

Ohio Senate  
Sunset Review Committee  
Minutes  
November 19<sup>th</sup>, 2024  
135<sup>th</sup> General Assembly

The Joint Committee on Sunset Review was called to order pursuant to the meeting notice at approximately 2:15 p.m. in the Grant Hearing Room of the Ohio Statehouse.

Attendance was taken. A quorum was present.

The minutes of the August 28, 2024, committee meeting were approved.

The Chair summarized the Joint Sunset Review Committee final report.

The Chair called up public testimony.

No public testimony was provided.

The Chair called on Vice Chair Hillyer for a motion.

Vice Chair Hillyer moved that the committee report be favorably adopted by the committee. The motion was agreed to by a vote of 9-0.

The committee adjourned at approximately 2:20 p.m.

---

Shane Wilkin, Chair

11-20-2024  
The committee report,  
voted on by the Sunset  
Review Committee on  
11-19-2024, is bill  
draft L-135-2431-1.  
Daniel Desanto  
LSC

The Sunset Review Committee submitted the attached report:

	YES	NO
Sen. Wilkin	<u>Sen Wilkin</u>	_____
Rep. Hillyer	<u>B. Hillyer</u>	_____
Sen. Landis	<u>Al Landis</u>	_____
Sen. DeMora	<u>W. P. DeMora</u>	_____
Rep. Wiggam	<u>Wiggam</u>	_____
Rep. Brennan	<u>Brennan</u>	_____
Ms. Dunahay	<u>Naylee Dunahay</u>	_____
Mr. Carfagna	<u>Carfagna</u>	_____
Mr. Talbott	<u>Talbott</u>	_____



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Wendy Zhan, Director

Office of Research  
and Drafting

Legislative Budget  
Office

R-135-4438-1

**To:** The Honorable Shane Wilkin  
Ohio Senate

**From:** Daniel DeSantis, Research Analyst *DD*

**Date:** November 14, 2024

**Subject:** Analysis of bill draft I\_135\_2431-1

## SUMMARY

- Abolishes or renews various agencies that are subject to expiration under Sunset Review Law.
- Renames the Board of Voting Machine Examiners as the Board of Voting Systems Examiners.
- Adds a cybersecurity expert appointed by the Secretary of State as a nonvoting member of the Board of Voting Systems Examiners.
- Requires the Early Childhood Advisory Council to assume the responsibilities of the abolished Child Care Advisory Council.
- Abolishes the Board of Directors of the Ohio Health Reinsurance Program, and repeals various healthcare programs, which have been under suspension since 2014 following the enactment of the federal Affordable Care Act (ACA).
- Abolishes the Supervisory Investigative Panel of the State Dental Board, by name and requires the Secretary and Vice-Secretary of the Board to continue the panel's supervisory functions.
- Requires the State Dental Board to elect, from among its members, a Vice-President.
- Exempts certain agencies from future review and expiration under Sunset Review Law.
- Renames the Environmental Education Council the Ohio Environmental Education Fund Advisory Council.
- Abolishes the Director of Health's Advisory Group on Violent Deaths, and requires the Director to prepare and publish an annual report summarizing the activities of the Ohio violent death reporting system.
- Abolishes the Ohio Medical Quality Foundation on January 1, 2026, and requires the Treasurer of State to assume the contractual duties of the Foundation and its trustees.

- Declares an emergency.

---

## DETAILED ANALYSIS

### Boards and commissions — Sunset Review

Continuing law requires that a Sunset Review Committee be convened to function during each general assembly to review agencies, which are subject to Sunset Review Law and which are scheduled to sunset at the end of that general assembly. Agencies expire by operation of Sunset Review Law four years more or less after the effective date of the act that established the agency. The specific expiration date, for an agency scheduled to expire, is December 31 in the second year of a general assembly.

The bill renews certain agencies until December 31, 2028, and specifies agencies that are abolished on December 31, 2024. The bill maintains the appointment and membership requirements of the Sunset Review Committee under continuing law. And it maintains the stipulation in law that if the General Assembly does not renew or transfer a state "agency" (see "**Definition of agency**," below) before the agency's scheduled expiration date, the agency expires and the Office of Budget and Management cannot authorize the expenditure of any money for the agency on or after the expiration date.<sup>1</sup>

#### Definition of agency

Under continuing law, the Sunset Review Law applies to an "agency," which generally means any board, commission, committee, or council, or any other similar state public body required to be established under state statutes for the exercise of any function of state government and to which members are appointed or elected. However, the definition specifies several exceptions to the general rule, including, for example, the General Assembly, any court, any public body created by or directly under the Ohio Constitution, the Public Utilities Commission of Ohio, and any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under the Administrative Procedure Act.<sup>2</sup>

#### Abolition of specific agencies

Under continuing law, "abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the Department of Administrative Services under the State Records Program Law.<sup>3</sup> The bill abolishes the agencies listed below.<sup>4</sup>

---

<sup>1</sup> R.C. 101.83.

<sup>2</sup> R.C. 101.82.

<sup>3</sup> R.C. 101.82.

<sup>4</sup> Sections 3, 6, 7, 8, and 9 of the bill.

<b>Abolished agencies</b>	
<b>Agency</b>	<b>Citation</b>
Agricultural Commodity Marketing Programs, Coordinating Committee	R.C. 924.14
Alzheimer's Disease and Related Dementias Task Force	Sections 1, 2, 3, and 4 of S.B. 24 of the 133 <sup>rd</sup> G.A.
Child Care Advisory Council	R.C. 5104.08
Director of Health's Advisory Group on Violent Deaths	R.C. 3701.932
Electrical Safety Inspector Advisory Committee	R.C. 3783.08 <sup>5</sup>
Engineering Experiment Station Advisory Committee	R.C. 3335.27 <sup>6</sup>
Federally Subsidized Housing Study Committee	Section 757.70 of H.B. 110 of the 134 <sup>th</sup> G.A.
Fireworks Rules, Committee to Assist the State Fire Marshal in Adopting	R.C. 3743.53
Governor's Residence Advisory Commission	R.C. 107.40
Health Reinsurance Program, Board of Directors of the Ohio	R.C. 3924.08
Hemp Marketing Program Operating Committee	R.C. 924.212
Infant Hearing Screening Subcommittee	R.C. 3701.507
Joint Legislative Study Committee Regarding Career Pathways and Post-secondary Workforce Training Programs in Ohio	Section 733.30 of H.B. 110 of the 134 <sup>th</sup> G.A.
Joint Legislative Task Force to Examine Transportation of Community School and Nonpublic School Students	Section 7 of S.B. 310 of the 133 <sup>rd</sup> G.A.

<sup>5</sup> Conforming changes in R.C. 3783.01 and 3783.02.

<sup>6</sup> Conforming changes in R.C. 3335.29.

Abolished agencies	
Agency	Citation
Land Use Advisory Committee to the President of Ohio University	R.C. 3337.16
Law Enforcement Training Funding Study Committee	Section 701.70 of H.B. 110 of the 134 <sup>th</sup> G.A.
Legislative Committee on Public Health Futures	Section 737.40 of H.B. 166 of the 133 <sup>rd</sup> G.A.
Ohio Aerospace and Aviation Technology Committee	R.C. 122.98
Ohio Business Gateway Steering Committee	R.C. 5703.57 <sup>7</sup>
Ohio Children's Behavioral Health Prevention Network Stakeholder Group	Section 1 of H.B. 12 of the 133 <sup>rd</sup> G.A.
Ohio Fire Code Rule Recommendation Committee	R.C. 3743.67
Ohio Physician and Allied Health Care Workforce Preparation Task Force	Section 381.610 of H.B. 166 of the 133 <sup>rd</sup> G.A.
Performance Indicators for Children's Hospitals Study Committee	Section 333.67 of H.B. 166 of the 133 <sup>rd</sup> G.A.
Private Investigation and Security Services Commission, Ohio	R.C. 4749.021
Public Assistance Benefits Accountability Task Force	Section 307.300 of H.B. 110 of the 134 <sup>th</sup> G.A.
Select Committee on Sports Gaming and Problem Gambling	Section 6 of H.B. 29 of the 134 <sup>th</sup> G.A.
State Report Card Study Committee	Section 265.510 of H.B. 166 of the 133 <sup>rd</sup> G.A.
Study Commission on the Future of Gaming in Ohio	Section 5 of H.B. 29 of the 134 <sup>th</sup> G.A.
Study Committee Regarding Students Retaking Grade 12	Section 733.51 of H.B. 166 of the 133 <sup>rd</sup> G.A.
Supervisory Investigative Panel of the State Dental Board	R.C. 4715.032

<sup>7</sup> Conforming changes in R.C. 718.051.

Abolished agencies	
Agency	Citation
Task Force to Evaluate Current Operational Structures and Procedures at Wright State University's Lake Campus	Section 381.630 of H.B. 110 of the 134 <sup>th</sup> G.A.
Unemployment Compensation Advisory Council	R.C. 4141.08
Unemployment Compensation Modernization Improvement Council	R.C. 4141.12

## Renewal of specific agencies

Under continuing law, "renew" means to continue an agency, and may include amendment of the statutes creating and empowering it, or recommendations for changes in its operation or personnel.<sup>8</sup> The act renews certain agencies as listed below and specifies that they will expire on either December 31, 2026, or December 31, 2028 (as indicated in the table below) unless they are again renewed by subsequent legislation.<sup>9</sup>

Agencies renewed		
Agency	Citation	Expiration year
Advisory Committee on Advance Practice Registered Nursing	R.C. 4723.493	2026
Aging, Ohio Advisory Council for the	R.C. 173.03	2026
Agricultural Commodity Marketing Programs, Operating Committee(s)	R.C. 924.07	2028
AMBER Alert Advisory Committee	R.C. 5502.521	2028
Amusement Ride Safety, Advisory Council of	R.C. 1711.51	2028
Apprenticeship Council	R.C. 4139.02	2026
Automated Title Processing Board	R.C. 4505.09(C)(1)	2028
Backflow Advisory Board	R.C. 3703.21	2028

<sup>8</sup> R.C. 101.82.

<sup>9</sup> Section 5 of the bill.

<b>Agencies renewed</b>		
<b>Agency</b>	<b>Citation</b>	<b>Expiration year</b>
Banking Commission	R.C. 1123.01	2028
Brain Injury Advisory Committee	R.C. 3335.61	2026
Broadcast Educational Media Commission	R.C. 3353.02	2026
Capitol Square Review and Advisory Board	R.C. 105.41	2026
Cemetery Dispute Resolution Commission, Ohio	R.C. 4767.05	2028
Child Abuse and Child Neglect Prevention Regional Councils (8)	R.C. 3109.172(B)	2026
Child Support Guideline Advisory Council	R.C. 3119.023	2026
Children's Trust Fund Board	R.C. 3109.15	2026
Chiropractic Loan Repayment Advisory Board	R.C. 3702.987	2026
Citizen's Advisory Council (for each institution under the control of the Department of Developmental Disabilities)	R.C. 5123.092	2026
Civil Rights Commission Advisory Agencies and Conciliation Councils, Ohio	R.C. 4112.04(B)(4)	2028
Clean Ohio, Trail Advisory Board	R.C. 1519.06	2028
Coal Development Office, Technical Advisory Committee to Assist Director of the Ohio	R.C. 1551.35	2028
College Credit Plus Advisory Committee	R.C. 3365.15	2026
Commercial Dog Breeding Advisory Board	R.C. 956.17	2028
Commercial Insurance Joint Underwriting Association Board of Governors, Ohio	R.C. 3930.03	2026
Commodity Advisory Commission	R.C. 926.32	2028
Continuing Education Committee (concerned with continuing education of sheriffs)	R.C. 109.80(B)	2028



<b>Agencies renewed</b>		
<b>Agency</b>	<b>Citation</b>	<b>Expiration year</b>
County Law Library Resources Boards, Statewide Consortium of	R.C. 3375.481	2028
County Sheriff's Standard Car-Marking and Uniform Commission	R.C. 311.25	2028
Credential Review Board	R.C. 3319.65	2026
Credit Union Council	R.C. 1733.329	2028
Criminal Sentencing Commission, State	R.C. 181.21	2028
Cystic Fibrosis Legislative Task Force, Ohio	R.C. 101.38	2026
Dentist Loan Repayment Advisory Board	R.C. 3702.92	2026
Department Advisory Boards	R.C. 121.13	2026
Developmental Disabilities Council, Ohio	R.C. 5123.35	2026
Developmental Disabilities Technology First Task Force	R.C. 5123.026	2026
Dietetics Advisory Council	R.C. 4759.051	2026
Education Management Information System Advisory Council	R.C. 3301.0713	2026
Educator Standards Board	R.C. 3319.60	2026
Employment First Task Force	R.C. 5123.023	2026
Ex-Offender Reentry Coalition	R.C. 5120.07	2028
Expositions Commission, Ohio	R.C. 991.02	2026
Faith-Based and Community Initiatives, Advisory Board of Governor's Office of	R.C. 107.12	2026
Family and Children First Cabinet Council, Ohio	R.C. 121.37	2026
Farmland Preservation Advisory Board	R.C. 901.23	2028
Forestry Advisory Council	R.C. 1503.40	2028

<b>Agencies renewed</b>		
<b>Agency</b>	<b>Citation</b>	<b>Expiration year</b>
Grain Marketing Program Operating Committee	R.C. 924.22	2028
Grape Industries Committee, Ohio	R.C. 924.51	2028
Hispanic-Latino Affairs, Commission on	R.C. 121.31	2026
Historic Site Preservation Advisory Board, Ohio	R.C. 149.301	2026
History Connection, Ohio, Board of Trustees	R.C. 149.30	2026
Holocaust and Genocide Memorial and Education Commission	R.C. 197.03	2026
Home Medical Equipment Services Advisory Council	R.C. 4752.24	2026
Housing Trust Fund Advisory Committee	R.C. 174.06	2028
Industrial Commission Nominating Council	R.C. 4121.04	2028
Interagency Council of the New African Immigrants Commission	R.C. 4112.31	2028
Interagency Workgroup on Autism	R.C. 5123.0419	2026
Judicial Conference, Ohio	R.C. 105.91	2028
Lake Erie Commission, Ohio	R.C. 1506.21	2028
Legislative Programming Committee of the Ohio Government Telecommunications Service	R.C. 3353.07	2026
Livestock Exhibitions, Advisory Committee on	R.C. 901.71	2028
Materials Management Advisory Council	R.C. 3734.49	2028
Medical Liability Underwriting Association, Board of Governors of the	R.C. 3929.64	2026
Medical Liability Underwriting Association, Stabilization Reserve Fund, Directors of the	R.C. 3929.631	2026
Medically Handicapped Children's Medical Advisory Council	R.C. 3701.025	2026

<b>Agencies renewed</b>		
<b>Agency</b>	<b>Citation</b>	<b>Expiration year</b>
Milk Sanitation Board	R.C. 917.03	2028
Mine Subsidence Insurance Governing Board	R.C. 3929.51	2028
Minority Development Financing Advisory Board	R.C. 122.72	2028
Minority Health, Commission on	R.C. 3701.78	2026
New African Immigrants Commission	R.C. 4112.32	2028
Office of Enterprise Development Advisory Board	R.C. 5145.162	2028
Ohioana Library Association, Martha Kinney Cooper Memorial, Board of Trustees	R.C. 3375.62	2026
Ohio Arts Council	R.C. 3379.02	2026
Ohio Center for Autism and Low Incidence, Advisory Board to Assist and Advise in the Operation of the	R.C. 3323.33	2026
Ohio Commission on Service and Volunteerism	R.C. 121.40	2026
Ohio Dyslexia Committee	R.C. 3323.25	2026
Ohio Environmental Education Fund Advisory Council	R.C. 3745.21	2028
Ohio Geographically Referenced Information Program Council	R.C. 125.901	2028
Ohio Livestock Care Standards Board	R.C. 904.02	2028
Ohio Public Library Information Network Board of Trustees	R.C. 3375.65	2026
Ohio Tuition Trust Authority Investment Board	R.C. 3334.03	2026
Ohio War Orphans and Severely Disabled Veterans' Children Scholarship Board	R.C. 5910.02	2026
Oil and Gas Land Management Commission	R.C. 155.31	2028

<b>Agencies renewed</b>		
<b>Agency</b>	<b>Citation</b>	<b>Expiration year</b>
Oil and Gas Marketing Program, Operating Committee of the	R.C. 1510.06	2028
Oil and Gas, Technical Advisory Council on	R.C. 1509.38	2028
Opportunities for Ohioans with Disabilities Council	R.C. 3304.12	2026
Organized Crime Investigations Commission	R.C. 177.01	2028
Pharmacy and Therapeutics Committee of the Department of Medicaid	R.C. 5164.7510	2026
Physician Assistant Policy Committee of the State Medical Board	R.C. 4730.05	2026
Power Siting Board	R.C. 4906.02	2028
Propane Council	R.C. 936.02	2028
Prequalification Review Board	R.C. 5525.07	2028
Public Utilities Commission Nominating Council	R.C. 4901.021	2028
Radiation Advisory Council	R.C. 3748.20	2026
Radio Communications System Steering Committee, Multi-Agency	Section 15.02, H.B. 640 of the 123 <sup>rd</sup> G.A.	2028
Rare Disease Advisory Council	R.C. 103.60	2026
Reclaim Advisory Committee	R.C. 5139.44	2028
Reclamation Commission	R.C. 1513.05	2028
Reclamation Forfeiture Fund Advisory Board	R.C. 1513.182	2028
Redistricting, Reapportionment, and Demographic Research, Legislative Task Force on	R.C. 103.51	2026
Respiratory Care Advisory Council	R.C. 4761.032	2026
Small Business Advisory Council	R.C. 107.63	2028

<b>Agencies renewed</b>		
<b>Agency</b>	<b>Citation</b>	<b>Expiration year</b>
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	R.C. 3704.19	2028
Small Government Capital Improvements Commission, Ohio	R.C. 164.02(C)	2028
Soil and Water Conservation Commission, Ohio	R.C. 940.02	2028
STABLE Account Program Advisory Board	R.C. 113.56	2026
Standardbred Development Commission, Ohio	R.C. 3769.085	2028
State Audit Committee	R.C. 126.46	2026
State Fire Council	R.C. 3737.81	2028
STEM Committee of the Department of Education	R.C. 3326.02	2026
Student Tuition Recovery Authority	R.C. 3332.081	2026
Tax Credit Authority	R.C. 122.17(M)	2028
Thoroughbred Racing Advisory Committee, Ohio	R.C. 3769.084	2028
TourismOhio Advisory Board	R.C. 122.071	2028
Transportation Review Advisory Council	R.C. 5512.07	2028
Underground Technical Committee	R.C. 3781.34	2028
Uniform State Laws, State Council of	R.C. 105.21	2028
Utility Radiological Safety Board	R.C. 4937.02	2028
Vendors Representative Committee, Ohio	R.C. 3304.34	2026
Veterans Advisory Committee	R.C. 5902.02(J)	2028
Victims Assistance Advisory Council, State	R.C. 109.91	2028
Voting Systems Examiners, Board of	R.C. 3506.05	2028
Waterways Safety Council	R.C. 1547.73	2028

<b>Agencies renewed</b>		
<b>Agency</b>	<b>Citation</b>	<b>Expiration year</b>
Wild, Scenic, or Recreational River Area, Advisory Council for each	R.C. 1547.84	2028
Wildlife Council	R.C. 1531.03	2028
Workers' Compensation Board of Directors Nominating Committee	R.C. 4121.123	2026
Workers' Compensation Board of Directors, Bureau of	R.C. 4121.12	2026

### **Board of Voting Systems Examiners**

The bill renames the Board of Voting Machine Examiners as the Board of Voting Systems Examiners and adds a cybersecurity expert appointed by the Secretary of State as a nonvoting member of the Board.<sup>10</sup>

### **Early Childhood Advisory Council**

The bill abolishes the Child Care Advisory Council and requires a different entity, the Early Childhood Advisory Council, to assume the responsibilities of the abolished council. These responsibilities include advising the Director of Children and Youth on matters affecting the licensing of centers, type A homes, and type B homes and the certification of in-home aides. The Council must make an annual report to the Director that addresses the availability, affordability, accessibility, and quality of child care and that summarizes the recommendations and plans of action that the Council has proposed to the Director during the preceding fiscal year. The Director must provide copies of the report to the Governor, Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate and, on request, must make copies available to the public.<sup>11</sup>

### **State Dental Board**

The bill abolishes the Supervisory Investigative Panel of the State Dental Board, by name. Under existing law, the Panel consists solely of the Secretary and Vice-Secretary of the Board. Under the bill, the Secretary and Vice-Secretary will have the same supervisory responsibilities currently required of the Panel.

<sup>10</sup> R.C. 3506.04, 3506.05, 3506.06, 3506.07, and 3506.10.

<sup>11</sup> R.C. 5104.39 and 5104.50; Section 7 of the bill; R.C. 5104.08, repealed.

The bill also requires the State Dental Board to elect, from among its members, a Vice-President.<sup>12</sup>

### **Repeal of Ohio's suspended health care programs**

The bill abolishes the Board of Directors of the Ohio Health Reinsurance Program, and repeals the following programs, which have been under suspension since 2014 following the enactment of the federal Affordable Care Act (ACA):

- Ohio's Open Enrollment Program;
- Ohio's Health Reinsurance Program;
- Option for conversion from a group to individual contract under existing contract with a HIC;
- Option for conversion from a nongroup contract to a contract issued on a direct payment basis under an existing contract with a HIC.<sup>13</sup>

### **Agencies exempt from future review and sunset**

The bill continues the following agencies and exempts them from future review and automatic expiration under Sunset Review Law:

- Volunteer Fire Fighters' Dependents Fund Boards (private), R.C. 146.02(B);
- Volunteer Fire Fighters' Dependents Fund Boards (public), R.C. 146.02(A).<sup>14</sup>

### **Agencies with a purpose related to federal law**

The bill continues the following agencies and exempts them from future review and automatic expiration under Sunset Review Law. These agencies are deemed to have a purpose related to federal law:

- Early Childhood Advisory Council, R.C. 5104.50;
- Emergency Response Commission, R.C. 3750.02;
- Public Defender Commission, R.C. 120.01;
- Homeland Security Advisory Council, R.C. 5502.011(E);
- Unemployment Compensation Review Commission, R.C. 4141.06.

---

<sup>12</sup> R.C. 4715.03, 4715.032, 4715.033, 4715.034, 4715.035, and 4715.30.

<sup>13</sup> R.C. 1731.03, 1731.05, 1731.09, 1739.05, 1751.18, 3923.51, 3923.57, 3924.01, 3924.02, 3924.06, and 3924.73. Repeal of R.C. 1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 3923.582, 3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 3924.12, 3924.13, and 3924.14, and Section 3 of S.B. 9 of the 130<sup>th</sup> General Assembly (as amended by H.B. 122 of the 134<sup>th</sup> General Assembly); Section 9 of the bill.

<sup>14</sup> R.C. 146.02(C).

Under the bill, if federal law is modified to eliminate the purpose or necessity for the agency's existence, the chairperson of the agency must notify the Speaker of the House of Representatives, President of the Senate, and Governor. The notification must be in writing and include the following disclosure:

The agency known as the \_\_\_\_\_ was exempted from sunset review law because it had a purpose related to federal law. The federal law specifying that purpose has been amended or repealed eliminating the purpose or necessity for the agency. The sunset review committee, next convened under section 101.82 to 101.87 of the Revised Code, shall schedule the agency for review and shall make a recommendation with respect to the agency in accordance with section 101.87 of the Revised Code.<sup>15</sup>

### **Ohio Environmental Education Fund Advisory Council**

The bill changes the name of the Environmental Education Council to the Ohio Environmental Education Fund Advisory Council. Under continuing law, the Council advises and assists the Director of Environmental Protection with administration of the Environmental Education Fund.<sup>16</sup>

### **Ohio violent death reporting system**

As stated above, the bill abolishes the Director of Health's Advisory Group on Violent Deaths.<sup>17</sup> Under continuing law, the Ohio violent death reporting system, created by the Director of Health, must monitor the incidence and causes of the various types of violent deaths, make appropriate epidemiologic studies, analyze trends and patterns, and make recommendations to the Director. The bill requires the Director, (only for years in which the Department of Health receives sufficient federal funding for the Ohio violent death reporting system), to prepare and publish an annual report summarizing the activities of the Ohio violent death reporting system. The report must be completed by October 1 of the following year and submitted to the General Assembly, the Governor, and the chairpersons of the General Assembly committees having primary jurisdiction over issues relating to health care.<sup>18</sup>

### **Ohio Medical Quality Foundation**

The bill retains the Ohio Medical Quality Foundation until December 31, 2025, and then abolishes the Foundation as a statutory entity on January 1, 2026. The Foundation, not later than April 1, 2025, must transfer all of its remaining unencumbered funds, to the extent possible under law and contract, to the Treasurer of State for deposit in the Medical Quality Fund, established by the bill.

---

<sup>15</sup> R.C. 101.82 and 101.83.

<sup>16</sup> R.C. 3745.21 and 3745.22.

<sup>17</sup> R.C. 3701.932, repealed.

<sup>18</sup> R.C. 3701.931.



The bill requires the Foundation, after transferring its unencumbered funds to the Treasurer of State, to prepare a written report identifying: (1) any encumbered funds unable to be transferred, including the amounts still to be distributed pursuant to pending contracts, (2) the duration of any contracts in effect at the time of the report's preparation, and (3) the dates on which any remaining funds will be considered unencumbered.

The bill requires the Foundation to submit the report to the Treasurer of State, Governor, Senate President, and Speaker of the House of Representatives.

The bill requires the Treasurer of State to assume the contractual duties of the Foundation, as identified under any contracts in effect on January 1, 2026.<sup>19</sup>

R4438-1-135/ks

---

<sup>19</sup> R.C. 113.78 (enact) and 3701.89 (repeal January 1, 2026); Sections 4 and 10 of the bill.

I\_135\_2431-1

135th General Assembly  
Regular Session  
2023-2024

. B. No.

---

**A BILL**

To amend sections 101.82, 101.83, 145.012, 146.02, 1  
718.051, 1731.03, 1731.05, 1731.09, 1739.05, 2  
1751.18, 3335.27, 3335.29, 3506.04, 3506.05, 3  
3506.06, 3506.07, 3506.10, 3701.931, 3743.53, 4  
3745.21, 3745.22, 3783.01, 3783.02, 3923.51, 5  
3923.57, 3924.01, 3924.02, 3924.06, 3924.73, 6  
4125.041, 4141.131, 4141.25, 4141.292, 4715.03, 7  
4715.032, 4715.033, 4715.034, 4715.035, 4715.30, 8  
5104.39, and 5104.50; to enact section 113.78; 9  
and to repeal sections 107.40, 122.98, 924.14, 10  
924.212, 1751.15, 1751.16, 1751.17, 3337.16, 11  
3701.507, 3701.89, 3701.932, 3743.67, 3783.08, 12  
3923.122, 3923.58, 3923.581, 3923.582, 3923.59, 13  
3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 14  
3924.111, 3924.12, 3924.13, 3924.14, 4141.08, 15  
4141.12, 4749.021, 5104.08, and 5703.57 of the 16  
Revised Code and to repeal Sections 5 as 17  
subsequently amended and 6 of H.B. 29 of the 18  
134th General Assembly, Sections 307.300, 19  
381.630, 701.70 as subsequently amended, 733.30, 20  
and 757.70 of H.B. 110 of the 134th General 21  
Assembly, Section 1 of H.B. 12 of the 133rd 22



hc73wqmxdkqpb9ankpeyv

General Assembly, Sections 265.510, 333.67, 23  
381.610, 733.51, and 737.40 of H.B. 166 of the 24  
133rd General Assembly, Sections 1, 2, 3, and 4 25  
of S.B. 24 of the 133rd General Assembly, 26  
Section 7 of S.B. 310 of the 133rd General 27  
Assembly, and Section 3 of S.B. 9 of the 130th 28  
General Assembly, as subsequently amended, to 29  
implement the recommendations of the Sunset 30  
Review Committee, to eliminate certain Ohio 31  
insurance laws that have been suspended since 32  
the enactment by Congress of the Affordable Care 33  
Act, and to declare an emergency. 34

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

**Section 1.** That sections 101.82, 101.83, 145.012, 146.02, 35  
718.051, 1731.03, 1731.05, 1731.09, 1739.05, 1751.18, 3335.27, 36  
3335.29, 3506.04, 3506.05, 3506.06, 3506.07, 3506.10, 3701.931, 37  
3743.53, 3745.21, 3745.22, 3783.01, 3783.02, 3923.51, 3923.57, 38  
3924.01, 3924.02, 3924.06, 3924.73, 4125.041, 4141.131, 4141.25, 39  
4141.292, 4715.03, 4715.032, 4715.033, 4715.034, 4715.035, 40  
4715.30, 5104.39, and 5104.50 be amended and section 113.78 of 41  
the Revised Code be enacted to read as follows: 42

**Sec. 101.82.** As used in sections 101.82 to 101.87 of the 43  
Revised Code: 44

(A) "Agency" means any board, commission, committee, or 45  
council, or any other similar state public body required to be 46  
established pursuant to state statutes for the exercise of any 47  
function of state government and to which members are appointed 48

or elected. "Agency" does not include the following:	49
(1) The general assembly, or any commission, committee, or other body composed entirely of members of the general assembly;	50 51
(2) Any court;	52
(3) Any public body created by or directly pursuant to the constitution of this state;	53 54
(4) The board of trustees of any institution of higher education financially supported in whole or in part by the state;	55 56 57
(5) Any public body that has the authority to issue bonds or notes or that has issued bonds or notes that have not been fully repaid;	58 59 60
(6) The public utilities commission of Ohio;	61
(7) The consumers' counsel governing board;	62
(8) The Ohio board of regents;	63
(9) Any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under Chapter 119. of the Revised Code;	64 65 66 67
(10) Any board of elections;	68
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	69 70 71
(12) The Ohio public employees deferred compensation board;	72 73
(13) The Ohio retirement study council;	74

(14) The board of trustees of the Ohio police and fire pension fund, public employees retirement board, school employees retirement board, state highway patrol retirement board, and state teachers retirement board;	75 76 77 78
(15) The industrial commission;	79
(16) The parole board;	80
(17) The board of tax appeals;	81
(18) The controlling board;	82
(19) The release authority of department of youth services;	83 84
(20) The environmental review appeals commission;	85
(21) The Ohio ethics commission;	86
(22) The Ohio public works commission;	87
(23) The self-insuring employers evaluation board;	88
(24) The state board of deposit;	89
(25) The state employment relations board; <del>and</del>	90
(26) An agency that is exempted from the requirements of sections 101.82 to 101.87 of the Revised Code by the agency's enabling statutes; <u>and</u>	91 92 93
<u>(27) The following agencies, deemed to have a purpose related to federal law:</u>	94 95
<u>(a) The early childhood advisory council, under section 5104.50 of the Revised Code;</u>	96 97
<u>(b) The emergency response commission under section 3750.02 of the Revised Code;</u>	98 99

<u>(c) The public defender commission under section 120.01 of</u>	100
<u>the Revised Code;</u>	101
<u>(d) The homeland security advisory council under division</u>	102
<u>(E) of section 5502.011 of the Revised Code;</u>	103
<u>(e) The unemployment compensation review commission under</u>	104
<u>section 4141.06 of the Revised Code.</u>	105
(B) "Abolish" means to repeal the statutes creating and	106
empowering an agency, remove its personnel, and transfer its	107
records to the department of administrative services pursuant to	108
division (E) of section 149.331 of the Revised Code.	109
(C) "Terminate" means to amend or repeal the statutes	110
creating and empowering an agency, remove its personnel, and	111
reassign its functions and records to another agency or officer	112
designated by the general assembly.	113
(D) "Transfer" means to amend the statutes creating and	114
empowering an agency so that its functions, records, and	115
personnel are conveyed to another agency or officer.	116
(E) "Renew" means to continue an agency, and may include	117
amendment of the statutes creating and empowering the agency, or	118
recommendations for changes in agency operation or personnel.	119
<b>Sec. 101.83.</b> (A) It is the intent of the general assembly	120
that an agency shall expire by operation of sunset review law,	121
sections 101.82 to 101.87 of the Revised Code, four years more	122
or less after the effective date of the act that established the	123
agency. Unless renewed in accordance with division (E) of this	124
section:	125
(1) An agency created during an even-numbered general	126
assembly expires at the end of the thirty-first day of December	127

in the second year of the next odd-numbered general assembly;	128
(2) An agency created during an odd-numbered general assembly expires at the end of the thirty-first day of December in the second year of the next even-numbered general assembly;	129 130 131
and	132
(3) An agency renewed by a prior sunset review committee expires on the expiration date specified in the act that renewed the agency.	133 134 135
(B) Any act renewing an agency shall contain a distinct section providing a specific expiration date for the agency in accordance with this section. With respect to an agency scheduled to expire through operation of sunset review law, sections 101.82 to 101.87 of the Revised Code, the specific expiration date shall be the thirty-first day of December in the second year of a general assembly.	136 137 138 139 140 141 142
(C) If the general assembly does not renew or transfer an agency on or before its expiration date, it expires on that date.	143 144 145
The director of budget and management shall not authorize the expenditure of any moneys for any agency on or after the date of its expiration.	146 147 148
(D) The general assembly may provide by law for the orderly, efficient, and expeditious conclusion of an agency's business and operation. The rules, orders, licenses, contracts, and other actions made, taken, granted, or performed by the agency continue in effect according to their terms notwithstanding the agency's abolition, unless the general assembly provides otherwise by law. The general assembly may provide by law for the temporary or permanent transfer of some	149 150 151 152 153 154 155 156

or all of a terminated or transferred agency's functions and 157  
personnel to a successor agency or officer. 158

The abolition, termination, or transfer of an agency does 159  
not cause the termination or dismissal of any claim pending 160  
against the agency by any person, or any claim pending against 161  
any person by the agency. Unless the general assembly provides 162  
otherwise by law for the substitution of parties, the attorney 163  
general shall succeed the agency with reference to any pending 164  
claim. 165

(E) An agency may be renewed by passage of a bill that 166  
continues the statutes creating and empowering the agency, that 167  
amends or repeals those statutes, or that enacts new statutes, 168  
to improve agency usefulness, performance, or effectiveness. 169

(F) The chairperson of an agency listed in division (A) 170  
(27) of section 101.82 of the Revised Code shall notify the 171  
speaker of the house of representatives and the president of the 172  
senate, in the manner specified in section 101.68 of the Revised 173  
Code, and shall notify the governor, if federal law is modified 174  
to eliminate the purpose or necessity for the agency's 175  
existence. The notification shall be in writing and include the 176  
following disclosure: 177

"The agency known as the \_\_\_\_\_ was exempted from sunset 178  
review law because it had a purpose related to federal law. The 179  
federal law specifying that purpose has been amended or repealed 180  
eliminating the purpose or necessity for the agency. The sunset 181  
review committee, next convened under section 101.82 to 101.87 182  
of the Revised Code, shall schedule the agency for review and 183  
shall make a recommendation with respect to the agency in 184  
accordance with section 101.87 of the Revised Code." 185



Sec. 113.78. The medical quality fund is created in the 186  
state treasury. The fund shall consist of all money transferred 187  
to it as a result of the repeal of section 3701.89 of the 188  
Revised Code by this act on January 1, 2026, and requirements of 189  
this act related to the repeal. The treasurer of state shall use 190  
the money in the fund as directed by the general assembly. 191

**Sec. 145.012.** (A) "Public employee," as defined in 192  
division (A) of section 145.01 of the Revised Code, does not 193  
include any person: 194

(1) Who is employed by a private, temporary-help service 195  
and performs services under the direction of a public employer 196  
or is employed on a contractual basis as an independent 197  
contractor under a personal service contract with a public 198  
employer; 199

(2) Who is an emergency employee serving on a temporary 200  
basis in case of fire, snow, earthquake, flood, or other similar 201  
emergency; 202

(3) Who is employed in a program established pursuant to 203  
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 204  
U.S.C.A. 1501; 205

(4) Who is an appointed member of either the motor vehicle 206  
salvage dealers board or the motor vehicle dealer's board whose 207  
rate and method of payment are determined pursuant to division 208  
(J) of section 124.15 of the Revised Code; 209

(5) Who is employed as an election worker and paid less 210  
than six hundred dollars per calendar year for that service, 211  
except for a calendar year in which more than one primary 212  
election and one general election are held, the person is paid 213  
six hundred dollars plus an amount not to exceed four hundred 214

dollars for that service;	215
(6) Who is employed as a firefighter in a position	216
requiring satisfactory completion of a firefighter training	217
course approved under former section 3303.07 or section 4765.55	218
of the Revised Code or conducted under section 3737.33 of the	219
Revised Code except for the following:	220
(a) Any firefighter who has elected under section 145.013	221
of the Revised Code to remain a contributing member of the	222
public employees retirement system;	223
(b) Any firefighter who was eligible to transfer from the	224
public employees retirement system to the Ohio police and fire	225
pension fund under section 742.51 or 742.515 of the Revised Code	226
and did not elect to transfer;	227
(c) Any firefighter who has elected under section 742.516	228
of the Revised Code to transfer from the Ohio police and fire	229
pension fund to the public employees retirement system.	230
(7) Who is a member of the board of health of a city or	231
general health district, which pursuant to sections 3709.051 and	232
3709.07 of the Revised Code includes a combined health district,	233
and whose compensation for attendance at meetings of the board	234
is set forth in division (B) of section 3709.02 or division (B)	235
of section 3709.05 of the Revised Code, as appropriate;	236
(8) Who participates in an alternative retirement plan	237
established under Chapter 3305. of the Revised Code;	238
(9) Who is a member of the board of directors of a	239
sanitary district established under Chapter 6115. of the Revised	240
Code;	241
<del>(10) Who is a member of the unemployment compensation</del>	242

<del>advisory council;</del>	243
<del>(11)</del> 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;	244 245 246
<del>(12)</del> <u>(11)</u> 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.	247 248 249 250 251
(B) No inmate of a correctional institution operated by the department of rehabilitation and correction, no patient in a hospital for persons with mental illnesses operated by the department of mental health and addiction services, no resident in an institution for persons with intellectual disabilities operated by the department of developmental disabilities, no resident admitted as a patient of a veterans' home operated under Chapter 5907. of the Revised Code, and no resident of a county home shall be considered as a public employee for the purpose of establishing membership or calculating service credit or benefits under this chapter. Nothing in this division shall be construed to affect any service credit attained by any person who was a public employee before becoming an inmate, patient, or resident at any institution listed in this division, or the payment of any benefit for which such a person or such a person's beneficiaries otherwise would be eligible.	252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267
<b>Sec. 146.02.</b> (A) Each political subdivision or fire district having a fire department employing volunteer fire fighters is a member of the volunteer fire fighters' dependents fund and shall establish a volunteer fire fighters' dependents fund board.	268 269 270 271 272

(B) A private volunteer fire company which has contracted 273  
to afford fire protection to a political subdivision or fire 274  
district may become a member of the volunteer fire fighters' 275  
dependents fund by election and shall, if it so elects, 276  
establish a volunteer fire fighters' dependents fund board. The 277  
company shall notify the state fire marshal and the governing 278  
body of the political subdivision or fire district with which it 279  
has its major contract of the election to become a member of the 280  
fund. 281

(C) A volunteer fire fighters' dependents fund board is 282  
not subject to sections 101.82 to 101.87 of the Revised Code. 283

**Sec. 718.051.** (A) Any taxpayer subject to municipal income 284  
taxation with respect to the taxpayer's net profit from a 285  
business or profession may file any municipal income tax return, 286  
estimated municipal income tax return, or extension for filing a 287  
municipal income tax return, and may make payment of amounts 288  
shown to be due on such returns, by using the Ohio business 289  
gateway. 290

(B) Any employer, agent of an employer, or other payer may 291  
report the amount of municipal income tax withheld from 292  
qualifying wages, and may make remittance of such amounts, by 293  
using the Ohio business gateway. 294

(C) Nothing in this section affects the due dates for 295  
filing employer withholding tax returns. 296

(D) No municipal corporation shall be required to pay any 297  
fee or charge for the operation or maintenance of the Ohio 298  
business gateway. 299

(E) The use of the Ohio business gateway by municipal 300  
corporations, taxpayers, or other persons pursuant to this 301

section does not affect the legal rights of municipalities or 302  
taxpayers as otherwise permitted by law. This state shall not be 303  
a party to the administration of municipal income taxes or to an 304  
appeal of a municipal income tax matter, except as otherwise 305  
specifically provided by law. 306

~~(F)(1)~~ (F) The tax commissioner shall adopt rules 307  
establishing: 308

~~(a)(1)~~ (1) The format of documents to be used by taxpayers to 309  
file returns and make payments through the Ohio business 310  
gateway; and 311

~~(b)(2)~~ (2) The information taxpayers must submit when filing 312  
municipal income tax returns through the Ohio business gateway. 313

The commissioner shall not adopt rules under this division 314  
that conflict with the requirements of section 718.05 of the 315  
Revised Code. 316

~~(2) The commissioner shall consult with the Ohio business-~~ 317  
~~gateway steering committee before adopting the rules described-~~ 318  
~~in division (F)(1) of this section.~~ 319

(G) Nothing in this section shall be construed as limiting 320  
or removing the authority of any municipal corporation to 321  
administer, audit, and enforce the provisions of its municipal 322  
income tax. 323

**Sec. 1731.03.** (A) A small employer health care alliance 324  
may do any of the following: 325

(1) Negotiate and enter into agreements with one or more 326  
insurers for the insurers to offer and provide one or more 327  
health benefit plans to small employers for their employees and 328  
retirees, and the dependents and members of the families of such 329

employees and retirees, which coverage may be made available to 330  
enrolled small employers without regard to industrial, rating, 331  
or other classifications among the enrolled small employers 332  
under an alliance program, except as otherwise provided under 333  
the alliance program, and for the alliance to perform, or 334  
contract with others for the performance of, functions under or 335  
with respect to the alliance program; 336

(2) Contract with another alliance for the inclusion of 337  
the small employer members of one in the alliance program of the 338  
other; 339

(3) Provide or cause to be provided to small employers 340  
information concerning the availability, coverage, benefits, 341  
premiums, and other information regarding an alliance program 342  
and promote the alliance program; 343

(4) Provide, or contract with others to provide, 344  
enrollment, record keeping, information, premium billing, 345  
collection and transmittal, and other services under an alliance 346  
program; 347

(5) Receive reports and information from the insurer and 348  
negotiate and enter into agreements with respect to inspection 349  
and audit of the books and records of the insurer; 350

(6) Provide services to and on behalf of an alliance 351  
program sponsored by another alliance, including entering into 352  
an agreement described in division (B) of section 1731.01 of the 353  
Revised Code on behalf of the other alliance; 354

(7) If it is a nonprofit corporation created under Chapter 355  
1702. of the Revised Code, exercise all powers and authority of 356  
such corporations under the laws of the state, or, if otherwise 357  
constituted, exercise such powers and authority as apply to it 358

under the applicable laws, and its articles, regulations, 359  
constitution, bylaws, or other relevant governing instruments. 360

(B) A small employer health care alliance is not and shall 361  
not be regarded for any purpose of law as an insurer, an offeror 362  
or seller of any insurance, a partner of or joint venturer with 363  
any insurer, an agent of, or solicitor for an agent of, or 364  
representative of, an insurer or an offeror or seller of any 365  
insurance, an adjuster of claims, or a third-party 366  
administrator, and will not be liable under or by reason of any 367  
insurance coverage or other health benefit plan provided or not 368  
provided by any insurer or by reason of any conditions or 369  
restrictions on eligibility or benefits under an alliance 370  
program or any insurance or other health benefit plan provided 371  
under an alliance program or by reason of the application of 372  
those conditions or restrictions. 373

(C) The promotion of an alliance program by an alliance or 374  
by an insurer is not and shall not be regarded for any purpose 375  
of law as the offer, solicitation, or sale of insurance. 376

(D) (1) No alliance shall adopt, impose, or enforce medical 377  
underwriting rules or underwriting rules requiring a small 378  
employer to have more than a minimum number of employees for the 379  
purpose of determining whether an alliance member is eligible to 380  
purchase a policy, contract, or plan of health insurance or 381  
health benefits from any insurer in connection with the alliance 382  
health care program. 383

(2) No alliance shall reject any applicant for membership 384  
in the alliance based on the health status of the applicant's 385  
employees or their dependents or because the small employer does 386  
not have more than a minimum number of employees. 387

(3) A violation of division (D) (1) or (2) of this section 388  
is deemed to be an unfair and deceptive act or practice in the 389  
business of insurance under sections 3901.19 to 3901.26 of the 390  
Revised Code. 391

(4) Nothing in division (D) (1) or (2) of this section 392  
shall be construed as inhibiting or preventing an alliance from 393  
adopting, imposing, and enforcing rules, conditions, 394  
limitations, or restrictions that are based on factors other 395  
than the health status of employees or their dependents or the 396  
size of the small employer for the purpose of determining 397  
whether a small employer is eligible to become a member of the 398  
alliance. Division (D) (1) of this section does not apply to an 399  
insurer that sells health coverage to an alliance member under 400  
an alliance health care program. 401

(E) Except as otherwise specified in section 1731.09 of 402  
the Revised Code, health benefit plans offered and sold to 403  
alliance members that are small employers as defined in section 404  
3924.01 of the Revised Code are subject to sections 3924.01 to 405  
~~3924.14~~3924.06 of the Revised Code. 406

(F) Any person who represents an alliance in bargaining or 407  
negotiating a health benefit plan with an insurer shall disclose 408  
to the governing board of the alliance any direct or indirect 409  
financial relationship the person has or had during the past two 410  
years with the insurer. 411

**Sec. 1731.05.** If a qualified alliance, or an alliance 412  
that, based upon evidence of interest satisfactory to the 413  
superintendent of insurance, will be a qualified alliance within 414  
a reasonable time, submits a request for a proposal on a health 415  
benefit plan to at least three insurers and does not receive at 416  
least one reasonably responsive proposal within ninety days from 417



the date the last such request is submitted, the superintendent, 418  
at the request of such alliance, may require that insurers offer 419  
proposals to such alliance for health benefit plans for the 420  
small employers within such alliance. Such proposals shall 421  
include such coverage and benefits for such premiums, as shall 422  
take into account the functions provided by the alliance and the 423  
economies of scale, and have other terms and provisions as are 424  
approved by the superintendent, consistent with the purposes and 425  
standards set forth in section 1731.02 of the Revised Code. ~~In-~~ 426  
~~making the determination as to which insurers shall be asked to~~ 427  
~~submit proposals under this section, the superintendent shall~~ 428  
~~apply the standards set forth in division (G) (4) (a) of section~~ 429  
~~3924.11 of the Revised Code.~~ Any insurer that does not submit a 430  
proposal when required to do so by the superintendent hereunder, 431  
shall be deemed to be in violation of section 3901.20 of the 432  
Revised Code and shall be subject to all of the provisions of 433  
section 3901.22 of the Revised Code, including division (D) (1) 434  
of section 3901.22 of the Revised Code as if it provided that 435  
the superintendent may suspend or revoke an insurer's license to 436  
engage in the business of insurance. 437

Nothing in this section shall be construed as requiring an 438  
insurer to enter into an agreement with an alliance under 439  
contractual terms that are not acceptable to the insurer or to 440  
authorize the superintendent to require an insurer to enter into 441  
an agreement with an alliance under contractual terms that are 442  
not acceptable to the insurer. 443

This section applies beginning eighteen months after its 444  
effective date. 445

**Sec. 1731.09.** (A) Nothing contained in this chapter is 446  
intended to or shall inhibit or prevent the application of the 447

provisions of Chapter 3924. of the Revised Code to any health 448  
benefit plan or insurer to which they would otherwise apply in 449  
the absence of this chapter, except as otherwise specified in 450  
divisions (B) and (C) of this section or unless such application 451  
conflicts with the provisions of section 1731.05 of the Revised 452  
Code. 453

(B) An insurer may establish one or more separate classes 454  
of business solely comprised of one or more alliances. All of 455  
the following shall apply to health plans covering small 456  
employers in each class of business established pursuant to this 457  
division: 458

(1) The premium rate limitations set forth in section 459  
3924.04 of the Revised Code apply to each class of business 460  
separate and apart from the insurer's other business; 461

(2) For purposes of applying sections 3924.01 to ~~3924.14~~ 462  
3924.06 of the Revised Code to a class of business, the base 463  
premium rate and midpoint rate shall be determined with respect 464  
to each class of business separate and apart from the insurer's 465  
other business. 466

(3) The midpoint rate for a class of business shall not 467  
exceed the midpoint rate for any other class of business or the 468  
insurer's non-alliance business by more than fifteen per cent. 469

(4) The insurer annually shall file with the 470  
superintendent of insurance an actuarial certification 471  
consistent with section 3924.06 of the Revised Code for each 472  
class of business demonstrating that the underwriting and rating 473  
methods of the insurer do all of the following: 474

(a) Comply with accepted actuarial practices; 475

(b) Are uniformly applied to health benefit plans covering 476

small employers within the class of business; 477

(c) Comply with the applicable provisions of this section 478  
and sections 3924.01 to ~~3924.14~~3924.06 of the Revised Code. 479

(5) An insurer shall apply sections 3924.01 to ~~3924.14~~ 480  
3924.06 of the Revised Code to the insurer's non-alliance 481  
business and coverage sold through alliances not established as 482  
a separate class of business. 483

(6) An insurer shall file with the superintendent a 484  
notification identifying any alliance or alliances to be treated 485  
as a separate class of business at least sixty days prior to the 486  
date the rates for that class of business take effect. 487

(7) Any application for a certificate of authority filed 488  
pursuant to section 1731.021 of the Revised Code shall include a 489  
disclosure as to whether the alliance will be underwritten or 490  
rated as part of a separate class of business. 491

(C) As used in this section: 492

(1) "Class of business" means a group of small employers, 493  
as defined in section 3924.01 of the Revised Code, that are 494  
enrolled employers in one or more alliances. 495

(2) "Actuarial certification," "base premium rate," and 496  
"midpoint rate" have the same meanings as in section 3924.01 of 497  
the Revised Code. 498

**Sec. 1739.05.** (A) A multiple employer welfare arrangement 499  
that is created pursuant to sections 1739.01 to 1739.22 of the 500  
Revised Code and that operates a group self-insurance program 501  
may be established only if any of the following applies: 502

(1) The arrangement has and maintains a minimum enrollment 503  
of three hundred employees of two or more employers. 504

(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.	505 506
(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A) (1) and (2) of this section.	507 508 509
(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 3902.14, 3923.041, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, <del>3923.581</del> , 3923.602, 3923.63, 3923.80, 3923.84, 3923.85, 3923.851, 3923.86, 3923.87, 3923.89, 3923.90, 3924.031, 3924.032, and 3924.27 of the Revised Code.	510 511 512 513 514 515 516 517 518 519
(C) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall solicit enrollments only through agents or solicitors licensed pursuant to Chapter 3905. of the Revised Code to sell or solicit sickness and accident insurance.	520 521 522 523 524
(D) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall provide benefits only to individuals who are members, employees of members, or the dependents of members or employees, or are eligible for continuation of coverage under section 1751.53 or 3923.38 of the Revised Code or under Title X of the "Consolidated Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 U.S.C.A. 1161, as amended.	525 526 527 528 529 530 531 532
(E) A multiple employer welfare arrangement created	533

pursuant to sections 1739.01 to 1739.22 of the Revised Code is 534  
subject to, and shall comply with, sections 3903.81 to 3903.93 535  
of the Revised Code in the same manner as other life or health 536  
insurers, as defined in section 3903.81 of the Revised Code. 537

**Sec. 1751.18.** (A) (1) No health insuring corporation shall 538  
cancel or fail to renew the coverage of a subscriber or enrollee 539  
because of any health status-related factor in relation to the 540  
subscriber or enrollee, the subscriber's or enrollee's 541  
requirements for health care services, or for any other reason 542  
designated under rules adopted by the superintendent of 543  
insurance. 544

(2) Unless otherwise required by state or federal law, no 545  
health insuring corporation, or health care facility or provider 546  
through which the health insuring corporation has made 547  
arrangements to provide health care services, shall discriminate 548  
against any individual with regard to enrollment, disenrollment, 549  
or the quality of health care services rendered, on the basis of 550  
the individual's race, color, sex, age, religion, military 551  
status as defined in section 4112.01 of the Revised Code, or 552  
status as a recipient of medicare or medicaid, or any health 553  
status-related factor in relation to the individual. However, a 554  
health insuring corporation shall not be required to accept a 555  
recipient of medicare or medical assistance, if an agreement has 556  
not been reached on appropriate payment mechanisms between the 557  
health insuring corporation and the governmental agency 558  
administering these programs. Further, ~~except for open~~ 559  
~~enrollment coverage under sections 3923.58 and 3923.581 of the~~ 560  
~~Revised Code and except~~ as provided in section 1751.65 of the 561  
Revised Code, a health insuring corporation may reject an 562  
applicant for nongroup enrollment on the basis of any health 563  
status-related factor in relation to the applicant. 564

(B) A health insuring corporation may cancel or decide not to renew the coverage of an enrollee if the enrollee has performed an act or practice that constitutes fraud or intentional misrepresentation of material fact under the terms of the coverage and if the cancellation or nonrenewal is not based, either directly or indirectly, on any health status-related factor in relation to the enrollee.

(C) An enrollee may appeal any action or decision of a health insuring corporation taken pursuant to section 2742(b) to (e) of the "Health Insurance Portability and Accountability Act of 1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as amended. To appeal, the enrollee may submit a written complaint to the health insuring corporation pursuant to section 1751.19 of the Revised Code. The enrollee may, within thirty days after receiving a written response from the health insuring corporation, appeal the health insuring corporation's action or decision to the superintendent.

(D) As used in this section, "health status-related factor" means any of the following:

- (1) Health status;
- (2) Medical condition, including both physical and mental illnesses;
- (3) Claims experience;
- (4) Receipt of health care;
- (5) Medical history;
- (6) Genetic information;
- (7) Evidence of insurability, including conditions arising out of acts of domestic violence;

(8) Disability. 593

**Sec. 3335.27.** The engineering experiment station shall be 594  
under the control of the board of trustees of the Ohio state 595  
university, through the regular administrative and fiscal 596  
officers. The board shall appoint a director on recommendation 597  
of the president of the university. ~~There shall be an advisory~~ 598  
~~committee of seven members appointed by the board of which~~ 599  
~~committee the director shall be ex officio a member, and~~ 600  
~~chairperson, said director, and the other six members to be~~ 601  
~~chosen from the faculty of the college of engineering. The term~~ 602  
~~of these members shall be for three years. The director and~~ 603  
~~advisory committee~~ shall select suitable subjects for 604  
investigation, apportion the available funds, and with the 605  
consent of the board may provide for the dissemination of the 606  
results to the people of the state. 607

**Sec. 3335.29.** The engineering experiment station of the 608  
Ohio state university shall not be conducted for the private or 609  
personal gain of anyone connected with it, or for the sole 610  
benefit of any individual, firm, or corporation. 611

Any commission, board, bureau, or department of the state, 612  
or any institution owned by the state, may seek assistance from 613  
the station, and such requests shall have precedence over all 614  
other outside requests. ~~The advisory committee~~ director of the 615  
station may decline such requests or require that the expense of 616  
such investigations be borne in part or in whole by the 617  
commission, board, bureau, or department of state, or 618  
institution owned by the state, making such requests. 619

Any individual, firm, or corporation may seek the 620  
assistance of the station; ~~the advisory committee of said~~ 621  
~~station~~ director may decline to render such assistance or may 622

require that any expense incidental to such assistance be borne 623  
in part or in whole by the individual, firm, or corporation 624  
seeking such assistance, and the ~~advisory committee of the~~ 625  
~~station director~~ may publish the results of such investigations. 626

~~Sections 3335.25 to 3335.29 of the Revised Code, do not~~ 627  
~~limit the powers of the advisory committee of the station to~~ 628  
~~carry on lines of investigation upon its own initiative.~~ 629

**Sec. 3506.04.** (A) If it is impracticable to supply each 630  
election precinct with voting machines or marking devices for 631  
use at the next election following the adoption of such 632  
equipment, as many shall be supplied for that election and the 633  
succeeding elections as it is practicable to procure either by 634  
purchase or lease, or by a combination of both, and such 635  
equipment may be used in election precincts within the county as 636  
the board of elections directs until such time as it is 637  
practicable to provide the total number of voting machines or 638  
marking devices necessary to supply all precincts within the 639  
county, provided that the total number of voting machines or 640  
marking devices necessary to supply all precincts shall be 641  
procured by purchase or lease, or by a combination of both as 642  
soon as practicable after their adoption. 643

(B) The board of elections shall be charged with the 644  
custody of all equipment acquired by the county, and shall see 645  
that all such equipment is kept in proper working order and in 646  
good repair. The board of county commissioners of any county or 647  
the board of elections, upon recommendation of the board of 648  
elections, may, prior to the adoption of such equipment, acquire 649  
by purchase or lease or by loan, for the experimental use in a 650  
limited number of precincts, such equipment, and such 651  
experimental use shall be valid for all purposes as if such 652



equipment had been formally adopted, provided that such 653  
equipment has been approved by the board of voting ~~machine-~~ 654  
systems examiners for experimental use. 655

(C) All equipment acquired by any county by any of the 656  
methods provided for in this section shall be exempt from levy 657  
and taxation. 658

**Sec. 3506.05.** (A) As used in this section: 659

(1) "Electronic pollbook" means an electronic list of 660  
registered voters for a particular precinct or polling location 661  
that may be transported to a polling location. 662

(2) Except when used as part of the phrase "tabulating 663  
equipment" or "automatic tabulating equipment," "equipment" 664  
means a voting machine, marking device, automatic tabulating 665  
equipment, software, or an electronic pollbook. 666

(3) "Vendor" means the person that owns, manufactures, 667  
distributes, or has the legal right to control the use of 668  
equipment, or the person's agent. 669

(B) No voting machine, marking device, automatic 670  
tabulating equipment, or software for the purpose of casting or 671  
tabulating votes or for communications among systems involved in 672  
the tabulation, storage, or casting of votes, and no electronic 673  
pollbook, shall be purchased, leased, put in use, or continued 674  
to be used, except for experimental use as provided in division 675  
(B) of section 3506.04 of the Revised Code, unless it, a manual 676  
of procedures governing its use, and training materials, 677  
service, and other support arrangements have been certified by 678  
the secretary of state and unless the board of elections of each 679  
county where the equipment will be used has assured that a 680  
demonstration of the use of the equipment has been made 681

available to all interested electors. The secretary of state 682  
shall appoint a board of voting ~~machine~~-systems examiners to 683  
examine and approve equipment and its related manuals and 684  
support arrangements. The board shall consist of four voting 685  
members and one nonvoting member, who shall be appointed as 686  
follows: 687

(1) Two members appointed by the secretary of state-; 688

(2) One member appointed by either the speaker of the 689  
house of representatives or the minority leader of the house of 690  
representatives, whichever is a member of the opposite political 691  
party from the one to which the secretary of state belongs-; 692

(3) One member appointed by either the president of the 693  
senate or the minority leader of the senate, whichever is a 694  
member of the opposite political party from the one to which the 695  
secretary of state belongs; 696

(4) The secretary of state also shall appoint a 697  
cybersecurity expert, who shall serve as a nonvoting member of 698  
the board. 699

In all cases of a tie vote or a disagreement in the board, 700  
if no decision can be arrived at, the board shall submit the 701  
matter in controversy to the secretary of state, who shall 702  
summarily decide the question, and the secretary of state's 703  
decision shall be final. Each member of the board shall be a 704  
competent and experienced election officer or a person who is 705  
knowledgeable about the operation of voting equipment and shall 706  
serve during the secretary of state's term. Any vacancy on the 707  
board shall be filled in the same manner as the original 708  
appointment. The secretary of state shall provide staffing 709  
assistance to the board, at the board's request. 710

For the member's service, each member of the board shall 711  
receive three hundred dollars per day for each combination of 712  
marking device, tabulating equipment, voting machine, or 713  
electronic pollbook examined and reported, but in no event shall 714  
a member receive more than six hundred dollars to examine and 715  
report on any one marking device, item of tabulating equipment, 716  
voting machine, or electronic pollbook. Each member of the board 717  
shall be reimbursed for expenses the member incurs during an 718  
examination or during the performance of any related duties that 719  
may be required by the secretary of state. Reimbursement of 720  
these expenses shall be made in accordance with, and shall not 721  
exceed, the rates provided for under section 126.31 of the 722  
Revised Code. 723

Neither the secretary of state nor the board, nor any 724  
public officer who participates in the authorization, 725  
examination, testing, or purchase of equipment, shall have any 726  
pecuniary interest in the equipment or any affiliation with the 727  
vendor. 728

(C) (1) A vendor who desires to have the secretary of state 729  
certify equipment shall first submit the equipment, all current 730  
related procedural manuals, and a current description of all 731  
related support arrangements to the board of voting machine 732  
examiners for examination, testing, and approval. The submission 733  
shall be accompanied by a fee of two thousand four hundred 734  
dollars and a detailed explanation of the construction and 735  
method of operation of the equipment, a full statement of its 736  
advantages, and a list of the patents and copyrights used in 737  
operations essential to the processes of vote recording and 738  
tabulating, vote storage, system security, pollbook storage and 739  
security, and other crucial operations of the equipment as may 740  
be determined by the board. An additional fee, in an amount to 741

be set by rules promulgated by the board, may be imposed to pay 742  
for the costs of alternative testing or testing by persons other 743  
than board members, record-keeping, and other extraordinary 744  
costs incurred in the examination process. Moneys not used shall 745  
be returned to the person or entity submitting the equipment for 746  
examination. 747

(2) Fees collected by the secretary of state under this 748  
section shall be deposited into the state treasury to the credit 749  
of the board of voting machine examiners fund, which is hereby 750  
created. All moneys credited to this fund shall be used solely 751  
for the purpose of paying for the services and expenses of each 752  
member of the board or for other expenses incurred relating to 753  
the examination, testing, reporting, or certification of 754  
equipment, the performance of any related duties as required by 755  
the secretary of state, or the reimbursement of any person 756  
submitting an examination fee as provided in this chapter. 757

(D) Within sixty days after the submission of the 758  
equipment and payment of the fee, or as soon thereafter as is 759  
reasonably practicable, but in any event within not more than 760  
ninety days after the submission and payment, the board of 761  
voting ~~machine~~-systems examiners shall examine the equipment and 762  
file with the secretary of state a written report on the 763  
equipment with its recommendations and, if applicable, its 764  
determination or condition of approval regarding whether the 765  
equipment, manual, and other related materials or arrangements 766  
meet the criteria set forth in sections 3506.07 and 3506.10 of 767  
the Revised Code and can be safely used by the voters at 768  
elections under the conditions prescribed in Title XXXV of the 769  
Revised Code, or a written statement of reasons for which 770  
testing requires a longer period. The board may grant temporary 771  
approval for the purpose of allowing experimental use of 772

equipment. If the board finds that the equipment meets any 773  
applicable criteria set forth in sections 3506.06, 3506.07, and 774  
3506.10 of the Revised Code, can be used safely and, if 775  
applicable, can be depended upon to record and count accurately 776  
and continuously the votes of electors, and has the capacity to 777  
be warranted, maintained, and serviced, it shall approve the 778  
equipment and recommend that the secretary of state certify the 779  
equipment. The secretary of state shall notify all boards of 780  
elections of any such certification. Equipment of the same model 781  
and make, if it operates in an identical manner, may then be 782  
adopted for use at elections. 783

(E) The vendor shall notify the secretary of state, who 784  
shall then notify the board of voting ~~machine systems~~ examiners, 785  
of any enhancement and any significant adjustment to the 786  
hardware or software that could result in a patent or copyright 787  
change or that significantly alters the methods of recording 788  
voter intent, system security, voter privacy, retention of the 789  
vote, communication of records, and connections between the 790  
system and other systems. The vendor shall provide the secretary 791  
of state with an updated operations manual for the equipment, 792  
and the secretary of state shall forward the manual to the 793  
board. Upon receiving such a notification and manual, the board 794  
may require the vendor to submit the equipment to an examination 795  
and test in order for the equipment to remain certified. The 796  
board or the secretary of state shall periodically examine, 797  
test, and inspect certified equipment to determine continued 798  
compliance with the requirements of this chapter and the initial 799  
certification. Any examination, test, or inspection conducted 800  
for the purpose of continuing certification of any equipment in 801  
which a significant problem has been uncovered or in which a 802  
record of continuing problems exists shall be performed pursuant 803

to divisions (C) and (D) of this section, in the same manner as 804  
the examination, test, or inspection is performed for initial 805  
approval and certification. 806

(F) If, at any time after the certification of equipment, 807  
the board of voting ~~machine~~-systems examiners or the secretary 808  
of state is notified by a board of elections of any significant 809  
problem with the equipment or determines that the equipment 810  
fails to meet the requirements necessary for approval or 811  
continued compliance with the requirements of this chapter, or 812  
if the board of voting ~~machine~~-systems examiners determines that 813  
there are significant enhancements or adjustments to the 814  
hardware or software, or if notice of such enhancements or 815  
adjustments has not been given as required by division (E) of 816  
this section, the secretary of state shall notify the users and 817  
vendors of that equipment that certification of the equipment 818  
may be withdrawn. 819

(G) (1) The notice given by the secretary of state under 820  
division (F) of this section shall be in writing and shall 821  
specify both of the following: 822

(a) The reasons why the certification may be withdrawn; 823

(b) The date on which certification will be withdrawn 824  
unless the vendor takes satisfactory corrective measures or 825  
explains why there are no problems with the equipment or why the 826  
enhancements or adjustments to the equipment are not 827  
significant. 828

(2) A vendor who receives a notice under division (F) of 829  
this section shall, within thirty days after receiving it, 830  
submit to the board of voting ~~machine~~-systems examiners in 831  
writing a description of the corrective measures taken and the 832

date on which they were taken, or the explanation required under 833  
division (G) (1) (b) of this section. 834

(3) Not later than fifteen days after receiving a written 835  
description or explanation under division (G) (2) of this section 836  
from a vendor, the board shall determine whether the corrective 837  
measures taken or the explanation is satisfactory to allow 838  
continued certification of the equipment, and the secretary of 839  
state shall send the vendor a written notice of the board's 840  
determination, specifying the reasons for it. If the board has 841  
determined that the measures taken or the explanation given is 842  
unsatisfactory, the notice shall include the effective date of 843  
withdrawal of the certification. This date may be different from 844  
the date originally specified in division (G) (1) (b) of this 845  
section. 846

(4) A vendor who receives a notice under division (G) (3) 847  
of this section indicating a decision to withdraw certification 848  
may, within thirty days after receiving it, request in writing 849  
that the board hold a hearing to reconsider its decision. Any 850  
interested party shall be given the opportunity to submit 851  
testimony or documentation in support of or in opposition to the 852  
board's recommendation to withdraw certification. Failure of the 853  
vendor to take appropriate steps as described in division (G) (1) 854  
(b) or to comply with division (G) (2) of this section results in 855  
a waiver of the vendor's rights under division (G) (4) of this 856  
section. 857

(H) (1) The secretary of state, in consultation with the 858  
board of voting ~~machine systems~~ examiners, shall establish, by 859  
rule, guidelines for the approval, certification, and continued 860  
certification of the voting machines, marking devices, 861  
tabulating equipment, and electronic pollbooks to be used under 862

Title XXXV of the Revised Code. The guidelines shall establish 863  
procedures requiring vendors or computer software developers to 864  
place in escrow with an independent escrow agent approved by the 865  
secretary of state a copy of all source code and related 866  
documentation, together with periodic updates as they become 867  
known or available. The secretary of state shall require that 868  
the documentation include a system configuration and that the 869  
source code include all relevant program statements in low- or 870  
high-level languages. As used in this division, "source code" 871  
does not include variable codes created for specific elections. 872

(2) Nothing in any rule adopted under division (H) of this 873  
section shall be construed to limit the ability of the secretary 874  
of state to follow or adopt, or to preclude the secretary of 875  
state from following or adopting, any guidelines proposed by the 876  
federal election commission, any entity authorized by the 877  
federal election commission to propose guidelines, the election 878  
assistance commission, or any entity authorized by the election 879  
assistance commission to propose guidelines. 880

(3) (a) Before the initial certification of any direct 881  
recording electronic voting machine with a voter verified paper 882  
audit trail, and as a condition for the continued certification 883  
and use of those machines, the secretary of state shall 884  
establish, by rule, standards for the certification of those 885  
machines. Those standards shall include, but are not limited to, 886  
all of the following: 887

(i) A definition of a voter verified paper audit trail as 888  
a paper record of the voter's choices that is verified by the 889  
voter prior to the casting of the voter's ballot and that is 890  
securely retained by the board of elections; 891

(ii) Requirements that the voter verified paper audit 892



trail shall not be retained by any voter and shall not contain individual voter information; 893  
894

(iii) A prohibition against the production by any direct recording electronic voting machine of anything that legally could be removed by the voter from the polling place, such as a receipt or voter confirmation; 895  
896  
897  
898

(iv) A requirement that paper used in producing a voter verified paper audit trail be sturdy, clean, and resistant to degradation; 899  
900  
901

(v) A requirement that the voter verified paper audit trail shall be capable of being optically scanned for the purpose of conducting a recount or other audit of the voting machine and shall be readable in a manner that makes the voter's ballot choices obvious to the voter without the use of computer or electronic codes; 902  
903  
904  
905  
906  
907

(vi) A requirement, for office-type ballots, that the voter verified paper audit trail include the name of each candidate selected by the voter; 908  
909  
910

(vii) A requirement, for questions and issues ballots, that the voter verified paper audit trail include the title of the question or issue, the name of the entity that placed the question or issue on the ballot, and the voter's ballot selection on that question or issue, but not the entire text of the question or issue. 911  
912  
913  
914  
915  
916

(b) The secretary of state, by rule adopted under Chapter 119. of the Revised Code, may waive the requirement under division (H) (3) (a) (v) of this section, if the secretary of state determines that the requirement is cost prohibitive. 917  
918  
919  
920

(4) (a) Except as otherwise provided in divisions (H) (4) (b) 921

and (c) of this section, any voting machine, marking device, or 922  
automatic tabulating equipment used in this state shall meet, as 923  
a condition of continued certification and use, the voting 924  
system standards adopted by the federal election commission in 925  
2002 or the voluntary voting system guidelines most recently 926  
adopted by the federal election assistance commission. A voting 927  
machine, marking device, or automatic tabulating equipment 928  
initially certified or acquired on or after December 1, 2008, 929  
also shall have the most recent federal certification number 930  
issued by the election assistance commission. 931

(b) Division (H) (4) (a) of this section does not apply to 932  
any voting machine, marking device, or automatic tabulating 933  
equipment that the federal election assistance commission does 934  
not certify as part of its testing and certification program. 935

(c) A county that acquires additional voting machines, 936  
marking devices, or automatic tabulating equipment on or after 937  
December 1, 2008, shall not be considered to have acquired those 938  
machines, devices, or equipment on or after December 1, 2008, 939  
for the purpose of division (H) (4) (a) of this section if all of 940  
the following apply: 941

(i) The voting machines, marking devices, or automatic 942  
tabulating equipment acquired are the same as the machines, 943  
devices, or equipment currently used in that county. 944

(ii) The acquisition of the voting machines, marking 945  
devices, or automatic tabulating equipment does not replace or 946  
change the primary voting system used in that county. 947

(iii) The acquisition of the voting machines, marking 948  
devices, or automatic tabulating equipment is for the purpose of 949  
replacing inoperable machines, devices, or equipment or for the 950

purpose of providing additional machines, devices, or equipment 951  
required to meet the allocation requirements established 952  
pursuant to division (I) of section 3501.11 of the Revised Code. 953

**Sec. 3506.06.** No marking device shall be approved by the 954  
board of voting ~~machine~~-systems examiners or certified by the 955  
secretary of state, or be purchased, rented, or otherwise 956  
acquired, or used, unless it fulfills the following 957  
requirements: 958

(A) It shall permit and require voting in absolute 959  
secrecy, and shall be so constructed that no person can see or 960  
know for whom any other elector has voted or is voting, except 961  
an elector who is assisting a voter as prescribed by section 962  
3505.24 of the Revised Code. 963

(B) It shall permit each elector to vote at any election 964  
for all persons and offices for whom and for which the elector 965  
is lawfully entitled to vote, whether or not the name of any 966  
such person appears on a ballot as a candidate; to vote for as 967  
many persons for an office as the elector is entitled to vote 968  
for; and to vote for or against any question upon which the 969  
elector is entitled to vote. 970

(C) It shall permit each elector to write in the names of 971  
persons for whom the elector desires to vote, whose names do not 972  
appear upon the ballot, if such write-in candidates are 973  
permitted by law. 974

(D) It shall permit each elector, at all presidential 975  
elections, by one mark to vote for candidates of one party for 976  
president, vice president, and presidential electors. 977

(E) It shall be durably constructed of material of good 978  
quality in a neat and workerlike manner, and in form that shall 979

make it safely transportable. 980

(F) It shall be so constructed that a voter may readily 981  
learn the method of operating it and may expeditiously cast the 982  
voter's vote for all candidates of the voter's choice. 983

(G) It shall not provide to a voter any type of receipt or 984  
voter confirmation that the voter legally may retain after 985  
leaving the polling place. 986

**Sec. 3506.07.** No automatic tabulating equipment shall be 987  
approved by the board of voting ~~machine~~-systems examiners or 988  
certified by the secretary of state, or be purchased, rented, or 989  
otherwise acquired, or used, unless it has been or is capable of 990  
being manufactured for use and distribution beyond a prototype 991  
and can be set by election officials, to examine ballots and to 992  
count votes accurately for each candidate, question, and issue, 993  
excluding any ballots marked contrary to the instructions 994  
printed on such ballots, provided that such equipment shall not 995  
be required to count write-in votes or the votes on any ballots 996  
that have been voted other than at the regular polling place on 997  
election day. 998

**Sec. 3506.10.** No voting machine shall be approved by the 999  
board of voting ~~machine~~-systems examiners or certified by the 1000  
secretary of state, or be purchased, rented, or otherwise 1001  
acquired, or used, except when specifically allowed for 1002  
experimental use, as provided in section 3506.04 of the Revised 1003  
Code, unless it fulfills the following requirements: 1004

(A) It shall permit and require voting in absolute 1005  
secrecy, and shall be so constructed that no person can see or 1006  
know for whom any other elector has voted or is voting, except 1007  
an elector who is assisting a voter as prescribed by section 1008

3505.24 of the Revised Code. 1009

(B) It shall permit each elector to vote at any election 1010  
for all persons and offices for whom and for which the elector 1011  
is lawfully entitled to vote, whether or not the name of any 1012  
such person appears on a ballot label as a candidate; to vote 1013  
for as many persons for an office as the elector is entitled to 1014  
vote for; and to vote for or against any question upon which the 1015  
elector is entitled to vote. 1016

(C) It shall preclude each elector from voting for any 1017  
candidate or upon any question for whom or upon which the 1018  
elector is not entitled to vote, from voting for more persons 1019  
for any office than the elector is entitled to vote for, and 1020  
from voting for any candidates for the same office or upon any 1021  
question more than once. 1022

(D) It shall permit each voter to deposit, write in, or 1023  
affix, upon devices provided for that purpose, ballots 1024  
containing the names of persons for whom the voter desires to 1025  
vote, whose names do not appear upon the voting machine. Those 1026  
devices shall be susceptible of identification as to party 1027  
affiliations when used at a primary election. 1028

(E) It shall permit each elector to change the elector's 1029  
vote for any candidate or upon any question appearing upon the 1030  
ballot labels, up to the time the elector starts to register the 1031  
elector's vote. 1032

(F) It shall permit each elector, at all presidential 1033  
elections, by one device to vote for candidates of one party for 1034  
president, vice-president, and presidential electors. 1035

(G) It shall be capable of adjustment by election officers 1036  
so as to permit each elector, at a primary election, to vote 1037

only for the candidates of the party with which the elector has 1038  
declared the elector's affiliation and shall preclude the 1039  
elector from voting for any candidate seeking nomination by any 1040  
other political party; and to vote for the candidates for 1041  
nonpartisan nomination or election. 1042

(H) It shall have separate voting devices for candidates 1043  
and questions, which shall be arranged in separate rows or 1044  
columns. It shall be so arranged that one or more adjacent rows 1045  
or columns may be assigned to the candidates of each political 1046  
party at primary elections. 1047

(I) It shall have a counter, or other device, the register 1048  
of which is visible from the outside of the machine, and which 1049  
will show at any time during the voting the total number of 1050  
electors who have voted; and also a protective counter, or other 1051  
device, the register of which cannot be reset, which will record 1052  
the cumulative total number of movements of the internal 1053  
counters. 1054

(J) It shall be provided with locks and seals by the use 1055  
of which, immediately after the polls are closed or the 1056  
operation of the machine for an election is completed, no 1057  
further changes to the internal counters can be allowed. 1058

(K) It shall have the capacity to contain the names of 1059  
candidates constituting the tickets of at least five political 1060  
parties, and independent groups and such number of questions not 1061  
exceeding fifteen as the secretary of state shall specify. 1062

(L) It shall be durably constructed of material of good 1063  
quality in a neat and workerlike manner, and in form that shall 1064  
make it safely transportable. 1065

(M) It shall be so constructed that a voter may readily 1066

learn the method of operating it, may expeditiously cast a vote 1067  
for all candidates of the voter's choice, and when operated 1068  
properly shall register and record correctly and accurately 1069  
every vote cast. 1070

(N) It shall be provided with a screen, hood, or curtain, 1071  
which will conceal the voter while voting. During the voting, it 1072  
shall preclude every person from seeing or knowing the number of 1073  
votes registered for any candidate or question and from 1074  
tampering with any of the internal counters. 1075

(O) It shall not provide to a voter any type of receipt or 1076  
voter confirmation that the voter legally may retain after 1077  
leaving the polling place. 1078

(P) On and after the first federal election that occurs 1079  
after January 1, 2006, unless required sooner by the Help 1080  
America Vote Act of 2002, if the voting machine is a direct 1081  
recording electronic voting machine, it shall include a voter 1082  
verified paper audit trail. 1083

Before any voting machine is purchased, rented, or 1084  
otherwise acquired, or used, the person or corporation owning or 1085  
manufacturing that machine or having the legal right to control 1086  
the use of that machine shall give an adequate guarantee in 1087  
writing and post a bond in an amount sufficient to cover the 1088  
cost of any recount or new election resulting from or directly 1089  
related to the use or malfunction of the equipment, accompanied 1090  
by satisfactory surety, all as determined by the secretary of 1091  
state, with the board of county commissioners, guaranteeing and 1092  
securing that those machines have been and continue to be 1093  
certified by the secretary of state in accordance with section 1094  
3506.05 of the Revised Code, comply fully with the requirements 1095  
of this section, and will correctly, accurately, and 1096

continuously register and record every vote cast, and further 1097  
guaranteeing those machines against defects in workmanship and 1098  
materials for a period of five years from the date of their 1099  
acquisition. 1100

**Sec. 3701.931.** The director of health, through the Ohio 1101  
violent death reporting system, shall do all of the following 1102  
regarding violent death information, data, and records 1103  
maintained in the system: 1104

(A) Monitor the incidence and causes of the various types 1105  
of violent deaths; 1106

(B) Make appropriate epidemiologic studies of the violent 1107  
deaths; 1108

(C) Analyze trends and patterns in, and circumstances 1109  
related to, the violent deaths; 1110

(D) ~~With the assistance of the advisory group established~~ 1111  
~~pursuant to section 3701.932 of the Revised Code, recommend~~ 1112  
Recommend actions to relevant entities to prevent violent deaths 1113  
and make any other such recommendations the director of health 1114  
determines necessary. 1115

(E) For years in which the department of health receives 1116  
sufficient federal funding for the Ohio violent death reporting 1117  
system, prepare and publish a report summarizing the activities 1118  
of the Ohio violent death reporting system as set forth in this 1119  
section on or before the first day of October of the following 1120  
year. The director shall submit a copy of the report to the 1121  
general assembly in accordance with section 101.68 of the 1122  
Revised Code, to the governor, and the chairpersons of the 1123  
committees of the general assembly having primary jurisdiction 1124  
over issues relating to health care. 1125



**Sec. 3743.53.** (A) The fire marshal shall adopt rules in 1126  
accordance with Chapter 119. of the Revised Code that establish 1127  
qualifications that all applicants for licensure as an exhibitor 1128  
of fireworks shall satisfy. These rules shall be designed to 1129  
provide a reasonable degree of assurance that individuals 1130  
conducting public fireworks exhibitions in this state are 1131  
proficient in handling and discharging fireworks, are capable of 1132  
handling the responsibilities associated with exhibitions as 1133  
prescribed by rule of the fire marshal pursuant to divisions (B) 1134  
and (E) of this section or as prescribed by sections 3743.50 to 1135  
3743.55 of the Revised Code, and will conduct fireworks 1136  
exhibitions in a manner that emphasizes the safety and security 1137  
of the public. The rules shall be consistent with sections 1138  
3743.50 to 3743.55 of the Revised Code and may include, in 1139  
addition to other requirements prescribed by the fire marshal, a 1140  
requirement that the applicant for licensure successfully 1141  
complete a written examination or otherwise successfully 1142  
demonstrate its proficiency in the handling and discharging of 1143  
fireworks in a safe manner and its ability to handle the 1144  
responsibilities associated with exhibitions. 1145

(B) The fire marshal shall adopt rules in accordance with 1146  
Chapter 119. of the Revised Code that govern the nature and 1147  
conduct of public fireworks exhibitions by licensed exhibitors 1148  
of fireworks. These rules shall be designed to promote the 1149  
safety and security of persons viewing a fireworks exhibition, 1150  
to promote the safety of persons who, although not viewing an 1151  
exhibition, could be affected by fireworks used at it, and to 1152  
promote the safety and security of exhibitors and their 1153  
assistants. 1154

The rules shall be consistent with sections 3743.50 to 1155  
3743.55 of the Revised Code; except as otherwise provided in 1156

this section, shall be substantially equivalent to the most 1157  
recent versions of chapters 1123, 1124, and 1126 of the most 1158  
recent national fire protection association standards; and shall 1159  
apply to, but not be limited to, the following subject matters: 1160

(1) The construction of shells used in a fireworks 1161  
exhibition; 1162

(2) Except as the storage and securing of fireworks is 1163  
addressed by the rules adopted under division (E) of this 1164  
section, the storage, securing, and supervision of fireworks 1165  
pending their use in, and during the course of, a fireworks 1166  
exhibition, and inspections by exhibitors of fireworks to be 1167  
used in an exhibition prior to their use. These rules shall 1168  
regulate, among other relevant matters, the storage of fireworks 1169  
in manners that will effectively eliminate or reduce the 1170  
likelihood of the fireworks becoming wet or being exposed to 1171  
flame, and appropriate distances between storage sites and the 1172  
sites at which fireworks will be discharged. 1173

(3) The installation and nature of mortars used in a 1174  
fireworks exhibition, and inspections by exhibitors of mortars 1175  
prior to their use; 1176

(4) Minimum distances between storage sites, discharge 1177  
sites, spectator viewing sites, parking areas, and potential 1178  
landing areas of fireworks, and minimum distances between 1179  
discharge sites, potential landing areas, and residential or 1180  
other types of buildings or structures; 1181

(5) The nature of discharge sites and potential landing 1182  
sites; 1183

(6) Fire protection, the use and location of monitors for 1184  
crowd control, the use of fences and rope barriers for crowd 1185

control, illumination, smoking and the use of open flame, and 1186  
posting of warning signs concerning smoking or the use of open 1187  
flame in connection with fireworks exhibitions. These rules may 1188  
provide some authority to local officials in determining 1189  
adequate fire protection, and numbers and locations of monitors. 1190

(7) Procedures to be followed in the discharging of 1191  
fireworks; 1192

(8) Weather and crowd-related conditions under which 1193  
fireworks may and may not be discharged, including circumstances 1194  
under which exhibitions should be postponed; 1195

(9) Inspections of premises following a fireworks 1196  
exhibition for purposes of locating and disposing of defective 1197  
or unexploded fireworks. Inspections shall be required 1198  
immediately following an exhibition, and, if an exhibition is 1199  
conducted at night, also at sunrise the following morning. 1200

(C) All mortars used in a fireworks exhibition that are 1201  
greater than or equal to eight inches in diameter shall be 1202  
equipped with electronic ignition equipment in accordance with 1203  
chapter 1123 of the most recent edition of the national fire 1204  
protection association standards. 1205

(D) Only persons who are employees of licensed exhibitors 1206  
of fireworks and who are registered with the fire marshal under 1207  
section 3743.56 of the Revised Code shall be permitted within 1208  
the discharge perimeter of an exhibition. 1209

(E) (1) The fire marshal shall adopt rules in accordance 1210  
with Chapter 119. of the Revised Code and consistent with 1211  
division (E) (3) of this section that establish both of the 1212  
following: 1213

(a) Uniform standards for the stability and securing of 1214

fireworks storage racks used at a fireworks exhibition; 1215

(b) A detailed checklist that a fire chief or fire 1216  
prevention officer, in consultation with a police chief or other 1217  
similar chief law enforcement officer of a municipal 1218  
corporation, township, or township or joint police district or 1219  
with a designee of such a police chief or other similar chief 1220  
law enforcement officer, shall complete, while conducting the 1221  
inspection required under division (C) of section 3743.54 of the 1222  
Revised Code at the premises at which a fireworks exhibition 1223  
will take place, to ensure that the exhibition will comply with 1224  
all applicable requirements of this chapter, and all applicable 1225  
rules adopted under this chapter, that regulate the conduct of a 1226  
fireworks exhibition. 1227

(2) Each licensed exhibitor of fireworks shall comply with 1228  
the rules that the fire marshal adopts under division (E) (1) (a) 1229  
of this section. 1230

~~(3) Prior to the fire marshal's adoption of the rules 1231  
referred to in divisions (E) (1) (a) and (b) of this section, the 1232  
director of commerce shall appoint a committee consisting of the 1233  
fire marshal, three representatives of the fireworks industry, 1234  
and three representatives of the fire service industry to assist 1235  
the fire marshal in adopting those rules. The fire marshal shall 1236  
adopt initial rules under those divisions by not later than May- 1237  
1, 2001. 1238~~

(F) A fire chief or fire prevention officer, in 1239  
consultation with a police chief or other similar chief law 1240  
enforcement officer of a municipal corporation, township, or 1241  
township or joint police district or with a designee of such a 1242  
police chief or other similar chief law enforcement officer, 1243  
shall conduct the inspection referred to in division (E) (1) (b) 1244

of this section, complete the checklist referred to in division 1245  
(E) (1) (b) of this section while conducting the inspection, and 1246  
provide a copy of the completed checklist to the fire marshal. 1247

(G) A designee, if any, designated by a police chief or 1248  
other similar chief law enforcement officer under this section 1249  
or section 3743.54 of the Revised Code shall be a law 1250  
enforcement officer serving in the same law enforcement agency 1251  
as the police chief or other similar chief law enforcement 1252  
officer. 1253

**Sec. 3745.21.** (A) There is hereby created within the 1254  
environmental protection agency the Ohio environmental education 1255  
fund advisory council consisting of the directors of 1256  
environmental protection, natural resources, and education and 1257  
workforce, or their designees, as members ex officio, one member 1258  
of the house of representatives to be appointed by the speaker 1259  
of the house of representatives or the member's designee, one 1260  
member of the senate to be appointed by the president of the 1261  
senate or the member's designee, one member to be appointed by 1262  
the chancellor of higher education who shall have experience in 1263  
providing environmental education at the university or college 1264  
level, and six members to be appointed by the governor with the 1265  
advice and consent of the senate. Of the members appointed by 1266  
the governor, two shall be from statewide environmental advocacy 1267  
organizations, one shall represent the interests of the 1268  
industrial community in this state, one shall represent the 1269  
interests of employers in this state with one hundred fifty or 1270  
fewer employees, one shall represent municipal corporations, and 1271  
one shall represent the interests of elementary and secondary 1272  
school teachers in this state. Within thirty days after October 1273  
1, 1990, the appointing authorities shall make their initial 1274  
appointments to the council. The initial appointment to the 1275

council by the chancellor shall be for a term ending two years 1276  
after October 1, 1990. Of the initial appointments made to the 1277  
council by the governor, three shall be for a term ending one 1278  
year after October 1, 1990, and three shall be for a term ending 1279  
two years after October 1, 1990. Thereafter, the terms of office 1280  
of the members appointed by the chancellor and the governor 1281  
shall be for two years, with each term ending on the same day of 1282  
the same month as the term that it succeeds. Each member shall 1283  
hold office from the date of appointment until the end of the 1284  
term for which the member was appointed. Members may be 1285  
reappointed. Vacancies shall be filled in the manner provided 1286  
for original appointments. Any member appointed to fill a 1287  
vacancy occurring prior to the expiration date of the term for 1288  
which the member's predecessor was appointed shall hold office 1289  
as a member of the board of trustees for the remainder of that 1290  
term. A member of the council appointed by the chancellor or the 1291  
governor shall continue in office subsequent to the expiration 1292  
date of the member's term until the member's successor takes 1293  
office or until a period of sixty days has elapsed, whichever 1294  
occurs first. 1295

The council shall hold at least two regular, semiannual 1296  
meetings each year. Special meetings may be held at the behest 1297  
of the chairperson or a majority of the members. The director of 1298  
environmental protection shall serve as the chairperson of the 1299  
council. The council annually shall select from among its 1300  
members a vice-chairperson and a secretary to keep a record of 1301  
its proceedings. A majority vote of the members of the council 1302  
is necessary to take action on any matter. 1303

Serving as a member of the council does not constitute 1304  
holding a public office or a position of employment under the 1305  
laws of this state and does not constitute grounds for the 1306

removal of public officers or employees from their offices or 1307  
positions of employment. The chancellor may at any time remove a 1308  
member of the council appointed by the chancellor for 1309  
misfeasance, malfeasance, or nonfeasance in office. The governor 1310  
may at any time remove a member of the council appointed by the 1311  
governor for misfeasance, malfeasance, or nonfeasance in office. 1312

Members of the council appointed by the chancellor and the 1313  
governor shall serve without compensation. Members of the 1314  
council shall be reimbursed for their actual and necessary 1315  
expenses incurred in the performance of their duties as members 1316  
of the council from moneys credited to the environmental 1317  
education fund created in section 3745.22 of the Revised Code. 1318

(B) The council shall advise and assist the director of 1319  
environmental protection in the implementation and 1320  
administration of section 3745.22 of the Revised Code and shall 1321  
review and comment on all expenditures from the fund proposed by 1322  
the director. 1323

(C) The council may adopt bylaws for the regulation and 1324  
conduct of the council's affairs and may propose to the director 1325  
of environmental protection expenditures from the fund. 1326

**Sec. 3745.22.** (A) As used in this section, "eligible 1327  
institution of higher education" means any of the state 1328  
universities listed in section 3345.011 of the Revised Code, or 1329  
a community college, technical college, university branch, state 1330  
community college, or an institution that is nonprofit and holds 1331  
a certificate of authorization issued under section 1713.02 of 1332  
the Revised Code. 1333

(B) There is hereby created in the state treasury the 1334  
environmental education fund consisting of moneys credited to 1335

the fund pursuant to sections 3704.06 and 6111.09 of the Revised Code and any gifts, grants, or contributions received by the director of environmental protection for the purposes of the fund. The fund shall be administered by the director with the advice and assistance of the Ohio environmental education fund advisory council created in section 3745.21 of the Revised Code. Moneys in the fund shall be used exclusively to develop, implement, and administer a program to enhance public awareness and the objective understanding within this state of issues affecting environmental quality. Toward that end, moneys in the fund may be used for purposes that include, without limitation, developing elementary and secondary school and collegiate curricula on environmental issues; providing training for this state's elementary and secondary school teachers on environmental issues; providing educational seminars for concerned members of the public regarding the scientific and technical aspects of environmental issues; providing educational seminars regarding pollution prevention and waste minimization for persons regulated by the environmental protection agency; providing educational seminars for persons regulated by the environmental protection agency, including, without limitation, small businesses, regarding the regulatory requirements of the agency and the means of achieving and maintaining compliance with them; and providing one or more scholarships in environmental sciences or environmental engineering for students enrolled at an eligible institution of higher education.

The director may expend not more than one million five hundred thousand dollars of the moneys credited to the environmental education fund under sections 3704.06 and 6111.09 of the Revised Code in any fiscal year for the purposes specified in this division. The director may request authority



from the controlling board to expend any moneys credited to that 1367  
fund in any fiscal year in excess of that amount. 1368

(C) Not later than the first day of April each year, the 1369  
director, with the advice and assistance of the council, shall 1370  
prepare and submit to the governor, the president of the senate, 1371  
and the speaker of the house of representatives an environmental 1372  
education agenda that describes the proposed uses of the 1373  
environmental education fund during the following fiscal year. 1374  
Prior to submitting the agenda the director, in conjunction with 1375  
the council, shall hold a public hearing in Franklin county to 1376  
receive comments on the agenda. After the public hearing and 1377  
before submitting the agenda to the governor, the president, and 1378  
the speaker, the director, with the advice and assistance of the 1379  
council, may make any modifications to the agenda that the 1380  
director considers appropriate based upon the comments received 1381  
at the public hearing. 1382

(D) Not later than the first day of September each year, 1383  
the director, with the advice and assistance of the council, 1384  
shall prepare and submit to the governor, the president of the 1385  
senate, and the speaker of the house of representatives a report 1386  
on the revenues credited to and expenditures from the 1387  
environmental education fund during the immediately preceding 1388  
fiscal year. 1389

**Sec. 3783.01.** As used in sections 3783.01 to 1390  
~~3783.08~~3783.07, inclusive, of the Revised Code: 1391

(A) "Electrical safety inspector" means a person who is 1392  
certified as provided in Chapter 3783. of the Revised Code. 1393

(B) The "practice of electrical inspection" includes any 1394  
ascertainment of compliance with the Ohio building code, or the 1395

electrical code of a political subdivision of this state by a 1396  
person, who, for compensation, inspects the construction and 1397  
installation of electrical conductors, fittings, devices, and 1398  
fixtures for light, heat or power services equipment, or the 1399  
installation, alteration, replacement, maintenance, or repair of 1400  
any electrical wiring and equipment that is subject to any of 1401  
the aforementioned codes. 1402

(C) "Ohio building code" means the rules and regulations 1403  
adopted by the board of building standards under Chapter 3781. 1404  
of the Revised Code. 1405

(D) "Board of building standards" or "board" means the 1406  
board established by section 3781.07 of the Revised Code. 1407

**Sec. 3783.02.** Nothing in sections 3783.01 to ~~3783.08~~ 1408  
3783.07 of the Revised Code shall apply to inspection of the 1409  
design, construction, maintenance, or replacement of any of the 1410  
following: 1411

(A) Installations in ships, watercraft, railway rolling 1412  
stock, aircraft, or automotive vehicles; 1413

(B) Installations underground in mines; 1414

(C) Installations of railways for the generation, 1415  
transformation, transmission, or distribution of power used 1416  
exclusively for operation of rolling stock or installations used 1417  
exclusively for signaling and communication purposes; 1418

(D) Installations of communication equipment under control 1419  
of communication utilities, located outdoors or in building 1420  
spaces used for such installations; 1421

(E) Installations under the control of electric utilities 1422  
for the purpose of communication, metering, or for the 1423

generation, control, transformation, transmission, and 1424  
distribution of electric energy located in building spaces used 1425  
by utilities for such purposes or located on property owned or 1426  
leased by the utility or on public highways, streets, roads, 1427  
etc., or by established rights on private property; 1428

(F) Installations of elevators, dumbwaiters, and 1429  
escalators as regulated by the bureau of workers' compensation. 1430

**Sec. 3923.51.** (A) As used in this section, "official 1431  
poverty line" means the poverty line as defined by the United 1432  
States office of management and budget and revised by the 1433  
secretary of health and human services under 95 Stat. 511, 42 1434  
U.S.C.A. 9902, as amended. 1435

(B) Every insurer that is authorized to write sickness and 1436  
accident insurance in this state may offer group contracts of 1437  
sickness and accident insurance to any charitable foundation 1438  
that is certified as exempt from taxation under section 501(c) 1439  
(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 1440  
U.S.C.A. 1, as amended, and that has the sole purpose of issuing 1441  
certificates of coverage under these contracts to persons under 1442  
the age of nineteen who are members of families that have 1443  
incomes that are no greater than three hundred per cent of the 1444  
official poverty line. 1445

(C) Contracts offered pursuant to division (B) of this 1446  
section are not subject to any of the following: 1447

(1) Sections ~~3923.122~~, 3923.24, 3923.28, 3923.281, and 1448  
3923.29 of the Revised Code; 1449

(2) Any other sickness and accident insurance coverage 1450  
required under this chapter on August 3, 1989. Any requirement 1451  
of sickness and accident insurance coverage enacted after that 1452

date applies to this section only if the subsequent enactment 1453  
specifically refers to this section. 1454

(3) Chapter 1751. of the Revised Code. 1455

**Sec. 3923.57.** Notwithstanding any provision of this 1456  
chapter, every individual policy of sickness and accident 1457  
insurance that is delivered, issued for delivery, or renewed in 1458  
this state is subject to the following conditions, as 1459  
applicable: 1460

(A) Pre-existing conditions provisions shall not exclude 1461  
or limit coverage for a period beyond twelve months following 1462  
the policyholder's effective date of coverage and may only 1463  
relate to conditions during the six months immediately preceding 1464  
the effective date of coverage. 1465

(B) In determining whether a pre-existing conditions 1466  
provision applies to a policyholder or dependent, each policy 1467  
shall credit the time the policyholder or dependent was covered 1468  
under a previous policy, contract, or plan if the previous 1469  
coverage was continuous to a date not more than thirty days 1470  
prior to the effective date of the new coverage, exclusive of 1471  
any applicable service waiting period under the policy. 1472

(C) (1) Except as otherwise provided in division (C) of 1473  
this section, an insurer that provides an individual sickness 1474  
and accident insurance policy to an individual shall renew or 1475  
continue in force such coverage at the option of the individual. 1476

(2) An insurer may nonrenew or discontinue coverage of an 1477  
individual in the individual market based only on one or more of 1478  
the following reasons: 1479

(a) The individual failed to pay premiums or contributions 1480  
in accordance with the terms of the policy or the insurer has 1481

not received timely premium payments. 1482

(b) The individual performed an act or practice that 1483  
constitutes fraud or made an intentional misrepresentation of 1484  
material fact under the terms of the policy. 1485

(c) The insurer is ceasing to offer coverage in the 1486  
individual market in accordance with division (D) of this 1487  
section and the applicable laws of this state. 1488

(d) If the insurer offers coverage in the market through a 1489  
network plan, the individual no longer resides, lives, or works 1490  
in the service area, or in an area for which the insurer is 1491  
authorized to do business; provided, however, that such coverage 1492  
is terminated uniformly without regard to any health status- 1493  
related factor of covered individuals. 1494

(e) If the coverage is made available in the individual 1495  
market only through one or more bona fide associations, the 1496  
membership of the individual in the association, on the basis of 1497  
which the coverage is provided, ceases; provided, however, that 1498  
such coverage is terminated under division (C) (2) (e) of this 1499  
section uniformly without regard to any health status-related 1500  
factor of covered individuals. 1501

~~An insurer offering coverage to individuals solely through 1502  
membership in a bona fide association shall not be deemed, by 1503  
virtue of that offering, to be in the individual market for 1504  
purposes of sections 3923.58 and 3923.581 of the Revised Code. 1505  
Such an insurer shall not be required to accept applicants for 1506  
coverage in the individual market pursuant to sections 3923.58 1507  
and 3923.581 of the Revised Code unless the insurer also offers 1508  
coverage to individuals other than through bona fide 1509  
associations. 1510~~

(3) An insurer may cancel or decide not to renew the coverage of a dependent of an individual if the dependent has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of the coverage and if the cancellation or nonrenewal is not based, either directly or indirectly, on any health status-related factor in relation to the dependent.

(D) (1) If an insurer decides to discontinue offering a particular type of health insurance coverage offered in the individual market, coverage of such type may be discontinued by the insurer if the insurer does all of the following:

(a) Provides notice to each individual provided coverage of this type in such market of the discontinuation at least ninety days prior to the date of the discontinuation of the coverage;

(b) Offers to each individual provided coverage of this type in such market, the option to purchase any other individual health insurance coverage currently being offered by the insurer for individuals in that market;

(c) In exercising the option to discontinue coverage of this type and in offering the option of coverage under division (D) (1) (b) of this section, acts uniformly without regard to any health status-related factor of covered individuals or of individuals who may become eligible for such coverage.

(2) If an insurer elects to discontinue offering all health insurance coverage in the individual market in this state, health insurance coverage may be discontinued by the insurer only if both of the following apply:

(a) The insurer provides notice to the department of

insurance and to each individual of the discontinuation at least 1540  
one hundred eighty days prior to the date of the expiration of 1541  
the coverage. 1542

(b) All health insurance delivered or issued for delivery 1543  
in this state in such market is discontinued and coverage under 1544  
that health insurance in that market is not renewed. 1545

(3) In the event of a discontinuation under division (D) 1546  
(2) of this section in the individual market, the insurer shall 1547  
not provide for the issuance of any health insurance coverage in 1548  
the market and this state during the five-year period beginning 1549  
on the date of the discontinuation of the last health insurance 1550  
coverage not so renewed. 1551

(E) Notwithstanding divisions (C) and (D) of this section, 1552  
an insurer may, at the time of coverage renewal, modify the 1553  
health insurance coverage for a policy form offered to 1554  
individuals in the individual market if the modification is 1555  
consistent with the law of this state and effective on a uniform 1556  
basis among all individuals with that policy form. 1557

(F) Such policies are subject to sections 2743 and 2747 of 1558  
the "Health Insurance Portability and Accountability Act of 1559  
1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-43 1560  
and 300gg-47, as amended. 1561

(G) Sections 3924.031 and 3924.032 of the Revised Code 1562  
shall apply to sickness and accident insurance policies offered 1563  
in the individual market in the same manner as they apply to 1564  
health benefit plans offered in the small employer market. 1565

In accordance with 45 C.F.R. 148.102, divisions (C) to (G) 1566  
of this section also apply to all group sickness and accident 1567  
insurance policies that are not sold in connection with an 1568

employment-related group health plan and that provide more than 1569  
short-term, limited duration coverage. 1570

In applying divisions (C) to (G) of this section with 1571  
respect to health insurance coverage that is made available by 1572  
an insurer in the individual market to individuals only through 1573  
one or more associations, the term "individual" includes the 1574  
association of which the individual is a member. 1575

For purposes of this section, any policy issued pursuant 1576  
to division (C) of section 3923.13 of the Revised Code in 1577  
connection with a public or private college or university 1578  
student health insurance program is considered to be issued to a 1579  
bona fide association. 1580

As used in this section, "bona fide association" has the 1581  
same meaning as in section 3924.03 of the Revised Code, and 1582  
"health status-related factor" and "network plan" have the same 1583  
meanings as in section 3924.031 of the Revised Code. 1584

This section does not apply to any policy that provides 1585  
coverage for specific diseases or accidents only, or to any 1586  
hospital indemnity, medicare supplement, long-term care, 1587  
disability income, one-time-limited-duration policy that is less 1588  
than twelve months, or other policy that offers only 1589  
supplemental benefits. 1590

**Sec. 3924.01.** As used in sections 3924.01 to ~~3924.14~~ 1591  
3924.06 of the Revised Code: 1592

(A) "Actuarial certification" means a written statement 1593  
prepared by a member of the American academy of actuaries, or by 1594  
any other person acceptable to the superintendent of insurance, 1595  
that states that, based upon the person's examination, a carrier 1596  
offering health benefit plans to small employers is in 1597



compliance with sections 3924.01 to ~~3924.14~~3924.06 of the 1598  
Revised Code. "Actuarial certification" shall include a review 1599  
of the appropriate records of, and the actuarial assumptions and 1600  
methods used by, the carrier relative to establishing premium 1601  
rates for the health benefit plans. 1602

~~(B) "Adjusted average market premium price" means the~~ 1603  
~~average market premium price as determined by the board of~~ 1604  
~~directors of the Ohio health reinsurance program either on the~~ 1605  
~~basis of the arithmetic mean of all carriers' premium rates for~~ 1606  
~~an OHC plan sold to groups with similar case characteristics by~~ 1607  
~~all carriers selling OHC plans in the state, or on any other~~ 1608  
~~equitable basis determined by the board.~~ 1609

~~(C)~~"Base premium rate" means, as to any health benefit 1610  
plan that is issued by a carrier and that covers at least two 1611  
but no more than fifty employees of a small employer, the lowest 1612  
premium rate for a new or existing business prescribed by the 1613  
carrier for the same or similar coverage under a plan or 1614  
arrangement covering any small employer with similar case 1615  
characteristics. 1616

~~(D)~~(C) "Carrier" means any sickness and accident 1617  
insurance company or health insuring corporation authorized to 1618  
issue health benefit plans in this state or a MEWA. A sickness 1619  
and accident insurance company that owns or operates a health 1620  
insuring corporation, either as a separate corporation or as a 1621  
line of business, shall be considered as a separate carrier from 1622  
that health insuring corporation for purposes of sections 1623  
3924.01 to ~~3924.14~~3924.06 of the Revised Code. 1624

~~(E)~~(D) "Case characteristics" means, with respect to a 1625  
small employer, the geographic area in which the employees work; 1626  
the age and sex of the individual employees and their 1627

dependents; the appropriate industry classification as 1628  
determined by the carrier; the number of employees and 1629  
dependents; and such other objective criteria as may be 1630  
established by the carrier. "Case characteristics" does not 1631  
include claims experience, health status, or duration of 1632  
coverage from the date of issue. 1633

~~(F)~~ (E) "Dependent" means the spouse or child of an 1634  
eligible employee, subject to applicable terms of the health 1635  
benefits plan covering the employee. 1636

~~(G)~~ (F) "Eligible employee" means an employee who works a 1637  
normal work week of thirty or more hours. "Eligible employee" 1638  
does not include a temporary or substitute employee, or a 1639  
seasonal employee who works only part of the calendar year on 1640  
the basis of natural or suitable times or circumstances. 1641

~~(H)~~ (G) "Health benefit plan" means any hospital or 1642  
medical expense policy or certificate or any health plan 1643  
provided by a carrier, that is delivered, issued for delivery, 1644  
renewed, or used in this state on or after the date occurring 1645  
six months after November 24, 1995. "Health benefit plan" does 1646  
not include policies covering only accident, credit, dental, 1647  
disability income, long-term care, hospital indemnity, medicare 1648  
supplement, specified disease, or vision care; coverage under a 1649  
one-time-limited-duration policy that is less than twelve 1650  
months; coverage issued as a supplement to liability insurance; 1651  
insurance arising out of a workers' compensation or similar law; 1652  
automobile medical-payment insurance; or insurance under which 1653  
benefits are payable with or without regard to fault and which 1654  
is statutorily required to be contained in any liability 1655  
insurance policy or equivalent self-insurance. 1656

~~(I)~~ (H) "Late enrollee" means an eligible employee or 1657

dependent who enrolls in a small employer's health benefit plan 1658  
other than during the first period in which the employee or 1659  
dependent is eligible to enroll under the plan or during a 1660  
special enrollment period described in section 2701(f) of the 1661  
"Health Insurance Portability and Accountability Act of 1996," 1662  
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg, as 1663  
amended. 1664

~~(J)~~ (I) "MEWA" means any "multiple employer welfare 1665  
arrangement" as defined in section 3 of the "Federal Employee 1666  
Retirement Income Security Act of 1974," 88 Stat. 832, 29 1667  
U.S.C.A. 1001, as amended, except for any arrangement which is 1668  
fully insured as defined in division (b) (6) (D) of section 514 of 1669  
that act. 1670

~~(K)~~ (J) "Midpoint rate" means, for small employers with 1671  
similar case characteristics and plan designs and as determined 1672  
by the applicable carrier for a rating period, the arithmetic 1673  
average of the applicable base premium rate and the 1674  
corresponding highest premium rate. 1675

~~(L)~~ (K) "Pre-existing conditions provision" means a policy 1676  
provision that excludes or limits coverage for charges or 1677  
expenses incurred during a specified period following the 1678  
insured's enrollment date as to a condition for which medical 1679  
advice, diagnosis, care, or treatment was recommended or 1680  
received during a specified period immediately preceding the 1681  
enrollment date. Genetic information shall not be treated as 1682  
such a condition in the absence of a diagnosis of the condition 1683  
related to such information. 1684

For purposes of this division, "enrollment date" means, 1685  
with respect to an individual covered under a group health 1686  
benefit plan, the date of enrollment of the individual in the 1687

plan or, if earlier, the first day of the waiting period for 1688  
such enrollment. 1689

~~(M)~~(L) "Service waiting period" means the period of time 1690  
after employment begins before an employee is eligible to be 1691  
covered for benefits under the terms of any applicable health 1692  
benefit plan offered by the small employer. 1693

~~(N) (1)~~(M) (1) "Small employer" means, in connection with a 1694  
group health benefit plan and with respect to a calendar year 1695  
and a plan year, an employer who employed an average of at least 1696  
two but no more than fifty eligible employees on business days 1697  
during the preceding calendar year and who employs at least two 1698  
employees on the first day of the plan year. 1699

(2) For purposes of division ~~(N) (1)~~(M) (1) of this 1700  
section, all persons treated as a single employer under 1701  
subsection (b), (c), (m), or (o) of section 414 of the "Internal 1702  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 1703  
amended, shall be considered one employer. In the case of an 1704  
employer that was not in existence throughout the preceding 1705  
calendar year, the determination of whether the employer is a 1706  
small or large employer shall be based on the average number of 1707  
eligible employees that it is reasonably expected the employer 1708  
will employ on business days in the current calendar year. Any 1709  
reference in division ~~(N)~~(M) of this section to an "employer" 1710  
includes any predecessor of the employer. Except as otherwise 1711  
specifically provided, provisions of sections 3924.01 to ~~3924.14~~ 1712  
3924.06 of the Revised Code that apply to a small employer that 1713  
has a health benefit plan shall continue to apply until the plan 1714  
anniversary following the date the employer no longer meets the 1715  
requirements of this division. 1716

~~(O) "OHC plan" means an Ohio health care plan, which is~~ 1717

~~the basic, standard, or carrier reimbursement plan for small- 1718  
employers and individuals established in accordance with section 1719  
3924.10 of the Revised Code. 1720~~

**Sec. 3924.02.** (A) An individual or group health benefit 1721  
plan is subject to sections 3924.01 to ~~3924.14~~ 3924.06 of the 1722  
Revised Code if it provides health care benefits covering at 1723  
least two but no more than fifty employees of a small employer, 1724  
and if it meets either of the following conditions: 1725

(1) Any portion of the premium or benefits is paid by a 1726  
small employer, or any covered individual is reimbursed, whether 1727  
through wage adjustments or otherwise, by a small employer for 1728  
any portion of the premium. 1729

(2) The health benefit plan is treated by the employer or 1730  
any of the covered individuals as part of a plan or program for 1731  
purposes of section 106 or 162 of the "Internal Revenue Code of 1732  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 1733

(B) Notwithstanding division (A) of this section, 1734  
divisions (D), (E) (2), (F), and (G) of section 3924.03 of the 1735  
Revised Code and section 3924.04 of the Revised Code do not 1736  
apply to health benefit policies that are not sold to owners of 1737  
small businesses as an employment benefit plan. Such policies 1738  
shall clearly state that they are not being sold as an 1739  
employment benefit plan and that the owner of the business is 1740  
not responsible, either directly or indirectly, for paying the 1741  
premium or benefits. 1742

(C) Every health benefit plan offered or delivered by a 1743  
carrier, other than a health insuring corporation, to a small 1744  
employer is subject to sections 3923.23, 3923.231, 3923.232, 1745  
3923.233, and 3923.234 of the Revised Code and any other 1746

provision of the Revised Code that requires the reimbursement, 1747  
utilization, or consideration of a specific category of a 1748  
licensed or certified health care practitioner. 1749

(D) Except as expressly provided in sections 3924.01 to 1750  
~~3924.14~~3924.06 of the Revised Code, no health benefit plan 1751  
offered to a small employer is subject to any of the following: 1752

(1) Any law that would inhibit any carrier from 1753  
contracting with providers or groups of providers with respect 1754  
to health care services or benefits; 1755

(2) Any law that would impose any restriction on the 1756  
ability to negotiate with providers regarding the level or 1757  
method of reimbursing care or services provided under the health 1758  
benefit plan; 1759

(3) Any law that would require any carrier to either 1760  
include a specific provider or class of provider when 1761  
contracting for health care services or benefits, or to exclude 1762  
any class of provider that is generally authorized by statute to 1763  
provide such care. 1764

**Sec. 3924.06.** (A) Compliance with the underwriting and 1765  
rating requirements contained in sections 3924.01 to ~~3924.14~~ 1766  
3924.06 of the Revised Code shall be demonstrated through 1767  
actuarial certification. Carriers offering health benefit plans 1768  
to small employers shall file annually with the superintendent 1769  
of insurance an actuarial certification stating that the 1770  
underwriting and rating methods of the carrier do all of the 1771  
following: 1772

(1) Comply with accepted actuarial practices; 1773

(2) Are uniformly applied to health benefit plans covering 1774  
small employers; 1775

(3) Comply with the applicable provisions of sections 1776  
3924.01 to ~~3924.14~~3924.06 of the Revised Code. 1777

(B) If a carrier has established a separate class of 1778  
business for one or more small employer health care alliances in 1779  
accordance with section 1731.09 of the Revised Code, this 1780  
section shall apply in accordance with section 1731.09 of the 1781  
Revised Code. 1782

(C) Carriers offering health benefit plans to small 1783  
employers shall file premium rates with the superintendent in 1784  
accordance with section 3923.02 of the Revised Code with respect 1785  
to the carrier's sickness and accident insurance policies sold 1786  
to small employers and in accordance with section 1751.12 of the 1787  
Revised Code with respect to the carrier's health insuring 1788  
corporation policies sold to small employers. 1789

**Sec. 3924.73.** (A) As used in this section: 1790

(1) "Health care insurer" means any person legally engaged 1791  
in the business of providing sickness and accident insurance 1792  
contracts in this state, a health insuring corporation organized 1793  
under Chapter 1751. of the Revised Code, or any legal entity 1794  
that is self-insured and provides health care benefits to its 1795  
employees or members. 1796

(2) "Small employer" has the same meaning as in section 1797  
3924.01 of the Revised Code. 1798

(B) (1) Subject to division (B) (2) of this section, nothing 1799  
in sections 3924.61 to 3924.74 of the Revised Code shall be 1800  
construed to limit the rights, privileges, or protections of 1801  
employees or small employers under sections 3924.01 to ~~3924.14~~ 1802  
3924.06 of the Revised Code. 1803

(2) If any account holder enrolls or applies to enroll in 1804

a policy or contract offered by a health care insurer providing 1805  
sickness and accident coverage that is more comprehensive than, 1806  
and has a deductible amount that is less than, the coverage and 1807  
deductible amount of the policy under which the account holder 1808  
currently is enrolled, the health care insurer to which the 1809  
account holder applies may subject the account holder to the 1810  
same medical review, waiting periods, and underwriting 1811  
requirements to which the health care insurer generally subjects 1812  
other enrollees or applicants, unless the account holder enrolls 1813  
or applies to enroll during a designated period of open 1814  
enrollment. 1815

**Sec. 4125.041.** A shared employee under a professional 1816  
employer organization agreement shall not, solely as a result of 1817  
being a shared employee, be considered an employee of the 1818  
professional employer organization for purposes of general 1819  
liability insurance, fidelity bonds, surety bonds, employer 1820  
liability not otherwise covered by Chapters 4121. and 4123. of 1821  
the Revised Code, or liquor liability insurance carried by the 1822  
professional employer organization, unless the professional 1823  
employer organization agreement and applicable prearranged 1824  
employment contract, insurance contract, or bond specifically 1825  
states otherwise. 1826

A shared employee shall be considered an employee of the 1827  
professional employer organization for purposes of determining 1828  
whether a professional employer organization who sponsors a 1829  
group health benefit plan is a small employer under division ~~(N)~~ 1830  
~~(1)~~ (M) (1) of section 3924.01 of the Revised Code. A fully 1831  
insured health benefit plan sponsored by a professional employer 1832  
organization is not subject to sections 3924.01 to ~~3924.14~~ 1833  
3924.06 of the Revised Code if the professional employer 1834  
organization is not a small employer for purposes of those 1835



sections. 1836

**Sec. 4141.131.** The director of job and family services may 1837  
enter into contracts for the sale of real property no longer 1838  
needed by the director of job and family services for the 1839  
operations of the director of job and family services under this 1840  
title. Any costs attributable to the director of job and family 1841  
services that are associated with the sale of real property 1842  
under this section shall be paid out of the unemployment 1843  
compensation special administrative fund established pursuant to 1844  
section 4141.11 of the Revised Code. ~~The director of job and~~ 1845  
~~family services shall submit a report summarizing the use of~~ 1846  
~~that fund for the purpose of this section at least annually to~~ 1847  
~~the unemployment compensation advisory council as prescribed by~~ 1848  
~~the council.~~ 1849

The director of administrative services, with the 1850  
assistance of the attorney general, shall prepare a deed to the 1851  
real property being sold upon notice from the director of job 1852  
and family services that a contract for the sale of that 1853  
property has been executed in accordance with this section. The 1854  
deed shall state the consideration and any conditions placed 1855  
upon the sale. The deed shall be executed by the governor in the 1856  
name of the state, countersigned by the secretary of state, 1857  
sealed with the great seal of the state, presented in the office 1858  
of the director of administrative services for recording, and 1859  
delivered to the buyer upon payment of the balance of the 1860  
purchase price. 1861

The buyer shall present the deed for recording in the 1862  
county recorder's office of the county in which the real 1863  
property is located. 1864

**Sec. 4141.25.** (A) The director of job and family services 1865

shall determine as of each computation date the contribution 1866  
rate of each contributing employer subject to this chapter for 1867  
the next succeeding contribution period. The director shall 1868  
determine a standard rate of contribution or an experience rate 1869  
for each contributing employer. Once a rate of contribution has 1870  
been established under this section for a contribution period, 1871  
except as provided in division (D) of section 4141.26 of the 1872  
Revised Code, that rate shall remain effective throughout such 1873  
contribution period. The rate of contribution shall be 1874  
determined in accordance with the following requirements: 1875

(1) An employer whose experience does not meet the terms 1876  
of division (A) (2) of this section shall be assigned a standard 1877  
rate of contribution. Effective for contribution periods 1878  
beginning on and after January 1, 1998, an employer's standard 1879  
rate of contribution shall be a rate of two and seven-tenths per 1880  
cent, except that the rate for employers engaged in the 1881  
construction industry shall be the average contribution rate 1882  
computed for the construction industry or a rate of two and 1883  
seven-tenths per cent, whichever is greater. The standard rate 1884  
set forth in this division shall be applicable to a nonprofit 1885  
organization whose election to make payments in lieu of 1886  
contributions is voluntarily terminated or canceled by the 1887  
director under section 4141.241 of the Revised Code, and 1888  
thereafter pays contributions as required by this section. If 1889  
such nonprofit organization had been a contributory employer 1890  
prior to its election to make payments in lieu of contributions, 1891  
then any prior balance in the contributory account shall become 1892  
part of the reactivated account. 1893

As used in division (A) of this section, "the average 1894  
contribution rate computed for the construction industry" means 1895  
the most recent annual average rate attributable to the 1896

construction industry as prescribed by the director. 1897

(2) A contributing employer subject to this chapter shall 1898  
qualify for an experience rate only if there have been four 1899  
consecutive quarters, ending on the thirtieth day of June 1900  
immediately prior to the computation date, throughout which the 1901  
employer's account was chargeable with benefits. Upon meeting 1902  
the qualifying requirements provided in division (A) (2) of this 1903  
section, the director shall calculate the total credits to each 1904  
employer's account consisting of the contributions other than 1905  
mutualized contributions including all contributions paid prior 1906  
to the computation date for all past periods plus: 1907

(a) The contributions owing on the computation date that 1908  
are paid within thirty days after the computation date, and 1909  
credited to the employer's account; 1910

(b) All voluntary contributions paid by an employer 1911  
pursuant to division (B) of section 4141.24 of the Revised Code. 1912

(3) The director also shall determine the benefits which 1913  
are chargeable to each employer's account and which were paid 1914  
prior to the computation date with respect to weeks of 1915  
unemployment ending prior to the computation date. The director 1916  
then shall determine the positive or negative balance of each 1917  
employer's account by calculating the excess of such 1918  
contributions and interest over the benefits chargeable, or the 1919  
excess of such benefits over such contributions and interest. 1920  
Any resulting negative balance then shall be subject to 1921  
adjustment as provided in division (A) (2) of section 4141.24 of 1922  
the Revised Code after which the positive or negative balance 1923  
shall be expressed in terms of a percentage of the employer's 1924  
average annual payroll. If the total standing to the credit of 1925  
an employer's account exceeds the total charges, as provided in 1926

this division, the employer has a positive balance and if such 1927  
charges exceed such credits the employer has a negative balance. 1928  
Each employer's contribution rate shall then be determined in 1929  
accordance with the following schedule: 1930

Contribution Rate Schedule 1931

1932

1	2	3
A	If, as of the computation date the contribution rate balance of an employer's account as a percentage of the employer's average annual payroll is	The employer's contribution rate for the next succeeding contribution period shall be
B	(a) A negative balance of:	
C	20.0% or more	6.5%
D	19.0% but less than 20.0%	6.4%
E	17.0% but less than 19.0%	6.3%
F	15.0% but less than 17.0%	6.2%
G	13.0% but less than 15.0%	6.1%
H	11.0% but less than 13.0%	6.0%
I	9.0% but less than 11.0%	5.9%
J	5.0% but less than 9.0%	5.7%

K	4.0% but less than 5.0%	5.5%
L	3.0% but less than 4.0%	5.3%
M	2.0% but less than 3.0%	5.1%
N	1.0% but less than 2.0%	4.9%
O	more than 0.0% but less than 1.0%	4.8%
P	(b) A 0.0% or a positive balance of less than 1.0%	4.7%
Q	(c) A positive balance of:	
R	1.0% or more, but less than 1.5%	4.6%
S	1.5% or more, but less than 2.0%	4.5%
T	2.0% or more, but less than 2.5%	4.3%
U	2.5% or more, but less than 3.0%	4.0%
V	3.0% or more, but less than 3.5%	3.8%
W	3.5% or more, but less than 4.0%	3.5%
X	4.0% or more, but less than 4.5%	3.3%
Y	4.5% or more, but less than 5.0%	3.0%
Z	5.0% or more, but less than 5.5%	2.8%
AA	5.5% or more, but less than 6.0%	2.5%
AB	6.0% or more, but less than 6.5%	2.2%

AC	6.5% or more, but less than 7.0%	2.0%
AD	7.0% or more, but less than 7.5%	1.8%
AE	7.5% or more, but less than 8.0%	1.6%
AF	8.0% or more, but less than 8.5%	1.4%
AG	8.5% or more, but less than 9.0%	1.3%
AH	9.0% or more, but less than 9.5%	1.1%
AI	9.5% or more, but less than 10.0%	1.0%
AJ	10.0% or more, but less than 10.5%	.9%
AK	10.5% or more, but less than 11.0%	.7%
AL	11.0% or more, but less than 11.5%	.6%
AM	11.5% or more, but less than 12.0%	.5%
AN	12.0% or more, but less than 12.5%	.4%
AO	12.5% or more, but less than 13.0%	.3%
AP	13.0% or more, but less than 14.0%	.2%
AQ	14.0% or more	.1%

(d) The contribution rates shall be as specified in 1933  
divisions (a), (b), and (c) of the contribution rate schedule 1934  
except that notwithstanding the amendments made to division (a) 1935  
of the contribution rate schedule in this section, if, as of the 1936  
computation date: for 1991, the negative balance is 5.0% or 1937

more, the contribution rate shall be 5.7%; for 1992, if the  
negative balance is 11.0% or more, the contribution rate shall  
be 6.0%; and for 1993, if the negative balance is 17.0% or more,  
the contribution rate shall be 6.3%. Thereafter, the  
contribution rates shall be as specified in the contribution  
rate schedule.

(B) (1) The director shall establish and maintain a  
separate account to be known as the "mutualized account." As of  
each computation date there shall be charged to this account:

(a) As provided in division (A) (2) of section 4141.24 of  
the Revised Code, an amount equal to the sum of that portion of  
the negative balances of employer accounts which exceeds the  
applicable limitations as such balances are computed under  
division (A) of this section as of such date;

(b) An amount equal to the sum of the negative balances  
remaining in employer accounts which have been closed during the  
year immediately preceding such computation date pursuant to  
division (E) of section 4141.24 of the Revised Code;

(c) An amount equal to the sum of all benefits improperly  
paid preceding such computation date which are not recovered but  
which are not charged to an employer's account, or which after  
being charged, are credited back to an employer's account;

(d) An amount equal to the sum of any other benefits paid  
preceding such computation date which, under this chapter, are  
not chargeable to an employer's account;

(e) An amount equal to the sum of any refunds made during  
the year immediately preceding such computation date of  
erroneously collected mutualized contributions required by this  
division which were previously credited to this account;

(f) An amount equal to the sum of any repayments made to the federal government during the year immediately preceding such computation date of amounts which may have been advanced by it to the unemployment compensation fund under section 1201 of the "Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301;	1967 1968 1969 1970 1971
(g) Any amounts appropriated by the general assembly out of funds paid by the federal government, under section 903 of the "Social Security Act," to the account of this state in the federal unemployment trust fund.	1972 1973 1974 1975
(2) As of every computation date there shall be credited to the mutualized account provided for in this division:	1976 1977
(a) The proceeds of the mutualized contributions as provided in this division;	1978 1979
(b) Any positive balances remaining in employer accounts which are closed as provided in division (E) of section 4141.24 of the Revised Code;	1980 1981 1982
(c) Any benefits improperly paid which are recovered but which cannot be credited to an employer's account;	1983 1984
(d) All amounts which may be paid by the federal government under section 903 of the "Social Security Act" to the account of this state in the federal unemployment trust fund;	1985 1986 1987
(e) Amounts advanced by the federal government to the account of this state in the federal unemployment trust fund under section 1201 of the "Social Security Act" to the extent such advances have been repaid to or recovered by the federal government;	1988 1989 1990 1991 1992
(f) Interest credited to the Ohio unemployment trust fund as deposited with the secretary of the treasury of the United	1993 1994



States;	1995
(g) Amounts deposited into the unemployment compensation fund for penalties collected pursuant to division (A) (4) of section 4141.35 of the Revised Code.	1996 1997 1998
(3) Annually, as of the computation date, the director shall determine the total credits and charges made to the mutualized account during the preceding twelve months and the overall condition of the account. The director shall issue an annual statement containing this information and such other information as the director deems pertinent, including a report that the sum of the balances in the mutualized account, employers' accounts, and any subsidiary accounts equal the balance in the state's unemployment trust fund maintained under section 904 of the "Social Security Act."	1999 2000 2001 2002 2003 2004 2005 2006 2007 2008
(4) As used in this division:	2009
(a) "Fund as of the computation date" means as of any computation date, the aggregate amount of the unemployment compensation fund, including all contributions owing on the computation date that are paid within thirty days thereafter, all payments in lieu of contributions that are paid within sixty days after the computation date, all reimbursements of the federal share of extended benefits described in section 4141.301 of the Revised Code that are owing on the computation date, and all interest earned by the fund and received on or before the computation date from the federal government.	2010 2011 2012 2013 2014 2015 2016 2017 2018 2019
(b) "Minimum safe level" means an amount equal to two standard deviations above the average of the adjusted annual average unemployment compensation benefit payment from 1970 to the most recent calendar year prior to the computation date, as	2020 2021 2022 2023

determined by the director pursuant to division (B) (4) (b) of 2024  
this section. To determine the adjusted annual payment of 2025  
unemployment compensation benefits, the director first shall 2026  
multiply the number of weeks compensated during each calendar 2027  
year beginning with 1970 by the most recent annual average 2028  
weekly unemployment compensation benefit payment and then 2029  
compute the average and standard deviation of the resultant 2030  
products. 2031

(c) "Annual average weekly unemployment compensation 2032  
benefit payment" means the amount resulting from dividing the 2033  
unemployment compensation benefits paid from the benefit account 2034  
maintained within the unemployment compensation fund pursuant to 2035  
section 4141.09 of the Revised Code, by the number of weeks 2036  
compensated during the same time period. 2037

(5) If, as of any computation date, the charges to the 2038  
mutualized account during the entire period subsequent to the 2039  
computation date, July 1, 1966, made in accordance with division 2040  
(B) (1) of this section, exceed the credits to such account 2041  
including mutualized contributions during such period, made in 2042  
accordance with division (B) (2) of this section, the amount of 2043  
such excess charges shall be recovered during the next 2044  
contribution period. To recover such amount, the director shall 2045  
compute the percentage ratio of such excess charges to the 2046  
average annual payroll of all employers eligible for an 2047  
experience rate under division (A) of this section. The 2048  
percentage so determined shall be computed to the nearest tenth 2049  
of one per cent and shall be an additional contribution rate to 2050  
be applied to the wages paid by each employer whose rate is 2051  
computed under the provisions of division (A) of this section in 2052  
the contribution period next following such computation date, 2053  
but such percentage shall not exceed five-tenths of one per 2054

cent; however, when there are any excess charges in the 2055  
mutualized account, as computed in this division, then the 2056  
mutualized contribution rate shall not be less than one-tenth of 2057  
one per cent. 2058

(6) If the fund as of the computation date is above or 2059  
below minimum safe level, the contribution rates provided for in 2060  
each classification in division (A) (3) of this section for the 2061  
next contribution period shall be adjusted as follows: 2062

(a) If the fund is thirty per cent or more above minimum 2063  
safe level, the contribution rates provided in division (A) (3) 2064  
of this section shall be decreased two-tenths of one per cent. 2065

(b) If the fund is more than fifteen per cent but less 2066  
than thirty per cent above minimum safe level, the contribution 2067  
rates provided in division (A) (3) of this section shall be 2068  
decreased one-tenth of one per cent. 2069

(c) If the fund is more than fifteen per cent but less 2070  
than thirty per cent below minimum safe level, the contribution 2071  
rates of all employers shall be increased twenty-five one- 2072  
thousandths of one per cent plus a per cent increase calculated 2073  
and rounded pursuant to division (B) (6) (g) of this section. 2074

(d) If the fund is more than thirty per cent but less than 2075  
forty-five per cent below minimum safe level, the contribution 2076  
rates of all employers shall be increased seventy-five one- 2077  
thousandths of one per cent plus a per cent increase calculated 2078  
and rounded pursuant to division (B) (6) (g) of this section. 2079

(e) If the fund is more than forty-five per cent but less 2080  
than sixty per cent below minimum safe level, the contribution 2081  
rates of all employers shall be increased one-eighth of one per 2082  
cent plus a per cent increase calculated and rounded pursuant to 2083

division (B) (6) (g) of this section. 2084

(f) If the fund is sixty per cent or more below minimum 2085  
safe level, the contribution rates of all employers shall be 2086  
increased two-tenths of one per cent plus a per cent increase 2087  
calculated and rounded pursuant to division (B) (6) (g) of this 2088  
section. 2089

(g) The additional per cent increase in contribution rates 2090  
required by divisions (B) (6) (c), (d), (e), and (f) of this 2091  
section that is payable by each individual employer shall be 2092  
calculated in the following manner. The flat rate increase 2093  
required by a particular division shall be multiplied by three 2094  
and the product divided by the average experienced-rated 2095  
contribution rate for all employers as determined by the 2096  
director for the most recent calendar year. The resulting 2097  
quotient shall be multiplied by an individual employer's 2098  
contribution rate determined pursuant to division (A) (3) of this 2099  
section. The resulting product shall be rounded to the nearest 2100  
tenth of one per cent, added to the flat rate increase required 2101  
by division (B) (6) (c), (d), (e), or (f) of this section, as 2102  
appropriate, and the total shall be rounded to the nearest tenth 2103  
of one per cent. As used in division (B) (6) (g) of this section, 2104  
the "average experienced-rated contribution rate" means the most 2105  
recent annual average contribution rate reported by the director 2106  
contained in report RS 203.2 less the mutualized and minimum 2107  
safe level contribution rates included in such rate. 2108

(h) If any of the increased contribution rates of division 2109  
(B) (6) (c), (d), (e), or (f) of this section are imposed, the 2110  
rate shall remain in effect for the calendar year in which it is 2111  
imposed and for each calendar year thereafter until the director 2112  
determines as of the computation date for calendar year 1991 and 2113

as of the computation date for any calendar year thereafter 2114  
pursuant to this section, that the level of the unemployment 2115  
compensation fund equals or exceeds the minimum safe level as 2116  
defined in division (B) (4) (b) of this section. Nothing in 2117  
division (B) (6) (h) of this section shall be construed as 2118  
restricting the imposition of the increased contribution rates 2119  
provided in divisions (B) (6) (c), (d), (e), and (f) of this 2120  
section if the fund falls below the percentage of the minimum 2121  
safe level as specified in those divisions. 2122

(7) The additional contributions required by division (B) 2123  
(5) of this section shall be credited to the mutualized account. 2124  
The additional contributions required by division (B) (6) of this 2125  
section shall be credited fifty per cent to individual employer 2126  
accounts and fifty per cent to the mutualized account. 2127

(C) If an employer makes a payment of contributions which 2128  
is less than the full amount required by this section and 2129  
sections 4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, 2130  
and 4141.27 of the Revised Code, such partial payment shall be 2131  
applied first against the mutualized contributions required 2132  
under this chapter. Any remaining partial payment shall be 2133  
credited to the employer's individual account. 2134

(D) Whenever there are any increases in contributions 2135  
resulting from an increase in wages subject to contributions as 2136  
defined in division (G) of section 4141.01 of the Revised Code, 2137  
or from an increase in the mutualized rate of contributions 2138  
provided in division (B) of this section, or from a revision of 2139  
the contribution rate schedule provided in division (A) of this 2140  
section, except for that portion of the increase attributable to 2141  
a change in the positive or negative balance in an employer's 2142  
account, which increases become effective after a contract for 2143

the construction of real property, as defined in section 5701.02 2144  
of the Revised Code, has been entered into, the contractee upon 2145  
written notice by a prime contractor shall reimburse the 2146  
contractor for all increased contributions paid by the prime 2147  
contractor or by subcontractors upon wages for services 2148  
performed under the contract. Upon reimbursement by the 2149  
contractee to the prime contractor, the prime contractor shall 2150  
reimburse each subcontractor for the increased contributions. 2151

(E) Effective only for the contribution period beginning 2152  
on January 1, 1996, and ending on December 31, 1996, mutualized 2153  
contributions collected or received by the director pursuant to 2154  
division (B) (5) of this section and amounts credited to the 2155  
mutualized account pursuant to division (B) (7) of this section 2156  
shall be deposited into or credited to the unemployment 2157  
compensation benefit reserve fund that is created under division 2158  
(F) of this section, except that amounts collected, received, or 2159  
credited in excess of two hundred million dollars shall be 2160  
deposited into or credited to the unemployment trust fund 2161  
established pursuant to section 4141.09 of the Revised Code. 2162

(F) The state unemployment compensation benefit reserve 2163  
fund is hereby created as a trust fund in the custody of the 2164  
treasurer of state and shall not be part of the state treasury. 2165  
The fund shall consist of all moneys collected or received as 2166  
mutualized contributions pursuant to division (B) (5) of this 2167  
section and amounts credited to the mutualized account pursuant 2168  
to division (B) (7) of this section as provided by division (E) 2169  
of this section. All moneys in the fund shall be used solely to 2170  
pay unemployment compensation benefits in the event that funds 2171  
are no longer available for that purpose from the unemployment 2172  
trust fund established pursuant to section 4141.09 of the 2173  
Revised Code. 2174

(G) The balance in the unemployment compensation benefit 2175  
reserve fund remaining at the end of the contribution period 2176  
beginning January 1, 2000, and any mutualized contribution 2177  
amounts for the contribution period beginning on January 1, 2178  
1996, that may be received after December 31, 2000, shall be 2179  
deposited into the unemployment trust fund established pursuant 2180  
to section 4141.09 of the Revised Code. Income earned on moneys 2181  
in the state unemployment compensation benefit reserve fund 2182  
shall be available for use by the director only for the purposes 2183  
described in division (I) of this section, and shall not be used 2184  
for any other purpose. 2185

(H) The unemployment compensation benefit reserve fund 2186  
balance shall be added to the unemployment trust fund balance in 2187  
determining the minimum safe level tax to be imposed pursuant to 2188  
division (B) of this section and shall be included in the 2189  
mutualized account balance for the purpose of determining the 2190  
mutualized contribution rate pursuant to division (B) (5) of this 2191  
section. 2192

(I) All income earned on moneys in the unemployment 2193  
compensation benefit reserve fund from the investment of the 2194  
fund by the treasurer of state shall accrue to the department of 2195  
job and family services automation administration fund, which is 2196  
hereby established in the state treasury. Moneys within the 2197  
automation administration fund shall be used to meet the costs 2198  
related to automation of the department and the administrative 2199  
costs related to collecting and accounting for unemployment 2200  
compensation benefit reserve fund revenue. Any funds remaining 2201  
in the automation administration fund upon completion of the 2202  
department's automation projects that are funded by that fund 2203  
shall be deposited into the unemployment trust fund established 2204  
pursuant to section 4141.09 of the Revised Code. 2205

(J) ~~The director shall prepare and submit monthly reports to the unemployment compensation advisory commission with respect to the status of efforts to collect and account for unemployment compensation benefit reserve fund revenue and the costs related to collecting and accounting for that revenue. The director shall obtain approval from the unemployment compensation advisory commission for expenditure of funds from the department of job and family services automation administration fund. Funds may be approved~~ approve funds for expenditure for purposes set forth in division (I) of this section only to the extent that federal or other funds are not available.

**Sec. 4141.292.** An individual suffering total or partial unemployment directly attributable to a major disaster declared by the president of the United States pursuant to the "Disaster Relief Act of 1974," 88 Stat. 143, 42 U.S.C. 5121, who is not eligible to be paid unemployment compensation benefits under this chapter or any other state or federal unemployment compensation law for the first week of the individual's unemployment caused by the disaster is eligible to be paid a state disaster unemployment benefit payment for that week.

The director shall compute the state disaster unemployment benefit payment as if the individual was otherwise qualified and claiming weekly unemployment compensation benefits under this chapter. The director shall pay the state disaster unemployment benefit payment from the unemployment compensation special administrative fund created in section 4141.11 of the Revised Code. The director shall maintain appropriate records of payments made under this section ~~and shall submit those records at least annually to the unemployment compensation advisory council as prescribed by the council.~~



**Sec. 4715.03.** (A) The state dental board shall organize by 2237  
electing from its members a president, vice-president, 2238  
secretary, and vice-secretary. The secretary and vice-secretary 2239  
shall be elected from the members of the board who are dentists. 2240  
It shall hold meetings monthly at least eight months a year at 2241  
such times and places as the board designates. A majority of the 2242  
members of the board shall constitute a quorum. The board shall 2243  
make such reasonable rules as it determines necessary pursuant 2244  
to Chapter 119. of the Revised Code. 2245

(B) A concurrence of a majority of the members of the 2246  
board shall be required to do any of the following: 2247

(1) Grant, refuse, suspend, place on probationary status, 2248  
revoke, refuse to renew, or refuse to reinstate a license or 2249  
censure a license holder or take any other action authorized 2250  
under section 4715.30 of the Revised Code; 2251

(2) Seek an injunction under section 4715.05 of the 2252  
Revised Code; 2253

(3) Enter into a consent agreement with a license holder; 2254

(4) If the board develops and implements the quality 2255  
intervention program under section 4715.031 of the Revised Code, 2256  
refer a license holder to the program; 2257

(5) Terminate an investigation conducted under division 2258  
(D) of this section; 2259

(6) Dismiss any complaint filed with the board. 2260

(C) (1) The board shall adopt rules in accordance with 2261  
Chapter 119. of the Revised Code to do both of the following: 2262

(a) Establish standards for the safe practice of dentistry 2263  
and dental hygiene by qualified practitioners and shall, through 2264

its policies and activities, promote such practice;	2265
(b) Establish universal blood and body fluid precautions	2266
that shall be used by each person licensed under this chapter	2267
who performs exposure prone invasive procedures.	2268
(2) The rules adopted under division (C) (1) (b) of this	2269
section shall define and establish requirements for universal	2270
blood and body fluid precautions that include the following:	2271
(a) Appropriate use of hand washing;	2272
(b) Disinfection and sterilization of equipment;	2273
(c) Handling and disposal of needles and other sharp	2274
instruments;	2275
(d) Wearing and disposal of gloves and other protective	2276
garments and devices.	2277
(D) The board shall administer and enforce the provisions	2278
of this chapter. The board shall, in accordance with sections	2279
4715.032 to 4715.035 of the Revised Code, investigate evidence	2280
which appears to show that any person has violated any provision	2281
of this chapter. Any person may report to the board under oath	2282
any information such person may have appearing to show a	2283
violation of any provision of this chapter. In the absence of	2284
bad faith, any person who reports such information or who	2285
testifies before the board in any disciplinary proceeding	2286
conducted pursuant to Chapter 119. of the Revised Code is not	2287
liable for civil damages as a result of making the report or	2288
providing testimony. If after investigation and reviewing the	2289
recommendation of the <del>supervisory investigative panel</del> <u>secretary</u>	2290
<u>and vice-secretary</u> issued pursuant to section 4715.034 of the	2291
Revised Code the board determines that there are reasonable	2292
grounds to believe that a violation of this chapter has	2293

occurred, the board shall, except as provided in this chapter, 2294  
conduct disciplinary proceedings pursuant to Chapter 119. of the 2295  
Revised Code, seek an injunction under section 4715.05 of the 2296  
Revised Code, enter into a consent agreement with a license 2297  
holder, or provide for a license holder to participate in the 2298  
quality intervention program established under section 4715.031 2299  
of the Revised Code if the board develops and implements that 2300  
program. 2301

For the purpose of any disciplinary proceeding or any 2302  
investigation conducted under this division, the board may 2303  
administer oaths, order the taking of depositions, issue 2304  
subpoenas in accordance with section 4715.033 of the Revised 2305  
Code, compel the attendance and testimony of persons at 2306  
depositions, and compel the production of books, accounts, 2307  
papers, documents, or other tangible things. The hearings and 2308  
investigations of the board shall be considered civil actions 2309  
for the purposes of section 2305.252 of the Revised Code. 2310  
Notwithstanding section 121.22 of the Revised Code and except as 2311  
provided in section 4715.036 of the Revised Code, proceedings of 2312  
the board relative to the investigation of a complaint or the 2313  
determination whether there are reasonable grounds to believe 2314  
that a violation of this chapter has occurred are confidential 2315  
and are not subject to discovery in any civil action. 2316

(E) (1) The board shall examine or cause to be examined 2317  
eligible applicants to practice dental hygiene. The board may 2318  
distinguish by rule different classes of qualified personnel 2319  
according to skill levels and require all or only certain of 2320  
these classes of qualified personnel to be examined and 2321  
certified by the board. 2322

(2) The board shall administer a written jurisprudence 2323

examination to each applicant for a license to practice 2324  
dentistry. The examination shall cover only the statutes and 2325  
administrative rules governing the practice of dentistry in this 2326  
state. 2327

(F) (1) In accordance with Chapter 119. of the Revised 2328  
Code, subject to division (F) (2) of this section the board shall 2329  
adopt, and may amend or rescind, rules establishing the 2330  
eligibility criteria, the application and permit renewal 2331  
procedures, and safety standards applicable to a dentist 2332  
licensed under this chapter who applies for a permit to employ 2333  
or use conscious sedation. These rules shall include all of the 2334  
following: 2335

(a) The eligibility requirements and application 2336  
procedures for an eligible dentist to obtain a conscious 2337  
sedation permit; 2338

(b) The minimum educational and clinical training 2339  
standards required of applicants, which shall include 2340  
satisfactory completion of an advanced cardiac life support 2341  
course; 2342

(c) The facility equipment and inspection requirements; 2343

(d) Safety standards; 2344

(e) Requirements for reporting adverse occurrences. 2345

(2) The board shall issue a permit to employ or use 2346  
conscious sedation in accordance with Chapter 4796. of the 2347  
Revised Code to a dentist licensed under this chapter if either 2348  
of the following applies: 2349

(a) The dentist holds a license or permit to employ or use 2350  
conscious sedation in another state. 2351

(b) The dentist has satisfactory work experience, a 2352  
government certification, or a private certification as 2353  
described in Chapter 4796. of the Revised Code in employing or 2354  
using conscious sedation in a state that does not issue that 2355  
license. 2356

(G) (1) In accordance with Chapter 119. of the Revised 2357  
Code, subject to division (G) (2) of this section the board shall 2358  
adopt rules establishing eligibility criteria, application and 2359  
permit renewal procedures, and safety standards applicable to a 2360  
dentist licensed under this chapter who applies for a general 2361  
anesthesia permit. 2362

(2) The board shall issue a general anesthesia permit in 2363  
accordance with Chapter 4796. of the Revised Code to a dentist 2364  
licensed under this chapter if either of the following applies: 2365

(a) The dentist holds a general anesthesia license or 2366  
permit in another state. 2367

(b) The dentist has satisfactory work experience, a 2368  
government certification, or a private certification as 2369  
described in Chapter 4796. of the Revised Code utilizing general 2370  
anesthesia in a state that does not issue that license or 2371  
permit. 2372

**Sec. 4715.032.** ~~There is hereby created the supervisory~~ 2373  
~~investigative panel of the state dental board. The supervisory~~ 2374  
~~investigative panel shall consist solely of the board's Pursuant~~ 2375  
~~to sections 4715.03, 4715.033, 4715.034, 4715.035, and 4715.30~~ 2376  
~~of the Revised Code, the secretary and vice-secretary. The~~ 2377  
~~supervisory investigative panel of the state dental board shall~~ 2378  
~~jointly supervise all of the board's investigations.~~ 2379

**Sec. 4715.033.** (A) All subpoenas the state dental board 2380

seeks to issue with respect to an investigation shall, subject 2381  
to division (B) of this section, be authorized by the 2382  
~~supervisory investigative panel~~secretary and vice-secretary of 2383  
the state dental board. 2384

(B) Before the ~~supervisory investigative panel~~ authorizes 2385  
~~secretary and vice-secretary of the state dental board~~ authorize 2386  
the state dental board to issue a subpoena, the ~~panel~~secretary 2387  
and vice-secretary shall consult with the office of the attorney 2388  
general and determine whether there is probable cause to believe 2389  
that the complaint filed alleges a violation of this chapter or 2390  
any rule adopted under it and that the information sought 2391  
pursuant to the subpoena is relevant to the alleged violation 2392  
and material to the investigation. 2393

(C) (1) Any subpoena to compel the production of records 2394  
that the board issues ~~after authorization by the supervisory~~ 2395  
~~investigative panel~~ shall pertain to records that cover a 2396  
reasonable period of time surrounding the alleged violation. 2397

(2) (a) Except as provided in division (C) (2) (b) of this 2398  
section, the subpoena shall state that the person being 2399  
subpoenaed has a reasonable period of time that is not less than 2400  
seven calendar days to comply with the subpoena. 2401

(b) If the board's secretary determines that the person 2402  
being subpoenaed represents a clear and immediate danger to the 2403  
public health and safety, the subpoena shall state that the 2404  
person being subpoenaed must immediately comply with the 2405  
subpoena. 2406

(D) On a person's failure to comply with a subpoena issued 2407  
by the board and after reasonable notice to that person of the 2408  
failure, the board may move for an order compelling the 2409

production of persons or records pursuant to the Rules of Civil Procedure. 2410  
2411

**Sec. 4715.034.** (A) At any time during an investigation, 2412  
the ~~supervisory investigative panel~~ secretary and vice-secretary 2413  
of the state dental board may ask to meet with the individual 2414  
who is the subject of the investigation. At the conclusion of 2415  
the investigation, the ~~panel~~ secretary and vice-secretary shall 2416  
recommend that the state dental board do one of the following: 2417

(1) Pursue disciplinary action under section 4715.30 of 2418  
the Revised Code; 2419

(2) Seek an injunction under section 4715.05 of the 2420  
Revised Code; 2421

(3) Enter into a consent agreement if the subject of the 2422  
investigation is a licensee; 2423

(4) Refer the individual to the quality intervention 2424  
program, if that program is developed and implemented under 2425  
section 4715.031 of the Revised Code and the subject of the 2426  
investigation is a licensee; 2427

(5) Terminate the investigation. 2428

(B) The ~~supervisory investigative panel's~~ recommendation 2429  
of the secretary and vice-secretary shall be in writing and 2430  
specify the reasons for the recommendation. Except as provided 2431  
in section 4715.035 of the Revised Code, the ~~panel~~ secretary and 2432  
vice-secretary shall make ~~its~~ their recommendation not later 2433  
than one year after the date the ~~panel begins~~ secretary and 2434  
vice-secretary begin to supervise the investigation or, if the 2435  
investigation pertains to an alleged violation of division (A) 2436  
(9) of section 4715.30 of the Revised Code, not later than two 2437  
years after the ~~panel begins to~~ secretary and vice-secretary 2438

begin to supervise the investigation. 2439

Once the panel makes its recommendation, the members of 2440  
the panel shall not participate in any deliberations the board 2441  
has on the case. 2442

**Sec. 4715.035.** Both of the following periods of time shall 2443  
not be counted for purposes of determining the time within which 2444  
the ~~supervisory investigative panel is~~ secretary and vice- 2445  
secretary of the state dental board are required to make ~~its-~~ 2446  
their recommendation to the state dental board under section 2447  
4715.034 of the Revised Code: 2448

(A) The period during which the ~~panel suspends~~ secretary 2449  
and vice-secretary suspend the investigation of an individual 2450  
because the individual is also the subject of a criminal 2451  
investigation and ~~the panel is~~ are asked to do so by the entity 2452  
conducting the criminal investigation or the ~~panel determines-~~ 2453  
secretary and vice-secretary determine it is necessary to do so 2454  
as a result of the criminal investigation. 2455

(B) The period beginning when the board moves for an order 2456  
compelling the production of persons or records, as permitted by 2457  
division (D) of section 4715.033 of the Revised Code, and ending 2458  
when either of the following occurs: 2459

(1) The court renders a decision not to issue the order. 2460

(2) The court renders a decision to issue the order and 2461  
the person subject to the order produces the persons or records. 2462

**Sec. 4715.30.** (A) Except as provided in division (K) of 2463  
this section, an applicant for or holder of a certificate or 2464  
license issued under this chapter is subject to disciplinary 2465  
action by the state dental board for any of the following 2466  
reasons: 2467



(1) Employing or cooperating in fraud or material	2468
deception in applying for or obtaining a license or certificate;	2469
(2) Obtaining or attempting to obtain money or anything of	2470
value by intentional misrepresentation or material deception in	2471
the course of practice;	2472
(3) Advertising services in a false or misleading manner	2473
or violating the board's rules governing time, place, and manner	2474
of advertising;	2475
(4) Commission of an act that constitutes a felony in this	2476
state, regardless of the jurisdiction in which the act was	2477
committed;	2478
(5) Commission of an act in the course of practice that	2479
constitutes a misdemeanor in this state, regardless of the	2480
jurisdiction in which the act was committed;	2481
(6) Conviction of, a plea of guilty to, a judicial finding	2482
of guilt of, a judicial finding of guilt resulting from a plea	2483
of no contest to, or a judicial finding of eligibility for	2484
intervention in lieu of conviction for, any felony or of a	2485
misdemeanor committed in the course of practice;	2486
(7) Engaging in lewd or immoral conduct in connection with	2487
the provision of dental services;	2488
(8) Selling, prescribing, giving away, or administering	2489
drugs for other than legal and legitimate therapeutic purposes,	2490
or conviction of, a plea of guilty to, a judicial finding of	2491
guilt of, a judicial finding of guilt resulting from a plea of	2492
no contest to, or a judicial finding of eligibility for	2493
intervention in lieu of conviction for, a violation of any	2494
federal or state law regulating the possession, distribution, or	2495
use of any drug;	2496

(9) Providing or allowing dental hygienists, expanded	2497
function dental auxiliaries, or other practitioners of auxiliary	2498
dental occupations working under the certificate or license	2499
holder's supervision, or a dentist holding a temporary limited	2500
continuing education license under division (C) of section	2501
4715.16 of the Revised Code working under the certificate or	2502
license holder's direct supervision, to provide dental care that	2503
departs from or fails to conform to accepted standards for the	2504
profession, whether or not injury to a patient results;	2505
(10) Inability to practice under accepted standards of the	2506
profession because of physical or mental disability, dependence	2507
on alcohol or other drugs, or excessive use of alcohol or other	2508
drugs;	2509
(11) Violation of any provision of this chapter or any	2510
rule adopted thereunder;	2511
(12) Failure to use universal blood and body fluid	2512
precautions established by rules adopted under section 4715.03	2513
of the Revised Code;	2514
(13) Except as provided in division (H) of this section,	2515
either of the following:	2516
(a) Waiving the payment of all or any part of a deductible	2517
or copayment that a patient, pursuant to a health insurance or	2518
health care policy, contract, or plan that covers dental	2519
services, would otherwise be required to pay if the waiver is	2520
used as an enticement to a patient or group of patients to	2521
receive health care services from that certificate or license	2522
holder;	2523
(b) Advertising that the certificate or license holder	2524
will waive the payment of all or any part of a deductible or	2525

copayment that a patient, pursuant to a health insurance or 2526  
health care policy, contract, or plan that covers dental 2527  
services, would otherwise be required to pay. 2528

(14) Failure to comply with section 4715.302 or 4729.79 of 2529  
the Revised Code, unless the state board of pharmacy no longer 2530  
maintains a drug database pursuant to section 4729.75 of the 2531  
Revised Code; 2532

(15) Any of the following actions taken by an agency 2533  
responsible for authorizing, certifying, or regulating an 2534  
individual to practice a health care occupation or provide 2535  
health care services in this state or another jurisdiction, for 2536  
any reason other than the nonpayment of fees: the limitation, 2537  
revocation, or suspension of an individual's license to 2538  
practice; acceptance of an individual's license surrender; 2539  
denial of a license; refusal to renew or reinstate a license; 2540  
imposition of probation; or issuance of an order of censure or 2541  
other reprimand; 2542

(16) Failure to cooperate in an investigation conducted by 2543  
the board under division (D) of section 4715.03 of the Revised 2544  
Code, including failure to comply with a subpoena or order 2545  
issued by the board or failure to answer truthfully a question 2546  
presented by the board at a deposition or in written 2547  
interrogatories, except that failure to cooperate with an 2548  
investigation shall not constitute grounds for discipline under 2549  
this section if a court of competent jurisdiction has issued an 2550  
order that either quashes a subpoena or permits the individual 2551  
to withhold the testimony or evidence in issue; 2552

(17) Failure to comply with the requirements in section 2553  
3719.061 of the Revised Code before issuing for a minor a 2554  
prescription for an opioid analgesic, as defined in section 2555

3719.01 of the Revised Code;	2556
(18) Failure to comply with the requirements of sections	2557
4715.71 and 4715.72 of the Revised Code regarding the operation	2558
of a mobile dental facility;	2559
(19) A pattern of continuous or repeated violations of	2560
division (F) (2) of section 3963.02 of the Revised Code.	2561
(B) A manager, proprietor, operator, or conductor of a	2562
dental facility shall be subject to disciplinary action if any	2563
dentist, dental hygienist, expanded function dental auxiliary,	2564
or qualified personnel providing services in the facility is	2565
found to have committed a violation listed in division (A) of	2566
this section and the manager, proprietor, operator, or conductor	2567
knew of the violation and permitted it to occur on a recurring	2568
basis.	2569
(C) Subject to Chapter 119. of the Revised Code, the board	2570
may take one or more of the following disciplinary actions if	2571
one or more of the grounds for discipline listed in divisions	2572
(A) and (B) of this section exist:	2573
(1) Censure the license or certificate holder;	2574
(2) Place the license or certificate on probationary	2575
status for such period of time the board determines necessary	2576
and require the holder to:	2577
(a) Report regularly to the board upon the matters which	2578
are the basis of probation;	2579
(b) Limit practice to those areas specified by the board;	2580
(c) Continue or renew professional education until a	2581
satisfactory degree of knowledge or clinical competency has been	2582
attained in specified areas.	2583

(3) Suspend the certificate or license;	2584
(4) Revoke the certificate or license.	2585
Where the board places a holder of a license or	2586
certificate on probationary status pursuant to division (C) (2)	2587
of this section, the board may subsequently suspend or revoke	2588
the license or certificate if it determines that the holder has	2589
not met the requirements of the probation or continues to engage	2590
in activities that constitute grounds for discipline pursuant to	2591
division (A) or (B) of this section.	2592
Any order suspending a license or certificate shall state	2593
the conditions under which the license or certificate will be	2594
restored, which may include a conditional restoration during	2595
which time the holder is in a probationary status pursuant to	2596
division (C) (2) of this section. The board shall restore the	2597
license or certificate unconditionally when such conditions are	2598
met.	2599
(D) If the physical or mental condition of an applicant or	2600
a license or certificate holder is at issue in a disciplinary	2601
proceeding, the board may order the license or certificate	2602
holder to submit to reasonable examinations by an individual	2603
designated or approved by the board and at the board's expense.	2604
The physical examination may be conducted by any individual	2605
authorized by the Revised Code to do so, including a physician	2606
assistant, a clinical nurse specialist, a certified nurse	2607
practitioner, or a certified nurse-midwife. Any written	2608
documentation of the physical examination shall be completed by	2609
the individual who conducted the examination.	2610
Failure to comply with an order for an examination shall	2611
be grounds for refusal of a license or certificate or summary	2612

suspension of a license or certificate under division (E) of 2613  
this section. 2614

(E) If a license or certificate holder has failed to 2615  
comply with an order under division (D) of this section, the 2616  
board may apply to the court of common pleas of the county in 2617  
which the holder resides for an order temporarily suspending the 2618  
holder's license or certificate, without a prior hearing being 2619  
afforded by the board, until the board conducts an adjudication 2620  
hearing pursuant to Chapter 119. of the Revised Code. If the 2621  
court temporarily suspends a holder's license or certificate, 2622  
the board shall give written notice of the suspension personally 2623  
or by certified mail to the license or certificate holder. Such 2624  
notice shall inform the license or certificate holder of the 2625  
right to a hearing pursuant to Chapter 119. of the Revised Code. 2626

(F) Any holder of a certificate or license issued under 2627  
this chapter who has pleaded guilty to, has been convicted of, 2628  
or has had a judicial finding of eligibility for intervention in 2629  
lieu of conviction entered against the holder in this state for 2630  
aggravated murder, murder, voluntary manslaughter, felonious 2631  
assault, kidnapping, rape, sexual battery, gross sexual 2632  
imposition, aggravated arson, aggravated robbery, or aggravated 2633  
burglary, or who has pleaded guilty to, has been convicted of, 2634  
or has had a judicial finding of eligibility for treatment or 2635  
intervention in lieu of conviction entered against the holder in 2636  
another jurisdiction for any substantially equivalent criminal 2637  
offense, is automatically suspended from practice under this 2638  
chapter in this state and any certificate or license issued to 2639  
the holder under this chapter is automatically suspended, as of 2640  
the date of the guilty plea, conviction, or judicial finding, 2641  
whether the proceedings are brought in this state or another 2642  
jurisdiction. Continued practice by an individual after the 2643

suspension of the individual's certificate or license under this 2644  
division shall be considered practicing without a certificate or 2645  
license. The board shall notify the suspended individual of the 2646  
suspension of the individual's certificate or license under this 2647  
division in accordance with sections 119.05 and 119.07 of the 2648  
Revised Code. If an individual whose certificate or license is 2649  
suspended under this division fails to make a timely request for 2650  
an adjudicatory hearing, the board shall enter a final order 2651  
revoking the individual's certificate or license. 2652

(G) If the ~~supervisory investigative panel determines~~ 2653  
secretary and vice-secretary of the state dental board determine 2654  
both of the following, ~~the panel~~ they may recommend that the 2655  
board suspend an individual's certificate or license without a 2656  
prior hearing: 2657

(1) That there is clear and convincing evidence that an 2658  
individual has violated division (A) of this section; 2659

(2) That the individual's continued practice presents a 2660  
danger of immediate and serious harm to the public. 2661

Written allegations shall be prepared for consideration by 2662  
the board. The board, upon review of those allegations and by an 2663  
affirmative vote of not fewer than four dentist members of the 2664  
board and seven of its members in total, excluding ~~any member on~~ 2665  
~~the supervisory investigative panel~~ the secretary and vice- 2666  
secretary, may suspend a certificate or license without a prior 2667  
hearing. A telephone conference call may be utilized for 2668  
reviewing the allegations and taking the vote on the summary 2669  
suspension. 2670

The board shall serve a written order of suspension in 2671  
accordance with sections 119.05 and 119.07 of the Revised Code. 2672

The order shall not be subject to suspension by the court during pendency or any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(H) Sanctions shall not be imposed under division (A) (13) of this section against any certificate or license holder who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person who holds a certificate or license issued pursuant to this chapter to the extent allowed by this chapter and the rules of the board.



(I) In no event shall the board consider or raise during a hearing required by Chapter 119. of the Revised Code the circumstances of, or the fact that the board has received, one or more complaints about a person unless the one or more complaints are the subject of the hearing or resulted in the board taking an action authorized by this section against the person on a prior occasion.

(J) The board may share any information it receives pursuant to an investigation under division (D) of section 4715.03 of the Revised Code, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state dental board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state dental board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(K) The board shall not refuse to issue a license or

certificate to an applicant for either of the following reasons 2733  
unless the refusal is in accordance with section 9.79 of the 2734  
Revised Code: 2735

(1) A conviction or plea of guilty to an offense; 2736

(2) A judicial finding of eligibility for treatment or 2737  
intervention in lieu of a conviction. 2738

**Sec. 5104.39.** (A) The director of children and youth shall 2739  
adopt rules in accordance with Chapter 119. of the Revised Code 2740  
establishing a procedure for monitoring the expenditures for 2741  
publicly funded child care to ensure that expenditures do not 2742  
exceed the available federal and state funds for publicly funded 2743  
child care. The department of children and youth, with the 2744  
assistance of the office of budget and management ~~and the child-~~ 2745  
~~care advisory council created pursuant to section 5104.08 of the~~ 2746  
~~Revised Code~~, shall monitor the anticipated future expenditures 2747  
for publicly funded child care and shall compare those 2748  
anticipated future expenditures to available federal and state 2749  
funds for publicly funded child care. Whenever the department 2750  
determines that the anticipated future expenditures for publicly 2751  
funded child care will exceed the available federal and state 2752  
funds, the department shall promptly notify the county 2753  
departments of job and family services and, before the available 2754  
state and federal funds are used, the director shall issue and 2755  
implement an administrative order that shall specify both of the 2756  
following: 2757

(1) Priorities for expending the remaining available 2758  
federal and state funds for publicly funded child care; 2759

(2) Instructions and procedures to be used by the county 2760  
departments regarding eligibility determinations. 2761

(B) The order may do any or all of the following:	2762
(1) Suspend enrollment of all new participants in any program of publicly funded child care;	2763 2764
(2) Limit enrollment of new participants to those with incomes at or below a specified percentage of the federal poverty line;	2765 2766 2767
(3) Disenroll existing participants with income above a specified percentage of the federal poverty line;	2768 2769
(4) Change the schedule of fees paid by eligible caretaker parents that has been established pursuant to section 5104.38 of the Revised Code;	2770 2771 2772
(5) Change the rate of payment for providers of publicly funded child care that has been established pursuant to section 5104.30 of the Revised Code.	2773 2774 2775
(C) Each county department shall comply with the order no later than thirty days after it is issued.	2776 2777
(D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the anticipated future expenditures for publicly funded child care, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued.	2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788
(E) The department of children and youth shall do all of	2789

the following: 2790

(1) Conduct a quarterly evaluation of the program of 2791  
publicly funded child care that is operated pursuant to sections 2792  
5104.30 to 5104.43 of the Revised Code; 2793

(2) Prepare reports based upon the evaluations that 2794  
specify for each county the number of participants and amount of 2795  
expenditures; 2796

(3) Provide copies of the reports to both houses of the 2797  
general assembly and, on request, to interested parties. 2798

**Sec. 5104.50.** The governor shall create the early 2799  
childhood advisory council in accordance with 42 U.S.C. 9837b(b) 2800  
(1) and shall appoint one of its members to serve as chairperson 2801  
of the council. The council shall serve as the state advisory 2802  
council on early childhood education and care, as described in 2803  
42 U.S.C. 9837b(b)(1). In addition to the duties specified in 42 2804  
U.S.C. 9837b(b)(1), the council shall promote family-centered 2805  
programs and services that acknowledge and support the social, 2806  
emotional, cognitive, intellectual, and physical development of 2807  
children and the vital role of families in ensuring the well- 2808  
being and success of children. 2809

The early childhood advisory council shall advise the 2810  
director of children and youth on matters affecting the 2811  
licensing of centers, type A homes, and type B homes and the 2812  
certification of in-home aides. The council shall make an annual 2813  
report to the director that addresses the availability, 2814  
affordability, accessibility, and quality of child care and that 2815  
summarizes the recommendations and plans of action that the 2816  
council has proposed to the director during the preceding fiscal 2817  
year. The director shall provide copies of the report to the 2818

governor, speaker and minority leader of the house of 2819  
representatives, and the president and minority leader of the 2820  
senate and, on request, shall make copies available to the 2821  
public. 2822

**Section 2.** That existing sections 101.82, 101.83, 145.012, 2823  
146.02, 718.051, 1731.03, 1731.05, 1731.09, 1739.05, 1751.18, 2824  
3335.27, 3335.29, 3506.04, 3506.05, 3506.06, 3506.07, 3506.10, 2825  
3701.931, 3743.53, 3745.21, 3745.22, 3783.01, 3783.02, 3923.51, 2826  
3923.57, 3924.01, 3924.02, 3924.06, 3924.73, 4125.041, 4141.131, 2827  
4141.25, 4141.292, 4715.03, 4715.032, 4715.033, 4715.034, 2828  
4715.035, 4715.30, 5104.39, and 5104.50 of the Revised Code are 2829  
hereby repealed. 2830

**Section 3.** That sections 107.40, 122.98, 924.14, 924.212, 2831  
1751.15, 1751.16, 1751.17, 3337.16, 3701.507, 3701.89, 3701.932, 2832  
3743.67, 3783.08, 3923.122, 3923.58, 3923.581, 3923.582, 2833  
3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 2834  
3924.12, 3924.13, 3924.14, 4141.08, 4141.12, 4749.021, 5104.08, 2835  
and 5703.57 of the Revised Code are hereby repealed. 2836

**Section 4.** The repeal of section 3701.89 of the Revised 2837  
Code by this act takes effect January 1, 2026. 2838

**Section 5.** The following agencies are retained under 2839  
division (E) of section 101.83 of the Revised Code and expire at 2840  
the end of December 31, of the year indicated in column 3 of the 2841  
table below: 2842

2843

1

2

3

	Practice Registered Nursing		
B	Aging, Ohio Advisory Council for the	R.C. 173.03	2026
C	Agricultural Commodity Marketing Programs, Operating Committee(s)	R.C. 924.07	2028
D	AMBER Alert Advisory Committee	R.C. 5502.521	2028
E	Amusement Ride Safety, Advisory Council on	R.C. 1711.51	2028
F	Apprenticeship Council	R.C. 4139.02	2026
G	Automated Title Processing Board	R.C. 4505.09(C) (1)	2028
H	Backflow Advisory Board	R.C. 3703.21	2028
I	Banking Commission	R.C. 1123.01	2028
J	Brain Injury Advisory Committee	R.C. 3335.61	2026
K	Broadcast Educational Media Commission	R.C. 3353.02	2026
L	Capitol Square Review and Advisory Board	R.C. 105.41	2026
M	Cemetery Dispute Resolution Commission, Ohio	R.C. 4767.05	2028
N	Child Abuse and Child Neglect Prevention Regional Councils (8)	R.C. 3109.172(B)	2026
O	Child Support Guideline Advisory	R.C. 3119.023	2026

	Council		
P	Children's Trust Fund Board	R.C. 3109.15	2026
Q	Chiropractic Loan Repayment Advisory Board	R.C. 3702.987	2026
R	Citizen's Advisory Council (for each institution under the control of the Department of Developmental Disabilities)	R.C. 5123.092	2026
S	Civil Rights Commission Advisory Agencies and Conciliation Councils, Ohio	R.C. 4112.04 (B) (4)	2028
T	Clean Ohio, Trail Advisory Board	R.C. 1519.06	2028
U	Coal Development Office, Technical Advisory Committee to Assist Director of the Ohio	R.C. 1551.35	2028
V	College Credit Plus Advisory Committee	R.C. 3365.15	2026
W	Commercial Dog Breeding Advisory Board	R.C. 956.17	2028
X	Commercial Insurance Joint Underwriting Association Board of Governors, Ohio	R.C. 3930.03	2026
Y	Commodity Advisory Commission	R.C. 926.32	2028

Z	Continuing Education Committee (concerned with continuing education of sheriffs)	R.C. 109.80(B)	2028
AA	County Law Library Resources Boards, Statewide Consortium of	R.C. 3375.481	2028
AB	County Sheriff's Standard Car-Marking and Uniform Commission	R.C. 311.25	2028
AC	Credential Review Board	R.C. 3319.65	2026
AD	Credit Union Council	R.C. 1733.329	2028
AE	Criminal Sentencing Commission, State	R.C. 181.21	2028
AF	Cystic Fibrosis Legislative Task Force, Ohio	R.C. 101.38	2026
AG	Dentist Loan Repayment Advisory Board	R.C. 3702.92	2026
AH	Department Advisory Boards	R.C. 121.13	2026
AI	Developmental Disabilities Council, Ohio	R.C. 5123.35	2026
AJ	Developmental Disabilities Technology First Task Force	R.C. 5123.026	2026
AK	Dietetics Advisory Council	R.C. 4759.051	2026
AL	Education Management Information System Advisory Council	R.C. 3301.0713	2026
AM	Educator Standards Board	R.C. 3319.60	2026



AN	Employment First Task Force	R.C. 5123.023	2026
AO	Ex-Offender Reentry Coalition	R.C. 5120.07	2028
AP	Expositions Commission, Ohio	R.C. 991.02	2026
AQ	Faith-Based and Community Initiatives, Advisory Board of Governor's Office of	R.C. 107.12	2026
AR	Family and Children First Cabinet Council, Ohio	R.C. 121.37	2026
AS	Farmland Preservation Advisory Board	R.C. 901.23	2028
AT	Forestry Advisory Council	R.C. 1503.40	2028
AU	Grain Marketing Program Operating Committee	R.C. 924.22	2028
AV	Grape Industries Committee, Ohio	R.C. 924.51	2028
AW	Hispanic-Latino Affairs, Commission on	R.C. 121.31	2026
AX	Historic Site Preservation Advisory Board, Ohio	R.C. 149.301	2026
AY	History Connection, Ohio, Board of Trustees	R.C. 149.30	2026
AZ	Holocaust and Genocide Memorial and Education Commission	R.C. 197.03	2026
BA	Home Medical Equipment Services	R.C. 4752.24	2026

Advisory Council			
BB	Housing Trust Fund Advisory Committee	R.C. 174.06	2028
BC	Industrial Commission Nominating Council	R.C. 4121.04	2028
BD	Interagency Council of the New African Immigrants Commission	R.C. 4112.31	2028
BE	Interagency Workgroup on Autism	R.C. 5123.0419	2026
BF	Judicial Conference, Ohio	R.C. 105.91	2028
BG	Lake Erie Commission, Ohio	R.C. 1506.21	2028
BH	Legislative Programming Committee of the Ohio Government Telecommunications Service	R.C. 3353.07	2026
BI	Livestock Exhibitions, Advisory Committee on	R.C. 901.71	2028
BJ	Materials Management Advisory Council	R.C. 3734.49	2028
BK	Medical Liability Underwriting Association, Board of Governors of the	R.C. 3929.64	2026
BL	Medical Liability Underwriting Association, Stabilization Reserve Fund, Directors of the	R.C. 3929.631	2026
BM	Medically Handicapped Children's	R.C. 3701.025	2026

	Medical Advisory Council		
BN	Milk Sanitation Board	R.C. 917.03	2028
BO	Mine Subsidence Insurance Governing Board	R.C. 3929.51	2028
BP	Minority Development Financing Advisory Board	R.C. 122.72	2028
BQ	Minority Health, Commission on	R.C. 3701.78	2026
BR	New African Immigrants Commission	R.C. 4112.32	2028
BS	Office of Enterprise Development Advisory Board	R.C. 5145.162	2028
BT	Ohioana Library Association, Martha Kinney Cooper Memorial, Board of Trustees	R.C. 3375.62	2026
BU	Ohio Arts Council	R.C. 3379.02	2026
BV	Ohio Center for Autism and Low Incidence, Advisory Board to Assist and Advise in the Operation of the	R.C. 3323.33	2026
BW	Ohio Commission on Service and Volunteerism	R.C. 121.40	2026
BX	Ohio Dyslexia Committee	R.C. 3323.25	2026
BY	Ohio Environmental Education Fund Advisory Council	R.C. 3745.21	2028

BZ	Ohio Geographically Referenced Information Program Council	R.C. 125.901	2028
CA	Ohio Livestock Care Standards Board	R.C. 904.02	2028
CB	Ohio Public Library Information Network Board of Trustees	R.C. 3375.65	2026
CC	Ohio Tuition Trust Authority Investment Board	R.C. 3334.03	2026
CD	Ohio War Orphans and Severely Disabled Veterans' Children Scholarship Board	R.C. 5910.02	2026
CE	Oil and Gas Land Management Commission	R.C. 155.31	2028
CF	Oil and Gas Marketing Program, An Operating Committee of the	R.C. 1510.06	2028
CG	Oil and Gas, Technical Advisory Council on	R.C. 1509.38	2028
CH	Opportunities for Ohioans with Disabilities Council	R.C. 3304.12	2026
CI	Organized Crime Investigations Commission	R.C. 177.01	2028
CJ	Pharmacy and Therapeutics Committee of the Department of Medicaid	R.C. 5164.7510	2026
CK	Physician Assistant Policy Committee	R.C. 4730.05	2026

	of the State Medical Board		
CL	Power Siting Board	R.C. 4906.02	2028
CM	Propane Council	R.C. 936.02	2028
CN	Prequalification Review Board	R.C. 5525.07	2028
CO	Public Utilities Commission Nominating Council	R.C. 4901.021	2028
CP	Radiation Advisory Council	R.C. 3748.20	2026
CQ	Radio Communications System Steering Committee, Multi-Agency	Section 15.02, H.B. 640 of the 123rd G.A.	2028
CR	Rare Disease Advisory Council	R.C. 103.60	2026
CS	Reclaim Advisory Committee	R.C. 5139.44	2028
CT	Reclamation Commission	R.C. 1513.05	2028
CU	Reclamation Forfeiture Fund Advisory Board	R.C. 1513.182	2028
CV	Redistricting, Reapportionment, and Demographic Research, Legislative Task Force on	R.C. 103.51	2026
CW	Respiratory Care Advisory Council	R.C. 4761.032	2026
CX	Small Business Advisory Council	R.C. 107.63	2028
CY	Small Business Stationary Source	R.C. 3704.19	2028

Technical and Environmental Compliance Assistance Council			
CZ	Small Government Capital Improvements Commission, Ohio	R.C. 164.02 (C)	2028
DA	Soil and Water Conservation Commission, Ohio	R.C. 940.02	2028
DB	STABLE Account Program Advisory Board	R.C. 113.56	2026
DC	Standardbred Development Commission, Ohio	R.C. 3769.085	2028
DD	State Audit Committee	R.C. 126.46	2026
DE	State Fire Council	R.C. 3737.81	2028
DF	STEM Committee of the Department of Education	R.C. 3326.02	2026
DG	Student Tuition Recovery Authority	R.C. 3332.081	2026
DH	Tax Credit Authority	R.C. 122.17 (M)	2028
DI	Thoroughbred Racing Advisory Committee, Ohio	R.C. 3769.084	2028
DJ	TourismOhio Advisory Board	R.C. 122.071	2028
DK	Transportation Review Advisory Council	R.C. 5512.07	2028
DL	Underground Technical Committee	R.C. 3781.34	2028

DM	Uniform State Laws, State Council of	R.C. 105.21	2028
DN	Utility Radiological Safety Board	R.C. 4937.02	2028
DO	Vendors Representative Committee, Ohio	R.C. 3304.34	2026
DP	Veterans Advisory Committee	R.C. 5902.02 (J)	2028
DQ	Victims Assistance Advisory Council, State	R.C. 109.91	2028
DR	Voting Systems Examiners, Board of	R.C. 3506.05	2028
DS	Waterways Safety Council	R.C. 1547.73	2028
DT	Wild, Scenic, or Recreational River Area, Advisory Council for each	R.C. 1547.84	2028
DU	Wildlife Council	R.C. 1531.03	2028
DV	Workers' Compensation Board of Directors Nominating Committee	R.C. 4121.123	2026
DW	Workers' Compensation Board of Directors, Bureau of	R.C. 4121.12	2026

**Section 6.** It is the intent of the General Assembly, 2844  
through the amendment and repeal in this act of statutes that 2845  
create and empower the agency, to abolish the following agencies 2846  
upon the effective date of this section: 2847

	1	2
A	Agriculture Commodity Marketing Programs, Coordinating Committee	R.C. 924.14
B	Alzheimer's Disease and Related Dementias Task Force	Sections 1, 2, 3, and 4 of S.B. 24 of the 133rd G.A.
C	Child Care Advisory Council	R.C. 5104.08
D	Director of Health's Advisory Group on Violent Deaths	R.C. 3701.932
E	Electrical Safety Inspector Advisory Committee	R.C. 3783.08
F	Engineering Experiment Station Advisory Committee	R.C. 3335.27
G	Federally Subsidized Housing Study Committee	Section 757.70 of H.B. 110 of the 134th G.A.
H	Fireworks Rules, Committee to Assist the State Fire Marshal in Adopting	R.C. 3743.53
I	Governor's Residence Advisory Commission	R.C. 107.40
J	Health Reinsurance Program, Board of Directors of the Ohio	R.C. 3924.08
K	Hemp Marketing Program Operating Committee	R.C. 924.212
L	Infant Hearing Screening Subcommittee	R.C. 3701.507



M	Joint Legislative Study Committee Regarding Career Pathways and Post-secondary Workforce Training Programs in Ohio	Section 733.30 of H.B. 110 of the 134th G.A.
N	Joint Legislative Task Force to Examine Transportation of Community School and Nonpublic School Students	Section 7 of S.B. 310 of the 133rd G.A.
O	Land Use Advisory Committee to the President of Ohio University	R.C. 3337.16
P	Law Enforcement Training Funding Study Committee	Section 701.70 of H.B. 110 of the 134th G.A.
Q	Legislative Committee on Public Health Futures	Section 737.40 of H.B. 166 of the 133rd G.A.
R	Ohio Aerospace and Aviation Technology Committee	R.C. 122.98
S	Ohio Business Gateway Steering Committee	R.C. 5703.57
T	Ohio Children's Behavioral	Section 1 of

	Health Prevention Network Stakeholder Group	H.B. 12 of the 133rd G.A.
U	Ohio Fire Code Rule Recommendation Committee	R.C. 3743.67
V	Ohio Physician and Allied Health Care Workforce Preparation Task Force	Section 381.610 of H.B. 166 of the 133rd G.A.
W	Performance Indicators for Children's Hospitals Study Committee	Section 333.67 of H.B. 166 of the 133rd G.A.
X	Private Investigation and Security Services Commission, Ohio	R.C. 4749.021
Y	Public Assistance Benefits Accountability Task Force	Section 307.300 of H.B. 110 of the 134th G.A.
Z	Select Committee on Sports Gaming and Problem Gambling	Section 6 of H.B. 29 of the 134th G.A.
AA	State Report Card Study Committee	Section 265.510 of H.B. 166 of the 133rd.

		G.A.
AB	Study Commission on the Future of Gaming in Ohio	Section 5 of H.B. 29 of the 134th G.A.
AC	Study Committee Regarding Students Retaking Grade 12	Section 733.51 of H.B. 166 of the 133rd G.A.
AD	Supervisory Investigative Panel of the State Dental Board	R.C. 4715.032
AE	Task Force to Evaluate Current Operational Structures and Procedures at Wright State University's Lake Campus	Section 381.630 of H.B. 110 of the 134th G.A.
AF	Unemployment Compensation Advisory Council	R.C. 4141.08
AG	Unemployment Compensation Modernization Improvement Council	R.C. 4141.12

**Section 7.** The amendments to sections 5104.39 and 5104.50, 2849  
and the repeal of sections 3701.507 and 5104.08 of the Revised 2850  
Code, as presented in this act, take effect on the later of 2851  
January 1, 2025, or the effective date of this section. (January 2852  
1, 2025, is the effective date of an earlier amendment to these 2853  
sections by H.B. 33 of the 135th General Assembly.) 2854

**Section 8.** That Sections 5 (as amended by H.B. 33 of the 135th General Assembly) and 6 of H.B. 29 of the 134th General Assembly, Sections 307.300, 381.630, 701.70 (as amended by H.B. 45 of the 134th General Assembly), 733.30, and 757.70 of H.B. 110 of the 134th General Assembly, Section 1 of H.B. 12 of the 133rd General Assembly, Sections 265.510, 333.67, 381.610, 733.51, and 737.40 of H.B. 166 of the 133rd General Assembly, Sections 2, 3, and 4 of S.B. 24 of the 133rd General Assembly, and Section 7 of S.B. 310 of the 133rd General Assembly are hereby repealed.

**Section 9.** That Section 1 of S.B. 24 of the 133rd General Assembly and Section 3 of S.B. 9 of the 130th General Assembly (as amended by H.B. 122 of the 134th General Assembly) are hereby repealed.

**Section 10.** (A) The Ohio Medical Quality Foundation, described in section 3701.89 of the Revised Code, is retained under division (E) of section 101.83 of the Revised Code and expires as a statutory entity at the end of December 31, 2025.

(B) It is the intent of the General Assembly, through the repeal in this act of section 3701.89 of the Revised Code, to abolish the Ohio Medical Quality Foundation as a statutory entity on January 1, 2026.

(C) As soon as practicable after the effective date of this section but not later than April 1, 2025, the Foundation, through its corporate trustee, shall transfer all of its remaining unencumbered funds, to the extent possible under law and contract, to the Treasurer of State for deposit in the Medical Quality Fund established under section 113.78 of the Revised Code.

(D) As soon as practicable after the transfer described in 2884  
division (C) of this section, the trustees of the Foundation 2885  
shall prepare a written report identifying the following: 2886

(1) Any encumbered funds unable to be transferred to the 2887  
Treasurer of State, including the amounts still to be 2888  
distributed pursuant to contracts in effect at the time of the 2889  
report's preparation; 2890

(2) The duration of any contracts in effect at the time of 2891  
the report's preparation; 2892

(3) The dates on which any remaining funds will be 2893  
considered unencumbered. 2894

The trustees shall submit the report to the Treasurer of 2895  
State, Governor, Senate President, and Speaker of the House of 2896  
Representatives. 2897

(E) Following the January 1, 2026, repeal of section 2898  
3701.89 of the Revised Code, the Treasurer of State shall assume 2899  
the contractual duties of the Foundation, its trustees, and its 2900  
corporate trustee, as identified under any contracts in effect 2901  
on that date. 2902

**Section 11.** Section 145.012 of the Revised Code is 2903  
presented in this act as a composite of the section as amended 2904  
by both H.B. 281 and H.B. 377 of the 134th General Assembly. The 2905  
General Assembly, applying the principle stated in division (B) 2906  
of section 1.52 of the Revised Code that amendments are to be 2907  
harmonized if reasonably capable of simultaneous operation, 2908  
finds that the composite is the resulting version of the section 2909  
in effect prior to the effective date of the section as 2910  
presented in this act. 2911

**Section 12.** This act is an emergency measure necessary for 2912

the immediate preservation of the public peace, health, and 2913  
safety. The sunset review law is scheduled to operate on 2914  
December 31, 2024, as a matter of law. If the sunset review law 2915  
operates before the effective date of this act, uncertainty and 2916  
confusion, with respect to the authority for certain agencies to 2917  
operate, could result. Therefore, this act goes into immediate 2918  
effect. 2919