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*Final Analysis*  
*Legislative Service Commission*

## **Sub. H.B. 248**

124th General Assembly  
(As Passed by the General Assembly)

**Reps. Williams, Schaffer, Kearns, Barrett, Otterman, R. Miller, Lendrum, Rhine, G. Smith, Jones, D. Miller, Allen, Hollister, Ford, Roman, Jolivette, Seitz, Gilb, Kilbane, Patton, McGregor, Aslanides, Schneider, S. Smith, Cirelli, Schmidt, Cates, Redfern, Niehaus, Coates, Latell, Sulzer, Ogg, Distel, Britton, Young, Brinkman, Flowers, Flannery, Beatty, Fedor, Driehaus, Clancy, Setzer, Perry, Reidelbach, Buehrer, Widowfield, Woodard**

**Sens. Hagan, Fingerhut, Prentiss, Wachtmann, DiDonato, Jordan, Mead**

**Effective date: April 7, 2003**

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### **ACT SUMMARY**

#### **LEAD POISONING PREVENTION ACTIVITIES AND LICENSING OF LEAD HAZARD CONTROL PROFESSIONALS**

- Requires that each child at risk of lead poisoning undergo a blood lead screening test.
- Modifies the activities to be conducted as part of the Child Lead Poisoning Prevention Program operated by the Department of Health.
- Creates an advisory council to assist in the development and implementation of the Child Lead Poisoning Prevention Program.
- Establishes requirements for investigation and risk assessment of a residential unit, child day-care facility, or school that may be the source of a child's lead poisoning.
- Provides for the issuance of a lead hazard control order if the results of a risk assessment indicate that a lead hazard in the property is contributing to a child's lead poisoning.
- Provides that a residential unit, child day-care facility, or school constructed before 1950 is "legally presumed" not to contain a lead

hazard and not to be the source of an individual's lead poisoning if the property owner or manager implements preventive treatments, which include the performance of essential maintenance practices.

- Specifies procedures for the performance of essential maintenance practices and requires a person who engages in the essential maintenance practices to complete a training program.
- Requires training programs in essential maintenance practices to be approved by the Director of Health and limits the length of the programs to not more than six hours.
- Allows a person who has completed a training program in lead-safe renovation to represent to the public that the person's services for the general improvement of an existing structure are being offered by a lead-safe renovator.
- Establishes requirements for approval of lead-safe renovation training programs.
- Prohibits a person from using lead-safe renovation instead of a lead abatement on a property at which a lead-poisoned child has been identified.
- Requires the Ohio School Facilities Commission to consider the health of students and staff in its review of construction projects and to include standards in its project approval process for lead safety in classroom facilities constructed before 1978.
- Requires charter schools to agree contractually to comply with the laws governing the control of lead hazards.
- Requires the Director of Health, in consultation with the State Historic Preservation Officer, to develop recommendations for controlling lead hazards that take into consideration the historic nature of property.
- Specifies that the requirement to be licensed as a lead abatement professional applies when the activities being performed are designed for the single purpose of permanently eliminating lead hazards and specifies that "permanent" means an expected design life of not less than 20 years.



- Prohibits persons from not complying with federal regulations when implementing interim controls, which are measures designed to temporarily reduce human exposure to lead hazards.
- Establishes licensing requirements for clearance technicians, a category of professionals who perform examinations to determine whether lead hazards have been sufficiently controlled in projects other than lead abatement.
- Requires the Director of Health to establish a program to monitor and audit the quality of work of lead hazard control professionals and permits the Director to refer improper work discovered to the Attorney General for appropriate action.
- Requires lead abatement contractors to ensure that all persons involved in an abatement project follow federal standards for worker protection.
- Permits the Director to issue an immediate cease work order if a license holder's activities endanger the health or well-being of certain persons.
- Requires applicants for licensure as lead hazard control professionals to provide their Social Security numbers.
- Permits a board of health to request the commencement of criminal prosecutions for violations of the laws on licensure of lead hazard control professionals.
- Requires the Public Health Council to adopt rules governing lead hazard control personnel licensure, lead poisoning prevention, and other lead hazard control measures.

**WELLNESS BLOCK GRANT AND CHILD ABUSE  
AND NEGLECT PREVENTION**

- Eliminates the Children's Trust Fund Board's involvement in the Wellness Block Grant Program.
- Makes the Ohio Department of Job and Family Services (ODJFS) the administrative agent of the Wellness Block Grant Program.
- Requires that the Children's Trust Fund Board allocate funds, rather than make a block grant, to each county and multi-county child abuse and

child neglect prevention advisory board for child abuse and child neglect prevention programs.

- Requires the Children's Trust Fund Board to also allocate funds for child abuse and child neglect prevention programs to entities other than the advisory boards.
- Requires an advisory board to provide effective public notice to potential applicants about the availability of funds from the Children's Trust Fund.
- Requires an advisory board to review applications for grants from the Children's Trust Fund using criteria the Children's Trust Fund Board, rather than the advisory board, specifies.
- Requires that each recipient of a Children's Trust Fund grant from an advisory board include in an annual report information the Children's Trust Fund Board, rather than the advisory board, requires.
- Requires a returned Children's Trust Fund grant to be returned to the State Treasurer if an advisory board does not redistribute the grant within the state fiscal year in which it is received.
- Requires that five of the eight public members of the Children's Trust Fund Board be residents of different metropolitan statistical areas.
- Changes the manner in which the chairperson of the Children's Trust Fund Board is to be appointed and requires the vice-chair to be selected biennially from among its non-legislative members.
- Includes social workers with counselors among the groups and entities that may be represented on a county or multi-county child abuse and child neglect prevention advisory board.
- Prohibits a child abuse and child neglect prevention advisory board member from participating in the development of the advisory board's comprehensive allocation plan if the member's judgment could be affected by a conflict of interest.



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**CONTENT AND OPERATION**

**LEAD POISONING PREVENTION ACTIVITIES AND  
LICENSING OF LEAD HAZARD CONTROL PROFESSIONALS**

**Overview**

The act establishes mechanisms for lead poisoning prevention and lead hazard control, particularly with respect to children under age six. It requires "at-risk" children to undergo blood screening tests, expands the duties of the Department of Health in operating a Child Lead Poisoning Prevention Program, and establishes procedures for issuing lead hazard control orders when a lead-poisoned child has been identified. It provides for lead safety to be included in approval of school construction projects and creates the opportunity for persons to be trained in providing general building improvement services as lead-safe renovators.

The act creates a process under which a person can qualify for the "legal presumption" that a property does not contain a lead hazard and is not the source of a person's lead poisoning. To qualify, the person must complete specified preventive treatments, which include ongoing lead hazard control measures referred to as essential maintenance practices.



The act modifies provisions of prior law that established licensing requirements for lead abatement personnel. It requires the Director of Health to establish a program to monitor and audit the quality of work of licensed personnel. It permits the Director to refer improper work to the Attorney General and to issue cease work orders if a person's health or well-being is endangered. Worker safety standards are specified for lead abatement contractors. For purposes of determining whether lead hazards have been sufficiently controlled in projects that do not involve lead abatement, the act provides for the licensure of clearance technicians.

Many of the act's provisions apply specifically to properties that the act refers to as "residential units, child day-care facilities, and schools." The act describes these properties as follows:

**Residential unit**--a dwelling or any part of a building being used as an individual's private residence.

**Child day-care facility**--each area of any of the following in which child day-care is provided to children under age six: a child day-care center, the various types of family day-care homes, a preschool program, or a school program.

**School**--a public or nonpublic school in which children under six years of age receive education.

### **Screening tests for lead poisoning in children**

(sec. 3742.30)

The act requires that each child at risk of lead poisoning undergo a blood lead screening test to determine whether the child has lead poisoning. The Public Health Council is required to adopt rules in accordance with the Administrative Procedure Act (Revised Code Chapter 119.) to specify which children are at risk of lead poisoning and when the at-risk children must undergo the test. The rules must be consistent with the guidelines established by the Centers for Disease Control and Prevention in the Public Health Service of the U.S. Department of Health and Human Services.

The act specifies that neither it nor the rules adopted under it affect the coverage of blood lead screening tests by any publicly funded health program, including Medicaid. The act also provides that the testing requirement does not apply to a child if a parent of the child objects to the test on the grounds that the test conflicts with the parent's religious tenets and practices.



## **Child Lead Poisoning Prevention Program**

(secs. 3742.04 and 3742.31)

Continuing law requires the Director of Health to establish, promote, and maintain a child lead poisoning prevention program. The program must provide statewide coordination of screening, diagnosis, and treatment services for children under age six and the Director must collect and disseminate information relating to child lead poisoning.

The act makes the following modifications regarding the program and the Director's duties:

(1) Requires that the program's statewide coordination of services include collecting the Social Security numbers of all children screened, diagnosed, or treated as part of the program's case management system;

(2) Requires that the coordination of services also include disclosing to the Office of Ohio Health Plans in the Department of Job and Family Services on at least an annual basis the identity and lead screening test results of each child screened pursuant to the act;<sup>1</sup>

(3) Requires the Director to collect and disseminate information regarding controlling lead hazards, in place of the previous requirement that extended only to information on lead abatement;

(4) Specifically requires the Public Health Council to adopt rules that establish procedures necessary for the program's development and operation and expressly requires the Director to operate the program in accordance with the rules;

(5) Authorizes the Director to enter into an interagency agreement with one or more other state agencies to perform one or more of the program's duties, and requires the Director to supervise and direct an agency's performance of such a duty;

(6) Eliminates a provision specifying the Director's authority to conduct or cooperate with other state agencies to conduct programs of public education on the nature and consequences of lead hazards and on the need for lead hazard reduction

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<sup>1</sup> *The Office administers several programs that provide health care coverage to low income individuals and families, including the Medicaid Program and the State Children's Health Insurance Program.*

activities to be conducted under careful supervision by licensed and accredited personnel;

(7) Transfers to the Lead Poisoning Advisory Council, which the act creates, the Director's duty to submit an annual report on the program to the Governor and the General Assembly.

**Advisory Council**

(sec. 3742.32)

The act requires the Director of Health to appoint an advisory council to assist in the development and implementation of the Child Lead Poisoning Prevention Program. The advisory council's membership must consist of members representing each of the following:

(1) The Office of Ohio Health Plans in the Department of Job and Family Services;

(2) The Bureau of Child Care in the Department of Job and Family Services;

(3) The Department of Environmental Protection;

(4) The Department of Education;

(5) The Department of Development;

(6) The Ohio Apartment Owner's Association;

(7) The Ohio Help End Lead Poisoning Coalition;

(8) The Ohio Environmental Health Association;

(9) The National Paint and Coatings Association (an Ohio representative).

The advisory council must (1) give the Director advice regarding the policies the program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation and (2) submit a report of the state's activities to the Governor, President of the Senate, and Speaker of the House of Representatives by March 1 each year. The act excludes the council from continuing law that requires a newly created government entity to be terminated after a specific number of years unless the General Assembly extends the entity's existence.

### **Investigations to determine the source of lead poisoning**

(secs. 3742.02(A)(3), 3742.16(D), and 3742.35)

Under prior law, the Director of Health was authorized to request permission to conduct an inspection of specified property suspected of being the source of lead poisoning in a child. Under the act, when the Director becomes aware that an individual has lead poisoning, the Director must take action to determine the source of the poisoning if the individual is a child under age six; the Director is permitted to take action if the individual is over age six. The action the Director must take is referred to as an investigation, rather than inspection.

Prior law referred to the property that the Director could inspect as a "structure," which was limited by definition to private residences and places commonly used to provide education or day-care to children under age six. The act does not specify the areas that may be included in an investigation, but the provision allowing the Director to request permission to enter a property applies only to a residential unit, child day-care facility, or school. Unlike prior law, the act does not specify that the request be made at a reasonable time.

Continuing law permits the Director to petition for a court order if a property owner or manager fails or refuses to allow entry to the property. Under prior law, the petition had to be made in the court of common pleas of the county in which the property is located. The act allows the petition to be made in any court of competent jurisdiction in the county. A court order under the act may apply to any occupant of the property, as well as to the owner or manager.

As part of an investigation conducted under the act, the Director continues to be authorized to review the records and reports maintained by licensed lead abatement professionals. The act extends the Director's review authority to the records and reports maintained by clearance technicians, a category of lead hazard control professionals required by the act to be licensed but not permitted to perform services as part of a lead abatement project.

### **Delegation to boards of health**

(sec. 3742.34)

The act eliminates provisions of prior law regarding the performance of inspections by an "authorized representative" of the Director. It retains, however, provisions of law that allow the Director to delegate certain enforcement activities to a board of health and applies the delegation authority to the performance of investigations and related provisions.

### **Risk assessments**

(sec. 3742.36)

Under the act, when the Director or an authorized board of health determines pursuant to an investigation that a residential unit, child day-care facility, or school is a possible source of a child's lead poisoning, the Director or board is required to conduct a risk assessment of that property. The assessment must be conducted in accordance with rules to be adopted by the Public Health Council.

### **Lead hazard control orders**

(sec. 3742.37)

If the results of a risk assessment conducted because of an investigation indicate that one or more lead hazards identified in a residential unit, child day-care facility, or school are contributing to a child's lead poisoning, the act requires that the Director or board of health immediately issue an order to have each lead hazard in the property controlled. The areas that may be subject to the lead hazard control order include (1) the interior and exterior surfaces and all common areas of the unit, facility, or school, (2) every attached or unattached structure located within the same lot line as the unit, facility, or school, including garages, play equipment, and fences, and (3) the lot or land that the unit, facility, or school occupies.

A lead hazard control order must be issued in writing and in the form the Director prescribes. The Director or board must specify in the order each lead hazard to be controlled and the date by which the unit, facility, or school must pass a clearance examination demonstrating that each lead hazard has been sufficiently controlled. The Director or board may include in the order a requirement that occupants of the unit, facility, or school whose health may be threatened vacate the unit, facility, or school until it passes the clearance examination.

The Director or board must have the order delivered to the owner and manager of the unit, facility, or school. If the order applies to a building in which there is more than one residential unit, the Director or board must have a copy of the order delivered to the occupants of each unit or require that the owner or manager of the building deliver a copy of the order to the occupants of each unit. If the order applies to a child day-care facility or school, the Director or board must have a copy of the order delivered to the parent, guardian, or custodian of each child under age six who receives child day-care or education at the facility or school or require the owner or manager of the facility or school to have a copy of the order delivered.

### **Compliance with lead hazard control order**

(sec. 3742.38)

The owner and manager of a residential unit, child day-care facility, or school that is subject to a lead hazard control order issued under the act must cooperate with the Director or board that issued the order in controlling each lead hazard specified in the order. The owner or manager must choose a method of controlling each lead hazard that enables the residential unit, child day-care facility, or school to pass a clearance examination. The method chosen may be the owner or manager's personal preference, a proposal made by a person under contract with the owner or manager, or a recommendation that the Director or board may provide. The owner or manager must inform the Director or board of the method chosen.

### **Duration of lead hazard control order**

(sec. 3742.39)

The act specifies that a residential unit, child day-care facility, or school remains subject to a lead hazard control order until it passes a clearance examination. After the clearance examination is passed, the Director or board that issued the order must provide the owner and manager of the unit, facility, or school with information on methods of maintaining control of each lead hazard specified in the order. In the case of a residential unit in which an individual who is not the owner or manager resides, the Director or board also must provide the information to the individual residing in the unit.

### **Failure or refusal to comply with lead hazard control order**

(sec. 3742.40)

If the owner and manager of a residential unit, child day-care facility, or school fails or refuses for any reason to comply with a lead hazard control order issued under the act, the Director or board must issue an order prohibiting the owner and manager from permitting the property to be used as a residential unit, child day-care facility, or school until it passes a clearance examination. On receipt of the order, the owner or manager must take appropriate measures to notify each occupant, in the case of a residential unit, and the parent, guardian, or custodian of each child attending the facility or school, in the case of a child day-care facility or school, that the unit, facility, or school must be vacated until it passes a clearance examination.

The Director or board must post a sign at the unit, facility, or school that warns the public that the unit, facility, or school has a lead hazard. The sign must



include a declaration that the unit, facility, or school is unsafe for human occupation, especially for children under age six and pregnant women. The Director or board must ensure that the sign remains posted at the unit, facility, or school and that it is not used as a residential unit, child day-care facility, or school until it passes a clearance examination.

**Presumption that no lead hazard exists on completion of preventive treatments**

(sec. 3742.41)

The act provides that a property constructed before January 1, 1950, used as a residential unit, child day-care facility, or school is "legally presumed" not to contain a lead hazard and not to be the source of the lead poisoning of an individual who resides in the unit or receives child day-care or education at the facility or school if the owner or manager of the unit, facility, or school successfully completes both of the following preventive treatments:

(1) Follows the essential maintenance practices specified in the act for the control of lead hazards;

(2) Covers all rough, pitted, or porous horizontal surfaces of the inhabited or occupied areas within the unit, facility, or school with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, carpet, or linoleum.

The act provides that the owner or manager of a residential unit, child day-care facility, or school has successfully completed these preventive treatments if the unit, facility, or school passes a clearance examination in accordance with standards for passage established by rules to be adopted under the act. The act provides that the legal presumption it establishes based on the successful completion of preventive treatments is rebuttable only on a showing of clear and convincing evidence to the contrary.

**Essential maintenance practices**

(secs. 3742.42 and 3742.43)

In completing the essential maintenance practices portion of the preventive treatments that must be completed for a property to be legally presumed under the act not to be the source of an individual's lead poisoning, the owner or manager of a residential unit, child day-care facility, or school must do all of the following:

(1) Use only safe work practices to prevent the spread of lead-contaminated dust;

(2) Perform visual examinations for deteriorated paint, underlying damage, and other conditions that may cause exposure to lead;

(3) Promptly and safely repair deteriorated paint or other building components that may cause exposure to lead and eliminate the cause of the deterioration;

(4) Ask tenants in a residential unit, and parents, guardians, and custodians of children in a child day-care facility or school, to report concerns about potential lead hazards by providing written notices to the tenants or parents, guardians, and custodians or by posting notices in conspicuous locations;

(5) Perform specialized cleaning to control lead-contaminated dust;

(6) Cover any bare soil on the property, except soil proven not to be lead-contaminated;

(7) Maintain a record of essential maintenance practices for at least three years that documents all essential maintenance practices;

(8) Successfully complete a training program in essential maintenance practices approved by the Director of Health, effective two years after the act's effective date.

The areas of a residential unit, child day-care facility, or school subject to these requirements include (1) the interior surfaces and all common areas of the unit, facility, or school, (2) every attached or unattached structure located within the same lot line as the unit, facility, or school that the owner or manager considers to be associated with the operation of the unit, facility, or school, including garages, play equipment, and fences, and (3) the lot or land that the unit, facility, or school occupies.

A person who implements the essential maintenance practices must do all of the following in the area of the residential unit, child day-care facility, or school in which the practices are being performed:

- Allow only persons performing the essential maintenance practices access to the area;
- Cover the area with six mil polyethylene plastic or its equivalent;
- Protect workers in a manner consistent with the federal worker protection standards that must be met under the act by a lead abatement contractor;



- Protect occupants' belongings by covering or removing them from the area;
- Wet down all painted surfaces before disturbing the surfaces;
- Wet down debris before sweeping or vacuuming.

**Unsafe work practices**

(sec. 3742.44)

The act specifies certain activities as unsafe work practices due to the likelihood that engaging in the activities will create lead hazards and prohibits any person from engaging in those practices when implementing the essential maintenance practices portion of the preventive treatments that must be completed for a property to be legally presumed under the act not to be the source of an individual's lead poisoning. Unsafe work practices include the following:

- Open flame burning or torching;
- Machine sanding or grinding without a HEPA local vacuum exhaust tool;<sup>2</sup>
- Abrasive blasting or sandblasting without a HEPA local vacuum exhaust tool;
- Use of a heat gun operating above 1,100 degrees Fahrenheit;
- Charring paint;
- Dry sanding;
- Dry scraping, except when done in conjunction with a heat gun operating at not more than 1,100 degrees Fahrenheit, within one foot of an electrical outlet, and to treat defective paint spots totaling not more than two square feet in an interior room or space or 20 square feet on an exterior surface.
- Uncontained hydroblasting or high-pressure washing;

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<sup>2</sup> Under the act, "HEPA" is specified as the designation given to a product, device, or system that has been equipped with a high-efficiency particulate air filter, which is a filter capable of removing particles of 0.3 microns or larger from air at 99.97% or greater efficiency.

- Paint stripping in a poorly ventilated space using a volatile stripper that is considered a hazardous substance or hazardous chemical under federal regulations in the type of work being performed.

The act specifies particular activities that may be performed when a person implements essential maintenance practices, but only if the person is licensed as a lead abatement professional or has been trained under the act in the performance of essential maintenance practices. These activities are:

- (1) Machine sanding or grinding performed with a HEPA local vacuum exhaust tool;
- (2) Abrasive blasting or sandblasting performed with a HEPA local vacuum exhaust tool;
- (3) Contained hydroblasting or high-pressure washing.

**Specialized cleaning methods**

(sec. 3742.45)

Under the act, specialized cleaning methods used to control lead-contaminated dust when implementing essential maintenance practices may include any of the following:

- (1) Cleaning potentially lead-contaminated surfaces with a detergent;
- (2) Vacuuming potentially lead-contaminated surfaces with a HEPA vacuum;
- (3) Covering potentially lead-contaminated soil.

A person who uses or provides for others to use the specialized cleaning methods authorized by the act must ensure that the cleaning is performed as follows:

- The common areas of a building with more than one residential unit must undergo specialized cleaning at least annually, including hallways, stairways, laundry rooms, recreational rooms, playgrounds, boundary fences, and other portions of the building and its surroundings that are generally accessible to all residents.
- The interior of a residential unit that is vacated by its occupants must undergo specialized cleaning before it may be reoccupied.

- A child day-care facility or school must undergo specialized cleaning at least annually at a time when children are not present at the facility or school.
- In a residential unit, child day-care facility, or school, on completion of any maintenance or repair work that disturbs surfaces suspected or known to be painted with lead-based paint, the maintenance or repair work area must undergo specialized cleaning if the area of the disturbed surfaces totals more than (1) 20 square feet or 2 square meters on exterior surfaces, (2) two square feet or two-tenths of one square meter in any one interior room or space, or (3) 10% of the total surface area on an interior or exterior component with a small surface area, such as window sills, baseboards, and trim.

**Training in performance of essential maintenance practices**

(sec. 3742.46)

The act provides that a person does not have to be licensed as a lead abatement contractor or lead abatement worker to perform the essential maintenance practices portion of the preventive treatments that must be completed for a property to be legally presumed under the act not to be the source of an individual's lead poisoning. However, beginning two years after the act's effective date, a person must have successfully completed a training program in essential maintenance practices that has been approved by the Director of Health.

A person seeking approval of a training program in essential maintenance practices must apply for approval to the Director. The application must be made on a form prescribed by the Director and must include the nonrefundable application fee established by the Director. The fee the Director establishes under the act must be reasonable and cannot exceed the expenses incurred in the approval of training programs.

The Director must issue approval to the applicant if the applicant demonstrates to the Director's satisfaction that the program will do all of the following:

- (1) Conduct the training program in a period of time that does not exceed six hours;
- (2) Administer an examination, established by Public Health Council rules, at the end of the training program to each person who completes the training;



(3) Grade each examination not later than one week after its completion to determine whether it was passed;

(4) Not later than one week after the examination is completed, provide written proof of training program completion to each person who completes the program and passes the examination;

(5) Meet any other training program requirements established in rules to be adopted under the act by the Public Health Council.

**Lead-safe renovators**

(secs. 3742.01(Y) and (Z), 3742.47, and 3742.48)

Under the act, any person who supervises or performs services for the general improvement of all or part of an existing structure, including a residential unit, child day-care facility, or school, is permitted to undertake a training program in lead-safe renovation. The act provides for approval of training programs in lead-safe renovation in the same manner it provides for approval of training programs in the performance of essential maintenance practices.

After successfully completing an approved training program in lead-safe renovation, the act provides that the person may represent to the public that the person's services for the general improvement of an existing structure are being supervised or performed by a lead-safe renovator. Regardless of whether a training program in lead-safe renovation has been completed, the act provides that the person is not subject to licensure solely for supervising or performing general improvement services.

For purposes of other references in the laws dealing with lead hazard control, the act defines "lead-safe renovation" as the supervision or performance of services for the general improvement of all or part of an existing structure, including a residential unit, child day-care facility, or school, when the services are supervised or performed by a lead-safe renovator. "Lead-safe renovator" is defined as a person who has successfully completed a training program in lead-safe renovation approved by the Director.

**Prohibition on use of lead-safe renovation in lieu of lead abatement**

(secs. 3742.06(E) and 3742.99)

The act prohibits a person from having lead-safe renovation performed in lieu of having lead abatement performed on a residential unit, child day-care facility, or school at which a lead-poisoned child under age six has been identified. If convicted of violating this provision, the person is subject to a fine of not more



than \$1,000 or imprisonment of not more than six months. For a subsequent offense, the person is subject to a fine of \$1,000 to \$5,000 or six months to three years imprisonment, or both. Each day of violation is a separate offense.

**Lead Poisoning Prevention Fund**

(sec. 3741.51)

The act creates in the state treasury the Lead Poisoning Prevention Fund, which includes all money appropriated to the Department of Health for the administration and enforcement of the law and rules governing the Child Lead Poisoning Prevention Program and the control of lead hazards. Grants, contributions, and other money collected by the Department for the purpose of preventing lead poisoning must be deposited in the state treasury to the credit of the Fund.

Money in the Fund may be used only for the purposes of the Child Lead Poisoning Prevention Program, including providing financial assistance to individuals who are unable to pay for (1) costs associated with obtaining lead tests and lead poisoning treatment for children under age six who are uninsured, underinsured, ineligible for Medicaid or another government health program, and do not have access to another source of funds to cover the cost of lead tests and any indicated treatments and (2) costs associated with having lead abatement or preventive treatments performed.

**Rulemaking authority regarding lead hazard control activities**

(sec. 3742.50)

The act requires the Public Health Council to adopt rules in accordance with the Administrative Procedure Act establishing all of the following:

(1) Procedures necessary for the development and operation of the Child Lead Poisoning Prevention Program;

(2) Standards and procedures for conducting investigations and risk assessments;

(3) Standards and procedures for issuing lead hazard control orders, including standards and procedures for determining appropriate deadlines for complying with lead hazard control orders;

(4) The level of lead in human blood that is hazardous to human health, consistent with the guidelines issued by the Centers for Disease Control and Prevention;



(5) The level of lead in paint, dust, and soil that is hazardous to human health;

(6) Standards and procedures to be followed when implementing preventive treatments for the control of lead hazards based on information from the United States Environmental Protection Agency, Department of Housing and Urban Development, Occupational Safety and Health Administration, or other agencies with recommendations or guidelines regarding implementation of preventive treatments;

(7) Standards that must be met to pass a clearance examination;

(8) Procedures for approving training programs in essential maintenance practices and lead-safe renovation and requirements for obtaining approval that are in addition to those specified in the act;

(9) The examinations to be administered by approved training programs and the examinations' passing scores.

The act requires that the Public Health Council establish procedures for revising its rules to ensure that child lead poisoning prevention activities conducted pursuant to the act continue to meet the requirements necessary to obtain any federal funding available for those activities.

#### **Lead hazard information in property records**

(sec. 3742.14)

Under continuing law, any property owner or manager may employ a specified lead hazard control professional to prepare a report regarding the property and may provide a copy of the report to the Director of Health. The Director is required to include the information in the record of the property. The act specifies the particular activities that may be performed by the professional who is employed, based on the activities that are authorized by the license the person holds under continuing law or the act. Specifically, the act permits an owner or manager to employ a lead inspector to conduct a lead inspection, a lead risk assessor to conduct a lead risk assessment, or a clearance technician, lead inspector, or lead risk assessor to conduct a clearance examination.

#### **Ohio School Facilities Commission to consider lead safety**

(sec. 3318.031)

Under continuing law, the Ohio School Facilities Commission must consider student and staff safety when reviewing design plans for classroom

facility construction projects and is authorized, after consulting with appropriate education and law enforcement personnel, to require changes in design plans it believes advance or improve student and staff safety in the proposed facility. The act requires that the Commission also consider the health of students and staff in reviewing design plans and permits it, after consulting with health officials, to require changes that improve student and staff health as a condition of approval. The act requires the Commission to review, and if necessary, amend any construction and design standards used in its project approval process, including standards for lead safety in classroom facilities constructed before 1978 in which services are provided to children under six years of age.

### **Charter schools**

(sec. 3314.03)

Under the act, a contract between a sponsor and the governing authority of a charter school must specify that the school will comply with the law governing lead hazard control.<sup>3</sup>

### **Historic preservation**

(sec. 3742.49)

The act requires the Director of Health, in consultation with the State Historic Preservation Officer appointed by the Governor, to develop recommendations for controlling lead hazards that consider the historic nature of the property in which the hazards are located. The Director must provide periodic notification of the recommendations to anyone licensed under the lead hazard control law. All lead hazard control orders must inform the recipient of the recommendations, but no one may use the recommendations as justification for refusing to comply with a lead hazard control order.

### **Lead abatement professionals**

(secs. 3742.01 and 3742.02)

Under continuing law, only persons licensed to do so may perform lead abatement. "Lead abatement," under prior law, meant a set of measures designed and intended to eliminate lead hazards. It included removal, encapsulation, or enclosure of lead hazards; replacement of lead-contaminated surfaces or fixtures;

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<sup>3</sup> *Sponsors of charter schools include local boards of education and the State Board of Education.*

removal or covering of lead-contaminated soil; and preparation, cleanup, disposal, and postabatement activities associated with the abatement.

Under the act, the activities for which a person must be licensed as a lead abatement professional are described as a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. The act specifies that "permanent" is an expected design life of at least 20 years. It further specifies that lead abatement includes the following:

- (1) Removal of lead-based paint and lead-contaminated dust;
- (2) Permanent enclosure or encapsulation of lead-based paint;
- (3) Replacement of surfaces or fixtures painted with lead-based paint;
- (4) Removal or permanent covering of lead-contaminated soil;
- (5) Preparation, cleanup, and disposal activities associated with lead abatement.

#### **Exclusions and exceptions**

The act provides that lead abatement does not include the preventive treatments that must be completed for a property to be legally presumed under the act not to be the source of an individual's lead poisoning. Therefore, the persons who engage in these activities do not have to be licensed as lead abatement professionals.

The act provides that lead abatement does not include implementation of interim controls, which the act describes as a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs. The persons who implement interim controls are not required by the act to be licensed, but the act prohibits them from performing interim controls without complying with federal regulations when a residential unit, child day-care facility, or school is involved. Violators are subject to the same criminal penalties that may be imposed under the laws requiring licensure of lead abatement personnel.

The act eliminates a provision specifying that the prohibitions on performing lead abatement activities without a license do not apply to an individual performing lead abatement on property used as the individual's private residence. Instead, the act provides that lead abatement does not include activities performed by a property owner on a residential unit that is a freestanding single-

family home used as the property owner's private residence, and in which no child under six years of age who has lead poisoning resides.

**Lead clearance technician licensing**

(secs. 3742.01, 3742.02, 3742.03, 3742.04, 3742.05, 3742.06, 3742.071, 3742.08, 3742.10, 3742.15, and 3742.17)

The act establishes licensing requirements for clearance technicians, effective one year after the act's effective date. A clearance technician license authorizes the license holder to perform a clearance examination, which the act describes as an examination to determine whether the lead hazards in a residential unit, child day-care facility, or school have been sufficiently controlled. The act specifies that a clearance examination includes a visual assessment, collection, and analysis of environmental samples. Clearance examinations may also be performed by licensed lead inspectors or lead risk assessors.

The licensing requirement applies only when a clearance examination involves a residential unit, child day-care facility, or school. Violators of the requirement are subject to the same criminal penalties that may be imposed under the laws requiring licensure of lead abatement personnel.

A clearance technician is authorized to perform a clearance examination when the examination is in connection with activities other than lead abatement. The act specifies that a clearance examination performed in connection with lead abatement can be performed only by a licensed lead inspector or lead risk assessor.

The Public Health Council is required by the act to adopt rules in accordance with the Administrative Procedure Act specifying the procedures to be followed by a clearance technician, lead inspector, or lead risk assessor in performing a clearance examination. The rules must specify record-keeping and reporting requirements regarding clearance examinations. The act permits the Director to review and examine these records and reports.

As part of the Director's duties under the act, the Director must conduct, specify requirements by rule, or approve training programs for licensure of clearance technicians and maintain a list of licensed clearance technicians. In addition to these requirements, the act requires the Public Health Council to adopt rules in accordance with the Administrative Procedure Act that specify requirements for training and licensure of clearance technicians. Under these rules, the training requirements to obtain an initial license cannot exceed six hours and the requirements for refresher training cannot exceed two hours every four years.

The act permits the Director after receiving a complaint from any person about a clearance technician, to investigate the complaint and take appropriate action. The complainant's name must be kept confidential and cannot be released without the complainant's consent.

As under continuing law applicable to licensed lead abatement personnel, the act establishes an immunity from civil liability for injury that results from acts or omissions of a licensed clearance technician, unless the acts or omissions are negligent. Similarly, immunity from civil liability extends to persons who contract with licensed clearance technicians, unless the person knew or could reasonably have been expected to know that an act or omission was not in accordance with generally accepted practices or with procedures established by law at the time the activity took place. The act specifies that the immunity provisions govern all claims for lead-related injuries arising from clearance examinations. It also specifies that the provisions govern all claims for lead-related injuries arising from the activities for which a license is required.

**Monitoring quality of work**

(sec. 3742.04)

The act requires the Director to establish a program to monitor and audit the quality of work of lead inspectors, lead risk assessors, lead abatement project designers, lead abatement contractors, lead abatement workers, and clearance technicians. The act permits the Director to refer improper work discovered through the program to the Attorney General for appropriate action.

**Professional practice and safety requirements**

(secs. 3742.07 and 3742.071)

In addition to the act's other specifications regarding the activities performed by persons licensed as lead abatement professionals and clearance technicians, the act does the following:

(1) Requires that the lead abatement contractor primarily responsible for a lead abatement project ensure that all persons involved follow the worker protection standards established by the United States Occupational Safety and Health Administration;

(2) Permits the Director to issue an immediate cease work order to a license holder if the Director determines that the license holder is violating the terms or conditions of the license in a manner that endangers or materially impairs the health or well-being of an occupant of a residential unit, child day-care facility, or school or a person employed to perform a lead abatement;

(3) Requires a lead risk assessor to certify in writing the precise results of a lead risk assessment and options for reducing identified lead hazards.

**Prohibitions applied when residential units, child-day care facilities, and schools are involved**

(secs. 3742.02, 3742.05, 3742.06, and 3742.99)

The act specifies that certain prohibitions and their corresponding criminal penalties are applicable only when a residential unit, child day-care facility, or school is involved. In provisions of prior law that referred to a "structure," which was limited by definition to private residences and places commonly used to provide education or day-care to children under age six, the act's specification has a similar result. Prohibitions subject to the act's specification include the following:

(1) Applying or causing lead-based paint to be applied, unless there is no suitable substitute;

(2) Authorizing or employing an unlicensed person to perform lead abatement;

(3) Performing lead abatement activities without the appropriate license;

(4) Performing lead training without being approved by the Director of Health;

(5) Providing lead testing services or professional advice as a lead abatement contractor without using an employee who is licensed as a lead inspector or lead risk assessor;

(6) Providing advice on the need for lead abatement and then participating in a lead abatement project without recommending that the customer obtain a second opinion;

(7) Using professionally the services of an environmental lead analytical laboratory that has not been approved by the Director of Health;

(8) Working as a licensed lead abatement worker without the on-site supervision of a lead abatement contractor;

(9) Implementing a lead abatement project without a written respiratory protection plan, without ensuring proper licensing of workers, without ensuring that each worker was examined by a physician in the preceding year, and without notifying the Department of Health at least ten days before beginning the project.



### **Social Security numbers of license applicants**

(sec. 3742.05)

As a condition of receiving a license as a lead inspector, lead abatement contractor, lead risk assessor, lead abatement project designer, lead abatement worker, or clearance technician, the act requires the applicant to provide the Director of Health with the applicant's Social Security number.

### **Rulemaking authority regarding licensed activities**

(secs. 3742.03 and 3742.04(A)(4))

Continuing law requires that the Public Health Council adopt rules in accordance with the Administrative Procedure Act governing the administration and enforcement of the law governing the licensing of lead abatement personnel and the performance of lead abatement activities. In addition to including provisions for the Council to adopt rules on clearance technician licensure, the act does the following:

(1) Requires the Council to specify environmental sampling techniques for use in collecting samples of dust, in addition to the continuing authority to specify environmental sampling techniques for use in collecting samples of air, water, paint, and other materials;

(2) Modifies the duty to adopt rules specifying the safety and durability standards a manufacturer must meet to be approved by the Director of Health as a manufacturer of "lead abatement systems or products" by instead requiring the Council to adopt rules applicable to manufacturers of "encapsulants";<sup>4</sup>

(3) Eliminates the provision allowing the Council's rules to specify any other requirements the Council considers appropriate for the administration and enforcement of the laws regarding lead hazard control;

(4) Transfers other provisions to the Council's rulemaking authority regarding the Child Lead Poisoning Prevention Program and the control of lead hazards.

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<sup>4</sup> Under the act, "encapsulation" continues to mean the coating and sealing of surfaces with durable surface coating specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-containing paint from becoming part of house dust or otherwise accessible to children.

### **Criminal prosecutions**

(sec. 3742.99)

Under continuing law, at the request of the Director of Health, a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer may commence a criminal action against a person who violates any provision of the laws governing licensure of lead hazard control professionals. The act permits a board of health to request that an action be commenced.

### **Lead Abatement Personnel Licensing Fund**

(secs. 3742.18, 3742.19, and 3742.99)

The act changes the name of the Lead Program Fund to the Lead Abatement Personnel Licensing Fund. Under the act, moneys in the fund may be used solely for the administration and enforcement of the licensing provisions of the laws on lead hazard control. In addition to any grant, contribution, or other money received for the personnel licensing purposes, the act requires that all civil penalties and criminal penalties related to licensing be deposited into the state treasury to the credit of the Fund. Also to be deposited in the Fund are fines resulting from criminal prosecutions of persons who violate the prohibition on having lead-safe renovation performed in lieu of lead abatement on a residential unit, child day-care facility, or school at which a lead-poisoned child under age six has been identified.

### **Changes to definitions**

(sec. 3742.01)

To correspond with the act's operative changes and to clarify provisions of prior law, the act modifies the statutory definitions of certain terms. For example, the act does the following:

(1) Specifies that a "lead hazard" is a material that *is likely to* cause lead exposure, rather than a material that *may* cause the exposure;

(2) Expands the meanings of "lead risk assessment" and "lead risk assessor" by specifying that the assessment involves any lead hazard, not only lead-based paint;

(3) Removes from the definitions of "lead risk assessment" and "lead inspection" operative provisions that require issuance of a report;

(4) Specifies that "replacement" and "encapsulation" are not limited to lead abatement activities;

(5) Specifies that "lead-contaminated dust" is not limited to dust on specific types of buildings;

(6) Eliminates the definition of "structure" as any house, apartment, or building, used as an individual's private residence or commonly used as a place of education or child day-care center for children under six years of age, including (1) the interior and exterior surfaces and all common areas of the structure, (2) every attached or unattached structure located within the same lot line, including garages, play equipment, and fences, and (3) the lot or land occupied by the structure.

### **WELLNESS BLOCK GRANT AND CHILD ABUSE AND NEGLECT PREVENTION<sup>5</sup>**

#### **Administrative agent of Wellness Block Grant Program**

(secs. 121.371 and 3109.17(D))

Prior law provided for the Wellness Block Grant Program to be used to make grants to county family and children first councils to fund community-based programs of prevention services that addressed issues of broad social concern. The Ohio Family and Children First Cabinet Council was required to oversee the program. The law required the Children's Trust Fund Board to serve as the program's administrative agent and permitted the Board to accept gifts, donations, grants and other monies for the program from any source. To cover administrative expenses, the Board was authorized to use an amount not to exceed one percent of the total amount available for the program in a fiscal year.

The act makes the Ohio Department of Job and Family Services (ODJFS) the administrative agent of the Wellness Block Grant Program. The act also eliminates provisions regarding the Board's acceptance of gifts and monies for the program and the use of a portion of the total amount available for the program to cover administrative expenses. The Ohio Family and Children First Cabinet Council is to determine by itself, rather than with the Board, the issues of broad social concern that community-based programs of prevention services that receive funds from the program are to address. The Cabinet Council is also to establish by itself, rather than with the Board, criteria for assessing a county council's progress in achieving the goals of the program and revise the allocation of funds that a

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<sup>5</sup> *The same Wellness Block Grant and child abuse and neglect prevention provisions were enacted by Sub. S.B. 121 of the 124th General Assembly.*

county council receives if the county council does not operate in accordance with the program guidelines and criteria. The Board is no longer required to prepare an annual report detailing the program's results.

The act eliminates the requirements that county councils submit to the Board a program and fiscal plan that outlines its proposals for expenditure of its grant and designate a fiscal agent to receive the grant. County councils are no longer required to submit program and fiscal accountings regarding the use of the grant.

**Funding and oversight of county child abuse and neglect prevention programs**

(secs. 3109.13, 3109.17, and 3109.18)

Continuing law creates the Children's Trust Fund in the state treasury for the purpose of funding child abuse and child neglect prevention programs on the county level. Prior law defined "child abuse and child neglect prevention programs" as programs designed to prevent child abuse and child neglect, including, but not limited to, any of the following:

- (1) Public awareness programs that pertain to child abuse or child neglect.
- (2) Community-based, family-focused support services and activities that build parenting skills; promote parental behaviors that lead to healthy and positive personal development of parents and children; promote individual, family, and community strengths; or provide information, education, or health activities that promote the well-being of families and children.
- (3) Programs that train and place volunteers in programs that pertain to child abuse or child neglect.

The act creates a new definition of "child abuse and child neglect prevention programs." Under the act, child abuse and child neglect prevention programs are programs that use primary and secondary prevention strategies that are conducted at the local level and activities and projects of statewide significance designed to strengthen families and prevent child abuse and child neglect. "Primary prevention strategies" are defined as activities and services provided to the public designed to prevent or reduce the prevalence of child abuse and child neglect before signs of abuse or neglect can be observed. "Secondary prevention strategies" are defined as activities and services that are provided to a specific population identified as having risk factors for child abuse and child neglect and are designed to intervene at the earliest warning signs of child abuse or child neglect, or whenever a child can be identified as being at risk of abuse or neglect.

### *Distribution of funds*

The Children's Trust Fund Board is required, as part of its administration of a biennial state plan for comprehensive child abuse and child neglect prevention, to make a block grant to each county and multi-county child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs.<sup>6</sup> The act requires that the Board allocate funds, rather than make block grants, to the advisory boards. The act also requires the Board to allocate funds to entities other than child abuse and child neglect prevention advisory boards for the purpose of funding child abuse and child neglect programs approved in the biennial state plan.

Each child abuse and child neglect prevention advisory board is required to make grants to child abuse and child neglect prevention programs consistent with a comprehensive allocation plan the advisory board develops for the purpose of preventing child abuse and child neglect.<sup>7</sup> Under prior law, an advisory board is required to notify potential applicants about the availability of funds from the Children's Trust Fund. The act requires instead that an advisory board provide effective public notice, as defined in ODJFS rules, to potential applicants about the availability of funds from the Children's Trust Fund.<sup>8</sup> The effective public notice must include an estimate of the amount of money available for grants within each county or district, the date of at least one public hearing, information on obtaining a copy of the grant application form, and the deadline for submitting grant applications.

Prior law required that applications for grants from the Children's Trust Fund be made to a child abuse and neglect prevention advisory board on forms ODJFS prescribed. The act requires instead that applications be made on forms the Children's Trust Fund Board prescribes. The Children's Trust Fund Board must provide each advisory board a Children's Trust Fund application form.

Under prior law, each advisory board was required to review all applications received using any criteria developed by the advisory board. The act requires that the advisory boards use criteria the Children's Trust Fund Board specifies in its biennial state plan.

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<sup>6</sup> *Continuing law creates the Children's Trust Fund Board in ODJFS.*

<sup>7</sup> *Child abuse and child neglect prevention advisory boards must submit their allocation plan to the Children's Trust Fund Board.*

<sup>8</sup> *The act requires the Children's Trust Fund Board to include in its biennial state plan the definition of "effective public notice" specified in the ODJFS rules.*

### **Information from grant recipients**

Prior law required each recipient of a Children's Trust Fund grant from a child abuse and child neglect prevention advisory board to file with the advisory board a copy of an annual report that included the information the advisory board required. The act requires instead that the annual report include information the Children's Trust Fund Board requires.

### **Return of unspent grant funds**

Any grant funds not spent by a recipient of the funds within the time specified by the terms of the grant must be returned to the county treasurer. Under prior law, any returned grant funds that were not redistributed by the child abuse and child neglect prevention advisory board within the time specified by the terms of the original grant had to be returned to the state treasurer.<sup>9</sup> The act provides instead that the returned grant funds are to be returned to the state treasurer if the advisory board does not redistribute the funds within the state fiscal year in which they are received.

### **Report**

(sec. 3109.17(C))

Prior law required the Children's Trust Fund Board to prepare a report for each fiscal biennium that evaluated the expenditures of money from the Children's Trust Fund. The act requires that the report delineate, rather than evaluate, the expenditures.

### **Children's Trust Fund Board**

(secs. 3109.15, 3109.16, and 3109.18)

### **Public members**

Continuing law requires the Children's Trust Fund Board to consist of 15 members, eight of whom must be public members appointed by the Governor. Five of these public members must be residents of counties where the population exceeds 400,000 persons, and no more than one such member can be a resident of the same county. The act requires five of the eight public members of the Board be residents of metropolitan statistical areas, not counties, where the population

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<sup>9</sup> *The state treasurer is required to deposit the returned funds into the Children's Trust Fund to be spent for purposes consistent with the Children's Trust Fund Board's biennial state plan.*

exceeds 400,000 persons. No more than two of such members can be residents of the same metropolitan statistical area.

Public members serve three year terms, with each member serving until the member's successor is appointed. The act provides that each public member serves until the member's successor is appointed, or until a period of 60 days has elapsed, whichever occurs first. Prior law provided that no public member was permitted to serve more than two consecutive terms, regardless of whether the terms were full or partial. The act provides that a public member may not serve more than two consecutive full terms.

### **Appointment of chairperson and vice-chair**

The Children's Trust Fund Board includes four legislative members: two each from the House of Representatives and Senate. Prior law required that the Board chairperson be appointed jointly by the Speaker of the House and the Senate President from among the legislative members of the Board. The act changes the manner in which the chairperson is to be appointed. Under the act, the Speaker of the House must appoint the chairperson at the beginning of the first year of each even-numbered General Assembly from among the members who are Representatives. The Senate President must appoint the chairperson at the beginning of the first year of each odd-numbered General Assembly from among the members who are Senators. The act requires the Board to biennially select a vice-chair from among its non-legislative members.

### **Quorum**

Under prior law, a majority of the quorum of the Children's Trust Fund Board was required to approve the state plan for the allocation of funds from the Children's Trust Fund. The act provides that a majority of the Board members, rather than a quorum, is needed to adopt the state plan and a majority of the quorum is required to make all other decisions of the Board.

### **Quarterly meetings**

The act requires the Board to meet at least quarterly.

### **Executive director**

(sec. 3109.16)

Under prior law, the Children's Trust Fund Board, on the recommendation of the ODJFS Director, was required to approve the employment of the staff that administers the Board's programs. The act requires that the Board approve the employment of an executive director, rather than staff.

## **County child abuse and child neglect prevention advisory boards**

(sec. 3109.18)

### **Composition of county boards**

(sec. 3109.18(A) and (D))

Under continuing law, a board of county commissioners may establish a child abuse and child neglect prevention advisory board or designate the county family and children first council to serve as the advisory board. Or, the boards of county commissioners of two or more contiguous counties may form a multi-county district to be served by a child abuse and child neglect prevention advisory board or designate a regional family and children first council to serve as the district advisory board.

Except in the case of a county or regional family and children first council designated to serve as a child abuse and child neglect prevention advisory board, each advisory board must consist of an odd number of members from both the public and private sectors. Various entities may be represented on the advisory board, including parent groups, juvenile justice personnel, school personnel, counselors, and child day-care providers. The act includes social workers with counselors among the entities that may be represented on an advisory board.

### **Conflict of interest**

(sec. 3109.18(G))

The act prohibits a child abuse and child neglect prevention advisory board member from participating in the development of the advisory board's comprehensive allocation plan if it is reasonable to expect that the member's judgment could be affected by a conflict of interest. "Conflict of interest" is defined as the taking of any action that violates any applicable provision of law governing ethics of public officials or criminal law regarding public officials' offenses against justice or public administration. An advisory board must submit questions relating to the existence of a conflict of interest pertaining to the law governing ethics of public officials to the Ohio Ethics Commission for resolution. An advisory board must ask the local prosecuting attorney to resolve questions relating to the existence of a conflict of interest pertaining to the criminal law regarding public officials' offenses against justice or public administration.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-10-01	pp. 414-415
Reported, H. Health & Family Services	02-27-02	pp. 1473-1474
Passed House (94-0)	03-12-02	pp. 1509-1510
Reported, S. Health, Human Services and Aging	12-05-02	p. 2277
Passed Senate (31-0)	12-05-02	p. 2285
Concurrence (94-0)	12-06-02	pp. 2293-2294

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