

# AN ACT

To amend sections 101.34, 101.35, 101.352, 101.353, 101.84,  
103.0521, 103.51, 103.60, 103.65, 103.71, 106.02,  
106.031, 106.032, 106.04, 106.041, 107.03, 107.032,  
107.033, 107.51, 107.63, 109.02, 109.11, 109.111,  
109.112, 109.42, 109.572, 109.68, 109.803, 111.15,  
113.41, 113.60, 117.103, 117.34, 117.46, 117.462,  
117.463, 117.47, 117.473, 119.01, 119.06, 119.062,  
119.07, 119.09, 119.092, 119.12, 120.04, 120.08, 120.34,  
121.04, 121.08, 121.31, 121.37, 121.381, 121.49, 121.81,  
121.811, 121.93, 122.07, 122.072, 122.16, 122.17,  
122.171, 122.173, 122.1710, 122.19, 122.21, 122.23,  
122.25, 122.27, 122.40, 122.407, 122.4017, 122.4019,  
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122.4071, 122.4076, 122.6511, 122.6512, 122.85, 123.20,  
123.211, 124.136, 124.14, 124.15, 124.34, 124.387,  
125.01, 125.035, 125.05, 125.071, 125.073, 125.09,  
125.10, 125.11, 125.18, 125.182, 125.22, 125.901,  
126.21, 126.25, 126.30, 126.46, 126.47, 126.62, 127.16,  
131.02, 131.43, 131.44, 131.51, 131.56, 131.57, 131.58,  
133.07, 145.01, 145.016, 145.017, 145.195, 145.201,  
145.32, 145.33, 145.331, 145.332, 145.333, 145.35,  
145.361, 145.38, 145.39, 145.41, 145.45, 145.46,  
149.309, 149.43, 151.01, 151.40, 153.12, 153.17, 153.54,  
164.02, 164.23, 164.24, 169.07, 173.03, 173.06, 173.21,  
173.24, 173.39, 173.391, 173.51, 173.52, 173.521,  
173.522, 173.54, 173.542, 173.544, 173.60, 183.19,  
184.02, 184.20, 301.27, 307.86, 307.861, 307.87, 307.90,

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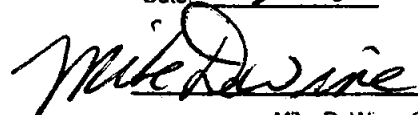
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The above boxed and initialed text was disapproved.

Date: JULY 31, 2023

  
Mike DeWine, Governor

308.13, 308.21, 317.08, 317.13, 317.321, 319.202,  
 323.152, 323.25, 323.69, 340.01, 340.02, 340.022,  
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 3123.90, 3125.18, 3301.071, 3301.0711, 3301.0714,

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The above boxed and initialed text was disapproved.

Date: July 2, 2023

*Mike DeWine*

Mike DeWine, Governor

3301.0723, 3301.163, 3301.52, 3301.57, 3301.58,  
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The above boxed and initialed text was disapproved.

Date: JULY 3, 2023

*Mike DeWine*

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The above boxed and initialed text was disapproved.

Date: 4 JULY 2023

*Mike DeWine*

Mike DeWine, Governor

*RMD*

4517.05, 4517.06, 4517.07, 4517.08, 4517.32, 4701.06,  
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*R.M.*

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 5743.63, 5743.64, 5747.01, 5747.02, 5747.025, 5747.05,

*R.M.*

*R.M.*

*R.M.D.*

*R.M.*

*R.M.D.*

The above boxed and initialed text was disapproved.

July 4, 2023

Date: \_\_\_\_\_



Mike DeWine, Governor

*Am*  
5747.06, 5747.07, 5747.072, 5747.11, 5747.13, 5747.501,  
5747.53, 5747.73, 5747.75, 5747.98, 5749.06, 5749.17,  
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5753.031, 5902.09, 5910.01, 5913.01, 5922.01, 5923.12,  
6119.10, 6121.02, and 6131.43; to amend, for the purpose  
of adopting new section numbers as indicated in  
parentheses, sections 107.035 (107.034), 113.41  
(125.903), 125.22 (126.42), 126.021 (126.023), 718.021  
(718.17), 731.26 (731.25), 2151.3534 (2151.3527),  
3333.03 (3333.01), 5103.422 (5103.42), and 5902.09  
(5119.20); to enact new sections 107.035, 126.021,  
718.021, and 3313.482 and sections 5.2320, 5.55, 9.17,  
9.681, 101.55, 107.13, 107.22, 107.23, 107.24, 109.113,  
111.11, 117.092, 119.05, 121.376, 122.4032, 122.631,  
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The above boxed and initialed text was disapproved.

Date: 4 July 2023

  
Mike DeWine, Governor

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 5747.84, 5747.85, and 5751.55; and to repeal sections  
107.034, 117.464, 117.465, 117.471, 117.472, 121.371,  
 121.372, 121.374, 121.83, 122.65, 122.651, 122.652,

The above boxed and initialed text was disapproved.

Date 4 July 2023

Mike DeWine



*Am*  
~~4164.096, 4164.097, 4164.098, 4164.099, 4164.0911, 4164.0912,~~  
~~4164.0913, 4164.0914, 4164.0916, 4164.0917, 4164.0918,~~ ~~4164.10,~~  
~~4164.11, 4164.12, 4164.13, 4164.15, 4164.16, 4164.18, 4164.19,~~ ~~4164.20,~~  
~~4303.188, 4507.501, 4517.35, 4723.89, 4723.90, 4731.37, 4757.24,~~ ~~4928.85,~~  
*Am* ~~4928.86, 4928.88, 4928.89,~~ 5101.136, 5101.137, 5101.547, 5101.805,  
*Repeal* ~~5101.98, 5103.021, 5119.334, 5119.343, 5119.367, 5119.39, 5119.391,~~  
~~5119.392, 5119.393, 5119.394, 5119.395, 5119.396, 5119.397, 5124.75,~~  
~~5126.0223, 5162.137, 5163.063, 5163.103, 5164.071, 5164.072, 5164.092,~~  
~~5164.913, 5164.96, 5165.158, 5166.45, 5167.35, 5301.256, 5301.94,~~  
~~5322.06, 5502.69, 5595.041, 5595.042, 5705.2114, 5709.56, 5713.031,~~  
~~5725.36, 5725.37, 5726.58, 5726.59, 5726.60, 5728.16, 5729.19, 5729.20,~~  
~~5739.093, 5739.41, 5743.06, 5747.67, 5747.83, 5747.84, 5747.85, and~~  
~~5751.55 of the Revised Code be enacted to read as follows:~~

Sec. 5.2320. The twenty-sixth day of October is designated as "Sudden Unexpected Death in Epilepsy Awareness Day." Sudden unexpected death in epilepsy (SUDEP) is the sudden, unexpected death of someone with epilepsy who was otherwise healthy.

Sec. 5.55. The month of April is designated as the "Month of the Military Child."

Sec. 9.17. (A) The amount for purposes of a provision of the Revised Code that references this section shall be as follows:

(1) Beginning on the effective date of this section through calendar year 2024, seventy-five thousand dollars:

(2) For each calendar year thereafter, the amount for the previous calendar year increased by three per cent as determined and published by the director of commerce.

Sec. 9.681. (A) As used in this section, "tobacco product" and "alternative nicotine product" have the same meanings as in section 2927.02 of the Revised Code.

(B) The regulation of tobacco products and alternative nicotine products is a matter of general statewide concern that requires statewide regulation. The state has adopted a comprehensive plan with respect to all aspects of the giveaway, sale, purchase, distribution, manufacture, use, possession, licensing, taxation, inspection, and marketing of tobacco products and alternative nicotine products. No political subdivision may enact, adopt, renew, maintain, enforce, or continue in existence any charter provision, ordinance, resolution, rule, or other measure that conflicts with or preempts any policy of the state regarding the regulation of tobacco products or alternative nicotine products, including, without limitation, by:

*Repeal*

The above boxed and initialed text was disapproved

of 5-27-2007  
 Date \_\_\_\_\_

*Mike DeWine*  
 Mike DeWine, Governor

122.653, 122.654, 122.655, 122.656, 122.657, 122.658, 122.659, 122.99, 123.14, 126.231, 131.38, 184.03, 340.20, 505.103, 717.21, 731.25, 907.30, 2151.3529, 2151.3535, 3107.018, 3111.40, 3121.46, 3302.039, 3313.482, 3318.50, 3318.52, 3325.14, 3333.01, 3333.011, 3333.02, 3333.12, 3333.167, 3333.731, 3333.80, 3333.801, 3333.802, 3702.541, 3720.041, 3733.49, 3737.883, 3745.40, 3796.04, 4141.031, 4729.553, 4731.112, 4762.11, 4762.12, 4781.02, 5101.143, 5103.301, 5103.31, 5103.33, 5103.34, 5103.35, 5103.36, 5103.361, 5103.362, 5103.363, 5103.38, 5103.42, 5103.421, 5103.51, 5119.191, 5119.361, 5123.195, 5124.39, 5126.38, 5162.131, 5163.52, 5164.05, 5166.12, 5166.14, 5166.141, 5167.102, 5726.041, 5743.511, 5743.521, 5743.621, 5743.631, 6133.15, and 6301.12 of the Revised Code; to repeal section 5126.022 of the Revised Code on July 1, 2025; to repeal sections 175.03 and 175.051 of the Revised Code on January 1, 2024; to amend Section 4 of S.B. 1 of the 134th General Assembly as subsequently amended and codify it as section 3319.102 of the Revised Code; to amend Section 3 of S.B. 166 of the 134th General Assembly and codify it as section 4123.345 of the Revised Code; to amend Section 5 of H.B. 123 of the 133rd General Assembly as subsequently amended and codify it as section 3317.22 of the Revised Code; to amend the versions of sections 173.21, 173.391, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.303, 3327.10, 3704.14, 3737.83, 4701.06, 4701.10, 4713.28, 4735.07, 4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4759.05, 4763.05, 4765.11, 4765.55, and 4781.17 of the Revised Code that are scheduled to take effect December 29, 2023, and the versions of

*RMS*

The above boxed and initialed text was disapproved.

Date: 4 July 2023



Assembly, as subsequently amended; to amend Sections 207.10 and 207.20 of H.B. 23 of the 135th General Assembly that are scheduled to take effect July 1, 2023; to amend Section 5 of H.B. 29 of the 134th General Assembly; to repeal Section 5 of H.B. 371 of the 134th General Assembly; to repeal Section 3 of H.B. 669 of the 133rd General Assembly; to amend Section 3.19 of H.B. 95 of the 125th General Assembly as subsequently amended; and to repeal Section 21 of H.B. 790 of the 120th General Assembly to make operating appropriations for the biennium beginning July 1, 2023, and ending June 30, 2025, to levy taxes, and to provide authorization and conditions for the operation of state programs.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 101.01. That sections 101.34, 101.35, 101.352, 101.353, 101.84, 103.0521, 103.51, 103.60, 103.65, 103.71, 106.02, 106.031, 106.032, 106.04, 106.041, 107.03, 107.032, 107.033, 107.51, 107.63, 109.02, 109.11, 109.111, 109.112, 109.42, 109.572, 109.68, 109.803, 111.15, 113.41, 113.60, 117.103, 117.34, 117.46, 117.462, 117.463, 117.47, 117.473, 119.01, 119.06, 119.062, 119.07, 119.09, 119.092, 119.12, 120.04, 120.08, 120.34, 121.04, 121.08, 121.31, 121.37, 121.381, 121.49, 121.81, 121.811, 121.93, 122.07, 122.072, 122.16, 122.17, 122.171, 122.173, 122.1710, 122.19, 122.21, 122.23, 122.25, 122.27, 122.40, 122.407, 122.4017, 122.4019, 122.4020, 122.4023, 122.4030, 122.4031, 122.4034, 122.4037, 122.4040, 122.4041, 122.4045, 122.4050, 122.4071, 122.4076, 122.6511, 122.6512, 122.85, 123.20, 123.211, 124.136, 124.14, 124.15, 124.34, 124.387, 125.01, 125.035, 125.05, 125.071, 125.073, 125.09, 125.10, 125.11, 125.18, 125.182, 125.22, 125.901, 126.21, 126.25, 126.30, 126.46, 126.47, 126.62, 127.16, 131.02, 131.43, 131.44, 131.51, 131.56, 131.57, 131.58, 133.07, 145.01, 145.016, 145.017, 145.195, 145.201, 145.32, 145.33, 145.331, 145.332, 145.333, 145.35, 145.361, 145.38, 145.39, 145.41, 145.45, 145.46, 149.309, 149.43, 151.01, 151.40, 153.12, 153.17, 153.54, 164.02, 164.23, 164.24, 169.07, 173.03, 173.06, 173.21,

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The above boxed and initialed text was disapproved.

JULY 31 2023

Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

*RM*  
 173.24, 173.39, 173.391, 173.51, 173.52, 173.521, 173.522, 173.54,  
 173.542, 173.544, 173.60, 183.19, 184.02, 184.20, 301.27, 307.86, 307.861,  
 307.87, 307.90, 308.13, 308.21, 317.08, 317.13, 317.321, 319.202, 323.152,  
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*RM* 349.04, 349.14, 504.12, 505.08, 505.37, 505.376, 505.38, 507.02, 511.01,  
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*RM* 1707.091, 1707.092, 1710.01, 1710.02, 1710.03, 1710.06, 1710.13, 1724.11,  
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 3325.01, 3325.011, 3325.02, 3325.03, 3325.04, 3325.05, 3325.06, 3325.07,

The above boxed and initialed text was disapproved.

Date: JULY 3, 2023

*Mike DeWine*

Mike DeWine, Governor

3325.071, 3325.08, 3325.09, 3325.10, 3325.11, 3325.12, 3325.13, 3325.15,  
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 4723.16, 4723.281, 4723.481, 4723.52, 4725.24, 4725.33, 4729.161,

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The above boxed and initialed text was disapproved.

Date: 4 JULY 2023

*Mike DeWine*  
Mike DeWine, Governor

4729.51, 4729.54, 4729.541, 4729.55, 4729.571, 4729.60, 4729.80, 4729.86,  
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 5727.42, 5727.47, 5727.75, 5727.91, 5729.98, 5731.27, 5733.031, 5735.024,

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The above boxed and initialed text was disapproved.

4 JUL 2023  
Date: \_\_\_\_\_

*Mike DeWine*

*RMP*

5735.04, 5735.041, 5735.042, 5735.043, 5735.044, 5735.27, 5736.07, 5739.01, 5739.02, 5739.03, 5739.05, 5739.08, 5739.09, 5739.19, 5739.30, *RMI*  
*RMI* 5741.11, 5743.01, 5743.021, 5743.025, 5743.03, 5743.05, 5743.15, 5743.33,  
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5747.73, 5747.75, 5747.98, 5749.06, 5749.17, 5751.01, 5751.02, 5751.03, *RMI*  
5751.04, 5751.05, 5751.051, 5751.06, 5751.08, 5751.091, 5751.51, 5751.98,  
5753.021, 5753.031, 5902.09, 5910.01, 5913.01, 5922.01, 5923.12, 6119.10,  
6121.02, and 6131.43 be amended; that sections 107.035 (107.034), 113.41  
(125.903), 125.22 (126.42), 126.021 (126.023), 718.021 (718.17), 731.26  
(731.25), 2151.3534 (2151.3527), 3333.03 (3333.01), 5103.422 (5103.42), *RMI*  
and 5902.09 (5119.20) be amended, for the purpose of adopting new section  
numbers as indicated in parentheses; and new sections 107.035, 126.021,  
718.021, and 3313.482 and sections 5.2320, 5.55, 9.17, 9.681 101.55,  
107.13, 107.22, 107.23, 107.24, 109.113, 111.11, 117.092, 119.05, 121.376,  
122.4032, 122.631, 122.632, 122.633, 122.852, 125.036, 125.183, 145.196, *RMI*  
145.335, 149.3010, 173.394, 173.525, 175.16, 175.17, 175.20, 182.02,  
191.01, 191.02, 191.03, 191.05, 191.07, 191.10, 191.13, 191.15, 191.17,  
191.19, 191.21, 191.24, 191.27, 191.30, 191.33, 191.35, 191.37, 191.40,  
191.43, 191.44, 191.45, 303.65, 503.59, 504.121, 504.122, 504.123,  
504.124, 504.125, 504.126, 519.26, 713.16, 715.693, 718.821, 1349.09, *RMI*  
1501.014, 1501.16, 1509.051, 1546.24, 1546.32, 2151.3533, 2307.781,  
2329.261, 2933.821, 3111.041, 3119.95, 3119.951, 3119.953, 3119.955,  
3119.957, 3119.9511, 3119.9513, 3119.9515, 3119.9517, 3119.9519,  
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3301.139, 3301.85, 3301.91, 3302.0310, 3302.111, 3309.363, 3310.08,  
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3314.382, 3317.163, 3317.26, 3319.0812, 3319.2210, 3319.2213, 3319.285,  
3319.324, 3322.20, 3322.24, 3327.102, 3333.129, 3333.24, 3333.303,  
3333.393, 3333.394, 3335.39, 3339.06, 3344.07, 3345.60, 3357.131,  
3361.06, 3364.07, 3365.131, 3503.151, 3503.152, 3503.153, 3701.0212,  
3701.25, 3701.251, 3701.252, 3701.253, 3701.254, 3701.255, 3702.3012,  
3706.051, 3727.131, 3727.25, 3734.48, 3734.579, 3737.833, 3748.23,  
3781.032, 3781.062, 3792.05, 4112.33, 4112.34, 4141.02, 4141.211,  
4164.01, 4164.02, 4164.04, 4164.05, 4164.051, 4164.052, 4164.053, *RMI*  
4164.07, 4164.08, 4164.09, 4164.091, 4164.092, 4164.093, 4164.094.

*RMD*

The above boxed and initialed text was disapproved.

Date: 4 JULY 2023

*Mike DeWine*

Mike DeWine, Governor

(1) Setting or imposing standards, requirements, taxes, fees, assessments, or charges of any kind regarding tobacco products or alternative nicotine products that are the same as or similar to, that conflict with, that are different from, or that are in addition to, any standard, requirement, tax, fee, assessment, or other charge established or authorized by state law;

(2) Lowering or raising an age requirement provided for in state law in connection with the giveaway, sale, purchase, distribution, manufacture, use, possession, licensing, taxation, inspection, and marketing of tobacco products or alternative nicotine products;

(3) Prohibiting an employee eighteen years of age or older of a manufacturer, producer, distributor, wholesaler, or retailer of tobacco products or alternative nicotine products from selling tobacco products or alternative nicotine products;

(4) Prohibiting an employee eighteen years of age or older of a manufacturer, producer, distributor, wholesaler, or retailer of tobacco products or alternative nicotine products from handling tobacco products or alternative nicotine products in sealed containers in connection with manufacturing, storage, warehousing, placement, stocking, bagging, loading, or unloading.

(C) In addition to any other relief provided, the court shall award costs and reasonable attorney fees to any person, group, or entity that prevails in a challenge to an ordinance, resolution, regulation, local law, or other action as being in conflict with this section.

(D) The general assembly finds and declares that this section is part of a statewide and comprehensive legislative enactment regulating all aspects of the giveaway, sale, purchase, distribution, manufacture, use, possession, licensing, taxation, inspection, and marketing of tobacco products and alternative nicotine products. The general assembly further finds and declares that the imposition of tobacco product and alternative nicotine product regulation by any political subdivision is a matter of statewide concern and would be inconsistent with that statewide, comprehensive enactment. Therefore, regulation of the giveaway, sale, purchase, distribution, manufacture, use, possession, licensing, taxation, inspection, and marketing of tobacco products and alternative nicotine products is a matter of general statewide concern that requires uniform statewide regulation. By the enactment of this section, it is the intent of the general assembly to preempt political subdivisions from the regulation of tobacco products and alternative nicotine products.

(E) This section does not prohibit a political subdivision from levying a

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Date July 20 2019

Mike Dan



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tax expressly authorized by state law, including the taxes authorized under Chapters 5739, and 5741, or sections 5743.021, 5743.024, 5743.026, 5743.321, 5743.323, and 5743.324 of the Revised Code.

Sec. 101.34. (A) There is hereby created a joint legislative ethics committee to serve the general assembly. The committee shall be composed of twelve members, six each from the two major political parties, and each member shall serve on the committee during the member's term as a member of that general assembly. Six members of the committee shall be members of the house of representatives appointed by the speaker of the house of representatives, not more than three from the same political party, and six members of the committee shall be members of the senate appointed by the president of the senate, not more than three from the same political party. A vacancy in the committee shall be filled for the unexpired term in the same manner as an original appointment. The members of the committee shall be appointed within ~~fifteen~~ forty-five days after the first day of the first regular session of each general assembly and the committee shall meet and proceed to recommend an ethics code not later than ~~thirty~~ sixty days after the first day of the first regular session of each general assembly.

In the first regular session of each general assembly, the speaker of the house of representatives shall appoint the chairperson of the committee from among the house members of the committee, and the president of the senate shall appoint the vice-chairperson of the committee from among the senate members of the committee. In the second regular session of each general assembly, the president of the senate shall appoint the chairperson of the committee from among the senate members of the committee, and the speaker of the house of representatives shall appoint the vice-chairperson of the committee from among the house members of the committee. The chairperson, vice-chairperson, and members of the committee shall serve until their respective successors are appointed or until they are no longer members of the general assembly.

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The committee shall meet at the call of the chairperson or upon the written request of seven members of the committee.

(B) The joint legislative ethics committee:

- (1) Shall recommend a code of ethics that is consistent with law to govern all members and employees of each house of the general assembly and all candidates for the office of member of each house;
- (2) May receive and hear any complaint that alleges a breach of any privilege of either house, or misconduct of any member, employee, or candidate, or any violation of the appropriate code of ethics;
- (3) May obtain information with respect to any complaint filed pursuant

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4 JUL 27 2023  
Date: \_\_\_\_\_

*Mike DeWine*

Sec. 107.032. As used in sections 107.033 to 107.035 of the Revised Code:

(A) "Aggregate general revenue fund appropriations" means all appropriations made by the general assembly either directly from the general revenue fund appropriations made by the general assembly or indirectly from any nongeneral revenue fund supported by cash transfers from the general revenue fund except for the following:

- (1) Appropriations of money received from the federal government;
- (2) Appropriations made for tax relief or refunds of taxes and other overpayments;
- ~~(3) Appropriations of money received as gifts.~~

(B) "Rate of inflation" means the percentage increase or decrease in the consumer price index over a one year period, based on the most recent consumer price index for all urban consumers, midwest region, all items, as determined by the bureau of labor statistics of the United States department of labor or, if that index is no longer published, a generally available comparable index.

~~(C) "Rate of population change" means the percentage increase or decrease in the population of this state over a one year period, based on the most recent population data available for the state published by the bureau of the census of the United States department of commerce, or its successor in responsibility, in the population estimates program, or its successive equivalent.~~

~~(D) "Recast fiscal year" means fiscal years 2012, 2016, 2020, and each fourth fiscal year thereafter.~~

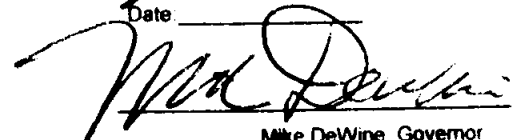
Sec. 107.033. As part of the state budget the governor submits to the general assembly under section 107.03 of the Revised Code, the governor shall include the state appropriation limitations the general assembly shall not exceed when making aggregate general revenue fund appropriations for each respective fiscal year of the biennium covered by that budget. As part of this submission, the governor shall include a table of all non-general revenue fund appropriation line items that are subject to the state appropriation limitation for the current fiscal year and for each respective fiscal year of the biennium covered by that budget. The aggregate general revenue fund appropriations the governor proposes in the state budget also shall not exceed those limitations for each respective fiscal year of the biennium covered by that budget.

(A) ~~For fiscal year 2008, the state appropriation limitation is the sum of the following:~~

- ~~(1) The aggregate general revenue fund appropriations for fiscal year~~

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3 JULY 2007  
Date



Mike DeWine, Governor

2007; plus

~~(2) The aggregate general revenue fund appropriations for fiscal year 2007 multiplied by either three and one half per cent, or the sum of the rate of inflation plus the rate of population change, whichever is greater.~~

~~(B)~~ For each fiscal year thereafter that is not a recast fiscal year, the state appropriation limitation is the sum of the following:

(1) The state appropriation limitation for the previous fiscal year; plus

(2) The state appropriation limitation for the previous fiscal year multiplied by ~~either three and one half per cent, or the sum of the rate of inflation plus the rate of population change, whichever is greater.~~

~~(C)~~(B) For each recast fiscal year, the state appropriation limitation is the sum of the following:

(1) The aggregate general revenue fund appropriations for the previous fiscal year; plus

(2) The aggregate general revenue fund appropriations for the previous fiscal year multiplied by ~~either three and one half per cent, or the sum of the rate of inflation plus the rate of population change, whichever is greater.~~

~~(D)~~(C) The state appropriation limitation for a fiscal year shall be increased by the amount of a nongeneral revenue fund appropriation made in the immediately preceding fiscal year, if all of the following apply to the nongeneral revenue fund appropriation:

(1) It was made on or after July 1, 2013.

(2) It is included in the aggregate general revenue fund appropriations proposed for that fiscal year.

(3) It is being made for the first time from the general revenue fund.

(D) The main operating appropriations act shall contain a list of all non-general revenue fund appropriation line items subject to the state appropriation limitation under this section.

~~Sec. 107.035~~ 107.034. Any appropriation that, for fiscal year 2007, was an aggregate general revenue fund appropriation shall be considered an aggregate general revenue fund appropriation for each succeeding fiscal year with respect to the determination of the state appropriation limitation under section 107.033 of the Revised Code, even if it is made from a different fund. Any new general revenue fund appropriation made in a fiscal year after fiscal year 2007 shall be considered an aggregate general revenue fund appropriation for each succeeding fiscal year after it is first made with respect to the determination of the state appropriation limitation under section 107.033 of the Revised Code, even if it is made from a different fund.

Sec. 107.035. For the purpose of calculations made on and after the

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*July 31, 2023*  
Date: \_\_\_\_\_

*Mike DeWine*  
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Mike DeWine, Governor

effective date of this section, any tax revenue credited to the general revenue fund under section 113.09 of the Revised Code any time during fiscal years 2024 to 2027 shall be considered a general revenue fund tax source to fund general revenue fund appropriations for each succeeding fiscal year with respect to the determination of the state appropriation limitation under section 107.033 of the Revised Code, even if that tax revenue is subsequently credited to a nongeneral revenue fund account. An appropriation made from that nongeneral revenue fund account shall be considered as if it were made from the general revenue fund.

Sec. 107.13. (A) The governor, in the governor's official capacity as the supreme executive of this state, may retain legal counsel other than from the attorney general for either of the following purposes:

(1) To represent, and intervene on behalf of, the governor in any judicial proceeding that involves a challenge to the constitution or laws of this state and that is an important matter of statewide concern. The governor may intervene in any such judicial proceeding at any time as a matter of right. Intervention under this division shall be in accordance with Rule 24 of the Ohio Rules of Civil Procedure or with Rule 24 of the Federal Rules of Civil Procedure, as applicable.

(2) To provide advice and counsel to the governor on matters that affect the official business of the office of the governor.

(B) The governor shall approve all terms of representation and authorize payment for all financial costs incurred under division (A) of this section from the office of the governor's operating expenses appropriation line item or from a separate appropriation made for those costs. The requirements of sections 125.05 and 127.16 of the Revised Code do not apply to a representation agreement entered into under division (A) of this section.

(C) Notwithstanding any contrary provision of law, nothing in this section shall be construed to do any of the following:

(1) Constitute a waiver of any executive privilege of the governor or any executive officer or staff;

(2) Permit any violation of section 9.58 of the Revised Code;


(3) Permit the retention of counsel, or intervention, in any criminal proceeding;

(4) Limit any authority of the governor that is granted under the constitution of this state or under any other provision of law.

Sec. 107.22. (A)(1) There is created the commission on eastern European affairs. The commission shall be made up of the following members:

(a) Three members appointed by the governor, with the advice and

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July 3, 2023  
Date  
  
Mike DeWine, Governor

fund during the preceding month under this division and division (B) of this section. Money shall be distributed from the local government fund as required under sections 5747.50 and 5747.503 of the Revised Code during the same month in which it is credited to the fund.

(B) On or before the seventh day of each month, the director of budget and management shall credit to the public library fund one and ~~sixty-six one-hundredths~~ seven-tenths per cent of the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division (A) of this section. Money shall be distributed from the public library fund as required under section 5747.47 of the Revised Code during the same month in which it is credited to the fund.

(C) The director of budget and management shall develop a schedule identifying the specific tax revenue sources to be used to make the monthly transfers required under divisions (A) and (B) of this section. The director may, from time to time, revise the schedule as the director considers necessary.

Sec. 131.56. The general assembly shall not make aggregate general revenue fund appropriations for ~~fiscal year 2008 and each a~~ fiscal year thereafter that exceed the state appropriation limitation determined for the respective fiscal year under section 107.033 of the Revised Code.

**READ**  
Sec. 131.57. Notwithstanding section 131.56 of the Revised Code, the general assembly may make aggregate general revenue fund appropriations for a fiscal year that exceed the state appropriation limitation for that fiscal year if either of the following apply:  
(A) ~~The excess appropriations are made in response to the governor's proclamation of an emergency concerning such things as an act of God, a pandemic disease, an infestation of destructive organisms, repelling invasion, suppressing insurrection, defending the state in time of war, or responding to terrorist attacks, and can be used only for that emergency.~~  
(B) The the general assembly passes a bill by an affirmative vote of two-thirds of the members of each house that does both of the following:  
(1)(A) Specifically identifies the purpose of each excess appropriation;  
(2)(B) States whether the appropriations are to be included as aggregate general revenue fund appropriations with respect to future determinations of the state appropriation limitation under section 107.033 of the Revised Code.  
Sec. 131.58. ~~Neither of the following~~ Appropriations that the general

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July 3, 2023  
Date:

  
Mike DeWine, Governor

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assembly determines shall not be included as aggregate general revenue fund appropriations pursuant to a bill passed under section 131.57 of the Revised Code shall not be included as aggregate general revenue fund appropriations with respect to the determination of the state appropriation limitation under section 107.033 of the Revised Code:

~~(A) Appropriations made under division (A) of section 131.57 of the Revised Code;~~

~~(B) Appropriations that are not to be included as aggregate general revenue fund appropriations pursuant to a bill passed under division (B) of section 131.57 of the Revised Code.~~

Sec. 133.07. (A) A county shall not incur, without a vote of the electors, either of the following:

- (1) Net indebtedness for all purposes that exceeds an amount equal to one per cent of its tax valuation;
- (2) Net indebtedness for the purpose of paying the county's share of the cost of the construction, improvement, maintenance, or repair of state highways that exceeds an amount equal to one-half of one per cent of its tax valuation.

(B) A county shall not incur total net indebtedness that exceeds an amount equal to one of the following limitations that applies to the county:

- (1) A county with a valuation not exceeding one hundred million dollars, three per cent of that tax valuation;
- (2) A county with a tax valuation exceeding one hundred million dollars but not exceeding three hundred million dollars, three million dollars plus one and one-half per cent of that tax valuation in excess of one hundred million dollars;
- (3) A county with a tax valuation exceeding three hundred million dollars, six million dollars plus two and one-half per cent of that tax valuation in excess of three hundred million dollars.

(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:

- (1) Securities described in section 307.201 of the Revised Code;
- (2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:
  - (a) Water systems or facilities;
  - (b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;
  - (c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;

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Date

*Mike DeWine*

numerical and geographical balance of the sub-Saharan African population throughout the state.

The commission shall elect a chairperson, vice-chairperson, and other officers from among its voting members as it considers advisable. Six voting members constitute a quorum. The commission shall adopt rules governing its procedures. No action of the commission is valid without the concurrence of six members.

Members shall not be compensated for work as members of the commission.

Sec. 4112.33. The office of new African immigrant affairs is created. The office shall be accountable to the new African immigrants commission. The director of the office shall be appointed by and serve at the pleasure of the commission.

The director, with the approval of the commission, shall appoint such employees as are necessary to carry out the duties of the office. The employees shall serve at the pleasure of the director.

The office shall execute the tasks assigned to it by the commission, which shall include the duties listed in section 4112.31 of the Revised Code.

Sec. 4112.34. There is hereby created in the state treasury the new African immigrants grant and gift fund. The fund shall consist of money received as grants or gifts under section 4112.31 of the Revised Code and any money transferred or appropriated to the fund by the general assembly. The new African immigrants commission shall use the money to support the commission's duties, including the operation of the office of new African immigrant affairs established under section 4112.33 of the Revised Code. Investment earnings of the fund shall be credited to the fund.

Sec. 4113.52. (A)(1)(a) A person is required to make a report under division (A)(1)(b) of this section if the person meets any of the following:  
(i) The person is elected to public office.  
(ii) The person is appointed to or within a public office.  
(iii) The person has a fiduciary duty to a public office.  
(iv) The person holds a supervisory position within a public office.  
(v) The person is employed in the department or office responsible for processing any expenses of the public office.  
(b) If a person identified in division (A)(1)(a) of this section, during the person's term of office or in the course of the person's employment, becomes aware of fraud, theft in office, or the misuse or misappropriation of public money, the person shall timely notify the auditor of state via the auditor of state's fraud-reporting system under section 117.03 of the Revised Code or via other means.

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JULY 3, 2023

Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

(c) The duty to report under division (A)(1)(b) of this section is an express statutory duty of the officers and employees of a public office included in division (A)(1)(a) of this section.

(d) A person who serves as legal counsel, or who is employed as legal counsel, for a public office is not required to make a report under division (A)(1)(b) of this section concerning any communication received from a client in an attorney-client relationship.

(e) Divisions (A)(1)(a) to (c) of this section do not apply to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, or to any employee of the prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation.

(f) If ~~an employee~~ a person becomes aware in the course of the ~~employee's~~ person's employment of a violation of any state or federal statute or any ordinance or regulation of a political subdivision that the ~~employee's~~ person's employer has authority to correct, and the ~~employee~~ person reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety, a felony, or an improper solicitation for a contribution, the ~~employee~~ person orally shall notify the ~~employee's~~ person's supervisor or other responsible officer of the ~~employee's~~ person's employer of the violation and subsequently shall file with that supervisor or officer a written report that provides sufficient detail to identify and describe the violation. If the employer does not correct the violation or make a reasonable and good faith effort to correct the violation within twenty-four hours after the oral notification or the receipt of the report, whichever is earlier, the ~~employee~~ person may file a written report that provides sufficient detail to identify and describe the violation with the prosecuting authority of the county or municipal corporation where the violation occurred, with a peace officer, with the inspector general if the violation is within the inspector general's jurisdiction, with the auditor of state's fraud-reporting system under section 117.103 of the Revised Code if applicable, or with any other appropriate public official or agency that has regulatory authority over the employer and the industry, trade, or business in which the employer is engaged.

~~(b)(g)~~ If ~~an employee~~ a person makes a report under division ~~(A)(1)(a)(A)(1)(f)~~ of this section, the employer, within twenty-four hours after the oral notification was made or the report was received or by the close of business on the next regular business day following the day on which the oral notification was made or the report was received, whichever is later, shall notify the ~~employee~~ person, in writing, of any effort of the

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JUL 3, 2023  
Date

*Mike DeWine*



employer to correct the alleged violation or hazard or of the absence of the alleged violation or hazard.

(2) If ~~an employee~~ a person becomes aware in the course of the ~~employee's~~ person's employment of a violation of chapter 3704., 3734., 6109., or 6111. of the Revised Code that is a criminal offense, the employee directly may notify, either orally or in writing, any appropriate public official or agency that has regulatory authority over the employer and the industry, trade, or business in which the employer is engaged.

(3) If ~~an employee~~ a person becomes aware in the course of the ~~employee's~~ person's employment of a violation by a fellow employee of any state or federal statute, any ordinance or regulation of a political subdivision, or any work rule or company policy of the ~~employee's~~ person's employer and the ~~employee~~ person reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety, a felony, or an improper solicitation for a contribution, the employee orally shall notify the ~~employee's~~ person's supervisor or other responsible officer of the ~~employee's~~ person's employer of the violation and subsequently shall file with that supervisor or officer a written report that provides sufficient detail to identify and describe the violation.

(B) Except as otherwise provided in division (C) of this section, no ~~employer~~ person shall take any disciplinary or retaliatory action against an ~~employee~~ a person for making any report authorized by division (A)(1) or (2) of this section, or as a result of the ~~employee's~~ person's having made any inquiry or taken any other action to ensure the accuracy of any information reported under either such division. No employer shall take any disciplinary or retaliatory action against ~~an employee~~ a person for making any report authorized by division (A)(3) of this section if the ~~employee~~ person made a reasonable and good faith effort to determine the accuracy of any information so reported, or as a result of the ~~employee's~~ person's having made any inquiry or taken any other action to ensure the accuracy of any information reported under that division. For purposes of this division, disciplinary or retaliatory action by the employer includes, without limitation, doing any of the following:

- (1) Removing or suspending the ~~employee~~ person from employment;
- (2) Withholding from the ~~employee~~ person salary increases or employee benefits to which the ~~employee~~ person is otherwise entitled;
- (3) Transferring or reassigning the ~~employee~~ person;
- (4) Denying the ~~employee~~ person a promotion that otherwise would have been received;

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3 JULY 2023  
Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

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(5) Reducing the ~~employee person~~ in pay or position.

(C) ~~An employee~~ A person shall make a reasonable and good faith effort to determine the accuracy of any information reported under division (A)(1) or (2) of this section. If the ~~employee person~~ who makes a report under either division fails to make such an effort, the ~~employee person~~ may be subject to disciplinary action by the ~~employee's person's~~ employer, including suspension or removal, for reporting information without a reasonable basis to do so under division (A)(1) or (2) of this section.

(D) If an employer takes any disciplinary or retaliatory action against ~~an employee~~ a person as a result of the ~~employee's person's~~ having filed a report under division (A) of this section, the ~~employee person~~ may bring a civil action for appropriate injunctive relief or for the remedies set forth in division (E) of this section, or both, within one hundred eighty days after the date the disciplinary or retaliatory action was taken, in a court of common pleas in accordance with the Rules of Civil Procedure. A civil action under this division is not available to ~~an employee~~ a person as a remedy for any disciplinary or retaliatory action taken by an appointing authority against the ~~employee person~~ as a result of the ~~employee's person's~~ having filed a report under division (A) of section 124.341 of the Revised Code.

(E) The court, in rendering a judgment for the ~~employee person~~ in an action brought pursuant to division (D) of this section, may order, as it determines appropriate, reinstatement of the ~~employee person~~ to the same position that the ~~employee person~~ held at the time of the disciplinary or retaliatory action and at the same site of employment or to a comparable position at that site, the payment of back wages, full reinstatement of fringe benefits and seniority rights, or any combination of these remedies. The court also may award the prevailing party all or a portion of the costs of litigation and, if the ~~employee person~~ who brought the action prevails in the action, may award the prevailing ~~employee person~~ reasonable attorney's fees, witness fees, and fees for experts who testify at trial, in an amount the court determines appropriate. If the court determines that an employer deliberately has violated division (B) of this section, the court, in making an award of back pay, may include interest at the rate specified in section 1343.03 of the Revised Code.

(F) Any report filed with the inspector general under this section shall be filed as a complaint in accordance with section 121.46 of the Revised Code.

(G) As used in this section:

(1) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.

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3 JULY 2023

Date: Mike DeWine

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(2) "Improper solicitation for a contribution" means a solicitation for a contribution that satisfies all of the following:

- (a) The solicitation violates division (B), (C), or (D) of section 3517.092 of the Revised Code;
- (b) The solicitation is made in person by a public official or by an employee who has a supervisory role within the public office;
- (c) The public official or employee knowingly made the solicitation, and the solicitation violates division (B), (C), or (D) of section 3517.092 of the Revised Code;
- (d) The employee reporting the solicitation is an employee of the same public office as the public official or the employee with the supervisory role who is making the solicitation.

(3) "Public office" has the same meaning as in section 117.01 of the Revised Code.

(H) Nothing in this section shall be construed to limit the authority of an auditor to make inquiries or interview state or local government employees or officials or otherwise perform audit procedures related to fraud during the course of an audit or attestation engagement.

Sec. 4117.14. (A) The procedures contained in this section govern the settlement of disputes between an exclusive representative and a public employer concerning the termination or modification of an existing collective bargaining agreement or negotiation of a successor agreement, or the negotiation of an initial collective bargaining agreement.

(B)(1) In those cases where there exists a collective bargaining agreement, any public employer or exclusive representative desiring to terminate, modify, or negotiate a successor collective bargaining agreement shall:

(a) Serve written notice upon the other party of the proposed termination, modification, or successor agreement. The party must serve the notice not less than sixty days prior to the expiration date of the existing agreement or, in the event the existing collective bargaining agreement does not contain an expiration date, not less than sixty days prior to the time it is proposed to make the termination or modifications or to make effective a successor agreement.

(b) Offer to bargain collectively with the other party for the purpose of modifying or terminating any existing agreement or negotiating a successor agreement;

(c) Notify the state employment relations board of the offer by serving upon the board a copy of the written notice to the other party and a copy of the existing collective bargaining agreement.

The above boxed and initialed text was disapproved.

3 JUL 2023

Date: \_\_\_\_\_

*Mike DeWine*

*RMD*

authority of the department or agency.

Sec. 4164.12. For the purpose of carrying out the Ohio nuclear development authority's duties under sections 4164.01 to 4164.20 of the Revised Code, the authority may make use of the staff and experts employed at the department of development in such manner as is provided by mutual arrangement between the authority and the department.

*RMD*

Sec. 4164.13. Meetings of the authority shall be held in compliance with section 121.22 of the Revised Code.

Sec. 4164.15. The authority shall work with industrial and academic institutions and the United States department of energy or branches of the United States military to approve designs for the commercialization of advanced-nuclear-reactor components, which may include any of the following:

*RMD*

(A) Advanced-nuclear-reactor-neutronics analysis and experimentation, including reactor, plant, shielding, nuclear data, source-program software, nuclear database, conceptual design, core and system design, certification in the phases, core-management and fuel-management technology, modeling, and calculation;

(B) Advanced-nuclear-reactor safety and plant safety, including reactor-system safety standards, accident-analysis software, and accident-management regulations;

(C) Advanced-nuclear-reactor fuels and materials, including long-life fuel, clad materials, structural materials, component materials, absorber materials, circuit materials, raw materials, fuels-and-materials research and development, testing programs used to develop fuels and materials-manufacturing processes, experimental data, formulae, technological processes, and facilities and equipment used to manufacture advanced-nuclear-reactor fuels and materials;

(D) Advanced-nuclear-reactor-nuclear-steam-supply systems and their associated components and equipment, including design standards, component, equipment, and systems design, thermal hydraulics, mechanics, and chemistry analysis;

(E) Advanced-nuclear-reactor engineered-safety features and their associated components, including design standards, component design, system design, and structural design;

(F) Advanced-nuclear-reactor building, including containment design, structural analysis, and architectural analysis;

(G) Advanced-nuclear-reactor instrumentation and control and application of computer science, including survey, monitor, control, and protection systems;

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3 JUL 2023  
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(H) Advanced-nuclear-reactor-quality practices, nondestructive-inspection practices, and in-service-inspection technology;

(I) Advanced-nuclear-reactor plant design and construction, debug, test-run, operation, maintenance, and decommissioning technology;

(J) Advanced-nuclear-reactor economic methodology and evaluation technology;

(K) Treatment, storage, recycling, and disposal technology for advanced-nuclear-reactor and system-spent fuel;

(L) Treatment, storage, and disposal technology for advanced-nuclear-reactor and system radioactive waste;

(M) Other areas that the parties or their executive agents agree upon in writing.

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Sec. 4164.16. The authority shall give priority to projects that reduce nuclear waste and produce isotopes.

Sec. 4164.18. On or before the fourth day of July of each year, the authority shall submit an annual report of its activities to the governor, the speaker of the house of representatives, the president of the senate, and the chairs of the house and senate committees that oversee energy-related issues. The report shall be posted to the authority's web site.

Sec. 4164.19. Nothing in this chapter shall be construed to supersede any agreement between the department of health and the United States nuclear regulatory commission entered into under section 3748.03 of the Revised Code with respect to regulating activities not within the scope of activities of the authority.

Sec. 4164.20. (A) The authority shall, under Chapter 119. of the Revised Code, adopt rules provided for by the United States nuclear regulatory commission, department of energy, department of defense or another United States military agency, or a comparable federal agency for an Ohio state nuclear technology research program for the purposes of developing and studying advanced-nuclear research reactors to produce isotopes and to reduce this state's high-level nuclear waste. The rules shall reasonably ensure Ohioans of their safety in respect to nuclear technology research and development and radioactive materials.

(B) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

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Sec. 4301.19. The division of liquor control shall sell spirituous liquor only, whether from a warehouse or from a state liquor store or agency store. All sales shall be in sealed containers and for resale as authorized by this

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3 JUL 22 2013  
Date \_\_\_\_\_

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Mike DeWine, Governor

to make medicaid payments to providers of nursing facility services and providers of home and community-based services, and to fund expanding the state ombudsman long-term care program and resident and family surveys at the department of aging, the addition of surveyors at the department of health, and to fund quality and consumer information resources. Money in the fund may also be used for the residential state supplement program established under section 5119.41 of the Revised Code.

(B) Any money remaining in the nursing home franchise permit fee fund after payments specified in division (A) of this section are made shall be retained in the fund. Any interest or other investment proceeds earned on money in the fund shall be credited to the fund and used to make medicaid payments in accordance with division (A) of this section.

Sec. 5301.256. (A) As used in this section:

(1) "Agriculture" has the same meaning as in section 1.61 of the Revised Code.

(2) "Agricultural land" means land suitable for use in agriculture and includes water on and upon and air space over and above the land and natural products and deposits that are unsevered from the land.

(3) "Real property" means land and improvements to land and includes water on and upon and air space over and above the land and natural products and deposits that are unsevered from the land.

(4) "Armed forces" has the same meaning as in section 5903.01 of the Revised Code.

(5) "Person" includes all of the following:

(a) Individuals;

(b) Firms, companies, business trusts, estates, trusts, sole proprietorships, partnerships, general partnerships, limited liability companies, associations, corporations, and any other business entities;

(c) Governments other than the government of the United States, its states, subdivisions, territories, or possessions;

(d) Legal or commercial entities, organizations, joint ventures, and nonprofits.

(B)(1) On or after the effective date of this section, no person listed in the registry published by the secretary of state under division (G) of this section, and no agent, trustee, or fiduciary of such a person, shall purchase or otherwise acquire either of the following:

(a) Agricultural land in this state.

(b) Real property within a twenty-five-mile radius of any military base, camp, airport, or similar installation in this state under the jurisdiction of the armed forces.

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*RMD*

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JUL 4, 2023  
Date \_\_\_\_\_

*Mike DeWine*

clerk of the court shall notify the governor that the title to the agricultural land or real property is vested in the state by decree of the court. After the sale, the proceeds of the sale shall be paid as follows:

*R.M.*

(a) The proceeds shall first be used to pay court costs related to the action or actions initiated pursuant to division (F)(2) of this section;

*R.M.*

(b) The remaining proceeds, if any, shall be paid to the person whose agricultural land or real property escheated, but only in an amount not exceeding the actual cost paid by the person for that agricultural land or real property;

*R.M.*

(c) The proceeds remaining after payments have been made pursuant to divisions (F)(5)(a) and (b) of this section shall be paid to the general fund of each county in which the agricultural land or real property is located, proportionally, based on the percentage of the territory located in each county.

*R.M.*

*R.M.*

(G) The secretary of state shall compile and periodically update a registry of persons that, based on the best information available to the secretary of state, constitute a threat to the agricultural production or military defense of this state, or the United States, if permitted to acquire agricultural land or real property described in division (B)(1)(a) or (b) of this section. The registry shall be published on the secretary of state's web site. The secretary of state shall consult all of the following in compiling the registry:

(1) The list of persons determined to be foreign adversaries by the secretary of commerce of the United States under 15 C.F.R. 7.4;

(2) The terrorist exclusion list compiled by the secretary of state of the United States in consultation with the attorney general of the United States under 8 U.S.C. 1182;

(3) The list of countries determined by the secretary of state of the United States that have repeatedly provided support for acts of international terrorism under 50 U.S.C. 4813(c) and 22 U.S.C. 2780(d);

(4) The list of individual and entities designated by, or in accordance with Executive Order 13224, issued by the president of the United States on September 23, 2021, or Executive Order 13268, issued by the president of the United States on July 2, 2002.

*R.M.*

(H) The purpose of establishing the restrictions as set forth in this section is to recognize that the state has a substantial and compelling interest in protecting both its agricultural production and military defense.

Sec. 5301.80. As used in sections 5301.80 to 5301.92 of the Revised Code:

(A) "Activity and use limitations" means restrictions or obligations

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4 JUL 2023  
Date \_\_\_\_\_

*Mike DeWine*

regardless of shape or size, that can be used to produce vapor from the vapor product. "Electronic smoking product" includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, vaporizer, or similar product or device, but does not include any product regulated as a drug, device, or combination product under Chapter V of the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq.

(V) "Vapor distributor" means any person that:

- (1) Sells vapor products to a retail dealer;
- (2) Is a retail dealer that receives vapor products with respect to which the tax imposed by this chapter has not or will not be paid by another person that is a vapor distributor;
- (3) Is a secondary manufacturer;
- (4) Is a wholesale dealer located in this state that receives vapor products from a manufacturer, or receives vapor products on which the tax imposed by this chapter has not been paid;
- (5) Is a wholesale dealer located outside this state that sells vapor products to a wholesale dealer in this state.

"Vapor distributor" does not include a qualifying vapor manufacturer or importer.

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(W) "Vapor volume" means one of the following, as applicable:

- (1) If a vapor product is sold in liquid form, one-tenth of one milliliter of vapor product;
- (2) If the vapor product is sold in a nonliquid form, one-tenth of one gram of vapor product.

(X) "Qualifying vapor manufacturer or importer" means a manufacturer or importer of vapor products that meets all of the following criteria:

- (1) The person is validly registered with the federal bureau of alcohol, tobacco, firearms, and explosives pursuant to 15 U.S.C. 376 and with the tax commissioner under section 5743.66 of the Revised Code.
- (2) The person sells vapor products only to vapor distributors holding valid and current licenses under section 5743.61 of the Revised Code and to persons outside of this state.

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Sec. 5743.021. (A) As used in this section, "qualifying regional arts and cultural district" means a regional arts and cultural district created under section 3381.04 of the Revised Code in a county having a population of one million two hundred thousand or more according to the 2000 federal decennial census.

(B) For one or more of the purposes for which a tax may be levied under section 3381.16 of the Revised Code and for the purposes of paying the

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Date July 3, 2023

*Mike DeWine*



wholesaler for sale outside this state. Such a manufacturer shall provide documentation to the commissioner evidencing that the cigarettes are legal for sale in another state.

(G) The tax commissioner may adopt rules necessary to administer this section.

Sec. 5743.33. Every person who has acquired cigarettes for use, storage, or other consumption subject to the tax levied under section 5743.32, 5743.321, 5743.323, or 5743.324 of the Revised Code, shall, on or before the fifteenth day of the month following receipt of such cigarettes, file with the tax commissioner a return showing the amount of cigarettes acquired, together with remittance of the tax thereon. ~~The return shall include, in the case of a tax described in division (B)(2) of section 5743.021 of the Revised Code, the number and wholesale price of packages of cigarettes acquired or, in the case of any other tax, the number of cigarettes acquired.~~ No such person shall transport within this state, cigarettes that have a wholesale value in excess of three hundred dollars, unless that person has obtained consent to transport the cigarettes from the department of taxation prior to such transportation. Such consent shall not be required if the applicable taxes levied under sections 5743.02, 5743.021, 5743.024, and 5743.026 of the Revised Code have been paid. Application for the consent shall be in the form prescribed by the tax commissioner.

Every person transporting such cigarettes shall possess the consent while transporting or possessing the cigarettes within this state and shall produce the consent upon request of any law enforcement officer or authorized agent of the tax commissioner.

Any person transporting such cigarettes without the consent required by this section, shall be subject to the provisions of this chapter, including the applicable taxes imposed under sections 5743.02, 5743.021, 5743.024, and 5743.026 of the Revised Code.

*Read*

Sec. 5743.51. (A) To provide revenue for the general revenue fund of the state, an excise tax on tobacco products and vapor products is hereby levied at one of the following rates:

(1) For tobacco products other than little cigars or premium cigars, seventeen per cent of the wholesale price of the tobacco product received by a distributor or sold by a manufacturer to a retail dealer located in this state.

(2) Thirty-seven per cent of the wholesale price of little cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state.

(3) For premium cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state, the lesser of seventeen

The above boxed and initialed text was disapproved.

Date: July 3, 2023

*Mike DeWine*

Mike DeWine, Governor

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per cent of the wholesale price of such premium cigars or the maximum tax amount per each such premium cigar.

(4) For vapor products, one cent multiplied by the vapor volume of vapor products the first time the products are received by a vapor distributor in this state.

Each distributor or vapor distributor who brings tobacco products or vapor products, or causes tobacco products or vapor products to be brought, into this state for distribution within this state, or any out-of-state distributor or vapor distributor who sells tobacco products or vapor products to wholesale or retail dealers located in this state for resale by those wholesale or retail dealers is liable for the tax imposed by this section. Only one sale of the same article shall be used in computing the amount of the tax due. If a vapor product is repackaged, reconstituted, diluted, or reprocessed, the subsequent sale of that vapor product shall be considered another sale of the same article for purposes of computing the amount of tax due.

(B) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of the receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.53 of the Revised Code. The balance of the taxes collected under this section shall be paid into the general revenue fund.

(C) The commissioner may adopt rules as are necessary to assist in the enforcement and administration of sections 5743.51 to 5743.66 of the Revised Code, including rules providing for the remission of penalties imposed.

(D) A manufacturer is not liable for payment of the tax imposed by this section for sales of tobacco products or vapor products to a retail dealer that has filed a signed statement with the manufacturer in which the retail dealer agrees to pay and be liable for the tax, as long as the manufacturer has provided a copy of the statement to the tax commissioner.

(E) A qualifying vapor manufacturer or importer may agree to be liable for the tax imposed by this section with respect to sales of vapor products to a vapor distributor, provided that the manufacturer or importer has filed a signed statement with the vapor distributor in which the manufacturer or importer agrees to pay and be liable for the tax, and provided that the manufacturer or importer has provided a copy of the statement to the tax commissioner.

Sec. 5743.52. (A) Each distributor of tobacco products or vapor distributor subject to the tax levied by section 5743.51 ~~or 5743.511~~ of the Revised Code, on or before the twenty-third day of each month, shall file

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Date

Mike DeWine

Mike DeWine, Governor

following the reporting period. If the return is filed and the amount of the tax shown on the return to be due is paid on or before the date the return is required to be filed, the seller is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.

(D) The tax commissioner shall immediately forward to the treasurer of state all money received from the tax levied by this section, and the treasurer shall credit the amount to the general revenue fund.

(E) Each seller of tobacco products or vapor products subject to the tax levied by this section ~~or section 5743.621 of the Revised Code~~ shall mark on the invoices of tobacco products or vapor products sold that the tax levied by that section has been paid and shall indicate the seller's account number as assigned by the tax commissioner.

Sec. 5743.63. (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the storage, use, or other consumption of tobacco products or vapor products at one of the following rates:

(1) For tobacco products other than little cigars or premium cigars, seventeen per cent of the wholesale price of the tobacco product.

(2) For little cigars, thirty-seven per cent of the wholesale price of the little cigars.

(3) For premium cigars, the lesser of seventeen per cent of the wholesale price of the premium cigars or the maximum tax amount per each premium cigar.

(4) For vapor products, one cent multiplied by the vapor volume of the vapor products.

The tax levied under division (A) <sup>AND</sup> of this section is imposed only if the tax has not been paid by the seller <sup>AND</sup> as provided in section 5743.62 of the Revised Code, or by the distributor <sup>AND</sup> or vapor distributor <sup>AND</sup> or qualifying vapor manufacturer or importer as provided in section 5743.51 of the Revised Code. <sup>AND</sup>

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(B) Each person subject to the tax levied by this section ~~or section 5743.631 of the Revised Code~~, on or before the twenty-third day of each month, shall file with the tax commissioner a return for the preceding month showing any information the commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code, together with remittance of the tax due, payable to the treasurer of state. The return and payment of the tax required by this section shall be filed in such a manner that it is received by the commissioner on or before the twenty-third day of the month following the reporting period.

(C) The tax commissioner shall immediately forward to the treasurer of

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Date

*Mike DeWine*

Mike DeWine, Governor

SECTION 610.131. That existing Sections 207.10 and 207.20 of H.B. 23 of the 135th General Assembly that are scheduled to take effect July 1, 2023, is hereby repealed.

SECTION 700.10. Section 5.2320 of the Revised Code shall be known as Brenna's Law.

*DMW*

SECTION 701.40. When calculating the state appropriation limitation for fiscal year 2028, the Governor shall determine the limitation taking into account the amendments to sections 107.032 to 107.035 and 131.56 to 131.58 of the Revised Code contained in Section 101.01 of this act.

SECTION 701.50. To satisfy the annual report requirement under section 117.463 of the Revised Code as amended by this act, for calendar year 2024, the Auditor of State shall submit the report not later than November 1, 2024.

SECTION 701.60. (A) As used in division (B) of this section:

"Grantee" means a municipal corporation or nonprofit organization that has entered into a grant agreement with the Ohio Public Works Commission prior to the effective date of this section to acquire land or rights in land in accordance with sections 164.20 to 164.27 of the Revised Code for open space acquisition or for the protection and enhancement of riparian corridors or watersheds.

"Land" means land that is located in a county that meets either of the following criteria:

- (1) According to the most recent federal decennial census, has a population between 38,300 and 38,500;
- (2) According to the most recent federal decennial census, has a population between 66,000 and 66,700.

(B) Notwithstanding sections 164.20 to 164.27 of the Revised Code and any rules or policies adopted under those sections, the Ohio Public Works Commission shall amend any agreement with a grantee under which the Commission issued a Clean Ohio Conservation Fund grant to acquire land or rights in land, and shall amend any related deed, to specify all of the following:

- (1) That any use restriction on the land concerning the grant agreement

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*July 3, 2023*  
Date  
*Mike DeWine*

Mike DeWine, Governor

effort to prevent state funds from being dispersed fraudulently by utilizing banking institution financial crime data with the state agency fraud analytics.

Not later than June 30, 2024, the Office of Budget and Management and other state agencies as determined by the Office of Budget and Management shall submit a financial report to the Governor, the President of the Senate, and the Speaker of the House of Representatives demonstrating the prevention and recovery of funds associated with fraudulent disbursements from state agencies under the jurisdiction of the state.

SECTION 701.80. The purpose of this section is to establish a schedule of appointments to fill vacancies on the Ohio Public Works Commission. A person who is a member of the commission before the effective date of this section may complete the term to which the person was appointed. Not later than thirty days after the effective date of this section, the President of the Senate shall appoint one member to a term of four years, and the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate each shall appoint one member to an initial term of two years.

All subsequent appointments to the Commission, including those for the three positions on the Commission whose terms expire on December 31, 2023, shall be for terms of four years in accordance with section 164.02 of the Revised Code, as amended by this act. All terms commence from the date of appointment.

SECTION 701.100. (A) The Auditor of State may conduct an audit of the Department of Job and Family Services and any program administered by the Department. An audit conducted under this section is independent of the audit required pursuant to "The Single Audit Act of 1984," 31 U.S.C. 750 et seq.

(B) Pursuant to section 117.13 of the Revised Code, the Auditor of State may charge the Department of Job and Family Services for the total cost of an audit conducted under this section.

(C) If an audit is conducted under this section, the Auditor of State shall determine the subject and scope of the audit, which may include any of the following:

- (1) The management and operation of the Department;
- (2) The economy, efficiency, and transparency of Department programs;
- (3) The goals, outcomes, or impacts of Department programs;

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JUL 13, 2023  
Date

- (4) The systems and processes used by the Department to determine program eligibility for recipients and providers;
- (5) The integrity of the programs administered by the Department, including payment accuracy;
- (6) The contract management and subrecipient monitoring practices of the Department.

SECTION 701.110. (A)(1) The Auditor of State shall conduct audits of the Department of Medicaid and the programs that the Department administers. An audit conducted under this section is independent of the audit required pursuant to "The Single Audit Act of 1984," 31 U.S.C. 7501 et seq.

(2) Pursuant to section 117.13 of the Revised Code, the Auditor of State may charge the Department of Medicaid for the total cost of an audit conducted under this section.

(B) The Auditor of State shall determine the subject and scope of audits conducted under this section, which may include any of the following:

- (1) The management and operation of the Department of Medicaid;
- (2) The economy, efficiency, and transparency of programs administered by the Department;
- (3) The goals, outcomes, or impacts of programs administered by the Department;
- (4) The systems and processes used by the Department to determine eligibility of program recipients and providers;
- (5) The integrity of the programs administered by the Department, including payment accuracy;
- (6) The contract management and subrecipient monitoring practices of the Department.

(C) The Auditor of State shall periodically report the results of audits conducted under this section to the Joint Medicaid Oversight Committee.

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SECTION 701.130. (A) All cases that are pending in the Tenth District Court of Appeals on the effective date of this section and that were appropriately filed in that court shall be adjudicated by the Tenth District Court of Appeals. All cases that, prior to the effective date of this section, would have been solely within the jurisdiction on appeal of the Tenth District Court of Appeals, and that on the effective date of this section are pending in a common pleas court that is an appropriate venue and are not pending in the Tenth District Court of Appeals, shall be adjudicated by that

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Date July 3, 2027

*Mike DeWine*  
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 Mike DeWine, Governor

SECTION 812.20. The amendment or enactment by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

Sections 122.4017, 122.4037, 122.4040, 3701.021, 3721.08, 3721.17, 3721.99, 5165.01, 5165.15, 5165.151, 5165.152, 5165.157, 5165.158, 5165.16, 5165.19, 5165.192, 5165.23, 5165.26, 5165.36, 5165.771, 5168.40, 5747.501, 5751.02, 5753.021, 5753.031, 5913.01, and 5922.01 of the Revised Code.

SECTION 812.30. Sections of this act prefixed with numbers in the 200s, 300s, 400s, and 500s, and Section 757.20 of this act are exempt from the referendum under Ohio Constitution, Article II, Section 1d, and therefore take immediate effect when this act becomes law.

SECTION 812.40. The enactment by this act of section 5163.063 of the Revised Code takes effect one year after the effective date of this section.

*Repealed*

SECTION 812.50. Sections 107.032 to 107.035 and sections 131.56 to 131.58 of the Revised Code, as amended or enacted by Section 101.01 of this act, and section 107.034 of the Revised Code, as repealed by Section 105.01 of this act, take effect July 1, 2026.

SECTION 820.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 109.42 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly.

Section 109.572 of the Revised Code as amended by both H.B. 509 and S.B. 288 of the 134th General Assembly.

Section 119.12 of the Revised Code as amended by both H.B. 52 and H.B. 64 of the 131st General Assembly.

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*JUL 3 2023*  
Date

*Mike DeWine*  
Mike DeWine, Governor

Columbus. Except as provided in division (E) of section 120.06 and in sections 101.55, 107.13, and 3517.152 to 3517.157 of the Revised Code, no state officer or board, or head of a department or institution of the state shall employ, or be represented by, other counsel or attorneys at law. The attorney general shall appear for the state in the trial and argument of all civil and criminal causes in the supreme court in which the state is directly or indirectly interested. When required by the governor or the general assembly, the attorney general shall appear for the state in any court or tribunal in a cause in which the state is a party, or in which the state is directly interested. Upon the written request of the governor, the attorney general shall prosecute any person indicted for a crime.

Sec. 109.11. (A) There is hereby created in the state treasury the attorney general reimbursement fund that shall be used for the expenses of the office of the attorney general in providing legal services and other services on behalf of the state or any agency or officer thereof. Except as otherwise provided in this division, all

(B)(1) All amounts received by the attorney general as reimbursement for legal services and other services that have been rendered by the office of the attorney general to other state agencies the state or any agency or officer thereof shall be paid into the state treasury to the credit of the attorney general reimbursement fund. All

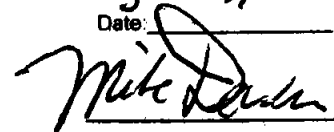
(2) All amounts awarded to the office of the attorney general by order or judgment of a court to the attorney general or as part of a settlement or other compromise of claims for attorney's fees, investigation costs, document management costs, expert witness fees, fines, and all other costs and fees associated with representation provided by the attorney general and all amounts awarded to the attorney general by a court office shall be paid into the state treasury to the credit of the attorney general reimbursement fund. All

(3) All amounts paid into the state treasury under division (D)(3) of section 2953.32 or division (B)(3) of section 2953.39 of the Revised Code and that are required under that division to be credited to the attorney general reimbursement fund shall be credited to the fund, and the amounts so credited shall be used by the bureau of criminal identification and investigation for expenses related to the sealing or expungement of records.

(C)(1) When seeking an order or judgment of a court or entering a settlement agreement or other compromise of claims on behalf of the state or any agency or officer thereof, the office of the attorney general shall seek to secure payment of all costs, expenses, and contractual obligations related to the legal services and other services provided, including attorney fees

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July 3, 2023  
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Mike DeWine, Governor



owed to special counsel; costs associated with an investigation, preparation, and presentation of claims asserted, document management, and depositions; and any fees or expenses owed to any expert or consulting expert witness. This division does not apply to matters in which the costs, expenses, and obligations are to be paid from funds within an available appropriation of the office or of the agency or officer.

(2) If the office of the attorney general is unable to secure payment of such costs, expenses, and obligations from an order or judgment of a court, settlement agreement, or other compromise of claims, or from an available appropriation of the office or state agency or officer, the office shall file a report with the president of the senate and speaker of the house of representatives detailing the costs, expenses, and obligations incurred and the efforts made to secure payment of those costs, expenses, and obligations, including a description of any cost sharing arrangements with other state attorneys general.

Sec. 109.111. (A) There is hereby created the attorney general court order and settlement fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. ~~The~~

(B) The fund shall consist of all money collected or received as a result of an order or judgment of any a court or a settlement or other compromise of claims, to be received or secured by, or delivered to, the office of the attorney general for transfer, distribution, disbursement, or allocation pursuant to court the order, judgment, settlement, or compromise and as provided by law. All

(C) All money in the fund, including investment earnings thereon, shall be used solely to make payment as directed pursuant to court the order, judgment, settlement, or compromise and as provided by law.

Sec. 109.112. (A) If the state of Ohio or any agency or officer of the state is named in ~~a court an~~ order ~~to be~~ or judgment of any court or any settlement or compromise of claims as the recipient of any money collected or received by the office of the attorney general under section 109.111 of the Revised Code, the ~~attorney general~~ office shall notify the director of budget and management of the amount of money to be collected or received on behalf of the state or any agency or officer thereof under, and the terms of, the ~~court~~ order, judgment, settlement, or compromise. ~~The~~

(B)(1) For amounts awarded, adjudged, settled upon, or compromised to under division (A) of this section that are or will be less than two million dollars in total when fully collected or received on behalf of the state or any agency or officer thereof, the director, in consultation with the office of the attorney general, shall determine the appropriate distribution of the money

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The above boxed and initialed text was disapproved.

July 3, 2027  
Date: \_\_\_\_\_



Mike DeWine, Governor

to the appropriate custodial fund or funds within the state treasury, consistent with the terms of the order, judgment, settlement, or compromise and as provided by law. Upon ~~its~~ collection or receipt, the office of the attorney general shall transfer the money from the attorney general court order and settlement fund to the appropriate fund or funds as determined by the director.

(2) For amounts awarded, adjudged, settled upon, or compromised to under division (A) of this section that are or will be two million dollars or more in total when fully collected or received on behalf of the state or any agency or officer thereof, upon collection or receipt, the office of the attorney general shall transfer the money from the attorney general court order and settlement fund to the large settlements and awards fund established under section 109.113 of the Revised Code.

Sec. 109.113. (A) The large settlements and awards fund is created in the state treasury.

(B) The fund shall consist of:

(1) The proceeds of an order or judgment of a court or a settlement or compromise of claims received by or for use by the state or an agency or officer thereof, other than those described in division (B)(1) or (2) of section 109.11 of the Revised Code, division (B)(1) of section 109.112 of the Revised Code, or due to the state or a political subdivision under section 131.02 of the Revised Code, if the total amount is or will be two million dollars or more when fully collected or received on behalf of the state or any agency or officer thereof;

(2) Investment earnings on money in the fund.

(C) Pursuant to Ohio Constitution, Article II, Section 22, a specific appropriation shall be made by law before any money may be drawn from this fund.

*RMD*

Sec. 109.42. (A) The attorney general shall prepare and have printed a pamphlet that contains a compilation of all constitutional provisions and statutes relative to victim's rights in which the attorney general lists and explains the constitutional provisions and statutes in the form of a victim's bill of rights. The attorney general shall make the pamphlet available to all sheriffs, marshals, municipal corporation and township police departments, constables, and other law enforcement agencies, to all prosecuting attorneys, city directors of law, village solicitors, and other similar chief legal officers of municipal corporations, and to organizations that represent or provide services for victims of crime. The victim's bill of rights set forth in the pamphlet shall contain a description of all of the rights of victims that are provided for in the Ohio Constitution, or in Chapter 2930. or any other

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3 JUL 7 2023  
Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

~~(D) The rules of the treasurer of state shall include both of the following:~~

~~(1) A requirement that for not less than seventy-five per cent of the pay for success contracts entered into under this section, the performance targets specified in the contract require that, based on available regional or national data, the improvement in the status of this state or the relevant area of this state with respect to the issue the contract is meant to address be greater than the average improvement in status with respect to that issue in other geographical areas during the period of the contract;~~

~~(2) A process to ensure that any regional or national data used to determine whether a service provider has met its performance targets under a pay for success contract are scientifically valid.~~

RMD

Sec. 117.092. When conducting a performance audit pursuant to section 117.46 of the Revised Code, the auditor of state and the auditor of state's authorized representatives shall have access to all employees, books, accounts, reports, vouchers, correspondence files, contracts, money, property, or other records in possession of the state agency or state institution of higher education subject to audit, including access to all electronic data. Every officer or employee of the state agency or state institution of higher education subject to the audit having such records or property under their control shall permit access to and examination of those records upon request.

All information requested by the auditor of state for the purposes of an audit shall be promptly provided. Such information shall be provided in the format prescribed by the auditor of state along with all items necessary to interpret the requested information, including data.

The auditor of state shall comply with all restrictions imposed by law on documents, data, or information deemed confidential or otherwise restricted. The auditor of state shall provide a data sharing agreement to govern the use of restricted data if the auditor of state determines an agreement is necessary to ensure compliance with restrictions imposed by law.

Sec. 117.103. (A)(1) The auditor of state shall establish and maintain a system for the reporting of fraud, including misuse and misappropriation of public money, by any public office or public official. The system shall allow Ohio residents and the employees of any public office to make anonymous complaints through a toll-free telephone number, the auditor of state's web site, or the United States mail to the auditor of state's office. The auditor of state shall review all complaints in a timely manner.

(2)(a) Subject to division (A)(2)(b) of this section, the auditor of state shall keep a log of all complaints filed under this section, which is a public

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Date 4 JULY 2023

Mike DeWine

Mike DeWine Governor

- (1) Competitive sealed bidding under section 125.07 of the Revised Code;
- (2) Competitive sealed proposals under section 125.071 of the Revised Code;
- (3) Reverse auctions under section 125.072 of the Revised Code;
- (4) Electronic procurement under section 125.073 of the Revised Code

if the contract for the supplies or services being procured was selected for inclusion in the electronic procurement system using one of the methods described in division (I)(1), (2), or (3) of this section.

RMD

(J) "Direct purchasing authority" means the authority of a state agency to make a purchase without competitive selection pursuant to sections 125.05 and 127.16 of the Revised Code.

Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination from the department of administrative services that the purchase is not subject to a first or second requisite procurement program. State agencies shall submit a purchase request to the department of administrative services unless the department has determined the request does not require a review. The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section.

(B) The following programs are first requisite procurement programs that shall be given preference in the following order in fulfilling a purchase request:

- (1) Ohio penal industries within the department of rehabilitation and correction; ~~and~~
- (2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code;
- (3) Ohio-based personal protective equipment manufacturers program established by the director of administrative services under section 125.036 of the Revised Code.

(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so:

- (1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the

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Date: 7/3/23



Mike DeWine, Governor

notice web site, or a temporary web site outage or service interruption preventing the posting or display of a notice or advertisement on that web site, does not constitute a defect in making legal publication of the notice or advertisement, and publication requirements shall be considered met if the notice or advertisement published in the newspaper or daily law journal is correct.

(C) The official public notice web site shall not contain any political publications or political advertising described in division (A)(1)(a), (b), or (c) of section 3517.20 of the Revised Code.

(D) The publisher of a newspaper of general circulation or of a daily law journal that maintains a web site shall include on its web site a link to the official public notice web site.

Sec. 125.183. (A) As used in this section:

(1) "Covered application" means all of the following:

(a) The TikTok application and service or any successor application or service developed or provided by ByteDance limited or an entity owned by ByteDance limited;

(b) The WeChat application and service or any successor application or service developed or provided by Tencent holdings limited or an entity owned by Tencent holdings limited;

(c) Any application or service owned by an entity located in China, including QQ International (QQi), Qzone, Weibo, Xiao HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little Red Book, and Zhihu.

(2) "State agency" means every organized body, office, or agency established by the laws of this state for the exercise of any function of state government, other than any state-supported institution of higher education, the courts, or any judicial agency. "State agency" includes the general assembly, any legislative agency, and the capitol square review and advisory board.

(B) Subject to division (C) of this section, the state chief information officer shall adopt rules under Chapter 119. of the Revised Code to do all of the following:

(1) Require state agencies immediately to remove any covered application from all equipment they own or lease;

(2) Prohibit all of the following on equipment owned or leased by a state agency:

(a) The downloading, installation, or use of a covered application;

(b) The downloading, installation, or use of a covered application using an internet connection provided by a state agency;

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JUL 3, 2023

Date \_\_\_\_\_

*Mike DeWine*

Mike DeWine Governor

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(c) The downloading, installation, or use of a covered application by any officer, employee, or contractor of a state agency.

(3) Require state agencies to take measures to prevent the downloading, installation, or use of a covered application as described in division (B)(2) of this section.

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(C) ~~The rules adopted under~~ division (B) of this section shall include exceptions to allow a qualified person to download, install, or use a covered application for law enforcement or ~~information technology~~ security purposes, so long as the person takes appropriate measures to mitigate the security risks involved in doing so.

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Sec. 125.901. (A) There is hereby established the Ohio geographically referenced information program council within the department of administrative services to coordinate the property owned by the state. The department of administrative services shall provide administrative support for the council.

(B) The council shall consist of the following ~~fifteen~~ fourteen members:

- (1) The state chief information officer, or the officer's designee, who shall serve as the council chair;
- (2) The director of natural resources, or the director's designee;
- (3) The director of transportation, or the director's designee;
- (4) The director of environmental protection, or the director's designee;
- (5) The director of development ~~services~~, or the director's designee;
- (6) ~~The treasurer of state, or the treasurer of state's designee;~~
- (7) The attorney general, or the attorney general's designee;
- (8)(7) The chancellor of higher education or the chancellor's designee;
- (9)(8) The chief of the division of oil and gas resources management in the department of natural resources or the chief's designee;
- (10)(9) The director of public safety or the director's designee;
- (11)(10) The executive director of the county auditors' association or the executive director's designee;
- (12)(11) The executive director of the county commissioners' association or the executive director's designee;
- (13)(12) The executive director of the county engineers' association or the executive director's designee;
- (14)(13) The executive director of the Ohio municipal league or the executive director's designee;
- (15)(14) The executive director of the Ohio townships association or the executive director's designee.

(C) Members of the council shall serve without compensation.

Sec. ~~113.44~~ 125.903. (A) The ~~treasurer~~ department of state

The above boxed and initialed text was disapproved

Date July 3, 2023

*Mike DeWine*

(C) All internal audits shall be directed by employees of the office of internal audit.

(D) After the conclusion of an internal audit, the chief internal auditor shall submit a preliminary report of the internal audit's findings and recommendations to the state audit committee and to the director of the state agency involved. The state agency or division of the state agency covered by the preliminary report shall be provided an opportunity to respond within thirty days after receipt of the preliminary report. The response shall include a corrective action plan for any recommendations in the preliminary report that are not disputed by the agency or division. Any response received by the office of internal audit within that thirty-day period shall be included in the office's final report of the internal audit's findings and recommendations. The final report shall be issued by the office of internal audit within thirty days after the termination of the thirty-day response period. Copies of the final report shall be submitted to the state audit committee, the governor, and the director of the state agency involved. The state audit committee shall determine an appropriate method for making the preliminary and final reports available for public inspection in a timely manner.

Any suspected fraud or other illegal activity discovered by the office of internal audit during an internal audit shall be reported immediately to the state audit committee, the director of the state agency in which the fraud or illegal activity is suspected to have occurred, and the auditor of state.

(E) The office of internal audit may consult with the auditor of state regarding any written report the office receives under section 124.341 of the Revised Code. The office of internal audit may share such written reports with the auditor of state upon request. Reports shared under this division are not a public record under section 149.43 of the Revised Code.

(F) The chief internal auditor shall prepare an annual report and submit the report to the governor, the president of the senate, the speaker of the house of representatives, and the auditor of state. The office of budget and management shall make the report available to the public by posting it on the office's web site before the first of August of each year.

Sec. 126.62. (A) ~~The investing in all Ohio future fund is hereby created in the state treasury. Moneys~~ The fund shall consist of money credited to it and any donations, gifts, bequests, or other money received for deposit in the fund. All investment earnings of the fund shall be credited to the fund. Money in the fund shall be used to provide financial assistance through loans, grants, or other incentives that promote economic development throughout the state, including past infrastructure projects and other infrastructure improvements. Such improvements include electric

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*Mike DeWine*

Mike DeWine, Governor

~~Infrastructure development approved by the public utilities commission under sections 4928.85 to 4928.89 of the Revised Code and electric infrastructure improvements made by electric cooperatives and municipal electric utilities as those utilities are defined in section 4928.01 of the Revised Code.~~

~~(B) The director of development shall adopt rules in accordance with Chapter 119. of the Revised Code that establish requirements and procedures to provide financial assistance from the all Ohio future fund to eligible economic development projects. The director shall consult with JobsOhio in adopting the rules.~~

~~The rules shall include all of the following:~~

~~(1) All forms and materials required to apply for financial assistance from the all Ohio future fund;~~

~~(2) Requirements, procedures, and criteria that the director shall use in selecting sites to receive financial assistance from the fund. The rules shall require the director to consider sites that JobsOhio and local and regional economic development organizations have identified for economic development.~~

~~The criteria adopted in rules for site selection shall include a means to identify and designate economic development projects into the following development tiers:~~

~~(a) A tier one project is a megaproject, as defined in section 122.17 of the Revised Code;~~

~~(b) A tier two project is a megaproject supplier, as defined in section 122.17 of the Revised Code;~~

~~(c) A tier three project is a project in an industrial park or a site that is zoned industrial.~~

~~(3) Any other requirements or procedures necessary to administer this section.~~

~~(C) When awarding financial assistance under this section and rules adopted under it, the director shall do both of the following:~~

~~(1) Unless a higher amount is approved by the controlling board, limit financial assistance amounts as follows:~~

~~(a) For tier one projects, not more than two hundred million dollars per project;~~

~~(b) For tier two projects, not more than seventy-five million dollars per project;~~

~~(c) For tier three projects, not more than twenty-five million dollars per project.~~

~~(2) Give preference to sites that are publicly owned.~~

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Date: 4 July 2023  
*Mike DeWine*



(D) The director may provide grants and loans under this section to port authorities, counties, community improvement corporations, joint economic development districts, and public private partnerships to aid in the acquisition of land necessary for site development. The director may provide loans under this section to a board of county commissioners to facilitate the transfer or relocation of assets under the control of the county for the purpose of site development.

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(E) No money shall be expended from the all Ohio future fund, pursuant to appropriation, until it has been released by the controlling board.

(F) No entity that receives financial assistance from the all Ohio future fund under this section shall:

(1) Issue riders or any other additional charges to its customers for the purposes of a project that is funded by such assistance;

(2) If the entity is a water company, use the financial assistance for a new or expanded water treatment facility or waste water treatment facility.

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Sec. 127.16. (A) Upon the request of either a state agency or the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase without competitive selection as provided in division (B) of this section.

(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:

(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;

(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.

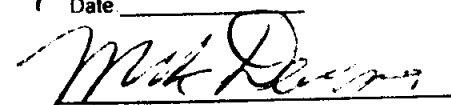
(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.

(D) Nothing in division (B) of this section shall be construed as:

(1) A limitation upon the authority of the director of transportation as

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4 JUL 2023  
Date



Mike DeWine, Governor

to federal law or a section of the Revised Code that implements a federal law governing confidentiality, such information remains subject to that law during and following the sale, conveyance, or transfer.

(5) The attorney general may adopt rules to aid in the implementation of this section.

*fund*

Sec. 131.43. There is hereby created in the state treasury the budget stabilization fund. All investment earnings of the fund shall be credited to the general revenue fund. It is the intent of the general assembly to maintain an amount of money in the budget stabilization fund that amounts to approximately ~~eight and one-half~~ ten per cent of the general revenue fund revenues for the preceding fiscal year. The governor shall include in the state budget the governor submits to the general assembly under section 107.03 of the Revised Code proposals for transfers between the general revenue fund and the budget stabilization fund for the ensuing fiscal biennium. The balance in the fund may be combined with the balance in the general revenue fund for purposes of cash management.

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The director shall certify to the tax commissioner the first six hundred fifty million dollars of investment earnings of the fund credited to the general revenue fund under this section. On or before the tenth day of July following the end of each fiscal year, the director shall certify the amount so credited in that fiscal year, provided that the total amount certified for all fiscal years does not exceed that six hundred fifty million dollar threshold.

Sec. 131.44. (A) As used in this section:

(1) "Surplus revenue" means the excess, if any, of the total fund balance over the required year-end balance.

(2) "Total fund balance" means the sum of the unencumbered balance in the general revenue fund on the last day of the preceding fiscal year plus the balance in the budget stabilization fund.

(3) "Required year-end balance" means the sum of the following:

(a) ~~Eight and one-half~~ Ten per cent of the general revenue fund revenues for the preceding fiscal year;

(b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year;

(c) "Carryover balance," which means, with respect to a fiscal biennium, the excess, if any, of the estimated general revenue fund appropriation and transfer requirement for the second fiscal year of the biennium over the estimated general revenue fund revenue for that fiscal year;

(d) "Capital appropriation reserve," which means the amount, if any, of general revenue fund capital appropriations made for the current biennium that the director of budget and management has determined will be

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3 JUL 2023  
Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

training program, no volunteer shall perform any duty unless the volunteer is certified as a representative having received appropriate training for that duty.

~~(E)~~(D) The state ombudsman shall provide technical assistance to regional programs conducting training programs for volunteers and shall monitor the training programs.

~~(F)~~ Prior to scheduling an observation of a certification survey or licensing inspection for purposes of division (B)(4) of this section, the state ombudsman shall obtain permission to have the survey or inspection observed from both the long-term care facility at which the survey or inspection is to take place and, as the case may be, the director of health or director of mental health and addiction services.

~~(G)~~ The department of aging shall establish continuing education requirements for representatives of the office.

Sec. 173.24. (A) As used in this section:

(1) "Employee" and "employer" have the same meanings as in section 4113.51 of the Revised Code.

(2) "Retaliatory action" includes physical, mental, or verbal abuse; change of room assignment; withholding of services; failure to provide care in a timely manner; discharge; and termination of employment.

(B) An employee providing information to or participating in good faith in registering a complaint with the office of the state long-term care ombudsman program or participating in the investigation of a complaint or in administrative or judicial proceedings resulting from a complaint registered with the office shall have the full protection against disciplinary or retaliatory action provided by division ~~(G)~~(E) of section 3721.17 and by sections 4113.51 to 4113.53 of the Revised Code.

(C) No long-term care provider or other entity, no person employed by a long-term care provider or other entity, and no other individual shall knowingly subject any resident, recipient, employee, representative of the office of the state long-term care ombudsman program, or another individual to any form of retaliation, reprisal, discipline, or discrimination for doing any of the following:

(1) Providing information to the office;

(2) Participating in registering a complaint with the office;

(3) Cooperating with or participating in the investigation of a complaint by the office or in administrative or judicial proceedings resulting from a complaint registered with the office.

Sec. 173.39. (A) As used in sections 173.39 to ~~173.393~~ 173.394 of the Revised Code:

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JULY 3, 2023

Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

(1) "Provider" means a person or government entity that provides any services, including community-based long-term care services, under a program the department of aging administers. "Provider" includes a person or government entity that provides home and community-based services to older adults through the PASSPORT program or assisted living program.

(2) "Community-based long-term care services" has the same meaning as in section 173.14 of the Revised Code.

(3) "PASSPORT program" and "assisted living program" have the same meanings as in section 173.51 of the Revised Code.

(B) The department of aging shall not pay a provider for providing any service, including community-based long-term care services, under the PASSPORT program or assisted living program unless the provider is certified under section 173.391 of the Revised Code and the service is in fact provided.

The department may require a provider under any other program the department administers to be certified under section 173.391 of the Revised Code. If the department requires this certification, the department shall not pay the provider for providing any service under that program unless the provider is certified under section 173.391 of the Revised Code and the service is in fact provided. If the department does not require this certification, the department shall not pay the provider for providing any service under that program unless the provider complies with section 173.392 of the Revised Code.

Sec. 173.391. (A) Subject to section 173.381 of the Revised Code, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a provider to provide services, including community-based long-term care services, under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section;

(2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a provider certified under division (A)(1) of this section:

- (a) Issue a written warning;
- (b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;
- (c) Suspend referrals;
- (d) Remove clients;
- (e) Impose a fiscal sanction such as a civil monetary penalty or an order

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JUL 3  
Date: 2023

*Mike DeWine*  
Mike DeWine, Governor

that unearned funds be repaid;

- (f) Suspend the certification;
- (g) Revoke the certification;
- (h) Impose another sanction.

(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.

(B) ~~The Subject to section 173.394 of the Revised Code, the~~ director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:

- (1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;
- (2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;
- (3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;
- (4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.

(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section:

- (1) The provider's experience and financial responsibility;
- (2) The provider's ability to comply with standards for the services, including community-based long-term care services, that the provider provides under a program the department administers;
- (3) The provider's ability to meet the needs of the individuals served;
- (4) Any other factor the director considers relevant.

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.

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JULY 3, 2023

Date:

*Mike DeWine*

Mike DeWine, Governor

(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply:

(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:

(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is

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JUL 3, 2023  
Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

(i) The provider has ceased doing business.

(j) The provider has voluntarily relinquished its certification for any reason.

(3) The provider's provider agreement with the department of medicaid has been suspended under section 5164.36 of the Revised Code.

(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail.

(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section.

(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for services, including community-based long-term care services, to pay for administrative costs associated with provider certification under this section, and to pay for administrative costs related to the publication of the Ohio long-term care consumer guide.

Sec. 173.394. (A) As used in this section:

(1) "Full bathroom" means a bathroom that includes a toilet, sink, and shower or bathtub.

(2) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

(B) The department of aging shall not deny certification to a residential

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JULY 3, 2023

Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

care facility that seeks to participate in the assisted living program on the basis that the residential care facility's resident units are such that two residents share a full bathroom, so long as all of the following are satisfied:

(1) The shared full bathroom is accessible from the living quarters of each resident's unit, does not require one resident to pass through the living quarters of another resident, and allows each resident to lock both bathroom doors to prevent access to the bathroom while it is in use.

(2) In addition to the shared bathroom, the residential care facility also offers the use of at least one other full bathroom to its residents that is accessible from a single door directly off of the hallway and not connected to any resident's individual unit.

(3) The shared bathrooms and other accessible bathrooms meet the accessibility requirements of the "Americans with Disabilities Act of 1990," 42 U.S.C. 12101.

(4) The residential care facility informs residents of the shared bathroom arrangement prior to admission to the residential care facility and residents sign a written consent form acknowledging the arrangement.

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Sec. 173.51. As used in sections 173.51 to 173.56 of the Revised Code:  
 "Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.

"Assisted living program" means the program that consists of a medicaid-funded component created under section 173.54 of the Revised Code and a state-funded component created under section 173.543 of the Revised Code and provides assisted living services to individuals who meet the program's applicable eligibility requirements.

"Assisted living services" means the following home and community-based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming.

"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the assisted living program.

"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code.

"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.

"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation

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JUL 3, 2023

Date: \_\_\_\_\_



Mike DeWine, Governor



~~(G)~~ ~~The~~ ~~(F)~~ A recovery housing residence may permit its residents to receive medication-assisted treatment.

~~(H)~~~~(G)~~ A resident of a recovery housing ~~resident~~ residence may receive addiction services that are certified by the department ~~of mental health and addiction services~~ under section 5119.36 of the Revised Code.

Sec. 340.035. (A) A board of alcohol, drug addiction, and mental health services may advocate on behalf of medicaid recipients enrolled in medicaid managed care organizations and medicaid-eligible individuals, any of whom have been identified as needing addiction or mental health services.

(B)(1) The department of mental health and addiction services and the department of medicaid shall, not later than December 31, 2024, develop and implement standards and procedures for the exchange of medicaid recipient information, as defined in section 5160.45 of the Revised Code, between boards of alcohol, drug addiction, and mental health services and the department of medicaid to the fullest extent permitted by federal law. The information shall be exchanged in accordance with those standards and procedures.

(2) Not later than March 31, 2025, each of the departments shall prepare a report specifying how the respective department has met the information exchange requirements of division (B)(1) of this section, the extent to which the department determined that information could be exchanged pursuant to federal law, and the reasoning supporting those determinations. On completion, each of the reports shall be submitted to the general assembly in accordance with section 101.68 of the Revised Code.

Sec. 340.036. (A) Subject to division (B) of this section and rules adopted by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall enter into contracts with all of the following:

- (1) Public and private facilities for the operation of facility services;
- (2) Community addiction services providers for addiction services and recovery supports;
- (3) Community mental health services providers for mental health services and recovery supports.

(B) No board shall do any of the following:

- (1) Contract with a residential facility required to be licensed under section 5119.34 of the Revised Code unless the facility is so licensed;
- (2) Contract with a community addiction services provider or community mental health services provider for certifiable services and

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JULY 3, 2023

Date: \_\_\_\_\_

Mike DeWine, Governor

displayed or offered for a lease-purchase agreement, the lessor shall provide the information described under divisions (C)(1) to (3) of this section electronically, in the same manner described under division (D) of this section, rather than stamping or affixing such information to the property.

(F) With respect to matters specifically governed by the "Consumer Credit Protection Act," 15 U.S.C.A. 1667, 90 Stat. 257, as amended, compliance with such act satisfies the requirements of this section.

Sec. 1501.014. (A) As used in this section, "highest appraised value" means the highest appraised value of the property as appraised by a person regularly engaged in the business of conducting property appraisals.

(B) Notwithstanding any provision of law to the contrary, the director of natural resources and any chief of a division within the department of natural resources shall not purchase real property in accordance with any lawfully granted authority if the purchase price both exceeds twenty-five per cent of the real property's highest appraised value and is more than one million dollars unless the controlling board, in accordance with division (C) of this section, approves that purchase.

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(C) For purposes of approving a real property purchase under division (B) of this section, the controlling board shall do all of the following:

(1) Only allow legislative members of the controlling board to participate in the vote;

(2) In order to favorably approve the purchase, receive a majority vote from members of the house of representatives and receive a majority vote from members of the senate;

(3) Take a roll call of each individual voting member's vote.

Sec. 1501.16. There is hereby created in the state treasury the performance bond refunds fund. The fund shall consist of money received by the department of natural resources from other entities as performance security. Upon the completion of work or satisfaction of terms for which the performance bond was required, the money shall be refunded to the pledging entity. In the event that the performance bond is forfeited, the money shall be transferred to the appropriate fund within the state treasury.

Sec. 1509.01. As used in this chapter:

(A) "Well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters. "Well" includes a stratigraphic well.

(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally

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Date July 3, 2023

*Mike DeWine*

Mike DeWine, Governor

of the Revised Code.

(FFF) "Wild animal hunting preserve" means an area of land where game, captive white-tailed deer, and nonnative wildlife, other than game birds, are released and hunted as authorized by a wild animal hunting preserve license obtained under section 1533.721 of the Revised Code.

(GGG) "Captive white-tailed deer" means legally acquired deer that are held in private ownership at a facility licensed under section 943.03 or 943.031 of the Revised Code and under section 1533.71 or 1533.721 of the Revised Code.

Sec. 1531.03. There is hereby created within the department of natural resources a division of wildlife and a wildlife council.

The council shall have eight members, not more than four of whom shall be of the same political party, who shall be appointed by the governor with the advice and consent of the senate and shall be persons interested in the conservation of the natural resources of the state. At least two of the eight members shall be engaged in farming as their principal means of support. Terms of office shall be for four years, commencing on the first day of February and ending on the thirty-first day of January. Each member shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he~~ the member was appointed. In the event of the death, removal, resignation, or incapacity of a member of the council, the governor, with the advice and consent of the senate, shall appoint a successor who shall hold office for the remainder of the term for which ~~his~~ the member's predecessor was appointed. Any member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ a successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

The council shall hold at least four regular quarterly meetings each year. Special meetings may be held at the behest of the ~~chairman~~ chairperson or a majority of the members. The council shall annually select from among its members a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and a secretary to keep a record of its proceedings.

The governor may at any time remove any member of the council for misfeasance, nonfeasance, or malfeasance in office.

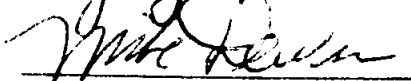
A majority vote of the members of the council is necessary in all matters.

The division shall cooperate with the other divisions of the department and with all agencies of the state and federal government for the promotion of a general program of conservation.

All division rules relating to establishment of seasons, bag limits, size, species, method of taking, and possession shall be adopted only upon

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Date

July 3, 2023  


Mike DeWine, Governor

approval of the wildlife council. Hunting seasons shall state a full date including month, day, and year. The wildlife council shall not approve or disapprove such rules prior to fifteen days following a public hearing held upon the rules in accordance with Chapter 119. of the Revised Code.

The wildlife council shall do all of the following:

(A) Be represented by not less than three of its members at all public hearings held pursuant to Chapter 119. of the Revised Code for the purpose of establishment of seasons, bag limits, size, species, methods of taking, and possession;

(B) Advise on policies of the division and the planning, development, and institution of programs and policies of the division;

(C) Investigate, consider, and make recommendations in all matters pertaining to the protection, preservation, propagation, possession, and management of wild animals throughout the state, as provided in this chapter and Chapter 1533. of the Revised Code;

(D) Report to the governor from time to time the results of its investigations concerning the wildlife resources of the state with recommendations of such measures as it considers necessary or suitable to conserve or develop those resources and preserve them as far as practicable.

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Sec. 1545.09. (A) The board of park commissioners shall adopt such bylaws and rules as the board considers advisable for the preservation of good order within and adjacent to parks and reservations of land, and for the protection and preservation of the parks, parkways, and other reservations of land under its jurisdiction and control and of property and natural life therein. The board shall also adopt bylaws or rules establishing a procedure for contracting for professional, technical, consulting, and other special services. Any competitive bidding procedures of the board do not apply to the purchase of benefits for park district officers or employees when such benefits are provided through a health and welfare trust fund administered through or in conjunction with a collective bargaining representative of the park district employees, as authorized in section 1545.071 of the Revised Code. Summaries of the bylaws and rules shall be published ~~as provided in the case of ordinances of municipal corporations under section 731.21 of the Revised Code~~ in a newspaper of general circulation within the park district, once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code, before taking effect.

(B)(1) As used in division (B)(2) of this section, "similar violation under state law" means a violation of any section of the Revised Code, other than division (C) of this section, that is similar to a violation of a bylaw or rule adopted under division (A) of this section.

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Date July 3, 2023

*Mike DeWine*

mechanotherapist, doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, ~~or~~ marriage and family therapist, art therapist, or music therapist in rendering care, treatment, or professional advice to an individual patient.

This division does not prevent a hospital, as defined in section 3727.01 of the Revised Code, insurer, as defined in section 3999.36 of the Revised Code, or intermediary organization, as defined in section 1751.01 of the Revised Code, from entering into a contract with a corporation described in this division that includes a provision requiring utilization review, quality assurance, peer review, or other performance or quality standards. Those activities shall not be construed as controlling the professional clinical judgment of an individual practitioner listed in this division.

Sec. 1707.01. As used in this chapter:  
(A) Whenever the context requires it, "division" or "division of securities" may be read as "director of commerce" or as "commissioner of securities."  
(B) "Security" means any certificate or instrument, or any oral, written, or electronic agreement, understanding, or opportunity, that represents title to or interest in, or is secured by any lien or charge upon, the capital, assets, profits, property, or credit of any person or of any public or governmental body, subdivision, or agency. It includes shares of stock, certificates for shares of stock, an uncertificated security, membership interests in limited liability companies, voting-trust certificates, warrants and options to purchase securities, subscription rights, interim receipts, interim certificates, promissory notes, all forms of commercial paper, evidences of indebtedness, bonds, debentures, land trust certificates, fee certificates, leasehold certificates, syndicate certificates, endowment certificates, interests in or under profit-sharing or participation agreements, interests in or under oil, gas, or mining leases, preorganization or reorganization subscriptions, preorganization certificates, reorganization certificates, interests in any trust or pretended trust, any investment contract, any life settlement interest, any instrument evidencing a promise or an agreement to pay money, warehouse receipts for intoxicating liquor, and the currency of any government other than those of the United States and Canada, but sections 1707.01 to 1707.50 of the Revised Code do not apply to the sale of real estate.  
(C)(1) "Sale" has the full meaning of "sale" as applied by or accepted in courts of law or equity, and includes every disposition, or attempt to dispose, of a security or of an interest in a security. "Sale" also includes a

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Mike DeWine, Governor

contract to sell, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a solicitation of an offer to buy, a subscription, or an offer to sell, directly or indirectly, by agent, circular, pamphlet, advertisement, or otherwise.

(2) "Sell" means any act by which a sale is made.

(3) The use of advertisements, circulars, or pamphlets in connection with the sale of securities in this state exclusively to the purchasers specified in division (D) of section 1707.03 of the Revised Code is not a sale when the advertisements, circulars, and pamphlets describing and offering those securities bear a readily legible legend in substance as follows: "This offer is made on behalf of dealers licensed under sections 1707.01 to 1707.50 of the Revised Code, and is confined in this state exclusively to institutional investors and licensed dealers."

(4) The offering of securities by any person in conjunction with a licensed dealer by use of advertisement, circular, or pamphlet is not a sale if that person does not otherwise attempt to sell securities in this state.

(5) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase and has been "sold."

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person acting in a representative capacity, includes sale on behalf of such party by an agent, including a licensed dealer or salesperson.

(D) "Person," except as otherwise provided in this chapter, means a natural person, firm, partnership, limited partnership, partnership association, syndicate, joint-stock company, unincorporated association, trust or trustee except where the trust was created or the trustee designated by law or judicial authority or by a will, and a corporation or limited liability company organized under the laws of any state, any foreign government, or any political subdivision of a state or foreign government.

(E)(1) "Dealer," except as otherwise provided in this chapter, means every person, other than a salesperson, who engages or professes to engage, in this state, for either all or part of the person's time, directly or indirectly, either in the business of the sale of securities for the person's own account, or in the business of the purchase or sale of securities for the account of others in the reasonable expectation of receiving a commission, fee, or other remuneration as a result of engaging in the purchase and sale of securities. "Dealer" does not mean any of the following:

(a) Any issuer, including any officer, director, employee, or trustee of, or member or manager of, or partner in, or any general partner of, any issuer, that sells, offers for sale, or does any act in furtherance of the sale of

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a security that represents an economic interest in that issuer, provided no commission, fee, or other similar remuneration is paid to or received by the issuer for the sale;

(b) Any licensed attorney, public accountant, or firm of such attorneys or accountants, whose activities are incidental to the practice of the attorney's, accountant's, or firm's profession;

(c) Any person that, for the account of others, engages in the purchase or sale of securities that are issued and outstanding before such purchase and sale, if a majority or more of the equity interest of an issuer is sold in that transaction, and if, in the case of a corporation, the securities sold in that transaction represent a majority or more of the voting power of the corporation in the election of directors;

(d) Any person that brings an issuer together with a potential investor and whose compensation is not directly or indirectly based on the sale of any securities by the issuer to the investor;

(e) Any bank;

(f) Any person that the division of securities by rule exempts from the definition of "dealer" under division (E)(1) of this section.

(2) "Licensed dealer" means a dealer licensed under this chapter.

(F)(1) "Salesman" or "salesperson" means every natural person, other than a dealer, who is employed, authorized, or appointed by a dealer to sell securities within this state.

(2) The general partners of a partnership, and the executive officers of a corporation or unincorporated association, licensed as a dealer are not salespersons within the meaning of this definition, nor are clerical or other employees of an issuer or dealer that are employed for work to which the sale of securities is secondary and incidental; but the division of securities may require a license from any such partner, executive officer, or employee if it determines that protection of the public necessitates the licensing.

(3) "Licensed salesperson" means a salesperson licensed under this chapter.

(G) "Issuer" means every person who has issued, proposes to issue, or issues any security.

(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees.

(I) "Incorporator" means any incorporator of a corporation and any organizer of, or any person participating, other than in a representative or

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Date JUL 3, 2023

*Mike DeWine*

Mike DeWine, Governor

professional capacity, in the organization of an unincorporated issuer.

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or promise; any fictitious or pretended purchase or sale of securities; and any act, practice, transaction, or course of business relating to the purchase or sale of securities that is fraudulent or that has operated or would operate as a fraud upon the seller or purchaser.

(K) Except as otherwise specifically provided, whenever any classification or computation is based upon "par value," as applied to securities without par value, the average of the aggregate consideration received or to be received by the issuer for each class of those securities shall be used as the basis for that classification or computation.

(L)(1) "Intangible property" means patents, copyrights, secret processes, formulas, services, good will, promotion and organization fees and expenses, trademarks, trade brands, trade names, licenses, franchises, any other assets treated as intangible according to generally accepted accounting principles, and securities, accounts receivable, or contract rights having no readily determinable value.

(2) "Tangible property" means all property other than intangible property and includes securities, accounts receivable, and contract rights, when the securities, accounts receivable, or contract rights have a readily determinable value.

(M) "Public utilities" means those utilities defined in sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised Code; in the case of a foreign corporation, it means those utilities defined as public utilities by the laws of its domicile; and in the case of any other foreign issuer, it means those utilities defined as public utilities by the laws of the situs of its principal place of business. The term always includes railroads whether or not they are so defined as public utilities.

(N) "State" means any state of the United States, any territory or possession of the United States, the District of Columbia, and any province of Canada.

(O) "Bank" means any bank, trust company, savings and loan association, savings bank, or credit union that is incorporated or organized under the laws of the United States, any state of the United States, Canada, or any province of Canada and that is subject to regulation or supervision by that country, state, or province.

(P) "Include," when used in a definition, does not exclude other things

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or persons otherwise within the meaning of the term defined.

(Q)(1) "Registration by description" means that the requirements of section 1707.08 of the Revised Code have been complied with.

(2) "Registration by qualification" means that the requirements of sections 1707.09 and 1707.11 of the Revised Code have been complied with.

(3) "Registration by coordination" means that there has been compliance with section 1707.091 of the Revised Code. ~~Reference in this chapter to registration by qualification also includes registration by coordination unless the context otherwise indicates~~

(4) Reference in this chapter to "registration by description" or "registration by qualification" does not include registration by coordination.

(R) "Intoxicating liquor" includes all liquids and compounds that contain more than three and two-tenths per cent of alcohol by weight and are fit for use for beverage purposes.

(S) "Institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity:

- (1) A bank or international banking institution;
- (2) An insurance company;
- (3) A separate account of an insurance company;
- (4) An investment company as defined in the "Investment Company Act of 1940," 15 U.S.C. 80a-3;

(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;

(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:

- (a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;
- (b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;
- (c) An investment adviser registered under this chapter, a bank, or an insurance company.

(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the

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JUL 3, 2023  
Date \_\_\_\_\_



Mike DeWine, Governor

"Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:

(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;

(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;

(c) An investment adviser registered under this chapter, a bank, or an insurance company.

(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S)(6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;

(9) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;

(10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars;

(11) A private business development company as defined in section 202(a)(22) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(22), with total assets in excess of ten million dollars;

(12) A federal covered investment adviser acting for its own account;

(13) A "qualified institutional buyer" as defined in 17 C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);

(14) A "major U.S. institutional investor" as defined in 17 C.F.R. 240.15a-6(b)(4)(i);

(15) Any other person, other than an individual, of institutional character with total assets in excess of ten million dollars not organized for the specific purpose of evading this chapter;

(16) Any other person specified by rule adopted or order issued under this chapter.

(T) A reference to a statute of the United States or to a rule, regulation, or form promulgated by the securities and exchange commission or by another federal agency means the statute, rule, regulation, or form as it exists at the time of the act, omission, event, or transaction to which it is applied under this chapter.

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*Mike DeWine*

Mike DeWine, Governor

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(U) "Securities and exchange commission" means the securities and exchange commission established by the Securities Exchange Act of 1934.

(V)(1) "Control bid" means the purchase of or offer to purchase any equity security of a subject company from a resident of this state if either of the following applies:

(a) After the purchase of that security, the offeror would be directly or indirectly the beneficial owner of more than ten per cent of any class of the issued and outstanding equity securities of the issuer.

(b) The offeror is the subject company, there is a pending control bid by a person other than the issuer, and the number of the issued and outstanding shares of the subject company would be reduced by more than ten per cent.

(2) For purposes of division (V)(1) of this section, "control bid" does not include any of the following:

(a) A bid made by a dealer for the dealer's own account in the ordinary course of business of buying and selling securities;

(b) An offer to acquire any equity security solely in exchange for any other security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, in good faith and not for the purpose of avoiding the provisions of this chapter, and not involving any public offering of the other security within the meaning of Section 4 of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), as amended;

(c) Any other offer to acquire any equity security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, from not more than fifty persons, in good faith and not for the purpose of avoiding the provisions of this chapter.

(W) "Offeror" means a person who makes, or in any way participates or aids in making, a control bid and includes persons acting jointly or in concert, or who intend to exercise jointly or in concert any voting rights attached to the securities for which the control bid is made and also includes any subject company making a control bid for its own securities.

(X)(1) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of regular business, issues or promulgates analyses or reports concerning securities.

(2) "Investment adviser" does not mean any of the following:

(a) Any attorney, accountant, engineer, or teacher, whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the practice of the attorney's, accountant's, engineer's,

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3 JULY 2023  
Date

Michel Delwaine

or teacher's profession;

(b) A publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation;

(c) A person who acts solely as an investment adviser representative;

(d) A bank holding company, as defined in the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an investment company;

(e) A bank, or any receiver, conservator, or other liquidating agent of a bank;

(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;

(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;

(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer;

(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter.

(Y)(1) "Subject company" means an issuer that satisfies both of the following:

(a) Its principal place of business or its principal executive office is located in this state, or it owns or controls assets located within this state that have a fair market value of at least one million dollars.

(b) More than ten per cent of its beneficial or record equity security

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JUL 3 2023  
Date

*Mike DeWine*

holders are resident in this state, more than ten per cent of its equity securities are owned beneficially or of record by residents in this state, or more than one thousand of its beneficial or record equity security holders are resident in this state.

(2) The division of securities may adopt rules to establish more specific application of the provisions set forth in division (Y)(1) of this section. Notwithstanding the provisions set forth in division (Y)(1) of this section and any rules adopted under this division, the division, by rule or in an adjudicatory proceeding, may make a determination that an issuer does not constitute a "subject company" under division (Y)(1) of this section if appropriate review of control bids involving the issuer is to be made by any regulatory authority of another jurisdiction.

(Z) "Beneficial owner" includes any person who directly or indirectly through any contract, arrangement, understanding, or relationship has or shares, or otherwise has or shares, the power to vote or direct the voting of a security or the power to dispose of, or direct the disposition of, the security. "Beneficial ownership" includes the right, exercisable within sixty days, to acquire any security through the exercise of any option, warrant, or right, the conversion of any convertible security, or otherwise. Any security subject to any such option, warrant, right, or conversion privilege held by any person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by that person, but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A person shall be deemed the beneficial owner of any security beneficially owned by any relative or spouse or relative of the spouse residing in the home of that person, any trust or estate in which that person owns ten per cent or more of the total beneficial interest or serves as trustee or executor, any corporation or entity in which that person owns ten per cent or more of the equity, and any affiliate or associate of that person.

(AA) "Offeree" means the beneficial or record owner of any security that an offeror acquires or offers to acquire in connection with a control bid.

(BB) "Equity security" means any share or similar security, or any security convertible into any such security, or carrying any warrant or right to subscribe to or purchase any such security, or any such warrant or right, or any other security that, for the protection of security holders, is treated as an equity security pursuant to rules of the division of securities.

(CC)(1) "Investment adviser representative" means a supervised person of an investment adviser, provided that the supervised person has more than five clients who are natural persons other than excepted persons defined in

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3 JULY 2023  
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*Mike DeWine*

division (EE) of this section, and that more than ten per cent of the supervised person's clients are natural persons other than excepted persons defined in division (EE) of this section. "Investment adviser representative" does not mean any of the following:

(a) A supervised person that does not on a regular basis solicit, meet with, or otherwise communicate with clients of the investment adviser;

(b) A supervised person that provides only investment advisory services described in division (X)(1) of this section by means of written materials or oral statements that do not purport to meet the objectives or needs of specific individuals or accounts;

(c) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and is consistent with the provisions fairly intended by the policy and provisions of this chapter.

(2) For the purpose of the calculation of clients in division (CC)(1) of this section, a natural person and the following persons are deemed a single client: Any minor child of the natural person; any relative, spouse, or relative of the spouse of the natural person who has the same principal residence as the natural person; all accounts of which the natural person or the persons referred to in division (CC)(2) of this section are the only primary beneficiaries; and all trusts of which the natural person or persons referred to in division (CC)(2) of this section are the only primary beneficiaries. Persons who are not residents of the United States need not be included in the calculation of clients under division (CC)(1) of this section.

(3) If subsequent to March 18, 1999, amendments are enacted or adopted defining "investment adviser representative" for purposes of the Investment Advisers Act of 1940 or additional rules or regulations are promulgated by the securities and exchange commission regarding the definition of "investment adviser representative" for purposes of the Investment Advisers Act of 1940, the division of securities shall, by rule, adopt the substance of the amendments, rules, or regulations, unless the division finds that the amendments, rules, or regulations are not necessary for the protection of investors or in the public interest.

(DD) "Supervised person" means a natural person who is any of the following:

(1) A partner, officer, or director of an investment adviser, or other person occupying a similar status or performing similar functions with respect to an investment adviser;

(2) An employee of an investment adviser;

(3) A person who provides investment advisory services described in

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3 JUL 2023  
Date

*Mike DeWine*

division (X)(1) of this section on behalf of the investment adviser and is subject to the supervision and control of the investment adviser.

(EE) "Excepted person" means a natural person to whom any of the following applies:

(1) Immediately after entering into the investment advisory contract with the investment adviser, the person has at least seven hundred fifty thousand dollars under the management of the investment adviser.

(2) The investment adviser reasonably believes either of the following at the time the investment advisory contract is entered into with the person:

(a) The person has a net worth, together with assets held jointly with a spouse, of more than one million five hundred thousand dollars.

(b) The person is a qualified purchaser as defined in division (FF) of this section.

(3) Immediately prior to entering into an investment advisory contract with the investment adviser, the person is either of the following:

(a) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser;

(b) An employee of the investment adviser, other than an employee performing solely clerical, secretarial, or administrative functions or duties for the investment adviser, which employee, in connection with the employee's regular functions or duties, participates in the investment activities of the investment adviser, provided that, for at least twelve months, the employee has been performing such nonclerical, nonsecretarial, or nonadministrative functions or duties for or on behalf of the investment adviser or performing substantially similar functions or duties for or on behalf of another company.

If subsequent to March 18, 1999, amendments are enacted or adopted defining "excepted person" for purposes of the Investment Advisers Act of 1940 or additional rules or regulations are promulgated by the securities and exchange commission regarding the definition of "excepted person" for purposes of the Investment Advisers Act of 1940, the division of securities shall, by rule, adopt the substance of the amendments, rules, or regulations, unless the division finds that the amendments, rules, or regulations are not necessary for the protection of investors or in the public interest.

(FF)(1) "Qualified purchaser" means either of the following:

(a) A natural person who owns not less than five million dollars in investments as defined by rule by the division of securities;

(b) A natural person, acting for the person's own account or accounts of other qualified purchasers, who in the aggregate owns and invests on a discretionary basis, not less than twenty-five million dollars in investments

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Date



as defined by rule by the division of securities.

(2) If subsequent to March 18, 1999, amendments are enacted or adopted defining "qualified purchaser" for purposes of the Investment Advisers Act of 1940 or additional rules or regulations are promulgated by the securities and exchange commission regarding the definition of "qualified purchaser" for purposes of the Investment Advisers Act of 1940, the division of securities shall, by rule, adopt the amendments, rules, or regulations, unless the division finds that the amendments, rules, or regulations are not necessary for the protection of investors or in the public interest.

(GG)(1) "Purchase" has the full meaning of "purchase" as applied by or accepted in courts of law or equity and includes every acquisition of, or attempt to acquire, a security or an interest in a security. "Purchase" also includes a contract to purchase, an exchange, an attempt to purchase, an option to purchase, a solicitation of a purchase, a solicitation of an offer to sell, a subscription, or an offer to purchase, directly or indirectly, by agent, circular, pamphlet, advertisement, or otherwise.

(2) "Purchase" means any act by which a purchase is made.

(3) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase.

(HH) "Life settlement interest" means the entire interest or any fractional interest in an insurance policy or certificate of insurance, or in an insurance benefit under such a policy or certificate, that is the subject of a life settlement contract.

For purposes of this division, "life settlement contract" means an agreement for the purchase, sale, assignment, transfer, devise, or bequest of any portion of the death benefit or ownership of any life insurance policy or contract, in return for consideration or any other thing of value that is less than the expected death benefit of the life insurance policy or contract. "Life settlement contract" includes a viatical settlement contract as defined in section 3916.01 of the Revised Code, but does not include any of the following:

- (1) A loan by an insurer under the terms of a life insurance policy, including, but not limited to, a loan secured by the cash value of the policy;
- (2) An agreement with a bank that takes an assignment of a life insurance policy as collateral for a loan;
- (3) The provision of accelerated benefits as defined in section 3915.21 of the Revised Code;
- (4) Any agreement between an insurer and a reinsurer;

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3 JUL 22 2023  
Date

*Mike DeWine*



(5) An agreement by an individual to purchase an existing life insurance policy or contract from the original owner of the policy or contract, if the individual does not enter into more than one life settlement contract per calendar year;

(6) The initial purchase of an insurance policy or certificate of insurance from its owner by a viatical settlement provider, as defined in section 3916.01 of the Revised Code, that is licensed under Chapter 3916. of the Revised Code.

(II) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system.

(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.

(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer.

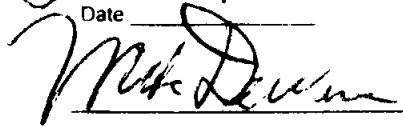
Sec. 1707.09. (A)(1) All securities, except those enumerated in section 1707.02 of the Revised Code ~~and~~, those that are the subject matter of a transaction permitted by section 1707.03, 1707.04, or 1707.06 of the Revised Code, and those that are subject to registration by coordination under section 1707.091 of the Revised Code, shall be qualified in the manner provided by this section before being sold in this state. No security subject to registration by coordination under section 1707.091 of the Revised Code shall be subject to any provision of this section.

(2) Applications for qualification, on forms prescribed by the division of securities, shall be made in writing either by the issuer of the securities or by any licensed dealer desiring to sell them within this state and shall be signed by the applicant, sworn to by any individual having knowledge of the facts stated in the application, and filed in the office of the division.

(3) The individual who executes the application for qualification of securities on behalf of the applicant shall state the individual's relationship to the applicant and certify that: the individual has executed the application on behalf of the applicant; the individual is fully authorized to execute and file the application on behalf of the applicant; the individual is familiar with the applicant's application; and to the best of the individual's knowledge,

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JUL 31 2023  
Date  


information, and belief, the statements made in the application are true, and the documents submitted with the application are true copies of the original documents.

(B) The division shall require the applicant for qualification of securities to submit to it the following information:

(1) The names and addresses of the directors or trustees and of the officers of the issuer, if the issuer is a corporation or an unincorporated association; of all the members of the issuer, if the issuer is a limited liability company in which management is reserved to its members; of all the managers of the issuer, if the issuer is a limited liability company in which management is not reserved to its members; of all partners, if the issuer is a general or limited partnership or a partnership association; and the name and address of the issuer, if the issuer is an individual;

(2) The address of the issuer's principal place of business and principal office in this state, if any;

(3) The purposes and general character of the business actually being transacted, or to be transacted, by the issuer, and the purpose of issuing the securities named in the application;

(4) A statement of the capitalization of the issuer; a balance sheet made up as of the most recent practicable date, showing the amount and general character of its assets and liabilities; a description of the security for the qualification of which application is being made; and copies of all circulars, prospectuses, advertisements, or other descriptions of the securities, that are then prepared by or for the issuer, or by or for the applicant if the applicant is not the issuer, or by or for both, to be used for distribution or publication in this state;

(5) A statement of the amount of the issuer's income, expenses, and fixed charges during the last fiscal year or, if the issuer has been in actual business less than one year, for the time that the issuer has been in actual business;

(6) A statement showing the price at which the security is to be offered for sale;

(7) A statement showing the considerations received or to be received by the issuer of the securities purchased or to be purchased from the issuer and an itemized statement of all expenses of financing to be paid from those considerations so as to show the aggregate net amount actually received or to be received by the issuer;

(8) All other information, including an opinion of counsel as to the validity of the securities that are the subject matter of the application, that the division considers necessary to enable it to ascertain whether the

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Date JUL 3, 2010



Mike DeWine, Governor

securities are entitled to qualification;

(9) If the issuer is a corporation, there shall be filed with the application a certified copy of its articles of incorporation with all amendments to the articles, if the articles or amendments are not already on file in the office of the secretary of state; if the issuer is a limited liability company, there shall be filed with the application a certified copy of its articles of organization with all amendments to the articles, if the articles or amendments are not already on file in the office of the secretary of state; if the issuer is a trust or trustee, there shall be filed with the application a copy of all instruments by which the trust was created; and if the issuer is a partnership or an unincorporated association, or any other form of organization, there shall be filed with the application a copy of its articles of partnership or association and of all other papers pertaining to its organization, if the articles or other papers are not already on file in the office of the secretary of state;

(10) If the application is made with respect to securities to be sold or distributed by or on behalf of the issuer, or by or on behalf of an underwriter, as defined in division (N) of section 1707.03 of the Revised Code, a statement showing that the issuer has received, or will receive at or prior to the delivery of those securities, not less than eighty-five per cent of the aggregate price at which all those securities are sold by or on behalf of the issuer, without deduction for any additional commission, directly or indirectly, and without liability to pay any additional sum as commission;

(11) If the division so permits with respect to a security, an applicant may file with the division, in lieu of the division's prescribed forms, a copy of the registration statement relating to the security, with all amendments to that statement, previously filed with the securities and exchange commission of the United States under the "Securities Act of 1933," as amended, together with all additional data, information, and documents that the division requires.

(C) If the division finds that it is not necessary in the public interest and for the protection of investors to require all the information specified in divisions (B)(1) to (10) of this section, it may permit the filing of applications for qualification that contain the information that it considers necessary and appropriate in the public interest and for the protection of investors, but this provision applies only in the case of applications for qualification of securities previously issued and outstanding that may not be made the subject matter of transactions exempt under division (M) of section 1707.03 of the Revised Code by reason of the fact that those securities within one year were purchased outside this state or within one year were transported into this state.

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(D) All the statements, exhibits, and documents required by the division under this section, except properly certified public documents, shall be verified by the oath of the applicant for qualification, of the issuer, or of any individual having knowledge of the facts, and in the manner and form that may be required by the division. Failure or refusal to comply with the requests of the division shall be sufficient reason for a refusal by the division to register securities.

(E) If it appears to the division that substantially the only consideration to be paid for any of the securities to be qualified is to be intangible property of doubtful value, the division may require that the securities be delivered in escrow to a bank in this state under the terms that the division may reasonably prescribe or require to prevent a deceitful misrepresentation or sale of the securities; that the securities be subordinated in favor of those sold for sound value until they have a value bearing a reasonable relation to the value of those sold for sound value; or that a legend of warning specifying the considerations paid or to be paid for the securities be stamped or printed on all advertisements, circulars, pamphlets, or subscription blanks used in connection with the sale of any securities of the same issuer; or it may impose a combination of any two or more of these requirements.

(F) At the time of filing the information prescribed in this section, the applicant shall pay to the division a filing fee of one hundred dollars.

(G)(1) The division, at any time, as a prerequisite to qualification, may make an examination of the issuer of securities sought to be qualified. The applicant for qualification of any securities may be required by the division to advance sufficient funds to pay all or any part of the actual expenses of that examination, an itemized statement of which shall be furnished the applicant.

(2) If the division finds that the business of the issuer is not fraudulently conducted, that the proposed offer or disposal of securities is not on grossly unfair terms, that the plan of issuance and sale of the securities referred to in the proposed offer or disposal would not defraud or deceive, or tend to defraud or deceive, purchasers, and that division (B)(10) of this section applies and has been complied with, the division shall notify the applicant of its findings, and, upon payment of a registration fee of one-tenth of one per cent of the aggregate price at which the securities are to be sold to the public in this state, which fee, however, shall in no case be less than one hundred or more than one thousand dollars, the division shall register the qualification of the securities.

(H) An application for qualification of securities may be amended by the person filing it at any time prior to the division's action on it either in

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JUL 3, 2023  
Date

*Mike DeWine*

Mike DeWine, Governor

registering the securities for qualification or in refusing to do so. Subsequent to any such action by the division, the person who filed the application may file with the consent of the division one or more amendments to it that shall become effective upon the making by the division of the findings enumerated in division (G) of this section; the giving of notice of those findings to the applicant by the division; and the payment by the applicant of the additional fee that would have been payable had the application, as it previously became effective, contained the amendment.

(I) When any securities have been qualified and the fees for the qualification have been paid as provided in this section, any licensed dealer subsequently may sell the securities under the qualification, so long as the qualification remains in full force, and any dealer of that nature that desires may file with the division a written notice of intention to sell the securities or any designated portion of them. For that filing, no fee need be paid.

Sec. 1707.091. (A) Any security for which a registration statement has been filed pursuant to Section 6 of the Securities Act of 1933 or for which a notification form and offering circular has been filed pursuant to regulation A of the general rules and regulations of the securities and exchange commission, 17 C.F.R. sections 230.251 to 230.256 and 230.258 to 230.263, as amended before or after the effective date of this section, in connection with the same offering ~~may~~ shall be registered by coordination rather than by qualification under section 1707.09 of the Revised Code or any other method of registration.

(B) A registration statement filed by or on behalf of the issuer under this section with the division of securities shall contain the following information and be accompanied by the following items in addition to the consent to service of process required by section 1707.11 of the Revised Code:

- (1) One copy of the latest form of prospectus or offering circular and notification filed with the securities and exchange commission;
- (2) If the division of securities by rule or otherwise requires, a copy of the articles of incorporation and code of regulations or bylaws, or their substantial equivalents, as currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;
- (3) If the division of securities requests, any other information, or copies of any other documents, filed with the securities and exchange commission;
- (4) An undertaking by the issuer to forward to the division, promptly and in any event not later than the first business day after the day they are

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forwarded to or thereafter are filed with the securities and exchange commission, whichever occurs first, all amendments to the federal prospectus, offering circular, notification form, or other documents filed with the securities and exchange commission, other than an amendment that merely delays the effective date;

(5) A filing fee of one hundred dollars.

(C) A registration statement filed under this section becomes effective, without delay or waiver of any condition by the division or issuer, either at the moment the federal registration statement becomes effective or at the time the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, if all of the following conditions are satisfied:

(1) No stop order is in effect, no proceeding is pending under section 1707.13 of the Revised Code, and no cease and desist order has been issued pursuant to section 1707.23 of the Revised Code;

(2) The registration statement has been on file with the division for at least fifteen days or for such shorter period as the division by rule or otherwise permits; provided, that if the registration statement is not filed with the division within five days of the initial filing with the securities and exchange commission, the registration statement must be on file with the division for thirty days or for such shorter period as the division by rule or otherwise permits.

(3) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file with the division for two full business days or for such shorter period as the division by rule or otherwise permits and the offering is made within those limitations;

(4) The division has received a registration fee of one-tenth of one per cent of the aggregate price at which the securities are to be sold to the public in this state, which fee, however, shall in no case be less than one hundred or more than one thousand dollars.

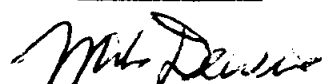
(D) The issuer shall promptly notify the division by telephone or telegram of the date and time when the federal registration statement became effective, or when the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, and of the contents of the price amendment, if any, and shall promptly file the price amendment.

"Price amendment" for the purpose of this division, means the final federal registration statement amendment that includes a statement of the offering price, underwriting and selling discounts or commissions, amount

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Date July 3, 2013



Mike DeWine, Governor

of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

If the division fails to receive the required notice and required copies of the price amendment, the division may enter a provisional stop order retroactively denying effectiveness to the registration statement or suspending its effectiveness until there is compliance with this division, provided the division promptly notifies the issuer or its representative by telephone or telegram, and promptly confirms by letter or telegram when it notifies by telephone, of the entry of the order. If the issuer or its representative proves compliance with the requirements of this division as to notice and price amendment filing, the stop order is void as of the time of its entry. The division may by rule or otherwise waive either or both of the conditions specified in divisions (C)(2) and (3) of this section. If the federal registration statement becomes effective, or if the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, before all of the conditions specified in divisions (C) and (D) of this section are satisfied and they are not waived by the division the registration statement becomes effective as soon as all of the conditions are satisfied.

If the issuer advises the division of the date when the federal registration statement is expected to become effective, or when the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, the division shall promptly advise the issuer or its representative by telephone or telegram, at the issuer's expense, whether all of the conditions have been satisfied or whether the division then contemplates the institution of a proceeding under section 1707.13 or 1707.23 of the Revised Code, but such advice does not preclude the institution of such a proceeding at any time.

Sec. 1707.092. (A) For the purposes of selling securities in this state, except securities that are the subject matter of transactions enumerated in section 1707.03 of the Revised Code, an investment company, as defined by the Investment Company Act of 1940, ~~that is registered or has filed a registration statement with the securities and exchange commission under the Investment Company Act of 1940,~~ and a business development company that has elected to be subject to 15 U.S.C. 80a-54 to 80a-64, shall file the following with the division of securities:

(1) A notice filing consisting of either of the following:

(a) A copy of the investment company's or business development company's federal registration statement as filed with the securities and exchange commission;

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3 JUL 2023  
Date

*Mike DeWine*

Mike DeWine, Governor

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(b) A form U-1 or form NF of the North American securities administrators association.

(2) Appropriate filing fees consisting of both of the following:

(a) A flat fee of one hundred dollars;

(b) A fee calculated at one-tenth of one per cent of the aggregate price at which the securities are to be sold to the public in this state, which calculated fee, however, shall in no case be less than one hundred or more than one thousand dollars.

(B)(1) Upon payment of the maximum filing fees as provided in division (A)(2) of this section, an investment company or business development company may sell an indefinite amount of securities in this state.

(2) An investment company or business development company making a notice filing as provided in this section shall comply with section 1707.11 of the Revised Code. An investment company or business development company that previously filed with the division a valid consent to service of process pursuant to section 1707.11 of the Revised Code may incorporate that consent by reference.

(C)(1) For offerings involving covered securities, as defined in section 18 of the "Securities Act of 1933," 15 U.S.C. 77r, that are not subject to section 1707.02, 1707.03, 1707.04, 1707.06, 1707.08, 1707.09, or 1707.091 of the Revised Code, or division (A) of this section, a notice filing shall be submitted to the division together with a consent to service of process pursuant to section 1707.11 of the Revised Code and a filing fee as provided in division (A)(2) of this section.

(2) The notice filing described in division (C)(1) of this section shall consist of any document filed with the securities and exchange commission pursuant to the Securities Act of 1933, together with annual or periodic reports of the value of the securities sold or offered to be sold to persons located in this state.

(D) A notice filing submitted under this section shall be effective for thirteen months.

Sec. 1710.01. As used in this chapter:

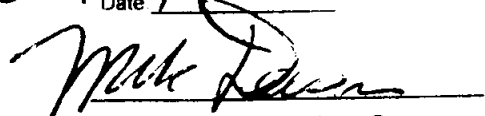
(A) "Special improvement district" means a special improvement district organized under this chapter.

(B) "Church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person.

(C) "Church property" means property that is described as being exempt

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JUL 31 2023  
Date

  
Mike DeWine, Governor



relief that arise from the optometric diagnosis, care, or treatment of a person.

(12) "Optometrist" means any person licensed to practice optometry by the state vision professionals board.

(13) "Physical therapist" means any person who is licensed to practice physical therapy under Chapter 4755. of the Revised Code.

(14) "Home" has the same meaning as in section 3721.10 of the Revised Code.

(15) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code.

(16) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(17) "Licensed practical nurse" means any person who is licensed to practice nursing as a licensed practical nurse by the board of nursing pursuant to Chapter 4723. of the Revised Code.

(18) "Physician assistant" means any person who is licensed as a physician assistant under Chapter 4730. of the Revised Code.

(19) "Emergency medical technician-basic," "emergency medical technician-intermediate," and "emergency medical technician-paramedic" means any person who is certified under Chapter 4765. of the Revised Code as an emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, whichever is applicable.

(20) "Skilled nursing care" and "personal care services" have the same meanings as in section 3721.01 of the Revised Code.

Sec. 2307.781. (A) As used in this section:

(1) "Liquefied petroleum gas" means a material with a vapor pressure not exceeding that of commercial propane composed predominately of the following hydrocarbons or mixtures:

(a) Propane;

(b) Propylene;

(c) Butane;

(d) Butylene.

(2) "Liquefied petroleum gas equipment" means a liquefied petroleum gas appliance, or any equipment, tank, pipe, regulator, control, valve, fitting, or other equipment or device intended to be used in connection with or to supply liquefied petroleum gas to one or more liquefied petroleum gas appliances.

(3) "Liquefied petroleum gas supplier" means either of the following:

(a) A person that, in the course of a business conducted for that purpose, sells, distributes leases, prepares, blends, packages, labels, or otherwise

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Date JULY 3, 2023  
*Mike DeWine*

participates in the placing of liquefied petroleum gas in the stream of commerce at retail;

(b) A person that, in the course of a business conducted for that purpose, installs, repairs, or maintains any aspect of liquefied petroleum gas equipment that allegedly causes harm.

(4) "Use of liquefied petroleum gas" means the distribution, delivery, sale, or use of liquefied petroleum gas, as well as the distribution, sale, installation, modification, inspection, or repair of liquefied petroleum gas equipment.

(B) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person other than the liquefied petroleum gas supplier, unless the liquefied petroleum gas supplier had received written notification or other actual knowledge of such installation, modification, repair, or servicing at least thirty days before the installation, modification, repair, or servicing occurred.

(C) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the use or operation of liquefied petroleum gas equipment in a manner or for a purpose other than that for which it was intended.

(D) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person, other than the liquefied petroleum gas supplier, who is not certified or licensed to install, modify, repair, or service that equipment.

(E) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person, other than the liquefied petroleum gas supplier, that did not conform to the warning or instruction of the manufacturer of the liquefied petroleum gas equipment.

(F) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the use of liquefied petroleum gas if the actions of the liquefied petroleum gas supplier in connection with that use complied with requirements set forth in the Chapters 4101. and 3737. of the Revised Code and Chapters 901:4-3 and 901:6-2, and rules 1301:7-7-01.

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Date: JULY 3, 2023

Mike DeWine

Mike DeWine, Governor

1301:7-7-02, 1301:7-7-09, 1301:7-7-23, 1301:7-7-31, 1301:7-7-33, 1301:7-7-39, 1301:7-7-57, 1301:7-7-58, 1301:7-7-61, 1301:7-7-80, 4101:1-4-01, 4101:1-35-01, 4101:2-2-01, 4101-1:2-15-01, 4101:8-2-01, 4101:8-24-01, 4101:8-44-01, 4123:1-3-16, 4123:1-5-13, and 4501:52-03 of the Administrative Code.

(G) Divisions (B), (C), (D), (E), and (F) of this section do not apply if the product liability claim was caused in whole or in part by intentional misconduct by the liquefied petroleum gas supplier.

(H) A user of liquefied petroleum gas is presumed to be aware of the inherent dangerous characteristics of liquefied petroleum gas. A liquefied petroleum gas supplier is not required to provide a warning regarding liquefied petroleum gas except as specified in the Revised Code or Administrative Code.

(I) As a matter of public policy, the general assembly finds that liquefied petroleum gas, without modification, is not a defective product.

Sec. 2329.261. (A) As used in this section:

(1) "Levying officer" means the officer who makes the public sale of the residential property subject to this section. "Levying officer" includes a private selling officer.

(2) "Electing subdivision," "county land reutilization corporation," and "land reutilization program" have the same meanings as in section 5722.01 of the Revised Code.

(3) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.

(4) "Qualifying residential property" means single-family residential property, including a single unit in a multi-unit property containing not more than ten units but excluding manufactured homes, that has at least one thousand square feet of habitable space per unit.

(B) If qualifying residential property sold at public sale pursuant to this chapter is located within the territory of a land reutilization program, the levying officer shall notify the electing subdivision or county land reutilization corporation that operates the program of the sale.

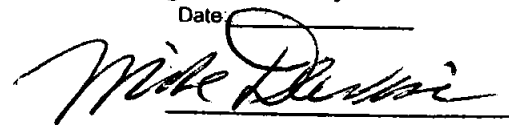
(C) The levying officer shall maintain a web site and telephone number to provide information on applicable properties.

(D) A levying officer may use any web site maintained to satisfy any other provision of this chapter, including the official public sheriff sale web site established pursuant to section 2329.153 of the Revised Code, to satisfy the requirements of division (C) of this section.

Sec. 2329.27. (A) When the public notice required by division (A)(2) of section 2329.26 of the Revised Code is made in a newspaper published

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JUL 3, 2023  
Date



Mike DeWine, Governor

~~2927.022~~ to 2927.024 of the Revised Code:

(1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is twenty-one years of age or older.

(2)(a) "Alternative nicotine product" means, subject to division (A)(2)(b) of this section, an electronic smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

(b) "Alternative nicotine product" does not include any of the following:

(i) Any cigarette or other tobacco product;

(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);

(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);

(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g).

(3) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

(4) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

(5) "Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. "Electronic smoking device" includes any component, part, or accessory of such a device, whether or not sold separately, and includes ~~any substance intended to be aerosolized or vaporized during the use of the device~~ **electronic liquids**

~~any substance intended to be aerosolized or vaporized during the use of the device~~ **electronic liquids** "Electronic smoking device" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). Pm

(6) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card

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4 JULY 2013

Date \_\_\_\_\_

issued under sections 4507.50 to 4507.52 of the Revised Code that shows that a person is ~~eighteen~~ twenty-one years of age or older.

(7) "Electronic liquid" means any solution containing nicotine, including synthetic nicotine, that is designed or sold for use with an electronic smoking device.

(8) "Tobacco product" means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and electronic liquids used in electronic smoking devices, whether or not they contain nicotine.

"Tobacco product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

~~(8)~~(9) "Vapor product" means a product, other than a cigarette or other tobacco product as defined in Chapter 5743. of the Revised Code, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. "Vapor product" includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. "Vapor product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" includes any product containing nicotine, regardless of concentration.

~~(9)~~(10) "Vending machine" has the same meaning as "coin machine" in section 2913.01 of the Revised Code.

(B) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

- (1) Give away, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to:
  - (a) To any person under twenty-one years of age; or
  - (b) Without first verifying proof of age.

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9 JUL 2023  
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(2) Give away, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age is prohibited by law;

(3) Knowingly furnish any false information regarding the name, age, or other identification of any person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;

(4) Manufacture, sell, or otherwise distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(6) Give away, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification;

(7) Allow an employee under eighteen years of age to sell any tobacco product;

(8) Give away or otherwise distribute free samples of cigarettes, other tobacco products, alternative nicotine products, or coupons redeemable for cigarettes, other tobacco products, or alternative nicotine products;

(a) To any person under twenty-one years of age;

(b) Without first verifying proof of age;

(c) In a manner prohibited under, or in accordance with Chapter 1333. or 1345. of the Revised Code; or

(d) Without first paying the taxes levied on such cigarettes, other tobacco products, or alternative nicotine products under, or in accordance with Chapter 5743. of the Revised Code;

(C) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:

(1) An area within a factory, business, office, or other place not open to the general public;

(2) An area to which persons under twenty-one years of age are not generally permitted access;

(3) Any other place not identified in division (C)(1) or (2) of this

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Date 4 July 2013

*Mike DeWine*

education and workforce determines that the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the provisional licensee, the department of education and workforce shall issue the program a license. The license shall remain valid unless revoked or the program ceases operations.

(E) The department of education and workforce annually shall investigate and inspect each preschool program or school child program licensed under division (D) of this section to determine if the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the program, and shall notify the program of the results.

(F) The license or provisional license shall state the name of the school district board of education, county board of developmental disabilities, community school, authorized private before and after school care program, or eligible nonpublic school that operates the preschool program or school child program and the license capacity of the program.

(G) The department of education and workforce may revoke the license of any preschool program or school child program that is not in compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections.

(H) If the department of education and workforce revokes a license, the department shall not issue a license to the program within two years from the date of the revocation. All actions of the department with respect to licensing preschool programs and school child programs shall be in accordance with Chapter 119. of the Revised Code.

Sec. 3301.85. (A) The department of education and workforce shall submit to the joint committee on agency rule review, created in section 101.35 of the Revised Code, any proposed changes to the manual containing the standards and procedures the department uses to review or audit the full-time equivalency student enrollment reporting by community schools established under Chapter 3314. of the Revised Code.

(B) When the department submits the proposed changes to the manual, the joint committee on agency rule review shall hold one or more public hearings at which community schools may present testimony on their ability and capacity to comply with the proposed changes.

(C) The joint committee on agency rule review shall consider any testimony provided at the public hearings required under division (B) of this section and vote to determine whether community schools can reasonably comply with the proposed changes.

(D) The department shall not implement any changes to the manual that

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5 JULY 3,  
Date: 2023



Mike DeWine, Governor

may affect community schools without the joint committee on agency rule review's determination that community schools can reasonably comply with those changes.

Sec. 3301.91. (A) As used in this section:

(1) "National school breakfast program" means the federal school breakfast program created under 42 U.S.C. 1773.

(2) "National school lunch program" means the federal school lunch program created under 42 U.S.C. 1751.

(3) "Public school" means a school building operated by a school district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, a building operated by an educational service center, a special education program operated by the county board of developmental disabilities under section 3323.09 of the Revised Code, or a facility offering juvenile day treatment services.

(B) The department of education and workforce shall reimburse each public and chartered nonpublic school that participates in the national school breakfast program, from funds appropriated by the general assembly for that purpose, an amount equal to the difference between the federal free reimbursement rate and the federal reimbursement for a reduced-price breakfast for each student eligible for a reduced-price breakfast and receiving breakfast.

(C) The department shall reimburse each public school and chartered nonpublic school that participates in the national school lunch program, from funds appropriated by the general assembly for that purpose, an amount equal to the difference between the federal free reimbursement rate and the federal reimbursement for a reduced-price lunch for each student eligible for a reduced-price lunch and receiving lunch.

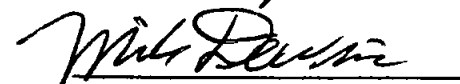
Sec. 3302.021. (A) Not earlier than July 1, 2005, and not later than July 1, 2007, the department of education shall implement a value-added progress dimension for school districts and buildings and shall incorporate the value-added progress dimension into the report cards and performance ratings issued for districts and buildings under section 3302.03 of the Revised Code.

The state board of education shall adopt rules, pursuant to Chapter 119. of the Revised Code, for the implementation of the value-added progress dimension. The rules adopted under this division shall specify both of the following:

(1) A scale for describing the levels of academic progress in reading and mathematics relative to a standard year of academic growth in those subjects

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Date: July 3, 2023



Mike DeWine, Governor



(C) As used in this section, "private nonprofit institution" means a nonprofit institution in this state that has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

Sec. 3333.74. (A) Except as provided in division (B) of this section, each award under the Ohio co-op/internship program shall require a pledge of private funds equal to the following:

(1) In the case of a program, initiative, or scholarships for undergraduate students, at least one hundred per cent of the money awarded;

(2) In the case of a program, initiative, or scholarships for graduate students, at least one hundred fifty per cent of the money awarded.

(B) The chancellor of higher education may waive the requirement of division (A) of this section if the chancellor finds that exceptional circumstances exist to do so, provided that the chancellor ~~reviews the proposal with the advisory committee established under section 3333.731 of the Revised Code and~~ provides an explanation for the waiver to the controlling board.

(C) The chancellor shall endeavor to distribute awards in such a way that a wide range of disciplines is supported and that all regions of the state benefit from the economic development impact of the program.

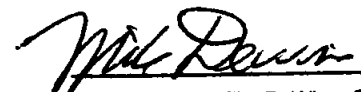
Sec. 3335.02. (A) The government of the Ohio state university shall be vested in a board of fourteen trustees in 2005, and seventeen trustees beginning in 2006, who shall be appointed by the governor, with the advice and consent of the senate. Two of the seventeen trustees shall be students at the Ohio state university, and their selection and terms shall be in accordance with division (B) of this section. Except as provided in division ~~(D)~~(C) of this section and except for the terms of student members, terms of office shall be for nine years, commencing on the fourteenth day of May and ending on the thirteenth day of May.

Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No person who has served a full nine-year term or more than six years of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served. The trustees shall not receive compensation for their services, but shall be paid their reasonable necessary expenses while engaged in the discharge of their

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Mike DeWine, Governor

official duties.

(B) The student members of the board of trustees of the Ohio state university shall be students at the Ohio state university. ~~Unless student members have been granted voting power under division (C) of this section, they~~ Student members shall have no voting power on the board, shall not be considered as members of the board in determining whether a quorum is present, and shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on May 14, 1988, and shall expire on May 13, 1989, and the initial term of office of the other student member shall commence on May 14, 1988, and expire on May 13, 1990. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds. In the event a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

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~~(C) Not later than ninety days after the effective date of this amendment, the board of trustees shall adopt a resolution that does one of the following:~~

~~(1) Grants the student members of the board voting power on the board. If so granted, in addition to having voting power, the student members shall be considered as members of the board in determining whether a quorum is present and shall be entitled to attend executive sessions of the board.~~

~~(2) Declares that student members do not have voting power on the board.~~

~~Thereafter, the board may change the voting status of student trustees by adopting a subsequent resolution. Each resolution adopted under this division shall take effect on the fourteenth day of May following the adoption of the resolution. All members with voting power at the time of the adoption of a resolution may vote on the resolution.~~

~~If student members are granted voting power under this division, no student shall be disqualified from membership on the board of trustees because the student receives a scholarship, grant, loan, or any other financial assistance payable out of the state treasury or a university fund, or because the student is employed by the university in a position pursuant to a work study program or other student employment, including as a graduate teaching assistant, graduate administrative assistant, or graduate research assistant, the compensation for which is payable out of the state treasury or a~~

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~~university fund.~~

~~Acceptance of such financial assistance or employment by a student trustee shall not be considered a violation of Chapter 102, or section 2921.42 or 2921.43 of the Revised Code.~~

~~(D)(1)(C)(1)~~ The initial terms of office for the three additional trustees appointed in 2005 shall commence on a date in 2005 that is selected by the governor with one term of office expiring on May 13, 2009, one term of office expiring on May 13, 2010, and one term of office expiring on May 13, 2011, as designated by the governor upon appointment. Thereafter terms of office shall be for nine years, as provided in division (A) of this section.

(2) The initial terms of office for the three additional trustees appointed in 2006 shall commence on May 14, 2006, with one term of office expiring on May 13, 2012, one term of office expiring on May 13, 2013, and one term of office expiring on May 13, 2014, as designated by the governor upon appointment. Thereafter terms of office shall be for nine years, as provided in division (A) of this section.

Sec. 3335.09. The board of trustees of the Ohio state university shall elect, fix the compensation of, and remove, the president and such number of professors, teachers, and other employees as are necessary. ~~Except as provided under division (C) of section 3335.02 of the Revised Code, no~~ No trustee, or relative of a trustee by blood or marriage, shall be eligible to a professorship or position in the university, the compensation for which is payable out of the state treasury or a university fund. The board shall fix and regulate the course of instruction and prescribe the extent and character of experiments to be made at the university.

Sec. 3335.39. (A)(1) The Salmon P. Chase center for civics, culture, and society is established as an independent academic unit within the Ohio state university, physically located in the college of public affairs. The center shall conduct teaching and research in the historical ideas, traditions, and texts that have shaped the American constitutional order and society.

(2) The center shall establish bylaws requiring the center to do all of the following:

(a) Educate students by means of free, open, and rigorous intellectual inquiry to seek the truth;

(b) Affirm its duty to equip students with the skills, habits, and dispositions of mind they need to reach their own informed conclusions on matters of social and political importance;

(c) Affirm the value of intellectual diversity in higher education and aspire to enhance the intellectual diversity of the university;

(d) Affirm a commitment to create a community dedicated to an ethic of

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3 JULY 2023  
Date: \_\_\_\_\_

*Mike DeWine*  
Mike DeWine, Governor

undertaking corrective actions for such releases of petroleum. The state may, when appropriate, return to the United States any federal funds recovered under sections 3737.882 and 3737.89 of the Revised Code.

Sec. 3737.83. The fire marshal shall, as part of the state fire code, adopt rules to:

(A) Establish minimum standards of performance for fire protection equipment and fire fighting equipment;

(B) Establish minimum standards of training, fix minimum qualifications, and require certificates for all persons who engage in the business for profit of installing, testing, repairing, or maintaining fire protection equipment;

(C) Provide for the issuance of certificates required under division (B) of this section and establish the fees to be charged for such certificates. A certificate shall be granted, renewed, or revoked according to rules the fire marshal shall adopt.

(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the fire marshal shall be identical to the minimum federal standards.

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the fire marshal, standards previously adopted by the fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

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*Mike DeWine*

Mike DeWine, Governor

(G) Establish that occupant load shall not include an exterior patio that has a means of egress on at least three sides or within fifty feet of an open side and in which each means of egress is compliant with the "Americans with Disabilities Act of 1990," 42 U.S.C. 12102, et seq.

Sec. 3737.833. (A) As used in this section, "retail establishment" means a place of business open to the general public for the sale of goods or services.

(B) If the fire code official having jurisdiction over a retail establishment, including a retail establishment that is under construction and not yet open to the public, is unable to conduct an inspection or issue a permit required by the state fire code adopted pursuant to sections 3737.82 and 3737.83 of the Revised Code, for more than five business days, the owner, operator, or developer of the retail establishment may seek a temporary permit from any fire code official authorized to conduct such an inspection or issue such a permit elsewhere in this state. If that fire code official grants a temporary permit, the permit is valid for fourteen calendar days.

Sec. 3737.88. (A)(1) The fire marshal shall have responsibility for implementation of the underground storage tank program and corrective action program for releases of petroleum from underground storage tanks established by the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as amended. To implement the programs, the fire marshal may adopt, amend, and rescind such rules, conduct such inspections, require annual registration of underground storage tanks, issue such citations and orders to enforce those rules, enter into environmental covenants in accordance with sections 5301.80 to 5301.92 of the Revised Code, and perform such other duties, as are consistent with those programs. The fire marshal, by rule, may delegate the authority to conduct inspections of underground storage tanks to certified fire safety inspectors.

(2) In the place of any rules regarding release containment and release detection for underground storage tanks adopted under division (A)(1) of this section, the fire marshal, by rule, shall designate areas as being sensitive for the protection of human health and the environment and adopt alternative rules regarding release containment and release detection methods for new and upgraded underground storage tank systems located in those areas. In designating such areas, the fire marshal shall take into consideration such factors as soil conditions, hydrogeology, water use, and the location of public and private water supplies. Not later than July 11, 1990, the fire marshal shall file the rules required under this division with the secretary of state, director of the legislative service commission, and

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July 3, 2023  
Date: \_\_\_\_\_

Mike DeWine

described in division (A)(1)(a) of this section with the the United States department of energy or branches of the United States military.

(2) The governor shall appoint a state liaison officer to the United States nuclear regulatory commission, who shall serve at the pleasure of the governor.

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(B) The general assembly hereby designates the department of health in addition to the Ohio nuclear development authority as the agency authorized to by division (F) of section 4164.11 of the Revised Code, may pursue agreement state status, on behalf of the governor, for the assumption by the state of specified licensing and related regulatory authority from the commission pursuant to division (A) of this section. The department shall and the Ohio nuclear development authority may enter into negotiations with the commission for that purpose.

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(C) Any person who, on the effective date of an agreement entered into by the state and the commission pursuant to divisions (A) and (B) of this section, holds a license issued by the commission for radioactive materials that are subject to the agreement is deemed to hold a license issued under this chapter and rules adopted under it. That license shall expire ninety days after the holder receives a notice of expiration from the department or on the date of expiration specified in the license issued by the commission, whichever is later, provided that no such license shall expire during the ninety days immediately following the effective date of the agreement.

Sec. 3748.23. The rules adopted under this chapter shall neither conflict with nor supersede the rules adopted under Chapter 4164. of the Revised Code.

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Sec. 3770.03. (A)(A)(1) The state lottery commission shall promulgate rules pursuant to Chapter 119. of the Revised Code, and shall adopt operating procedures, under which a statewide lottery and statewide joint lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games and all other lottery games. Any reference in this chapter to tickets shall not be construed to in any way limit the authority of the commission to operate video lottery terminal games or lottery sports gaming. Nothing in this chapter shall restrict the authority of the commission to promulgate rules related to the operation of games utilizing video lottery terminals as described in section 3770.21 of the Revised Code. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated pursuant to section 111.15 of the Revised Code but are not subject to division (D) of that section. Subjects covered in these rules shall

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this section.

(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code.

(m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and includes the implementation of a community outreach program concerning the activity.

Sec. 3745.30. (A)(1) As used in this section, "policy" means a written clarification ~~or~~, explanation, or interpretation of a statute or rule or elaboration based on environmental protection agency authority or expectations, that is initiated or used by the environmental protection agency for regulatory purposes and not adopted in accordance with rules adoption procedures consistent with this chapter and Chapter 119. of the Revised Code. "Policy" includes documents, manuals, advisories, protocols, forms, and other written or electronic materials provided to the public, a regulated party, or agency personnel regarding the substance, requirements, procedures, or interpretation of a statute or rule. "Policy" does not include any educational guideline, suggestion, or case study regarding how to comply with a statute or rule or any document or guideline regarding the internal organization or operation of the agency, including matters regarding administration, personnel, or accounting of the following:

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(a) Matters relating only to the agency's internal management functions;

(b) Any final adjudicatory order or action issued in accordance with this chapter and Chapter 119. of the Revised Code applicable only to specific parties to an adjudication proceeding;

(c) An emergency order issued in accordance with section 3710.13, division (B) of section 3714.12, division (B) of section 3734.13, division (B) of section 6109.05, or division (C) of section 6111.06 of the Revised Code.

(2) A policy does not have the force or effect of law.

(3) The environmental protection agency may exercise quasi-legislative, quasi-judicial, permitting, enforcement, or other regulatory functions based only on an applicable statute or valid rule. The application of a policy by the environmental protection agency in a manner that makes the policy the functional equivalent of, or a substitute for, a statute or rule, or that effectively alters or amends a statute or rule, or that assumes powers not plainly delegated to the agency by statute, is prohibited.

(B) Policies established by the agency shall be subject to all of the following requirements:

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Date JULY 3, 2023



Mike DeWine Governor

religious convictions, a student shall present to the college or institution the student's written statement to that effect.  
For purposes of this section, reasons of conscience, including religious convictions, shall be determined solely by the student.  
(2) To decline a vaccine for medical contraindications, a student shall present to the college or institution a physician's certification in writing that vaccination is medically contraindicated for the student.  
(D) A student who presents a statement or certification as described in division (C) of this section is not required to receive the vaccine.

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Sec. 3794.03. Areas where smoking is not regulated by this chapter.

The following shall be exempt from the provisions of this chapter:

(A) Private residences, except during the hours of operation as a child care or adult care facility for compensation, during the hours of operation as a business by a person other than a person residing in the private residence, or during the hours of operation as a business, when employees of the business, who are not residents of the private residence or are not related to the owner, are present.

(B) Rooms for sleeping in hotels, motels and other lodging facilities designated as smoking rooms; provided, however, that not more than twenty per cent of sleeping rooms may be so designated.

(C) Family-owned and operated places of employment in which all employees are related to the owner, but only if the enclosed areas of the place of employment are not open to the public, are in a freestanding structure occupied solely by the place of employment, and smoke from the place of employment does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter.

(D) Any nursing home, as defined in division (A) of section 3721.10 of the Revised Code, but only to the extent necessary to comply with division (A)(18) of section 3721.13 of the Revised Code. If indoor smoking area is provided by a nursing home for residents of the nursing home, the designated indoor smoking area shall be separately enclosed and separately ventilated so that tobacco smoke does not enter, through entrances, windows, ventilation systems, or other means, any areas where smoking is otherwise prohibited under this chapter. Only residents of the nursing home may utilize the designated indoor smoking area for smoking. A nursing home may designate specific times when the indoor smoking area may be used for such purpose. No employee of a nursing home shall be required to accompany a resident into a designated indoor smoking area or perform services in such area when being used for smoking.

~~(E)(E)(1)~~ Retail tobacco stores in operation prior to December 7, 2006.

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Date: JULY 3, 2023

*Mike DeWine*

Mike DeWine, Governor



shall apply to the commission for a renewed license in the same manner as for an initial license.

Sec. 3781.032. (A) As used in this section:

(1) "Retail establishment" means a place of business open to the general public for the sale of goods or services.

(2) "State and local building code" means Chapters 3781. and 3791. of the Revised Code, rules adopted pursuant to those chapters, and municipal corporation regulations adopted in accordance with section 3781.01 of the Revised Code.

(B) If the department or agency of the state or any political subdivision having jurisdiction to enforce state and local building code on a retail establishment, including a retail establishment that is under construction and not yet open to the public, is unable to conduct an inspection or issue a permit required by state and local building code for more than five business days, the owner, operator, or developer of the retail establishment may seek a temporary permit from any building code official authorized to conduct such an inspection or issue such a permit elsewhere in this state. If that building code official grants a temporary permit, the permit is valid for fourteen calendar days.

Sec. 3781.062. The director of commerce, in collaboration with the state fire marshal, the board of building standards, and representatives of local building departments, shall develop guidelines for the enforcement of the Ohio building code and state fire code in a coordinated manner, including the interaction of exemptions from one code with the requirements of the other code.

Sec. 3792.05. (A) As used in this section:

(1) "On-campus housing" means a dormitory or other student residence that is owned or operated by, or located on the campus of, a private college or state institution of higher education.

(2) "Private college" has the same meaning as in section 3365.01 of the Revised Code.

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) If a private college or state institution of higher education requires a student to receive any vaccine in order to attend a class or reside in on-campus housing, the student may decline the vaccine on either of the following grounds:

(1) Reasons of conscience, including religious convictions;

(2) Medical contraindications.

(C)(1) To decline a vaccine for reasons of conscience, including

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Date: JULY 3, 2023

Mike DeWine

Mike DeWine, Governor

(+) The director shall disclose information furnished to or maintained by the director under this chapter upon request and on a reimbursable basis as required by section 303 of the "Social Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal Revenue Code," 26 U.S.C.A. 3304.

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Sec. 4164.01. As used in this chapter, unless the context otherwise requires:

(A) "Authority" means the Ohio nuclear development authority created and constituted under section 4164.04 of the Revised Code.

(B) "Council" means the Ohio nuclear development authority nominating council created and constituted under section 4164.09 of the Revised Code.

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Sec. 4164.02. It is the intent of the general assembly in enacting this chapter of the Revised Code to encourage its use as a model for future legislation to further the pursuit of innovative research and development for any industry in this state.

Sec. 4164.04. There is hereby created and constituted within the department of development, the Ohio nuclear development authority. The authority's exercise of powers conferred by this chapter is the performance of an essential governmental function and addresses matters of public necessity for which public moneys may be spent.

Sec. 4164.05. (A) The authority shall consist of nine members appointed by the governor, representing the following three stakeholder groups within the nuclear-engineering-and-manufacturing industry:

- (1) Safety;
- (2) Industry;
- (3) Engineering research and development.

(B)(1) A member appointed from the safety group shall hold at least a bachelor's degree in nuclear, mechanical, chemical, or electrical engineering and at least one of the following shall also apply:

(a) The member is a recognized professional in nuclear-reactor safety or developing ISO 9000 standards.

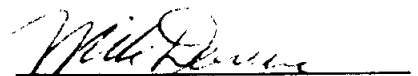
(b) The member has been employed by or has worked closely with the United States department of energy or the nuclear regulatory commission and the member also has a professional background in nuclear-energy-technology development or advanced-nuclear-reactor concepts.

(c) The member has been employed by a contractor that has built concept reactors and the member also worked with hazardous substances, either nuclear or chemical, during that employment.

(2) A member appointed from the industry group shall have at least five

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July 3, 2023  
Date \_\_\_\_\_



Mike DeWine, Governor

years of experience in one or more of the following:

- (a) Nuclear-power-plant operation;
- (b) Processing and extracting isotopes;
- (c) Managing a facility that deals with hazardous substances, either nuclear or chemical;
- (d) Handling and storing nuclear waste.

(3) A member appointed from the engineering research and development group shall hold at least a bachelor's degree in nuclear, mechanical, chemical, or electrical engineering and the member shall also be a recognized professional in at least one of the following areas of study:

- (a) Advanced nuclear reactors;
- (b) Materials science involving the study of alloys and metallurgy, ceramics, or composites;
- (c) Molten-salt chemistry;
- (d) Solid-state chemistry;
- (e) Chemical physics;
- (f) Actinide chemistry;
- (g) Instrumentation and sensors;
- (h) Control systems.

(C) The members shall be United States citizens and residents of this state.

(D) The members shall serve five-year terms.

(E) Any appointment to fill a vacancy on the authority shall be made for the unexpired term of the member whose death, resignation, or removal created the vacancy.

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(F) Initial appointments under this section shall be made not later than one hundred twenty days after the effective date of this section.

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Sec. 4164.051. The governor shall appoint members and fill vacancies in the membership of the authority from lists of nominees recommended by the council. The governor shall fill a vacancy not later than thirty days after receipt of the council's recommendations.

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Sec. 4164.052. The governor, in the governor's discretion, may reject all of the nominees recommended by the council and reconvene the council for it to recommend additional nominees. If the governor reconvenes the council and the council provides a second list of nominees, the governor shall make the required appointment from one of the names on the first or second list.

Sec. 4164.053. All appointments by the governor to the authority are subject to the advice and consent of the senate.

Sec. 4164.07. Immediately after appointment to the authority under

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3 JUL 2023  
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*Mike DeWine*

section 4164.05 of the Revised Code, the members shall enter upon the performance of their duties.

Sec. 4164.08. Notwithstanding any law to the contrary, no officer or employee of this state shall be deemed to have forfeited, or shall have forfeited, the officer's or employee's office or employment due to acceptance of membership on the authority or by providing service to the authority.

Sec. 4164.09. There is hereby created the Ohio nuclear development authority nominating council.

Sec. 4164.091. The council shall review, evaluate, and make recommendations to the governor regarding potential appointees to serve as members of the authority.

Sec. 4164.092. (A) Consistent with division (B) of section 4164.05 of the Revised Code, and for the purpose of making initial and subsequent appointments, and for filling vacancies, the council shall provide the governor with a list of individuals who are, in the judgment of the council, the most fully qualified to become members of the authority.

(B) For each initial appointment, and for each subsequent or vacancy appointment, the council shall provide a list of four possible appointees.

(C) The council shall provide the lists at the following times:

(1) For each subsequent appointment, not more than eighty-five, nor less than sixty, days before the expiration of the term of an authority member to be renewed or replaced;

(2) For each vacancy appointment, not more than thirty days after the death of, resignation of, or termination of service by, an authority member for whom a vacancy exists.

Sec. 4164.093. In reviewing, evaluating, and recommending potential appointees to serve as members of the authority, the council may solicit and accept comments from, and cooperate with, any individual.

Sec. 4164.094. The council may make recommendations to the general assembly concerning changes in law to assist the council in the performance of its duties.

Sec. 4164.096. The council shall consist of seven members:

(A) The president of the senate, or the president's designee;

(B) The speaker of the house of representatives, or the speaker's designee.

(C) Five members of the Ohio state university's nuclear engineering external advisory board.

Sec. 4164.097. (A) Of the seven members of the council, the five members from the Ohio state university's nuclear engineering external advisory board shall be appointed by the governor.

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July 3, 2003  
Date

*Mike DeWine*

Mike DeWine, Governor

(B) Initial appointments under this section shall be made not later than thirty days after the effective date of this section.

Sec. 4164.098. The term of office for council members appointed by the governor shall be two years. Each appointed member shall serve as a member of the council from the date of appointment until the end of the term for which the member was appointed.

The president of the senate, or the president's designee, and the speaker of the house of representatives, or the speaker's designee, shall serve on the council only during the tenure of the president or speaker.

Sec. 4164.099. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member was appointed shall hold office for the remainder of such term. Any member shall continue in office after the expiration date of the term for which the member was appointed until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Each vacancy of an appointed member shall be filled by appointment not later than sixty days after the vacancy occurs and shall be filled in the same manner as the original appointment.

Sec. 4164.0911. The council shall elect a chairperson and a secretary at its initial meeting.

Sec. 4164.0912. The council shall hold its initial meeting not later than sixty days after the effective date of this section. Subsequent meetings of the council may be called by the chairperson. Special meetings shall be called by the chairperson upon receipt of a written request for a meeting signed by two or more members of the council.

Sec. 4164.0913. Before each meeting of the council, written notice of the time and place of each meeting shall be sent to each member of the council by mail or electronic mail.

Sec. 4164.0914. Four members of the council, or their alternates, constitute a quorum. No measure shall be voted on, or any action taken by the council unless a quorum is present.

Sec. 4164.0916. The council shall keep a record of its proceedings.

Sec. 4164.0917. The council may adopt bylaws governing its proceedings.

Sec. 4164.0918. Members of the council shall serve without compensation.

Sec. 4164.10. The authority is established for both of the following purposes:

(A) To be an information resource for this state, the United States nuclear regulatory commission, all branches of the United States military,

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Mike DelWine, Governor

and the United States department of energy on advanced-nuclear-research reactors, isotopes, and isotope technologies;

(B) To make this state all of the following:

(1) A leader in the development and construction of new-type advanced-nuclear-research reactors;

(2) A national and global leader in the commercial production of isotopes and research;

(3) A leader in the research and development of high-level-nuclear-waste reduction and storage technology.

Sec. 4164.11. The authority shall have all powers necessary and convenient for carrying out its statutory purposes, including the following powers:

(A) To adopt bylaws for the management and regulation of its affairs;

(B) To develop and adopt a strategic plan for carrying out the purposes set forth in this chapter;

(C) To foster innovative partnerships and relationships in the state and among the state's public institutions of higher education, private companies, federal laboratories, and nonprofit organizations, to accomplish the purposes set forth in this chapter;

(D) To identify and support, in cooperation with the public and private sectors, the development of education programs related to Ohio's isotope industry;

(E) To assume, with the advice and consent of the Senate, any regulatory powers delegated from the United States nuclear regulatory commission, the United States department of energy, or any branch of the United States military, or similar federal agencies, departments, or programs, governing the construction and operation of noncommercial power-producing nuclear reactors and the handling of radioactive materials;

(F) To act in place of the governor in approving agreements with the United States nuclear regulatory commission and joint-development agreements with the United States department of energy or an equivalent regulatory agency in the event that any of the following occur:

(1) The authority requests the commission to delegate rules for a state-based nuclear research-and-development program.

(2) The authority requests to jointly develop advanced-nuclear-research-reactor technology with the department under the department's authority.

(3) The authority requests to jointly develop advanced-nuclear-research-reactor technology with the United States department of defense or another United States military agency under the

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Date July 3, 2023

*Mike Dennis*

4503.232 of the Revised Code, if the registrar destroyed the impounded license plates under that section, or reissue a license under section 4510.52 of the Revised Code, if the registrar destroyed the suspended license under that section, unless the rights are not subject to suspension or revocation under any other law and unless the person, in addition to complying with all other conditions required by law for reinstatement of the operating privileges or registration rights, complies with all of the following:

(a) Pays to the registrar or an eligible deputy registrar a financial responsibility reinstatement fee of ~~one hundred forty dollars for the first violation of division (A)(1) of this section, three hundred dollars for a second violation of that division, and six hundred dollars for a third or subsequent violation of that division.~~

(b) If the person has not voluntarily surrendered the license, certificate, or license plates in compliance with the order, pays to the registrar or an eligible deputy registrar a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code;

(d) Pays a deputy registrar a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, any nonvoluntary compliance fee, and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1)(a) of this section or shall present proof of financial responsibility through use of an electronic wireless communications device as permitted by division (G)(1)(b) of this section.

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose certificate of registration and license plates have been impounded or are under an order of

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Date July 3, 2023

*Mike DeWine*

Mike DeWine, Governor

board, in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code, notifies the person of the board's intent to act against the person under section 4703.41 of the Revised Code, the board, by a majority vote of a quorum of the board members, may take the action against a person without holding an adjudication hearing.

Sec. 4707.02. (A) No person shall act as an auction firm or auctioneer within this state without a license issued by the department of agriculture. No auction shall be conducted in this state except by an auctioneer licensed by the department.

Except as provided in division (D) of this section, the department shall not issue or renew a license if the applicant or licensee has been convicted of a felony or crime involving fraud or theft in this or another state at any time during the ten years immediately preceding application or renewal.

(B) Division (A) of this section does not apply to any of the following:

(1) Sales at auction that either are required by law to be at auction, other than sales pursuant to a judicial order or decree, or are conducted by or under the direction of a public authority;

(2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale;

(3) An auction mediation company;

(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section 4707.03 of the Revised Code for purposes of student training and is supervised by a licensed auctioneer;

(5)(a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction;

(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division

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Mike DeWine, Governor



(B)(5)(b) of this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit.

(c) Sales at an auction sponsored by an organization that is tax exempt under subsection 501(c)(6) of the Internal Revenue Code and that is a part of a national, regional, or state convention or conference that advances or promotes the auction profession in this state when the property to be sold is donated to or is the property of the organization and the proceeds remain within the organization or are donated to a charitable organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code.

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;

(8) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state;

(9) An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply:

(a) The champion is not paid a commission.

(b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it.

(10) A person who, ~~in any calendar year, sells not more than ten thousand dollars of real or~~ personal property via an auction mediation company if ~~both of the following apply:~~

~~(a) The the auction mediation company specifically provides a fraud protection or money-back guarantee to the buyer of the property being sold;~~

~~(b) The person is either selling the property of another and does not receive any compensation for such sale, or the person is selling the person's own personal property.~~

(C)(1) No person shall advertise or hold oneself out as an auction firm or auctioneer without a license issued by the department of agriculture.

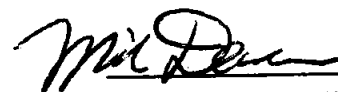
(2) Division (C)(1) of this section does not apply to an individual who is the subject of an advertisement regarding an auction conducted under division (B)(5)(b) of this section.

(D) The department shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with

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*July 31, 2023*  
Date: \_\_\_\_\_



Mike DeWine, Governor

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section 9.79 of the Revised Code.

Sec. 4707.101. (A) A licensed auctioneer shall complete eight hours of continuing education in accordance with this section prior to renewal of the license under section 4707.10 of the Revised Code. The auction firm manager of a licensed auction firm shall complete eight hours of continuing education in accordance with this section prior to the renewal of the auction firm license under section 4707.10 of the Revised Code.

(B)(1) Except as provided in division (B)(2) of this section, a licensed auctioneer and an auction firm manager shall complete the eight hours of continuing education as follows:

(a) Three of the hours shall include areas of instruction in any of the following areas: an overview of this chapter and rules adopted under it, including any recent amendments to that chapter or rules; contract law; the uniform commercial code; auction ethics; or trust or escrow accounts.

(b) Five of the hours shall include areas of instruction in any of the following areas: advertising and marketing; business math and accounting; insurance and liability; federal firearms law; business management; motor vehicle auctions; real estate auctions; or personal property auctions.

(2) If a licensed auctioneer has been issued a license with a period of validity of twelve months or less, the auctioneer shall complete four hours of continuing education as follows:

(a) One hour in the areas of instruction described in division (B)(1)(a) of this section;

(b) Three hours in the areas of instruction described in division (B)(1)(b) of this section.

(C) A licensed auctioneer or an auction firm manager of a licensed auction firm may complete an area of instruction for continuing education hours in another state if both of the following apply:

(1) The area of instruction has been approved by the appropriate state governing body in the other state.

(2) The Ohio auctioneers commission approves the completion of the area of instruction by the auctioneer or an auction firm manager in the other state.

(D) The continuing education requirements established under this section do not apply to a licensed auctioneer to which both of the following apply:

(1) The licensed auctioneer was licensed as an apprentice auctioneer under section 4707.09 of the Revised Code, as it existed prior to its repeal by H.B. 321 of the 134th general assembly on September 13, 2022.

(2) The licensed auctioneer completed that apprenticeship prior to that

The above boxed and initialed text was disapproved.

JUL 3, 2023

Date:

Mike DeWine, Governor

date.

Sec. 4713.28. (A) The state cosmetology and barber board shall issue a practicing license to an applicant who satisfies all of the following applicable conditions:

- (1) Is at least sixteen years of age;
- (2) Has the equivalent of an Ohio public school tenth grade education;
- (3) Has submitted a written application on a form furnished by the board that contains all of the following:
  - (a) The name of the individual and any other identifying information required by the board;
  - (b) A photocopy of the individual's current driver's license or other proof of legal residence;
  - (c) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code;
  - (d) An oath verifying that the information in the application is true;
  - (e) The applicable application fee.
- (4) Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;
- (5) Pays to the board the applicable license fee;
- (6) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;
- (7) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;
- (8) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand ~~two hundred~~ hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;
- (9) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;

The above boxed and initialed text was disapproved.

3 JULY 2023  
Date: \_\_\_\_\_

*Mike DeWine*

Sec. 4723.52. (A) As used in this section:

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(B) An advanced practice registered nurse shall comply with section 3719.064 of the Revised Code and rules adopted under section 4723.51 of the Revised Code when treating a patient for addiction with medication-assisted treatment or proposing to initiate such treatment.

~~(C) An advanced practice registered nurse who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even if the facility or location at which the treatment is provided is either of the following:~~

~~(1) Exempted by divisions (B)(2)(a) to (d) or (i) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification;~~

~~(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.~~

Sec. 4723.89. (A) As used in this section:

(1) "Doula" means a trained, nonmedical professional who provides continuous physical, emotional, and informational support to a pregnant woman during any of the following periods, regardless of whether the woman's pregnancy results in a live birth:

- (a) The antepartum period;
- (b) The intrapartum period;
- (c) The postpartum period.

(2) "Doula certification organization" means all of the following organizations that are recognized, at an international, national, state, or local level, for training and certifying doulas:

- (a) Birthing beautiful communities;
- (b) Restoring our own through transformation;
- (c) The international childbirth education association;
- (d) DONA international;
- (e) Birthworks international;
- (f) Childbirth and postpartum professional association;
- (g) Childbirth international;
- (h) Commonsense childbirth inc.;

(i) Any other recognized organization that the board of nursing

*Rmg*

The above boxed and initialed text was

disapproved

*JULY 3, 2023*

Date: \_\_\_\_\_

*Mike DeWine*

considers appropriate.

(B) Beginning on the date that occurs one year after the effective date of this section, a person shall not use or assume the title "certified doula" unless the person holds a certificate issued under this section by the board of nursing.

(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for issuing certificates to doulas under this section. The rules shall include all of the following:

(1) Requirements for certification as a doula, including a requirement that a doula either be certified by a doula certification organization or, if not certified, have education and experience considered by the board to be appropriate, as specified in the rules;

(2) Requirements for renewal of a certificate and continuing education;

(3) Requirements for training on racial bias, health disparities, and cultural competency as a condition of initial certification and certificate renewal;

(4) Certificate application and renewal fees, as well as a waiver of those fees for applicants with a family income not exceeding two hundred per cent of the federal poverty line;

(5) Requirements and standards of practice for certified doulas;

(6) The amount of a fine to be imposed under division (E) of this section;

(7) Any other standards or procedures the board considers necessary to implement this section.

(D) The board shall develop and regularly update a registry of doulas who hold certificates issued under this section. The registry shall be made available to the public on a web site maintained by the board.

(E) In an adjudication under Chapter 119. of the Revised Code, the board may impose a fine against any person who violates division (B) of this section. On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under this division that remains unpaid.

*Rmb*

Sec. 4723.90. (A) For the period of the program operated under section 5164.071 of the Revised Code, there is hereby established within the board of nursing the doula advisory board.

*Rmb*

(B)(1) The advisory board shall consist of at least thirteen but not more than fifteen members appointed by the board of nursing, including at least one representative from birthing beautiful communities and one representative from restoring our own through transformation.

The overall composition of the membership of the advisory board shall

The above bill has been read and discussed.

It is approved.

3 5/17/2023

Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

(1) In the case of a terminal distributor with a category II license, only dangerous drugs in category II, as defined in division (A)(1) of section 4729.54 of the Revised Code;

(2) In the case of a terminal distributor with a category III license, dangerous drugs in category II and category III, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code;

(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license.

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following:

- (a) Sell or distribute, at retail, dangerous drugs;
- (b) Possess for sale, at retail, dangerous drugs;
- (c) Possess dangerous drugs.

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following:

- (i) A licensed terminal distributor of dangerous drugs;
- (ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code;

(iii) Any of the persons identified in divisions (A)(1) to (5), (17), and ~~(15)~~ (18) of section 4729.541 of the Revised Code, but only to the extent specified in that section.

(b) Division (E)(1)(c) of this section does not apply to any of the following:

- (i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;
- (ii) Any of the persons identified in divisions (A)(6) to ~~(14)~~ (16) of section 4729.541 of the Revised Code, but only to the extent specified in that section.

(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, except as follows:

(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may

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disapproved  
JUL 3, 2023

Date \_\_\_\_\_



Mike DeWine, Governor

(12) With respect to overdose reversal drugs that may be possessed for use in personally furnishing supplies of the drug pursuant to a protocol established under section 3715.503 of the Revised Code, any individual exercising the authority conferred by that section;

(13) With respect to injectable or nasally administered glucagon that may be possessed under sections 3313.7115, 3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(14) With respect to injectable or nasally administered glucagon that may be possessed under section 5101.78 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

(15) A person who possesses nitrous oxide for use as a direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for testing or maintaining a plumbing or heating, ventilation, and air conditioning system;

(16) A person who possesses medical oxygen, sterile water, or sterile saline for direct administration to patients or for the purpose of installation or maintenance of home medical equipment, as defined in section 4752.01 of the Revised Code;

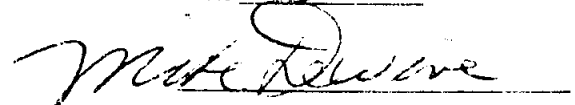
(17) A person who possesses controlled substances and other dangerous drugs for the purpose of dog training on behalf of a law enforcement agency, if the training is pursuant to an executed contract or other written agreement with the law enforcement agency;

(18) A facility that is owned and operated by the United States department of defense, the United States department of veterans affairs, or any other federal agency.

(B) If a person described in division (A) of this section is a pain management clinic or is operating a pain management clinic, the person shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the

The above boxed and initialed text was disapproved

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Date 2023



the transportation of passengers, packages, express matter, United States mail, baggage, and freight. Such an interurban railroad company is included in the term "railroad" as used in section 4907.02 of the Revised Code.

(M) A sewage disposal system company, when engaged in the business of sewage disposal services through pipes or tubing, and treatment works, or in a similar manner, within this state.

As used in ~~this~~ division (E) of this section, "natural gas" includes natural gas that has been processed to enable consumption or to meet gas quality standards or that has been blended with propane, hydrogen, biologically derived methane gas, or any other artificially produced or processed gas.

As used in this section, "gathering lines" has the same meaning as in section 4905.90 of the Revised Code, and "raw natural gas liquids" and "finished product natural gas liquids" have the same meanings as in section 4906.01 of the Revised Code.

Sec. 4928.85. As used in sections 4928.85 to 4928.89 of the Revised Code:

(A) "Infrastructure development" means the planning, development, and construction of electric distribution utility infrastructure, including the following:

(1) Substation facilities and extensions of transmission and distribution facilities that an electric distribution utility owns and operates;

(2) Performance of electric load studies.

(B) "Economic development project" means a land development containing a minimum of ten contiguous acres that has the potential for commercial or industrial development and that does not currently have adequate electric distribution service from an electric distribution utility.

(C) "JobsOhio" means the nonprofit corporation formed under section 187.01 of the Revised Code. "JobsOhio" includes the department of development at any time when a contract under section 187.04 of the Revised Code is not in effect.

(D) "Infrastructure development costs" means any costs of infrastructure development incurred by an electric distribution utility, which costs include an allowance for funds used during construction, depreciation, return on equity, ongoing operation maintenance and operation, and tax expenses directly attributable to the economic development project. Infrastructure development costs include project planning costs and the costs associated with obtaining the right of way for such projects.

Sec. 4928.86. After filing a request for disbursement from the all Ohio future fund under section 126.62 of the Revised Code, an electric distribution utility may file an application with the public utilities

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The above boxed and initialed text was disapproved.

5/27/23  
Date



commission for approval of infrastructure development necessary to support or enable a state or local economic development project, including any project approved, certified, or funded by JobsOhio. Prior to beginning the infrastructure development, the electric distribution utility shall file, and receive commission approval of, the application.

Sec. 4928.88. An infrastructure development application filed under section 4928.86 of the Revised Code shall include each of the following:

(A) Descriptions of the economic development project and the infrastructure development necessary to support or enable that project, including the general location and type of facilities that the applicant proposes to replace, construct, or improve;

(B) A description of potential uses or new customers that may be served by the economic development project;

(C) A summary of the infrastructure development costs to be expended on the economic development project;

(D) The proposed start and completion dates for the infrastructure development;

(E) A statement of support of the economic development project from any state or local entity involved with the project;

(F) Other information the applicant considers relevant for consideration by the public utilities commission.

Sec. 4928.89. (A)(1) The public utilities commission may approve an infrastructure development application, if the infrastructure development is necessary to support or enable a state or local economic development project.

(2) JobsOhio may provide a recommendation to the commission regarding the approval or denial of the application.

(B) The commission, for an application's economic development project, may approve the collection of the infrastructure development costs using funds from either, but not both, of the following:

(1) A disbursement from the all Ohio future fund under section 126.62 of the Revised Code;

(2) A rider or rate mechanism under section 4909.18 or 4928.143 of the Revised Code.

(C) The commission shall approve or deny the application within forty-five days after the application filing date. If the commission does not approve or deny the application within that period, the application shall be deemed approved as filed unless the commission suspends the application for good cause shown. If the commission suspends the application, the commission shall approve, deny, or hold a hearing on the application not

The above boxed and initialed text was disapproved.

Date 7 July 2023



Mike DeWine, Governor

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later than forty-five days after the date the suspension begins. If the commission holds a hearing, it shall issue an order approving or denying the application within thirty days of the final date of the hearing.

Sec. 4929.18. (A) As used in this section, "biologically derived methane gas" has the same meaning as in section 5713.30 of the Revised Code.

~~(B)(B)(1)~~ The following property, equipment, or facilities installed or constructed by a natural gas company may be treated as instrumentalities and facilities for distribution service if the public utilities commission determines that treatment is just and reasonable:

~~(a)~~ Any property, equipment, or facilities ~~installed or constructed by a natural gas company~~ to enable interconnection with or receipt from any property, equipment, or facilities used to generate, collect, gather, or transport biologically derived methane gas, or to enable the blending or supply of biologically derived methane gas to consumers within this state; ~~may be treated as instrumentalities and facilities for distribution service if the public utilities commission determines that treatment is just and reasonable;~~

~~(b)~~ Any property, equipment, or facilities to enable interconnection with or receipt from any property, equipment, or facilities used to generate, collect, gather, or transport hydrogen, or to enable the blending of hydrogen with natural gas for supply to consumers within this state.

~~(2)~~ If the commission makes ~~that the~~ determination described in division (B)(1) of this section, the property, equipment, or facilities shall be considered used and useful in rendering public utility service for purposes of section 4909.15 of the Revised Code.

Sec. 5101.04. ~~Notwithstanding~~ (A) Notwithstanding any provision of law or regulation to the contrary, in order to improve the timeliness of public assistance benefit deliveries, to maximize operational efficiencies, increase cost savings, and minimize fraud, the department of job and family services may contract with a third-party commercial consumer reporting agency, in accordance with the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq., for the purpose of assisting the department with eligibility determinations for supplemental nutrition assistance supplemental program benefits, benefits funded by the temporary assistance for needy families block grant, and unemployment compensation benefits. The department shall undertake efforts to incorporate real-time employment and income information into existing verification and eligibility determination procedures.

(B) No third-party vendor shall conduct pre-screening activities regarding supplemental nutrition assistance program applicants unless the

The above boxed and initialed text was disapproved.

*4* 5 Oct 2023  
Date \_\_\_\_\_

*Mike DeWine*  
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Mike DeWine, Governor

applicant shall notify the department of mental health and addiction services of any adverse action taken against the residential facility or the facility's owner, operator, or manager within the three-year period immediately preceding the date of application.

(2) Not later than seven days after receiving a notice of adverse action from a licensing or regulatory authority that is other than the department of mental health and addiction services, the holder of a residential facility license issued under section 5119.34 of the Revised Code shall notify the department of the action.

(3) To notify the department as required by this section, a copy of the notice of adverse action shall be provided to the department.

Sec. 5119.35. (A) Except as provided in division (B) of this section, if a mental health service or alcohol and drug addiction service has been specified in rules adopted under this section as a service that is required to be certified, no person or government entity shall provide ~~any of the following alcohol and drug addiction services that service~~ unless the services have it has been certified under section 5119.36 of the Revised Code:

~~(1) Withdrawal management addiction services provided in a setting other than an acute care hospital;~~

~~(2) Addiction services provided in a residential treatment setting;~~

~~(3) Addiction services provided on an outpatient basis.~~

(B) Division (A) of this section does not apply to either of the following:

(1) An individual who holds a valid license, certificate, or registration issued by this state authorizing the practice of a health care profession that includes the performance of ~~the services~~ any service that is required to be certified as described in divisions (A)(1) to (3) of this section, regardless of whether the ~~services are~~ service is performed as part of a sole proprietorship, partnership, or group practice;

(2) An individual who provides ~~the services~~ any service that is required to be certified as described in divisions (A)(1) to (3) of this section as part of an employment or contractual relationship with a hospital outpatient clinic that is accredited by an accreditation agency or organization approved by the director of mental health and addiction services;

(3) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code

(C)(1) If the director of mental health and addiction services determines that a person or government entity is violating division (A) of this section, the director may request, in writing, that the attorney general petition the

RMD

The above boxed and initialed text was disapproved.

Date: July 3 2023

Mike DeWine

program standards in the following four domains:

- (1) Learning and development;
- (2) Administration and leadership practices;
- (3) Staff quality and professional development;
- (4) Family and community partnerships.

The ratings developed under this section shall not take into consideration whether an administrator or employee of an early learning and development program holds or obtains a bachelor's, master's, or doctoral degree.

(F) The director of job and family services, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.-

Sec. 5104.31. (A) Publicly funded child care may be provided only by the following:

- (1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:
  - (a) A child day-care center, including a parent cooperative child day-care center;
  - (b) A type A family day-care home, including a parent cooperative type A family day-care home;
  - (c) A licensed type B family day-care home.
- (2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;
- (3) A child day camp approved pursuant to section 5104.22 of the Revised Code;
- (4) A licensed preschool program;
- (5) A licensed school child program;
- (6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.

(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.

(C)(1) Except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.

(2) A licensed child care program that is any of the following may

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The above boxed and initialed text was disapproved.

Date: JULY 3, 2023



Mike DeWine, Governor

provide publicly funded child care without being rated through the step up to quality program:

- (a) A program that operates only during the summer and for not more than fifteen consecutive weeks;
- (b) A program that operates only during school breaks;
- (c) A program that operates only on weekday evenings, weekends, or both;
- (d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;
- (e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;
- (f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked;
- (g) A program that provides publicly funded child care to less than ~~twenty-five~~ fifty per cent of the program's license capacity;
- (h) A program that is a type A family day-care home or licensed type B family day-care home.

*RMH*

Sec. 5107.02. As used in this chapter:

- (A) "Adult" means an individual who is not a minor child.
- (B) "Assistance group" means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of assistance provided under Ohio works first.
- (C) "Custodian" means an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.
- (D) "Domestic violence" means being subjected to any of the following:
  - (1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;
  - (2) Sexual abuse;
  - (3) Sexual activity involving a dependent child;
  - (4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
  - (5) Threats of, or attempts at, physical or sexual abuse;
  - (6) Mental abuse;
  - (7) Neglect or deprivation of medical care.
- (E) "Guardian" means an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a

The above boxed and initialed text was disapproved.

Date: JULY 3 2023

"Electroencephalogram (EEG) combined transcranial magnetic stimulation" means treatment in which transcranial magnetic stimulation (TMS) frequency pulses are tuned to the patient's physiology and biometric data, ~~at the time of each treatment, using a pre and post TMS EEG.~~

"First responder" has the meaning defined in section 2903.01 of the Revised Code. *Rmi*

"Law enforcement officer" has the meaning defined in section 9.69 of the Revised Code.

(B) The ~~directors of veterans services and~~ director of mental health and addiction services shall establish a ~~pilot~~ program to make electroencephalogram (EEG) combined transcranial magnetic stimulation available for veterans, first responders, and law enforcement officers with civilian employees of the United States department of defense and of the central intelligence agency, and the spouse of any such individual. Eligible individuals must have substance use disorders, mental illness, sleep disorders, traumatic brain injuries, sexual trauma, post traumatic stress disorder and accompanying comorbidities, concussions or other brain trauma, or other issues identified by the individual's qualified medical practitioner as issues that would warrant treatment under the program. The program shall be operated in conjunction with a supplier selected under this section. *RMD*

(C) The ~~directors by mutual agreement~~ director shall choose a location for the ~~pilot~~ program and for up to ten branch sites, and shall enter into a contract for the purchase of services related to the ~~pilot~~ program. ~~A~~ Each branch site may ~~be a~~ operate one or more mobile unit portable units or an EEG combined neuromodulation portable ~~unit~~ units if the ~~directors determine~~ director determines that ~~mobile portable~~ units or EEG combined neuromodulation portable units are necessary to expand access to care. The contract shall include provisions requiring the supplier to create and conduct a clinical trial, to establish and operate a clinical practice, to evaluate outcomes of the clinical trial and the clinical practice, to expend payments received from the state as needed for purposes of the program, and to report quarterly regarding the ~~pilot~~ program to the president of the senate and to the standing committee of the senate that generally considers legislation regarding veterans affairs.

(D) There is the electroencephalogram (EEG) combined transcranial magnetic stimulation fund in the state treasury. It shall consist of moneys appropriated to it by the general assembly. The ~~directors~~ director, with the approval of the controlling board, may authorize a disbursement from the fund for services rendered under the contract.

The above boxed and initialed text was disapproved

Date July 3, 2023

Mike DeWine, Governor

community addiction services provider that provides overnight accommodations, denies an application for certification of certifiable services and supports, refuses to renew certification, or revokes a certification, the department shall not grant an opportunity for submitting a plan of correction.

~~(H)~~(O) The department of mental health and addiction services shall maintain a current list of community addiction services providers and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list shall identify each provider by its name, its address, and the county in which it is located.

~~(K)~~(P) No person shall represent in any manner that a community mental health services provider's or community addiction services provider's certifiable services and supports are certified by the director if the certifiable services and supports are not so certified at the time the representation is made.

(O) If a board of alcohol, drug addiction, and mental health services requests the department of mental health and addiction services to investigate a community mental health services provider or community addiction services provider pursuant to this section, the department shall initiate the investigation not later than ten business days after receipt of the request. If the department initiates an investigation of a community mental health services provider or community addiction services provider under this section for any other reason, the department shall notify the board of alcohol, drug addiction, and mental health services serving the applicable alcohol, drug addiction, and mental health service district of the investigation and the reason for the investigation not later than three business days after the investigation begins. On the board's request, the department shall provide the board with information specifying the status of the investigation and the final disposition of the investigation.

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(R) Nothing in this section shall be construed to require a federally qualified health center or federally qualified health center look-alike, as those terms are defined in section 3701.047 of the Revised Code, to seek or obtain certification under this section.

Sec. 5119.363. The director of mental health and addiction services shall adopt rules governing ~~the duties of boards of alcohol, drug addiction, and mental health services under section 340.20 of the Revised Code and the~~ duties of community addiction services providers under section 5119.362 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The above boxed and initialed text was disapproved.

July 3, 2023  
Date: \_\_\_\_\_

  
Mike DeWine, Governor

(8) Not deny a claim described in division (B)(7) of this section that is submitted by the department solely on the basis of the medical assistance recipient's failure to obtain prior authorization for the medical item or service.

(C) For purposes of the requirements in division (B) of this section, a third party shall treat a medicaid managed care organization as the department for a claim if the individual who is the subject of the claim received a medical item or service through a medicaid managed care organization and the department has assigned its right of recovery for the claim to the medicaid managed care organization. Even if the department assigned its right of recovery to a medicaid managed care organization, the department may, beginning one year from the date the organization paid the claim, recoup from a third party an amount that was assigned to the organization but not collected.

(D) If the department of medicaid, as permitted by division (K) of section 5160.37 of the Revised Code, assigns to a medical assistance provider the department's right of recovery for a claim for which it has notified the provider that it intends to recoup its prior payment for a claim, a third party shall treat the provider as the department and shall pay the provider the greater of the following:

(1) The amount the department intends to recoup from the provider for the claim.

(2) If the third party and the provider have an agreement that requires the third party to pay the provider at the time the provider presents the claim to the third party, the amount that is to be paid under that agreement.

(E) The time limitations associated with the requirements in divisions (B)(2) and (6) of this section apply only to submissions of claims to, and payments of claims by, a health insurer to which the "Social Security Act," section 1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies.

Sec. 5160.45. (A) As used in sections 5160.45 to 5160.481 of the Revised Code, "information" means all of the following:

- (1) Records, as defined in section 149.011 of the Revised Code;
- (2) Any other documents in any format;
- (3) Data derived from records and documents that are generated, acquired, or maintained by the department of medicaid, a county department of job and family services, or an entity performing duties on behalf of the department or a county department.

(B) Except as permitted by this section, division (B) of section 340.035, section 5160.47, or rules authorized by section 5160.48 or 5160.481 of the Revised Code, or when required by federal law, no person or government

*RMD*

The above boxed and initialed text was disapproved.

Date: JULY 3, 2023

*Mike DeWine*



entity shall use or disclose information regarding a medical assistance recipient for any purpose not directly connected with the administration of a medical assistance program.

(C) Both of the following shall be considered to be purposes directly connected with the administration of a medical assistance program:

(1) Treatment, payment, or other operations or activities authorized by 42 C.F.R. Chapter IV;

(2) Any administrative function or duty the department of medicaid performs alone or jointly with a federal government entity, another state government entity, or a local government entity implementing a provision of federal law.

(D) The department or a county department of job and family services may disclose information regarding a medical assistance recipient to any of the following:

(1) The recipient or the recipient's authorized representative;

(2) The recipient's legal guardian in accordance with division (C) of section 2111.13 of the Revised Code;

(3) The attorney of the recipient, if the department or county department has obtained authorization from the recipient or the recipient's authorized representative or legal guardian that meets all requirements of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1320d et seq., regulations promulgated by the United States department of health and human services to implement the act, section 5160.46 of the Revised Code, and any rules authorized by section 5160.48 of the Revised Code;

(4) A health information or health records management entity that has executed with the department a business associate agreement required by 45 C.F.R 164.502(e)(2) and has been authorized by the recipient or the recipient's authorized representative or legal guardian to receive the recipient's electronic health records in accordance with rules authorized by section 5160.48 of the Revised Code;

(5) A court if pursuant to a written order of the court.

(E) The department may receive from county departments of job and family services information regarding any medical assistance recipient for purposes of training and verifying the accuracy of eligibility determinations for a medical assistance program. The department may assemble information received under this division into a report if the report is in a form specified by the department. Information received and assembled into a report under this division shall remain confidential and not be subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code.

(F) The department shall notify courts in this state regarding its

The above boxed and initialed text was disapproved.

Date: July 3, 2023

*Mike DeWine*

Mike DeWine, Governor

authority, under division (D)(5) of this section, to disclose information regarding a medical assistance recipient pursuant to a written court order.

Sec. 5162.01. (A) As used in the Revised Code:

(1) "Medicaid" and "medicaid program" mean the program of medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal medicaid waiver granted by the United States secretary of health and human services.

(2) "Medicare" and "medicare program" mean the federal health insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) As used in this chapter:

(1) "Exchange" has the same meaning as in 45 C.F.R. 155.20.

(2) "Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.

(3) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.

(4) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).

(5) "Healthcheck" has the same meaning as in section 5164.01 of the Revised Code.

(6) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component.

(7) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component.

(8) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.

(9) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

(10) "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code.

(11) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

(12) "Medicaid MCO plan" has the same meaning as in section 5167.01

The above boxed and initialed text was disapproved.

Date: JULY 3, 2023

Mike DeWine

Mike DeWine, Governor

medicaid buy-in for workers with disabilities program described in sections 5163.09 to 5163.098 of the Revised Code.

Sec. 5163.103. (A) As used in this section:

(1) "Presumptive eligibility error rate" means the rate at which a qualified entity or qualified provider deems an individual presumptively eligible for medicaid under sections 5163.10 to 5163.102 of the Revised Code when the individual is ineligible for the medicaid program.

(2) "Qualified entity" has the same meaning as in section 5163.101 of the Revised Code.

(3) "Qualified provider" has the same meaning as in section 5163.10 of the Revised Code.

(B) Notwithstanding sections 5163.10 to 5163.102 of the Revised Code, the department of medicaid shall require each qualified entity or qualified provider that has a presumptive eligibility error rate exceeding seven and one-half per cent in a calendar month to do both of the following:

(1) Submit to the department for approval a corrective action plan specifying the steps the qualified entity or qualified provider will take to reduce its presumptive eligibility error rate, including details about the training required under division (B)(2) of this section;

(2) Provide training for all of its staff who make presumptive eligibility determinations to ensure their thorough knowledge of presumptive eligibility prescreening procedures. The training shall occur for each month the qualified entity or qualified provider's presumptive eligibility error rate exceeds seven and one-half per cent.

(C) If the qualified entity or qualified provider's presumptive eligibility error rate exceeds seven and one-half per cent in six or more months, aggregately, in a twenty-four month period, the department shall notify the qualified entity or provider that it is no longer qualified to make presumptive eligibility determinations.

(D) A qualified entity or qualified provider that loses its presumptive eligibility qualification as a result of this section is ineligible to make presumptive eligibility determinations for sixty months following the disqualifying month.

Sec. 5164.071. (A) As used in this section, "doula" has the same meaning as in section 4723.89 of the Revised Code.

(B) During the period beginning one year after the effective date of this section and ending five years after the effective date of this section, the medicaid program shall operate a program to cover doula services that are provided by a doula if the doula has a valid provider agreement and is certified under section 4723.89 of the Revised Code. Medicaid payments for

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The above boxed and initialed text was disapproved.

Date JULY 3, 2023

*Mike DeWine*

Mike DeWine, Governor

doula services shall be determined on the basis of each pregnancy, regardless of whether multiple births occur as a result of that pregnancy.

(C) Outcome measurements and incentives for the program shall be consistent with this state's medicare-medicaid plan quality withhold methodology and benchmarks. The medicaid director shall complete an annual report regarding the program outcomes, including related to maternal health and morbidity and an estimated fiscal impact. The final annual report shall include recommendations related to whether the program should be continued. The director shall provide a copy of the annual report to the joint medicaid oversight committee.

RMD

(D) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 5164.072. (A) As used in this section, "licensed health professional" means the following:

(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(2) An advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as an advanced practice registered nurse and is designated as a clinical specialist, certified nurse-midwife, or certified nurse practitioner;

(3) A physician assistant licensed under Chapter 4730. of the Revised Code.

(B) The medicaid program shall cover pasteurized human donor milk and human milk fortifiers, in both hospital and home settings, for an infant whose gestationally corrected age is less than twelve months when all of the following apply:

(1) A licensed health professional signs an order stating that human donor milk or human milk fortifiers are medically necessary because the infant meets any of the following criteria:

(a) The infant has a birth weight less than eighteen hundred grams or body weight below healthy levels.

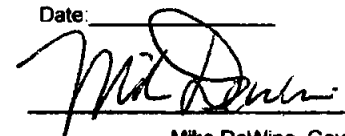
(b) The infant has a gestational age at birth of thirty-four weeks or less.

(c) The infant has any congenital or acquired condition for which the health professional determines that the use of pasteurized human donor milk or human milk fortifiers will support the treatment of the condition and recovery of the infant.

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JULY 3, 2023

Date: \_\_\_\_\_



Mike DeWine, Governor

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 (2) A person, agent, trustee or fiduciary subject to division (B)(1) of this section that owns or holds agricultural land or real property in this state as described in division (B)(1) (a) or (b) of this section before the effective date of this section may continue to own or hold the agricultural land or real property, but shall not purchase or otherwise acquire additional agricultural land or real property in this state that is subject to the restriction in division (B)(1) of this section unless an exception described in division (C) of this section applies.

*RND*  
 (C) The restriction on acquiring agricultural land and real property set forth in division (B)(1) of this section does not apply to any of the following:

*RND*  
 (1) Agricultural land and real property acquired by devise or descent. However, a person listed in the registry published by the secretary of state under division (G) of this section, or an agent, trustee, or fiduciary thereof that acquires the agricultural land or real property, or an interest in agricultural land or real property, by devise or descent on or after the effective date of this section shall divest itself of all right, title, and interest in the agricultural land or real property within two years from the date of acquisition.

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*RND*  
 (2) Agricultural land or real property that is acquired by a process of law in the collection of debts, by a deed in lieu of foreclosure, pursuant to a forfeiture of a contract for deed, or by any procedure for the enforcement of a lien or claim on the agricultural land or real property, whether created by mortgage or otherwise. However, agricultural land or real property so acquired shall be sold or otherwise disposed of within two years after title is transferred. If agricultural land, pending the sale or disposition, the land shall not be used for any purpose other than agriculture, and the land shall not be used for agriculture under lease to an individual, trust, corporation, partnership, or other business entity not subject to the restrictions under division (B)(1) of this section.

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 (3) An interest in agricultural land that is not restricted under division (B)(1)(b) of this section and that does not exceed one hundred fifty acres, acquired for an immediate or pending use other than agriculture.

*RND*  
 (D) A person listed in the registry published by the secretary of state under division (G) of this section, or an agent, trustee, or fiduciary of such a person, shall not transfer title to or interest in agricultural land or real property within a twenty-five-mile radius of any military base, camp, airport, or similar installation in this state under the jurisdiction of the armed forces to another person listed in that registry, or an agent, trustee, or fiduciary thereof, except by devise or descent.

The above boxed and initialed text was disapproved

Date JULY 4, 2023

*Mike DeWine*  
 Mike DeWine Governor

*RMD* (E) A person that purchases or otherwise acquires agricultural land or real property in this state described in division (B)(1)(a) or (b) of this section, other than by devise or descent, after the effective date of this section, and that is subsequently added to the registry published by the secretary of state under division (G) of this section, shall divest itself of all right, title, and interest in the agricultural land or real property within two years from the date the person is added to the registry. *RMD*

*RMD* (F)(1) If the secretary of state finds that a person listed on the registry published under division (G) of this section, or an agent, trustee, or fiduciary thereof, has acquired, or holds title to, or interest in, agricultural land or real property in this state in violation of this section, the secretary of state shall report the violation to the attorney general. *RMD*

*RMD* (2) Upon receipt of the report from the secretary of state, the attorney general shall initiate an action in the court of common pleas of any county in which the agricultural land or real property is located seeking relief in accordance with this section. If the agricultural land or real property is located in more than one county, or adjoining tracts of agricultural land or real property are located in more than one county, the county in which the majority of the agricultural land or real property is located shall have territorial jurisdiction over agricultural land or real property that is the subject of the action. The attorney general may initiate an action in the court of common pleas of more than one county, if necessary, in which case, the court of common pleas in that county shall have jurisdiction over the action in matters as it relates to the portion of the agricultural land or real property that is located in that county. *RMD*

*RMD* (3) The attorney general shall file a notice of the pendency of the action with the county recorder of each county in which any of the agricultural land or real property is located. *RMD*

*RMD* (4) If the court finds that the agricultural land or real property in question has been acquired or held in violation of this section, it shall do all of the following: *RMD*

- (a) Enter an order so declaring;
- (b) File a copy of the order with the county recorder of each county in which any portion of the agricultural land or real property is located;
- (c) Declare the agricultural land or real property escheated to the state;
- (d) Order that the escheated agricultural land or real property be sold pursuant to Chapter 2329. of the Revised Code in the same manner as a foreclosure on a mortgage, except that there shall be no opportunity for redemption under section 2329.33 of the Revised Code.

(5) Upon receiving an order under division (F)(4) of this section, the

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Date 4 JUL 2023

*Mike DeWine*  
Mike DeWine, Governor

existing emergency management plan, developed under this section as of December 14, 2021.

(I) Copies of the emergency management plan, including all records related to the plan, emergency management tests, and information required under division (B) of this section are security records and are not public records pursuant to section 149.433 of the Revised Code. In addition, the information posted to the contact and information management system, pursuant to division (C)(3)(b) of this section, is exempt from public disclosure or release in accordance with sections 149.43, 149.433, and 5502.03 of the Revised Code.

Notwithstanding section 149.433 of the Revised Code, a floor plan filed with the attorney general pursuant to this section is not a public record to the extent it is a record kept by the attorney general.

Sec. 5502.69. (A) There is hereby created the Ohio narcotics intelligence center in the department of public safety. The center shall operate as a division within the department.

(B) The director of public safety shall appoint an executive director of the center. The executive director shall serve at the discretion of the director of public safety. The executive director shall advise the governor and the director of public safety on matters pertaining to illegal drug activities. To carry out the duties assigned under this section, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain necessary staff and may enter into any necessary agreements.

(C) The center shall do all of the following:

(1) Coordinate law enforcement response to illegal drug activities for state agencies and act as a liaison between state agencies and local entities for the purposes of communicating counter-drug policy initiatives;

(2) Collect, analyze, maintain, and disseminate information to support local, state, and federal law enforcement agencies, other government agencies, and private organizations in detecting, deterring, preventing, preparing for, prosecuting, and responding to illegal drug activities. The records received and created are confidential law enforcement investigatory records pursuant to section 149.43 of the Revised Code.

(3) Develop and coordinate policies, protocols, and strategies that may be used by local, state, and private organizations to detect, deter, prevent, prepare for, prosecute, and respond to illegal drug activities;

(4) Develop, update, and coordinate the implementation of an Ohio drug control strategy to guide state and local governments and public agencies.

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Sec. 5512.07. (A) There is hereby created the transportation review

The above boxed and initialed text was disapproved

JUL 3, 2023  
Date



Mike DeWine, Governor

advisory council. No member of the general assembly shall be a member of the council. The council shall consist of ~~nine~~ ten members, one of whom is the director of transportation who is a nonvoting member. ~~Six members shall be appointed by the~~ The governor shall appoint five members with the advice and consent of the senate. ~~One member shall be appointed by the~~ The speaker of the house of representatives shall appoint two members and ~~one member shall be appointed by~~ the president of the senate shall appoint two members. In making their appointments, the governor, the speaker of the house of representatives, and the president of the senate shall consult with each other so that of the total number of ~~eight~~ nine appointed members, at least two are affiliated with the major political party not represented by the governor. In making the governor's appointments, the governor shall appoint persons who reside in different geographic areas of the state. ~~Within ninety days after June 30, 1997, the governor, speaker, and president shall make the initial appointments to the council.~~

Appointed members shall have no conflict of interest with the position. For purposes of this section, "conflict of interest" means taking any action that violates any provision of Chapter 102. or 2921. of the Revised Code.

Each of the members the governor appoints shall have experience either in the area of transportation or in that of business or economic development.

One such member shall be selected from a list of five names provided by the Ohio public expenditure council.

(B) ~~Of the governor's initial appointments made to the council, one shall be for a term ending one year after June 30, 1997, one shall be for a term ending two years after June 30, 1997, one shall be for a term ending four years after June 30, 1997, and one shall be for a term ending five years after June 30, 1997. Within ninety days after September 16, 1998, the governor shall make two appointments to the council. Of these appointments, one shall be for a term ending June 30, 2001, and one shall be for a term ending June 30, 2002. The speaker's and president's initial appointments made to the council shall be for a term ending three years after June 30, 1997. Thereafter, all~~ All terms of office, ~~including the terms for those persons who are appointed to succeed the persons whose appointments are made within ninety days after September 16, 1998, shall be~~ are for five years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill another member's unexpired term shall hold office for the remainder of that unexpired term. A member

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The above boxed and initialed text was disapproved.

July 3, 2003  
Date

*Mike DeWine*



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shall continue in office subsequent to the expiration of the member's term until the member's successor takes office.

(C) The director of transportation is the chairperson of the council.

Sec. 5537.17. (A) Each turnpike project open to traffic shall be maintained and kept in good condition and repair by the Ohio turnpike and infrastructure commission. The Ohio turnpike system shall be policed and operated by a force of police, toll collectors, and other employees and agents that the commission employs or contracts for.

(B) All public or private property damaged or destroyed in carrying out the powers granted by this chapter shall be restored or repaired and placed in its original condition, as nearly as practicable, or adequate compensation or consideration made therefor out of moneys provided under this chapter.

(C) All governmental agencies may lease, lend, grant, or convey to the commission at its request, upon terms that the proper authorities of the governmental agencies consider reasonable and fair and without the necessity for an advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any property that is necessary or convenient to the effectuation of the purposes of the commission, including public roads and other property already devoted to public use.

(D) Each bridge constituting part of a turnpike project shall be inspected at least once each year by a professional engineer employed or retained by the commission.

(E) The commission shall cause an audit of its books and accounts to be made at least once each year by certified public accountants approved by the auditor of state, and the cost thereof may be treated as a part of the cost of operations of the commission. Additionally, the auditor of state, at least once every other year, shall audit the accounts and transactions of the commission. On or before the first day of July in each year, the commission shall submit ~~a~~ an annual comprehensive ~~annual~~ financial report containing its audited financial statements for the preceding calendar year to the governor, the general assembly, and the director of budget and management. Each such report shall set forth a complete operating and financial statement covering the commission's operations and funding of any turnpike projects and infrastructure projects during the year.

(F) The commission shall submit a copy of ~~its~~ its proposed annual budget for each calendar or fiscal year to the governor, the presiding officers of each house of the general assembly, the director of budget and management, and the legislative service commission no later than the first day of that calendar or fiscal year.

The above boxed and initialed text was disapproved

*JUL 3, 2023*  
Date \_\_\_\_\_

*Mike DeWine*

*RMB*  
 certification under division (E)(2) of this section has not been revoked, the tangible personal property of the qualified energy project is exempt from taxation for the tax year 2026 following the applicable year and all ensuing tax years if the property was placed into service before January 1, 2026 before the first day of the tax year following the applicable year, as certified in the construction progress report required under division (F)(2) of this section. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation. An energy project for which certification has been revoked is ineligible for further exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, 2021. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation.

(2) For such a qualified energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting the application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(3) The certification for the qualified energy project issued under division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(D) Except as otherwise provided in this section, real property of a qualified energy project is exempt from taxation for any tax year for which the tangible personal property of the qualified energy project is exempted under this section.

(E)(1)(a) A person may apply to the director of development for

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disapproved

JUN 3, 2023  
Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

under division (E) of this section, before the effective date of this amendment, maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. ~~In~~ A person applying for such a qualified energy project may certify to the director of development that the project will be voluntarily subject to the wage requirements described in section 45(b)(7)(A) of the Internal Revenue Code and apprenticeship requirements described in section 45(b)(8)(A)(i) of the Internal Revenue Code as authorized in division (F)(6)(b) of this section. Upon receipt of that certification, the project shall comply with division (F)(6)(b) of this section rather than division (F)(6)(a) of this section.

(b) For projects for which certification as a qualified energy project was applied for, under division (E) of this section, on or after the effective date of this amendment, maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than seventy per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project.

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(c) For purposes of divisions (F)(6)(a) and (b) of this section, "Ohio-domiciled" includes persons who live outside the state but within fifty miles of a border of the state who are members of any bona fide labor organization which has as members, or is authorized to represent, employees in Ohio and which exists, in whole or in part, for the purpose of negotiating with employers concerning the wages, hours, or terms and conditions of employment of employees and whose members are engaged to perform work on the construction or installation of the qualified energy project.

(d) For purposes of divisions (F)(6)(a) and (b) of this section, in the case of an energy project for which certification from the power siting board is required under section 4906.20 of the Revised Code, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed in the certificate application, if such projection is required under regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the

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JUL 3, 2023

Date: \_\_\_\_\_



Mike DeWine, Governor

dealer not required to file a bond shall be remitted by electronic funds transfer as prescribed by section 5743.051 of the Revised Code. If a dealer not required to file a bond fails to make the payment in full within the required payment period, the commissioner shall not thereafter sell stamps to that dealer until the dealer pays the outstanding amount, including penalty and interest on that amount as prescribed in this chapter, and the commissioner thereafter may require the dealer to file a bond until the dealer is restored to good standing. The commissioner shall limit delivery of stamps on credit to the period running from the first day of July of the fiscal year until the twenty-third day of the following June. Any discount allowed as a commission for affixing and canceling stamps shall be allowed with respect to sales of stamps on credit.

The commissioner shall redeem and pay for any destroyed, unused, or spoiled tax stamps at their net value, and shall refund to wholesale dealers the net amount of state and county taxes paid erroneously or paid on cigarettes that have been sold in interstate or foreign commerce or that have become unsalable, and the net amount of county taxes that were paid on cigarettes that have been sold at retail or for retail sale outside a taxing county.

An application for a refund of tax shall be filed with the commissioner, on the form prescribed by the commissioner for that purpose, within three years from the date the tax stamps are destroyed or spoiled, from the date of the erroneous payment, or from the date that cigarettes on which taxes have been paid have been sold in interstate or foreign commerce or have become unsalable.

On the filing of the application, the commissioner shall determine the amount of refund to which the applicant is entitled, payable from receipts of the state tax, and, if applicable, payable from receipts of a county tax. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If a refund is granted for payment of an illegal or erroneous assessment issued by the department, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum prescribed by section 5703.47 of the Revised Code.

*RMD*

Sec. 5743.06. (A) As used in this section, "bad debt" means any debt that arises from the sale by a wholesale dealer of cigarettes properly stamped under section 5743.03, 5743.031, or 5743.04 of the Revised Code.

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Date July 3, 2023

*Mike DeWine*  
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 Mike DeWine, Governor

that has become worthless or uncollectible, that has been uncollected for at least six months, and that may be claimed as a deduction pursuant to the "Internal Revenue Code of 1954," 26 U.S.C. 166, and regulations adopted pursuant thereto, or that could be claimed as such a deduction if the wholesale dealer kept accounts on an accrual basis. "Bad debt" does not include any interest or financing charges on the debt, expenses incurred in attempting to collect the debt or for any portion of the debt recovered, any accounts receivable that have been sold or assigned to a third party, or repossessed property.

(B) A wholesale dealer may apply to the tax commissioner for a refund of the value of cigarette tax stamps, less any discounts provided under section 5743.05 of the Revised Code, that are part of bad debt of the dealer. The commissioner shall not refund any amount for bad debt under this section unless the dealer has charged off the bad debt on its books as uncollectible. If a purchaser or other person pays all or part of a bad debt with respect to which a wholesale dealer received a refund under this section, the dealer is liable for the prorated amount of taxes refunded in connection with that portion of the debt for which such payment was received and shall remit such taxes to the commissioner in the manner the commissioner prescribes. Any request for refund under this section shall be supported by such evidence the commissioner requires, including, but not limited to, all of the following:

(1) A copy of the original invoice;

(2) Evidence that the cigarettes described in the invoice were delivered to the person that ordered them;

(3) Evidence that the person who ordered and received such cigarettes did not pay the wholesale dealer for the cigarettes and that the dealer used reasonable collection practices in attempting to collect the debt.

(C) A request for refund under this section shall be filed within three years after the date the bad debt became uncollectible. For each request, the commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

(D) The commissioner may adopt any rules necessary to administer this section.

(E) No person other than the wholesaler that purchased the tax stamps and generated the bad debt may claim the refund authorized under this

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July 3, 2023  
Date

Mike DeWine

Mike DeWine, Governor

state all money received from the tax levied by this section, and the treasurer shall credit the amount to the general revenue fund.

(D) The tax imposed under this section shall not be imposed on vapor products held by a qualifying vapor manufacturer or importer for sale to persons outside of this state.

Sec. 5743.64. No person shall transport within this state tobacco products that have a wholesale value in excess of three hundred dollars, or vapor products with a vapor volume in excess of five hundred milliliters or five hundred grams, as applicable, unless the person has obtained consent to transport the tobacco products or vapor products from the tax commissioner prior to transportation. The consent is not required if the applicable tax levied under section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, or ~~5743.631~~ of the Revised Code has been paid or will be paid by the distributor, vapor distributor, or seller. The consent is also not required when a qualifying vapor manufacturer or importer transfers vapor products into this state. Application for the consent shall be in the form prescribed by the commissioner.

Every person transporting tobacco products or vapor products with the department's consent shall have the consent with the person while transporting or possessing the tobacco products or vapor products within this state and shall produce the consent upon request of any law enforcement officer or authorized agent of the tax commissioner.

Any person transporting tobacco products or vapor products without the consent required by this section shall be subject to the provisions of sections 5743.51 to 5743.66 of the Revised Code, including the tax imposed by section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, or ~~5743.631~~ of the Revised Code.

Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or

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July 3, 2013  
Date

  
Mike DeWine, Governor

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Sec. 5743.15. (A) Except as otherwise provided in this division, no person shall engage in this state in the wholesale or retail business of trafficking in cigarettes or in the business of a manufacturer or importer of cigarettes without having a license to conduct each such activity issued by a county auditor under division (B) of this section or the tax commissioner under divisions (C) and (F) of this section. On dissolution of a partnership by death, the surviving partner may operate under the license of the partnership until expiration of the license, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license of the person succeeded in possession by such heir, representative, receiver, or trustee in bankruptcy if the partner or successor notifies the issuer of the license of the dissolution or succession within thirty days after the dissolution or succession.

(B)(1) Each applicant for a license to engage in the retail business of trafficking in cigarettes under this section, annually, on or before the ~~fourth Monday of May~~ first day of June, shall make and deliver to the county auditor of the county in which the applicant desires to engage in the retail business of trafficking in cigarettes, upon a blank form furnished by such auditor for that purpose, a statement showing the name of the applicant, each physical place in the county where the applicant's business is conducted, the nature of the business, and any other information the tax commissioner requires in the form of statement prescribed by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the application shall state the name and address of each of its members. If the applicant is a corporation, the application shall state the name and address of each of its officers. At the time of making the application required by this section, every person desiring to engage in the retail business of trafficking in cigarettes shall pay an application fee in the sum of one hundred twenty-five dollars for each physical place where the person proposes to carry on such business. Each place of business shall be deemed such space, under lease or license to, or under the control of, or under the supervision of the applicant, as is contained in one or more contiguous, adjacent, or adjoining buildings constituting an industrial plant or a place of business operated by, or under the control of, one person, or under one roof and connected by doors, halls, stairways, or elevators, which space may contain any number of points at which cigarettes are offered for sale, provided that each additional point at which cigarettes are offered for sale shall be listed in the application.

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*July 3, 2023*  
Date \_\_\_\_\_

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with the tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of this chapter, together with remittance of the tax due. The return and payment of the tax required by this section shall be filed and made electronically on or before the twenty-third day of the month following the reporting period. If the return is filed and the amount of tax shown on the return to be due is paid on or before the date the return is required to be filed, the distributor or vapor distributor is entitled to a discount equal to two and five-tenths per cent of the amount shown on the return to be due.

(B) Any person who fails to timely file the return and make payment of taxes as required under this section, section 5743.62, or section 5743.63 of the Revised Code may be required to pay an additional charge not exceeding the greater of fifty dollars or ten per cent of the tax due. Any additional charge imposed under this section may be collected by assessment as provided in section 5743.56 of the Revised Code.

(C) If any tax due is not paid timely in accordance with this section or section 5743.62 or 5743.63 of the Revised Code, the person liable for the tax shall pay interest, calculated at the rate per annum as prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment is issued under section 5743.56 of the Revised Code, whichever occurs first. The commissioner may collect such interest by assessment pursuant to section 5743.56 of the Revised Code.

(D) The commissioner may authorize the filing of returns and the payment of the tax required by this section, section 5743.62, or section 5743.63 of the Revised Code for periods longer than a calendar month.

(E) The commissioner may order any taxpayer to file with the commissioner security to the satisfaction of the commissioner conditioned upon filing the return and paying the taxes required under this section, section 5743.62, or section 5743.63 of the Revised Code if the commissioner believes that the collection of the tax may be in jeopardy.

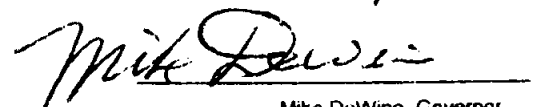
Sec. 5743.53. (A) The treasurer of state shall refund to a taxpayer any of the following:

(1) Amounts imposed under this chapter that were paid illegally or erroneously or paid on an illegal or erroneous assessment;

(2) Any tax paid on tobacco products or vapor products that have been sold or shipped to retail dealers, wholesale dealers, or vapor distributors outside this state, returned to the manufacturer, or destroyed by the taxpayer with the prior approval of the tax commissioner;

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Date JULY 3, 2023



Mike DeWine, Governor



(3) In accordance with division (E) of this section, any tax paid by a distributor or vapor distributor on tobacco or vapor products, less any discounts provided under section 5743.52 of the Revised Code, that are part of bad debt of the distributor or vapor distributor.

Any application for refund shall be filed with the commissioner on a form prescribed by the commissioner for that purpose. The commissioner may not pay any refund on an application for refund filed with the commissioner more than three years from the date of the payment.

(B) On the filing of the application for refund, the commissioner shall determine the amount of the refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and to the treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If a refund is granted for payment of an illegal or erroneous assessment issued by the department of taxation, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum in the manner prescribed by section 5703.47 of the Revised Code.

(C) If any person entitled to a refund under this section or section 5703.70 of the Revised Code is indebted to the state for any tax administered by the tax commissioner, or any charge, penalties, or interest arising from such tax, the amount allowable on the application for refund first shall be applied in satisfaction of the debt.

(D) In lieu of granting a refund payable under division (A)(2) of this section, the tax commissioner may allow a taxpayer to claim a credit of the amount of refundable tax on the return for the period during which the tax became refundable. The commissioner may require taxpayers to submit any information necessary to support a claim for a credit under this section, and the commissioner shall allow no credit if that information is not provided.

(E)(1) As used in this section, "bad debt" means any debt that arises from the sale by a distributor or vapor distributor of tobacco or vapor products for which the distributor or vapor distributor remitted the tax due under section 5743.51 of the Revised Code, that has become worthless or uncollectible, that has been uncollected for at least six months, and that may be claimed as a deduction pursuant to the "Internal Revenue Code of 1954," 26 U.S.C. 166, and regulations adopted pursuant thereto, or that could be claimed as such a deduction if the distributor or vapor distributor kept account on an accrual basis. "Bad debt" does not include any interest or

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JUL 3, 2023  
Date \_\_\_\_\_

*Mike DeWine*  
Mike DeWine, Governor

financing charges on the debt, expenses incurred in attempting to collect the debt or for any portion of the debt recovered, any accounts receivable that have been sold or assigned to a third party, or repossessed property.

(2) The commissioner shall not refund any amount for bad debt under division (A)(3) of this section unless the distributor or vapor distributor has charged off the bad debt on its books as uncollectible. If a purchaser or other person pays all or part of a bad debt with respect to which a distributor or vapor distributor received a refund under this section, the distributor or vapor distributor is liable for the prorated amount of taxes refunded in connection with that portion of the debt for which such payment was received and shall remit such taxes to the commissioner in the manner the commissioner prescribes. Any request for refund under division (A)(3) of this section shall be supported by such evidence the commissioner requires, including, but not limited to, all of the following:

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(a) A copy of the original invoice;

(b) Evidence that the tobacco or vapor products described in the invoice were delivered to the person that ordered them;

(c) Evidence that the person who ordered and received such tobacco or vapor products did not pay the distributor or vapor distributor for the tobacco or vapor products and that the distributor or vapor distributor used reasonable collection practices in attempting to collect the debt;

(d) Evidence of the wholesale price or vapor volume, as applicable to the product, at the time the product was subjected to the tax imposed under section 5743.51 of the Revised Code.

(3) No person other than the distributor or vapor distributor that paid the tax imposed under section 5743.51 of the Revised Code to the state and generated the bad debt may claim the bad debt refund authorized under division (E) of this section.

(F) The commissioner may adopt any rules necessary to administer this section.

Sec. 5743.54. (A) Each distributor of tobacco products and each vapor distributor of vapor products shall maintain complete and accurate records of all purchases and sales of tobacco products or vapor products, and shall procure and retain all invoices, bills of lading, and other documents relating to the purchases and sales of those products. The distributor or vapor distributor shall keep open records and documents during business hours for the inspection of the tax commissioner, and shall preserve them for a period of three years from the date the return was due or was filed, whichever is later, unless the commissioner, in writing, consents to their destruction within that period, or orders that they be kept for a longer period of time.

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3 July 2023  
Date

  
Mike DeWine, Governor

taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income.

(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section.

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(5) Except as otherwise provided in this division and division (A)(6) of this section in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar amount corresponding to the lowest tax rate in division (A)(3) of this section, the commissioner shall multiply the tax rate prescribed in division (A)(2) of this section by the income amount specified in that division and as adjusted according to this paragraph. The rates of taxation shall not be adjusted.

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The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(6) The tax commissioner shall not make the adjustments described in section 5747.025 of the Revised Code or division (A)(5) of this section if the tax rate prescribed in division (A)(2) of this section, as adjusted under this division, is greater than zero. If that tax rate is greater than zero, the tax commissioner, in August of 2025 and each year thereafter, shall make adjustments to that rate and to the tax dollar amounts prescribed in division (A)(3) of this section as follows:

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(a) The commissioner, in consultation with the director of budget and management, shall estimate and calculate the difference between (i) the amount of revenue that would be collected from the tax levied under this

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Date July 3, 2023

*Mike DeWine*

section for taxable years beginning in the current calendar year, if no adjustments were made under this division, division (A)(5) of this section, or section 5747.025 of the Revised Code and (ii) the amount of such revenue that would be collected for those taxable years, if no adjustment were made under this division but adjustments were made under section 5747.025 of the Revised Code and division (A)(5) of this section.

(b) If the amount determined under division (A)(6)(a) of this section is greater than zero, the commissioner shall determine the amount by which reductions can be made to the tax rate prescribed in division (A)(2) of this section and the tax dollar amounts prescribed in division (A)(3) of this section, as described and previously adjusted under this division, so that the estimated loss in revenue from the tax levied under this section resulting from those reductions equals the amount calculated under division (A)(6)(a) of this section.

Based upon the determination made in division (A)(6)(b) of this section, the tax commissioner shall compute a new tax rate under division (A)(2) of this section; recompute the tax dollar amount corresponding to the lowest tax rate in division (A)(3) of this section by multiplying that adjusted tax rate by the income amount specified in division (A)(2) of this section; and recompute the other tax dollar amounts under division (A)(3) of this section to the extent necessary to reflect the reduction in the tax dollar amount corresponding to the lowest tax rate in that division.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division.

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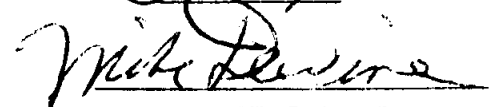
(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under divisions (A)(1) to (3) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.

(C)(1) The tax imposed by this section on a trust shall be computed by multiplying the Ohio modified taxable income of the trust by the rates prescribed by division (A) of this section.

(2) A resident trust may claim a credit against the tax computed under division (C) of this section equal to the lesser of (a) the tax paid to another state or the District of Columbia on the resident trust's modified nonbusiness income, other than the portion of the resident trust's nonbusiness income that is qualifying investment income as defined in section 5747.012 of the

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Date JUL 3, 2023



Mike DeWine Governor

Revised Code, or (b) the effective tax rate, based on modified Ohio taxable income, multiplied by the resident trust's modified nonbusiness income other than the portion of the resident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) Any credit authorized against the tax imposed by this section applies to a trust subject to division (C) of this section only if the trust otherwise qualifies for the credit. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(D) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

(E) Nothing in division (A)(3) of this section shall prohibit an individual with an Ohio adjusted gross income, less taxable business income and exemptions, of ~~twenty-five~~ twenty-six thousand fifty dollars or less from filing a return under this chapter to receive a refund of taxes withheld or to claim any refundable credit allowed under this chapter.

<p>Sec. 5747.025. (A) The personal exemption for the taxpayer, the taxpayer's spouse, and each dependent shall be one of the following amounts:</p> <p>(1) Two thousand three hundred fifty dollars if the taxpayer's modified adjusted gross income for the taxable year as shown on an individual or joint annual return is less than or equal to forty thousand dollars;</p> <p>(2) Two thousand one hundred dollars if the taxpayer's modified adjusted gross income for the taxable year as shown on an individual or joint annual return is greater than forty thousand dollars but less than or equal to eighty thousand dollars;</p> <p>(3) One thousand eight hundred fifty dollars if the taxpayer's modified adjusted gross income for the taxable year as shown on an individual or joint annual return is greater than eighty thousand dollars.</p>	<p>RMD</p>
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Date JUL 3, 2023

  
Mike DeWine, Governor

(B) ~~For taxable years beginning in 2020 and thereafter~~ Except as provided in division (A)(6) of section 5747.02 of the Revised Code, the personal exemption amounts prescribed in division (A) of this section shall be adjusted each year in the manner prescribed in division (C) of this section. In the case of an individual with respect to whom an exemption under section 5747.02 of the Revised Code is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, the exemption amount applicable to such individual for such individual's taxable year shall be zero.

(C) Except as otherwise provided in this division, in August of each year, the tax commissioner shall determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding year, and make a new adjustment to the personal exemption amount for taxable years beginning in the current calendar year by multiplying that amount by the percentage increase in the gross domestic product deflator for that period; adding the resulting product to the personal exemption amount for taxable years beginning in the preceding calendar year; and rounding the resulting sum upward to the nearest multiple of fifty dollars. The adjusted amount applies to taxable years beginning in the calendar year in which the adjustment is made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The commissioner shall not make a new adjustment in any calendar year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding calendar year.

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Sec. 5747.05. As used in this section, "income tax" includes both a tax on net income and a tax measured by net income.

The following credits shall be allowed against the aggregate income tax liability imposed by section 5747.02 of the Revised Code on individuals and estates:

(A)(1) The amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the combined adjusted gross income and business income of any nonresident taxpayer that is not allocable or apportionable to this state pursuant to sections 5747.20 to 5747.23 of the Revised Code. The credit provided under this division shall not exceed the total tax due under section 5747.02 of the Revised Code.

(2) The tax commissioner may enter into an agreement with the taxing authorities of any state or of the District of Columbia that imposes an

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Date JULY 3, 2023

Mike DeWine Governor

under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code.

(E)(1) On a joint return filed by a husband and wife, each of whom had adjusted gross income of at least five hundred dollars, exclusive of interest, dividends and distributions, royalties, rent, and capital gains, a credit equal to the lesser of six hundred fifty dollars or the percentage shown in column B that corresponds with the taxpayer's modified adjusted gross income, less exemptions for the taxable year, of the total amount of tax due after allowing for any other credit that precedes this credit as required under section 5747.98 of the Revised Code:

A.	B.
IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:
\$25,000 or less	20%
More than \$25,000 but not more than \$50,000	15%
More than \$50,000 but not more than \$75,000	10%
More than \$75,000	5%

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code.

(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules.

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Sec. 5747.06. (A) Except as provided in division (E)(3) of this section, every employer, including the state and its political subdivisions, maintaining an office or transacting business within this state and making payment of any compensation to an employee who is a taxpayer shall deduct and withhold from such compensation for each payroll period a tax computed in such manner as to result, as far as practicable, in withholding from the employee's compensation during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee under this chapter and Chapter 5748. of the Revised Code with respect to the amount of such compensation included in the employee's

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*5 July 2024*  
Date

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adjusted gross income during the calendar year. The employer shall deduct and withhold the tax on the date that the employer directly, indirectly, or constructively pays the compensation to, or credits the compensation to the benefit of, the employee.

~~The method of determining the amount to be withheld shall be prescribed by rule of the tax commissioner. The rule shall require that taxes are withheld on a taxpayer's compensation at rates sufficient to ensure payment of the appropriate amount of tax reasonably estimated to be due.~~

In addition to any other exclusions from withholding permitted under this section, no tax shall be withheld by an employer from the compensation of an employee when such compensation is paid for:

- (1) Agricultural labor as defined in division G of section 3121 of Title 26 of the United States Code;
- (2) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;
- (3) Service performed in any calendar quarter by an employee unless the cash remuneration paid for such service is three hundred dollars or more and such service is performed by an individual who is regularly employed by such employer to perform such service;
- (4) Services performed for a foreign government or an international organization;
- (5) Services performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution, or when performed by such individual under the age of eighteen under an arrangement where newspapers or magazines are to be sold by the individual at a fixed price, the individual's compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to the individual;
- (6) Services not in the course of the employer's trade or business to the extent paid in any medium other than cash.

(B) Every employer required to deduct and withhold tax from the compensation of an employee under this chapter shall furnish to each employee, with respect to the compensation paid by such employer to such employee during the calendar year, on or before the thirty-first day of January of the succeeding year, or, if the employee's employment is terminated before the close of such calendar year, within thirty days from the date on which the last payment of compensation was made, a written statement as prescribed by the tax commissioner showing the amount of compensation paid by the employer to the employee, the amount deducted

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Date 4 JULY 2013

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and withheld as state income tax, any amount deducted and withheld as school district income tax for each applicable school district, and any other information as the commissioner prescribes.

(C) The failure of an employer to withhold tax as required by this section does not relieve an employee from the liability for the tax. The failure of an employer to remit the tax as required by law does not relieve an employee from liability for the tax if the tax commissioner ascertains that the employee colluded with the employer with respect to the failure to remit the tax.

(D) If an employer fails to deduct and withhold any tax as required, and thereafter the tax is paid, the tax so required to be deducted and withheld shall not be collected from the employer, but the employer is not relieved from liability for penalties and interest otherwise applicable in respect to the failure to deduct and withhold the tax.

(E) To ensure that taxes imposed pursuant to Chapter 5748. of the Revised Code are deducted and withheld as provided in this section:

(1) An employer shall request that each employee furnish the name of the employee's school district of residence;

(2) Each employee shall furnish the employer with sufficient and correct information to enable the employer to withhold the taxes imposed under Chapter 5748. of the Revised Code. The employee shall provide additional or corrected information whenever information previously provided to the employer becomes insufficient or incorrect.

(3) If the employer complies with the requirements of division (E)(1) of this section and if the employee fails to comply with the requirements of division (E)(2) of this section, the employer is not required to withhold and pay the taxes imposed under Chapter 5748. of the Revised Code and is not subject to any penalties and interest otherwise applicable for failing to deduct and withhold such taxes.

(F)(1) The method of determining the amount to be withheld under this section shall be prescribed by rule of the tax commissioner. Subject to division (F)(2) of this section, the rule shall require that taxes are withheld on a taxpayer's compensation at rates sufficient to ensure payment of the appropriate amount of tax reasonably estimated to be due.

(2) If the director of budget and management certifies an amount to the tax commissioner under section 131.43 of the Revised Code in any year, beginning in fiscal year 2025, the commissioner shall reduce the rates of withholding determined pursuant to division (F)(1) of this section. The commissioner shall estimate the amount that would be withheld during the period beginning on the first day of September of that year and ending on

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JUL 4, 2023  
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the thirty-first day of August of the following year, before any adjustment under this section, and shall reduce the withholding rates so that the difference between that amount and the estimated amount that would be withheld during that period after the adjustment equals the amount certified.

The adjusted withholding rates apply to amounts withheld on or after the first day of September of the year in which the certification was made.

Nothing in division (F)(2) of this section shall be construed to require the commissioner to reduce the withholding rates to an amount that would result in payment of less than the amount of tax reasonably estimated to be due. Division (F)(2) of this section does not apply to the rates of withholding for taxes imposed pursuant to Chapter 5748. of the Revised Code.

Sec. 5747.07. (A) As used in this section:

(1) "Partial weekly withholding period" means a period during which an employer directly, indirectly, or constructively pays compensation to, or credits compensation to the benefit of, an employee, and that consists of a consecutive Saturday, Sunday, Monday, and Tuesday or a consecutive Wednesday, Thursday, and Friday. There are two partial weekly withholding periods each week, except that a partial weekly withholding period cannot extend from one calendar year into the next calendar year; if the first day of January falls on a day other than Saturday or Wednesday, the partial weekly withholding period ends on the thirty-first day of December and there are three partial weekly withholding periods during that week.

(2) "Undeposited taxes" means the taxes an employer is required to deduct and withhold from an employee's compensation pursuant to section 5747.06 of the Revised Code that have not been remitted to the tax commissioner pursuant to this section or to the treasurer of state pursuant to section 5747.072 of the Revised Code.

(3) A "week" begins on Saturday and concludes at the end of the following Friday.

(4) "Professional employer organization," "professional employer organization agreement," and "professional employer organization reporting entity" have the same meanings as in section 4125.01 of the Revised Code.

(5) "Alternate employer organization" and "alternate employer organization agreement" have the same meanings as in section 4133.01 of the Revised Code.

(6) "Client employer" has the same meaning as in section 4125.01 of the Revised Code in the context of a professional employer organization or a professional employer organization reporting entity, or the same meaning as in section 4133.01 of the Revised Code in the context of an alternate

The above boxed and initialed text was disapproved.

July 4, 2023  
Date \_\_\_\_\_

*Mike DeWine*  
\_\_\_\_\_  
Mike DeWine, Governor

resources by the department of taxation in accordance with ~~division (C)(12)~~ of section 5703.21 of the Revised Code shall not be disclosed publicly by the department of natural resources. However the department of natural resources may provide such information to the attorney general for purposes of enforcement of Chapter 1509. of the Revised Code.

Sec. 5751.01. As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

*Remo*

(1) Any person ~~with not more than one hundred fifty thousand dollars of~~ whose taxable gross receipts during the calendar year ~~do not exceed the~~ exclusion amount. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except ~~that a~~ in the following circumstances:

~~(a)~~ A public utility that is a combined company is a taxpayer with regard to the following gross receipts:

~~(a)(i)~~ (i) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

~~(b)(ii)~~ (ii) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division ~~(E)(2)(a)~~ (E)(2)(a)(i) of this section and whose

The above boxed and initialed text was disapproved.

JULY 3, 2023

Date \_\_\_\_\_

Mike DeWine, Governor

member of such a group.

*Rmd*

~~(S)(Q)~~ "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.

~~(R)~~ "Exclusion amount" means three million dollars for tax periods beginning in 2024 and six million dollars for tax periods beginning in 2025.

~~Thereafter, the tax commissioner shall adjust the exclusion amount as described in this division.~~

~~In August of each year, the commissioner shall multiply the exclusion amount applicable to the current tax period by the gross domestic deflator computed under section 5747.025 of the Revised Code, add the resulting product to the exclusion amount applicable to the current tax period, and round the resulting sum to the nearest fifty dollars. The adjusted amount applies to tax periods beginning in the following calendar year and to each ensuing calendar year until a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.~~

Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The tax levied under this section is imposed on the person receiving the gross receipts and is not a tax imposed directly on a purchaser. The tax imposed by this section is an annual privilege tax for the calendar year that, ~~in the case of calendar year taxpayers, is the annual tax period and, in the case of calendar quarter taxpayers, contains all quarterly tax periods in the calendar year.~~ A taxpayer is subject to the annual privilege tax for doing business during any portion of such calendar year.

(B) The tax imposed by this section is a tax on the taxpayer and shall not be billed or invoiced to another person. Even if the tax or any portion thereof is billed or invoiced and separately stated, such amounts remain part of the price for purposes of the sales and use taxes levied under Chapters 5739. and 5741. of the Revised Code. Nothing in division (B) of this section

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*JUL 3, 2023*  
Date \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

million dollars for the immediately preceding calendar year, two thousand six hundred dollars.

~~The tax imposed under division (B)(1) of this section shall be paid not later than the tenth day of May of each year along with the annual tax return. The tax imposed under divisions (B)(2), (3), and (4) of this section shall be paid not later than the tenth day of May of each year along with the first quarter tax return.~~

*R.M.*

~~(C)(1) Each taxpayer may exclude the first one million dollars of taxable gross receipts for a calendar year. Calendar quarter taxpayers shall apply the full exclusion amount to the first calendar quarter return the taxpayer files that calendar year and may carry forward and apply any unused exclusion amount to subsequent calendar quarters within that same calendar year.~~

~~(2) A taxpayer switching from a calendar year tax period to a calendar quarter tax period may, for the first quarter of the change, apply the full one million dollar exclusion amount to the first calendar quarter return the taxpayer files that calendar year. Such taxpayers may carry forward and apply any unused exclusion amount to subsequent calendar quarters within that same calendar year. The tax rate shall be based on the rate imposed that calendar quarter when the taxpayer switches from a calendar year to a calendar quarter tax period.~~

~~(3) A taxpayer shall not exclude more than one million dollars pursuant to division (C) of this section in a calendar year.~~

Sec. 5751.04. (A) As used in this section, "person" includes a reporting person.

(B) Not later than thirty days after a person first has more than one hundred fifty thousand dollars in person's taxable gross receipts in for a calendar year first exceed the exclusion amount, each person subject to this chapter shall register with the tax commissioner on the form prescribed by the commissioner. The form shall include the following:

- (1) The person's name;
- (2) The person's primary address;
- (3) The business or industry codes for the person;
- (4) The person's federal employer identification number or social security number or equivalent, as applicable;
- (5) The person's organizational type;
- (6) The date the person is first subject to the tax imposed by this chapter;
- (7) The names, addresses, federal identification numbers or social security numbers or equivalents, and organization types of each member that

The above boxed and initialed text was disapproved.

5/27/23, 2-23  
Date \_\_\_\_\_

respectively from and after the date of the order of the board approving and levying the assessments. The auditor shall be liable on the auditor's bond for any damages sustained by any person by reason of the auditor's failure to place promptly the assessments upon the proper duplicates of the county.

(C) The county auditor shall transmit to the governing body of any political subdivision affected by an improvement the assessments levied against it. The governing body shall authorize payment to be made to the county treasurer of the county in which the improvement is located from the general fund of the political subdivision, except as otherwise provided by law.

(D) The county auditor shall also transmit to the director of any department, office, or institution of the state, affected by an improvement the assessments levied against any department, office, or institution of the state. Payment shall be made to the county treasurer of the county in which the improvement is located ~~from the drainage assessment fund in the manner provided by section 6133.15 of the Revised Code. In presenting their proposed expenses to the director of budget and management pursuant to section 126.02 of the Revised Code, the directors of all departments, offices, or institutions of the state shall list all unpaid assessments received before the first day of October of the year preceding the first regular session of the general assembly for the state's proportionate share of the cost of any improvement authorized or constructed under this chapter and Chapters 6133, and 6135, of the Revised Code and all unpaid assessments for maintenance as provided by Chapter 6137, of the Revised Code. The assessments so listed shall be included in the state budget estimates of revenues and expenditures for each state fund and budget estimates for each state agency prepared and submitted to the governor under section 126.02 of the Revised Code.~~

SECTION 101.02. That existing sections 101.34, 101.35, 101.352, 101.353, 101.84, 103.0521, 103.51, 103.60, 103.65, 103.71, 106.02, 106.031, 106.032, 106.04, 106.041, 107.03, 107.032, 107.033, 107.035, 107.51, 107.63, 109.02, 109.11, 109.111, 109.112, 109.42, 109.572, 109.68, 109.803, 111.15, 113.41, 113.60, 117.103, 117.34, 117.46, 117.462, 117.463, 117.47, 117.473, 119.01, 119.06, 119.062, 119.07, 119.09, 119.092, 119.12, 120.04, 120.08, 120.34, 121.04, 121.08, 121.31, 121.37, 121.381, 121.49, 121.81, 121.811, 121.93, 122.07, 122.072, 122.16, 122.17, 122.171, 122.173, 122.1710, 122.19, 122.21, 122.23, 122.25, 122.27, 122.40, 122.407, 122.4017, 122.4019, 122.4020, 122.4023, 122.4030, 122.4031, 122.4034, 122.4037, 122.4040, 122.4041, 122.4045, 122.4050,

The above boxed and initialed text was disapproved.

*Handwritten:* JUD  
Date: July 3, 2023  
*Signature:* Mike DeWine  
Mike DeWine, Governor

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*READ*

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*READ*

The above boxed and initialed text was disapproved.

*JULY 3, 2023*

Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

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*RMD*

*RMD*

The above boxed and initialed text was disapproved.

*JUL 3, 2023*  
Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor



*Rmb*

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*Rmb*

*Rmb*

The above boxed and initialed text was disapproved.

*July 3, 2023*

Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

5165.526, 5165.528, 5165.771, 5165.87, 5166.01, 5166.02, 5166.16, 5166.30, 5166.32, 5166.37, 5167.12, 5168.02, 5168.14, 5168.26, 5168.40, 5168.54, 5301.80, 5301.90, 5301.91, 5321.01, 5322.01, 5502.262, 5512.07, 5537.17, 5549.21, 5555.61, 5595.01, 5595.03, 5595.04, 5595.05, 5595.06, 5703.052, 5703.056, 5703.21, 5703.37, 5703.53, 5703.77, 5705.01, 5705.391, 5709.40, 5709.48, 5709.481, 5709.49, 5709.50, 5709.51, 5709.73, 5709.78, 5709.83, 5711.29, 5713.03, 5715.01, 5721.14, 5721.18, 5725.05, 5725.98, 5726.01, 5726.04, 5726.56, 5726.98, 5727.28, 5727.30, 5727.42, 5727.47, 5727.75, 5727.91, 5729.98, 5731.27, 5733.031, 5735.024, 5735.04, 5735.041, 5735.042, 5735.043, 5735.044, 5735.27, 5736.07, 5739.01, 5739.02, 5739.03, 5739.05, 5739.08, 5739.09, 5739.19, 5739.30, 5741.11, 5743.01, 5743.021, 5743.025, 5743.03, 5743.05, 5743.15, 5743.33, 5743.51, 5743.52, 5743.53, 5743.54, 5743.55, 5743.56, 5743.57, 5743.59, 5743.60, 5743.61, 5743.62, 5743.63, 5743.64, 5747.01, 5747.02, 5747.025, 5747.05, 5747.06, 5747.07, 5747.072, 5747.11, 5747.13, 5747.501, 5747.53, 5747.73, 5747.75, 5747.98, 5749.06, 5749.17, 5751.01, 5751.02, 5751.03, 5751.04, 5751.05, 5751.051, 5751.06, 5751.08, 5751.091, 5751.51, 5751.98, 5753.021, 5753.031, 5902.09, 5910.01, 5913.01, 5922.01, 5923.12, 6119.10, 6121.02, and 6131.43 of the Revised Code are hereby repealed.

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SECTION 105.01. That sections 107.034, 117.464, 117.465, 117.471, 117.472, 121.371, 121.372, 121.374, 121.83, 122.65, 122.651, 122.652, 122.653, 122.654, 122.655, 122.656, 122.657, 122.658, 122.659, 122.99, 123.14, 126.231, 131.38, 184.03, 340.20, 505.103, 717.21, 731.25, 907.30, 2151.3529, 2151.3535, 3107.018, 3111.40, 3121.46, 3302.039, 3313.482, 3318.50, 3318.52, 3325.14, 3333.01, 3333.011, 3333.02, 3333.12, 3333.167, 3333.731, 3333.80, 3333.801, 3333.802, 3702.541, 3720.041, 3733.49, 3737.883, 3745.40, 3796.04, 4141.031, 4729.553, 4731.112, 4762.11, 4762.12, 4781.02, 5101.143, 5103.301, 5103.31, 5103.33, 5103.34, 5103.35, 5103.36, 5103.361, 5103.362, 5103.363, 5103.38, 5103.42, 5103.421, 5103.51, 5119.191, 5119.361, 5123.195, 5124.39, 5126.38, 5162.131, 5163.52, 5164.05, 5166.12, 5166.14, 5166.141, 5167.102, 5726.041, 5743.511, 5743.521, 5743.621, 5743.631, 6133.15, and 6301.12 of the Revised Code are hereby repealed.

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SECTION 105.20. That section 5126.022 of the Revised Code is hereby repealed, effective July 1, 2025.

The above boxed and initialed text was disapproved.

July 3, 2023  
 Date: \_\_\_\_\_

*Mike DeWine*  
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Mike DeWine, Governor

(14) A site where a behavioral health practice is operated that does not qualify as a location otherwise described in division (B) of this section, but only if the practice is organized to provide outpatient services for the treatment of mental health conditions, substance use disorders, or both, and the physician assistant providing services at the site of the practice has entered into a supervisory agreement with at least one physician who is employed by that practice.

(C) A physician assistant shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the convenience care clinic is owned or operated by an entity specified in division (B) of this section.

(D) A pharmacist who acts in good faith reliance on a prescription issued by a physician assistant under division (B) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.

SECTION 110.11. That the existing versions of sections 111.15, 3702.52, 3702.55, 3711.14, 4723.481, and 4730.411 of the Revised Code that are scheduled to take effect September 30, 2024, are hereby repealed.

SECTION 110.12. Sections 110.10 and 110.11 of this act take effect September 30, 2024.

SECTION 110.20. That the versions of sections 173.21, 173.391, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.303, 3327.10, 3704.14, 3737.83, 4701.06, 4701.10, 4713.28, 4735.07, 4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4759.05, 4763.05, 4765.11, 4765.55, and 4781.17 of the Revised Code that are scheduled to take effect December 29, 2023, be amended to read as follows:

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Sec. 173.21. (A) The office of the state long-term care ombudsman program, through the state long-term care ombudsman and the regional long-term care ombudsman programs, shall require each representative of the office to complete a training and certification ~~program~~ in accordance with this section and to meet ~~the~~ any continuing education requirements that may be established under in rules adopted under division (B) of this section.

(B) The department of aging shall adopt rules in accordance with

The above boxed and initialed text was disapproved.

JULY 3, 2023  
Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

certification, or a private certification as described in that chapter as a representative of a state long-term care ombudsman program in a state that does not issue that license or certificate.

~~(H) The department of aging shall establish continuing education requirements for representatives of the office.~~

Sec. 173.391. (A) Subject to section 173.381 of the Revised Code and except as provided in division (I) of this section, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a provider to provide services, including community-based long-term care services, under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section;

(2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a provider certified under division (A)(1) of this section:

- (a) Issue a written warning;
- (b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;
- (c) Suspend referrals;
- (d) Remove clients;
- (e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;
- (f) Suspend the certification;
- (g) Revoke the certification;
- (h) Impose another sanction.

(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.

(B) ~~The~~ Subject to section 173.394 of the Revised Code, the director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:

(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;

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The above boxed and initialed text was disapproved.

JUL 3, 2023  
Date: \_\_\_\_\_

*Mike DeWine*

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(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;

(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;

(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.

(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section:

(1) The provider's experience and financial responsibility;

(2) The provider's ability to comply with standards for the services, including community-based long-term care services, that the provider provides under a program the department administers;

(3) The provider's ability to meet the needs of the individuals served;

(4) Any other factor the director considers relevant.

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.

(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply:

(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:

(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has

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JUL 3, 2023  
Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

(i) The provider has ceased doing business.

(j) The provider has voluntarily relinquished its certification for any reason.

(3) The provider's provider agreement with the department of medicaid has been suspended under section 5164.36 of the Revised Code.

(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code.

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The above boxed and initialed text was disapproved.

*JULY 3, 2023*

Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail.

(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under division (A) of this section.

(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for services, including community-based long-term care services, to pay for administrative costs associated with provider certification under this section, and to pay for administrative costs related to the publication of the Ohio long-term care consumer guide.

(I) The director shall certify a provider in accordance with Chapter 4796. of the Revised Code if either of the following applies:

- (1) The provider is licensed or certified in another state.
- (2) The provider has satisfactory work experience, a government certification, or a private certification as described in that chapter as a provider of community-based long-term care services under a state program in a state that does not issue that license or certificate.

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Sec. 1321.64. (A) An application for a license shall contain an undertaking by the applicant to abide by those sections. The application shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions, and shall contain any information that the superintendent may require. Applicants that are foreign corporations shall obtain and maintain a license pursuant to Chapter 1703. of the Revised Code before a license is issued or renewed.

(B) Upon the filing of the application and the payment by the applicant of a nonrefundable investigation fee of two hundred dollars, a nonrefundable annual registration fee of three hundred dollars, and any additional fee required by the NMLSR, the division of financial institutions shall investigate the relevant facts. If the application involves investigation outside this state, the applicant may be required by the division to advance sufficient funds to pay any of the actual expenses of the investigation when it appears that these expenses will exceed two hundred dollars. An itemized

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*JUL 3, 2023*  
Date: \_\_\_\_\_

*Mike DeWine*  
Mike DeWine, Governor

which termination occurs.

(F) As used in this section "battery electric motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.

Sec. 3737.83. The state fire marshal shall, as part of the state fire code, adopt rules to:

(A) Establish minimum standards of performance for fire protection equipment and fire fighting equipment;

(B) Establish minimum standards of training, fix minimum qualifications, and require certificates for all persons who engage in the business for profit of installing, testing, repairing, or maintaining fire protection equipment;

(C) Provide for the issuance of certificates required under division (B) of this section and establish the fees to be charged for such certificates. A certificate shall be granted, renewed, or revoked according to rules the state fire marshal shall adopt, except that the state fire marshal shall grant a certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a person engaged in the business of installing, testing, repairing, or maintaining fire protection equipment in a state that does not issue that certificate.

(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the state fire marshal shall be identical to the minimum federal standards.

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the state fire marshal, standards previously adopted by the state fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the

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JUL 3, 2023  
Date: 3, 2023

*Mike DeWine*

Mike DeWine, Governor



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Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The state fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

(G) Establish that occupant load shall not include an exterior patio that has a means of egress on at least three sides or within fifty feet of an open side and in which each means of egress is compliant with the "Americans with Disabilities Act of 1990," 42 U.S.C. 12102, et seq.

Sec. 4701.06. (A) The accountancy board shall grant the certificate of "certified public accountant" to any person who satisfies the following requirements:

~~(1) The person is a resident of this state or has a place of business in this state or, as an employee, is regularly employed in this state. The board may determine by rule circumstances under which the residency requirement may be waived.~~

~~(2)~~ The person has attained the age of eighteen years.

~~(3)~~(2) The person meets the following requirements of education and experience:

(a) Graduation with a baccalaureate or higher degree that includes successful completion of one hundred fifty semester hours of undergraduate or graduate education. The board by rule shall specify graduate degrees that satisfy this requirement and also by rule shall require any subjects that it considers appropriate. The total educational program shall include an accounting concentration with related courses in other areas of business administration, as defined by board rule.

(b) Acquisition of one year of experience satisfactory to the board in any of the following:

- (i) A public accounting firm;
- (ii) Government;
- (iii) Business;
- (iv) Academia.

~~(4)~~(3) The person has passed an examination that is administered in the manner and that covers the subjects that the board prescribes by rule. In adopting the relevant rules, the board shall ensure to the extent possible that the examination, the examination process, and the examination's passing standard are uniform with the examinations, examination processes, and

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*JUL 31 2023*

Date: \_\_\_\_\_

*Mike DeWine*

Mike DeWine, Governor

shall be accompanied by a photograph, as prescribed by the division, of each place of business operated, or to be operated, by the applicant.

(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the ~~manufactured homes regulatory~~ real estate operating fund created under section 4735.211 of the Revised Code.

(E) Notwithstanding any provision of this chapter to the contrary, the division shall issue a manufactured housing dealer's license or manufactured housing broker's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a manufactured housing dealer or manufactured housing broker in a state that does not issue that license.

RMD SECTION 110.21. That the existing versions of sections 173.21, 173.391, 173.21.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.303, 3327.10, 3704.14, 3737.83, 4701.06, 4701.10, 4713.28, 4735.07, 4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4759.05, 4763.05, 4765.11, 4765.55, and 4781.17 of the Revised Code that are scheduled to take effect December 29, 2023, are hereby repealed.

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SECTION 110.22. Sections 110.20 and 110.21 of this act take effect December 29, 2023.

SECTION 110.30. That the versions of sections 4717.04 and 4717.09 of the Revised Code that are scheduled to take effect December 31, 2024, be amended to read as follows:

Sec. 4717.04. (A) The board of embalmers and funeral directors shall adopt rules in accordance with Chapter 119. of the Revised Code for the government, transaction of the business, and the management of the affairs of the board of embalmers and funeral directors and the crematory review board, and for the administration and enforcement of this chapter. These rules shall include all of the following:

(1) The nature, scope, content, and form of the application that must be completed and license examination that must be passed in order to receive an embalmer's license or a funeral director's license under section 4717.05 of the Revised Code. The rules shall ensure both of the following:

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JUL 3, 2023  
Date:

Mike DeWine, Governor

of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and people with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding.

Of the foregoing appropriation item 322509, Community Supports and Rental Assistance, \$200,000 in each fiscal year shall be distributed to the Friendship Circle of Cleveland to provide family support services and respite care for children with disabilities and their families.

SECTION 261.70. MEDICAID SERVICES

(A) As used in this section:

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:

(1) Home and community-based services;

(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;

(3) Implementation of the requirements of the agreement settling the consent decree in Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;

(4) ICF/IID services; and

(5) Other programs as identified by the Director of Developmental Disabilities.

SECTION 261.75. DIRECT CARE PAYMENT RATES

Of the foregoing appropriation item 653407, Medicaid Services, \$42,990,146 in fiscal year 2024 and \$145,076,944 in fiscal year 2025, and of the foregoing appropriation item 653654, Medicaid Services, \$76,426,925 in fiscal year 2024 and \$257,914,568 in fiscal year 2025, shall be used in accordance with this section. The funds shall be used to increase the base payment rates to \$17 per hour during fiscal year 2024 beginning on January 1, 2024, and \$18 per hour during fiscal year 2025 for the following

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Mike DeWine, Governor

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services under Medicaid components administered by the Department of Developmental Disabilities: (A) Personal care services; (B) Adult day services; (C) ICF/IID services, as defined in section 5124.01 of the Revised Code.
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SECTION 261.80. CENTRAL OFFICE OPERATING EXPENSES

Of the foregoing appropriation item 320606, Central Office Operating Expenses, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.

SECTION 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2024 and fiscal year 2025 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

SECTION 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

The above boxed and initialed text was disapproved.

Date 4 JULY 2023

*Mike DeWine*  
Mike DeWine, Governor

*AND*

and appropriation item 653654, Medicaid Services, shall be used to increase the direct care base payment rate by an additional one dollar per hour over the base payment rates specified in Section 261.75 of this act for the following services under Medicaid components administered by the Department of Developmental Disabilities:

- (A) Personal care services;
- (B) Adult day services.

SECTION 263.10. SBE STATE BOARD OF EDUCATION

Dedicated Purpose Fund Group

4L20 210600	Operating Expenses	\$	15,086,000	\$	15,300,000
TOTAL DPF	Dedicated Purpose Fund Group	\$	15,086,000	\$	15,300,000
TOTAL ALL BUDGET	FUND GROUPS	\$	15,086,000	\$	15,300,000

OPERATING EXPENSES

The foregoing appropriation item 210600, Operating Expenses, shall be used by the State Board of Education to support teacher certification and licensure activities, other State Board of Education duties prescribed by law, and any other necessary operating expenses.

Of the foregoing appropriation item 210600, Operating Expenses, up to \$700,000 in fiscal year 2024 shall be used to upgrade the State Board of Education's licensure system to be able to interface with the retained applicant fingerprint database.

SECTION 263.20. TRANSFERS OF ENCUMBRANCES AND APPROPRIATIONS

The Director of Budget and Management may, if necessary, cancel any existing encumbrances or parts of encumbrances against appropriation item 200681, Teacher Certification and Licensure, and any other appropriation items for the Department of Education and Workforce supporting the statutorily prescribed powers and duties of the State Board of Education, as described in section 3301.111 of the Revised Code, and reestablish them against appropriation item 210600, Operating Expenses. The reestablished encumbrances are hereby appropriated.

The Director of Budget and Management may, if necessary, transfer appropriations between the State Board of Education and the Department of Education and Workforce to continue levels of program services and efficiently deliver state funding to those programs as appropriated herein.

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implementation;

(2) Deliver health screening tests directly to the homes of members of the target population;

(3) Include screening tests for colorectal cancer, diabetes, heart disease, cervical cancer, and any other screenings CareStar Community Services deems appropriate in accordance with risk stratification among the screening tests delivered directly to the homes of the target population;

(4) Initiate public awareness and education efforts directed at the target population to enhance patient engagement and the return of completed tests;

(5) Provide notice of screening test results to those submitting tests and provide referrals to health care providers for consultations when appropriate and available.

(D) The Medicaid Director shall enter into a data sharing agreement with the Director of Health to provide necessary patient data with protected health information for use by the Director and CareStar Community Services for the limited purposes of completing the pilot. Any data sharing agreement shall include a requirement that the pilot operators and any subcontractors with access to the data maintain Health Information Trust Alliance compliance.

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(E) Within sixty days prior to the end of fiscal year 2024 and fiscal year 2025, CareStar Community Services in consultation with the Director of Health shall prepare a report which the Director shall submit to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairs of the committees of each house with responsibility for health care policy. Each report shall include the status of the pilot program, including a quantification of estimated financial savings as a result of the early screenings and recommendations for expanding the pilot program into a statewide program.

SECTION 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION

Dedicated Purpose Fund Group

4610 372601	Operating Expenses	\$	12,500	\$	12,500
TOTAL DPF Dedicated Purpose Fund Group		\$	12,500	\$	12,500
TOTAL ALL BUDGET FUND GROUPS		\$	12,500	\$	12,500

SECTION 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS

General Revenue Fund

GRF 148321	Operating Expenses	\$	479,000	\$	479,000
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The above boxed and initialed text was disapproved.

Date *JULY 3, 2023*

*Mike DeWine*  
Mike DeWine, Governor

SECTION 333.17. FQHC RATE INCREASE

Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$10,390,000 in fiscal year 2024 and \$20,780,000 in fiscal year 2025 shall be used by the Department of Medicaid to increase payment rates to federally qualified health centers and federally qualified health center look-alikes, as defined in section 3701.047 of the Revised Code, for all services beginning on January 1, 2024.

R

SECTION 333.25. PROVIDER RATE INCREASE FOR VISION AND EYE CARE

Of the foregoing appropriation item 651525, Medicaid Health Care Services, an allocation shall be made to provide an increase in Medicaid provider payment rates for vision services and medically billed eye care provided to Medicaid recipients in fiscal year 2024. The increase shall be added to the Medicaid payment rates for those services in fiscal year 2023. The increased rate shall be maintained in fiscal year 2025.

M

D

SECTION 333.27. DENTAL SERVICE REIMBURSEMENT

Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$103,744,375 in fiscal year 2024 and \$207,588,751 in fiscal year 2025 shall be used to increase the reimbursement to dental service providers who are treating Medicaid patients.

SECTION 333.29. DIRECT CARE PAYMENT RATES

Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$47,086,175 in fiscal year 2024 and \$194,924,947 in fiscal year 2025, shall be used in accordance with this section. The funds shall be used to increase the base payment rates to \$17 per hour during fiscal year 2024 beginning on January 1, 2024, and \$18 per hour during fiscal year 2025, for the following services under Medicaid components administered by the Department of Medicaid or the Department of Aging:

R.D.

- (A) Personal care services;
- (B) Adult day services;
- (C) Community behavioral health services;
- (D) Other waiver services under the Medicaid home and community-based services waiver components administered by the Department of Medicaid or the Department of Aging.

The above boxed and initialed text was disapproved.

Date: JULY 9, 2023



the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

*RWD*

SECTION 333.135. MEDICAID PAYMENT RATES FOR AMBULANCE TRANSPORTATION

Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$54,575,000 in fiscal year 2024 and \$104,200,000 in fiscal year 2025 shall be used to increase the overall Medicaid reimbursement rates for ambulance transportation services.

SECTION 333.140. MEDICAID PAYMENT RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES

(A) As used in this section:

(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.

(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2024 and fiscal year 2025 that exceed the authorized rates paid for the services under the Medicare program.

(C) This section does not apply to community behavioral health services provided by any of the following:

(1) Hospitals on an inpatient basis;

(2) Nursing facilities;

(3) Intermediate care facilities for individuals with intellectual disabilities.

The above boxed and initialed text was disapproved.

4) JULY 2023  
Date \_\_\_\_\_

*Mike DeWine*



PAYMENT RATES

(A) As used in this section:

(1) "Assisted living program" and "assisted living services" have the same meanings as in section 173.51 of the Revised Code.

(2) "Assisted living memory care service" means a service provided by a residential care facility to an individual with a documented diagnosis of any form of dementia who is residing in an assisted living memory care unit and being served by an assisted living Medicaid provider.

(3) "Assisted living memory care unit" means a discrete unit or section in a residential care facility or an entire residential care facility that meets both of the following criteria:

(a) The unit or facility is designated by the facility operator as a memory care unit.

(b) The unit or facility is operated in compliance with rules applicable to memory care units adopted by the Department of Health under Chapter 3721. of the Revised Code.

(4) "Direct care staff" includes nurses, resident care assistants, activities personnel, and social services personnel who are employed by or contracted with a residential care facility.

(5) "Practitioner" means a health care provider engaging in activities authorized by the provider's license, certification, or registration.

(6) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

(B) The Department of Medicaid, in consultation with the Department of Aging, shall adopt rules, effective November 1, 2023, establishing an assisted living services base payment rate for residential care facilities participating in the Medicaid-funded component of the assisted living program that shall be no less than one hundred thirty dollars per day.

*R-ND*

*D. v. P*

(C) The Department of Medicaid and the Department of Aging shall adopt rules, effective November 1, 2023, establishing an assisted living memory care service payment rate for residential care facilities participating in the Medicaid-funded component of the assisted living program. This payment rate is based on additional costs that a provider may incur resulting from serving individuals with dementia and, except as provided in division

(E) of this section, shall be at least twenty-five dollars per day more than the base payment rate established by rules adopted under division (B) of this section. The per diem for assisted living memory care service will only be available to assisted living providers if both the following conditions are met:

*RMD*

The above boxed and initialed text was disapproved.

4 30-7 2023  
Date \_\_\_\_\_

*Mike DeWine*

(1) The resident for whom the per diem is paid was assessed by a practitioner and was determined by the practitioner to need the services of a memory care unit.

(2) The memory care unit in which the resident resides has a direct care staff to resident ratio that is at least twenty per cent higher than other units in the residential care facility. If the memory care unit is an entire residential care facility, the facility in which the resident resides has a direct care staff to resident ratio that is at least twenty per cent higher than the average direct care staff to resident ratio of a representative sample of residential care facilities participating in the Medicaid-funded component of the assisted living program or parts of those facilities that are not memory care units.

(D) The Department of Medicaid and the Department of Aging shall adopt rules establishing an assisted living critical access payment rate for residential care facilities participating in the Medicaid-funded component of the assisted living program that averaged at least fifty per cent of their residents receiving Medicaid-funded services during the preceding fiscal year or in the case of a new residential care facility, that projects to average at least fifty per cent of its residents receiving Medicaid-funded services during the fiscal year in which the facility opens. The critical access payment rate shall be at least fifteen dollars per day more than the base payment rate established by rules adopted under division (B) of this section.

(E) The assisted living memory care service payment rate for a residential care facility participating in the Medicaid-funded component of the assisted living program that receives a critical access payment rate under rules adopted under division (D) of this section shall be at least ten dollars higher than the critical access payment rate.

(F) The Department of Medicaid, in consultation with the Department of Aging and stakeholders, shall adopt rules establishing a methodology for determining rates for assisted living services, including assisted living memory care services and critical access services no later than July 1, 2024.

RMD

SECTION 333.250. TRANSFER OF APPROPRIATION FOR PRE-ADMISSION SCREENING RESIDENT REVIEW CONTRACT FROM MENTAL HEALTH AND ADDICTION SERVICES TO OHIO DEPARTMENT OF MEDICAID

On July 1, 2023, or as soon as possible thereafter, upon the request of the Medicaid Director, in consultation with the Director of Mental Health and Addiction Services, the Director of Budget and Management may transfer appropriations between appropriation line item 652321, Medicaid Support, within the Department of Mental Health and Addiction Services

The above boxed and initialed text was disapproved

4 July 2023  
Date

*Mick Quinn*

(A) As used in this section:

(1) "Lockable container" means a container that meets both of the following requirements:

(a) Has special packaging;

(b) Has a locking mechanism that can be unlocked in any of the following ways:

(i) Physically by using a key or other object capable of unlocking a locked container;

(ii) Physically by entering a numeric or alphanumeric combination code that is selected by the patient or an individual acting on behalf of the patient;

(iii) Electronically by entering a password or code that is selected by the patient or an individual acting on behalf of the patient.

(2) "Drug used in medication-assisted treatment" has the same meaning as in section 5119.19 of the Revised Code.

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(4) "Special packaging" has the same meaning as in the "Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471.

(5) "Tamper-evident container" means a container that meets both of the following requirements:

(a) Has special packaging;

(b) Displays a visual sign when there is unauthorized entry into the container or has a numerical display of the time that the container was last opened.

(B) Subject to division (C) of this section, during fiscal year 2024 and fiscal year 2025, the Department of Medicaid shall reimburse any pharmacist or prescriber that seeks reimbursement for expenses related to the following:

(1) Pharmacists for costs related to dispensing drugs used in medication-assisted treatment in lockable containers or tamper-evident containers;

(2) Prescribers for costs related to personally furnishing drugs used in medication-assisted treatment in lockable containers or tamper-evident containers.

(C) Reimbursement may be sought for the period provided in division (B) of this section, or until funds appropriated for the reimbursement are expended, whichever occurs first.

*Rmp*  
*Rmp*

*Rmp*  
*Rmp*  
*Rmp*

SECTION 333.290. NURSING FACILITY PAYMENT RATE NOTICES  
In its notice to each nursing facility with the facility's per Medicaid day

The above boxed and initialed text was disapproved.

Date July 3, 2023

*[Signature]*  
Mike DeWine, Governor

(1) The entities selected pursuant to division (B) of this section shall employ the applicable area agency on aging to be coordinators of home and community-based services available under a Medicaid waiver component available for eligible individuals over the age of fifty-nine;

(2) The entities may delegate to the applicable area agency on aging full care coordination function for home and community-based services and other health care services received by those eligible individuals;

(3) Individuals enrolled in an entity's plan or plans may choose the entity or its designee as the care coordinator as an alternative to the area agency on aging;

(4) The Department may specify an alternative approach to care management and coordination of waiver services if the performance of the area agency on aging does not meet the requirements of the Integrated Care Delivery System or if the Department determines that the needs of a defined group of individuals requires an alternative approach.

SECTION 333.340. (A) Not later than sixty days after the effective date of this section, the Department of Medicaid shall seek a waiver from the United States Centers for Medicare and Medicaid Services to implement section 173.394 of the Revised Code, as enacted by this act.  
(B) The Department of Aging shall not implement the provisions of section 173.394 of the Revised Code until the Department of Medicaid receives approval of a waiver submitted under this section.

RMD

SECTION 333.350. CASH TRANSFERS FROM FRANCHISE PERMIT FEE FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$2,300,000 cash in fiscal year 2024 and \$5,000,000 in fiscal year 2025, from the Nursing Home Franchise Fee Fund to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used by the Department of Health. Also, upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$5,000,000 cash in fiscal year 2024 and \$9,300,000 in fiscal year 2025, from the Nursing Home Franchise Fee fund to the Ombudsman Support Fund (Fund 5BA0), used by the Department of Aging. Finally, upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$500,000 cash in fiscal year 2024 and \$500,000 in fiscal year 2025, from the Nursing Home Franchise Fee Fund to the Medicaid Support and Recoveries

The above boxed and initialed text was disapproved.

JULY 3, 2023  
Date

*Mike DeWine*  
Mike DeWine, Governor

RELIEF FUNDS

Amounts equal to the unexpended portions of appropriation items under the following recovery and relief funds, at the end of fiscal year 2023 are hereby reappropriated to the same appropriation items and shall be used for the same purposes in fiscal year 2024: ARPA Home and Community Based Services – Federal (Fund 3HC8), and ARPA Home and Community Based Services (Fund 5HC8).

Amounts equal to the unexpended portions of appropriation items under the following recovery and relief funds, at the end of fiscal year 2024, are hereby reappropriated to the same appropriation items and shall be used for the same purposes in fiscal year 2025: ARPA Home and Community Based Services – Federal (Fund 3HC8), Governor's Emergency Education Relief Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), Emergency Rental Assistance Fund (Fund 5CV2), State Fiscal Recovery Fund (Fund 5CV3), Local Fiscal Recovery Fund (Fund 5CV4), Coronavirus Capital Projects Fund (Fund 5CV5), and ARPA Home and Community Based Services (Fund 5HC8).

SECTION 509.10. TRANSFERS IN TO GENERAL REVENUE FUND INTEREST EARNED

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, through June 30, 2025, may transfer interest earned by any state fund to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Ohio Constitution, federal tax law, or the "Cash Management Improvement Act of 1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended.

NON-GRF FUNDS

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$200,000,000 cash, during fiscal year 2025, from non-General Revenue Funds, excluding the Oil and Gas Well Fund (Fund 5180), that are not constitutionally restricted to the General Revenue Fund.

RMB

RMB

SECTION 510.10. EXPANDED SALES TAX HOLIDAY FUND

The Tax Commissioner shall designate the dates on which a sales tax holiday will be held in August 2024. For the purposes of this section, "sales tax holiday" has the same meaning as in section 5739.01 of the Revised

The above boxed and initialed text was disapproved.

JUL 3, 2023

Date:

Mike DeWine

Mike DeWine, Governor

Code, as amended by this act.

*RMD* The Commissioner, in consultation with the Director of Budget and Management and the County Commissioners Association of Ohio, shall determine the number of days for which the sales tax holiday will be held, which shall be at least fourteen days, and may include additional days if the Tax Commissioner and Director determine that the amount transferred to the Expanded Sales Tax Holiday Fund under Section 513.10 of this act is sufficient to reimburse the General Revenue Fund, Local Government Fund, Public Library Fund, and Permissive Tax Distribution Fund for the revenue that would be forgone on fifteen or more dates. *RMD*

*RMD* The sales tax holiday shall be held from August 1, 2024, through August 14, 2024, and may include additional consecutive dates thereafter if the Commissioner and Director so determine. The sales tax holiday shall apply to eligible tangible personal property, as defined in section 5739.01 of the Revised Code as amended by this act, and be administered and subject to the same limitations as a sales tax holiday authorized pursuant to section 5739.41 of the Revised Code, as enacted by this act. *RMD*

As soon as possible after the conclusion of the sales tax holiday, the Tax Commissioner shall estimate the forgone General Revenue Fund, Local Government Fund, Public Library Fund, and Permissive Tax Distribution Fund receipts resulting from the sales tax holiday and certify the estimated amounts to the Director of Budget and Management. In making that determination and, if applicable, for the purposes of determining the length of a sales tax holiday held in August 2025 pursuant to division (B)(2) of section 131.44 of the Revised Code, the Commissioner shall multiply the expected annual growth percentage in nonauto sales tax receipts expected by the Office of Budget and Management for fiscal year 2024 by the total sales tax receipts of taxpayers that filed returns for August 2023; add that product to the total sales tax receipts for returns filed for August 2023; and subtract from that sum the total sales tax receipts of taxpayers that filed returns for August 2024.

Upon receipt of the certification from the Tax Commissioner, the Director of Budget and Management shall transfer from the Expanded Sales Tax Holiday Fund an amount of cash equal to the certified amount to the General Revenue Fund, Local Government Fund, Public Library Fund, and Permissive Tax Distribution Fund, respectively. The combined transfer shall not exceed \$750,000,000.

The Tax Commissioner shall coordinate with the Streamlined Sales Tax Governing Board to pursue means by which this section and the amendment or enactment by this act of divisions (TTT) and (UUU) of section 5739.01,

The above boxed and initialed text was disapproved.

July 3, 2023  
Date \_\_\_\_\_

*Mike DeWine*

the Director of Budget and Management shall transfer the cash balance of the Central Service Agency Fund (Fund 1150) to the Accounting and Budgeting Fund (Fund 1050). Upon completion of the transfer, Fund 1150 is abolished. The Director shall cancel any existing encumbrances against appropriation item 100632, Central Service Agency, and reestablish them against either appropriation item 042603, Financial Management, or appropriation item 042620, Shared Services Operating. The reestablished encumbrance amounts are hereby appropriated.

SECTION 516.20. HEALTH AND HUMAN SERVICES RESERVE FUND

The Health and Human Services Fund (Fund 5SA4) created under Section 751.40 of H.B. 64 of the 131st General Assembly is hereby renamed the Health and Human Services Reserve Fund.

*RMI*

Notwithstanding section 131.44 of the Revised Code or any other provision of law to the contrary, on July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$600,000,000 cash from the Health and Human Services Reserve Fund (Fund 5SA4) to the Budget Stabilization Fund (Fund 7013).

During fiscal years 2024 and 2025, if the Department of Medicaid has exhausted the funds provided under GRF appropriation item 651525, Medicaid Health Care Services, and other relevant non-GRF Medicaid appropriation items for that year and determined that it is necessary to increase the state share and the corresponding federal share of item 651525 to fully pay the state's Medicaid program obligations, the Director of Medicaid shall submit a request to the Controlling Board for approval of a cash transfer from the Health and Human Services Reserve Fund (Fund 5SA4) to the General Revenue Fund to fund the needed increase to the state share of item 651525. The request shall also indicate the corresponding increase to the federal share of item 651525. Upon approval, the Director of Budget and Management shall transfer cash in the amount approved from Fund 5SA4 to the General Revenue Fund. The approved increases for the state and federal shares of item 651525 are hereby appropriated. The total transfer from the Health and Human Services Reserve Fund (Fund 5SA4) to the General Revenue Fund shall not exceed \$600,000,000.

*RMD*

SECTION 516.30. CASH TRANSFERS TO ONE TIME PRIORITY PROJECTS FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the

The above boxed and initialed text was disapproved

JULY 4, 2023  
Date: \_\_\_\_\_

*Mike DeWine*

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

SECTION 755.20. For purposes of adjusting the membership of the Transportation Review Advisory Council in accordance with section 5512.07 of the Revised Code, as amended by this act, all of the following shall occur not later than sixty days after the effective date of this section:

(A) The Governor shall remove one member from the Council who was appointed by the Governor prior to that effective date.

(B) The President of the Senate shall appoint one additional member to the Council who shall assume the remainder of the five-year term of the member removed by the Governor under division (A) of this section.

(C) The Speaker of the House of Representatives shall appoint one additional member to the Council who shall serve a five-year term from the date of appointment in accordance with section 5512.07 of the Revised Code.

RMD

SECTION 755.30. (A) As used in this section, "rural county" means a county that does not contain a municipal corporation with a population greater than fifty-five thousand residents according to the most recent federal decennial census.

(B) The Connect4Ohio Program is created, and the Department of Transportation shall administer the Program. The purpose of the Program is to assist in creating seamless transportation connections throughout all of Ohio and, by doing so, to make it easier for all Ohio workers to commute from their homes to employment centers.

(C) As part of the Program, the Department and the Transportation Review Advisory Council (TRAC) shall work together to provide funding for unfunded projects included on the "Final 2023 – 2026 Major New Construction Program List, TRAC Tier 1 – Construction Commitments; TRAC Tier 2 – Development Commitments; TRAC Tier 3 – Development

The above boxed and initialed text was disapproved.

JUL 31 2023  
Date



Mike DeWine Governor



enactment of section 4303.188 of the Revised Code apply beginning on January 1, 2024.

SECTION 803.140. The amendment by this act of divisions (B)(1) and (10) of section 5739.02 of the Revised Code is a remedial measure intended to clarify existing law and applies to all cases pending on a petition for reassessment or on further appeal, or transactions subject to an audit by the Department of Taxation, on or after the effective date of this section.

RMD

SECTION 803.150. The amendment or enactment by this act of sections 5743.06 and 5743.53 of the Revised Code apply to bad debts charged off as uncollectible on the books and records of a wholesale dealer, distributor, or vapor distributor on or after January 1, 2024.

RMD

SECTION 803.160. The amendment or enactment by this act of division (A)(39) of section 5747.01 and division (F)(2)(ss) of section 5751.01 of the Revised Code applies to taxable years or tax periods beginning on or after January 1, 2023.

SECTION 803.170. The amendment by this act of section 5747.501 of the Revised Code applies on and after July 1, 2023.

SECTION 803.190. The enactment by this act of divisions (F)(2)(rr) and (tt) of section 5751.01 of the Revised Code applies to tax periods ending on or after the effective date of this section.

SECTION 803.220. The enactment by this act of divisions (A)(42) and (43) of section 5747.01 and section 5747.85 of the Revised Code applies to taxable years beginning on or after January 1, 2024.

SECTION 803.230. The amendment by this act of sections 5743.01, 5743.03, 5743.05, and 5743.33 of the Revised Code applies on and after the first day of the first month after the effective date of this section.

If a board of county commissioners certified a resolution to the board of elections to levy a tax pursuant to sections 5743.511, 5743.621, and 5743.631 or division (B)(2) of section 5743.021 of the Revised Code before

The above boxed and initialed text was disapproved

Date July 3, 2023



Mike DeWine Governor

SECTION 809.10. NO EFFECT AFTER END OF BIENNIUM

An item of law, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2025, unless its context clearly indicates otherwise.

SECTION 812.10. SUBJECT TO REFERENDUM

Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

SECTION 812.11. (A) The following sections of this act take effect six months after the effective date of this section:

(1) The amendment or enactment of sections 2151.231, 3103.03, 3109.53, 3109.66, 3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 3111.111, 3111.15, 3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 3111.78, 3119.01, 3119.06, 3119.07, 3119.95, 3119.951, 3119.953, 3119.955, 3119.957, 3119.9511, 3119.9513, 3119.9515, 3119.9517, 3119.9519, 3119.9523, 3119.9525, 3119.9527, 3119.9529, 3119.9531, 3119.9533, 3119.9535, 3119.9537, 3119.9539, 3119.9541, and 3121.29 of the Revised Code;

(2) The repeal of section 3121.46 of the Revised Code.

(B) During the six-month period after the effective date of this section, the Ohio Department of Job and Family Services shall perform system changes, create rules and forms, and make any other changes as necessary to implement the amendments, enactments, and repeals listed in this section.

*RMD*

SECTION 812.12. The amendments by this act of sections 109.11, 109.111, and 109.112 and the enactment by this act of section 109.113 of the Revised Code take effect January 1, 2024. Consistent with section 1.48 of the Revised Code, the amendments to those sections made by this act are prospective in their operation and have no effect on an order or judgment of any court or any settlement or other compromise of claims issued, entered, or agreed to before January 1, 2024, even if an amount awarded, adjudged, settled upon, or comprised to has not been received in full by the state or an agency or officer of the state before then.

The above boxed and initialed text was disapproved.

*JULY 3, 2023*  
Date: \_\_\_\_\_  
*Mike DeWine*