
DEPARTMENT OF HEALTH

Nurse aide eligibility

- Establishes an alternative condition that an individual may satisfy to be eligible for employment as a nurse aide in a long-term care facility – that the individual has successfully completed both a training course provided in a nursing home operated by the U.S. Department of Veterans Affairs and a competency evaluation program conducted by the Department of Health (ODH).

Health care facilities

Prohibitions on health care real estate investment trusts

- Prohibits the following from leasing from a health care real estate investment trust the building or buildings in which a hospital is located or a nursing home is housed: an applicant for an initial hospital or nursing home license, an applicant for a change of hospital or nursing home owner or operator license, and a holder of a license to operate a hospital or nursing home.

Change of owner licenses – hospitals

- Eliminates current law provisions requiring a hospital's new owner to apply to the ODH Director for a license transfer and replaces them with provisions establishing the following: (1) a process for an entering owner to apply for a change of owner license and (2) conditions that must be met before the Director issues the new license, including those requiring the disclosure of certain ownership interests in the hospital.

Evidence of financial security – nursing home entering operators

- Requires a nursing home entering operator to submit to the ODH Director evidence of a bond, rather than evidence of a bond or other financial security as under current law.

Residential care facility license – continued operation during application period

- Specifies that a residential facility or independent living facility that applies for a license to operate as a residential care (assisted living) facility may continue to operate as a residential facility or independent living facility while its application is pending.
- Restricts a residential facility or independent living facility from providing care to more than two residents while the application is pending.

Radiation-generating equipment – inspection fee increases

- Increases inspection fee amounts for certain radiation-generating equipment used in facilities operated by medical practitioners or medical-practitioner groups.

Deposit of vital statistics fees by ODH

- Transfers from the Treasurer of State to ODH the duty to deposit vital statistics fees into the state treasury to the credit of the Children's Trust Fund.

OhioSEE Program

- Requires ODH to establish the Ohio Student Eye Exam Program, or OhioSEE, to provide students in kindergarten through third grade with vision care services, including vision screenings, eye examinations, and glasses.

Children's Dental Services Program

- Requires ODH to establish the Children's Dental Services Program to provide children in underserved areas with dental care services, including screenings, treatment, and preventive care.

Smoking and tobacco

Flavored electronic liquids

- Prohibits giving away, selling, advertising, displaying, or marketing any flavored electronic liquid.
- Exempts nicotine-free liquids from the flavor prohibition and, due to a drafting error, from the law prohibiting the sale or distribution of electronic smoking device liquids to underage persons.

Registration of vapor product retailers

- Requires persons engaged in selling vapor products to Ohio consumers to annually register with ODH.
- Exempts from the registration requirement persons licensed under continuing law in the business of trafficking cigarettes or solely for vapor product distribution.
- Specifies the form of the initial application and requires \$400 in total fees for each place of business.
- Provides for annual renewal of existing certificates following submission of a renewal application and payment of a \$200 annual registration fee.
- Requires the ODH Director to deny, refuse to renew, suspend, or revoke a certificate of registration under certain circumstances.
- Allows the ODH Director to impose a penalty of up to \$1,000 on a person who knowingly sells vapor products at retail without the required registration or who fails to display the registration.
- Limits the penalty to \$100 for recently lapsed registrations and allows the ODH Director to waive all or part of a penalty for reasonable cause.
- Requires all fees and fines collected in connection with the registration to be deposited to the Tobacco Use Prevention Fund and used for the administration of the registration program or for tobacco and nicotine prevention or cessation interventions.

Lead abatement tax credit

- Increases to \$50,000 (from \$10,000) the maximum amount of the tax credit that can be issued by the Director of Health for lead abatement.

Scope of environmental health specialists' practice

- Removes the administration or enforcement of the hazardous waste law from the scope of practice of environmental health that an environmental health specialist or environmental health specialist in training may engage in.

Nurse aide eligibility

(R.C. 3721.32)

The bill establishes an alternative condition that an individual may satisfy to be eligible for employment as a nurse aide in a long-term care facility – the successful completion of both of the following: (1) a training course provided by the U.S. Department of Veterans Affairs (VA) in a VA-operated community living center (a VA nursing home) that the Director of Health determines is similar to a training and competency evaluation program conducted by the Department of Health (ODH) and (2) an ODH-conducted competency evaluation program.

In general, to be listed on ODH's nurse aide registry and therefore eligible for employment in a long-term care facility, an individual must successfully complete both an ODH-approved training and competency evaluation program and an ODH-conducted competency evaluation program. Note that the bill maintains all other existing law alternative conditions.

Health care facilities

Prohibitions on health care real estate investment trusts

(R.C. 3721.01, 3721.026, 3721.07, 3721.073, 3722.01, 3722.03, 3722.031, 3722.04, 3722.06, and 3722.13)

The bill prohibits all of the following from leasing from a health care real estate investment trust the one or more buildings in which (1) a nursing home is housed or (2) a main hospital and, if applicable, any of its remote locations are located:

- An applicant seeking an initial license from ODH to operate a nursing home;
- An applicant seeking an initial license from ODH to operate a hospital;
- The holder of a license to operate a nursing home issued by ODH;
- The holder of a license to operate a hospital issued by ODH;
- In the case of a change in a licensed nursing home's operator, an applicant seeking a license from ODH to operate the nursing home as its entering operator;
- In the case of a change in a licensed hospital's owner, an applicant seeking a license from ODH to operate the hospital as its entering owner.

Exception

The foregoing prohibition does not apply to an ODH-licensed nursing home or hospital that, on the bill's 90-day effective date, leases from a health care real estate investment trust the one or more buildings in which the nursing home is housed or the main hospital and, if applicable, any of its remote locations is located. The bill requires such a nursing home or hospital to submit to the ODH Director copies of all documents in its possession related to any lease, master lease, sublease, license, or other agreement concerning the use or occupancy of the buildings or buildings in which the nursing home is housed or the hospital is located. The copies must be submitted to the ODH Director not later than 90 days after the bill's 90-day effective date.

Definition

A **health care real estate investment trust** is defined to mean a real estate investment trust whose assets include direct or indirect ownership of real property that is held in connection with the use or operation of any facility licensed or certified to provide health care services to individuals, including a hospital or nursing home.

This definition relies, in part, on federal law's definition of a **real estate investment trust**, meaning a corporation, trust, or association (1) which is managed by one or more trustees or directors, (2) the beneficial ownership of which is evidenced by transferable shares or by transferable certificates of beneficial interest, (3) which would be taxable as a domestic corporation, (4) which is neither a financial institution nor an insurance company, (5) the beneficial ownership of which is held by 100 or more persons, and (6) which is not closely held.⁵⁸

Change of owner licenses – hospitals

(R.C. 3722.04)

The bill eliminates current law provisions requiring a hospital's new owner to apply to the ODH Director for a license transfer and replaces them with provisions establishing the following: (1) a process by which an entering owner may apply for a license and (2) conditions that must be met before the Director issues the new license, including those requiring the disclosure of certain ownership interests in the hospital.

Application procedures

If a change of owner is proposed for a hospital, the entering owner must apply to the ODH Director for a license to operate the hospital. The application must be submitted not later than 45 days before the date of the proposed change of owner, but the ODH Director may waive that timeline in the event of an emergency.

As soon as practicable after receiving a completed application, the ODH Director must review it to determine if the bill's requirements and rules adopted by the ODH Director have been met. If the ODH Director makes such a determination, a notice of intent to grant a change

⁵⁸ 26 U.S.C. 856.

of owner license must be issued, with the license's issuance contingent on the submission of documents evidencing completion of the change of owner transaction.

Eligibility

To be eligible for the license, an entering owner must submit a complete application, pay the change of owner fee specified by the ODH Director in rule, and satisfy all of the following:

- Identify the one or more individuals that own, directly or indirectly, at least 5% of the following: the entering owner, if the entering owner is an entity; the owner of the building or buildings in which the hospital is located, if the owner differs from the entering owner; or each related party that provides services to the hospital;
- With respect to any identified individual, disclose the exact percentage of the individual's ownership interest;
- Disclose whether any identified individual owned an interest in a hospital licensed by the ODH Director or by another state and whether any of the following events occurred within the five years immediately preceding the application date: the hospital closed; the hospital or its owner was the subject of receivership proceedings; the hospital's license was suspended, denied, or revoked; the hospital was the subject of injunction proceedings initiated by a regulatory agency; or a civil or criminal action was filed against the hospital by a state or federal entity;
- Provide any other information the ODH Director considers necessary.

Additional requirements

Evidence of a bond

The bill requires an applicant to submit the ODH Director evidence of a bond in an amount not less than the product of the number of hospital beds multiplied by \$10,000. The requirement does not apply to an applicant identifying direct or indirect ownership of at least 50% of the entering owner.

The bond must be renewed, replaced, or maintained for five years after the effective date of a change of owner. The aggregate liability of a surety must not exceed the sum of the bond, which is not cumulative from period to period. If the bond is not renewed, replaced, or maintained, the ODH Director is required to revoke the hospital's license after providing 30 days' notice to the owner. The bond must be released five years after the effective date of the change of owner if none of the events described below have occurred.

The ODH Director may utilize the bond to pay expenses incurred by the ODH Director of another state official or agency if any of the following occurs during the five-year period for which the bond is required:

- The hospital closes;
- The hospital is the subject of bankruptcy proceedings;
- The hospital is the subject of receivership proceedings;

- The license to operate the hospital is suspended, denied, or revoked;
- The hospital undergoes a change of ownership, unless the new applicant submits a bond.

Prior experience

The applicant also must demonstrate to the ODH Director that the entering owner or person who will have operational control of the hospital has at least five years' experience with operational control of a hospital licensed by the ODH Director or by another state.

Attestations

The applicant also must attest all of the following to the ODH Director:

- That the entering owner has developed quality assurance and risk management plans for the hospital's operation;
- That the entering owner has general and professional liability insurance coverage that provides coverage of at least \$1 million per occurrence and \$3 million aggregate;
- That sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of hospital patients.

Denial of change of ownership

The ODH Director is required by the bill to deny a change of owner application in both of the following circumstances:

- When the bill's requirements and any rules adopted by the ODH Director have not been met;
- When the owner of the building or buildings in which the main hospital and, if applicable, any of its remote locations are located is a health care real estate investment trust and the ODH Director has determined that the entering owner plans to lease the building or buildings from such trust.

Additional grounds for denial

The bill sets forth two additional grounds under which the ODH Director must deny a change of owner license. Each relates to the prior history of an entering owner or other ownership interest.

In the case of an entering owner or individual identified as owning, directly or indirectly, 25% or more of the entering owner, the ODH Director must deny the change of owner application if both of the following criteria are met:

- The entering owner or individual has or had either of the following relationships with a currently or previously licensed hospital by the Director or by another state:
 - 50% or more direct or indirect ownership in the hospital;
 - Alone or together with one or more other persons, operational control of the hospital.
- Any of the following occurred with respect to the current or previously licensed hospital within the five years immediately preceding the date of application:

- Involuntary closure of the hospital by a regulatory agency or voluntary closure in response to licensure or certification action;
- Voluntary or involuntary bankruptcy proceedings that are not dismissed within 60 days of filing for bankruptcy;
- Voluntary or involuntary receivership proceedings that are not dismissed within 60 days of the proceedings' initiation;
- License suspension, denial, or revocation for failure to comply with operating standards.

In the case of a change of 25% or more of the property ownership interest in a hospital that occurs in connection with the change of owner, the ODH Director must deny the change of owner license if the person who acquired the property ownership interest meets both of the following criteria:

- The person has or had either of the following relationships to a hospital currently or previously licensed by the Director or by another state:
 - 50% or more direct or indirect property ownership in the hospital;
 - Alone or together with one or more other persons, operational control of the hospital.
- Any of the following occurred with respect to the current or previously licensed hospital within the five years immediately preceding the date of application:
 - Involuntary closure of the hospital by a regulatory agency or voluntary closure in response to licensure or certification action;
 - Voluntary or involuntary bankruptcy proceedings that are not dismissed within 60 days of filing for bankruptcy;
 - Voluntary or involuntary receivership proceedings that are not dismissed within 60 days of the proceedings' initiation;
 - License suspension, denial, or revocation for failure to comply with operating standards.

Appealing a denial

The bill authorizes an applicant who has been denied a change of owner license to appeal that decision. The appeal is governed by Ohio's Administrative Procedure Act (R.C. Chapter 119).

Entering owner duties

An entering owner is required to perform all of the following duties:

- As soon as practicable after discovering an error, omission, or change of information in the entering owner's application, notify the ODH Director of the error, omission, or change;

- When a change in the information or documentation required by the bill occurs after the change of owner license is issued, notify the ODH Director of the change in the information or documentation within 10 days of its occurrence;
- Truthfully supply to the ODH Director any additional information or documentation that the Director requests;
- Refrain from completing the change of owner transaction until after the ODH Director issues to the entering owner notice of the Director's intent to grant a change of owner;
- Within five days of completing the change of owner transaction, submit to the ODH Director the final document evidencing its completion.

Entering owner penalties

Should an entering owner (1) fail to notify the ODH Director of (a) errors, omissions, or changes in the application or (b) changes in information or documentation occurring after the license issues or (2) fail to truthfully supply any other information or documentation that the Director requests, the Director must impose on the entering owner a civil penalty in the amount of \$2,000 for each day of noncompliance.

Investigations and additional penalties

The bill requires the ODH Director to investigate an allegation that a change of owner occurred and the entering owner failed to submit an application in accordance with the bill's provisions. The ODH Director also must investigate an allegation that an application included fraudulent information. In conducting an investigation, the ODH Director may request the Attorney General's assistance.

If the ODH Director becomes aware – by means of an investigation or otherwise – that an entering owner failed to submit an application or that an application included fraudulent information, the bill requires the Director to impose on the entering owner a civil penalty in the amount of \$2,000 for each day of noncompliance after the date the change of owner occurred.

If an entering owner fails to submit an application or new application for a change of owner license within 60 days of the ODH Director becoming aware of the change of owner, the Director must begin the current law process for revoking the license.

Rulemaking

The bill grants the ODH Director authority to adopt rules as necessary to implement the bill's provisions. It also revises existing law requiring the Director to adopt rules establishing procedures for transferring licenses to specify that those procedures instead relate to changing owners.⁵⁹ All rules must be adopted in accordance with Ohio's Administrative Procedure Act (R.C. Chapter 119).

⁵⁹ R.C. 3722.06.

Legislative intent

The bill specifies that, in amending existing law, it is the intent of the General Assembly to require full and complete disclosure and transparency with respect to the ownership, operation, and management of each licensed hospital undergoing a change of owner.

Evidence of financial security – nursing home entering operators

(R.C. 3721.026)

The bill limits the existing law requirement that certain applicants seeking change of nursing home operator licenses provide to the ODH Director evidence of a ***bond or other financial security***, by eliminating the reference to other financial security. It maintains, however, the following aspects of current law:

1. That the bond amount must be not less than the product of the number of licensed beds multiplied by \$10,000; and

2. That the requirement does not apply to applicants owning at least 50% of the nursing home and its assets or at least 50% of the entity that owns the nursing home and its assets.

Residential care facility license – continued operation during application period

(R.C. 3721.074)

The bill specifies that when a residential facility or an independent living facility applies to the ODH Director for a license as a residential care facility (generally referred to as an assisted living facility), the residential facility or independent living facility may continue to operate while the application is under consideration by the Director. The bill prohibits a residential facility or independent living facility from providing care to more than two residents while such an application is pending.

Radiation-generating equipment – inspection fee increases

(R.C. 3748.13)

The bill increases as follows inspection fee amounts for certain radiation-generating equipment used in facilities operated by medical practitioners or medical-practitioner groups:

- For a first dental x-ray tube, from \$155 to \$310;
- For each additional dental x-ray tube at the same location, from \$77 to \$154;
- For a first medical x-ray tube, from \$307 to \$614;
- For each additional medical x-ray tube at the same location, from \$163 to \$326;
- For each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak, from \$610 to \$1,220;
- For a first nonionizing radiation-generating equipment of any kind, from \$307 to \$614;

- For each additional nonionizing radiation-generating equipment of any kind at the same location, from \$163 to \$326.

Note that the bill maintains the law establishing an inspection fee schedule for such equipment.

Deposit of vital statistics fees by ODH

(R.C. 3109.14)

The bill transfers a requirement to deposit vital statistics fees into the state treasury to the credit of the Children's Trust Fund from the Treasurer of State to ODH. Under existing law, the ODH Director, a person that the Director authorizes, a local commissioner of health, or a local registrar of vital statistics must charge and collect a \$3 fee for each certified copy of a birth record, certification of birth, and copy of a death record. The fees must be forwarded to ODH within 30 days after the end of each quarter. Under the bill, ODH must deposit the fees into the state treasury to the credit of the Children's Trust Fund within two days after receipt. Under existing law, ODH must forward the fees to the Treasurer of State, who deposits the fees accordingly.

The bill also requires ODH to deposit any penalty it receives in the state treasury to the credit of the Children's Trust Fund. Existing law imposes a penalty of 10% of the fees on any person or government entity that fails to forward the vital statistics fees in a timely manner, as determined by ODH.

OhioSEE Program

(Section 291.30)

The bill requires ODH to establish and administer the Ohio Student Eye Exam Program, to be known as the OhioSEE Program. Under the program, vision care services, including vision screenings, eye examinations, and glasses, may be provided to Ohio students, kindergarten through third grade. Participating students must have failed vision screenings and lack access to follow-up care. In administering the program, ODH must focus on improving the percentage of vision care referrals completed, increasing student access to eye examinations, and providing necessary eyewear to eligible students.

Children's Dental Services Program

(Section 291.40)

The bill requires ODH to establish and administer the Children's Dental Services Program. Under the program, dental care services, including screenings, treatment, and preventive care, may be provided to a child who meets the following conditions:

1. The child resides in an underserved area as determined by ODH;
2. The child meets any other eligibility condition established by ODH.

The dental care services may be provided by deploying mobile dental units to schools and underserved areas. In administering the program, ODH must focus on increasing children's access to dental care and helping to reduce the incidence of dental cavities among children.

Smoking and tobacco

Flavored electronic liquids

(R.C. 2927.02)

The bill prohibits giving away, selling, offering for sale, advertising for sale, displaying, or marketing a flavored electronic liquid to any person, regardless of age. It defines “electronic liquid” as any solution containing nicotine, including synthetic nicotine, that is designed or sold for use with an electronic smoking device. A “flavored electronic liquid” means any electronic liquid with a “characterizing flavor,” meaning any taste or smell other than the taste or smell of tobacco. Such flavor may be related to menthol, chocolate, cocoa, vanilla, honey, or mint, or any fruit, candy, dessert, alcoholic beverage, herb, or spice.

The prohibition applies to all persons, including a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers to roll cigarettes, and agents, employees, and representatives of any of those persons.

The prohibition does not apply to nicotine-free liquids. Furthermore, the bill excludes nicotine-free liquids from the definition of “tobacco products.” As a result, such products are exempted from the law prohibiting sale or distribution of such products to underage persons. Under current law, electronic smoking device liquids cannot be sold or distributed to persons under 21 years of age, regardless of whether they contain nicotine. This result is likely the result of a drafting error.

Registration of vapor products retailers

(R.C. 3701.841, 3701.842, 3701.843, and 3701.844)

The bill requires persons engaged in selling vapor products to Ohio consumers (“vapor retailers”) to annually register with the ODH Director. Under continuing law, vapor products are goods, other than cigarettes or other tobacco products, that contain or are made or derived from nicotine, and that are intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. Vapor products include any component of an electronic smoking device, regardless of whether the component contains nicotine.⁶⁰

A separate registration is required for each place of business, even if multiple places of business are under common ownership or control. Persons licensed under continuing law in the business of trafficking cigarettes or solely for vapor product distribution, i.e., for the sale of vapor products to retailers as opposed to consumers, are exempt from the bill’s registration requirement. The registration requirement applies beginning one year after the bill’s 90-day effective date.

Application

A person that seeks registration as a vapor retailer must submit a sworn application to the ODH Director that states all of the following:

⁶⁰ R.C. 2927.02(A)(11).

- The applicant's name, federal tax identification number, street address, telephone number, email address, and name of the manager for each place of business at which the applicant proposes to sell vapor products to consumers;
- The name, street address, telephone number, and email address of each owner of the place of business;
- If the owner is a business entity, the legal name of the business entity and the full name and title of all partners or members of the business entity;
- The total amount of sales, expressed in U.S. dollars, of vapor products to ultimate consumers at the place of business in the preceding registration period;
- A list of any sales of vapor products to minors at the place of business in the preceding registration period.

In addition, the ODH Director may require an applicant to submit documentation showing that each place of business complies with all state and local building, fire, and zoning requirements. All application materials must be submitted on a form designated by the ODH Director. Initial applicants must pay \$400 in total fees for each proposed place of business.

Review

The ODH Director must review and make a determination on an application within 60 days after receipt. The Director may deny an application only if one or more of the following disqualifying conditions apply:

- The applicant willfully made a materially false statement in the application or in other correspondence with ODH;
- The applicant has not filed all returns, submitted all information, and paid all outstanding state taxes, charges, or fees;
- The application is incomplete or the applicant failed to provide documentation requested by the ODH Director regarding compliance with state and local building, fire, and zoning requirements;
- The ODH Director determines that the applicant lacks financial responsibility, experience, or general fitness as to warrant the belief that the business will be operated lawfully, honestly, and fairly;
- The applicant has been convicted, within the three preceding years, of a violation of the law governing the sale and distribution of cigarettes, tobacco products, alternative nicotine products, or vapor products (e.g., selling such products to a person under 21).

The bill allows, but does not require, the ODH Director to conduct an investigation as part of reviewing the application. The ODH Director may request the assistance of the Tax Commissioner in determining whether the applicant is current on all state taxes, fees, and charges. The Commissioner must respond to such a request within 20 days, and the bill specifies that such a response does not constitute an impermissible disclosure of taxpayer information. Continuing law permits disclosure of certain information in possession of the Department of

Taxation to other state agencies and offices under specified circumstances to aid in the implementation of state law. Otherwise, the disclosure of taxpayer information is prohibited and subjects the violator to employment termination and a fine.

If the application is approved, the ODH Director must issue the applicant a certificate of registration for each place of business described in the application. The certificate is valid for one year following the date of issuance. The vapor retailer must post the certificate in a prominent location adjacent to the vapor products that are offered for sale.

Transfer or assignment

A certificate of registration cannot be transferred or assigned except in the following circumstances:

- In the dissolution of a partnership by death, the surviving partner may operate under the certificate until it expires if the partner notifies ODH within 30 days after the dissolution;
- The heirs or legal representatives of a deceased vapor retailer may operate under the certificate until its expiration if the heirs or representatives notify ODH within 30 days of succession;
- The receivers and trustees in bankruptcy may operate under the certificate until its expiration if the receivers and trustees notify ODH within 30 days of dissolution.

Under continuing law, unchanged by the bill, the same transfer exceptions apply to the vapor products distributor license issued by the Tax Commissioner. The bill specifies that a certificate of registration does not constitute property and is, therefore, not subject to attachment of execution.

Renewal

A vapor retailer may renew a certificate of registration on or before the date it expires by filing an application for renewal and submitting a \$200 annual registration fee for each place of business. The bill prohibits the ODH Director from renewing the certificate of a vapor retailer that has not paid all outstanding penalties (see “**Penalties**” below) or to which any of the disqualifying conditions, discussed above in “**Review**,” apply.

Penalties

The bill allows the ODH Director to impose a penalty of up to \$1,000 on any person that knowingly engages in selling vapor products from a place of business in Ohio without a certificate of registration, or who fails to display the registration adjacent to the vapor products offered for sale. However, the penalty is limited to \$100 for recently lapsed registrations that expired no more than 90 days before the violation. The ODH Director may waive all or part of a penalty for reasonable cause.

The ODH Director may suspend or revoke a certificate of registration if the vapor retailer is convicted of a violation of the law governing the sale and distribution of cigarettes, tobacco products, alternative nicotine products, or vapor products or if the Director determines that any of the disqualifying conditions, discussed above in “**Review**,” apply. Any person impacted by an adverse certification action taken may request an administrative hearing on the matter. The ODH

Director is to review the report and recommendation of the administrative hearing officer and make a final determination. Such determination may be appealed in accordance with the Administrative Procedure Act.

Tobacco Use Prevention Fund

The bill requires that all registration fees and fines paid by vapor retailers be deposited to the Tobacco Use Prevention Fund and used by ODH for the administration of the vapor retailer registration and for tobacco and nicotine prevention or cessation interventions.

Rulemaking

The bill requires the ODH Director to adopt rules for the administration of the vapor retailer registration. The rules must include procedures for appealing the denial, refusal to renew, suspension, or revocation of a registration. The bill specifies that such rules are not subject to agency rule restrictions, such as the requirement that agencies repeal two rules for every new rule adopted.

Lead abatement tax credit

(R.C. 3742.50)

The bill increases the maximum amount of the tax credit that can be issued by the ODH Director for lead abatement from \$10,000 to \$50,000.

Scope of environmental health specialists' practice

(R.C. 3776.01)

The bill eliminates a registered environmental health specialist (EHS) or an environmental health specialist in training's (EHS in training) authority to administer or enforce the hazardous waste law, the authority of which was initially granted in H.B. 33 from the 135th General Assembly in 2023. Under continuing law, an EHS or EHS in training engages in the practice of environmental health by administering and enforcing other various laws, including laws governing swimming pools, retail food establishments, food service operations, household sewage treatment systems, solid waste, and construction and demolition debris.