assure that all 20617  
patients hospitalized or committed pursuant to this chapter 20618

shall: 20619

(A) Receive, within twenty days of their admission 20620  
sufficient professional care to assure that an evaluation of 20621  
current status, differential diagnosis, probable prognosis, and 20622  
description of the current treatment plan is stated on the 20623  
official chart; 20624

(B) Have a written treatment plan consistent with the 20625  
evaluation, diagnosis, prognosis, and goals which shall be 20626  
provided, upon request of the patient or patient's counsel, to 20627  
the patient's counsel and to any private physician or licensed 20628  
clinical psychologist designated by the patient or the patient's 20629  
counsel or to the Ohio protection and advocacy system; 20630

(C) Receive treatment consistent with the treatment plan. 20631  
The department of mental health and addiction services shall set 20632  
standards for treatment provided to such patients, consistent 20633  
wherever possible with standards set by the joint commission. 20634

(D) Receive periodic reevaluations of the treatment plan 20635  
by the professional staff at intervals not to exceed ninety 20636  
days; 20637

(E) Be provided with adequate medical treatment for 20638  
physical disease or injury; 20639

(F) Receive humane care and treatment, including without 20640  
limitation, the following: 20641

(1) The least restrictive environment consistent with the 20642  
treatment plan; 20643

(2) The necessary facilities and personnel required by the 20644  
treatment plan; 20645

(3) A humane psychological and physical environment; 20646

(4) The right to obtain current information concerning the patient's treatment program and expectations in terms that the patient can reasonably understand;

(5) Participation in programs designed to afford the patient substantial opportunity to acquire skills to facilitate return to the community or to terminate an involuntary commitment;

(6) The right to be free from unnecessary or excessive medication;

(7) Freedom from restraints or isolation unless it is stated in a written order by the chief clinical officer or the chief clinical officer's designee, or the patient's individual physician or psychologist in a private or general hospital.

If the chief clinical officer of the hospital is unable to provide the treatment required by divisions (C), (E), and (F) of this section for any patient hospitalized pursuant to Chapter 5122. of the Revised Code, the chief clinical officer shall immediately notify the patient, the court, the Ohio protection and advocacy system, the director of mental health and addiction services, and the patient's counsel and legal guardian, if known. If within ten days after receipt of such notification by the director, the director is unable to effect a transfer of the patient, pursuant to section 5122.20 of the Revised Code, to a hospital, community mental health services provider, or other medical facility where treatment is available, or has not received an order of the court to the contrary, the involuntary commitment of any patient hospitalized pursuant to Chapter 5122. of the Revised Code and defined as a ~~mentally ill~~ person with a mental illness subject to court order under division (B)(4) of section 5122.01 of the Revised Code shall automatically be

terminated. 20677

**Sec. 5122.271.** (A) Except as provided in divisions (C), 20678  
(D), and (E) of this section, the chief clinical officer or, in 20679  
a nonpublic hospital, the attending physician responsible for a 20680  
patient's care shall provide all information, including expected 20681  
physical and medical consequences, necessary to enable any 20682  
patient of a hospital for ~~the mentally ill~~ persons with mental 20683  
illnesses to give a fully informed, intelligent, and knowing 20684  
consent, the opportunity to consult with independent specialists 20685  
and counsel, and the right to refuse consent for any of the 20686  
following: 20687

- (1) Surgery; 20688
- (2) Convulsive therapy; 20689
- (3) Major aversive interventions; 20690
- (4) Sterilizations; 20691
- (5) Any unusually hazardous treatment procedures; 20692
- (6) Psycho-surgery. 20693

(B) No patient shall be subjected to any of the procedures 20694  
listed in divisions (A) (4) to (6) of this section until both the 20695  
patient's informed, intelligent, and knowing consent and the 20696  
approval of the court have been obtained, except that court 20697  
approval is not required for a legally competent and voluntary 20698  
patient in a nonpublic hospital. 20699

(C) If, after providing the information required under 20700  
division (A) of this section to the patient, the chief clinical 20701  
officer or attending physician concludes that a patient is 20702  
physically or mentally unable to receive the information 20703  
required for surgery under division (A) (1) of this section, or 20704

has been adjudicated incompetent, the information may be 20705  
provided to the patient's natural or court-appointed guardian, 20706  
who may give an informed, intelligent, and knowing written 20707  
consent. 20708

If a patient is physically or mentally unable to receive 20709  
the information required for surgery under division (A)(1) of 20710  
this section and has no guardian, the information, the 20711  
recommendation of the chief clinical officer, and the concurring 20712  
judgment of a licensed physician who is not a full-time employee 20713  
of the state may be provided to the court in the county in which 20714  
the hospital is located, which may approve the surgery. Before 20715  
approving the surgery, the court shall notify the Ohio 20716  
protection and advocacy system created by section 5123.60 of the 20717  
Revised Code, and shall notify the patient of the rights to 20718  
consult with counsel, to have counsel appointed by the court if 20719  
the patient is indigent, and to contest the recommendation of 20720  
the chief clinical officer. 20721

(D) If, in a medical emergency, and after providing the 20722  
information required under division (A) of this section to the 20723  
patient, it is the judgment of one licensed physician that delay 20724  
in obtaining surgery would create a grave danger to the health 20725  
of the patient, it may be administered without the consent of 20726  
the patient or the patient's guardian if the necessary 20727  
information is provided to the patient's spouse or next of kin 20728  
to enable that person to give informed, intelligent, and knowing 20729  
written consent. If no spouse or next of kin can reasonably be 20730  
contacted, or if the spouse or next of kin is contacted, but 20731  
refuses to consent, the surgery may be performed upon the 20732  
written authorization of the chief clinical officer or, in a 20733  
nonpublic hospital, upon the written authorization of the 20734  
attending physician responsible for the patient's care, and 20735

after the approval of the court has been obtained. However, if 20736  
delay in obtaining court approval would create a grave danger to 20737  
the life of the patient, the chief clinical officer or, in a 20738  
nonpublic hospital, the attending physician responsible for the 20739  
patient's care may authorize surgery, in writing, without court 20740  
approval. If the surgery is authorized without court approval, 20741  
the chief clinical officer or the attending physician who made 20742  
the authorization and the physician who performed the surgery 20743  
shall each execute an affidavit describing the circumstances 20744  
constituting the emergency and warranting the surgery and the 20745  
circumstances warranting their not obtaining prior court 20746  
approval. The affidavit shall be filed with the court with which 20747  
the request for prior approval would have been filed within five 20748  
court days after the surgery, and a copy of the affidavit shall 20749  
be placed in the patient's file and be given to the guardian, 20750  
spouse, or next of kin of the patient, to the hospital at which 20751  
the surgery was performed, and to the Ohio protection and 20752  
advocacy system as defined in section 5123.60 of the Revised 20753  
Code. 20754

(E) Major aversive interventions shall not be used unless 20755  
a patient continues to engage in behavior destructive to self or 20756  
others after other forms of therapy have been attempted. Major 20757  
aversive interventions may be applied if approved by the 20758  
director of mental health and addiction services. Major aversive 20759  
interventions shall not be applied to a voluntary patient 20760  
without the informed, intelligent, and knowing written consent 20761  
of the patient or the patient's guardian. 20762

(F) Unless there is substantial risk of physical harm to 20763  
self or others, or other than under division (D) of this 20764  
section, this chapter does not authorize any form of compulsory 20765  
medical, psychological, or psychiatric treatment of any patient 20766

who is being treated by spiritual means through prayer alone in 20767  
accordance with a recognized religious method of healing without 20768  
specific court authorization. 20769

(G) For purposes of this section, "convulsive therapy" 20770  
does not include defibrillation. 20771

**Sec. 5122.28.** No patient of a hospital for ~~the mentally~~ 20772  
~~ill~~ persons with mental illnesses shall be compelled to perform 20773  
labor which involves the operation, support, or maintenance of 20774  
the hospital or for which the hospital is under contract with an 20775  
outside organization. Privileges or release from the hospital 20776  
shall not be conditional upon the performance of such labor. 20777  
Patients who volunteer to perform such labor shall be 20778  
compensated at a rate derived from the value of work performed, 20779  
having reference to the prevailing wage rate for comparable work 20780  
or wage rates established under section 4111.06 of the Revised 20781  
Code. 20782

A patient may be required to perform therapeutic tasks 20783  
which do not involve the operation, support, or maintenance of 20784  
the hospital if those tasks are an integrated part of the 20785  
patient's treatment plan and supervised by a person qualified to 20786  
oversee the therapeutic aspects of the activity. 20787

A patient may be required to perform tasks of a personal 20788  
housekeeping nature. 20789

**Sec. 5122.30.** Any person detained pursuant to this chapter 20790  
or section 2945.39, 2945.40, 2945.401, or 2945.402 of the 20791  
Revised Code shall be entitled to the writ of habeas corpus upon 20792  
proper petition by self or by a friend to any court generally 20793  
empowered to issue the writ of habeas corpus in the county in 20794  
which the person is detained. 20795

No person may bring a petition for a writ of habeas corpus 20796  
that alleges that a person involuntarily detained pursuant to 20797  
this chapter no longer is a ~~mentally ill~~ person with a mental 20798  
illness subject to court order unless the person shows that the 20799  
release procedures of division (H) of section 5122.15 of the 20800  
Revised Code are inadequate or unavailable. 20801

**Sec. 5122.311.** (A) Notwithstanding any provision of the 20802  
Revised Code to the contrary, if, on or after April 8, 2004, an 20803  
individual is found by a court to be a ~~mentally ill~~ person with 20804  
a mental illness subject to court order or becomes an 20805  
involuntary patient other than one who is a patient only for 20806  
purposes of observation, the probate judge who made the 20807  
adjudication or the chief clinical officer of the hospital, 20808  
community mental health services provider, or facility in which 20809  
the person is an involuntary patient shall notify the office of 20810  
the attorney general, on the form described in division (C) of 20811  
this section, of the identity of the individual. The 20812  
notification shall be transmitted by the judge or the chief 20813  
clinical officer not later than seven days after the 20814  
adjudication or commitment. 20815

(B) The office of the attorney general shall compile and 20816  
maintain the notices it receives under division (A) of this 20817  
section and the notices shall be used for the purpose of 20818  
conducting incompetency records checks pursuant to section 20819  
311.41 of the Revised Code. The notices and the information they 20820  
contain are confidential, except as provided in this division, 20821  
and are not public records. 20822

(C) The attorney general, by rule adopted under Chapter 20823  
119. of the Revised Code, shall prescribe and make available to 20824  
all probate judges and all chief clinical officers a form to be 20825

used by them for the purpose of making the notifications 20826  
required by division (A) of this section. 20827

**Sec. 5122.36.** If the legal residence of a person ~~suffering~~ 20828  
~~from~~with a mental illness is in another county of the state, 20829  
the necessary expense of the person's return is a proper charge 20830  
against the county of legal residence. If an adjudication and 20831  
order of hospitalization by the probate court of the county of 20832  
temporary residence are required, the regular probate court fees 20833  
and expenses incident to the order of hospitalization under this 20834  
chapter and any other expense incurred on the person's behalf 20835  
shall be charged to and paid by the county of the person's legal 20836  
residence upon the approval and certification of the probate 20837  
judge of the county of the person's legal residence. The 20838  
ordering court shall send to the probate court of the person's 20839  
county of legal residence a certified copy of the commitment 20840  
order from the ordering court. The receiving court shall enter 20841  
and record the commitment order. The certified commitment order 20842  
is prima facie evidence of the residence of the person. When the 20843  
residence of the person cannot be established as represented by 20844  
the ordering court, the matter of residence shall be referred to 20845  
the department of mental health and addiction services for 20846  
investigation and determination. 20847

**Sec. 5122.39.** (A) ~~Mentally ill minors~~ Minors with mental 20848  
illnesses shall remain under the natural guardianship of their 20849  
parents, notwithstanding hospitalization pursuant to this 20850  
chapter, unless parental rights have been terminated pursuant to 20851  
a court finding that the minor is neglected or dependent. Where 20852  
a ~~mentally ill~~ minor with a mental illness is found to be 20853  
dependent or neglected, the public children's services agency in 20854  
the county of residence has final guardianship authority and 20855  
responsibility. 20856

(B) In no case shall the guardianship of a ~~mentally ill~~ person with a mental illness be assigned to the chief medical officer or any staff member of a hospital, board, or provider from which the person is receiving mental health services.

**Sec. 5122.43.** (A) Costs, fees, and expenses of all proceedings held under this chapter shall be paid as follows:

(1) To police and health officers, other than sheriffs or their deputies, the same fees allowed to constables, to be paid upon the approval of the probate judge;

(2) To sheriffs or their deputies, the same fees allowed for similar services in the court of common pleas;

(3) To physicians or licensed clinical psychologists acting as expert witnesses and to other expert witnesses designated by the court, an amount determined by the court;

(4) To other witnesses, the same fees and mileage as for attendance at the court of common pleas, to be paid upon the approval of the probate judge;

(5) To a person, other than the sheriff or the sheriff's deputies, for taking a ~~mentally ill~~ person with a mental illness to a hospital or removing a ~~mentally ill~~ person with a mental illness from a hospital, the actual necessary expenses incurred, specifically itemized, and approved by the probate judge;

(6) To assistants who convey ~~mentally ill~~ persons with a mental illness to the hospital when authorized by the probate judge, a fee set by the probate court, provided the assistants are not drawing a salary from the state or any political subdivision of the state, and their actual necessary expenses incurred, provided that the expenses are specifically itemized and approved by the probate judge;

(7) To an attorney appointed by the probate division for 20886  
an indigent who allegedly is a ~~mentally ill~~ person with a mental 20887  
illness pursuant to any section of this chapter or a person 20888  
~~suffering from~~ experiencing alcohol and other drug abuse and who 20889  
may be ordered under sections 5119.91 to 5119.98 of the Revised 20890  
Code to undergo treatment, the fees that are determined by the 20891  
probate division. When those indigent persons are before the 20892  
court, all filing and recording fees shall be waived. 20893

(8) To a referee who is appointed to conduct proceedings 20894  
under this chapter that involve a respondent whose domicile is 20895  
or, before the respondent's hospitalization, was not the county 20896  
in which the proceedings are held, compensation as fixed by the 20897  
probate division, but not more than the compensation paid for 20898  
similar proceedings for respondents whose domicile is in the 20899  
county in which the proceedings are held; 20900

(9) To a court reporter appointed to make a transcript of 20901  
proceedings under this chapter, the compensation and fees 20902  
allowed in other cases under section 2101.08 of the Revised 20903  
Code. 20904

(B) A county shall pay for the costs, fees, and expenses 20905  
described in division (A) of this section with money 20906  
appropriated pursuant to section 2101.11 of the Revised Code. A 20907  
county may seek reimbursement from the department of mental 20908  
health and addiction services by submitting a request and 20909  
certification by the county auditor of the costs, fees, and 20910  
expenses to the department within two months of the date the 20911  
costs, fees, and expenses are incurred by the county. 20912

Each fiscal year, based on past allocations, historical 20913  
utilization, and other factors the department considers 20914  
appropriate, the department shall allocate for each county an 20915

amount for reimbursements under this section. A county's 20916  
allocation may be zero. The department shall set aside an amount 20917  
in addition to the allocations to cover court costs associated 20918  
with proceedings held under this chapter for counties that 20919  
received an allocation of zero but that incurred expenditures 20920  
authorized by the department. The total of all the allocations 20921  
plus the additional amount set aside shall equal the amount 20922  
appropriated for the fiscal year to the department specifically 20923  
for the purposes of this section. 20924

On receipt, the department shall review each request for 20925  
reimbursement and prepare a voucher for the amount of the costs, 20926  
fees, and expenses incurred by the county, provided that the 20927  
total amount of money paid to all counties in each fiscal year 20928  
shall not exceed the total amount of moneys specifically 20929  
appropriated to the department for these purposes. 20930

The department's total reimbursement to each county shall 20931  
be the lesser of the full amount requested or either the amount 20932  
allocated for the county under this division, or, for counties 20933  
that received an allocation of zero, the amount approved by the 20934  
department. In addition, the department shall distribute any 20935  
surplus remaining from the money appropriated for the fiscal 20936  
year to the department for the purposes of this section as 20937  
follows to counties whose full requests exceed their 20938  
allocations: 20939

(1) If the surplus is sufficient to reimburse such 20940  
counties the full amount of their requests, each such county 20941  
shall receive the full amount of its request; 20942

(2) If the surplus is insufficient, each such county shall 20943  
receive a percentage of the surplus determined by dividing the 20944  
difference between the county's full request and its allocation 20945

by the difference between the total of the full requests of all 20946  
such counties and the total of the amounts allocated for all 20947  
such counties. 20948

The department may adopt rules in accordance with Chapter 20949  
119. of the Revised Code to implement the payment of costs, 20950  
fees, and expenses under this section. 20951

**Sec. 5123.651.** (A) As used in this section, "developmental 20952  
disabilities personnel" and "prescribed medication" have the 20953  
same meanings as in section 5123.41 of the Revised Code. 20954

(B) Developmental disabilities personnel who are not 20955  
specifically authorized by other provisions of the Revised Code 20956  
to provide assistance in the self-administration of prescribed 20957  
medication may, under this section, provide that assistance as 20958  
part of the services they provide to individuals with 20959  
developmental disabilities. To provide assistance with self- 20960  
administration of prescribed medication, developmental 20961  
disabilities personnel are not required to be trained or 20962  
certified in accordance with section 5123.42 of the Revised 20963  
Code. 20964

(C) When assisting in the self-administration of 20965  
prescribed medication, developmental disabilities personnel 20966  
shall take only the following actions: 20967

(1) Remind an individual when to take the medication and 20968  
observe the individual to ensure that the individual follows the 20969  
directions on the container; 20970

(2) Assist an individual by taking the medication in its 20971  
container from the area where it is stored, handing the 20972  
container with the medication in it to the individual, and 20973  
opening the container, if the individual is physically unable to 20974

open the container; 20975

(3) Assist, on request by or with the consent of, ~~a~~an 20976  
individual who is physically impaired but mentally alert 20977  
~~individual~~, with removal of oral or topical medication from the 20978  
container and with the individual's taking or applying of the 20979  
medication. If an individual is physically unable to place a 20980  
dose of oral medication to the individual's mouth without 20981  
spilling or dropping it, developmental disabilities personnel 20982  
may place the dose in another container and place that container 20983  
to the individual's mouth. 20984

**Sec. 5126.38.** (A) As used in this section, "eligible 20985  
person" has the same meaning as in section 5126.032 of the 20986  
Revised Code. 20987

(B) Except as provided in division (D) of this section, no 20988  
person shall disclose the identity of an individual who requests 20989  
programs or services under this chapter or release a record or 20990  
report regarding an eligible person that is maintained by a 20991  
county board of ~~mental retardation and~~ developmental 20992  
disabilities or an entity under contract with a county board 20993  
unless one of the following circumstances exists: 20994

(1) The individual, eligible person, or ~~his~~the 20995  
individual's guardian, or, if ~~he~~the individual is a minor, ~~his~~the 20996  
individual's parent or guardian, makes a written request to 20997  
the county board or entity for or approves in writing disclosure 20998  
of the individual's identity or release of the record or report 20999  
regarding the eligible person. 21000

(2) Disclosure of the identity of an individual is needed 21001  
for approval of a direct services contract under section 21002  
5126.032 or 5126.033 of the Revised Code. The county board shall 21003

release only the individual's name and the general nature of the 21004  
services to be provided. 21005

(3) Disclosure of the identity of the individual is needed 21006  
to ascertain that the county board's waiting lists for programs 21007  
or services are being maintained in accordance with section 21008  
5126.052 of the Revised Code and the rules adopted under that 21009  
section. The county board shall release only the individual's 21010  
name, the general nature of the programs or services to be 21011  
provided ~~him~~ the individual, the individual's rank on each 21012  
waiting list that includes the individual, and any circumstances 21013  
under which the individual was given priority when placed on a 21014  
waiting list. 21015

(C) A board or entity that discloses an individual's 21016  
identity or releases a record or report regarding an eligible 21017  
person shall maintain a record of when and to whom the 21018  
disclosure or release was made. 21019

(D) (1) At the request of an eligible person or ~~his~~ the 21020  
person's guardian or, if ~~he~~ the eligible person is a minor, ~~his~~ 21021  
the person's parent or guardian, a county board or entity under 21022  
contract with a county board shall provide the person who made 21023  
the request access to records and reports regarding the eligible 21024  
person. On written request, the county board or entity shall 21025  
provide copies of the records and reports to the eligible 21026  
person, guardian, or parent. The county board or entity may 21027  
charge a reasonable fee to cover the costs of copying. The 21028  
county board or entity may waive the fee in cases of hardship. 21029

(2) A county board shall provide access to any waiting 21030  
list or record or report regarding an eligible person maintained 21031  
by the board to any state agency responsible for monitoring and 21032  
reviewing programs and services provided or arranged by the 21033

county board, any state agency involved in the coordination of 21034  
services for an eligible person, and any agency under contract 21035  
with the department of ~~mental retardation and~~ developmental 21036  
disabilities for the provision of protective service pursuant to 21037  
section 5123.56 of the Revised Code. 21038

(E) A county board shall notify an eligible person, ~~his~~ 21039  
the person's guardian, or, if ~~he~~ the eligible person is a minor, 21040  
~~his~~ the person's parent or guardian, prior to destroying any 21041  
record or report regarding the eligible person. 21042

**Sec. 5139.54.** (A) Notwithstanding any other provision for 21043  
determining when a child shall be released or discharged from 21044  
the legal custody of the department of youth services, including 21045  
jurisdictional provisions in section 2152.22 of the Revised 21046  
Code, the release authority, for medical reasons, may release a 21047  
child upon supervised release or discharge the child from the 21048  
custody of the department when any of the following applies: 21049

(1) The child is terminally ill or otherwise in imminent 21050  
danger of death. 21051

(2) The child is incapacitated due to injury, disease, 21052  
illness, or other medical condition and is no longer a threat to 21053  
public safety. 21054

(3) The child appears to be a ~~mentally ill~~ person with a 21055  
mental illness subject to court order, as defined in section 21056  
5122.01 of the Revised Code, or a person with an intellectual 21057  
disability subject to institutionalization by court order, as 21058  
defined in section 5123.01 of the Revised Code. 21059

(B) When considering whether to release or discharge a 21060  
child under this section for medical reasons, the release 21061  
authority may request additional medical information about the 21062

child or may ask the department to conduct additional medical 21063  
examinations. 21064

(C) The release authority shall determine the appropriate 21065  
level of supervised release for a child released under this 21066  
section. The terms and conditions of the release may require 21067  
periodic medical reevaluations as appropriate. Upon granting a 21068  
release or discharge under this section, the release authority 21069  
shall give notice of the release and its terms and conditions or 21070  
of the discharge to the court that committed the child to the 21071  
custody of the department. 21072

(D) The release authority shall submit annually to the 21073  
director of youth services a report that includes all of the 21074  
following information for the previous calendar year: 21075

(1) The number of children the release authority 21076  
considered for medical release or discharge; 21077

(2) The nature of the injury, disease, illness, or other 21078  
medical condition of each child considered for medical release 21079  
or discharge; 21080

(3) The decision made by the release authority for each 21081  
child, including the reasons for denying medical release or 21082  
discharge or for granting it; 21083

(4) The number of children on medical release who were 21084  
returned to a secure facility or whose supervised release was 21085  
revoked. 21086

**Sec. 5149.30.** As used in sections 5149.30 to 5149.37 of 21087  
the Revised Code: 21088

(A) "Community corrections programs" include, but are not 21089  
limited to, probation, parole, preventive or diversionary 21090

corrections programs, release-on-recognizance programs, 21091  
prosecutorial diversion programs, specialized treatment programs 21092  
for ~~alcoholic and narcotic-addicted offenders~~ with alcoholism 21093  
and narcotic addictions, and community control sanctions as 21094  
defined in section 2929.01 of the Revised Code. 21095

(B) "Local corrections planning board" means the board 21096  
established in each county under section 5149.34 of the Revised 21097  
Code. 21098

(C) "Joint county corrections planning board" means the 21099  
board established by multiple counties under section 5149.35 of 21100  
the Revised Code. 21101

**Sec. 5153.01.** (A) As used in the Revised Code, "public 21102  
children services agency" means an entity specified in section 21103  
5153.02 of the Revised Code that has assumed the powers and 21104  
duties of the children services function prescribed by this 21105  
chapter for a county. 21106

(B) As used in this chapter: 21107

(1) "Certified foster home" means a foster home, as 21108  
defined in section 5103.02 of the Revised Code, certified under 21109  
section 5103.03 of the Revised Code. 21110

(2) "Certified organization" means any organization 21111  
holding a certificate issued pursuant to section 5103.03 of the 21112  
Revised Code that is in full force and effect. 21113

(3) "Child" means any person under eighteen years of age 21114  
or a ~~mentally or physically handicapped person~~ with a mental or 21115  
physical disability, as defined by rule adopted by the director 21116  
of job and family services, under twenty-one years of age. 21117

(4) "Executive director" means the person charged with the 21118

responsibility of administering the powers and duties of a 21119  
public children services agency appointed pursuant to section 21120  
5153.10 of the Revised Code. 21121

(5) "Organization" means any public, semipublic, or 21122  
private institution, including maternity homes and day 21123  
nurseries, and any private association, society, or agency, 21124  
located or operating in this state, incorporated or 21125  
unincorporated, having among its functions the furnishing of 21126  
protective services or care for children or the placement of 21127  
children in certified foster homes or elsewhere. 21128

(6) "PCSA caseworker" means an individual employed by a 21129  
public children services agency as a caseworker. 21130

(7) "PCSA caseworker supervisor" means an individual 21131  
employed by a public children services agency to supervise PCSA 21132  
caseworkers. 21133

**Sec. 5153.16.** (A) Except as provided in section 2151.422 21134  
of the Revised Code, in accordance with rules adopted under 21135  
section 5153.166 of the Revised Code, and on behalf of children 21136  
in the county whom the public children services agency considers 21137  
to be in need of public care or protective services, the public 21138  
children services agency shall do all of the following: 21139

(1) Make an investigation concerning any child alleged to 21140  
be an abused, neglected, or dependent child; 21141

(2) Enter into agreements with the parent, guardian, or 21142  
other person having legal custody of any child, or with the 21143  
department of job and family services, department of mental 21144  
health and addiction services, department of developmental 21145  
disabilities, other department, any certified organization 21146  
within or outside the county, or any agency or institution 21147

outside the state, having legal custody of any child, with 21148  
respect to the custody, care, or placement of any child, or with 21149  
respect to any matter, in the interests of the child, provided 21150  
the permanent custody of a child shall not be transferred by a 21151  
parent to the public children services agency without the 21152  
consent of the juvenile court; 21153

(3) Accept custody of children committed to the public 21154  
children services agency by a court exercising juvenile 21155  
jurisdiction; 21156

(4) Provide such care as the public children services 21157  
agency considers to be in the best interests of any child 21158  
adjudicated to be an abused, neglected, or dependent child the 21159  
agency finds to be in need of public care or service; 21160

(5) Provide social services to any unmarried girl 21161  
adjudicated to be an abused, neglected, or dependent child who 21162  
is pregnant with or has been delivered of a child; 21163

(6) Make available to the ~~bureau for~~ children with medical 21164  
handicaps program of the department of health at its request any 21165  
information concerning a ~~crippled~~ child with a disability found 21166  
to be in need of treatment under sections 3701.021 to 3701.028 21167  
of the Revised Code who is receiving services from the public 21168  
children services agency; 21169

(7) Provide temporary emergency care for any child 21170  
considered by the public children services agency to be in need 21171  
of such care, without agreement or commitment; 21172

(8) Find certified foster homes, within or outside the 21173  
county, for the care of children, including ~~handicapped~~ children 21174  
with disabilities from other counties attending special schools 21175  
in the county; 21176

(9) Subject to the approval of the board of county commissioners and the state department of job and family services, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision; 21177  
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(10) Acquire and operate a county children's home, establish, maintain, and operate a receiving home for the temporary care of children, or procure certified foster homes for this purpose; 21185  
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(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; 21189  
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(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 21193  
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exercise of the parenting time rights or companionship or	21207
visitation rights;	21208
(13) Make investigations at the request of any	21209
superintendent of schools in the county or the principal of any	21210
school concerning the application of any child adjudicated to be	21211
an abused, neglected, or dependent child for release from	21212
school, where such service is not provided through a school	21213
attendance department;	21214
(14) Administer funds provided under Title IV-E of the	21215
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as	21216
amended, in accordance with rules adopted under section 5101.141	21217
of the Revised Code;	21218
(15) In addition to administering Title IV-E adoption	21219
assistance funds, enter into agreements to make adoption	21220
assistance payments under section 5153.163 of the Revised Code;	21221
(16) Implement a system of safety and risk assessment, in	21222
accordance with rules adopted by the director of job and family	21223
services, to assist the public children services agency in	21224
determining the risk of abuse or neglect to a child;	21225
(17) Enter into a plan of cooperation with the board of	21226
county commissioners under section 307.983 of the Revised Code	21227
and comply with each fiscal agreement the board enters into	21228
under section 307.98 of the Revised Code that include family	21229
services duties of public children services agencies and	21230
contracts the board enters into under sections 307.981 and	21231
307.982 of the Revised Code that affect the public children	21232
services agency;	21233
(18) Make reasonable efforts to prevent the removal of an	21234
alleged or adjudicated abused, neglected, or dependent child	21235

from the child's home, eliminate the continued removal of the 21236  
child from the child's home, or make it possible for the child 21237  
to return home safely, except that reasonable efforts of that 21238  
nature are not required when a court has made a determination 21239  
under division (A) (2) of section 2151.419 of the Revised Code; 21240

(19) Make reasonable efforts to place the child in a 21241  
timely manner in accordance with the permanency plan approved 21242  
under division (E) of section 2151.417 of the Revised Code and 21243  
to complete whatever steps are necessary to finalize the 21244  
permanent placement of the child; 21245

(20) Administer a Title IV-A program identified under 21246  
division (A) (4) (c) or (g) of section 5101.80 of the Revised Code 21247  
that the department of job and family services provides for the 21248  
public children services agency to administer under the 21249  
department's supervision pursuant to section 5101.801 of the 21250  
Revised Code; 21251

(21) Administer the kinship permanency incentive program 21252  
created under section 5101.802 of the Revised Code under the 21253  
supervision of the director of job and family services; 21254

(22) Provide independent living services pursuant to 21255  
sections 2151.81 to 2151.84 of the Revised Code; 21256

(23) File a missing child report with a local law 21257  
enforcement agency upon becoming aware that a child in the 21258  
custody of the public children services agency is or may be 21259  
missing. 21260

(B) The public children services agency shall use the 21261  
system implemented pursuant to division (A) (16) of this section 21262  
in connection with an investigation undertaken pursuant to 21263  
division (G) (1) of section 2151.421 of the Revised Code to 21264

assess both of the following:	21265
(1) The ongoing safety of the child;	21266
(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.	21267 21268 21269
(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:	21270 21271 21272 21273 21274 21275
(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;	21276 21277 21278 21279 21280
(2) (a) Except as limited by divisions (C) (2) (b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:	21281 21282 21283
(i) County departments of job and family services;	21284
(ii) Boards of alcohol, drug addiction, and mental health services;	21285 21286
(iii) County boards of developmental disabilities;	21287
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	21288 21289
(v) Private and government providers of services;	21290
(vi) Managed care organizations and prepaid health plans.	21291

(b) A public children services agency contract under 21292  
division (C) (2) (a) of this section regarding the agency's duties 21293  
under section 2151.421 of the Revised Code may not provide for 21294  
the entity under contract with the agency to perform any service 21295  
not authorized by the department's rules. 21296

(c) Only a county children services board appointed under 21297  
section 5153.03 of the Revised Code that is a public children 21298  
services agency may contract under division (C) (2) (a) of this 21299  
section. If an entity specified in division (B) or (C) of 21300  
section 5153.02 of the Revised Code is the public children 21301  
services agency for a county, the board of county commissioners 21302  
may enter into contracts pursuant to section 307.982 of the 21303  
Revised Code regarding the agency's duties. 21304

**Sec. 5153.163.** (A) As used in this section, "adoptive 21305  
parent" means, as the context requires, a prospective adoptive 21306  
parent or an adoptive parent. 21307

(B) (1) Before a child's adoption is finalized, a public 21308  
children services agency may enter into an agreement with the 21309  
child's adoptive parent under which the agency, to the extent 21310  
state funds are available, may make state adoption maintenance 21311  
subsidy payments as needed on behalf of the child when all of 21312  
the following apply: 21313

(a) The child is a child with special needs. 21314

(b) The child was placed in the adoptive home by a public 21315  
children services agency or a private child placing agency and 21316  
may legally be adopted. 21317

(c) The adoptive parent has the capability of providing 21318  
the permanent family relationships needed by the child. 21319

(d) The needs of the child are beyond the economic 21320

resources of the adoptive parent. 21321

(e) Acceptance of the child as a member of the adoptive 21322  
parent's family would not be in the child's best interest 21323  
without payments on the child's behalf under this section. 21324

(f) The gross income of the adoptive parent's family does 21325  
not exceed one hundred twenty per cent of the median income of a 21326  
family of the same size, including the child, as most recently 21327  
determined for this state by the secretary of health and human 21328  
services under Title XX of the "Social Security Act," 88 Stat. 21329  
2337, 42 U.S.C.A. 1397, as amended. 21330

(g) The child is not eligible for adoption assistance 21331  
payments under Title IV-E of the "Social Security Act," 94 Stat. 21332  
501 (1980), 42 U.S.C.A. 671, as amended. 21333

(2) State adoption maintenance subsidy payment agreements 21334  
must be made by either the public children services agency that 21335  
has permanent custody of the child or the public children 21336  
services agency of the county in which the private child placing 21337  
agency that has permanent custody of the child is located. 21338

(3) State adoption maintenance subsidy payments shall be 21339  
made in accordance with the agreement between the public 21340  
children services agency and the adoptive parent and are subject 21341  
to an annual redetermination of need. 21342

(4) Payments under this division may begin either before 21343  
or after issuance of the final adoption decree, except that 21344  
payments made before issuance of the final adoption decree may 21345  
be made only while the child is living in the adoptive parent's 21346  
home. Preadoption payments may be made for not more than twelve 21347  
months, unless the final adoption decree is not issued within 21348  
that time because of a delay in court proceedings. Payments that 21349

begin before issuance of the final adoption decree may continue 21350  
after its issuance. 21351

(C) (1) If, after the child's adoption is finalized, a 21352  
public children services agency considers a child residing in 21353  
the county served by the agency to be in need of public care or 21354  
protective services, the agency may, to the extent state funds 21355  
are available for this purpose, enter into an agreement with the 21356  
child's adoptive parent under which the agency may make post 21357  
adoption special services subsidy payments on behalf of the 21358  
child as needed when both of the following apply: 21359

(a) The child has a physical or developmental ~~handicap~~ 21360  
disability or mental or emotional condition that either: 21361

(i) Existed before the adoption petition was filed; or 21362

(ii) Developed after the adoption petition was filed and 21363  
can be directly attributed to factors in the child's preadoption 21364  
background, medical history, or biological family's background 21365  
or medical history. 21366

(b) The agency determines the expenses necessitated by the 21367  
child's ~~handicap~~ disability or condition are beyond the adoptive 21368  
parent's economic resources. 21369

(2) Services for which a public children services agency 21370  
may make post adoption special services subsidy payments on 21371  
behalf of a child under this division shall include medical, 21372  
surgical, psychiatric, psychological, and counseling services, 21373  
including residential treatment. 21374

(3) The department of job and family services shall 21375  
establish clinical standards to evaluate a child's physical or 21376  
developmental ~~handicap~~ disability or mental or emotional 21377  
condition and assess the child's need for services. 21378

(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year.

(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the child; except that a public children services agency may waive this requirement if the gross annual income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.

(6) A public children services agency may use other sources of revenue to make post adoption special services subsidy payments, in addition to any state funds appropriated for that purpose.

(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a ~~mentally or physically handicapped~~ person with a mental or physical disability twenty-one years of age or older.

(E) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;	21408 21409
(2) The method to determine the amount of assistance payable under division (B) of this section;	21410 21411
(3) The definition of "child with special needs" for this section;	21412 21413
(4) The process whereby a child's continuing need for services provided under division (B) of this section is annually redetermined;	21414 21415 21416
(5) The method of determining the amount, duration, and scope of services provided to a child under division (C) of this section;	21417 21418 21419
(6) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.	21420 21421 21422
(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.	21423 21424 21425 21426 21427 21428 21429 21430
(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	21431 21432 21433 21434 21435 21436

to adopt the child, unless the agency has determined and 21437  
redetermined at intervals of not more than six months the 21438  
impossibility of adoption by a person who wishes to adopt 21439  
children, and is approved by an agency so empowered under 21440  
Chapter 5103. of the Revised Code, or by a person who wishes to 21441  
adopt a child with special needs as defined in rules adopted 21442  
under this section, and who is approved by an agency so 21443  
empowered under Chapter 5103. of the Revised Code, including the 21444  
impossibility of entering into a payment agreement with such a 21445  
person. The agency so maintaining such a child shall report its 21446  
reasons for doing so to the department of job and family 21447  
services. 21448

The department may take any action permitted under section 21449  
5101.24 of the Revised Code for an agency's failure to 21450  
determine, redetermine, and report on a child's status. 21451

**Sec. 5164.15.** (A) As used in this section: 21452

(1) "Community mental health services provider or 21453  
facility" means a community mental health services provider or 21454  
facility that has its community mental health services certified 21455  
by the department of mental health and addiction services under 21456  
section 5119.36 of the Revised Code or by the department of job 21457  
and family services under section 5103.03 of the Revised Code. 21458

(2) "Mental health professional" means a person qualified 21459  
to work with ~~mentally ill persons~~ with mental illnesses under 21460  
the standards established by the director of mental health and 21461  
addiction services pursuant to section 5119.36 of the Revised 21462  
Code. 21463

(B) The medicaid program may cover the following mental 21464  
health services when provided by community mental health 21465

services providers or facilities:	21466
(1) Outpatient mental health services, including, but not limited to, preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;	21467 21468 21469 21470 21471 21472
(2) Partial-hospitalization mental health services rendered by persons directly supervised by a mental health professional;	21473 21474 21475
(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;	21476 21477 21478
(4) Assertive community treatment and intensive home-based mental health services.	21479 21480
(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.	21481 21482 21483 21484 21485
<b>Sec. 5165.03.</b> (A) As used in this section:	21486
(1) "Dementia" includes Alzheimer's disease or a related disorder.	21487 21488
(2) "Serious mental illness" means "serious mental illness," as defined by the United States department of health and human services in regulations adopted under <u>section 1919(e)(7)(G)(i)</u> of the "Social Security Act," <del>section 1919(e)(7)(G)(i)</del> , 42 U.S.C. 1396r(e)(7)(G)(i).	21489 21490 21491 21492 21493

- (3) ~~"Mentally ill individual"~~ "Individual with a mental illness" means an individual who has a serious mental illness other than either of the following: 21494  
21495  
21496
- (a) A primary diagnosis of dementia; 21497
- (b) A primary diagnosis that is not a primary diagnosis of dementia and a primary diagnosis of something other than a serious mental illness. 21498  
21499  
21500
- (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). 21501  
21502  
21503  
21504
- (5) "Specialized services" means the services specified by the United States department of health and human services in regulations adopted under section 1919(e)(7)(G)(iii) of the "Social Security Act," ~~section 1919(e)(7)(G)(iii),~~ 42 U.S.C. 1396r(e)(7)(G)(iii). 21505  
21506  
21507  
21508  
21509
- (B)(1) Except as provided in division (D) of this section, no nursing facility shall admit as a resident any ~~mentally ill individual with a mental illness~~ unless the facility has received evidence that the department of mental health and addiction services has determined both of the following under section 5119.40 of the Revised Code: 21510  
21511  
21512  
21513  
21514  
21515
- (a) That the individual requires the level of services provided by a nursing facility because of the individual's physical and mental condition; 21516  
21517  
21518
- (b) Whether the individual requires specialized services for mental illness. 21519  
21520
- (2) Except as provided in division (D) of this section, no 21521

nursing facility shall admit as a resident any mentally retarded 21522  
individual unless the facility has received evidence that the 21523  
department of developmental disabilities has determined both of 21524  
the following under section 5123.021 of the Revised Code: 21525

(a) That the individual requires the level of services 21526  
provided by a nursing facility because of the individual's 21527  
physical and mental condition; 21528

(b) Whether the individual requires specialized services 21529  
for mental retardation. 21530

(C) The department of medicaid shall not make medicaid 21531  
payments to a nursing facility on behalf of any individual who 21532  
is admitted to the facility in violation of division (B) of this 21533  
section for the period beginning on the date of admission and 21534  
ending on the date the requirements of division (B) of this 21535  
section are met. 21536

(D) A determination under division (B) of this section is 21537  
not required for any individual who is exempted from the 21538  
requirement that a determination be made by division (B) (2) of 21539  
section 5119.40 of the Revised Code or rules adopted by the 21540  
department of mental health and addiction services under 21541  
division (E) (3) of that section, or by division (B) (2) of 21542  
section 5123.021 of the Revised Code or rules adopted by the 21543  
department of developmental disabilities under division (E) (3) 21544  
of that section. 21545

**Sec. 5305.22.** (A) Any real estate or interest in real 21546  
estate coming to a person by purchase, inheritance, or 21547  
otherwise, after the spouse of the person is adjudged a ~~mentally-~~ 21548  
~~ill~~-person with a mental illness subject to court order and 21549  
admitted to either a hospital for persons with mental illness in 21550

this or any other state of the United States or the psychiatric department of any hospital of the United States, may be conveyed by the person while the person's spouse who is a ~~mentally ill~~ person with a mental illness subject to court order remains a patient of that hospital, free and clear from any dower right or expectancy of the person's spouse who is a ~~mentally ill~~ person with a mental illness subject to court order. Dower shall not attach to any real estate so acquired and conveyed during the time described in this section in favor of such spouse who is a ~~mentally ill~~ person with a mental illness subject to court order. The indorsement upon the instrument of conveyance, by the superintendent of the hospital to which the spouse was admitted, 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 21581  
tenant under a rental agreement. 21582

(C) "Residential premises" means a dwelling unit for 21583  
residential use and occupancy and the structure of which it is a 21584  
part, the facilities and appurtenances in it, and the grounds, 21585  
areas, and facilities for the use of tenants generally or the 21586  
use of which is promised the tenant. "Residential premises" 21587  
includes a dwelling unit that is owned or operated by a college 21588  
or university. "Residential premises" does not include any of 21589  
the following: 21590

(1) Prisons, jails, workhouses, and other places of 21591  
incarceration or correction, including, but not limited to, 21592  
halfway houses or residential arrangements that are used or 21593  
occupied as a requirement of a community control sanction, a 21594  
post-release control sanction, or parole; 21595

(2) Hospitals and similar institutions with the primary 21596  
purpose of providing medical services, and homes licensed 21597  
pursuant to Chapter 3721. of the Revised Code; 21598

(3) Tourist homes, hotels, motels, recreational vehicle 21599  
parks, recreation camps, combined park-camps, temporary park- 21600  
camps, and other similar facilities where circumstances indicate 21601  
a transient occupancy; 21602

(4) Elementary and secondary boarding schools, where the 21603  
cost of room and board is included as part of the cost of 21604  
tuition; 21605

(5) Orphanages and similar institutions; 21606

(6) Farm residences furnished in connection with the 21607  
rental of land of a minimum of two acres for production of 21608  
agricultural products by one or more of the occupants; 21609

(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;	21610 21611
(8) Occupancy by an owner of a condominium unit;	21612
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	21613 21614 21615 21616 21617 21618 21619
(a) The occupancy is for a period of less than sixty days.	21620
(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:	21621 21622 21623 21624
(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of <del>mentally ill persons</del> <u>with mental illnesses</u> , persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons <del>suffering</del> <u>from experiencing</u> substance abuse;	21625 21626 21627 21628 21629 21630
(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.	21631 21632
(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways.	21633 21634 21635 21636 21637 21638

(D) "Rental agreement" means any agreement or lease, 21639  
written or oral, which establishes or modifies the terms, 21640  
conditions, rules, or any other provisions concerning the use 21641  
and occupancy of residential premises by one of the parties. 21642

(E) "Security deposit" means any deposit of money or 21643  
property to secure performance by the tenant under a rental 21644  
agreement. 21645

(F) "Dwelling unit" means a structure or the part of a 21646  
structure that is used as a home, residence, or sleeping place 21647  
by one person who maintains a household or by two or more 21648  
persons who maintain a common household. 21649

(G) "Controlled substance" has the same meaning as in 21650  
section 3719.01 of the Revised Code. 21651

(H) "Student tenant" means a person who occupies a 21652  
dwelling unit owned or operated by the college or university at 21653  
which the person is a student, and who has a rental agreement 21654  
that is contingent upon the person's status as a student. 21655

(I) "Recreational vehicle park," "recreation camp," 21656  
"combined park-camp," and "temporary park-camp" have the same 21657  
meanings as in section 3729.01 of the Revised Code. 21658

(J) "Community control sanction" has the same meaning as 21659  
in section 2929.01 of the Revised Code. 21660

(K) "Post-release control sanction" has the same meaning 21661  
as in section 2967.01 of the Revised Code. 21662

(L) "School premises" has the same meaning as in section 21663  
2925.01 of the Revised Code. 21664

(M) "Sexually oriented offense" and "child-victim oriented 21665  
offense" have the same meanings as in section 2950.01 of the 21666

Revised Code. 21667

(N) "Preschool or child day-care center premises" has the 21668  
same meaning as in section 2950.034 of the Revised Code. 21669

**Sec. 5501.05.** Moneys appropriated to the department of 21670  
transportation and derived from fees, excises, or license taxes 21671  
relating to the registration, operation, or use of vehicles on 21672  
public highways, or to fuels used for propelling such vehicle, 21673  
shall not be expended for any purpose other than as provided in 21674  
Section 5a of Article XII, Ohio Constitution, and such moneys 21675  
may be expended only for expenses directly chargeable to the 21676  
purposes set forth in such section. The director of 21677  
transportation may make rules facilitating, to the extent 21678  
practical under the circumstances, the use of public 21679  
transportation systems and aviation systems by ~~the~~ 21680  
handicapped persons with disabilities. 21681

**Sec. 5501.07.** In addition to those duties, powers, and 21682  
functions the director of transportation assigns to it, the 21683  
office of transit: 21684

(A) May issue grants from any public transportation grant 21685  
appropriation to county transit boards, regional transit 21686  
authorities, regional transit commissions, counties, municipal 21687  
corporations, and private nonprofit organizations that operate 21688  
or will operate a public transportation system. 21689

The director shall establish criteria for the distribution 21690  
of such grants. These criteria may include and the director may 21691  
consider each of the following: 21692

(1) The degree to which comprehensive regional 21693  
transportation planning goals may be attained through a program 21694  
for which a grant will be used; 21695

(2) The amount of local financial or other support of public transportation operations and facilities affected by the program;	21696 21697 21698
(3) The levels of existing service and fare;	21699
(4) The degree to which the proposed plan demonstrates approaches of potential value to other local transit boards, authorities, commissions, counties, municipal corporations, and private nonprofit organizations operating public transportation systems;	21700 21701 21702 21703 21704
(5) The degree to which the grant applicant will use state and local funds to match a federal grant;	21705 21706
(6) Such other factors as the director determines.	21707
Any criteria established by the director for the distribution of such grants shall be consistent with the requirements of the United States department of transportation, or any administration in the department, including, but not limited to, the federal transit administration. The director may designate in the criteria certain dates after which applications for specified portions of the appropriations made for this purpose will not be accepted.	21708 21709 21710 21711 21712 21713 21714 21715
(B) May issue grants from any elderly and <del>handicapped-</del> <u>disabled</u> transit fare assistance grant appropriation to county transit boards, regional transit authorities, regional transit commissions, counties, municipal corporations, and private nonprofit organizations that operate or will operate public transportation systems for the purpose of reducing the transit or paratransit fares of elderly or <del>handicapped-</del> <u>disabled</u> persons. The director shall establish criteria for the distribution of such grants.	21716 21717 21718 21719 21720 21721 21722 21723 21724

(C) May administer provisions of federal public transportation acts or programs applicable within the state, pursuant to an agreement entered into by the director with an appropriate official of the federal agency responsible for implementation of the federal acts or programs. The federal acts or programs shall include, but are not limited to, programs authorized under the "Act of July 5, 1994," 108 Stat. 785, 49 U.S.C.A. 5301, as amended.

(D) Shall furnish, upon request and within the limits of appropriated funds, guidance in technical or policy matters to a county transit board, regional transit authority, regional transit commission, county, municipal corporation, or private nonprofit organization that operates or proposes to operate a public transportation system, and provide assistance and liaison in the preparation and submission of applications for federal and state funds;

(E) May apply for and accept grants or loans from any federal agency for the purpose of providing for the development or improvement of public transportation facilities or for the coordination of any activities related to the development or improvement of such facilities, and may provide any consideration from any public transportation grant appropriation and enter into any contracts that may be required in order to obtain such grants or loans from a federal agency.

**Sec. 5515.08.** (A) The department of transportation may contract to sell commercial advertising space within or on the outside surfaces of any building located within a roadside rest area under its jurisdiction in exchange for cash payment. Money the department receives under this section shall be deposited in the state treasury to the credit of the highway operating fund.

(B) Advertising placed under this section shall comply 21755  
with all of the following: 21756

(1) It shall not be libelous or obscene and shall not 21757  
promote any illegal product or service. 21758

(2) It shall not promote illegal discrimination on the 21759  
basis of the race, religion, national origin, 21760  
~~handicap~~disability, age, or ancestry of any person. 21761

(3) It shall not support or oppose any candidate for 21762  
political office or any political cause, issue, or organization. 21763

(4) It shall comply with any controlling federal or state 21764  
regulations or restrictions. 21765

(5) To the extent physically and technically practical, it 21766  
shall state that the advertisement is a paid commercial 21767  
advertisement and that the state does not endorse the product or 21768  
service promoted by the advertisement or make any representation 21769  
about the accuracy of the advertisement or the quality or 21770  
performance of the product or service promoted by the 21771  
advertisement. 21772

(6) It shall conform to all applicable rules adopted by 21773  
the director of transportation under division (E) of this 21774  
section. 21775

(C) Contracts entered into under this section shall be 21776  
awarded only to the qualified bidder who submits the highest 21777  
responsive bid or according to uniformly applied rate classes. 21778

(D) No person, except an advertiser alleging a breach of 21779  
contract or the improper awarding of a contract, has a cause of 21780  
action against the state with respect to any contract or 21781  
advertising authorized by this section. Under no circumstances 21782

is the state liable for consequential or noneconomic damages 21783  
with respect to any contract or advertising authorized under 21784  
this section. 21785

(E) The director, in accordance with Chapter 119. of the 21786  
Revised Code, shall adopt rules to implement this section. The 21787  
rules shall be consistent with the policy of protecting the 21788  
safety of the traveling public and consistent with the national 21789  
policy governing the use and control of such roadside rest 21790  
areas. The rules shall regulate the awarding of contracts and 21791  
may regulate the content, display, and other aspects of the 21792  
commercial advertising authorized by this section. 21793

**Sec. 5531.12.** (A) In order to remove present and 21794  
anticipated ~~handicaps~~impediments and potential hazards on the 21795  
highways in this state, to facilitate vehicular traffic 21796  
throughout the state, to promote the agricultural, commercial, 21797  
recreational, tourism, and industrial development of the state, 21798  
and to provide for the general welfare of its citizens, the 21799  
director of transportation may approve toll projects. Any 21800  
revenue derived from toll projects shall be used only for 21801  
purposes of the toll project, including a toll project or any 21802  
aspect of a toll project pursuant to a public-private agreement 21803  
authorized by sections 5501.70 to 5501.83 of the Revised Code, 21804  
and shall not be expended for any purpose other than as provided 21805  
in Section 5a of Article XII, Ohio Constitution. The toll 21806  
projects authorized by sections 5531.11 to 5531.18 of the 21807  
Revised Code are part of the state highway system. 21808

(B) Any toll project shall be developed and submitted for 21809  
selection in accordance with the policies and procedures of the 21810  
selection process of the transportation review advisory council, 21811  
created under Chapter 5512. of the Revised Code. Each toll 21812

project may be separately designated, by name or number, and may  
be constructed, improved, or reconstructed as the department of  
transportation may from time to time determine pursuant to  
sections 5531.11 to 5531.18 of the Revised Code. A toll project  
shall be considered a state infrastructure project as defined in  
section 5531.10 of the Revised Code for all purposes of that  
section and section 5531.09 of the Revised Code and also is a  
transportation facility as defined in section 5501.01 of the  
Revised Code.

(C) (1) Nothing in this chapter shall be construed to  
permit user fees to be charged on existing nontoll public roads.

(2) Division (C) (1) of this section does not apply to a  
toll project as described in division (N) (4) of section 5531.11  
of the Revised Code.

**Sec. 5537.03.** In order to remove present and anticipated  
~~handicaps—impediments~~ and potential hazards on the congested  
highways in this state, to facilitate vehicular traffic  
throughout the state, to finance infrastructure projects that  
improve and enhance mobility in Ohio, and also to promote the  
agricultural, recreational, tourism, and commercial, industrial,  
and economic development of the state, and to provide for the  
general welfare by the construction, improvement, and  
maintenance of modern express highways embodying safety devices,  
including without limitation center divisions, ample shoulder  
widths, long sight distances, multiple lanes in each direction,  
and grade separations at intersections with other public roads  
and railroads, the Ohio turnpike and infrastructure commission  
may do the following:

(A) Subject to section 5537.26 of the Revised Code,  
construct, maintain, repair, and operate a system of turnpike

projects at locations that are reviewed by the turnpike 21843  
legislative review committee and approved by the governor, and 21844  
in accordance with alignment and design standards that are 21845  
approved by the director of transportation, and issue revenue 21846  
bonds of this state, payable solely from pledged revenues, to 21847  
pay the cost of those projects. The turnpikes and turnpike 21848  
projects authorized by this chapter are hereby or shall be made 21849  
part of the Ohio turnpike system. 21850

(B) Provide the infrastructure funds to pay the cost or a 21851  
portion of the cost of infrastructure projects as recommended by 21852  
the director of transportation pursuant to a determination made 21853  
by the commission based on criteria set forth in rules adopted 21854  
by the commission under section 5537.18 of the Revised Code. A 21855  
determination by the commission to provide infrastructure funds 21856  
for an infrastructure project shall be conclusive and 21857  
incontestable. 21858

**Sec. 5709.45.** (A) As used in sections 5709.45 to 5709.47 21859  
of the Revised Code: 21860

(1) "Downtown redevelopment district" or "district" means 21861  
an area not more than ten acres enclosed by a continuous 21862  
boundary in which at least one historic building is being, or 21863  
will be, rehabilitated. 21864

(2) "Historic building" and "rehabilitation" have the same 21865  
meanings as in section 149.311 of the Revised Code. 21866

(3) "Public infrastructure improvement" has the same 21867  
meaning as in section 5709.40 of the Revised Code. 21868

(4) "Improvement" means the increase in the assessed value 21869  
of real property that would first appear on the tax list after 21870  
the effective date of an ordinance adopted under this section 21871

were it not for the exemption granted by the ordinance. 21872

(5) "Innovation district" means an area located entirely 21873  
within a downtown redevelopment district, enclosed by a 21874  
continuous boundary, and equipped with a high-speed broadband 21875  
network capable of download speeds of at least one hundred 21876  
gigabits per second. 21877

(6) "Qualified business" means a business primarily 21878  
engaged, or primarily organized to engage, in a trade or 21879  
business that involves research and development, technology 21880  
transfer, bio-technology, information technology, or the 21881  
application of new technology developed through research and 21882  
development or acquired through technology transfer. 21883

(7) "Information technology" means the branch of 21884  
technology devoted to the study and application of data and the 21885  
processing thereof; the automatic acquisition, storage, 21886  
manipulation or transformation, management, movement, control, 21887  
display, switching, interchange, transmission or reception of 21888  
data, and the development or use of hardware, software, 21889  
firmware, and procedures associated with this processing. 21890  
"Information technology" includes matters concerned with the 21891  
furtherance of computer science and technology, design, 21892  
development, installation, and implementation of information 21893  
systems and applications that in turn will be licensed or sold 21894  
to a specific target market. "Information technology" does not 21895  
include the creation of a distribution method for existing 21896  
products and services. 21897

(8) "Research and development" means designing, creating, 21898  
or formulating new or enhanced products, equipment, or 21899  
processes, and conducting scientific or technological inquiry 21900  
and experimentation in the physical sciences with the goal of 21901

increasing scientific knowledge that may reveal the bases for 21902  
new or enhanced products, equipment, or processes. 21903

(9) "Technology transfer" means the transfer of technology 21904  
from one sector of the economy to another, including the 21905  
transfer of military technology to civilian applications, 21906  
civilian technology to military applications, or technology from 21907  
public or private research laboratories to military or civilian 21908  
applications. 21909

(B) For the purposes of promoting rehabilitation of 21910  
historic buildings, creating jobs, and encouraging economic 21911  
development in commercial and mixed-use commercial and 21912  
residential areas, and for the purpose of funding transportation 21913  
improvements that will benefit such areas, the legislative 21914  
authority of a municipal corporation may adopt an ordinance 21915  
creating a downtown redevelopment district and declaring 21916  
improvements to parcels within the district to be a public 21917  
purpose and exempt from taxation. Downtown redevelopment 21918  
districts shall not be created in areas used exclusively for 21919  
residential purposes and shall not be utilized for development 21920  
or redevelopment of residential areas. 21921

The ordinance shall specify all of the following: 21922

(1) The boundary of the district; 21923

(2) The county treasurer's permanent parcel number 21924  
associated with each parcel included in the district; 21925

(3) The parcel or parcels within the district that include 21926  
a historic building that is being or will be rehabilitated; 21927

(4) The proposed life of the district; 21928

(5) An economic development plan for the district that 21929

includes all of the following:	21930
(a) A statement describing the principal purposes and goals to be served by creating the district;	21931 21932
(b) An explanation of how the municipal corporation will collaborate with businesses and property owners within the district to develop strategies for achieving such purposes and goals;	21933 21934 21935 21936
(c) A plan for using the service payments provided for in section 5709.46 of the Revised Code to promote economic development and job creation within the district.	21937 21938 21939
Not more than seventy per cent of improvements to parcels within a downtown redevelopment district may be exempted from taxation under this section. A district may not include a parcel that is exempted from taxation under this section or section 5709.40 or 5709.41 of the Revised Code on the effective date of the ordinance. Except as provided in division (F) of this section, the life of a downtown redevelopment district shall not exceed ten years.	21940 21941 21942 21943 21944 21945 21946 21947
A municipal corporation may adopt more than one ordinance under division (B) of this section. A single such ordinance may create more than one downtown redevelopment district.	21948 21949 21950
(C) For the purposes of attracting and facilitating growth of qualified businesses and supporting the economic development efforts of business incubators and accelerators, the legislative authority of a municipal corporation may designate an innovation district within a proposed or existing downtown redevelopment district. The life of the innovation district shall be identical to the downtown redevelopment district in which the innovation district is located. In addition to the requirements in division	21951 21952 21953 21954 21955 21956 21957 21958

(B) of this section, an ordinance creating a downtown 21959  
redevelopment district that includes an innovation district 21960  
shall specify all of the following: 21961

(1) The boundary of the innovation district; 21962

(2) The permanent parcel number associated with each 21963  
parcel included in the innovation district; 21964

(3) An economic development plan for the innovation 21965  
district that meets the criteria prescribed by division (B) (5) 21966  
of this section. 21967

(D) At least thirty days before adopting an ordinance 21968  
under division (B) of this section, the legislative authority of 21969  
the municipal corporation shall conduct a public hearing on the 21970  
proposed ordinance and the accompanying economic development 21971  
plan. At least thirty days before the public hearing, the 21972  
legislative authority shall give notice of the public hearing 21973  
and the proposed ordinance by first class mail to every real 21974  
property owner whose property is located within the boundaries 21975  
of the proposed district that is the subject of the proposed 21976  
ordinance. 21977

(E) Revenue derived from downtown redevelopment district 21978  
service payments may be used by the municipal corporation for 21979  
any of the following purposes: 21980

(1) To finance or support loans, deferred loans, or grants 21981  
to owners of historic buildings within the downtown 21982  
redevelopment district. Such loans or grants shall be awarded 21983  
upon the condition that the loan or grant amount may be used by 21984  
the owner only to rehabilitate the historic building. A 21985  
municipal corporation that awards a loan or grant under this 21986  
division shall develop a plan for tracking the loan or grant 21987

recipient's use of the loan or grant and monitoring the progress 21988  
of the recipient's rehabilitation project. 21989

(2) To make contributions to a special improvement 21990  
district for use under section 1710.14 of the Revised Code, to a 21991  
community improvement corporation for use under section 1724.12 21992  
of the Revised Code, or to a nonprofit corporation, as defined 21993  
in section 1702.01 of the Revised Code, the primary purpose of 21994  
which is redeveloping historic buildings and historic districts 21995  
for use by the corporation to rehabilitate a historic building 21996  
within the downtown redevelopment district or to otherwise 21997  
promote or enhance the district. Amounts contributed under 21998  
division (E) (2) of this section shall not exceed the property 21999  
tax revenue that would have been generated by twenty per cent of 22000  
the assessed value of the exempted improvements within the 22001  
downtown redevelopment district. 22002

(3) To finance or support loans to owners of one or more 22003  
buildings located within the district that do not qualify as 22004  
historic buildings. Such loans shall be awarded upon the 22005  
condition that the loan amount may be used by the owner only to 22006  
make repairs and improvements to the building or buildings. A 22007  
municipal corporation that awards a loan under this division 22008  
shall develop a plan for tracking the loan recipient's use of 22009  
the loan and monitoring the progress of the recipient's repairs 22010  
or improvements. 22011

(4) To finance public infrastructure improvements within 22012  
the downtown redevelopment district. If revenue generated by the 22013  
downtown redevelopment district will be used to finance public 22014  
infrastructure improvements, the economic development plan 22015  
described by division (B) (5) of this section shall identify 22016  
specific projects that are being or will be undertaken within 22017

the district and describe how such infrastructure improvements 22018  
will accommodate additional demands on the existing 22019  
infrastructure within the district. A municipal corporation 22020  
shall not use service payments derived from a downtown 22021  
redevelopment district to repair or replace police or fire 22022  
equipment. 22023

(5) To finance or support loans, deferred loans, or grants 22024  
to qualified businesses or to incubators and accelerators that 22025  
provide services and capital to qualified businesses within an 22026  
innovation district. Such loans or grants shall be awarded upon 22027  
the condition that the loan or grant shall be used by the 22028  
recipient to start or develop one or more qualified businesses 22029  
within the innovation district. A municipal corporation that 22030  
awards a loan or grant under this division shall develop a plan 22031  
for tracking the loan or grant recipient's use of the loan or 22032  
grant and monitoring the establishment and growth of the 22033  
qualified business. 22034

(F) Notwithstanding division (B) of this section, 22035  
improvements to parcels located within a downtown redevelopment 22036  
district may be exempted from taxation under this section for up 22037  
to thirty years if either of the following apply: 22038

(1) The ordinance creating the redevelopment district 22039  
specifies that payments in lieu of taxes shall be paid to the 22040  
city, local, or exempted village, and joint vocational school 22041  
district or districts in which the redevelopment district is 22042  
located in the amount of the taxes that would have been payable 22043  
to the school district or districts if the improvements had not 22044  
been exempted from taxation. 22045

(2) The municipal corporation creating the district 22046  
obtains the approval under division (G) of this section of the 22047

board of education of each city, local, and exempted village 22048  
school district within which the district will be located. 22049

(G) (1) The legislative authority of a municipal 22050  
corporation seeking the approval of a school district for the 22051  
purpose of division (G) (2) of this section shall send notice of 22052  
the proposed ordinance to the school district not later than 22053  
forty-five business days before it intends to adopt the 22054  
ordinance. The notice shall include a copy of the proposed 22055  
ordinance and shall indicate the date on which the legislative 22056  
authority intends to adopt the ordinance. The board of education 22057  
of the school district, by resolution adopted by a majority of 22058  
the board, may do any of the following: 22059

(a) Approve the exemption for the number of years 22060  
specified in the proposed ordinance; 22061

(b) Disapprove the exemption for the number of years in 22062  
excess of ten; 22063

(c) Approve the exemption on the condition that the 22064  
legislative authority and the board negotiate an agreement 22065  
providing for compensation to the school district equal in value 22066  
to a percentage of the amount of taxes exempted in the eleventh 22067  
and subsequent years of the exemption period or other mutually 22068  
agreeable compensation. If an agreement is negotiated under this 22069  
division, the legislative authority shall compensate all joint 22070  
vocational school districts within which the downtown 22071  
redevelopment district is located at the same rate and under the 22072  
same terms received by the city, local, or exempted village 22073  
school district. 22074

(2) The board of education shall certify a resolution 22075  
adopted under division (G) (1) of this section to the legislative 22076

authority of the municipal corporation not later than fourteen 22077  
days before the date the legislative authority intends to adopt 22078  
the ordinance as indicated in the notice. If the board of 22079  
education approves the ordinance or negotiates a mutually 22080  
acceptable compensation agreement with the legislative 22081  
authority, the legislative authority may enact the ordinance in 22082  
its current form. If the board disapproves of the ordinance and 22083  
fails to negotiate a mutually acceptable compensation agreement 22084  
with the legislative authority, the legislative authority may 22085  
exempt improvements to parcels within the downtown redevelopment 22086  
district for not more than ten years. If the board fails to 22087  
certify a resolution to the legislative authority within the 22088  
time prescribed by this division, the legislative authority may 22089  
adopt the ordinance and may exempt improvements to parcels 22090  
within the downtown redevelopment district for the period of 22091  
time specified in the notice delivered to the board of 22092  
education. The legislative authority may adopt the ordinance at 22093  
any time after the board of education certifies its resolution 22094  
approving the exemption to the legislative authority or, if the 22095  
board approves the exemption on the condition that a mutually 22096  
acceptable compensation agreement be negotiated, at any time 22097  
after the compensation agreement is agreed to by the board and 22098  
the legislative authority. 22099

(3) If a board of education has adopted a resolution 22100  
waiving its right to approve exemptions from taxation under this 22101  
section and the resolution remains in effect, approval of 22102  
exemptions by the board is not required under division (G) of 22103  
this section. If a board of education has adopted a resolution 22104  
allowing a legislative authority to deliver the notice required 22105  
under division (G)(1) of this section fewer than forty-five 22106  
business days before the legislative authority's adoption of the 22107

ordinance, the legislative authority shall deliver the notice to 22108  
the board not later than the number of days before such adoption 22109  
as prescribed by the board in its resolution. If a board of 22110  
education adopts a resolution waiving its right to approve 22111  
agreements or shortening the notification period, the board 22112  
shall certify a copy of the resolution to the legislative 22113  
authority. If the board of education rescinds such a resolution, 22114  
it shall certify notice of the rescission to the legislative 22115  
authority. 22116

(4) If the legislative authority is not required by 22117  
division (G) of this section to notify the board of education of 22118  
the legislative authority's intent to create a downtown 22119  
redevelopment district, the legislative authority shall comply 22120  
with the notice requirements imposed under section 5709.83 of 22121  
the Revised Code, unless the board has adopted a resolution 22122  
under that section waiving its right to receive such a notice. 22123

(H) Service payments in lieu of taxes that are 22124  
attributable to any amount by which the effective tax rate of 22125  
either a renewal levy with an increase or a replacement levy 22126  
exceeds the effective tax rate of the levy renewed or replaced, 22127  
or that are attributable to an additional levy, for a levy 22128  
authorized by the voters for any of the following purposes on or 22129  
after January 1, 2006, and which are provided pursuant to an 22130  
ordinance creating a downtown redevelopment district under 22131  
division (B) of this section shall be distributed to the 22132  
appropriate taxing authority as required under division (C) of 22133  
section 5709.46 of the Revised Code in an amount equal to the 22134  
amount of taxes from that additional levy or from the increase 22135  
in the effective tax rate of such renewal or replacement levy 22136  
that would have been payable to that taxing authority from the 22137  
following levies were it not for the exemption authorized under 22138

division (B) of this section:	22139
(1) A tax levied under division (L) of section 5705.19 or	22140
section 5705.191 of the Revised Code for community <del>mental</del>	22141
<del>retardation and</del> developmental disabilities programs and services	22142
pursuant to Chapter 5126. of the Revised Code;	22143
(2) A tax levied under division (Y) of section 5705.19 of	22144
the Revised Code for providing or maintaining senior citizens	22145
services or facilities;	22146
(3) A tax levied under section 5705.22 of the Revised Code	22147
for county hospitals;	22148
(4) A tax levied by a joint-county district or by a county	22149
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	22150
for alcohol, drug addiction, and mental health services or	22151
facilities;	22152
(5) A tax levied under section 5705.23 of the Revised Code	22153
for library purposes;	22154
(6) A tax levied under section 5705.24 of the Revised Code	22155
for the support of children services and the placement and care	22156
of children;	22157
(7) A tax levied under division (Z) of section 5705.19 of	22158
the Revised Code for the provision and maintenance of zoological	22159
park services and facilities under section 307.76 of the Revised	22160
Code;	22161
(8) A tax levied under section 511.27 or division (H) of	22162
section 5705.19 of the Revised Code for the support of township	22163
park districts;	22164
(9) A tax levied under division (A), (F), or (H) of	22165
section 5705.19 of the Revised Code for parks and recreational	22166

purposes of a joint recreation district organized pursuant to 22167  
division (B) of section 755.14 of the Revised Code; 22168

(10) A tax levied under section 1545.20 or 1545.21 of the 22169  
Revised Code for park district purposes; 22170

(11) A tax levied under section 5705.191 of the Revised 22171  
Code for the purpose of making appropriations for public 22172  
assistance; human or social services; public relief; public 22173  
welfare; public health and hospitalization; and support of 22174  
general hospitals; 22175

(12) A tax levied under section 3709.29 of the Revised 22176  
Code for a general health district program. 22177

(I) An exemption from taxation granted under this section 22178  
commences with the tax year specified in the ordinance so long 22179  
as the year specified in the ordinance commences after the 22180  
effective date of the ordinance. If the ordinance specifies a 22181  
year commencing before the effective date of the ordinance or 22182  
specifies no year whatsoever, the exemption commences with the 22183  
tax year in which an exempted improvement first appears on the 22184  
tax list and that commences after the effective date of the 22185  
ordinance. In lieu of stating a specific year, the ordinance may 22186  
provide that the exemption commences in the tax year in which 22187  
the value of an improvement exceeds a specified amount or in 22188  
which the construction of one or more improvements is completed, 22189  
provided that such tax year commences after the effective date 22190  
of the ordinance. 22191

Except as otherwise provided in this division, the 22192  
exemption ends on the date specified in the ordinance as the 22193  
date the improvement ceases to be a public purpose or the 22194  
downtown redevelopment district expires, whichever occurs first. 22195

The exemption of an improvement within a downtown redevelopment district may end on a later date, as specified in the ordinance, if the legislative authority and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement, and the board of education has approved the term of the exemption under division (G) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. Exemptions shall be claimed and allowed in the same manner as in the case of other real property exemptions. If an exemption status changes during a year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(J) Additional municipal financing of the projects and services described in division (E) of this section may be provided by any methods that the municipal corporation may otherwise use for financing such projects and services. If the municipal corporation issues bonds or notes to finance such projects and services and pledges money from the municipal downtown redevelopment district fund to pay the interest on and principal of the bonds or notes, the bonds or notes are not subject to Chapter 133. of the Revised Code.

(K) The municipal corporation, not later than fifteen days after the adoption of an ordinance under this section, shall submit to the director of development services a copy of the ordinance. On or before the thirty-first day of March of each year, the municipal corporation shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the

projects and services during each year that an exemption remains 22227  
in effect, including a summary of the receipts from service 22228  
payments in lieu of taxes; expenditures of money from the funds 22229  
created under section 5709.47 of the Revised Code; a description 22230  
of the projects and services financed with such expenditures; 22231  
and a quantitative summary of changes in employment and private 22232  
investment resulting from each project and service. 22233

(L) Nothing in this section shall be construed to prohibit 22234  
a legislative authority from declaring to be a public purpose 22235  
improvements with respect to more than one parcel. 22236

(M) (1) The owner of real property located in a downtown 22237  
redevelopment district may enter into an agreement with the 22238  
municipal corporation that created the district to impose a 22239  
redevelopment charge on the property to cover all or part of the 22240  
cost of services, facilities, and improvements provided within 22241  
the district under division (E) of this section. The agreement 22242  
shall include the following: 22243

(a) The amount of the redevelopment charge. The 22244  
redevelopment charge may be a fixed dollar amount or an amount 22245  
determined on the basis of the assessed valuation of the 22246  
property or all or part of the profits, gross receipts, or other 22247  
revenues of a business operating on the property, including 22248  
rentals received from leases of the property. If the property is 22249  
leased to one or more tenants, the redevelopment charge may be 22250  
itemized as part of the lease rate. 22251

(b) The termination date of the redevelopment charge. The 22252  
redevelopment charge shall not be charged after the expiration 22253  
or termination of the downtown redevelopment district. 22254

(c) The terms by which the municipal corporation shall 22255

collect the redevelopment charge. 22256

(d) The purposes for which the redevelopment charge may be 22257  
used by the municipal corporation. The redevelopment charge 22258  
shall be used only for those purposes described by division (E) 22259  
of this section. The agreement may specify any or all of such 22260  
purposes. 22261

(2) Redevelopment charges collected by a municipal 22262  
corporation under division (M) of this section shall be 22263  
deposited to the municipal downtown redevelopment district fund 22264  
created under section 5709.47 of the Revised Code. 22265

(3) An agreement by a property owner under division (M) of 22266  
this section is hereby deemed to be a covenant running with the 22267  
land. The covenant is fully binding on behalf of and enforceable 22268  
by the municipal corporation against any person acquiring an 22269  
interest in the land and all of that person's successors and 22270  
assigns. 22271

(4) No purchase agreement for real estate or any interest 22272  
in real estate upon which a redevelopment charge is levied shall 22273  
be enforceable by the seller or binding upon the purchaser 22274  
unless the purchase agreement specifically refers to the 22275  
redevelopment charge. If a conveyance of such real estate or 22276  
interest in such real estate is made pursuant to a purchase 22277  
agreement that does not make such reference, the redevelopment 22278  
charge shall continue to be a covenant running with the land 22279  
fully binding on behalf of and enforceable by the municipal 22280  
corporation against the person accepting the conveyance pursuant 22281  
to the purchase agreement. 22282

(5) If a redevelopment charge is not paid when due, the 22283  
overdue amount shall be collected according to the terms of the 22284

agreement. If the agreement does not specify a procedure for 22285  
collecting overdue redevelopment charges, the municipal 22286  
corporation may certify the charge to the county auditor. The 22287  
county auditor shall enter the unpaid charge on the tax list and 22288  
duplicate of real property opposite the parcel against which it 22289  
is charged and certify the charge to the county treasurer. The 22290  
unpaid redevelopment charge is a lien on property against which 22291  
it is charged from the date the charge is entered on the tax 22292  
list, and shall be collected in the manner provided for the 22293  
collection of real property taxes. Once the charge is collected, 22294  
it shall be paid immediately to the municipal corporation. 22295

**Sec. 5733.04.** As used in this chapter: 22296

(A) "Issued and outstanding shares of stock" applies to 22297  
nonprofit corporations, as provided in section 5733.01 of the 22298  
Revised Code, and includes, but is not limited to, membership 22299  
certificates and other instruments evidencing ownership of an 22300  
interest in such nonprofit corporations, and with respect to a 22301  
financial institution that does not have capital stock, "issued 22302  
and outstanding shares of stock" includes, but is not limited 22303  
to, ownership interests of depositors in the capital employed in 22304  
such an institution. 22305

(B) "Taxpayer" means a corporation subject to the tax 22306  
imposed by section 5733.06 of the Revised Code. 22307

(C) "Resident" means a corporation organized under the 22308  
laws of this state. 22309

(D) "Commercial domicile" means the principal place from 22310  
which the trade or business of the taxpayer is directed or 22311  
managed. 22312

(E) "Taxable year" means the period prescribed by division 22313

(A) of section 5733.031 of the Revised Code upon the net income 22314  
of which the value of the taxpayer's issued and outstanding 22315  
shares of stock is determined under division (B) of section 22316  
5733.05 of the Revised Code or the period prescribed by division 22317  
(A) of section 5733.031 of the Revised Code that immediately 22318  
precedes the date as of which the total value of the corporation 22319  
is determined under division (A) or (C) of section 5733.05 of 22320  
the Revised Code. 22321

(F) "Tax year" means the calendar year in and for which 22322  
the tax imposed by section 5733.06 of the Revised Code is 22323  
required to be paid. 22324

(G) "Internal Revenue Code" means the "Internal Revenue 22325  
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 22326

(H) "Federal income tax" means the income tax imposed by 22327  
the Internal Revenue Code. 22328

(I) Except as provided in section 5733.058 of the Revised 22329  
Code, "net income" means the taxpayer's taxable income before 22330  
operating loss deduction and special deductions, as required to 22331  
be reported for the taxpayer's taxable year under the Internal 22332  
Revenue Code, subject to the following adjustments: 22333

(1) (a) Deduct any net operating loss incurred in any 22334  
taxable years ending in 1971 or thereafter, but exclusive of any 22335  
net operating loss incurred in taxable years ending prior to 22336  
January 1, 1971. This deduction shall not be allowed in any tax 22337  
year commencing before December 31, 1973, but shall be carried 22338  
over and allowed in tax years commencing after December 31, 22339  
1973, until fully utilized in the next succeeding taxable year 22340  
or years in which the taxpayer has net income, but in no case 22341  
for more than the designated carryover period as described in 22342

division (I) (1) (b) of this section. The amount of such net 22343  
operating loss, as determined under the allocation and 22344  
apportionment provisions of section 5733.051 and division (B) of 22345  
section 5733.05 of the Revised Code for the year in which the 22346  
net operating loss occurs, shall be deducted from net income, as 22347  
determined under the allocation and apportionment provisions of 22348  
section 5733.051 and division (B) of section 5733.05 of the 22349  
Revised Code, to the extent necessary to reduce net income to 22350  
zero with the remaining unused portion of the deduction, if any, 22351  
carried forward to the remaining years of the designated 22352  
carryover period as described in division (I) (1) (b) of this 22353  
section, or until fully utilized, whichever occurs first. 22354

(b) For losses incurred in taxable years ending on or 22355  
before December 31, 1981, the designated carryover period shall 22356  
be the five consecutive taxable years after the taxable year in 22357  
which the net operating loss occurred. For losses incurred in 22358  
taxable years ending on or after January 1, 1982, and beginning 22359  
before August 6, 1997, the designated carryover period shall be 22360  
the fifteen consecutive taxable years after the taxable year in 22361  
which the net operating loss occurs. For losses incurred in 22362  
taxable years beginning on or after August 6, 1997, the 22363  
designated carryover period shall be the twenty consecutive 22364  
taxable years after the taxable year in which the net operating 22365  
loss occurs. 22366

(c) The tax commissioner may require a taxpayer to furnish 22367  
any information necessary to support a claim for deduction under 22368  
division (I) (1) (a) of this section and no deduction shall be 22369  
allowed unless the information is furnished. 22370

(2) Deduct any amount included in net income by 22371  
application of section 78 or 951 of the Internal Revenue Code, 22372

amounts received for royalties, technical or other services 22373  
derived from sources outside the United States, and dividends 22374  
received from a subsidiary, associate, or affiliated corporation 22375  
that neither transacts any substantial portion of its business 22376  
nor regularly maintains any substantial portion of its assets 22377  
within the United States. For purposes of determining net 22378  
foreign source income deductible under division (I) (2) of this 22379  
section, the amount of gross income from all such sources other 22380  
than dividend income and income derived by application of 22381  
section 78 or 951 of the Internal Revenue Code shall be reduced 22382  
by: 22383

(a) The amount of any reimbursed expenses for personal 22384  
services performed by employees of the taxpayer for the 22385  
subsidiary, associate, or affiliated corporation; 22386

(b) Ten per cent of the amount of royalty income and 22387  
technical assistance fees; 22388

(c) Fifteen per cent of the amount of all other income. 22389

The amounts described in divisions (I) (2) (a) to (c) of 22390  
this section are deemed to be the expenses attributable to the 22391  
production of deductible foreign source income unless the 22392  
taxpayer shows, by clear and convincing evidence, less actual 22393  
expenses, or the tax commissioner shows, by clear and convincing 22394  
evidence, more actual expenses. 22395

(3) Add any loss or deduct any gain resulting from the 22396  
sale, exchange, or other disposition of a capital asset, or an 22397  
asset described in section 1231 of the Internal Revenue Code, to 22398  
the extent that such loss or gain occurred prior to the first 22399  
taxable year on which the tax provided for in section 5733.06 of 22400  
the Revised Code is computed on the corporation's net income. 22401

For purposes of division (I) (3) of this section, the amount of 22402  
the prior loss or gain shall be measured by the difference 22403  
between the original cost or other basis of the asset and the 22404  
fair market value as of the beginning of the first taxable year 22405  
on which the tax provided for in section 5733.06 of the Revised 22406  
Code is computed on the corporation's net income. At the option 22407  
of the taxpayer, the amount of the prior loss or gain may be a 22408  
percentage of the gain or loss, which percentage shall be 22409  
determined by multiplying the gain or loss by a fraction, the 22410  
numerator of which is the number of months from the acquisition 22411  
of the asset to the beginning of the first taxable year on which 22412  
the fee provided in section 5733.06 of the Revised Code is 22413  
computed on the corporation's net income, and the denominator of 22414  
which is the number of months from the acquisition of the asset 22415  
to the sale, exchange, or other disposition of the asset. The 22416  
adjustments described in this division do not apply to any gain 22417  
or loss where the gain or loss is recognized by a qualifying 22418  
taxpayer, as defined in section 5733.0510 of the Revised Code, 22419  
with respect to a qualifying taxable event, as defined in that 22420  
section. 22421

(4) Deduct the dividend received deduction provided by 22422  
section 243 of the Internal Revenue Code. 22423

(5) Deduct any interest or interest equivalent on public 22424  
obligations and purchase obligations to the extent included in 22425  
federal taxable income. As used in divisions (I) (5) and (6) of 22426  
this section, "public obligations," "purchase obligations," and 22427  
"interest or interest equivalent" have the same meanings as in 22428  
section 5709.76 of the Revised Code. 22429

(6) Add any loss or deduct any gain resulting from the 22430  
sale, exchange, or other disposition of public obligations to 22431

the extent included in federal taxable income. 22432

(7) To the extent not otherwise allowed, deduct any 22433  
dividends or distributions received by a taxpayer from a public 22434  
utility, excluding an electric company and a combined company, 22435  
and, for tax years 2005 and thereafter, a telephone company, if 22436  
the taxpayer owns at least eighty per cent of the issued and 22437  
outstanding common stock of the public utility. As used in 22438  
division (I)(7) of this section, "public utility" means a public 22439  
utility as defined in Chapter 5727. of the Revised Code, whether 22440  
or not the public utility is doing business in the state. 22441

(8) To the extent not otherwise allowed, deduct any 22442  
dividends received by a taxpayer from an insurance company, if 22443  
the taxpayer owns at least eighty per cent of the issued and 22444  
outstanding common stock of the insurance company. As used in 22445  
division (I)(8) of this section, "insurance company" means an 22446  
insurance company that is taxable under Chapter 5725. or 5729. 22447  
of the Revised Code. 22448

(9) Deduct expenditures for modifying existing buildings 22449  
or structures to meet American national standards institute 22450  
standard A-117.1-1961 (R-1971), as amended; provided, that no 22451  
deduction shall be allowed to the extent that such deduction is 22452  
not permitted under federal law or under rules of the tax 22453  
commissioner. Those deductions as are allowed may be taken over 22454  
a period of five years. The tax commissioner shall adopt rules 22455  
under Chapter 119. of the Revised Code establishing reasonable 22456  
limitations on the extent that expenditures for modifying 22457  
existing buildings or structures are attributable to the purpose 22458  
of making the buildings or structures accessible to and usable 22459  
by ~~physically handicapped~~ persons with physical disabilities. 22460

(10) Deduct the amount of wages and salaries, if any, not 22461

otherwise allowable as a deduction but that would have been 22462  
allowable as a deduction in computing federal taxable income 22463  
before operating loss deduction and special deductions for the 22464  
taxable year, had the targeted jobs credit allowed and 22465  
determined under sections 38, 51, and 52 of the Internal Revenue 22466  
Code not been in effect. 22467

(11) Deduct net interest income on obligations of the 22468  
United States and its territories and possessions or of any 22469  
authority, commission, or instrumentality of the United States 22470  
to the extent the laws of the United States prohibit inclusion 22471  
of the net interest for purposes of determining the value of the 22472  
taxpayer's issued and outstanding shares of stock under division 22473  
(B) of section 5733.05 of the Revised Code. As used in division 22474  
(I) (11) of this section, "net interest" means interest net of 22475  
any expenses taken on the federal income tax return that would 22476  
not have been allowed under section 265 of the Internal Revenue 22477  
Code if the interest were exempt from federal income tax. 22478

(12) (a) Except as set forth in division (I) (12) (d) of this 22479  
section, to the extent not included in computing the taxpayer's 22480  
federal taxable income before operating loss deduction and 22481  
special deductions, add gains and deduct losses from direct or 22482  
indirect sales, exchanges, or other dispositions, made by a 22483  
related entity who is not a taxpayer, of the taxpayer's 22484  
indirect, beneficial, or constructive investment in the stock or 22485  
debt of another entity, unless the gain or loss has been 22486  
included in computing the federal taxable income before 22487  
operating loss deduction and special deductions of another 22488  
taxpayer with a more closely related investment in the stock or 22489  
debt of the other entity. The amount of gain added or loss 22490  
deducted shall not exceed the product obtained by multiplying 22491  
such gain or loss by the taxpayer's proportionate share, 22492

directly, indirectly, beneficially, or constructively, of the 22493  
outstanding stock of the related entity immediately prior to the 22494  
direct or indirect sale, exchange, or other disposition. 22495

(b) Except as set forth in division (I)(12)(e) of this 22496  
section, to the extent not included in computing the taxpayer's 22497  
federal taxable income before operating loss deduction and 22498  
special deductions, add gains and deduct losses from direct or 22499  
indirect sales, exchanges, or other dispositions made by a 22500  
related entity who is not a taxpayer, of intangible property 22501  
other than stock, securities, and debt, if such property was 22502  
owned, or used in whole or in part, at any time prior to or at 22503  
the time of the sale, exchange, or disposition by either the 22504  
taxpayer or by a related entity that was a taxpayer at any time 22505  
during the related entity's ownership or use of such property, 22506  
unless the gain or loss has been included in computing the 22507  
federal taxable income before operating loss deduction and 22508  
special deductions of another taxpayer with a more closely 22509  
related ownership or use of such intangible property. The amount 22510  
of gain added or loss deducted shall not exceed the product 22511  
obtained by multiplying such gain or loss by the taxpayer's 22512  
proportionate share, directly, indirectly, beneficially, or 22513  
constructively, of the outstanding stock of the related entity 22514  
immediately prior to the direct or indirect sale, exchange, or 22515  
other disposition. 22516

(c) As used in division (I)(12) of this section, "related 22517  
entity" means those entities described in divisions (I)(12)(c) 22518  
(i) to (iii) of this section: 22519

(i) An individual stockholder, or a member of the 22520  
stockholder's family enumerated in section 318 of the Internal 22521  
Revenue Code, if the stockholder and the members of the 22522

stockholder's family own, directly, indirectly, beneficially, or 22523  
constructively, in the aggregate, at least fifty per cent of the 22524  
value of the taxpayer's outstanding stock; 22525

(ii) A stockholder, or a stockholder's partnership, 22526  
estate, trust, or corporation, if the stockholder and the 22527  
stockholder's partnerships, estates, trusts, and corporations 22528  
own directly, indirectly, beneficially, or constructively, in 22529  
the aggregate, at least fifty per cent of the value of the 22530  
taxpayer's outstanding stock; 22531

(iii) A corporation, or a party related to the corporation 22532  
in a manner that would require an attribution of stock from the 22533  
corporation to the party or from the party to the corporation 22534  
under division (I) (12) (c) (iv) of this section, if the taxpayer 22535  
owns, directly, indirectly, beneficially, or constructively, at 22536  
least fifty per cent of the value of the corporation's 22537  
outstanding stock. 22538

(iv) The attribution rules of section 318 of the Internal 22539  
Revenue Code apply for purposes of determining whether the 22540  
ownership requirements in divisions (I) (12) (c) (i) to (iii) of 22541  
this section have been met. 22542

(d) For purposes of the adjustments required by division 22543  
(I) (12) (a) of this section, the term "investment in the stock or 22544  
debt of another entity" means only those investments where the 22545  
taxpayer and the taxpayer's related entities directly, 22546  
indirectly, beneficially, or constructively own, in the 22547  
aggregate, at any time during the twenty-four month period 22548  
commencing one year prior to the direct or indirect sale, 22549  
exchange, or other disposition of such investment at least fifty 22550  
per cent or more of the value of either the outstanding stock or 22551  
such debt of such other entity. 22552

(e) For purposes of the adjustments required by division	22553
(I) (12) (b) of this section, the term "related entity" excludes	22554
all of the following:	22555
(i) Foreign corporations as defined in section 7701 of the	22556
Internal Revenue Code;	22557
(ii) Foreign partnerships as defined in section 7701 of	22558
the Internal Revenue Code;	22559
(iii) Corporations, partnerships, estates, and trusts	22560
created or organized in or under the laws of the Commonwealth of	22561
Puerto Rico or any possession of the United States;	22562
(iv) Foreign estates and foreign trusts as defined in	22563
section 7701 of the Internal Revenue Code.	22564
The exclusions described in divisions (I) (12) (e) (i) to	22565
(iv) of this section do not apply if the corporation,	22566
partnership, estate, or trust is described in any one of	22567
divisions (C) (1) to (5) of section 5733.042 of the Revised Code.	22568
(f) Nothing in division (I) (12) of this section shall	22569
require or permit a taxpayer to add any gains or deduct any	22570
losses described in divisions (I) (12) (f) (i) and (ii) of this	22571
section:	22572
(i) Gains or losses recognized for federal income tax	22573
purposes by an individual, estate, or trust without regard to	22574
the attribution rules described in division (I) (12) (c) of this	22575
section;	22576
(ii) A related entity's gains or losses described in	22577
division (I) (12) (b) of this section if the taxpayer's ownership	22578
of or use of such intangible property was limited to a period	22579
not exceeding nine months and was attributable to a transaction	22580

or a series of transactions executed in accordance with the 22581  
election or elections made by the taxpayer or a related entity 22582  
pursuant to section 338 of the Internal Revenue Code. 22583

(13) Any adjustment required by section 5733.042 of the 22584  
Revised Code. 22585

(14) Add any amount claimed as a credit under section 22586  
5733.0611 of the Revised Code to the extent that such amount 22587  
satisfies either of the following: 22588

(a) It was deducted or excluded from the computation of 22589  
the corporation's taxable income before operating loss deduction 22590  
and special deductions as required to be reported for the 22591  
corporation's taxable year under the Internal Revenue Code; 22592

(b) It resulted in a reduction of the corporation's 22593  
taxable income before operating loss deduction and special 22594  
deductions as required to be reported for any of the 22595  
corporation's taxable years under the Internal Revenue Code. 22596

(15) Deduct the amount contributed by the taxpayer to an 22597  
individual development account program established by a county 22598  
department of job and family services pursuant to sections 22599  
329.11 to 329.14 of the Revised Code for the purpose of matching 22600  
funds deposited by program participants. On request of the tax 22601  
commissioner, the taxpayer shall provide any information that, 22602  
in the tax commissioner's opinion, is necessary to establish the 22603  
amount deducted under division (I) (15) of this section. 22604

(16) Any adjustment required by section 5733.0510 or 22605  
5733.0511 of the Revised Code. 22606

(17) (a) (i) Add five-sixths of the amount of depreciation 22607  
expense allowed under subsection (k) of section 168 of the 22608  
Internal Revenue Code, including a person's proportionate or 22609

distributive share of the amount of depreciation expense allowed 22610  
by that subsection to any pass-through entity in which the 22611  
person has direct or indirect ownership. 22612

(ii) Add five-sixths of the amount of qualifying section 22613  
179 depreciation expense, including a person's proportionate or 22614  
distributive share of the amount of qualifying section 179 22615  
depreciation expense allowed to any pass-through entity in which 22616  
the person has a direct or indirect ownership. For the purposes 22617  
of this division, "qualifying section 179 depreciation expense" 22618  
means the difference between (I) the amount of depreciation 22619  
expense directly or indirectly allowed to the taxpayer under 22620  
section 179 of the Internal Revenue Code, and (II) the amount of 22621  
depreciation expense directly or indirectly allowed to the 22622  
taxpayer under section 179 of the Internal Revenue Code as that 22623  
section existed on December 31, 2002. 22624

The tax commissioner, under procedures established by the 22625  
commissioner, may waive the add-backs related to a pass-through 22626  
entity if the person owns, directly or indirectly, less than 22627  
five per cent of the pass-through entity. 22628

(b) Nothing in division (I) (17) of this section shall be 22629  
construed to adjust or modify the adjusted basis of any asset. 22630

(c) To the extent the add-back is attributable to property 22631  
generating income or loss allocable under section 5733.051 of 22632  
the Revised Code, the add-back shall be allocated to the same 22633  
location as the income or loss generated by that property. 22634  
Otherwise, the add-back shall be apportioned, subject to 22635  
division (B) (2) (d) of section 5733.05 of the Revised Code. 22636

(18) (a) If a person is required to make the add-back under 22637  
division (I) (17) (a) of this section for a tax year, the person 22638

shall deduct one-fifth of the amount added back for each of the 22639  
succeeding five tax years. 22640

(b) If the amount deducted under division (I) (18) (a) of 22641  
this section is attributable to an add-back allocated under 22642  
division (I) (17) (c) of this section, the amount deducted shall 22643  
be allocated to the same location. Otherwise, the amount shall 22644  
be apportioned using the apportionment factors for the taxable 22645  
year in which the deduction is taken, subject to division (B) (2) 22646  
(d) of section 5733.05 of the Revised Code. 22647

(J) Except as otherwise expressly provided or clearly 22648  
appearing from the context, any term used in this chapter has 22649  
the same meaning as when used in a comparable context in the 22650  
laws of the United States relating to federal income taxes. Any 22651  
reference in this chapter to the Internal Revenue Code includes 22652  
other laws of the United States relating to federal income 22653  
taxes. 22654

(K) "Financial institution" has the meaning given by 22655  
section 5725.01 of the Revised Code but does not include a 22656  
production credit association as described in 85 Stat. 597, 12 22657  
U.S.C.A. 2091. 22658

(L) (1) A "qualifying holding company" is any corporation 22659  
satisfying all of the following requirements: 22660

(a) Subject to divisions (L) (2) and (3) of this section, 22661  
the net book value of the corporation's intangible assets is 22662  
greater than or equal to ninety per cent of the net book value 22663  
of all of its assets and at least fifty per cent of the net book 22664  
value of all of its assets represents direct or indirect 22665  
investments in the equity of, loans and advances to, and 22666  
accounts receivable due from related members; 22667

(b) At least ninety per cent of the corporation's gross income for the taxable year is attributable to the following:	22668 22669
(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;	22670 22671 22672 22673 22674
(ii) The collection and distribution of income from such property.	22675 22676
(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;	22677 22678 22679
(d) The corporation's related members make a good faith and reasonable effort to make timely and fully the adjustments required by division (D) of section 5733.05 of the Revised Code and to pay timely and fully all uncontested taxes, interest, penalties, and other fees and charges imposed under this chapter;	22680 22681 22682 22683 22684 22685
(e) Subject to division (L) (4) of this section, the corporation elects to be treated as a qualifying holding company for the tax year.	22686 22687 22688
A corporation otherwise satisfying divisions (L) (1) (a) to (e) of this section that does not elect to be a qualifying holding company is not a qualifying holding company for the purposes of this chapter.	22689 22690 22691 22692
(2) (a) (i) For purposes of making the ninety per cent computation under division (L) (1) (a) of this section, the net book value of the corporation's assets shall not include the net book value of aircraft or real property described in division	22693 22694 22695 22696

(L) (1) (b) (i) of this section. 22697

(ii) For purposes of making the fifty per cent computation 22698  
under division (L) (1) (a) of this section, the net book value of 22699  
assets shall include the net book value of aircraft or real 22700  
property described in division (L) (1) (b) (i) of this section. 22701

(b) (i) As used in division (L) of this section, 22702  
"intangible asset" includes, but is not limited to, the 22703  
corporation's direct interest in each pass-through entity only 22704  
if at all times during the corporation's taxable year ending 22705  
prior to the first day of the tax year the corporation's and the 22706  
corporation's related members' combined direct and indirect 22707  
interests in the capital or profits of such pass-through entity 22708  
do not exceed fifty per cent. If the corporation's interest in 22709  
the pass-through entity is an intangible asset for that taxable 22710  
year, then the distributive share of any income from the pass- 22711  
through entity shall be income from an intangible asset for that 22712  
taxable year. 22713

(ii) If a corporation's and the corporation's related 22714  
members' combined direct and indirect interests in the capital 22715  
or profits of a pass-through entity exceed fifty per cent at any 22716  
time during the corporation's taxable year ending prior to the 22717  
first day of the tax year, "intangible asset" does not include 22718  
the corporation's direct interest in the pass-through entity, 22719  
and the corporation shall include in its assets its 22720  
proportionate share of the assets of any such pass-through 22721  
entity and shall include in its gross income its distributive 22722  
share of the gross income of such pass-through entity in the 22723  
same form as was earned by the pass-through entity. 22724

(iii) A pass-through entity's direct or indirect 22725  
proportionate share of any other pass-through entity's assets 22726

shall be included for the purpose of computing the corporation's 22727  
proportionate share of the pass-through entity's assets under 22728  
division (L) (2) (b) (ii) of this section, and such pass-through 22729  
entity's distributive share of any other pass-through entity's 22730  
gross income shall be included for purposes of computing the 22731  
corporation's distributive share of the pass-through entity's 22732  
gross income under division (L) (2) (b) (ii) of this section. 22733

(c) For the purposes of divisions (L) (1) (b) (i), (1) (b) 22734  
(ii), (2) (a) (i), and (2) (a) (ii) of this section, real property 22735  
is described in division (L) (2) (c) of this section only if all 22736  
of the following conditions are present at all times during the 22737  
taxable year ending prior to the first day of the tax year: 22738

(i) The real property serves as the headquarters of the 22739  
corporation's trade or business, or is the place from which the 22740  
corporation's trade or business is principally managed or 22741  
directed; 22742

(ii) Not more than ten per cent of the value of the real 22743  
property and not more than ten per cent of the square footage of 22744  
the building or buildings that are part of the real property is 22745  
used, made available, or occupied for the purpose of providing, 22746  
acquiring, transferring, selling, or disposing of tangible 22747  
property or services in the normal course of business to persons 22748  
other than related members, the corporation's employees and 22749  
their families, and such related members' employees and their 22750  
families. 22751

(d) As used in division (L) of this section, "related 22752  
member" has the same meaning as in division (A) (6) of section 22753  
5733.042 of the Revised Code without regard to division (B) of 22754  
that section. 22755

(3) The percentages described in division (L) (1) (a) of this section shall be equal to the quarterly average of those percentages as calculated during the corporation's taxable year ending prior to the first day of the tax year.	22756 22757 22758 22759
(4) With respect to the election described in division (L) (1) (e) of this section:	22760 22761
(a) The election need not accompany a timely filed report;	22762
(b) The election need not accompany the report; rather, the election may accompany a subsequently filed but timely application for refund and timely amended report, or a subsequently filed but timely petition for reassessment;	22763 22764 22765 22766
(c) The election is not irrevocable;	22767
(d) The election applies only to the tax year specified by the corporation;	22768 22769
(e) The corporation's related members comply with division (L) (1) (d) of this section.	22770 22771
Nothing in division (L) (4) of this section shall be construed to extend any statute of limitations set forth in this chapter.	22772 22773 22774
(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.	22775 22776 22777
(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.	22778 22779 22780
(O) "Pass-through entity" means a corporation that has made an election under subchapter S of Chapter 1 of Subtitle A	22781 22782

of the Internal Revenue Code for its taxable year under that 22783  
code, or a partnership, limited liability company, or any other 22784  
person, other than an individual, trust, or estate, if the 22785  
partnership, limited liability company, or other person is not 22786  
classified for federal income tax purposes as an association 22787  
taxed as a corporation. 22788

(P) "Electric company," "combined company," and "telephone 22789  
company" have the same meanings as in section 5727.01 of the 22790  
Revised Code. 22791

(Q) "Business income" means income arising from 22792  
transactions, activities, and sources in the regular course of a 22793  
trade or business and includes income from real property, 22794  
tangible personal property, and intangible personal property if 22795  
the acquisition, rental, management, and disposition of the 22796  
property constitute integral parts of the regular course of a 22797  
trade or business operation. "Business income" includes income, 22798  
including gain or loss, from a partial or complete liquidation 22799  
of a business, including, but not limited to, gain or loss from 22800  
the sale or other disposition of goodwill. 22801

(R) "Nonbusiness income" means all income other than 22802  
business income. 22803

**Sec. 5733.56.** (A) (1) For tax year 2005, a taxpayer that 22804  
provides any telephone service program to aid ~~the~~ 22805  
communicatively impaired persons with communicative impairments 22806  
in accessing the telephone network under section 4905.79 of the 22807  
Revised Code is allowed a nonrefundable credit against the tax 22808  
imposed by section 5733.06 of the Revised Code. The amount of 22809  
the credit is the cost incurred by the taxpayer for providing 22810  
the telephone service program during its taxable year, excluding 22811  
any costs incurred prior to July 1, 2004. 22812

(2) A taxpayer shall claim the credit under division (A) 22813  
(1) of this section in the order required by section 5733.98 of 22814  
the Revised Code. If the credit exceeds the total taxes due 22815  
under section 5733.06 of the Revised Code for the tax year, 22816  
after allowance for any other credits preceding this credit in 22817  
the order set forth in section 5733.98 of the Revised Code, the 22818  
commissioner shall credit the excess against taxes due under 22819  
section 5733.06 of the Revised Code for succeeding tax years 22820  
until the full amount of the credit is granted. 22821

(B) For each of tax years 2006, 2007, and 2008, a taxpayer 22822  
that provides any telephone service program to aid ~~the~~ 22823  
communicatively impaired persons with communicative impairments 22824  
in accessing the telephone network under section 4905.79 of the 22825  
Revised Code is allowed a refundable credit against the tax 22826  
imposed by section 5733.06 of the Revised Code. For each tax 22827  
year, the amount of the credit is the cost incurred by the 22828  
taxpayer during that tax year's taxable year for providing the 22829  
telephone service program. No cost incurred with respect to the 22830  
credit that is allowable for a tax year shall be considered for 22831  
purposes of computing the credit allowable for any other tax 22832  
year. 22833

(C) If the tax commissioner ascertains that any credit 22834  
claimed pursuant to this section by a taxpayer was not correct, 22835  
the commissioner shall ascertain the proper credit. No cost 22836  
incurred after December 31, 2007, shall be considered for 22837  
purposes of computing any credit allowed by this section. 22838

(D) Nothing in this section authorizes a taxpayer to claim 22839  
a credit under this section for any costs incurred in providing 22840  
a telephone service program for which it is either claiming a 22841  
credit under former section 5727.44 of the Revised Code or 22842

receiving reimbursement for its costs under any other provision 22843  
of the Revised Code. 22844

**Sec. 5733.98.** (A) To provide a uniform procedure for 22845  
calculating the amount of tax imposed by section 5733.06 of the 22846  
Revised Code that is due under this chapter, a taxpayer shall 22847  
claim any credits to which it is entitled in the following 22848  
order, except as otherwise provided in section 5733.058 of the 22849  
Revised Code: 22850

For tax year 2005, the credit for taxes paid by a 22851  
qualifying pass-through entity allowed under section 5733.0611 22852  
of the Revised Code; 22853

The credit allowed for financial institutions under 22854  
section 5733.45 of the Revised Code; 22855

The credit for qualifying affiliated groups under section 22856  
5733.068 of the Revised Code; 22857

The subsidiary corporation credit under section 5733.067 22858  
of the Revised Code; 22859

The credit for recycling and litter prevention donations 22860  
under section 5733.064 of the Revised Code; 22861

The credit for employers that enter into agreements with 22862  
child day-care centers under section 5733.36 of the Revised 22863  
Code; 22864

The credit for employers that reimburse employee child 22865  
care expenses under section 5733.38 of the Revised Code; 22866

The credit for purchases of lights and reflectors under 22867  
section 5733.44 of the Revised Code; 22868

The nonrefundable job retention credit under division (B) 22869

of section 5733.0610 of the Revised Code;	22870
The second credit for purchases of new manufacturing	22871
machinery and equipment under section 5733.33 of the Revised	22872
Code;	22873
The job training credit under section 5733.42 of the	22874
Revised Code;	22875
The credit for qualified research expenses under section	22876
5733.351 of the Revised Code;	22877
The enterprise zone credit under section 5709.66 of the	22878
Revised Code;	22879
The credit for the eligible costs associated with a	22880
voluntary action under section 5733.34 of the Revised Code;	22881
The credit for employers that establish on-site child day-	22882
care centers under section 5733.37 of the Revised Code;	22883
The credit for purchases of qualifying grape production	22884
property under section 5733.32 of the Revised Code;	22885
The export sales credit under section 5733.069 of the	22886
Revised Code;	22887
The enterprise zone credits under section 5709.65 of the	22888
Revised Code;	22889
The credit for using Ohio coal under section 5733.39 of	22890
the Revised Code;	22891
The credit for purchases of qualified low-income community	22892
investments under section 5733.58 of the Revised Code;	22893
The credit for small telephone companies under section	22894
5733.57 of the Revised Code;	22895

The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	22896 22897
For tax year 2005, the credit for providing programs to aid <del>the communicatively impaired persons with communicative</del> <u>impairments</u> under division (A) of section 5733.56 of the Revised Code;	22898 22899 22900 22901
The research and development credit under section 5733.352 of the Revised Code;	22902 22903
For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	22904 22905 22906
The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	22907 22908
The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;	22909 22910 22911
The refundable credit for tax withheld under division (B) (2) of section 5747.062 of the Revised Code;	22912 22913
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;	22914 22915 22916
For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;	22917 22918 22919
The refundable motion picture and Broadway theatrical production credit under section 5733.59 of the Revised Code.	22920 22921
(B) For any credit except the refundable credits	22922

enumerated in this section, the amount of the credit for a tax 22923  
year shall not exceed the tax due after allowing for any other 22924  
credit that precedes it in the order required under this 22925  
section. Any excess amount of a particular credit may be carried 22926  
forward if authorized under the section creating that credit. 22927

**Sec. 5747.03.** (A) (1) All money collected under this 22928  
chapter arising from the taxes imposed by section 5747.02 or 22929  
5747.41 of the Revised Code shall be credited to the general 22930  
revenue fund and distributed pursuant to division (F) of section 22931  
321.24 and section 323.156 of the Revised Code; to make subsidy 22932  
payments to institutions of higher education from appropriations 22933  
to the department of higher education; to support expenditures 22934  
for programs and services for ~~the mentally ill~~ persons with 22935  
mental illnesses, persons with developmental disabilities, and 22936  
the elderly; for primary and secondary education; for medical 22937  
assistance; and for any other purposes authorized by law, 22938  
subject to the limitation that at least fifty per cent of the 22939  
income tax collected by the state from the tax imposed by 22940  
section 5747.02 of the Revised Code shall be returned pursuant 22941  
to Section 9 of Article XII, Ohio Constitution. 22942

(2) To ensure that such constitutional requirement is 22943  
satisfied the tax commissioner shall, on or before the thirtieth 22944  
day of June of each year, from the best information available to 22945  
the tax commissioner, determine and certify for each county to 22946  
the director of budget and management the amount of taxes 22947  
collected under this chapter from the tax imposed under section 22948  
5747.02 of the Revised Code during the preceding calendar year 22949  
that are required to be returned to the county by Section 9 of 22950  
Article XII, Ohio Constitution. The director shall provide for 22951  
payment from the general revenue fund to the county in the 22952  
amount, if any, that the sum of the amount so certified for that 22953

county exceeds the sum of the following: 22954

(a) The sum of the payments from the general revenue fund 22955  
for the preceding calendar year credited to the county's 22956  
undivided income tax fund pursuant to division (F) of section 22957  
321.24 and section 323.156 of the Revised Code or made directly 22958  
from the general revenue fund to political subdivisions located 22959  
in the county; 22960

(b) The sum of the amounts from the general revenue fund 22961  
distributed in the county during the preceding calendar year for 22962  
subsidy payments to institutions of higher education from 22963  
appropriations to the department of higher education; for 22964  
programs and services for ~~mentally ill persons~~ with mental 22965  
illnesses, persons with developmental disabilities, and elderly 22966  
persons; for primary and secondary education; and for medical 22967  
assistance. 22968

(c) In the case of payments made by the director under 22969  
this division in 2007, the total amount distributed to the 22970  
county during the preceding calendar year from the local 22971  
government fund and the local government revenue assistance 22972  
fund, and, in the case of payments made by the director under 22973  
this division in subsequent calendar years, the amount 22974  
distributed to the county from the local government fund; 22975

(d) In the case of payments made by the director under 22976  
this division, the total amount distributed to the county during 22977  
the preceding calendar year from the public library fund. 22978

Payments under this division shall be credited to the 22979  
county's undivided income tax fund, except that, notwithstanding 22980  
section 5705.14 of the Revised Code, such payments may be 22981  
transferred by the board of county commissioners to the county 22982

general fund by resolution adopted with the affirmative vote of 22983  
two-thirds of the members thereof. 22984

(B) All payments received in each month from taxes imposed 22985  
under Chapter 5748. of the Revised Code and any penalties or 22986  
interest thereon shall be paid into the school district income 22987  
tax fund, which is hereby created in the state treasury, except 22988  
that an amount equal to the following portion of such payments 22989  
shall be paid into the general school district income tax 22990  
administrative fund, which is hereby created in the state 22991  
treasury: 22992

(1) One and three-quarters of one per cent of those 22993  
received in fiscal year 1996; 22994

(2) One and one-half per cent of those received in fiscal 22995  
year 1997 and thereafter. 22996

Money in the school district income tax administrative 22997  
fund shall be used by the tax commissioner to defray costs 22998  
incurred in administering the school district's income tax, 22999  
including the cost of providing employers with information 23000  
regarding the rate of tax imposed by any school district. Any 23001  
moneys remaining in the fund after such use shall be deposited 23002  
in the school district income tax fund. 23003

All interest earned on moneys in the school district 23004  
income tax fund shall be credited to the fund. 23005

(C) (1) (a) Within thirty days of the end of each calendar 23006  
quarter ending on the last day of March, June, September, and 23007  
December, the director of budget and management shall make a 23008  
payment from the school district income tax fund to each school 23009  
district for which school district income tax revenue was 23010  
received during that quarter. The amount of the payment shall 23011

equal the balance in the school district's account at the end of 23012  
that quarter. 23013

(b) After a school district ceases to levy an income tax, 23014  
the director of budget and management shall adjust the payments 23015  
under division (C) (1) (a) of this section to retain sufficient 23016  
money in the school district's account to pay refunds. For the 23017  
calendar quarters ending on the last day of March and December 23018  
of the calendar year following the last calendar year the tax is 23019  
levied, the director shall make the payments in the amount 23020  
required under division (C) (1) (a) of this section. For the 23021  
calendar quarter ending on the last day of June of the calendar 23022  
year following the last calendar year the tax is levied, the 23023  
director shall make a payment equal to nine-tenths of the 23024  
balance in the account at the end of that quarter. For the 23025  
calendar quarter ending on the last day of September of the 23026  
calendar year following the last calendar year the tax is 23027  
levied, the director shall make no payment. For the second and 23028  
succeeding calendar years following the last calendar year the 23029  
tax is levied, the director shall make one payment each year, 23030  
within thirty days of the last day of June, in an amount equal 23031  
to the balance in the district's account on the last day of 23032  
June. 23033

(2) Moneys paid to a school district under this division 23034  
shall be deposited in its school district income tax fund. All 23035  
interest earned on moneys in the school district income tax fund 23036  
shall be apportioned by the tax commissioner pro rata among the 23037  
school districts in the proportions and at the times the 23038  
districts are entitled to receive payments under this division. 23039

**Sec. 5905.02.** Whenever it appears that a person is 23040  
eligible for care or treatment by the veterans' administration 23041

or other agency of the United States, and hospitalization is 23042  
necessary for the proper care or treatment of such person, the 23043  
probate court, upon receipt of a certificate from the veterans' 23044  
administration or such other agency showing that facilities are 23045  
available and such person is eligible for care or treatment 23046  
therein, may order such person to said veterans' administration 23047  
or other agency for care and treatment. 23048

Upon admission, such person shall be subject to the 23049  
applicable regulations of the veterans' administration or other 23050  
agency of the United States. The chief officer of any hospital 23051  
to which any person is admitted pursuant to hospitalization as 23052  
provided in sections 5905.01 to 5905.19 of the Revised Code, or 23053  
under the law in effect at the time of such admission, shall 23054  
have the same powers as are exercised by heads of hospitals for 23055  
mental diseases and the department of mental health and 23056  
addiction services with respect to the retention, transfer, 23057  
parole, or discharge of the person hospitalized; provided no 23058  
person shall be transferred to a hospital operated by the state 23059  
or any political subdivision thereof without the consent of such 23060  
department. 23061

The right of such person to appear and defend shall not be 23062  
denied. 23063

The judgment or order of hospitalization by a court of 23064  
competent jurisdiction of another state ordering a person to the 23065  
veterans' administration or other agency of the United States, 23066  
or any hospital operated by any such agency, for care or 23067  
treatment shall have the same effect as to such person while in 23068  
this state as in the state in which the court entering such 23069  
judgment or making such order is situated, provided that no 23070  
nonresident ordered to a veterans' administration facility 23071

located in Ohio shall thereby acquire a legal settlement in 23072  
Ohio. 23073

Upon receipt of a certificate that facilities are 23074  
available in any such hospital operated by the United States for 23075  
the care or treatment of any person ordered to any hospital for 23076  
~~the mentally ill persons with mental illnesses~~ or other hospital 23077  
in this state for the care of persons similarly afflicted, and 23078  
that such person is eligible for such care or treatment, such 23079  
department may transfer any such person to the veterans' 23080  
administration or other agency of the United States in the 23081  
state. Upon effecting any such transfer, the ordering court 23082  
shall be notified thereof by the transferring agency; provided 23083  
that no such person shall be transferred if the person is 23084  
confined pursuant to conviction of any crime or misdemeanor, or 23085  
if the person has been acquitted of any such charge solely on 23086  
the ground of insanity, unless prior to such transfer the court 23087  
originally ordering such person enters an order for such 23088  
transfer after appropriate motion and hearing. 23089

Any person transferred as provided in this section is 23090  
ordered to the veterans' administration or other agency of the 23091  
United States pursuant to the original order as though the 23092  
person had been originally so ordered. 23093

**Sec. 5907.06.** (A) A ~~mentally ill person with a mental~~ 23094  
illness subject to court order whose mental condition causes the 23095  
person to be dangerous to the community shall not be admitted to 23096  
a veterans' home. If a ~~mentally ill person with a mental illness~~ 23097  
subject to court order, through misrepresentation as to the 23098  
person's condition, is sent to a home, the person shall be 23099  
returned to, and the expense of the return shall be borne by, 23100  
the county from which the person came. 23101

(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. 23102  
23103  
23104

**Sec. 5907.09.** (A) When the affidavit referred to in 23105  
section 5907.08 of the Revised Code is filed, the probate judge 23106  
shall forthwith determine whether the resident is a ~~mentally ill~~ 23107  
person with a mental illness subject to court order. Insofar as 23108  
applicable, the laws governing in cases of admission to a state 23109  
hospital for persons with mental illness shall apply. The 23110  
probate judge shall have the same authority, and may receive and 23111  
order paid the same fees and costs, as the probate judge would 23112  
have in the county in which the veteran was a resident at the 23113  
time of entering the veterans' home. 23114

(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. 23115  
23116  
23117

**Sec. 5924.115.** Any person subject to this code who for the 23118  
purpose of avoiding work, duty, or service in the organized 23119  
militia does either of the following shall be punished as a 23120  
court-martial may direct: 23121

(A) Feigns physical or mental illness, physical 23122  
disablement, or ~~mental lapse, or derangement;~~ 23123

(B) Intentionally inflicts self-injury. 23124

**Sec. 5924.503.** (A) If the issue of an accused's competence 23125  
to stand trial is raised and if the court, upon conducting the 23126  
hearing provided for in section 5924.502 of the Revised Code, 23127  
finds that the accused is competent to stand trial, the accused 23128  
shall be proceeded against as provided by law. If the court 23129  
finds the accused competent to stand trial and the accused is 23130

receiving psychotropic drugs or other medication, the court may 23131  
authorize the continued administration of the drugs or 23132  
medication or other appropriate treatment in order to maintain 23133  
the accused's competence to stand trial unless the accused's 23134  
attending physician advises the court against continuation of 23135  
the drugs, other medication, or treatment. 23136

(B) (1) (a) If, after taking into consideration all relevant 23137  
reports, information, and other evidence, the court finds that 23138  
the accused is incompetent to stand trial and that there is a 23139  
substantial probability that the accused will become competent 23140  
to stand trial within one year if the accused is provided with a 23141  
course of treatment, the court shall order the accused to 23142  
undergo treatment. If the accused is being tried by a general 23143  
court-martial and if, after taking into consideration all 23144  
relevant reports, information, and other evidence, the court 23145  
finds that the accused is incompetent to stand trial, but the 23146  
court is unable at that time to determine whether there is a 23147  
substantial probability that the accused will become competent 23148  
to stand trial within one year if the accused is provided with a 23149  
course of treatment, the court shall order continuing evaluation 23150  
and treatment of the accused for a period not to exceed four 23151  
months to determine whether there is a substantial probability 23152  
that the accused will become competent to stand trial within one 23153  
year if the accused is provided with a course of treatment. 23154

(b) The court order for the accused to undergo treatment 23155  
or continuing evaluation and treatment under division (B) (1) (a) 23156  
of this section shall specify that the accused, if determined to 23157  
require mental health treatment or continuing evaluation and 23158  
treatment, shall be committed to the department of mental health 23159  
and addiction services for treatment or continuing evaluation 23160  
and treatment at a hospital, facility, or agency determined to 23161

be clinically appropriate by the department of mental health and 23162  
addiction services. The order may restrict the accused's freedom 23163  
of movement as the court considers necessary. The trial counsel 23164  
in the accused's case shall send to the chief clinical officer 23165  
of the hospital, facility, or services provider where the 23166  
accused is placed by the department of mental health and 23167  
addiction services or to the managing officer of the 23168  
institution, the director of the facility, or the person to 23169  
which the accused is committed copies of relevant investigative 23170  
reports and other background information that pertains to the 23171  
accused and is available to the trial counsel unless the trial 23172  
counsel determines that the release of any of the information in 23173  
the investigative reports or any of the other background 23174  
information to unauthorized persons would interfere with the 23175  
effective prosecution of any person or would create a 23176  
substantial risk of harm to any person. 23177

In committing the accused to the department of mental 23178  
health and addiction services, the court shall consider the 23179  
extent to which the person is a danger to the person and to 23180  
others, the need for security, and the type of crime involved 23181  
and, if the court finds that restrictions on the accused's 23182  
freedom of movement are necessary, shall specify the least 23183  
restrictive limitations on the person's freedom of movement 23184  
determined to be necessary to protect public safety. In weighing 23185  
these factors, the court shall give preference to protecting 23186  
public safety. 23187

(c) If the accused is found incompetent to stand trial, if 23188  
the chief clinical officer of the hospital, facility, or 23189  
services provider where the accused is placed, or the managing 23190  
officer of the institution, the director of the facility, or the 23191  
person to which the accused is committed for treatment or 23192

continuing evaluation and treatment under division (B) (1) (b) of 23193  
this section determines that medication is necessary to restore 23194  
the accused's competency to stand trial, and if the accused 23195  
lacks the capacity to give informed consent or refuses 23196  
medication, the chief clinical officer of the hospital, 23197  
facility, or services provider where the accused is placed or 23198  
the managing officer of the institution, the director of the 23199  
facility, or the person to which the accused is committed for 23200  
treatment or continuing evaluation and treatment may petition 23201  
the court for authorization for the involuntary administration 23202  
of medication. The court shall hold a hearing on the petition 23203  
within five days of the filing of the petition. Following the 23204  
hearing, the court may authorize the involuntary administration 23205  
of medication or may dismiss the petition. 23206

(d) If the accused is charged before a special or summary 23207  
court-martial with an offense that is not a violation of section 23208  
5924.120, 5924.127, or 5924.128 of the Revised Code, the trial 23209  
counsel may hold the charges in abeyance while the accused 23210  
engages in mental health treatment. 23211

(2) If the court finds that the accused is incompetent to 23212  
stand trial and that, even if the accused is provided with a 23213  
course of treatment, there is not a substantial probability that 23214  
the accused will become competent to stand trial within one 23215  
year, the court shall order the discharge of the accused, unless 23216  
upon motion of the trial counsel or on its own motion, the court 23217  
either seeks to retain jurisdiction over the accused pursuant to 23218  
division (A) (2) of section 5924.504 of the Revised Code or files 23219  
an affidavit in the probate court for the civil commitment of 23220  
the accused pursuant to Chapter 5122. of the Revised Code 23221  
alleging that the accused is a ~~mentally ill~~ person with a mental 23222  
illness subject to hospitalization by court order. If an 23223

affidavit is filed in the probate court, the trial court shall 23224  
send to the probate court copies of all written reports of the 23225  
accused's mental condition that were prepared pursuant to 23226  
section 5924.502 of the Revised Code. 23227

The trial court may issue the temporary order of detention 23228  
that a probate court may issue under section 5122.11 of the 23229  
Revised Code, to remain in effect until the probable cause or 23230  
initial hearing in the probate court. Further proceedings in the 23231  
probate court are civil proceedings governed by Chapter 5122. of 23232  
the Revised Code. 23233

(C) No accused shall be required to undergo treatment, 23234  
including any continuing evaluation and treatment, under 23235  
division (B)(1) of this section for longer than whichever of the 23236  
following periods is applicable: 23237

(1) One year, if the accused is being tried by a general 23238  
court-martial; 23239

(2) Six months, if the accused is being tried before a 23240  
special court-martial; 23241

(3) Sixty days, if the accused is being tried before a 23242  
summary court-martial. 23243

(D) Any accused who is committed pursuant to this section 23244  
shall not voluntarily admit the accused or be voluntarily 23245  
admitted to a hospital or institution pursuant to section 23246  
5122.02 or 5122.15 of the Revised Code. 23247

(E) Except as otherwise provided in this division, an 23248  
accused who is charged with an offense and is committed by the 23249  
court under this section to the department of mental health and 23250  
addiction services with restrictions on the accused's freedom of 23251  
movement shall not be granted unsupervised on-grounds movement, 23252

supervised off-grounds movement, or nonsecured status except in 23253  
accordance with the court order. The court may grant an accused 23254  
supervised off-grounds movement to obtain medical treatment or 23255  
specialized habilitation treatment services if the person who 23256  
supervises the treatment or the continuing evaluation and 23257  
treatment of the accused ordered under division (B) (1) (a) of 23258  
this section informs the court that the treatment or continuing 23259  
evaluation and treatment cannot be provided at the hospital or 23260  
facility where the accused is placed by the department of mental 23261  
health and addiction services. The chief clinical officer of the 23262  
hospital or facility where the accused is placed by the 23263  
department of mental health and addiction services or the 23264  
managing officer of the institution or director of the facility 23265  
to which the accused is committed or a designee of any of those 23266  
persons may grant an accused movement to a medical facility for 23267  
an emergency medical situation with appropriate supervision to 23268  
ensure the safety of the accused, staff, and community during 23269  
that emergency medical situation. The chief clinical officer of 23270  
the hospital or facility where the accused is placed by the 23271  
department of mental health and addiction services or the 23272  
managing officer of the institution or director of the facility 23273  
to which the accused is committed shall notify the court within 23274  
twenty-four hours of the accused's movement to the medical 23275  
facility for an emergency medical situation under this division. 23276

(F) The person who supervises the treatment or continuing 23277  
evaluation and treatment of an accused ordered to undergo 23278  
treatment or continuing evaluation and treatment under division 23279  
(B) (1) (a) of this section shall file a written report with the 23280  
court at the following times: 23281

(1) Whenever the person believes the accused is capable of 23282  
understanding the nature and objective of the proceedings 23283

against the accused and of assisting in the accused's defense; 23284

(2) Fourteen days before expiration of the maximum time 23285  
for treatment as specified in division (C) of this section and 23286  
fourteen days before the expiration of the maximum time for 23287  
continuing evaluation and treatment as specified in division (B) 23288  
(1) (a) of this section; 23289

(3) At a minimum, after each six months of treatment; 23290

(4) Whenever the person who supervises the treatment or 23291  
continuing evaluation and treatment of an accused ordered under 23292  
division (B) (1) (a) of this section believes that there is not a 23293  
substantial probability that the accused will become capable of 23294  
understanding the nature and objective of the proceedings 23295  
against the accused or of assisting in the accused's defense 23296  
even if the accused is provided with a course of treatment. 23297

(G) A report under division (F) of this section shall 23298  
contain the examiner's findings, the facts in reasonable detail 23299  
on which the findings are based, and the examiner's opinion as 23300  
to the accused's capability of understanding the nature and 23301  
objective of the proceedings against the accused and of 23302  
assisting in the accused's defense. If, in the examiner's 23303  
opinion, the accused remains incapable of understanding the 23304  
nature and objective of the proceedings against the accused and 23305  
of assisting in the accused's defense and there is a substantial 23306  
probability that the accused will become capable of 23307  
understanding the nature and objective of the proceedings 23308  
against the accused and of assisting in the accused's defense if 23309  
the accused is provided with a course of treatment, if in the 23310  
examiner's opinion the accused remains mentally ill, and if the 23311  
maximum time for treatment as specified in division (C) of this 23312  
section has not expired, the report also shall contain the 23313

examiner's recommendation as to the least restrictive placement 23314  
or commitment alternative that is consistent with the accused's 23315  
treatment needs for restoration to competency and with the 23316  
safety of the community. The court shall provide copies of the 23317  
report to the trial counsel and defense counsel. 23318

(H) If an accused is committed pursuant to division (B) (1) 23319  
of this section, within ten days after the treating physician of 23320  
the accused or the examiner of the accused who is employed or 23321  
retained by the treating facility advises that there is not a 23322  
substantial probability that the accused will become capable of 23323  
understanding the nature and objective of the proceedings 23324  
against the accused or of assisting in the accused's defense 23325  
even if the accused is provided with a course of treatment, 23326  
within ten days after the expiration of the maximum time for 23327  
treatment as specified in division (C) of this section, within 23328  
ten days after the expiration of the maximum time for continuing 23329  
evaluation and treatment as specified in division (B) (1) (a) of 23330  
this section, within thirty days after an accused's request for 23331  
a hearing that is made after six months of treatment, or within 23332  
thirty days after being advised by the treating physician or 23333  
examiner that the accused is competent to stand trial, whichever 23334  
is the earliest, the court shall conduct another hearing to 23335  
determine if the accused is competent to stand trial and shall 23336  
do whichever of the following is applicable: 23337

(1) If the court finds that the accused is competent to 23338  
stand trial, the accused shall be proceeded against as provided 23339  
by law. 23340

(2) If the court finds that the accused is incompetent to 23341  
stand trial, but that there is a substantial probability that 23342  
the accused will become competent to stand trial if the accused 23343

is provided with a course of treatment, and the maximum time for 23344  
treatment as specified in division (C) of this section has not 23345  
expired, the court, after consideration of the examiner's 23346  
recommendation, shall order that treatment be continued, may 23347  
change least restrictive limitations on the accused's freedom of 23348  
movement. 23349

(3) If the court finds that the accused is incompetent to 23350  
stand trial, if the accused is being tried by a general court- 23351  
martial, and if the court finds that there is not a substantial 23352  
probability that the accused will become competent to stand 23353  
trial even if the accused is provided with a course of 23354  
treatment, or if the maximum time for treatment as specified in 23355  
division (C) of this section has expired, further proceedings 23356  
shall be as provided in sections 5924.504 to 5924.506 of the 23357  
Revised Code. 23358

(4) If the court finds that the accused is incompetent to 23359  
stand trial, if the accused is being tried before a special 23360  
court-martial, and if the court finds that there is not a 23361  
substantial probability that the accused will become competent 23362  
to stand trial even if the accused is provided with a course of 23363  
treatment, or if the maximum time for treatment as specified in 23364  
division (C) of this section has expired, the court shall 23365  
dismiss the charge against the accused. A dismissal under this 23366  
division is not a bar to further prosecution based on the same 23367  
conduct. The court shall discharge the accused unless the court 23368  
or trial counsel files an affidavit in probate court for civil 23369  
commitment pursuant to Chapter 5122. of the Revised Code. If an 23370  
affidavit for civil commitment is filed, the court may detain 23371  
the accused for ten days pending civil commitment. All of the 23372  
following provisions apply to persons being tried by a special 23373  
court-martial who are committed by the probate court subsequent 23374

to the court's or trial counsel's filing of an affidavit for 23375  
civil commitment under authority of this division: 23376

(a) The chief clinical officer of the entity, hospital, or 23377  
facility, the managing officer of the institution, or the person 23378  
to which the accused is committed or admitted shall do all of 23379  
the following: 23380

(i) Notify the trial counsel in writing of the discharge 23381  
of the accused, send the notice at least ten days prior to the 23382  
discharge unless the discharge is by the probate court, and 23383  
state in the notice the date on which the accused will be 23384  
discharged; 23385

(ii) Notify the trial counsel in writing when the accused 23386  
is absent without leave or is granted unsupervised, off-grounds 23387  
movement and send this notice promptly after the discovery of 23388  
the absence without leave or prior to the granting of the 23389  
unsupervised, off-grounds movement, whichever is applicable; 23390

(iii) Notify the trial counsel in writing of the change of 23391  
the accused's commitment or admission to voluntary status, send 23392  
the notice promptly upon learning of the change to voluntary 23393  
status, and state in the notice the date on which the accused 23394  
was committed or admitted on a voluntary status. 23395

(b) The trial counsel shall promptly inform the convening 23396  
authority of any notification received under division (H) (4) (a) 23397  
of this section. Upon receiving notice that the accused will be 23398  
granted unsupervised, off-grounds movement, the convening 23399  
authority either shall refer the charges against the accused to 23400  
an investigating officer again or promptly notify the court that 23401  
the convening authority does not intend to refer the charges 23402  
against the accused again. 23403

(I) If an accused is convicted of a crime and sentenced to confinement, the accused's sentence shall be reduced by the total number of days the accused is confined for evaluation to determine the accused's competence to stand trial or treatment under this section and sections 5924.502 and 5924.504 of the Revised Code or by the total number of days the accused is confined for evaluation to determine the accused's mental condition at the time of the offense charged.

**Sec. 5924.504.** (A) If an accused being tried by a general court-martial is found incompetent to stand trial, after the expiration of the maximum time for treatment as specified in division (C) of section 5924.503 of the Revised Code or after the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, one of the following applies:

(1) The court or the trial counsel may file an affidavit in probate court for civil commitment of the accused in the manner provided in Chapter 5122. of the Revised Code. If the court or trial counsel files an affidavit for civil commitment, the court may detain the accused for ten days pending civil commitment. If the probate court commits the accused subsequent to the court's or trial counsel's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, or the person to which the accused is committed or admitted shall send to the trial counsel the notices described in divisions (H) (4) (a) (i) to (iii) of section 5924.503 of the Revised Code within the periods of time and under the circumstances specified in those divisions.

(2) On the motion of the trial counsel or on its own motion, the court may retain jurisdiction over the accused if at a hearing the court finds both of the following by clear and convincing evidence:

(a) The accused committed the offense with which the accused is charged.

(b) The accused is a ~~mentally ill~~ person with a mental illness subject to hospitalization by court order.

(B) In making its determination under division (A) (2) of this section as to whether to retain jurisdiction over the accused, the court may consider all relevant evidence, including, but not limited to, any relevant psychiatric, psychological, or medical testimony or reports, the acts constituting the offense charged, and any history of the accused that is relevant to the accused's ability to conform to the law.

(C) If the court conducts a hearing as described in division (A) (2) of this section and if the court does not make both findings described in divisions (A) (2) (a) and (b) of this section by clear and convincing evidence, the court shall dismiss the charges against the accused. Upon the dismissal, the court shall discharge the accused unless the court or trial counsel files an affidavit in probate court for civil commitment of the accused pursuant to Chapter 5122. of the Revised Code. If the court or trial counsel files an affidavit for civil commitment, the court may order that the accused be detained for up to ten days pending the civil commitment. If the probate court commits the accused subsequent to the court's or trial counsel's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, or the person to which the

accused is committed or admitted shall send to the trial counsel 23464  
the notices described in divisions (H) (4) (a) (i) to (iii) of 23465  
section 5924.503 of the Revised Code within the periods of time 23466  
and under the circumstances specified in those divisions. A 23467  
dismissal of charges under this division is not a bar to further 23468  
criminal proceedings based on the same conduct. 23469

(D) (1) If the court conducts a hearing as described in 23470  
division (A) (2) of this section and if the court makes the 23471  
findings described in divisions (A) (2) (a) and (b) of this 23472  
section by clear and convincing evidence, the court shall commit 23473  
the accused, if determined to require mental health treatment, 23474  
to the department of mental health and addiction services for 23475  
treatment at a hospital, facility, or services provider as 23476  
determined clinically appropriate by the department of mental 23477  
health and addiction services. In committing the accused to the 23478  
department of mental health and addiction services, the court 23479  
shall specify the least restrictive limitations on the accused's 23480  
freedom of movement determined to be necessary to protect public 23481  
safety. 23482

(2) If a court makes a commitment of an accused under 23483  
division (D) (1) of this section, the trial counsel shall send to 23484  
the hospital, facility, or services provider where the accused 23485  
is placed by the department of mental health and addiction 23486  
services or to the accused's place of commitment all reports of 23487  
the accused's current mental condition and, except as otherwise 23488  
provided in this division, any other relevant information, 23489  
including, but not limited to, a transcript of the hearing held 23490  
pursuant to division (A) (2) of this section, copies of relevant 23491  
investigative reports, and copies of any prior arrest and 23492  
conviction records that pertain to the accused and that the 23493  
trial counsel possesses. The trial counsel shall send the 23494

reports of the accused's current mental condition in every case 23495  
of commitment, and, unless the trial counsel determines that the 23496  
release of any of the other relevant information to unauthorized 23497  
persons would interfere with the effective prosecution of any 23498  
person or would create a substantial risk of harm to any person, 23499  
the trial counsel also shall send the other relevant 23500  
information. 23501

(3) If a court makes a commitment under division (D) (1) of 23502  
this section, all further proceedings shall be in accordance 23503  
with Chapter 5122. of the Revised Code. 23504

**Sec. 5924.506.** (A) If an accused person is found not 23505  
guilty by reason of insanity, the verdict shall state that 23506  
finding, and the trial court shall conduct a full hearing to 23507  
determine whether the person is a ~~mentally ill~~ person with a 23508  
mental illness subject to hospitalization by court order. Prior 23509  
to the hearing, if the military judge believes that there is 23510  
probable cause that the person found not guilty by reason of 23511  
insanity is a ~~mentally ill~~ person with a mental illness subject 23512  
to hospitalization by court order, the military judge may issue 23513  
a temporary order of detention for that person to remain in 23514  
effect for ten court days or until the hearing, whichever occurs 23515  
first. 23516

Any person detained pursuant to a temporary order of 23517  
detention issued under this division shall be held in a suitable 23518  
facility, taking into consideration the place and type of 23519  
confinement prior to and during trial. 23520

(B) The court shall hold the hearing under division (A) of 23521  
this section to determine whether the person found not guilty by 23522  
reason of insanity is a ~~mentally ill~~ person with a mental 23523  
illness subject to hospitalization by court order within ten 23524

court days after the finding of not guilty by reason of 23525  
insanity. Failure to conduct the hearing within the ten-day 23526  
period shall cause the immediate discharge of the respondent, 23527  
unless the judge grants a continuance for not longer than ten 23528  
court days for good cause shown or for any period of time upon 23529  
motion of the respondent. 23530

(C) If a person is found not guilty by reason of insanity, 23531  
the person has the right to attend a hearing conducted pursuant 23532  
to this section. At the hearing, the court shall inform the 23533  
person that the person has all of the following rights: 23534

(1) The right to be represented by defense counsel or to 23535  
retain civilian counsel, if the person so chooses; 23536

(2) The right to have independent expert evaluation; 23537

(3) The right to subpoena witnesses and documents, to 23538  
present evidence on the person's behalf, and to cross-examine 23539  
witnesses against the person; 23540

(4) The right to testify in the person's own behalf and to 23541  
not be compelled to testify; 23542

(5) The right to have copies of any relevant medical or 23543  
mental health document in the custody of the state or of any 23544  
place of commitment other than a document for which the court 23545  
finds that the release to the person of information contained in 23546  
the document would create a substantial risk of harm to any 23547  
person. 23548

(D) The hearing under division (A) of this section shall 23549  
be open to the public, and the court shall conduct the hearing 23550  
in accordance with regulations prescribed by the adjutant 23551  
general. The court shall make and maintain a full transcript and 23552  
record of the hearing proceedings. The court may consider all 23553

relevant evidence, including, but not limited to, any relevant  
psychiatric, psychological, or medical testimony or reports, the  
acts constituting the offense in relation to which the person  
was found not guilty by reason of insanity, and any history of  
the person that is relevant to the person's ability to conform  
to the law.

(E) Upon completion of the hearing under division (A) of  
this section, if the court finds there is not clear and  
convincing evidence that the person is a ~~mentally ill~~ person  
with a mental illness subject to hospitalization by court order,  
the court shall discharge the person, unless a detainer has been  
placed upon the person by the department of rehabilitation and  
correction, in which case the person shall be returned to that  
department.

(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  
hospitalization by court order, it shall commit the person to  
the department of mental health and addiction services for  
placement in a hospital, facility, or services provider as  
determined clinically appropriate by the department of mental  
health and addiction services. Further proceedings shall be in  
accordance with Chapter 5122. or 5123. of the Revised Code. In  
committing the accused to the department of mental health and  
addiction services, the court shall specify the least  
restrictive limitations on the accused's freedom of movement  
determined to be necessary to protect public safety.

(G) If a court makes a commitment of a person under  
division (F) of this section, the trial counsel shall send to  
the hospital, facility, or services provider where the defendant

is placed by the department of mental health and addiction 23584  
services or to the accused's place of commitment all reports of 23585  
the person's current mental condition, and, except as otherwise 23586  
provided in this division, any other relevant information, 23587  
including, but not limited to, a transcript of the hearing held 23588  
pursuant to division (A) of this section, copies of relevant 23589  
investigative reports, and copies of any prior arrest and 23590  
conviction records that pertain to the person and that the trial 23591  
counsel possesses. The trial counsel shall send the reports of 23592  
the person's current mental condition in every case of 23593  
commitment, and, unless the trial counsel determines that the 23594  
release of any of the other relevant information to unauthorized 23595  
persons would interfere with the effective prosecution of any 23596  
person or would create a substantial risk of harm to any person, 23597  
the trial counsel also shall send the other relevant 23598  
information. 23599

(H) A person who is committed pursuant to this section 23600  
shall not voluntarily admit the person or be voluntarily 23601  
admitted to a hospital or institution pursuant to sections 23602  
5122.02 and 5122.15 of the Revised Code. 23603

**Section 2.** That existing sections 1.02, 5.226, 9.03, 23604  
122.69, 140.01, 145.012, 145.298, 149.01, 173.11, 173.12, 23605  
305.07, 306.551, 325.07, 339.11, 340.011, 340.03, 340.04, 23606  
340.15, 513.05, 737.051, 737.161, 749.02, 901.73, 918.05, 23607  
935.03, 955.011, 955.43, 959.07, 959.99, 1533.12, 1713.41, 23608  
1743.05, 1751.14, 1751.65, 2101.16, 2101.17, 2101.24, 2127.05, 23609  
2127.43, 2151.23, 2151.414, 2305.42, 2305.43, 2746.02, 2901.30, 23610  
2903.10, 2903.13, 2903.15, 2903.16, 2903.341, 2907.27, 2919.21, 23611  
2919.22, 2919.23, 2921.22, 2921.321, 2923.125, 2923.128, 23612  
2923.1213, 2923.13, 2925.01, 2925.02, 2929.15, 2929.20, 2931.02, 23613  
2935.33, 2945.25, 2945.37, 2945.38, 2945.39, 2945.40, 2945.401, 23614

2945.42, 2949.29, 2967.22, 3113.06, 3113.08, 3304.31, 3313.55, 23615  
3313.65, 3313.71, 3313.74, 3319.232, 3335.41, 3335.42, 3335.50, 23616  
3335.51, 3335.55, 3353.01, 3375.82, 3501.18, 3501.29, 3503.12, 23617  
3505.23, 3506.12, 3506.19, 3701.046, 3701.243, 3701.507, 23618  
3701.53, 3701.65, 3701.79, 3701.81, 3702.55, 3707.06, 3707.20, 23619  
3707.22, 3707.29, 3707.30, 3719.011, 3719.061, 3719.61, 3719.70, 23620  
3721.011, 3721.30, 3781.111, 3781.112, 3781.19, 3791.031, 23621  
3901.491, 3901.501, 3923.24, 3923.241, 3999.16, 4105.13, 23622  
4111.06, 4112.02, 4115.33, 4121.61, 4123.343, 4123.57, 4123.58, 23623  
4123.68, 4123.70, 4123.71, 4141.01, 4173.02, 4501.21, 4503.04, 23624  
4503.042, 4503.44, 4506.07, 4507.06, 4507.08, 4508.01, 4508.03, 23625  
4508.04, 4511.01, 4511.69, 4517.01, 4517.12, 4521.01, 4521.02, 23626  
4521.10, 4551.05, 4741.221, 4747.12, 4766.01, 4905.79, 4933.122, 23627  
4961.08, 5101.56, 5101.60, 5104.015, 5104.017, 5104.018, 23628  
5104.019, 5107.26, 5109.16, 5109.18, 5119.01, 5119.10, 5119.14, 23629  
5119.21, 5119.311, 5119.33, 5119.331, 5119.333, 5119.34, 23630  
5119.40, 5119.42, 5119.50, 5119.60, 5119.61, 5119.70, 5119.90, 23631  
5119.91, 5119.92, 5119.93, 5120.051, 5120.17, 5120.44, 5121.56, 23632  
5122.01, 5122.03, 5122.05, 5122.10, 5122.11, 5122.111, 5122.13, 23633  
5122.141, 5122.15, 5122.19, 5122.21, 5122.27, 5122.271, 5122.28, 23634  
5122.30, 5122.311, 5122.36, 5122.39, 5122.43, 5123.651, 5126.38, 23635  
5139.54, 5149.30, 5153.01, 5153.16, 5153.163, 5164.15, 5165.03, 23636  
5305.22, 5321.01, 5501.05, 5501.07, 5515.08, 5531.12, 5537.03, 23637  
5709.45, 5733.04, 5733.56, 5733.98, 5747.03, 5905.02, 5907.06, 23638  
5907.09, 5924.115, 5924.503, 5924.504, and 5924.506 of the 23639  
Revised Code are hereby repealed. 23640

**Section 3.** The General Assembly, applying the principle 23641  
stated in division (B) of section 1.52 of the Revised Code that 23642  
amendments are to be harmonized if reasonably capable of 23643  
simultaneous operation, finds that the following sections, 23644  
presented in this act as composites of the sections as amended 23645

by the acts indicated, are the resulting versions of the 23646  
sections in effect prior to the effective date of the sections 23647  
as presented in this act: 23648

Section 340.03 of the Revised Code as amended by both H.B. 23649  
49 and S.B. 71 of the 132nd General Assembly. 23650

Section 959.99 of the Revised Code as amended by both H.B. 23651  
24 and H.B. 33 of the 133rd General Assembly. 23652

Section 2921.22 of the Revised Code as amended by both 23653  
H.B. 216 and S.B. 319 of the 131st General Assembly. 23654

Section 2923.1213 of the Revised Code as amended by both 23655  
H.B. 234 and S.B. 43 of the 130th General Assembly. 23656

Section 2923.13 of the Revised Code as amended by both 23657  
H.B. 234 and S.B. 43 of the 130th General Assembly. 23658

Section 2925.01 of the Revised Code as amended by both 23659  
H.B. 341 and H.B. 442 of the 133rd General Assembly. 23660

Section 2925.02 of the Revised Code as amended by both 23661  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 23662

Section 3501.29 of the Revised Code as amended by both 23663  
S.B. 10 and S.B. 109 of the 130th General Assembly. 23664

Section 3505.23 of the Revised Code as amended by both 23665  
S.B. 10 and S.B. 109 of the 130th General Assembly. 23666

Section 5123.651 of the Revised Code as amended by both 23667  
H.B. 158 and H.B. 483 of the 131st General Assembly. 23668

**Section 4.** This act shall be known as the Mental Health 23669  
and Disability Terminology Act. 23670