

## Executive

**LOCCD4 Minimum age to sell tobacco products**

R.C. 2907.02

Expands the offense of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products by prohibiting an individual under age 18 from selling any such product. Makes the first violation a fourth degree misdemeanor and subsequent violations a third degree misdemeanor.

**Fiscal effect: Potential minimal impact on local criminal justice systems. Potential minimal gain in state and local court cost/fine revenue.**

**LOCCD3 Good Samaritan Law -- immunity from arrest for minor drug possession offense**

R.C. 2925.11

Modifies the Good Samaritan Law, which provides immunity from arrest for a minor drug possession offense to a person who seeks medical help for an overdose being experienced by self or another, as follows:

Removes the requirement that, within 30 days after seeking or obtaining medical assistance, the individual must seek and obtain a screening and receive a referral for treatment from a community addiction services provider.

Removes the requirement that, upon the request of a prosecuting attorney, the individual must submit documentation of the above to the prosecuting attorney.

Removes the limitation that prohibits a person from being granted immunity more than two times.

Removes the provision specifying that the immunity provisions do not compel any protected individual to disclose protected health information in a way that conflicts with the federal Health Insurance Portability and Accountability Act or specified federal regulations.

**Fiscal effect: Potential minimal impact on local criminal justice systems. Potential indirect effect that increases drug-related medical emergency costs for government-owned hospitals and Medicaid Program for medical or substance treatment reimbursements or payments.**

**LOCCD8 Prohibit shipment of vapor products and electronic smoking devices to unauthorized persons**

R.C. 2927.02, 2927.023

Prohibits the shipment of vapor products and electronic smoking devices to persons other than licensed vapor distributors, unlicensed vapor retailers (if the tax levied by continuing law has already been paid), operators of customs bonded warehouses, and state and federal government agencies or employees (a similar prohibition applies to the shipment of cigarettes under continuing law).

Requires a court to impose a fine of up to \$1,000 for each violation.

**Fiscal effect: Potential minimal impact on local criminal justice systems. Potential minimal gain in state court cost revenue.**

## Executive

**LOCCD2 Indigent drivers alcohol treatment funds****R.C. 4511.191, 4510.43, 4510.45**

Allows a court to spend any money in a county indigent drivers alcohol treatment fund (IDATF), county juvenile IDATF, or municipal IDATF, rather than only surplus money as in current law, for substance abuse disorder assessments and addiction services, and transportation to those assessments and services, for any indigent person convicted of a criminal offense, adjudicated a delinquent child, or found to be a juvenile traffic offender when substance abuse was a contributing factor, as well as those convicted of OVI (operating a vehicle while impaired).

Adds recovery supports as a service that may be funded for offenders specified above.

Eliminates a requirement that a reasonable amount (not to exceed 5%) of an IDATF must be paid to the alcohol, drug addiction, and mental health services (ADAMHS) board for administering treatment.

Eliminates a requirement that courts identify and refer non-certified community addiction services providers seeking surplus funding from an IDATF and associated referral procedures.

Regarding the required annual report concerning IDATF funds:

(1) Requires each court to annually report certain IDATF information (including fund balances and the number of indigent persons served) to the ADAMHS board, rather than requiring the board to prepare the report and submit it to OhioMHAS.

(2) Requires ADAMHS boards to compile the IDATF information from each court into an annual report and submit it to OhioMHAS.

**Fiscal effect: A court would be allowed to spend money on the abovementioned services if funds are more than sufficient to satisfy the purpose of the fund. ADAMHS boards could realize costs to compile information for the report.**

**LOCCD1 Drainage Assessment Fund****R.C. 6131.43, 6133.15 (repealed)**

Abolishes the Drainage Assessment Fund, which was, but is no longer, used to pay each state agency's share of local drainage assessments made under the county ditch laws.

**Fiscal effect: None. Agency's pay their share of local drainage assessments under appropriations from their regular operating funds.**

## Executive

**GOVCD3 Electronic notification, meeting, and data storage law changes**

R.C. 127.15, 173.03, 753.19, 1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 1571.05, 1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 1707.04, 1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 3111.23, 3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 3319.081, 3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 3704.03, 3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 3772.04, 3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 3781.25, 3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 4125.03, 4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 4507.081, 4508.021, 4509.101, 4510.03, 4510.41, 4735.13, 4735.14, 5107.161, 5120.14, 5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 5703.37, 5709.83, 5736.041, 5751.40, 1509.031, 3745.019, Repealed: R.C. 5123.195

Implements a 2020 initiative of the Common Sense Initiative to make changes throughout the Revised Code to partly reflect the advancements in technology related to notifications, meetings, data storage, and certain other government functions. (For more detailed analysis of these changes, please see the Electronic Notification and Meetings section (pages 311-338) of the LSC Bill Analysis for H.B. 33.)

Makes specific changes, including removal of obsolete provisions, to facilitate the use of electronic communications, including websites, in the daily operations for the following entities: CAC, COM, DODD, ODE, Ohio EPA, INS, ODJFS, ODPS, PUCO, TAX, ODOT, and ODWIS.

Modifies the type of communication media through which a required notice of events or services may be made by generally adding the option of electronic, including email, delivery or mail delivery by a commercial/common carrier and removing the outdated telegraph method for the following entities: CEB, CAC, COM, ODE, Ohio EPA, ODJFS, ODM, ODNR, PUCO, DRC, ODWIS, and municipalities.

Permits meeting via electronic means, instead of in-person meetings, on specified matters provided that the meetings still allow for interactive public attendance for the following entities: Ohio Advisory Council for the Aging, Internet- or computer-based community schools, school districts or other public schools, ODPS-Register of Motor Vehicles, counties, townships, and municipalities.

Permits or requires the establishment of electronic means of submission for such services as licensure, approvals, and other by the following entities: ODNR's Division of Oil and Gas Resources Management, school districts, ODE, solid waste management districts, and courts of record.

Modifies or removes references related to creating or retaining stenographic records of certain proceedings for the following entities: COM, ODNR, ODE, school districts, Ohio EPA, and ODWIS.

**Fiscal effect: TAX has estimated savings of approximately \$3.4 million per year for the agency. Ohio EPA has estimated annual savings of over \$750,000. Other affected state agencies will also likely realize some administrative cost savings as will affected local governments.**

## Executive

**DPSCD30 Specific investigatory work product**

R.C. 149.43

Defines “specific investigatory work product,” which under continuing law is exempt from public disclosure under the Public Records Law, as any record, thing, or item that documents the independent thought processes, factual findings, mental impressions, theories, strategies, opinions, or analyses of an investigating officer, agent of an investigative agency, or a prosecuting attorney, including (a) any documents and evidence collected, (b) written or recorded interviews or statements or notes, (c) lab results, or preliminary lab results, and, (d) other internal memoranda or items created during any point of an investigation, but not including basic information regarding date, time, address, and type of incident.

**Fiscal effect: Potential administrative cost savings if certain documents are no longer required to be released as part of a public records request due to an exemption under the public records law.**

**DPSCD24 School emergency management plans and security records**

R.C. 5502.262

Extends the annual deadline for a school administrator to submit the school district's or school's emergency management plan to the ODPS Director from July 1 to September 1.

Specifies that all records related to a school's emergency management plan and emergency management tests are security records and are not subject to Ohio's public records laws.

**Fiscal effect: Potential negligible decrease in the number of public records requests that require a response, as emergency management plans and some related information are already exempt from the public records law.**

## Executive

**DRCCD13 Offense of “engaging in prostitution with a person with a developmental disability”****R.C. 2907.231**

Creates the offense of “engaging in prostitution with a person with a developmental disability” and makes a violation a third degree felony (under current law a violation of the offense of engaging in prostitution is a first degree misdemeanor).

Defines “person with a developmental disability” as a person whose ability to resist or consent to an act is substantially impaired because of a mental or physical condition or because of advanced age.

Prohibits a person from recklessly inducing, enticing, or procuring another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person if the other person is a person with a developmental disability and the offender knows or has reasonable cause to believe that the other person is a person with a developmental disability.

**Fiscal effect: Minimal impact on state and local criminal justice systems.**

**DRCCD12 Disability intimidation****R.C. 2927.12**

Creates the offense of “disability intimidation” and makes a violation an offense of the next higher degree than the offense the commission of which is a necessary element of disability intimidation.

Defines the term “disability” as a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.

Prohibits a person from committing aggravated menacing, menacing, criminal damaging or endangering, criminal mischief, or specified prohibited telecommunications harassment conduct by reason of the disability of another person or group of persons if the other person is a person with a disability, the person knows or reasonably should know that the other person is a person with a disability, and it is the person's specific purpose to commit the offense against a person with a disability.

**Fiscal effect: Minimal impact on state and local criminal justice systems.**

## Executive

**DRCCD8 Targeted Community Alternatives to Prison (T-CAP) Program****R.C. 2929.34, 5149.38**

Permits a voluntary county to participate in the Targeted Community Alternatives to Prison (T-CAP) Program by submitting a memorandum of understanding (MOU), either as a single county or jointly with other counties, to DRC for approval.

Requires DRC to establish deadlines for a voluntary county to indicate the voluntary county's participation in the T-CAP Program before each state fiscal biennium.

Requires DRC, in reviewing a submitted MOU, to prioritize a voluntary county that has previously been a voluntary county.

Permits DRC to review a MOU for a new voluntary county if the General Assembly has appropriated sufficient funds for that purpose.

Changes the program name "Targeting Community Alternatives to Prison" to "Targeted Community Alternatives to Prison."

**Fiscal effect: Certain counties could receive more or less funding than otherwise may have been the case under current law and practice.**

**DRCCD14 Full Parole Board hearings****R.C. 5149.101**

Removes: (a) the ability for a Board hearing officer, a Board member, or the Office of Victims' Services to petition the Board for a full Parole Board hearing that relates to the proposed parole or re-parole of a prisoner, including when the offense was committed by a minor, and (b) the requirement that, at such a meeting of the Board at which a majority of members are present, the majority of those present determine whether a full Board meeting will be held.

Provides that, if a victim of aggravated murder, murder, a felony offense of violence of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the victim's representative, or specified family members of the victim (spouse, parent/parents, sibling, or child/children) requests a full Board hearing that relates to the proposed parole or re-parole of a prisoner that committed the violation, it must be through the Office of Victims' Services (current law does not specify to whom such a request is to be made).

Permits family members of the victim not specified above to request, through the Office of Victims' Services, for the Board to hold a full Board hearing that relates to the proposed parole or re-parole of a person who committed aggravated murder, murder, a felony offense of violence of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, and if such a request is made, requires the majority of those present at the Board meeting to determine whether a full Board hearing will be held.

Permits the prosecuting attorney to submit a request directly to the Board to hold a full Board hearing that relates to the proposed parole or re-parole of a person who committed aggravated murder, murder, a felony offense of violence of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, and requires the Board to hold a full Board hearing.

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Allows the State Public Defender, when designated by DRC, to appear at a full Board hearing and to give testimony or to submit a written statement (unchanged is current law that requires the Board to permit counsel or another person designated by the prisoner as a representative to appear and to give testimony or to submit a written statement).

**Fiscal effect: None, as largely codifies current practice.**

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