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## DEPARTMENT OF HEALTH

### Infant mortality scorecard

- Requires the Department of Health (ODH) to automate its infant mortality scorecard to refresh data in real time on a publicly available data dashboard, as opposed to updating the scorecard quarterly.

### WIC vendors

- Requires ODH to process and review a WIC vendor contract application within 45 days of receipt under specified circumstances.

### Program for Children and Youth with Special Health Care Needs

- Changes the name of ODH's Program for Medically Handicapped Children to the Program for Children and Youth with Special Health Care Needs.

### Admission and medical supervision of hospital patients

- Cancels the scheduled repeal of statutory law governing the admission and medical supervision of hospital patients, including admissions initiated by advanced practice registered nurses and physician assistants.

### Second Chance Trust Fund Advisory Committee

- Removes the term limits for members of the Second Chance Trust Fund Advisory Committee (currently limited to two consecutive terms, whether full or partial).
- Removes the requirement that the Committee's election of a chairperson from among its members be annual, instead leaving the details of a chairperson's term to Committee rules.

### Smoking and tobacco

#### Flavored tobacco products

- Prohibits selling, giving away, or otherwise distributing flavored tobacco products to any person, regardless of age.
- Stipulates that a product is presumed to be a flavored tobacco product following a statement or claim by the manufacturer or other authorized person that the product has a taste or smell other than tobacco.
- Requires the Director of Health to impose a fine of at least \$500 for a first violation, \$750 for a second violation within 60 months, and \$1,000 for subsequent violations within 60 months.
- Requires ODH to use fine revenue to defray the cost of enforcing the bill's prohibition on distributing flavored tobacco products.
- Allows the Director to refer repeat violators to the Attorney General for prosecution.

- Stipulates that distributing flavored tobacco products may be grounds for denying, refusing to renew, or revoking state or local food, liquor, tobacco, or other business licenses.
- Provides that, if an employee of a tobacco retailer sells flavored tobacco products at the retailer's place of business, the employee's violation is considered a violation by the tobacco retailer.

### **Minimum age to sell tobacco products**

- Prohibits tobacco businesses from allowing an employee under 18 to sell tobacco products.

### **Registration of vapor products retailers**

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

### **Shipment of vapor products and electronic smoking devices**

- Prohibits shipment of vapor products and electronic smoking devices to persons other than licensed vapor distributors, vapor retailers, operators of customs bonded warehouses, and state and federal government agencies or employees.
- Prohibits shipping vapor products or electronic smoking devices in packaging other than the original container unless the packaging is marked with the words "vapor products" or "electronic smoking devices."

## **Other tobacco law changes**

- Clarifies that substances intended to be aerosolized or vaporized during the use of an electronic smoking device need not contain nicotine to be considered part of the device under the law governing the sale and distribution of tobacco products.
- Clarifies that a component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, or pipes, need not contain nicotine to be considered a tobacco product under the law governing the sale and distribution of such products.
- Removes an extraneous definition for “proof of age,” which is not used anywhere in the law governing the sale and distribution of tobacco products.

## **Moms Quit for Two**

- Continues the Moms Quit for Two grant program for the delivery of tobacco cessation interventions to women who are pregnant or living with children and reside in communities with the highest incidence of infant mortality.

## **Renovation, Repair, and Painting Rule**

- Authorizes the ODH Director to enter into agreements with the U.S. Environmental Protection Agency for the administration and enforcement of the federal Renovation, Repair, and Painting (RRP) Rule, which establishes requirements regarding lead-based paint hazards associated with renovation, repair, and painting activities.
- Allows the Director to both:
  - Accept available assistance in support of those agreements; and
  - Adopt rules to administer and enforce the federal RRP Rule.

## **Environmental health specialists**

- Recodifies R.C. Chapter 4736, the law governing environmental health specialists (EHSs) and environmental health specialists in training (EHSs in training), in new R.C. Chapter 3776.
- Adds that EHSs and EHSs in training may administer and enforce the law governing tattoos and body piercing.
- Clarifies that EHSs and EHSs in training may administer and enforce the law governing hazardous waste.
- Removes all statutorily imposed fee amounts associated with EHS and EHS in training registration and renewal, and instead requires the ODH Director to establish those fees through rulemaking.
- Clarifies that all fees collected under the EHS law are deposited into the ODH General Operations Fund, and eliminates a conflict in current law that requires the fees to be deposited in both that fund and the Occupational Licensing and Regulatory Fund.

- Broadens the ODH Director’s rulemaking authority regarding EHSs and EHSs in training, including allowing any rulemaking that is necessary for the administration and enforcement of the EHS law.
- Allows the ODH Director to prescribe the requirements governing and form of examination for initial EHS registration, rather than requiring applicants to take an examination created by the National Environmental Health Association as in current law.
- In preparing the examination, allows the ODH Director to utilize materials prepared by specified experts in environmental health.
- Specifies that an EHS applicant who fails their initial exam may retake the examination at a time and place specified by the ODH Director.
- Requires an EHS applicant who is retaking an examination to resubmit an application and pay the application fee.
- Requires EHSs in training to comply with the same continuing education requirements as are required for EHSs, such as biennially completing a 24-hour continuing education program in specified subjects.
- Repeals the requirements that the ODH Director provide, at least once annually, to each EHS a list of approved courses that satisfy the continuing education program and supply a list of continuing education courses to an EHS upon request.
- Clarifies that the ODH Director may renew an EHS or EHS in training registration 60 days prior to expiration, provided the applicant pays the renewal fee and proof of compliance with continuing education requirements.
- Specifies that an EHS in training has up to four years (with a two-year possible extension) to apply as an EHS instead of three years (with a two-year possible extension) as under current law.
- Prohibits a person who is not a registered EHS in training from using the title “registered environmental health specialist in training” or the abbreviation “E.H.S.I.T.,” or representing themselves as a registered EHS in training.
- Repeals the requirements that the ODH Director:
  - Prepare annually a list of the names and addresses of every registered EHS and EHS in training and a list of every EHS and EHS in training whose registration has been suspended or revoked within the previous year; and
  - Assign a serial number to each certificate of registration and include it in EHS and EHS in training registration records.
- Removes the requirement that the ODH Director obtain the advice and consent of the Senate when appointing members of the Environmental Health Specialist Advisory Board.

## Household sewage treatment systems (HSTS)

- Specifies that an HSTS is causing a public health nuisance if it is discharging to a dry well, cesspool, sinkhole, or other connection to groundwater.
- Specifies that an HSTS component is an independent portion of the system that provides effluent treatment and includes septic tanks, approved pretreatment products, tertiary treatment products, and soil absorption products.
- Specifies that an HSTS component does not include dry wells, leaching wells, abandoned wells, drainage wells, cesspools, sinkholes, and other direct connections to groundwater that do not provide effluent treatment.

## Infant mortality scorecard

(R.C. 3701.953)

The Ohio Department of Health (ODH) is required to create and publish an infant mortality scorecard tracking statewide data related to infant mortality. Current law requires it to publish the scorecard on its website and update the data quarterly. The bill requires ODH instead to build and automate a publicly available data dashboard that refreshes data in real time.

## WIC vendors

(Section 291.40)

The bill maintains a requirement in uncodified law that ODH process and review a WIC vendor contract application pursuant to existing ODH regulations within 45 days after receipt if the applicant is a WIC-contracted vendor and (1) submits a complete application and (2) passes the required unannounced preauthorization visit and completes the required in-person training within that 45-day period. If the applicant fails to meet those requirements, ODH must deny the application. After denial, the applicant may reapply during the contracting cycle of the applicant's WIC region.

WIC is the Special Supplemental Nutrition Program for Women, Infants, and Children. WIC helps eligible pregnant and breastfeeding women, women who recently had a baby, infants, and children up to five years of age. It provides nutrition education, breastfeeding education and support; supplemental, highly nutritious foods and iron-fortified infant formula; and referral to prenatal and pediatric health care and other maternal and child health and human service programs.

## Program for Children and Youth with Special Health Care Needs

(R.C. 3701.023 with conforming changes in numerous other R.C. sections)

The bill changes the name of the Program for Medically Handicapped Children to the Program for Children and Youth with Special Health Care Needs.

The program is administered by ODH and serves families of children and young adults with special health care needs, including AIDS, hearing loss, cancer, juvenile arthritis, cerebral

palsy, metabolic disorders, cleft lip/palate, severe vision disorders, cystic fibrosis, sickle cell disease, diabetes, spina bifida, scoliosis, congenital heart disease, hemophilia, and chronic lung disease. The program has three core components: diagnostic, treatment, and service coordination.

## **Admission and medical supervision of hospital patients**

(Section 130.56, primary; sections 130.54 and 130.55, amending Sections 130.11 and 130.12 of H.B. 110 of the 134<sup>th</sup> G.A.; conforming changes in Sections 130.50 to 130.53)

The bill cancels the repeal – scheduled for September 30, 2024 – of statutory law governing the admission and medical supervision of hospital patients, including admissions initiated by advanced practice registered nurses and physician assistants, and makes conforming changes in related statutes.<sup>34</sup> Under H.B. 110, the main operating budget of the 134<sup>th</sup> General Assembly, this law is scheduled to be repealed as part of H.B. 110's provisions requiring each hospital to hold a license issued by the ODH Director by September 30, 2024.

## **Second Chance Trust Fund Advisory Committee**

(R.C. 2108.35)

The bill makes changes to the Second Chance Trust Fund Advisory Committee. First, it removes the term limits for members, who currently are limited to two consecutive terms, whether full or partial. Second, it removes the requirement that the Committee annually elect a chairperson from among its members, instead leaving the details of a chairperson's election and term to the rules of the Committee.

Under continuing law, the Committee makes recommendations to the ODH Director regarding how to spend proceeds of the Second Chance Trust Fund. The fund consists of voluntary contributions and its own investment earnings, used to promote organ donation in Ohio through public education and awareness campaigns, outreach to legal and medical organizations, and recognition of donor families.

## **Smoking and tobacco**

### **Flavored tobacco products**

(R.C. 2927.02(A)(6), (B)(8), (F), and (G)(3))

#### **Prohibition**

The bill prohibits selling, giving away, or otherwise distributing (hereafter, "distributing") flavored tobacco products to any person, regardless of age. It defines "flavored tobacco product" as a tobacco product, vapor product, or alternative nicotine product that conveys a taste or smell, other than tobacco, that is recognizable by an ordinary consumer before or during consumption of the product. The taste or smell may be related to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, molasses, honey, candy, dessert, alcoholic beverage, herb, or spice. The prohibition applies to all persons, including a manufacturer, producer, distributor, wholesaler, or

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<sup>34</sup> R.C. 3727.06, not in the bill. See also R.C. 3701.351, and R.C. 3727.70 and 4723.431, not in the bill.

retailer of cigarettes, other tobacco products, alternative nicotine products, or papers to roll cigarettes, and agents, employees, and representatives of any of those persons.

The bill stipulates that a statement or claim that a product has a taste or smell other than tobacco creates a presumption that the product is a flavored tobacco product when it is made by the product manufacturer or a person authorized by the manufacturer to make such a statement or claim.

### **Penalties**

The bill requires the Director of Health to impose the following civil penalties on a person who distributes flavored tobacco products:

<b>Flavored Tobacco Product Penalties</b>	
<b>Violation (within 60 months)</b>	<b>Penalty</b>
First violation	\$500
Second violation	\$750
Subsequent violations	\$1,000

Each day that a person distributes flavored tobacco products constitutes a separate violation. Violations that occur before the effective date of the prohibition or more than 60 months before the date of the person's most recent violation do not count towards the cumulative number of violations. If an employee of a tobacco retailer distributes flavored tobacco products at the retailer's place of business, the employee's violation is considered a violation by the tobacco retailer. The penalties prescribed by the bill are in addition to any other civil and criminal sanctions that may apply under continuing law.

The ODH Director or the Director's designee may request that the Attorney General prosecute a person following their third or subsequent violation. A court may grant an injunction against such a person or any other relief as the facts warrant. Distributing flavored tobacco products or failing to pay the resulting civil penalties may also be grounds for denying, refusing to renew, or revoking state or local food, liquor, tobacco, or other business licenses.

### **Flavored Tobacco Product Enforcement Fund**

All penalties collected from persons that distribute flavored tobacco products must be deposited to the Flavored Tobacco Product Enforcement Fund, which the bill creates. ODH must use moneys deposited to the fund to reimburse the costs of enforcing the prohibition on distributing flavored tobacco products.

## **Minimum age to sell tobacco products**

(R.C. 2927.02(B)(7), (E)(2), and (G))

The bill expands the offense of illegal distribution of tobacco products by prohibiting any person from allowing an employee under 18 to sell tobacco products. A violation of this provision is a fourth degree misdemeanor for a first offense, and a third degree misdemeanor on subsequent offenses.

The bill clarifies that it is not a violation of either of the following for an employer to permit an employee age 18, 19, or 20 to sell a tobacco product:

- The prohibition against distributing tobacco products to any person under 21;
- The prohibition against distributing tobacco products in a place lacking required signage relating to the underage sale of tobacco products.

## **Registration of vapor products retailers**

(R.C. 2927.02, 2927.025, 2927.026, 2927.027, 3701.841, and 5703.21)

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

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

### **Application**

A person that seeks registration as a vapor retailer must submit a sworn application to the ODH Director that states the applicant’s name, address, telephone number, and email address, and the location of each place of business at which the applicant proposes to sell vapor products to consumers. In addition, the Director may require an applicant to submit documentation showing that each place of business complies with all state and local building, fire, and zoning requirements. All application materials must be submitted on a form designated by the Director. Initial applicants must pay \$200 in total fees for each proposed place of business.

### **Review**

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

- The applicant willfully made a materially false statement in the application or in other correspondence with ODH;

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

The bill allows, but does not require, the Director to conduct an investigation as part of reviewing the application. The Director may request the assistance of the Tax Commissioner in determining whether the applicant is current on all state taxes, fees, and charges. The Commissioner must respond to such a request within 20 days, and the bill specifies that such a response does not constitute an impermissible disclosure of taxpayer information. Continuing law permits disclosure of certain information in possession of the Department of Taxation to other state agencies and offices under specified circumstances to aid in the implementation of state law. Otherwise, the disclosure of taxpayer information is prohibited and subjects the violator to employment termination and a fine.

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

### **Transfer or assignment**

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

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

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

## **Renewal**

A vapor retailer may renew a certificate of registration on or before the date it expires by filing an application for renewal and submitting a \$100 annual registration fee for each place of business. The bill prohibits the ODH Director from renewing the certificate of a vapor retailer that has not paid all outstanding penalties (see “**Penalties**” below) or to which any of the disqualifying conditions, discussed above in “**Review**,” apply.

## **Penalties**

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

The Director may suspend or revoke a certificate of registration if the vapor retailer is convicted of a violation of the law governing the sale and distribution of cigarettes, tobacco products, alternative nicotine products, or vapor products or if the Director determines that any of the disqualifying conditions, discussed above in “**Review**,” apply.

## **Tobacco Use Prevention Fund**

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

## **Rulemaking**

The bill requires the ODH Director to adopt rules for the administration of the vapor retailer registration. The rules must include procedures for appealing the denial, refusal to renew, suspension, or revocation of a registration.

## **Shipment of vapor products and electronic smoking devices**

(R.C. 2927.02 and 2927.023)

Continuing law makes each of the following a criminal offense, punishable by a fine of up to \$1,000 for each violation:

- For any person to cause cigarettes to be shipped to a person in Ohio other than an authorized recipient of tobacco products;
- For a common carrier, contract carrier, or other person to knowingly transport cigarettes to a person in Ohio that the carrier or other person reasonably believes is not an authorized recipient of tobacco products;
- For any person engaged in the business of selling cigarettes to ship cigarettes or cause cigarettes to be shipped in any container or wrapping other than the original container or wrapping without first marking the exterior with the word “cigarettes.”

The bill extends the same offenses to vapor products and electronic smoking devices, except that, for the third offense, the container or wrapping must instead be marked with the words “vapor products” or “electronic smoking devices.” In addition, the bill specifies that the following persons are “authorized recipients of vapor products or electronic smoking devices”: licensed tobacco or vapor distributors, vapor retailers (if all taxes have been paid), operators of customs bonded warehouses, state and federal government agencies and employees, and political subdivision agencies and employees.

### **Other tobacco law changes**

(R.C. 2927.02(A)(5), (6), and (7))

Continuing law prohibits giving, selling, or otherwise distributing cigarettes, tobacco products, vapor products, or electronic smoking devices to a person under 21, and includes numerous related prohibitions and requirements that make it more difficult for a person under 21 to obtain those products. The bill specifies that both of the following are subject to these prohibitions and requirements, regardless of whether they contain nicotine:

- Substances intended to be aerosolized or vaporized during the use of an electronic smoking device;
- Components or accessories used in the consumption of a tobacco product, such as filters, rolling papers, or pipes.

The bill also corrects a technical error by removing a definition for “proof of age,” which is not used anywhere in the law governing the sale and distribution of tobacco products.

### **Moms Quit for Two grant program**

(Section 291.30)

The bill continues Moms Quit for Two. Authorized in each biennium since 2015, it is a grant program administered by ODH that awards funds to government or private, nonprofit entities demonstrating the ability to deliver evidence-based tobacco cessation interventions to women who are pregnant or living with a pregnant woman and reside in communities that have the highest incidence of infant mortality, as determined by the ODH Director.

### **Renovation, Repair, and Painting Rule**

(R.C. 3742.11)

The bill authorizes the ODH Director to enter into agreements with the U.S. Environmental Protection Agency (USEPA) for the administration and enforcement of the federal Renovation, Repair, and Painting (RRP) Rule. Under the RRP Rule, firms performing renovation, repair, and painting projects that disturb lead-based paint in homes, child care facilities, and pre-schools built before 1978 must be certified by USEPA (or a USEPA-authorized state), use certified renovators who are trained by USEPA-approved training providers, and follow lead-safe work practices.

The bill also allows the Director to accept available assistance in support of the agreements. The Director may adopt rules to administer and enforce the federal RRP Rule. If the Director adopts rules, the rules must specify the following:

1. Provisions governing applications for certification to undertake renovation, repair, and painting projects;
2. Provisions governing the approval and denial of certification and the renewal, suspension, and revocation of certification;
3. Fees for any certification issued or renewed under the Rule;
4. Requirements for training and certification, which must include levels of training and periodic refresher training for certifications issued under the Rule;
5. Procedures to be followed by a person certified under the Rule to undertake renovation, repair, and painting projects and to prevent public exposure to lead hazards and ensure worker protection during renovation, repair, or painting projects;
6. Provisions governing the imposition of civil penalties (up to \$5,000 per violation) for violations of procedures adopted under the Rule;
7. Record-keeping and reporting requirements for a person certified under the Rule;
8. Procedures for the approval of training providers under the Rule, including specific training course requirements; and
9. Any other procedures and requirements that the Director determines necessary for implementation of the Rule.

## **Environmental health specialists**

(R.C. 4736.01 (renumbered to R.C. 3776.01), 4736.02 (renumbered to 3776.02), 4736.03 (renumbered to 3776.03), 4736.07 (renumbered to 3776.04), 4736.08 (renumbered to 3776.05), 4736.09 (renumbered to 3776.06), 4736.11 (renumbered to 3776.07), 4736.12 (renumbered to 3776.08), 4736.13 (renumbered to 3776.09), 4736.14 (renumbered to 3776.10), and 4736.15 (renumbered to 3776.11); R.C. 4736.05 (repealed), 4736.06 (repealed), and 4736.10 (repealed); R.C. 4736.17 (renumbered only) and 4736.18 (renumbered only); and R.C. 2925.01, 3701.33, 3701.83, 3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4743.05, 4776.20, and 5903.12 (conforming changes only))

The bill recodifies R.C. Chapter 4736, the law governing environmental health specialists (EHSs) and environmental health specialists in training (EHSs in training), in new R.C. Chapter 3776. EHSs and EHSs in training are registered professionals who engage in the practice of environmental health. They typically are employed by or contracted to work for local health districts, ODH, or the Department of Agriculture because of their specialized knowledge, training, and experience in the field of environmental health science.

Under current law, an EHS or EHS in training engages in the practice of environmental health by administering and enforcing various laws, including laws governing swimming pools, retail food establishments, food service operations, household sewage treatment systems, solid

waste, and construction and demolition debris. The bill adds that EHSs and EHSs in training may administer and enforce the law governing tattoos and body piercing. It also clarifies that EHSs and EHSs in training may administer and enforce the law governing hazardous waste.

## Fees

The bill removes all statutorily imposed fee amounts associated with EHS and EHS in training registration and renewal, and instead requires the ODH Director to establish those fees through rulemaking. Under current law, the fees for EHS and EHS in training are as follows:

EHS and EHS in training fees – current law	
Fee	Amount
EHS in training registration	\$50
EHS registration by an EHS in training	\$50
EHS registration by a non-EHS in training	\$100
EHS renewal	\$75
EHS in training renewal	\$35
Late renewal	\$75

The Director, with the approval of the Controlling Board, may establish fees in excess of those amounts, but not by more than 50%. However, the bill allows the Director to establish all fees through rulemaking. Additionally, it clarifies that all fees collected under the EHS law are deposited into the ODH General Operations Fund, and eliminates a conflict in current law that requires the fees to be deposited in both that fund and the Occupational Licensing and Regulatory Fund.

## Rulemaking authority

The bill broadens the ODH Director's rulemaking authority regarding EHSs and EHSs in training. Under current law, the Director must adopt rules governing certain EHS requirements, such as the examination verification procedures, the application form, criteria for determining what science courses qualify towards EHS education requirements, and the determination of continuing education program requirements. The bill expands the Director's rulemaking authority by authorizing the Director to adopt rules of a general application throughout Ohio for the practice of environmental health that are necessary to administer and enforce the EHS law, including rules governing all of the following:

1. The registration, advancement, and reinstatement of applicants to practice as EHSs or EHSs in training;

2. The administration of the EHS examination (which, under current law, is administered by a national organization);
3. Educational requirements necessary for the qualification for registration as an EHS or an EHS in training, including criteria for determining what courses may be included toward fulfillment of the science course requirements;
4. Continuing education requirements for EHSs and EHSs in training, including the process for applying for continuing education credits;
5. Any fees necessary to provide funding for the administration and enforcement of the EHS law; and
6. Any other rule necessary for the administration and enforcement of the EHS law.

### **EHS examination**

As indicated above, in order to qualify for registration as an EHS, an applicant must meet certain educational and employment requirements *and* pass an examination. The bill allows the ODH Director to prescribe the requirements governing and the form of the examination for initial EHS registration. The Director must ensure that the examination includes subjects in the field of environmental health science and other subjects as the Director may prescribe. Further, the Director must ensure that the examination is objective and practical. The Director may utilize materials prepared by specified experts in environmental health. Under current law, EHS applicants must take an examination created by the National Environmental Health Association.

The bill specifies that an EHS applicant who fails their initial exam may retake the examination at a time and place specified by the Director. It also requires an EHS applicant who is retaking an examination to resubmit an application and pay the application fee.

### **Continuing education**

The bill requires EHSs in training to comply with the same continuing education requirements as are required for EHSs. The continuing education program requires EHSs (and EHSs in training under the bill) to biennially complete 24 hours of continuing education in subjects relating to the practice of the profession. An EHS (and EHS in training under the bill) cannot renew their registration without submitting proof of completing the 24-hour continuing education requirement.

In addition, it repeals the requirements that the Director do both of the following:

1. Provide, at least once annually, to each EHS a list of approved courses that satisfy the continuing education program; and
2. Supply a list of continuing education courses to an EHS upon request.

### **EHS and EHS in training registration**

The bill clarifies that the ODH Director may renew an EHS or EHS in training registration 60 days prior to expiration, provided the applicant pays the renewal fee and submits proof of compliance with continuing education requirements. Current law is silent on the amount of time the Director may begin to renew registrations prior to their expiration date.

It also specifies that an EHS in training has up to four years, with a two-year possible extension, to apply as an EHS. Under current law, an EHS in training has three years to apply to register as an EHS. The Director may allow the two-year extension only for an EHS in training who provides sufficient cause for not applying for registration as an EHS within the normal time period.

Additionally, the bill eliminates the requirement that the Director annually prepare a list of the names and addresses of every registered EHS and EHS in training and a list of every EHS and EHS in training whose registration has been suspended or revoked within the previous year. It also eliminates the requirement that the Director assign a serial number to each certificate of registration and include it in the registration records. However, the bill retains other record-keeping requirements, such as the names and addresses of each applicant, the name and address of the employer or business connection of each applicant, application dates, an applicant's educational and employment qualifications, and the action taken by the Director on each application.

The bill prohibits a person who is not a registered EHS in training from using the title "registered environmental health specialist in training" or the abbreviation "E.H.S.I.T.," or representing themselves as a registered EHS in training. Whoever violates this prohibition is guilty of a fourth degree misdemeanor. This prohibition mirrors current law's prohibiting a person who is not a registered EHS from using the title "registered environmental health specialist" or the abbreviation "R.E.H.S.," or representing themselves as a registered EHS.

### **Advisory Board**

The bill removes the requirement that the ODH Director obtain the advice and consent of the Senate when appointing members of the Environmental Health Specialist Advisory Board. The Advisory Board, which is made up of seven appointees who are all EHSs, advises the Director regarding the registration of EHSs and EHSs in training, continuing education requirements, EHS examinations, the education and employment criteria for EHS and EHS in training applicants, and any other matters as may be of assistance to the Director.

### **Household sewage treatment systems (HSTS)**

(R.C. 3718.01 and 3718.011)

The bill specifies that an HSTS is causing a public health nuisance if it is discharging to a dry well, cesspool, sinkhole, or other connection to groundwater. Under current law retained by the bill, an HSTS is causing a public health nuisance when it is not operating properly due to a missing component, incorrect settings, or a mechanical or electrical failure or when there is a blockage in the system.

Additionally, the bill specifies that an HSTS component is an independent portion of the system that provides effluent treatment and includes septic tanks, approved pretreatment products, tertiary treatment products, and soil absorption products. However, it does not include dry wells, leaching wells, abandoned wells, drainage wells, cesspools, sinkholes, and other direct connections to groundwater that do not provide effluent treatment. Under current law, components of HSTSs require approval by the HSTS technical advisory committee and DOH.