

# Appropriations

## H.B. 74

(For details of the act's fiscal provisions see, the LSC Budget in Brief, As Enacted, LSC Comparison Document, As Enacted, LSC Appropriation Spreadsheets, and LSC Greenbooks, all of which are available on LSC's website, [www.lsc.ohio.gov](http://www.lsc.ohio.gov), under "Budget Central")

**Primary Sponsor:** Rep. Oelslager

**Effective date:** June 30, 2021; appropriations for current expenses effective March 31, 2021, but first apply July 1, 2021; certain other provisions effective March 31, 2021

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## DEPARTMENT OF PUBLIC SAFETY

### Temporary motor vehicle license registration

- Changes the name of the temporary license placard or windshield sticker issued after the purchase of a vehicle to temporary motor vehicle license registration.
- Generally requires, rather than authorizes, Ohio motorized bicycle dealers and licensed motor vehicle dealers to issue temporary motor vehicle license registrations by electronic means via computer equipment the dealer must buy and maintain.
- Eliminates both of the following:
  - The requirement that a dealer notify the Registrar of Motor Vehicles within 48 hours of issuing a temporary license placard by electronic or other Registrar-approved means; and
  - The \$5 service fee that applies when a dealer notifies the Registrar of the issuance of a placard by nonelectronic means.
- Authorizes, rather than requires, the Registrar to adopt rules specifying procedures for reporting information from temporary license registration applications and for providing that information to law enforcement.

### Farm bus registration

- Increases the period of validity of a motor vehicle registration for a farm bus from 210 days to 310 days.

### Commercial trailer and semitrailer registration

- Beginning January 1, 2022, requires the owner or lessee of a trailer or semitrailer that is registering it for the first time in Ohio to pay a one-time \$50 registration tax.
- Retains the requirement that an owner or lessee of a trailer or semitrailer that has previously registered the trailer or semitrailer in Ohio prior to 2022, pay the annual \$25 registration tax.

- Requires the Registrar to collect certain information regarding new registrations of trailers and semitrailers that result from the act's changes and provide a report to the Governor, Senate President, Speaker of the House, and Director of the Legislative Service Commission by March 15, 2023.

### **Vehicle registration reminder notices: E-Check**

- Clarifies that battery electric motor vehicles are excluded from the requirement to undergo an emissions inspection under the motor vehicle inspection and maintenance program (E-Check).
- Specifies that a battery electric motor vehicle is a passenger car powered wholly by a battery cell energy system that can be recharged via an external source of electricity.
- Requires the Registrar to include a statement in vehicle registration renewal notices that battery electric vehicles are not subject to E-Check.

### **Production of validation and county stickers**

- Allows the Registrar to adopt rules permitting third parties to print or produce validation and county identification stickers.
- Retains the authority for the Registrar to adopt rules permitting the Registrar or deputy registrars to produce the stickers, and retains the requirement that Ohio Penal Industries produce the stickers if the Registrar does not adopt the rules.

### **Issuance of registration certificates and stickers**

- Authorizes the Registrar to deliver a certificate of registration for a motor vehicle electronically.
- Removes the requirement that a validation sticker be issued for and displayed on a nonapportioned commercial tractor or any apportioned motor vehicle.
- Allows the Registrar to issue a county identification sticker that identifies the county of registration either by name or number, rather than only by name.

### **Specialty license plates**

- Defines specific license plates created through legislation, and that include a combination of words, markings, logos, or other artwork in addition to the items generally required by law, as "specialty license plates."
- Specifies that the fees for renewing a specialty license plate must be the same as the fees for initial issuance.
- Eliminates a prior intent statement that all applicants for a specialty license plate must pay the standard motor vehicle registration taxes and fees.
- Eliminates the minimum annual sales requirement for continued issuance of a specialty license plate.

- Eliminates the annual report that certain school districts and schools were required to submit to the Department of Mental Health and Addiction Services and to the Registrar regarding the use of the contributions for that district or school's specialty license plate.
- Makes technical changes to the specialty license plate law.

### **Salvage certificates of title**

- Permanently prohibits a clerk of court from issuing a salvage certificate of title if the only basis for issuing the title is information reported from the National Motor Vehicle Title Information System.

### **Electronic certificates of title**

- Specifies that "certificate of title" and "title" include both physical and electronic copies of a motor vehicle certificate of title.
- Authorizes the use of an electronic certificate of title for a casual sale of a motor vehicle.
- Requires the Registrar to develop an assignment form that may be used instead of a physical certificate of title for certain casual sales of a motor vehicle and in certain sales of a motor vehicle to a salvage dealer.
- Authorizes the Registrar and a deputy registrar to confirm proof of ownership electronically when a person first registers a motor vehicle.

### **Transfer of ownership by law**

- Authorizes two persons who wish to establish joint ownership with right of survivorship to an all-purpose vehicle or off-highway motorcycle to make a joint application for the certificate of title.
- Specifies that ownership of an all-purpose vehicle or off-highway motorcycle that is titled between two owners who have joint ownership with right of survivorship passes immediately to the surviving owner upon the death of the other owner.
- Authorizes owners of a motor vehicle, all-purpose vehicle, off-highway motorcycle, watercraft, and outboard motor who have title through joint ownership with right of survivorship to transfer that title through a transfer-on-death designation.

### **Online renewal of driver's license and identification card**

- Authorizes the Registrar to allow online renewal of a driver's license and state identification card (ID) for an eligible applicant.
- Specifies eligibility requirements for online renewal (e.g., the current license or ID was processed in person, the applicant is applying for a four-year license, and the applicant is not applying for a federally compliant Real ID).
- Specifies that the Registrar may require applicants to submit digital copies of any required identification or supporting documents as required by state or federal law.

- Requires all applicants to comply with all other related driver's license and ID laws (e.g., pay any necessary fees).
- Requires applications for other forms of identification issued by the BMV to be submitted in person (e.g., first issuance of a federally compliant Real ID, commercial driver's license, or nonrenewable license).

### **Sharing digital driver's license photos**

- Authorizes the Department of Public Safety (DPS) to release digitalized photographic records to the American Association of Motor Vehicle Administrators.
- Specifies that the purpose of this authorization is to allow other state departments of motor vehicles that participate in certain association programs to use the records for identity verification purposes.

### **Single credential**

- Prohibits a person from receiving a temporary instruction permit or ID until a person surrenders any permit or ID issued by another jurisdiction.
- Prohibits a person from possessing more than one valid temporary instruction permit or ID.
- Requires a person who becomes an Ohio resident to surrender any temporary instruction permit or ID issued by another state to the Registrar or a deputy registrar within 30 days of becoming a resident.
- Prohibits a new Ohio resident who fails to obtain a temporary instruction permit (or driver's license) within the 30-day period from operating a motor vehicle.
- Applies the existing criminal penalty to any violation of the prohibitions (a misdemeanor of the first degree).
- Requires the Registrar to report both of the following to an issuing state other than Ohio:
  - The cancellation of any temporary instruction permit or ID; and
  - Information that a temporary instruction permit or ID has now been issued to the person in Ohio.
- Requires the Registrar or a deputy registrar to destroy cancelled permits and IDs if not returned to the other state's issuing authority.
- Specifies that a Registrar or deputy registrar may only issue an ID or temporary identification card to a person who does not hold an ID from another jurisdiction.

### **Behind-the-wheel driver's training**

- Regarding driver training courses, requires the completion of the eight hours of behind-the-wheel instruction to occur after completion of all 24 hours of classroom or online instruction.

## **Remedial driver instruction courses**

- Eliminates the requirement that a remedial driver training course approved by the Director of Public Safety be conducted at least 50% in person, and provides instead that courses may be entirely in person, entirely remote, or a combination of the two.
- Requires the Director to approve a course in any of the three instruction methods if it is capable of meeting the instructional standards established by the Director.

## **Seizure of license plates after OVI offense**

- Eliminates the requirement that an arresting law enforcement officer remove the license plates on a vehicle seized as part of an arrest for an OVI offense and, instead, requires the license plates to remain on the vehicle unless ordered by a court.

## **Personal delivery devices**

- Increases the maximum empty-weight limit of personal delivery devices authorized to be used in Ohio from 200 pounds to 550 pounds.
- Authorizes personal delivery devices to transport cargo, in addition to property.

## **Preschool school zones**

- Authorizes the creation of a school zone around a preschool operated by an educational service center that is located on a street or highway with a speed limit of 45 m.p.h. or more, if the service center requests the county engineer to establish the school zone.
- As a result, prohibits a person from driving a motor vehicle faster than 20 m.p.h. in the school zone during recess or when children are going to or leaving the preschool during opening or closing hours.

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# **DEPARTMENT OF TRANSPORTATION**

## **Bridge inspections**

- Specifies that bridges must be inspected at least once every two years according to a schedule set by the Director of the Department of Transportation (ODOT), rather than at least once every year as in prior law.

## **Load limits on highways and bridges**

- Removes the general vehicle weight exemption for a vehicle that runs on stationary rails or tracks.
- Narrows the vehicle weight exemption that applies to all fire department vehicles (e.g., a fire engine) to certain fire department vehicles under specified conditions.
- Requires the Director or local authority to issue an overweight vehicle permit for a fire department vehicle with a five-year expiration date (rather than the standard one year) and at no cost to the municipal, township, or volunteer fire department.

## Outdoor advertising devices

- Limits application of the Outdoor Advertising Law to any type of outdoor sign or billboard to which both of the following apply:
  - It is owned or operated by a person or entity that earns compensation for the placement of a message on it; and
  - It is visible from the main traveled way of any highway on the interstate system or primary system in this state.
- Specifies that compensation is the exchange of anything of value including money, securities, real property interests, goods, services, a promise of future payment, or forbearance of a debt.
- Eliminates all restrictions regarding the placement of noncompensated signs within the vicinity of a highway on the interstate system or primary system.

## Scenic byways

- Expands the authority of the Director to designate a scenic byway to include any portion of a state, county, municipal, or township road or highway.

## Transportation Review Advisory Council funding for rail lines

- Requires the Director, in the process to select and prioritize major new transportation capacity projects, to include a policy that makes the purchase and replacement of rail lines used for public passenger commuter rail service, in a qualified county, eligible for funding approval by the Transportation Review Advisory Council.
- Specifies that a qualified county is one with a population between 1,100,000 and 1,300,000 (Cuyahoga County) in which an existing public passenger rail service is operated that does not operate in any other county.
- States that Council purchases of rail lines under the policy are other statutory highway purposes for which revenue from motor fuel taxes and other motor vehicle-related taxes may be spent under the Ohio Constitution.

## Highway maintenance and snow removal

- States that ODOT has the responsibility to maintain all interstate highways in Ohio.
- Permits the Director to enter into an agreement with a political subdivision to allow it to remove snow and ice from and to maintain, repair, improve, or provide lighting on interstate highways located within the political subdivision or to reimburse the political subdivision for such improvements.
- Continues the Catastrophic Snowfall Program to provide monetary aid for snow removal costs for municipal corporations, counties, and townships that receive 16 or more inches of snow in a 24-hour period.

## **Commercial motor vehicle parking**

- Requires ODOT, in conjunction with the State Highway Patrol, to reopen at least two permanently closed weigh stations per year beginning in 2021 and ending in 2024 to make them available for commercial motor vehicle overnight parking.
- Through June 30, 2023, permits ODOT to close a rest area only if the parking lot remains available for commercial motor vehicles.

## **Indefinite delivery indefinite quantity (IDIQ) contracts**

- Authorizes the Director to enter into IDIQ contracts for up to two projects in FYs 2022 and 2023.
- For IDIQ contracts, requires the Director to prepare bidding documents, establish contract forms, determine contract terms and conditions, develop and implement a work order process, and take any other action necessary to fulfill the Director's duties and obligations related to IDIQ contracts.

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# **TAXATION**

## **Transit authority membership and taxation**

- Temporarily reauthorizes a special procedure to allow certain subdivisions to join, with voter approval, a regional transit authority (RTA) that levies property tax and satisfies certain population criteria.
- Authorizes the ballot question to include a proposal to repeal all RTA property taxes and to instead levy an RTA sales and use tax.

## **Taxpayer information to verify grant or loan eligibility**

- Allows the Department of Taxation to disclose to the Ohio Rail Development Commission confidential taxpayer information for the purposes of verifying eligibility for grants or loans administered by the Commission and ensuring compliance with Ohio tax law.

## **Motor fuel tax allowances and refunds**

- Continues the 1% fuel dealer and 0.5% retailer shrinkage allowances in effect biennially since 2008, superseding the 3% and 1% allowances in permanent codified law.

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# **OTHER PROVISIONS**

## **Retail installment contracts**

- Allows a retail seller to charge an additional fee (or similar additional expense) as part of an installment contract if the fee or expense is expressly authorized by law.

## **Force accounts**

- Allows an increase to local political subdivision force account limits every two years that is the lesser of either:

- 3%; or
- The percentage increase in ODOT's construction cost index (CCI) as annualized and totaled for the prior two calendar years.
- Requires the ODOT Director to notify the appropriate local engineer or public official about the increased CCI amounts.
- Creates the Joint Committee on Force Accounts, made up of appointed members from the General Assembly and local political subdivision representative organizations, all of whom must be selected by April 2, 2021.
- Requires the Committee to study, take testimony regarding, and discuss issues surrounding force accounts for the local political subdivisions.
- Requires the Committee to submit a report of its findings and a summary of testimony by May 15, 2021, to the President, the Speaker, and the Minority Leaders of the Senate and the House.
- Dissolves the committee after submission of the report.

### **Transportation improvement district boards**

- Removes a requirement that members of the General Assembly serve on a transportation improvement district board of trustees.

### **Regional transportation improvement projects (RTIPs)**

- Authorizes the governing board of an RTIP to negotiate and enter into voluntary agreements that impose assessments on property located within a transportation financing district (TFD) designated by the board.
- Provides that assessments imposed pursuant to such agreements are collected in the same manner as real property taxes and are enforceable against current and future owners of the property.
- Requires all revenue from the assessments be used for transportation improvements described in the cooperative agreement that governs the RTIP.

### **Fireworks manufacturer and wholesaler licenses**

- Allows current and future fireworks manufacturer and wholesaler licensees to transfer their licenses from one geographic location to another upon application to, and approval from, the State Fire Marshal.
- Specifies that certain ownership transfers of fireworks manufacturer and wholesaler licenses are not subject to the current moratorium on new licenses if the transfer is through inheritance or a sale approved by the State Fire Marshal.



## Trade secrets in insurance filings

- Exempts trade secrets contained in filings, and related supporting information, which insurers submit to the Superintendent of Insurance from public inspection, and prohibits their release.

## Land conveyance

- Authorizes the Governor to convey state-owned land in Jefferson County to the state for the benefit of the Jefferson Soil and Water Conservation District.

## H.B. 75

(For details of the act's fiscal provisions see, the LSC Budget in Brief, As Enacted, LSC Comparison Document, As Enacted, LSC Appropriation Spreadsheets, and LSC Greenbook, all of which are available on LSC's website, [www.lsc.ohio.gov](http://www.lsc.ohio.gov), under "Budget Central")

**Primary Sponsor:** Rep. Oelslager

**Effective date:** Appropriations effective June 29, 2021; Sections 6 to 8 effective September 28, 2021

## Appropriations

- Appropriates funds for the Bureau of Workers' Compensation for the biennium ending June 30, 2023.

## Workers' compensation claims

- Shortens the filing time for workers' compensation claims arising on or after September 28, 2021, that are based on the employee's occupational disease, from two years to one year after disability due to the occupational disease or death of the employee.
- Maintains the law allowing a period longer than one year after disability if that time period does not exceed six months after a licensed physician diagnoses the disease as occupational in origin.
- Prohibits, for a claim pending on or arising on or after September 28, 2021, an individual who receives wages in lieu of temporary total disability compensation from filing an application for permanent partial disability compensation until 26 weeks after payment of the wages ends.
- Requires, for a claim pending on or arising on or after September 28, 2021, if the Industrial Commission has denied an application for permanent total disability compensation, an employee to present evidence of new and changed circumstances before the Commission may consider a subsequent application based on the same injury or occupational disease.
- Eliminates the requirement that the Administrator of Workers' Compensation prohibit a power of attorney that allows an attorney or employee to cash or endorse a check on behalf of a claimant.

## **Alternate employer organizations**

- Suspends the prohibition against an alternate employer organization (AEO) holding itself out, advertising, or otherwise identifying itself in any way as a professional employer organization until January 1, 2022.
- Eliminates an AEO's ability to use a bond to satisfy the security requirement for AEO registration with the Bureau of Workers' Compensation (BWC).

## **Disclosure of claimant information**

- Adds information identifying a claimant's name to the information about a claimant that is not a public record.
- Retains the changes made by S.B. 4 of the 134<sup>th</sup> General Assembly that (1) allow for the release of claimants' names to journalists, but (2) exclude dependent information from release to journalists under the journalist exemption, which allows a journalist to obtain claimant information otherwise prohibited from being disclosed.
- Adds to the journalist exemption that a journalist must include in the written request for the claimant information a statement acknowledging that the claimant information is not a public record and that the individual will not disclose it to any other person for any reason unrelated to journalism.
- Prohibits a journalist who obtains claimant information under the journalist exemption from recklessly disclosing the information to any other person for any reason unrelated to journalism.
- Prohibits the Industrial Commission or BWC from disclosing a claimant's name, address, or telephone number to a journalist if disclosure would reveal that the claim is for a condition that arose from sexual conduct in which the claimant was forced by threat of physical harm to engage or participate.

## **Solicitation prohibition**

- Eliminates the prohibition against a person soliciting a claimant or employer to take charge of or represent the claimant or employer in any claim or appeal which is or may be filed with BWC or the Industrial Commission. (The prohibition was declared unconstitutional and is unenforceable.)
- Prohibits, instead, a person who obtains or receives records in violation of the law from recklessly using that information to solicit a claimant or employer to take charge of or represent the claimant or employer in any claim or appeal which is or may be filed with BWC or the Industrial Commission.

## H.B. 76

(For details of the act’s fiscal provisions see, the LSC Budget in Brief, As Enacted, LSC Comparison Document, As Enacted, LSC Appropriation Spreadsheets, and LSC Greenbook, all of which are available on LSC’s website, [www.lsc.ohio.gov](http://www.lsc.ohio.gov), under “Budget Central.”)

**Primary Sponsor:** Rep. Oelslager

**Effective date:** June 2, 2021

- Appropriates funds for the Industrial Commission for the biennium ending June 30, 2023.

## H.B. 110

(For details of the act’s fiscal provisions see, the LSC Budget in Brief, As Enacted, LSC Comparison Document, As Enacted, LSC Appropriation Spreadsheets, and LSC Greenbooks, all of which are available on LSC’s website, [www.lsc.ohio.gov](http://www.lsc.ohio.gov), under “Budget Central”)

**Primary Sponsor:** Rep. Oelslager

**Effective date:** Operating appropriations effective June 30, 2021. Other provisions generally effective September 30, 2021. Some provisions subject to other effective dates.

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## DEPARTMENT OF ADMINISTRATIVE SERVICES

### State contracts for goods and services

- Prohibits a state contract for goods or services from including certain provisions the state generally does not include in its contracts, such as indemnification clauses or binding arbitration clauses, and voids such terms by operation of law.

### Ohio preference scoring in state purchases

- Expands the types of purchases under state purchasing law that are eligible for an Ohio preference in scoring.

## **Bulk purchasing program**

- Allows the Department of Administrative Services (DAS) to permit a political subdivision or special district of another state to participate in DAS contracts for the purchase of supplies and services.
- Allows a board of elections to participate in DAS purchase contracts if DAS has authorized the county to participate in those contracts, instead of requiring the board to apply to DAS separately.
- Clarifies that a board of elections may choose to purchase election supplies through DAS, through the Secretary of State's bulk purchasing program, or by other means.

## **Cooperative purchasing agreements**

- Clarifies that DAS can join existing procurement contracts of other state agencies with their own purchasing authority, other states, and the U.S. government.

## **Pay increase for exempt state employees**

- Increases pay for exempt state employees paid in accordance with salary schedule E-1 and increases the maximums in the pay ranges for employees paid in accordance with schedule E-2 by approximately 3% per year for the next three years.

## **Parental and caregiver leave**

- Allows certain state employees to be eligible, on the delivery of a stillborn child, for paid parental leave of absence and parental leave benefits.
- Requires an employee to take parental leave within one year of a child's birth, stillbirth, or adoption placement (rather than beginning on the day of a child's birth or adoption placement as under former law).
- Includes, for paid parental leave eligibility purposes, persons employed in state positions for which the authority to determine compensation is given by law to another individual or entity.
- Increases, from \$2,000 to \$5,000, the adoption expenses benefit an employee may choose to receive in lieu of paid parental leave.
- Makes certain state employees who are foster caregivers and kinship caregivers eligible for up to five days of caregiver leave with full pay in a calendar year on placement of a child with the caregiver.

## **Fleet management**

- Modifies the definition of "operating cost," which is a factor in calculating the minimum number of business miles per year an employee of a state agency must drive in order to qualify for approval by the DAS to receive a motor vehicle for business use.
- Allows proceeds from the disposition of state vehicles to be transferred from the Investment Recovery Fund to the Fleet Management Fund.

## Prescription drug advisory council

- Abolishes the Prescription Drug Transparency and Affordability Advisory Council and instead permits the Joint Medicaid Oversight Committee to examine any of the topics described in the report previously prepared by the Advisory Council.

## DAS insurance program

- Declares the administration of the state's Risk Management Program to be a public duty for purposes of the Sovereign Immunity/Court of Claims Law.
- Authorizes the Office of Risk Management to administer a judicial liability program.
- Replaces the requirement that the state purchase fidelity bonds for state agents and employees with authority to self-insure itself and third parties against loss due to dishonest acts of state officers, employees, and agents.
- Requires public official bonds to be purchased when statutorily required.
- Expands the authority of the state and political subdivisions to insure against liability, from the losses attributable to the operation of specified vehicles during the course of official duties under former law, to any loss that occurs in the course of employment or official responsibilities.
- Specifies that recoveries against the state are to be reduced by other recoveries the claimant is entitled to, as opposed to just those other recoveries the claimant has received.
- Prohibits a claim against the state from being filed in the Court of Claims until the claimant has attempted to have the claim compromised by the Office of Risk Management or satisfied by the state's liability insurance.
- Specifies that the authority to commence an action against an officer or employee of the state does not affect the immunity provided to state officers or employees in law.
- Requires an instrumentality of the state to notify the Office of Risk Management of any settlement or compromise made in a claim against the instrumentality for the purpose of reserving funds.
- Requires a copy of a settlement instrument to be forwarded to the Office of Risk Management for payment from the Risk Management Reserve Fund.
- Specifies that DAS's authority to compromise claims does not extend to compromising claims on behalf of agency programs with direct settlement authority.
- Specifies that all compromises made by the Office of Risk Management are to be paid from the Risk Management Reserve Fund and the conditions of such payment.
- Specifies that information related to claims against the state is to be held in confidence, is not to be released, and is not subject to discovery or introduction in evidence in any federal or state civil action.

- Requires a copy of a judgement against the state to be forwarded to the Office of Risk Management for the judgement to be paid from the Risk Management Reserve Fund.

### **Public office employee database**

- Eliminates the requirement that a public office include birth dates on the required public office employee database.

### **Real estate and planning**

- Transfers from the Auditor of State to the DAS Director the responsibility to prepare deeds for the conveyance of state land.
- Transfers from the Auditor of State to the DAS Director the responsibility to keep documents showing the state's interest in real estate, other than public lands and highway rights-of-way, and to maintain a recording system open for public inspection.
- Authorizes DAS to:
  - Grant perpetual easements to public utilities regulated by the Public Utilities Commission of Ohio;
  - Dispose of state-owned real estate worth \$100,000 or less, with Controlling Board approval; and
  - Correct legal descriptions or title defects, or release fractional interests in real property, as necessary to cure clouds on title that are reflected in public records.

### **Office of Information Technology**

- Modifies the responsibility of the Office of Information Technology with respect to the acquisition of common information technology.

### **Public assistance private sector tools**

- Requires DAS to work with the Department of Job and Family Services and the Department of Medicaid to deploy private sector tools for digital identity management, authentication, and verification for individuals receiving public assistance.

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## **DEPARTMENT OF AGING**

- Permits the Department of Aging to require non-Medicaid providers to be certified by the Department as a condition of payment for services provided under programs the Department administers.
- Applies preexisting certification and payment provisions to providers of any services, not just community-based long-term care services.
- Authorizes the Department to develop and offer training programs to area agencies on aging, long-term care facilities and providers, and other interested parties.
- Authorizes the Department to design a payment method for PASSPORT administrative agency operation that includes a pay-for-performance incentive component.

- Requires the Department to operate in FY 2022 and FY 2023 an At-Home Technology Pilot Program to provide grants for using remote monitoring technologies that assist older adults in staying in their homes, assisted living facilities, and other community-based settings.

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## **DEPARTMENT OF AGRICULTURE**

### **Wine tax diversion to Ohio Grape Industries Fund**

- Makes permanent the 2¢ per-gallon earmark of wine tax revenue that is credited to the Ohio Grape Industries Fund, which is used to support and promote the Ohio grape and wine industry.

### **Farmers market registration**

- Eliminates the voluntary registration of farmers markets with the Department of Agriculture (ODA) and the corresponding inspection of registered farmers markets by ODA.

### **Ohio Proud Program merchandise**

- Requires all fees assessed for participation in the Ohio Proud Program to be credited to the Ohio Proud, International, and Domestic Market Development (Ohio Proud) Fund, rather than the GRF as under former law.
- Authorizes ODA to sell merchandise that promotes the Program, and requires the Director of Agriculture to deposit proceeds from the merchandise sales in the Ohio Proud Fund.

### **Liming material sampling and analyzing**

- Allows the Director to enter into an agreement with a person to perform inspections, sampling, and analysis of liming material on behalf of ODA.
- Allows the person to enter on property at any reasonable time to conduct the authorized inspections.
- Requires the Director to annually audit the inspection records.

### **Southern Ohio Agricultural and Community Development Foundation**

- Abolishes the Southern Ohio Agricultural and Community Development Foundation, effective December 30, 2021.

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## **ATTORNEY GENERAL**

### **Collecting debts from gambling winnings**

- Reduces the threshold at which the State Lottery Commission must withhold from lottery winnings any amounts a lottery winner owes to the state or a political subdivision to match the Internal Revenue Service (IRS) reporting threshold.



- Requires a casino operator to use a data match program created by the Attorney General (AG) to withhold any amounts a patron owes to the state or a political subdivision from the amount of any casino winnings that exceed the IRS reporting threshold.
- Requires the casino operator to remit payment to the Department of Job and Family Services for any past due child or spousal support, as required under continuing law, before giving the remainder to the AG to pay other government debts.

### **AG's special counsel; collection of debts**

- Authorizes the AG to adopt rules as necessary to implement the law governing the AG's special counsel to collect claims.
- Authorizes the AG to adopt rules to aid the implementation of the law governing the collection of debts, and specifically to adopt a rule shortening the time when the AG may cancel a debt deemed uncollectible.

### **Settlements awarding money to the state (VETOED)**

- Would have renamed the Attorney General Court Order Fund as the Attorney General Court Order and Settlement Fund, and changed the fund from a custodial fund to a fund in the state treasury (VETOED).
- Would have required any money the AG receives through a court order, along with any money received under any in-court or out-of-court settlement or compromise, to be deposited in the fund, other than any money the AG receives as part of the AG's debt collection duties (VETOED).
- Would have required the AG, upon receiving \$10,000 or more under a settlement or court order, to notify the Governor, the Speaker of the House, the President of the Senate, and the Director of Budget and Management (VETOED).
- Would have required the Controlling Board to determine the appropriate fund or funds to which the money must be transferred (VETOED).
- Would have exempted from those requirements any amounts under \$10,000 (VETOED).

### **Charitable bingo**

- Makes numerous changes to the law governing charitable bingo, including legalizing electronic instant bingo; allowing 501(c)(6) nonprofit organizations to conduct raffles; and making other changes regarding bingo licenses.

### **Raffles**

- Allows a nonprofit organization that is tax-exempt under subsection 501(c)(6) of the Internal Revenue Code (a business league, chamber of commerce, real estate board, board of trade, or professional football league) to conduct a raffle that is not for profit.
- Requires such an organization to distribute at least 50% of the net profit from the raffle to a charitable purpose or to a government agency.

## **Electronic instant bingo**

- Establishes electronic instant bingo as a separate type of bingo, along with traditional bingo, raffles, and instant bingo, but largely regulates the operation of electronic instant bingo in the same manner as instant bingo.
- Requires the AG to begin to accept applications for licenses to conduct electronic instant bingo on January 1, 2022, and to begin to issue those licenses on April 1, 2022.
- Includes requirements designed to prevent electronic instant bingo from resembling or operating like a slot machine.

## **Charitable organizations conducting electronic instant bingo**

- Allows a veteran's or fraternal organization to offer electronic instant bingo on a maximum of ten single-user terminals at its principal place of business, if it qualified as such an organization on or before June 30, 2021, has an appropriate status under the Internal Revenue Code, and has not conducted a raffle in violation of the Revised Code using an electronic raffle machine at any time after January 1, 2022.
- Requires electronic instant bingo proceeds to be distributed in the same manner as instant bingo proceeds are distributed under continuing law.
- Applies the same recordkeeping and operating requirements to electronic instant bingo as apply to instant bingo under ongoing law.

## **AG rules**

- Requires the AG to adopt rules under the Administrative Procedure Act to ensure the integrity of electronic instant bingo, and lists several topics that must be covered under those rules.

## **Distributor and manufacturer licensing**

- Requires a licensed distributor or manufacturer of bingo supplies to obtain an electronic instant bingo endorsement to the distributor's or manufacturer's license in order to distribute or manufacture electronic instant bingo systems.
- Requires any individual who installs, maintains, updates, or repairs an electronic instant bingo system to be licensed by the Ohio Casino Control Commission.
- Specifies requirements for a distributor or manufacturer to receive an endorsement, including passing a criminal records check, providing a surety bond, and paying the appropriate fee.
- Allows the AG to suspend or revoke an endorsement for violations of Ohio's gambling laws or rules.

## **Regulation of electronic instant bingo systems**

- Requires a manufacturer of an electronic instant bingo system first to submit the system to an independent testing laboratory and to the AG for approval.

- Requires every electronic instant bingo system in use in Ohio to meet certain monitoring, recordkeeping, and verification requirements.
- Allows the AG to establish by rule an annual fee to be paid by electronic instant bingo system distributors to cover the cost of monitoring and inspecting systems under the act.

### **Prohibitions regarding electronic instant bingo**

- Prohibits several types of conduct related to the operation of electronic instant bingo and the sale of electronic instant bingo systems and imposes a criminal penalty for a violation of the bill or the AG's rules.

## **Bingo licenses, generally**

### **Denial or suspension**

- Allows the AG to deny a bingo license to an organization, or suspend an organization's bingo license for up to five years, if the AG has good cause to believe that any director or officer of the organization has breached the director's or officer's fiduciary duty to the organization.
- Allows the AG to deny, suspend, or limit a bingo distributor or manufacturer license if there is good cause to believe the distributor or manufacturer, or certain partners, officers, or owners, have committed a breach of fiduciary duty, theft, or other misconduct related to a charitable organization that has a bingo license.

### **Youth athletic park organizations**

- Eliminates a requirement that a youth athletic park organization's playing fields have been used for nonprofit youth athletic activities for at least 100 days during a given year in order for the organization to obtain a bingo license.

### **License type**

- Requires a bingo license to indicate whether it is a Type I, Type II, or Type III license.

## **Punch boards and seal cards**

- Clarifies that punch boards and seal cards are types of instant bingo games and may be played under an instant bingo license.

## **Alcohol sales during traditional bingo**

- Allows an organization that has a D-4 liquor permit to sell alcohol for on-premises consumption while it is conducting traditional bingo games.

## **Minors playing traditional bingo**

- Makes a technical correction to clarify the penalty that applies to a charitable organization if it permits a person the organization knows, or should have known, is under 18 to play traditional bingo.

## **Bingo Law enforcement**

### **Charitable organizations**

- Allows the AG or a law enforcement agency to examine the accounts and records of any officer, agent, trustee, member, or employee of a charitable organization with a bingo license.
- Permits the AG to impose a civil fine on an organization for failure to comply with the Bingo Law or related rules.

### **Manufacturers and distributors**

- Permits the AG or a law enforcement agency to investigate a bingo distributor or manufacturer or any officer, agent, trustee, member, or employee of the bingo distributor or manufacturer in relation to violations of the Bingo Law.
- Permits the AG to impose a civil fine on a distributor or manufacturer for failure to comply with the Bingo Law or related rules.

## **Charitable organizations**

- Prohibits state agencies, with certain exemptions, from imposing reporting or filing requirements on charitable organizations that are more stringent than those found in the Revised Code or that are already in existence as of September 30, 2021.

## **Ohio Peace Officer Training Academy**

- Modifies law with respect to various funds in the state treasury associated with the Ohio Peace Officer Training Academy.

## **Pilot program – funding peace officer and trooper training**

- Requires the AG to create and administer a one-year pilot program for state funding of the required annual training of peace officers and troopers, and specifies that, with one limited exception, the pilot program is the only state funding that will be provided in calendar year 2022 for the training of such peace officers and troopers.

## **Law Enforcement Training Funding Study Commission**

- Creates the 12-member Law Enforcement Training Funding Study Commission to study possible long-term methods to provide state funding to law enforcement agencies for the required annual training of their peace officers and evaluate the plans for the pilot program described above.
- Requires the Commission to prepare a report of its findings, and recommendations for a permanent method of providing state funding to law enforcement agencies for the required annual training of their peace officers.
- Requires the Commission to submit the report to the Governor, the General Assembly, the AG, and the Legislative Service Commission by March 1, 2022.
- Provides that the Commission ceases to exist when it submits the report.

## **Delinquent municipal income tax collection**

- Requires the AG to participate in the federal Treasury Offset Program for the collection of past due municipal income taxes to the extent that such taxes qualify for the program.

## **Foreclosure sale reports to the AG**

- Specifies that the quarterly reports submitted to the AG by officers conducting residential property foreclosure sales must contain information of whether the officer met certain deadlines related to sale procedures.
- Replaces the requirement that the AG establish and maintain a public database of information included in foreclosure sale reports with a requirement that the information be made publicly available.

## **Public record exemption for certain telephone numbers**

- Modifies the exemption from the Public Records Law for telephone numbers of victims, crime witnesses, and parties to motor vehicle accidents.

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# **AUDITOR OF STATE**

## **Auditor of State authority**

- Modifies the statutory description of the Auditor of State's authority to specify that the Auditor is the lead public official responsible for the examination, analysis, inspection, and audits of all public offices, as opposed to the chief inspector and supervisor of all public offices, as under former law.

## **Employees**

- Eliminates certain statutory titles within the office of the Auditor of State.
- Eliminates the entitlement, of Auditor of State employees, to compensation when called to testify in legal proceedings.
- Renames the statutory office, Deputy Auditor of State, to Chief Deputy Auditor of State, and requires that the person appointed to that office be a certified public accountant with an active Ohio permit.

## **State awards for economic development**

- Requires the Auditor of State, rather than the Attorney General, to review state awards for economic development and determine if an entity is in compliance with the terms and conditions of an award it received, and publish a report of the reviews and determinations.
- Requires the Department of Development annually to send the Auditor a list of state awards for economic development.

- Authorizes, rather than requires, the Attorney General to pursue remedies and recoveries available under law against an entity that is not in compliance with the terms and conditions of a state award for economic development.

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## **OFFICE OF BUDGET AND MANAGEMENT**

- Reduces the time by which the OBM Director must void any unredeemed income tax refund warrant from two years to 90 days, consistent with the time for voiding any other warrant drawn from the state treasury.
- Eliminates the OBM Director's oversight regarding internal agency fund assessments and allocations for certain funds.
- Requires investment earnings of the Budget Stabilization Fund to be credited to the fund.

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## **CAPITOL SQUARE REVIEW AND ADVISORY BOARD**

- Authorizes the Capitol Square Review and Advisory Board to enter into an indefinite delivery indefinite quantity contract for the services of an architect or engineer on an on call, multi-project basis, to advise and consult with the Board for a defined contract period, not to exceed two years.

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## **DEPARTMENT OF COMMERCE**

### **I. Division of Securities**

- Creates the Ohio Investor Recovery Fund for victims of securities fraud that have not received restitution from the person that committed the violation.
- Allows a dealer or investment adviser to place a hold on a transaction when the dealer, or investment adviser, or an employee believes the account holder is age 60 or older or eligible for adult protective services and may be the victim of financial exploitation.
- Pushes back, from January 1, 2022, to February 11, 2022, the transition date of regulation of limited liability companies from the existing Limited Liability Company Act (R.C. Chapter 1705) to the new Ohio Revised Limited Liability Company Act (R.C. Chapter 1706).

### **II. Division of Industrial Compliance**

#### **Sale of second-hand bedding and toys**

- Requires any person or entity wishing to sell second-hand bedding or used toys to register with the Superintendent of Industrial Compliance within the Department of Commerce.

#### **Plumbing inspector certification**

- Removes certification of plumbing inspectors from the Division of Industrial Compliance's responsibility and authority but retains the Board of Building Standard's plumbing inspector certification responsibility and authority.

- Requires a board of health to employ a Board of Building Standards certified plumbing inspector, as opposed to a Division of Industrial Compliance certified plumbing inspector as under prior law, or to contract with another health district or building department for plumbing inspections in order for a prohibition on Division inspections in the board's district to apply.
- Adds a requirement that a board of health notify the Division of Industrial Compliance of the board's intent to inspect plumbing in its district before the continuing prohibition against duplicative Division plumbing authority will apply.
- Eliminates prohibitions on boards of health that do not employ certified plumbing inspectors from inspecting plumbing, collecting fees for inspecting plumbing, and contracting with other boards of health to inspect plumbing on the other board's behalf.

### **Building inspection fees**

- Transfers authority to establish fees for inspections carried out by the Division of Industrial Compliance from the Board of Building Standards to the Superintendent of Industrial Compliance.

### **Historical boiler license**

- Re-establishes the Historical Boiler Licensing Board and the licensing requirements for operators of historical boilers as they existed prior to the April 12, 2021, effective date of H.B. 442 of the 133rd General Assembly.
- Transfers back to the re-established Board the duties that had been transferred by H.B. 442 to the Division of Industrial Compliance in the Department of Commerce.
- Requires the Board to issue a license to a person who held an active license to operate historical boilers in public when the requirement for a license ended pursuant to H.B. 442.

### **Manufactured homes**

- Makes several technical changes to replace references to the former Manufactured Homes Commission with references to the Division of Industrial Compliance.

## **III. Division of Real Estate and Professional Licensing**

- Authorizes the Division of Real Estate and Professional Licensing to adopt rules with respect to the regulation of manufactured home dealers, brokers, and salespersons.
- Sets a 30-day deadline for a licensed real estate broker and salesperson to notify the Superintendent of Real Estate and Professional Licensing of a change in personal residence address.
- Requires each licensee to maintain a valid email address on file with the Division and notify the Superintendent of any changes in email address within 30 days of the change.
- Expands the Superintendent's authority to recommend ancillary trustees for brokers.

- Reduces the portion of triennial real estate broker's and salesperson's license fees to be credited to the Real Estate Education and Research Fund from \$3 to \$1.50 per fee.

#### **IV. State Fire Marshal**

- Specifies that when authorized fire investigators are investigating a fire that has caused more than \$5,000 of property damage, to determine whether arson was involved, they must do so to the extent practicable and in a manner consistent with accepted standards of investigation.
- Permits the OBM Director, after certification of the Director of Commerce, to transfer funds from the State Fire Marshal's Fund to the Small Government Fire Department Services Revolving Loan Fund, if additional resources are needed.
- Requires a self-service gas station to comply with the most recent version of National Fire Protection Association Standard Number 30A, as incorporated into the State Fire Code, instead of the outdated version 30A-1990.

#### **V. Division of Liquor Control**

##### **Direct beer and wine sales**

###### **S-1 liquor permit eligibility changes**

- Renames the S liquor permit the S-1 permit.
- Revises the eligibility for the S-1 permit, including:
  - Eliminating from eligibility a brand owner or U.S. importer of beer or wine and its designated agent; and
  - Expanding eligibility to a person (inside or outside Ohio) that manufactures beer.

###### **S-2 liquor permit**

- Creates the S-2 liquor permit to be issued to a person (inside or outside Ohio) that manufactures 250,000 gallons or more of wine annually.
- Authorizes an S-2 permit holder to sell and ship its wine directly to personal consumers.
- Establishes similar provisions as the S-1 permit regarding payment of wine taxes, shipment of wine, and keeping sales records.
- Establishes an initial permit fee of \$250 and renewal fee of \$100.

##### **Taxes**

- Requires S-1 and S-2 permit holders to pay the 30¢ per-gallon tax, and the additional 2¢ per-gallon tax, on wine used to support the Ohio Grape Industries Fund, but exempts permit holders that manufacture 500,000 gallons of wine or less per year from the 30¢ per-gallon tax.
- Replaces the tax credit for A-1c liquor permit holders (small breweries) for the state beer tax, which applies to the first 9.3 million gallons of annual production, with an exemption



for A-1c permit holders that produce up to 9.3 million gallons, and applies the same exemption to S-1 permit holders.

### **Fulfillment warehouse**

- Authorizes a fulfillment warehouse to send an S-2 permit holder's wine to a personal consumer under specified conditions, including when the warehouse is located outside Ohio and has entered into a written agreement with an S-2 permit holder to fulfill orders on behalf of the permit holder.

### **B-2a liquor permit changes**

- Revises the eligibility for the B-2a liquor permit, including eliminating from B-2a permit eligibility the brand owner or U.S. importer of wine and its designated agent.
- Prohibits a B-2a permit holder from selling wine to a retail permit holder that has been assigned an Ohio distribution territory.

### **Illegal shipment of beer or wine**

- Generally prohibits a person from knowingly sending or transporting a shipment of wine to a personal consumer unless the person holds an S-1 or S-2 permit or is a fulfillment warehouse.
- Generally prohibits a person from knowingly sending or transporting a shipment of beer to a personal consumer without an S-1 permit.
- Specifies that a violator may be fined between \$500 and \$5,000, depending on the number of violations.

### **Retail permit holder prohibition**

- Prohibits a person that is not a beer or wine manufacturer, including the holder of any retail permit inside or outside Ohio, from obtaining or attempting to obtain a B-2a, S-1, or S-2 permit.

### **Repackaging of alcohol**

- Authorizes the repackaging of beer, wine, or mixed beverages, which is the rebundling of containers of those products into new configurations.
- Authorizes the Division of Liquor Control to issue an R permit to specified entities to conduct repackaging.
- Establishes a \$750 permit fee for each R permit location.

### **Other liquor provisions**

- Requires qualified liquor permit holders in designated outdoor refreshment areas (DORAs) to serve beer or intoxicating liquor in plastic bottles or other "nonglass" containers, rather than in plastic bottles or other plastic containers as in former law.

- Eliminates the requirement that the following submissions required of a club applying for a D-4 liquor permit be done under oath:
  - A statement of the organization controlling the club certifying that the club is operated in the interests of a reputable organization; and
  - The roster of the club's membership.
- Prohibits a to-go mixed beverage sold by a qualified liquor permit holder from exceeding the amount contained in a standard mixed beverage sold by the qualified permit holder for on-premises consumption.

## **VI. Division of Financial Institutions**

- Increases initial registration, renewal, and late fees for mortgage brokers, lenders, and servicers, and increases original license, renewal, and late fees for mortgage loan originators.
- Authorizes the Superintendent of Financial Institutions to charge an additional assessment for renewal fees for mortgage brokers, lenders, servicers, and mortgage loan originators if the amount billed under the statute is less than the estimated expenditures for the following fiscal year.

## **VII. Self-service storage facilities**

- Allows the sale of personal property in a self-service storage facility for the satisfaction of amounts due the facility owner to take place on the internet.
- Allows notices required to be sent before the sale of personal property kept in self-service storage facilities to be delivered by private delivery service.
- Requires that if a required notice is sent by certified or first-class mail, it also must be sent via email.
- Expands the class of persons who may enforce liens under the Self-Service Storage Facility Law to include the sublessor of an entire self-service storage facility as well as agents of facility owners, lessors, and sublessors.
- Expands the costs to which proceeds from the sale of personal property held in a self-service storage facility may be applied to include late fees and expenses incurred to enforce a lien.
- Grants self-service storage facility owners discretion as to whether to rent previously delinquent self-service storage facility space or allow removal of the personal property following payment by a person other than the occupant.

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## **CONTROLLING BOARD**

- Would have increased the number of days that the Controlling Board President must publish the Board's meeting agenda before each meeting, from seven to 14 (VETOED).

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## **COSMETOLOGY AND BARBER BOARD**

- Allows an individual who is licensed to provide services under the Cosmetology Law or Barber Law to provide those services on premises other than a licensed salon or a licensed barber shop for limited events, only if the services provided are incidental to the licensee's practice in a salon or barber shop.
- Prohibits the State Cosmetology and Barber Board from requiring an individual who provides incidental services as described above to obtain an additional license or permit to provide those services.
- Changes the requirement that the Board member who was required to be employed as a barber instead hold a current, valid barber or barber teacher license at the time of appointment, but specifies that a Board member's term is not affected if the member is serving on September 30, 2021 (the provision's effective date).
- Eliminates a requirement that an individual who does not pass the barber teacher license examination wait one year and remain employed as an assistant barber teacher before applying to retake the examination.

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## **COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD**

- Provides a six-month registration extension for master's level counselor, social worker, and marriage and family therapist trainees who have graduated but not yet completed all requirements for licensure.

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## **DEPARTMENT OF DEVELOPMENT**

### **Rename agency as Department of Development**

- Changes the name of the Development Services Agency and the Director of Development Services back to the Department of Development (DEV) and Director of Development, respectively.

### **Brownfield and demolition programs**

- Creates the Brownfield Remediation Program to award grants for the remediation of brownfield sites and appropriates \$350 million to the program;
- Creates the Building Demolition and Site Revitalization Program to award grants for the demolition of commercial and residential buildings and revitalization of surrounding properties on sites that are not brownfields and appropriates \$150 million to the program.

### **Broadband Expansion Program Authority changes**

- Limits to the four-year period of 2022 through 2025 the law granting appointed members of the Broadband Expansion Program Authority a monthly stipend that qualifies each

member for one year of retirement service credit (but not health care coverage) under the Ohio Public Employees Retirement System (OPERS).

- Repeals the law that allowed up to two Authority members at a time to attend meetings electronically.

### **Transfer of minority business enterprise and related programs**

- Transfers from the Department of Administrative Services (DAS) to DEV the administration of the minority business enterprise program (MBE), the encouraging diversity, growth, and equity program (EDGE), the women-owned business enterprise program (WBE), the veteran-friendly business procurement program (VBE), and the contractor compliance program.
- Removes the Equal Opportunity Employment Coordinator from being the head of a division, and instead requires the Coordinator to report to a position designated by the DAS Director.

### **Minority Development Financing Advisory Board**

- Corrects erroneous cross-references to clarify that the Minority Development Financing Advisory Board is not responsible for administering certain tax credit and grant programs administered by DEV.

### **Job creation and retention tax credits**

- Allows any employer that receives the job creation tax credit (JCTC) to count work-from-home employees when computing the employer's credit amount and when verifying its compliance with the JCTC agreement.
- Requires the state to prioritize job retention tax credit (JRTC) applications that meet certain criteria.

### **Megaproject tax incentives**

- Authorizes the following tax incentives for operators and certain suppliers of a "megaproject" (i.e., a development project that includes at least \$1 billion in investment or creates at least \$75 million in Ohio payroll, both indexed to inflation):
  - Lengthens the maximum term of the JCTC from 15 years to 30 years.
  - Permits the assignment of all or a portion of a megaproject supplier's JCTC to the megaproject's operator.
  - Excludes from commercial activity tax (CAT) the gross receipts of a megaproject supplier from sales to a megaproject operator.
  - Lengthens the maximum term of local community reinvestment area (CRA) or enterprise zone (EZ) property tax exemptions to 30 years.

## Rural industrial park loan eligibility

- Expands eligibility for loans under the Rural Industrial Park Loan Program to include projects located in any rural area (rather than only economically distressed or labor surplus areas), but specifies that all counties eligible for the program under prior law continue to be eligible.
- Specifies that a rural area is any Ohio county that is not designated as part of a Metropolitan Statistical Area by the U.S. Office of Budget and Management.

## Rural growth investment credit

- Authorizes an additional \$45 million in tax credits for insurance companies that make loans to or investments in special purpose rural business growth funds which must loan or invest the funds in certain businesses located in less-populated counties.
- Requires DEV to begin accepting applications from prospective rural business growth funds beginning November 1, 2021.
- Modifies the investment criteria for the new (“program two”) credit allocation as follows:
  - Allows for investment in businesses with fewer Ohio employees or less Ohio payroll if the business is headquartered in a county bordering another state.
  - Increases by one year the time within which a rural business growth fund must fully loan or invest its eligible investment authority and, consequently, decreases by one year the time for which the fund must maintain those loans or investments.
  - Requires 25% of a rural business growth fund’s loans or investments to be in businesses principally located in a county having a population no greater than 75,000, and 75% in businesses principally located in a county having a population no greater than 150,000.
  - Adjusts the amount a rural business growth fund may invest in a single business.
- Stipulates the following for all rural business growth funds, including those certified as part of the original (“program one”) credit allocation:
  - The 10% portion of a rural business growth fund’s eligible investment authority that must consist of contributions of the fund’s affiliates may be derived from either direct or indirect loans or investments.
  - Amounts returned to a rural business growth fund and then reinvested in the same business are considered investments in a new business for the purposes of the investment requirements associated with the tax credit.
  - The aggregate amount invested by all rural business growth funds in the same business, including amounts reinvested following return or repayment, must not exceed \$15 million.

## **Transformational mixed use development (TMUD) tax credit**

- Extends by two years the sunset date after which the Tax Credit Authority (TCA) is prohibited from certifying new TMUD projects, until June 30, 2025.
- Authorizes the TCA to preliminarily approve up to \$100 million in tax credits to property owners and investors in TMUD projects in each of FY 2024 and FY 2025 (the same annual cap that applied under prior law to FY 2020 to FY 2022).

## **Film and theater tax credit**

- Revokes eligibility of production contractors (i.e., persons other than a production company that are involved in the production of a motion picture) for the film and theater tax credit.

## **Meat processing plant grants**

- Requires the DEV Director to establish a grant program for meat processing plants, including prescribing the grant application form.
- Specifies that a meat processing plant is a facility that is located in Ohio, was in operation as of July 1, 2021, and provides processing services for livestock and poultry producers.
- Authorizes the owner or operator of a meat processing plant to apply to the Director for a grant and, after receipt of the grant application, requires the Director to review the application and score it based on specified criteria, including project readiness.
- Prohibits the Director from considering certain expenditures for a grant, including improvements to personal residences, nonfarm commercial property, and any other nonfarm structures.
- Prohibits the Director from awarding a grant of more than \$250,000.

## **Ohio Aerospace and Aviation Technology Committee**

- Requires the Ohio Aerospace and Aviation Technology Committee to select its chairperson from among its legislative members.

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# **DEPARTMENT OF DEVELOPMENTAL DISABILITIES**

## **Technology first**

- Declares that it is the policy of the state to provide individuals with developmental disabilities with access to innovative technology solutions.
- Requires the Department of Developmental Disabilities to coordinate with other state agencies to implement the policy.
- Requires the Director of Developmental Disabilities to establish, in coordination with other state agencies, the Technology First Task Force.

## **Medicaid rates for services in an intermediate care facility for individuals with intellectual disabilities (ICF/IID)**

- Eliminates a formula for determining an ICF/IID's Medicaid payment rate that expired on July 1, 2021.
- For FY 2022, establishes varying Medicaid rates for ICFs/IID depending on whether an ICF/IID meets certain criteria.
- Provides that the mean FY 2023 Medicaid rates for all ICFs/IID after certain modifications are made cannot exceed \$365.05.
- Requires the Department to reduce the FY 2022 and FY 2023 Medicaid rates for ICFs/IID if the federal government requires that the ICF/IID franchise permit fee be reduced or eliminated.

## **ICF/IID franchise permit fee**

- Requires the Department to adjust the franchise permit fee rate and associated ICF/IID invoices so as not to exceed the indirect guarantee percentage if that percentage is adjusted by the U.S. Secretary of Health and Human Services at any time during a fiscal year.

## **Medicaid rates for waiver services (VETOED)**

- For FY 2022, would have specified that the Medicaid payment rate for adult day services and residential services provided under a Department-administered waiver equal the rates for the services in effect on June 30, 2021, increased by 2% (VETOED).
- For FY 2023, would have specified that the Medicaid payment rate for adult day services and residential services provided under a Department-administered waiver equal the rates for the services in effect on June 30, 2022, increased by 2% (VETOED).

## **Transfer of residential facility license**

- Requires the Director of Developmental Disabilities to issue a residential facility license to an ICF/IID that meets enumerated conditions.
- Prohibits the Director from issuing more than five such licenses.

## **Developmental centers services and cost recovery**

- Permits a developmental center to provide services to (1) individuals with developmental disabilities who reside in the community and (2) providers who provide services to such individuals.
- Permits the Department to establish a method for recovering the costs associated with providing these services.

## **County board waiver allocation plan**

- Eliminates a requirement that each county board of developmental disabilities (county DD board) submit an annual plan to the Department for approval.
- Instead, requires county DD boards to annually submit to the Department (1) a waiver allocation projection and (2) assurances that the board employs or contracts with both a business manager and a Medicaid services manager, or has an agreement with another county DD board that employs or contracts with those individuals.

## **County board business manager**

- Eliminates the ability of a county DD board to receive a subsidy from the Department for employing a business manager.

## **County boards annual cost reports**

- Permits, rather than requires, the Department, or an entity designated by it, to audit annual cost reports submitted by a regional council or county DD board.
- Specifies that any audit conducted must utilize methodology approved by the U.S. Centers for Medicare and Medicaid Services.
- Eliminates a duplicative provision of law requiring county DD boards to submit annual cost reports to the Department.

## **Release of records and reports by county DD boards**

- Permits disclosure of a certificate, application, record, or report that identifies a resident of an institution for persons with intellectual disabilities when needed for a guardianship proceeding.
- Permits the release of a record or report maintained by a county DD board or an entity under contract with a board when requested by a probate court for a guardianship proceeding or by the Department for certain purposes.

## **County share of nonfederal Medicaid expenditures**

- Requires the Director to establish a methodology to estimate in FY 2022 and FY 2023 the quarterly amount each county DD board is to pay of the nonfederal share of the Medicaid expenditures for which the board is responsible.

## **County subsidies used for nonfederal share**

- Requires, under certain circumstances, that the Director pay the nonfederal share of a claim for ICF/IID services using subsidies otherwise allocated to county boards.

## **Medicaid rates for homemaker/personal care services**

- Provides for the Medicaid rate for each 15 minutes of routine homemaker/personal care services provided to a qualifying enrollee in the Individual Options Medicaid waiver



program to be, for 12 months, 52¢ higher than the rate for services to an enrollee who is not a qualifying enrollee.

### **Innovative pilot projects**

- Permits the Director to authorize, in FY 2022 and FY 2023, innovative pilot projects that are likely to assist in promoting the objectives of state law governing the Department and county DD boards.

### **Ohio Developmental Disabilities Council**

- Updates citations to federal law regarding the creation and operation of the Ohio Developmental Disabilities Council.

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## **DEPARTMENT OF EDUCATION**

### **I. School finance**

#### **Direct funding for community and STEM schools, open enrollment students, and state scholarships**

- Requires state operating funding to be paid directly to school districts, community schools, and STEM schools for the students they are educating, and requires direct payment of state scholarships.

#### **School financing system for FY 2022 and FY 2023**

- Creates a new school financing system for school districts and other public entities that provide primary and secondary education for FY 2022 and FY 2023.
- Calculates a unique base cost and a unique “per-pupil local capacity amount” for each city, local, and exempted village school district, and calculates a unique base cost for each joint vocational school district (JVSD), community school, and STEM school.
- Subtracts a district’s per-pupil local capacity amount from the district’s per-pupil amount of its base cost to determine its per-pupil state share of the base cost.
- Calculates a city, local, or exempted village school district’s state core foundation funding as the sum of the district’s aggregate state share of the base cost plus targeted assistance, special education funds, disadvantaged pupil impact aid, English learner funds, gifted student funds, and career-technical education funds and associated services funds.
- Establishes spending requirements for disadvantaged pupil impact aid and the portion of a district’s state share of the base cost that is attributable to the staffing cost for the student wellness and success component of the base cost.
- Specifies a phase-in for most components of a city, local, or exempted village school district’s state core foundation funding of 16.67% for FY 2022 and 33.33% for FY 2023, but subjects disadvantaged pupil impact aid to a phase-in of 0% for FY 2022 and 14% for FY 2023.

- Guarantees a city, local, and exempted village school district's state core foundation funding (including disadvantaged pupil impact aid) for FY 2022 and FY 2023.
- Eliminates the term "formula amount" and instead, where the act's system relies on a static base cost amount, uses the "statewide average base cost per pupil" or the "statewide average career-technical base cost per pupil," as applicable.
- Pays transportation funding and supplemental targeted assistance to city, local, and exempted village school districts, and specifies these payments are not subject to the phase-in.
- Guarantees transportation funding for city, local, and exempted village school districts for FY 2022 and FY 2023.
- Provides a substantially similar formula for joint vocational school districts (JVSDs), including a phase-in over the same period of time specified for city, local, and exempted village school districts and a guarantee, but makes some JVSD-specific changes to the base cost computation, uses a charge-off, and does not provide targeted assistance, gifted student funding, or transportation.
- Calculates a community school's or STEM school's funding for each student as the sum of its base cost per pupil and the per-pupil amounts of special education funds, disadvantaged pupil impact aid, English learner funds, career-technical education funds, and career-technical associated services funds.
- Specifies a phase-in of community school and STEM funding that is the same as the phase-in for school districts, except that disadvantaged pupil impact aid is subject to the same phase-in as all other components.
- Provides a transportation payment to community schools, and specifies that this payment is not subject to the phase-in.
- Pays career awareness and exploration funds to school districts, community schools, and STEM schools, and specifies that this payment is not subject to the phase-in.
- Pays a formula transition supplement for FYs 2022 and 2023 to guarantee that each school district's state core foundation funding, transportation funding (if any), and supplemental targeted assistance equals its FY 2021 foundation funding, enrollment growth supplement, and student wellness and success funds and enhancement funds.
- Pays a formula transition supplement for FYs 2022 and 2023 to each community school and STEM school similar to that paid to school districts, except the supplement guarantees a per-pupil amount of funding rather than an aggregate amount of funding.
- Establishes a new funding formula for educational service centers (ESCs) for FY 2022 and FY 2023 that is subject to the same phase-in percentage as the phase-in percentage specified for city, local, and exempted village school districts (16.67% for FY 2022 and 33.33% for FY 2023).

- Requires the Department of Education to (1) implement a program to distribute bus purchasing grants of not less than \$45,000 to city, local, and exempted village school districts and (2) award transportation collaboration grants.

### **School financing after FY 2023**

- Specifies that the various components of the school financing system for FY 2022 and FY 2023 described above will be calculated in a manner determined by the General Assembly for FY 2024 and thereafter.
- Specifies that those components of the school financing system for FY 2022 and FY 2023 described above that were not components of the school financing system prior to FY 2022 will be calculated in a manner determined by the General Assembly for FY 2024 and thereafter if the General Assembly authorizes those payments.

### **Repeal of student wellness and success funding**

- Repeals the requirement for the Department to pay student wellness and success funds and enhancement funds to school districts, community schools, and STEM schools.

### **Payment for districts with decreases in utility TPP value**

- Requires the Department to make a payment for FY 2022 and FY 2023 to each city, local, exempted village, or joint vocational school district with more than a 10% decrease in the taxable value of utility tangible personal property (TPP) that has at least one power plant located within its territory.

### **Payments for districts with nuclear plant in territory – repealed**

- Repeals the requirement that the Department, for each of FYs 2019, 2020, and 2021, make an additional payment to a city, local, or exempted village school district with (1) a nuclear power plant in its territory and (2) a total taxable value of public utility personal property for tax year 2017 that is at least 50% less than that value for tax year 2016.

### **Recommendations for compensating valuation losses – repealed**

- Eliminates the requirement that the Department annually recommend to the General Assembly a structure to compensate each school district that experiences at least a 50% decrease in public utility personal property valuation from one year to the next for a percentage of the effect that decrease has on the district's state funding.

### **Auxiliary Services funds**

- Permits a religiously affiliated chartered nonpublic school to receive Auxiliary Services funds directly in the same manner offered to nonreligious chartered nonpublic schools.
- Permits any chartered nonpublic school (secular or religiously affiliated) that elects to receive Auxiliary Services funds directly to designate an organization to receive and distribute those funds on its behalf.

- Clarifies that directly paid Auxiliary Services funds may be used to acquire goods and services under contract with school districts, educational service centers, the Department of Health, city or general health districts or private entities.
- Permits educational service centers to apply to the Department for moneys from the Auxiliary Service Reimbursement Fund.

### **Chartered nonpublic administrative cost reimbursement**

- Removes the maximum annual per-pupil amount for administrative cost reimbursement for chartered nonpublic schools formerly specified in codified law, which was \$360 and, instead, specifies that cost reimbursement payments may not exceed the per-pupil amount prescribed by the General Assembly for each particular school year.
- Prescribes in uncodified law, for each of FY 2022 and FY 2023, a maximum annual per-pupil amount for administrative cost reimbursement of \$475.

## **II. Graduation requirements and state assessments**

### **High school graduation requirements**

- Requires the Superintendent of Public Instruction's industry-recognized credentials and licenses committee to assign a point value for each credential and to establish the total number of points necessary to satisfy certain high school graduation requirements.
- Permits a student who obtains a state-issued license for practice in a vocation that requires an exam to use that license as a "foundational option" when using an alternative demonstration of competency and to qualify for an industry-recognized credential diploma seal.
- Exempts students enrolled in chartered nonpublic schools from certain graduation requirements if, instead of the end-of-course exams, their schools administer a nationally standardized assessment (ACT or SAT) or an alternative assessment to meet state testing requirements.
- Specifies how a public or chartered nonpublic school must address a locally defined diploma seal earned by a transfer student, or any progress the student made toward earning one, at another public or chartered nonpublic school in Ohio.
- Requires transfer students who, in the prior school year, were homeschooled or attended an out-of-state or nonchartered, nonpublic school to generally comply with the high school graduation requirements subject to certain exemptions.
- Exempts a student with an individualized education program (IEP) from the requirement to demonstrate competency in math and English language arts, if the IEP expressly exempts the student from that requirement subject to other conditions.
- Permits a student to use a remediation-free score on a nationally standardized assessment (ACT or SAT) as an alternative demonstration of competency.

- Clarifies and modifies the “foundational” options a student may use as part of an alternative demonstration of competency.
- Expands the number of conditions a student may satisfy to earn a Citizenship or Science diploma seal.

### **College admission assessments**

- Permits the parent or guardian of a student beginning with the class of 2026 to choose not to have the nationally standardized assessment administered to that student.

### **Kindergarten assessments**

- Requires a district or school to administer the Kindergarten Readiness Assessment and the kindergarten reading skills assessment by the 20th day of instruction of a school year, instead of by November 1 as under prior law.

## **III. Educator licensure**

### **Teacher licensure – human trafficking**

- Adds human trafficking to the list of offenses for which the State Board of Education must revoke or deny an educator license.

### **Release of investigative information**

- Permits a school district or school in Ohio or another state to request any report of misconduct that the Department has regarding an individual who is under consideration for employment, and requires the Department to provide the report.

### **Assistance in obtaining school employment**

- Prohibits a school representative from knowingly and intentionally assisting another individual in obtaining school employment if the representative knows or has reasonable cause to believe that the individual has committed a sex offense involving a student.

### **Cheating on assessments**

- Prohibits a person from obtaining prior knowledge of a state achievement assessment, using prior knowledge of the assessment’s contents to help students prepare for the assessment, and failing to comply with any rule adopted by the Department regarding security protocols for an assessment.
- Specifies that all of the prohibited actions related to state achievement assessments are grounds for termination of a teacher contract and for termination of a nonteaching employee’s position.

### **Teach for America licenses**

- Requires the state Superintendent (rather than the State Board) to inactivate (rather than revoke) a Teach for America (TFA) participant’s resident educator license if the participant resigns or is dismissed from TFA prior to completing its support program.

- Provides that the inactivation of a participant’s license does not (1) constitute a suspension or revocation of the license or (2) necessitate an opportunity for a hearing.

### **Pre-employment applications and screening**

- Requires each public and chartered nonpublic school to include a written notice on all employment applications explaining that any person knowingly making a false statement on the application is guilty of falsification.
- Requires each public and chartered nonpublic school to consult the Department’s “educator profile” database before making hiring decisions.
- Permits each public or nonpublic school to require an applicant or volunteer to undergo additional criminal records checks.

### **Career-technical educator licensure**

- Qualifies an individual holding a certificate of high school equivalence for a two-year initial career-technical workforce development educator license or a five-year advanced career-technical workforce development educator license.

### **Educator Standards Board membership**

- Adds five members to the Educator Standards Board (ESB):
  - One person who represents community schools, appointed by the State Board of Education; and
  - Four persons, who are active in or retired from the education profession, two each appointed by the Speaker of the House and the Senate President.
- Permits, instead of requiring as under prior law, the State Board to use lists of nominees from the Ohio Federation of Teachers and the Ohio Education Association to appoint teachers to the ESB.

### **School counselor standards**

- Requires the Educator Standards Board to include knowledge of the “Career-Technical Assurance Guide” (CTAG) in the Board’s standards for school counselors.

### **Computer science education licensure**

- Extends through the 2022-2023 school year an exemption that permits public schools to employ an individual who is not licensed to teach computer science, nevertheless to teach computer science courses, if the individual meets other requirements.

## **IV. Community schools**

### **Requirement to locate in challenged school districts – eliminated**

- Eliminates the requirement that new start-up community schools must be located in a “challenged school district.”

- Eliminates the requirement that the Department annually publish a list of challenged school districts.

### **Automatic closure**

- Prohibits the automatic closure of community schools and dropout prevention and recovery schools on the basis of any report card rating issued prior to the 2022-2023 school year.

### **Disenrollment of e-school students – failure to participate**

- Prohibits a student who is disenrolled from an internet- or computer-based community school (e-school) for failure to participate from re-enrolling in that school for the remainder of the year, rather than one year from the date of disenrollment, and permits the student to enroll in a different e-school during that same year.

### **Community school sponsors**

- Specifies that a sponsor rated “exemplary” for the two most recent years the sponsor was evaluated may take advantage of certain sponsor incentives.
- Specifies that a sponsor rated “exemplary” or “effective” for the three most recent years the sponsor was evaluated must be evaluated only once every three years.
- Permits an “exemplary” sponsor to open up two new e-schools that will serve students enrolled in a dropout prevention and recovery program (not to exceed six in a five-year period) without approval by the state Superintendent.

### **Low-performing community school sponsors (VETOED)**

- Would have permitted community schools in which a majority of the enrolled students are children with disabilities receiving special services to contract with a new sponsor without approval from the Department, notwithstanding the school’s low performance (VETOED).

### **JCARR review of EMIS, other changes (VETOED)**

- Would have subjected to Joint Committee on Agency Rule Review-review any proposed changes to the Education Management Information System (EMIS) or the Department’s business rules and policies that may affect community schools (VETOED).

### **Montessori preschool payments**

- Specifies that a Montessori preschool operated by a community school will no longer receive community school funds for students under age five.

### **Community School Revolving Loan Fund**

- Eliminates the Community School Revolving Loan Fund.

## **Pilot funding for dropout recovery e-schools**

- Extends to FY 2022 and FY 2023 the pilot program providing additional funding for certain e-schools operating dropout prevention and recovery programs on a per-pupil basis for students in grades 8-12.

## **V. STEM schools**

- Permits the Superintendent of Public Instruction, the Chancellor of Higher Education, and the Director of Development to appoint designees to participate in STEM Committee business on their behalf.
- Permits a STEM or STEAM school to submit an amended proposal to the STEM Committee to offer additional grade levels.
- Eliminates the authority for a joint vocational school district (JVSD) or an educational service center (ESC) to apply for designation as a STEM or STEAM school.
- Instead of using the term “career centers,” as under prior law, permits JVSDs and comprehensive and compact career-technical education providers to receive a STEM or STEAM school equivalent designation.
- Revises the required content of the proposal for designation as a STEM or STEAM school or equivalent.
- Eliminates the authority for city, local, and exempted village school districts, community schools, and chartered nonpublic schools to apply for grants to support the operation of STEM programs of excellence.
- Permits a JVSD, comprehensive and compact career-technical education provider, or ESC to apply for distinction as a STEM program of excellence.
- Specifies that STEM and STEAM school designations, STEM and STEAM school equivalent designations, and distinctions as STEM programs of excellence are effective for five years unless revoked and may be renewed upon reapplication.
- Makes other changes regarding STEM and STEAM school or equivalent oversight and operations.

## **VI. College Credit Plus**

### **Students in state-operated schools**

- Permits students enrolled in the State School for the Deaf, State School for the Blind, or in a school operated by the Department of Youth Services (DYS) to participate in the College Credit Plus (CCP) program in the same manner as students in other public schools.
- Requires payments made to an institution of higher education for courses taken by a student enrolled in those schools to be deducted from the operating funds appropriated to the schools.



## **Academic eligibility for all students**

- Requires the Chancellor of Higher Education, in consultation with the state Superintendent, to adopt rules to define an alternative remediation-free eligibility option for the CCP program.
- Eliminates the eligibility condition for certain students who are not remediation-free if they (1) have at least a 3.0 cumulative high school grade point average or (2) receive a recommendation from a school counselor, principal, or career-technical program advisor, except for those who qualified under that condition prior to September 30, 2021.

## **Nonpublic school participation (VETOED)**

- Would have prohibited applying any requirement of the CCP program to a nonpublic school that chooses not to participate in the program (VETOED).

## **Course subject matter disclaimer**

- Requires the Departments of Education and Higher Education jointly to develop a permission slip regarding the potential for mature subject matter in courses taken through the CCP program and to post it on their CCP websites.
- Requires each student and each student's parent, as a condition of participating in the CCP program, to sign the permission slip and include it in the student's application to participating institutions of higher education.
- Requires the Departments and each participating institution to post on their CCP websites a disclaimer about the potential for mature subject matter in courses taken under CCP.

## **Cost effectiveness study**

- Requires the Department of Education, in consultation with the Department of Higher Education, to study the results and cost-effectiveness of the CCP program and submit a report of its findings to the Governor, Speaker of the House, Senate President, and Director of the Legislative Service Commission by January 1, 2023.

# **VII. State scholarship programs and educational savings**

## **Scholarship amounts**

- Revises the scholarship amounts as follows:
  - For the Educational Choice (Ed Choice) and Cleveland Scholarship Programs, \$5,500 for students in any of grades K-8 and \$7,500 for students in any of grades 9-12.
  - For the Autism Scholarship Program, \$31,500 for FY 2022 and \$32,445 for FY 2023 and thereafter.
  - For the Jon Peterson Special Needs Scholarship Program, specifies that the base amount is \$6,217 for FY 2022 and \$6,414 for FY 2023, and specifies amounts for the disability category for each fiscal year.

## **Performance-based Ed Choice eligibility**

- Changes the performance index rankings used to determine whether a student is eligible for a performance-based Ed Choice scholarship sought for the 2023-2024 or 2024-2025 school year under the performance index score eligibility criteria.
- Expands qualifications for a performance-based Ed Choice scholarship, including qualifying high school students not enrolled in public schools, siblings, students in foster or kinship care or other placement, and students who received but no longer qualify for the Autism or Jon Peterson scholarship.
- Phases out the requirement that, to qualify for a performance-based Ed Choice scholarship, students generally must be enrolled in either a school operated by their resident districts or a community school.
- Eliminates the restriction on the number of performance-based Ed Choice scholarships the Department may award in a school year.
- Maintains a student’s eligibility for a performance-based scholarship if, after the first day of the application period, the Department changes the internal retrieval number (IRN) of the school in which the student is enrolled or otherwise would be assigned.

## **Ed Choice eligibility for 2021-2022**

- Expands qualifications for an Ed Choice scholarship sought for the 2021-2022 school year based on the Ed Choice designation list for the 2019-2020 or 2021-2022 school year.
- Requires the Department, by July 15, 2021, to develop eligibility guidance and provide it to chartered nonpublic schools enrolling Ed Choice scholarship students and to begin accepting and processing applications for students eligible under the provision.
- Requires the Department, for complete applications submitted by August 1, 2021, to provide notice of award or denial by September 15, 2021.
- Prohibits the Department, for the 2021-2022 school year only, from prorating Ed Choice scholarships based on a completed application submitted by October 31, 2021.

## **Ed Choice operations (PARTIALLY VETOED)**

- Requires the Department to make monthly partial payments, rather than “periodic” partial payments, for Ed Choice scholarships.
- Establishes a single application period that opens the February 1 prior to the school year for which a scholarship is sought, and prorates the scholarship amount for applications submitted after the start of the school year.
- Requires the Department, by February 1, 2022, to establish a system under which an applicant may enter a student’s address and receive notification of whether the student is eligible for a performance-based scholarship.

- Prohibits a school district from objecting to a student’s scholarship eligibility if the Department’s system determines the student is eligible.
- Requires each school district with an Ed Choice designated building to provide the Department with the attendance zone of such a building by January 1 of each year.
- Requires the Department to accept applications for conditional approval.
- Would have required the Department to award a scholarship to a student who had conditional approval, if the student enrolled in a chartered nonpublic school within one year of receiving conditional approval and did not change addresses prior to enrolling in the school (VETOED).
- Requires the Department, if it determines an Ed Choice scholarship application contains an error or deficiency, to notify the applicant within 14 days of the application’s submission.
- Requires the Departments of Education, Job and Family Services, and Taxation to enter into a data sharing agreement to assist the Department of Education in determining student eligibility for Ed Choice scholarships.

### **Autism Scholarship Program providers**

- Subjects registered private providers approved for the Autism Scholarship Program and their employees to certain criminal records checks.
- Requires the Department to use the submitted information to enroll individuals in the Retained Applicant Fingerprint Database in the same manner as licensed educators.
- Includes “registered behavior technician” and “certified Ohio behavior analyst” in the list of qualified, credentialed providers who may offer intervention services under the program.

### **Cleveland Scholarship Program**

- Establishes a single application period that opens February 1 prior to the school year for which a scholarship is sought, including prorating the scholarship amount for applications submitted after the start of the school year.
- Qualifies a private school located outside of the Cleveland City School District boundaries to accept Cleveland scholarship students if the school (1) is located in a qualifying neighboring municipality (as under continuing law) and (2) offers any of grades K-12 (instead of grades 9-12 as under prior law).

### **ACE Educational Savings Account Program**

- Establishes the Afterschool Child Enrichment (ACE) Educational Savings Account Program to provide eligible students with an educational savings account for FY 2022 or FY 2023 containing \$500 to be used for prescribed secular or nonsecular purposes.
- Finances the program with federal coronavirus relief funds.

- Qualifies a student for an account if the student is at least 6 years old and under 18 years old, has a family income at or below 300% of the federal poverty level, and is enrolled in a public or nonpublic school or is being homeschooled.
- Requires the Department to prescribe emergency rules for the establishment of accounts by October 30, 2021, create an online form for parents or guardians to request an account by January 28, 2022, and select a vendor that meets prescribed criteria to administer the program.
- Requires the Department, by December 31, 2022, to submit a report to the General Assembly regarding the administration of the program.

## **VIII. Other**

### **Student transportation – pick-up and drop-off times**

- Requires school districts, educational service centers, and private school transportation contractors to “deliver” students to their respective public and nonpublic schools no sooner than 30 minutes prior to the beginning of school and to be available to pick them up no later than 30 minutes after the close of the day.

### **Community and nonpublic school transportation**

- Prescribes procedures for school district transportation plans for community and chartered nonpublic school students whom a district is required to transport.
- Prohibits a school district from transporting community or chartered nonpublic school students in grades K-8 using vehicles operated by a mass transit system, unless the district enters an agreement with the students’ school to do so.
- Requires a school district that transports community or chartered nonpublic school students in grades 9-12 via a mass transit system to ensure that a student’s route does not require more than one transfer.
- Adjusts the deadline for an existing community school to unilaterally accept responsibility to provide transportation for its students to August 1, rather than January 1 of the previous school year as under prior law.

### **Deduction for district noncompliance with transportation law**

- Requires the Department to deduct a prescribed portion of a school district’s state transportation funding if the Department determines the district has consistently, or for a prolonged period, been noncompliant with its obligations regarding student transportation.

### **Payment in lieu of transportation**

- Requires school districts, and community schools that accept responsibility to transport students, to make a determination regarding providing payment in lieu of transportation not later than 30 calendar days prior to the first day of instruction, or within 14 calendar days if the student enrolls after that deadline.

- Specifies that the annual payment in lieu amount must be at least 50% but not more than the average cost of pupil transportation for the previous school year, as determined by the Department.
- If a district or school fails to provide transportation (under the payment in lieu provision), requires the Department to order it to make a payment equal to 50% of the cost of providing transportation, as determined by the district board or school governing authority, but not more than \$2,500.

### **Transportation contracts**

- Authorizes a school district to contract with federal or state agencies, municipal corporations, political subdivisions, and other public and private organizations to assist those entities in the fulfillment of their legitimate activities and in times of emergency.

### **Online school bus driver training**

- Requires the Department to develop a permanent online training program to satisfy the classroom portion of pre-service and annual in-service training for school bus driver certification.

### **Withdrawal of students for failure to take assessments**

- Beginning with the 2020-2021 school year, creates a new starting point for automatic withdrawal of students enrolled in internet- or computer-based schools who fail to take the required state assessments for two consecutive school years.

### **Online learning**

- Permits school districts, with the approval of the Superintendent of Public Instruction, to operate a school using an online learning model and prescribes requirements for them.
- Requires the State Board to revise operating standards for school districts to include prescribed standards for the operation of online learning models.
- Requires districts and schools using a blended learning model operate an annual calendar of at least 910 hours.
- Requires the Department to include information on the use of online learning in the delivery of standards or curricula to students, whenever the State Board adopts standards or model curricula.

### **FAFSA data system**

- Requires each public and chartered nonpublic high school to enter a data sharing agreement with the Chancellor of Higher Education to operate the data system to track the FAFSA completion rate of students.

### **Computer science education**

- Requires the Department, in consultation with the Chancellor, to establish a committee to develop a state plan for K-12 computer science education.

- Requires the committee to complete the state plan by September 30, 2022, and the Department to post it in a prominent location on its website.
- Requires the State Board to update its standards and curriculum for computer science education by September 30, 2022.

### **Effects of vaping – health curriculum**

- Requires a school district to include instruction on the harmful effects and legal restrictions against the use of electronic smoking devices (vaping) in its health education curriculum.

### **Venereal disease instruction**

- Requires a school district or school to notify all parents and guardians if the district or school chooses to offer additional instruction in venereal disease or sexual education not specified under law, including the name of instructors, vendor, and the name of the curriculum being used.
- Prohibits a district or school from offering such additional instruction to a student unless a parent or guardian has submitted written permission for that student to receive that instruction.
- Requires the Department to conduct and publish on its website an annual audit at the beginning of each school year of school districts to ensure compliance with requirements regarding venereal disease education.

### **Victim counseling**

- Permits public and chartered nonpublic schools to provide counseling to victims of sexual harassment or sexually related conduct.

### **Academic distress commissions**

- Prohibits the state Superintendent from establishing any new academic distress commissions (ADCs) for the 2021-2022 and 2022-2023 school years.
- Establishes a process by which school districts currently subject to an ADC may be relieved from the oversight of its ADC prior to meeting the conditions prescribed by law.
- Requires the Auditor of State, one time between July 1, 2022, and June 30, 2025, to complete a performance audit of school districts subject to an ADC.

### **Educational service centers**

- Permits an educational service center (ESC) governing board to delay reorganizing its subdistricts, if its territory is divided into subdistricts, until July 1, 2022.
- Specifies that an ESC must be considered a “local education agency,” for the purposes of eligibility in applying for competitive federal grants.

## **Adult Diploma Program minimum age**

- Expands eligibility to participate in the Adult Diploma Program by lowering the minimum age from 22 to 20 years old.

## **Ohio Code-Scholar Pilot Program**

- Requires Southern State Community College to establish and maintain a five-year Ohio Code-Scholar Pilot Program and appoint a program coordinator.
- Requires the College, in collaboration with the program coordinator, to submit a report to the General Assembly at the end of the pilot program.

## **Career Promise Academy Pilot Program**

- Requires the Department to establish the Career Promise Academy Summer Demonstration Pilot Program to operate in the 2021-2022 and 2022-2023 school years.

## **Advanced standing programs**

- Requires public and chartered nonpublic high schools to inform students in grades 6 through 11 at least annually about advanced standing programs.

## **Interscholastic athletics transfers**

- Repeals the requirement that school districts, interscholastic conferences, and interscholastic athletic regulating organizations have uniform transfer rules for public and nonpublic schools.

## **Nonpublic school administration of drugs**

- Requires chartered nonpublic schools to adopt a policy addressing the administration of prescription drugs to students.

## **Sale or lease of school district property**

- For purposes of the involuntary sale or lease of “unused” school district real property, adds to the definition of an “unused school facility” any school building that has been used for direct academic instruction but less than 60% of the building was used for that purpose in the preceding school year.
- Delays the effective date of the provision until July 1, 2022.

## **Obsolete reports, plans, or recommendations**

- Eliminates various education-related reports, plans, and recommendations that are out-of-date, expired, or no longer have data available.

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## **BOARD OF EMBALMERS AND FUNERAL DIRECTORS**

- Exempts, from disclosure under Ohio Public Records Law, preneed funeral contracts, and contract terms and personally identifiable information of a preneed funeral contract,

contained in mandatory reports submitted to the Board of Embalmers and Funeral Directors.

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## ENVIRONMENTAL PROTECTION AGENCY

### Fees

- Extends all of the following for two years:
  - The sunset of the annual emissions fees for synthetic minor facilities;
  - The levying of higher fees, and the decrease of those fees at the end of the two years, for applications for plan approvals for wastewater treatment works;
  - The sunset of the annual discharge fees for holders of National Pollutant Discharge Elimination System (NPDES) permits under the Water Pollution Control Law;
  - The sunset of license fees for public water system licenses;
  - A higher cap on the total fee due for plan approval for a public water supply system and the decrease of that cap at the end of the two years;
  - The levying of higher fees, and the decrease of those fees at the end of the two years, for state certification of laboratories and laboratory personnel for purposes of the Safe Drinking Water Law;
  - The levying of higher fees, and the decrease of those fees at the end of the two years, for applications to take examinations for certification as operators of water supply systems or wastewater systems;
  - The levying of higher fees, and the decrease of those fees at the end of the two years, for applications for permits, variances, and plan approvals under the Water Pollution Control and Safe Drinking Water Laws;
  - The sunset of the fees levied on the transfer or disposal of solid wastes; and
  - The sunset of the fees levied on the sale of tires.
- Eliminates the following fees:
  - A \$15 application fee for a registration certificate necessary for certain scrap tire collection facilities;
  - A \$15 application fee for a permit, or variance, or plan approval under the Solid and Hazardous Waste Law; and
  - The \$100 fee for renewal of coverage under an NPDES general permit for a household sewage treatment system.
- Eliminates a non-Title V air contaminant source fee schedule that only applied from 1994 through 2003.



- Reduces, from \$1,800 to \$500, the additional survey fee that laboratories must pay to the Ohio Environmental Protection Agency (OEPA) to add analysts or additional accepted analytical techniques between triennial renewal surveys.
- Corrects the definition of “MF” that is associated with lab fees by changing it from “microfiltration” to “membrane filtration.”

### **Scrap tires removed from “no fault” sites**

- Increases, from 5,000 to 10,000, the number of scrap tires that can be removed from a person’s property by OEPA at no cost to the property owner if placement of scrap tires was not the property owner’s fault.
- Authorizes the OEPA Director to increase the 10,000 scrap tire threshold.

### **Lead and copper notification rules**

- Eliminates a requirement that the Director adopt rules setting specific administrative penalties that apply to community or nontransient noncommunity water systems for violating notice requirements regarding lead and copper laboratory results.
- Authorizes the Director instead to assess the administrative penalties under existing statutory guidelines that apply to other violations of the Safe Drinking Water Law.
- Generally shifts reporting and other requirements regarding lead and copper contamination from statute to a rules-based system administered by the Director.
- Increases the timeframe (from two business days to not more than 30 business days after the receipt of lab results) within which the owner or operator of a community or nontransient noncommunity water system must notify residents when a tap sample does not exceed the applicable lead threshold.
- Requires the owner or operator of those systems to update and resubmit maps according to a schedule determined by the Director but no less frequently than required under the federal Safe Drinking Water Act, rather than every five years as in prior law.
- Eliminates a requirement that the Director provide financial assistance from the Drinking Water Assistance Fund to community and nontransient noncommunity water systems for the purpose of fulfilling the notice and mapping requirements.

### **Certified and accredited laboratories under the VAP**

- Eliminates the Director’s authority to certify laboratories for purposes of performing analyses under the Voluntary Action Program (VAP) and instead requires that a laboratory hold a valid accreditation from a specified outside accreditation body.
- Generally requires a person participating in the VAP to use the services of an accredited laboratory to perform analyses, but specifies that data analyzed by a certified laboratory before the act’s September 30, 2021, effective date may still be used.

- Retains the Director’s authority to enter the property of a certified laboratory and conduct audits for investigation and extends this authority to accredited laboratories.
- Prohibits the Director from contracting with an accredited laboratory to perform an audit if the laboratory performed any analyses that formed the basis for the issuance of a no further action letter in connection with the audit.
- Eliminates outdated provisions governing the VAP.

### **Water pollution control: practical qualification level**

- Specifies that for purposes of determining compliance with a pollutant discharge limit set below (instead of “at or below”) the practical quantification level (PQL), any reported value below PQL constitutes compliance.

### **Isolated wetland mitigation ratio table reference**

- Corrects an incorrect division reference to the Ohio Administrative Code.

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## **FACILITIES CONSTRUCTION COMMISSION**

- Requires a school district, instead of the Facilities Construction Commission, to notify the Superintendent of Public Instruction if the district will exceed the limit on net indebtedness.
- Revises the water bottle filling station and drinking fountain requirements for classroom facility construction projects.

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## **GENERAL ASSEMBLY**

### **General Assembly intervention in lawsuits (VETOED)**

- Would have allowed the Speaker of the House and the President of the Senate to intervene to defend a statute in any court case in which the statute is challenged as unconstitutional or invalid under federal law, or in which the statute’s construction or validity is otherwise challenged (VETOED).
- Would have permitted those leaders similarly to intervene in court to defend a General Assembly or congressional district plan, or any such districts, adopted by the Ohio Redistricting Commission (VETOED).
- Would have allowed the leaders to obtain legal counsel independent of the Attorney General and to use public funds appropriated for that purpose (VETOED).
- Would have prohibited any other individual member, or group of members, of the General Assembly or the Ohio Redistricting Commission from intervening in such a case in an official capacity or obtaining independent legal counsel at public expense (VETOED).
- Would have specified that the participation of the Speaker or the President in a case, as described above, does not waive the legislative privilege or immunity of any member, officer, or staff of the General Assembly (VETOED).

## **Protection and advocacy system and client assistance program**

- Requires the President and the Speaker, every two years, to establish a joint committee to examine the activities of the state's protection and advocacy system and client assistance program.
- Requires the joint committee, every two years, to submit a report containing any recommendations to the President, the Speaker, the Governor, and the members of the Joint Committee on Medicaid Oversight.

## **Evaluation of publicly funded child care and Step Up to Quality**

- Establishes a study committee to evaluate publicly funded child care and the Step Up to Quality Program and requires the committee to issue a final report of its findings and recommendations by December 1, 2022.

## **Joint committee on career pathways and workforce training**

- Establishes a joint legislative study committee on career pathways and post-secondary workforce training programs, which must issue a report by November 1, 2022.

## **H2Ohio testimony to the General Assembly**

- Requires the directors who contribute to the required annual report that addresses H2Ohio projects, and the Executive Director of the Lake Erie Commission, to appear before both the House and Senate Finance committees within 45 days after the report is filed with the General Assembly and the Governor.

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## **GOVERNOR**

- Requires the Governor's Office of Faith-Based and Community Initiatives to submit an annual report detailing its spending and distribution of Temporary Assistance for Needy Families block grant funds.

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## **DEPARTMENT OF HEALTH**

### **Summary orders at nursing homes and assisted living facilities**

- Permits the Director of Health to issue orders, take corrective action, and impose fines without providing a nursing home, residential care (assisted living) facility, or other home with notice and an opportunity for a hearing if the Director determines immediate action is necessary to protect resident health or safety.
- Permits a home to request a hearing under the Administrative Procedure Act after a summary order is issued.

### **Inspections of assisted living facilities**

- Authorizes the Director to inspect an assisted living facility every 30 (instead of 15) months, once the facility has had two consecutive 15-month inspections without any substantiated violations and other related conditions are met.

## Hospital licensure

- By September 30, 2024, requires a hospital operating in Ohio to be licensed by the Director rather than registered as under current law.
- Specifies that any reference to a hospital in an existing law that is not included in the act is to be construed as a reference to a hospital licensed under the act's licensure requirements.

## Variations from written transfer agreements

- Regarding variations from the written transfer agreement requirement that applies to ambulatory surgical facilities (ASFs), requires:
  - The local hospital at which a consulting physician has admitting privileges to be within a 25-mile radius of the ASF;
  - The consulting physician to actively practice clinical medicine within a 25-mile radius of the ASF;
  - An ASF with an existing variance to demonstrate compliance with the act's requirements within 90 days or the variance must be rescinded.

## Home health service provider licensing

- Requires home health agencies and independent (nonagency) providers of skilled home health services and nonmedical home health services to be licensed by the Department of Health (ODH).

## Expedited licensing inspections

- Specifies that an existing home, such as a nursing home or assisted living facility may request an expedited licensing inspection from the Director when seeking approval to increase or decrease its licensed capacity or make any other change for which the Director requires a licensing inspection to be conducted.

## Frontline Health Care Worker Pilot Program

- Requires ODH to establish and operate, during FYs 2022 and 2023, a Frontline Health Care Worker Education, Training, and Certification Pilot Program to reimburse adult education institutions for the cost of education-related expenses and wraparound services provided to students enrolled in certain health care training programs.

## Technological resources

- Removes a requirement that providers conducting home visits under the Help Me Grow Program, WIC clinics, and Medicaid managed care organizations promote the use of technological resources that provide information on having a healthy pregnancy and healthy baby.

## **Newborn screening**

- Requires newborns to be screened for X-linked adrenoleukodystrophy and spinal muscular atrophy beginning May 28, 2022.
- Requires the state’s Newborn Screening Advisory Council, within six months after a disorder is added to the federal Recommended Uniform Screening Panel, to determine whether or not to recommend that Ohio newborns be screened for the disorder.
- Requires the Director, within six months after receiving the recommendation, to specify the disorder for screening in rule, with screening to begin within one year.
- Provides that screening for any disorder is not required if appropriate laboratory equipment is not available.

## **Smoking and tobacco**

### **Dispensing nicotine replacement therapy without a prescription**

- Authorizes pharmacists to dispense nicotine replacement therapy without a prescription in accordance with physician-established protocols.

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

- 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.

### **Smoke-Free Workplace Law**

- Expands the Smoke-Free Workplace Law to include electronic smoking devices and vapor products.
- Exempts retail vapor establishments from the smoking ban with regard to smoking via vapor products and electronic smoking devices.
- Specifies that the smoking ban applies to retail vapor establishments with regard to all other forms of smoking.
- Requires entities to certify that they are eligible for the retail vapor store smoking ban exemption.
- Defines “retail vapor store” as a retail establishment that derives more than 80% of its gross revenue from the sale of vapor products, electronic smoking devices, or other electronic smoking product accessories and for which the sale of other products is merely incidental.

### **Retail tobacco store definition**

- Revises the definition of “retail tobacco store” to apply to stores that sell “lighted or heated tobacco products,” conforming the definition to the act’s revised definition of “smoking.”

## **Certificate of need capital expenditure threshold**

- Increases to \$4 million the maximum amount of a capital expenditure that may be made in renovating or adding to a long-term care facility without being subject to review under the Certificate of Need Law.

## **Children with Medical Handicaps Program eligibility**

- Extends the Children with Medical Handicaps Program age limit from 21 to 23 by July 1, 2022, by increasing the age limit by one year in 2021 and 2022.

## **Home visiting services**

- Allows families with children up to age five (instead of age three) to receive home visits through the Help Me Grow Program.
- Changes the frequency of the ODH summit on home visiting services to once every two years, instead of twice a year.

## **Help Me Grow report**

- Requires the Director to submit a report regarding the Help Me Grow program that includes recommendations for using funds associated with Medicaid and TANF to provide services through Help Me Grow.

## **Rare Disease Advisory Council membership**

- Increases to 31 (from 25) the number of members on the Rare Disease Advisory Council by permitting the appointment of public members by the President of the Senate and the Speaker of the House.

## **Drug overdose fatality review committees**

- Authorizes the establishment of county or regional drug overdose fatality review committees.
- Requires each committee to submit to ODH an annual report containing specified information related to the drug overdose or opioid-involved deaths reviewed by it.

## **Suicide fatality review committees**

- Authorizes the establishment of county or regional suicide fatality review committees.
- Requires each committee to submit to ODH an annual report containing specified information related to the suicide deaths reviewed by it.

## **Ohio breast and cervical cancer project**

- Requires the Director, as part of the Ohio Breast and Cervical Cancer Project (BCCP), to ensure that a woman who was screened for breast or cervical cancer by a provider outside of the BCCP receives cancer treatment.

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## DEPARTMENT OF HIGHER EDUCATION

### Restriction on instructional fee increases

- For the 2021-2022 and 2022-2023 academic years, limits increases by state universities, the Northeast Ohio Medical University, and university branch campuses in their instructional and general fees to not more than 2% over the previous academic year.
- For the 2021-2022 and 2022-2023 academic years, limits increases by community colleges, state community colleges, and technical colleges in their instructional and general fees to not more than \$5 per credit hour over the previous academic year.
- Excludes from the fee increase restrictions: student health insurance, auxiliary goods or services fees provided to students at cost, pass-through fees for licensure and certification exams, study abroad fees, elective service charges, fines, and voluntary sales transactions.

### In-state graduate tuition

- Qualifies for in-state tuition a nonresident living in Ohio who, after completing a bachelor's degree at an institution of higher education in the state, immediately enrolls in an eligible graduate program offered at any state institution of higher education.

### Athlete compensation for name, image, or likeness

- Allows intercollegiate athletes to earn compensation from their name, image, or likeness (NIL).
- Prohibits an institution of higher education, athletic association, conference, or other group or organization with authority over intercollegiate athletics from taking specified actions regarding an intercollegiate athlete who earns, or obtains representation in relation to earning, compensation from the athlete's NIL.
- Includes limitations with respect to contracts that provide compensation to an intercollegiate athlete for the use of the athlete's NIL.

### Textbook auto-adoption

- Requires each state institution of higher education to consider a textbook auto-adoption policy prior to academic year 2022-2023.

### Nursing bachelor's degrees at community colleges

- Requires the Chancellor of Higher Education to approve any nursing bachelor's degree program proposed by community colleges, state community colleges, and technical colleges that meet certain continuing law requirements.

### Ohio Innovative Partnership – Choose Ohio First Scholarship

- Eliminates the Ohio Research Scholars Program component of the Ohio Innovative Partnership, but retains the Choose Ohio First Scholarship Program.

- Removes medicine, dentistry, and medical and dental education from the list of academic fields in which students may receive Choose Ohio First scholarships.
- Repeals the primary care medical student, primary care nursing student, and primary care dental student components of the scholarship program.
- Specifically includes “health professions” in the scholarship program’s purpose statement.
- Makes other changes regarding the scholarship program’s administration and requirements.

### **Commercial truck driver student aid**

- Establishes the Commercial Truck Driver Student Aid Program to provide a combination of a grant and a loan to eligible students enrolled in certified commercial truck driver’s license schools.
- Requires each participant to commit to residing and being employed in Ohio for at least one year upon completing a certified commercial driver’s license program.

### **Ohio National Guard Scholarship eligibility**

- Qualifies for the Ohio National Guard Scholarship full-time and part-time students who are enrolled for at least three credit hours of coursework in prescribed programs for an in-demand occupation.

### **FAFSA data system**

- Requires the Chancellor and the Ohio Education Computer Network to establish a data system to track the Free Application for Federal Student Aid (FAFSA) completion rate of Ohio’s public and chartered nonpublic school students.
- Permits the Chancellor to publish and share aggregate FAFSA data, including completion counts and rates for Ohio and each district or school.

### **Withholding student transcripts**

- Prohibits state institutions of higher education from withholding a student’s official transcripts from a potential employer under certain conditions.

### **OhioCorps pilot**

- Prohibits the addition of new students to the OhioCorps Pilot Program after the 2020-2021 academic year and discontinues it at the end of the 2021-2022 academic year.
- Requires each student who otherwise is eligible to receive a scholarship under the program to receive \$1,000 upon conclusion of the 2021-2022 academic year.



## Computer science

- Requires each state university, beginning in the 2022-2023 academic year, to recognize a student's successful completion of certain advanced computer science courses as meeting general admissions requirements.
- Requires each educator preparation program to require each candidate for an educator license who enters the program after the 2021-2022 academic year to receive instruction in computer science and computational thinking.

## Farm Financial Management Institute

- Expands content and priority enrollment specifications for the Ohio State University's Farm Financial Management Institute.
- Renames the Institute as the "Farm Production, Policy, and Financial Management Institute."

## Electronic attendance of board of trustees' meetings

- Permits a state institution of higher education to establish a policy allowing its trustees to attend board meetings via electronic communication.
- Permits a trustee attending a meeting via electronic communication to be considered present at the meeting, to be counted for a quorum, and to vote.

## Wright State Lake Campus Task Force

- Creates the Wright State University's Lake Campus Task Force to evaluate current campus operational structures and procedures.

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## OHIO HISTORY CONNECTION

- Establishes the Ohio Commission for the United States Semiquincentennial, consisting of 29 appointed members and one ex officio, nonvoting member.
- Authorizes the Commission to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the U.S. in 2026 and the impact of Ohioans on the nation's past, present, and future.
- Requires the Commission to submit to the Governor and the General Assembly a comprehensive report that includes specific recommendations to commemorate the anniversary, and to submit annual reports.
- Permits the Commission chairperson to appoint an executive director, who may in turn hire other personnel.
- Terminates the Commission on June 30, 2027.

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## DEPARTMENT OF INSURANCE

### Drug data disclosure

- Effective January 1, 2022, requires health plan issuers, including pharmacy benefit managers, to release specified cost-sharing and other information related to drugs covered under a health benefit plan.
- Specifies the format in which the information must be provided.

### Hospital admission notification to health plan issuers

- Requires a hospital, when a patient covered by a health benefit plan is admitted, to notify the health plan issuer of the admission within 48 hours.

### Insurance agent pre-licensing education

- Authorizes the Superintendent of Insurance, when determining criteria for pre-licensing education for insurance agents, to include classroom, online, and self-study options.

### Joint venture title insurance companies

- Requires, for a title company that is a joint venture, the company's annual review to assess whether or not all members of the joint venture received revenue from the title company commensurate to their ownership interest in the title company.
- Requires, for title companies that are joint ventures, all members of the joint venture to be allowed or invited to join any successor joint ventures formed upon dissolution or termination of the original joint venture.

### Long-term care insurance tax credit study

- Requires the Departments of Insurance and Medicaid to complete a joint study by July 1, 2022, analyzing whether offering tax credits or other incentives for the purchase of long-term care insurance would increase the number of Ohioans with such insurance.

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## DEPARTMENT OF JOB AND FAMILY SERVICES

### TANF spending plan

- Requires the Department of Job and Family Services (JFS) to submit a spending plan for Temporary Assistance for Needy Families (TANF) to the Governor describing anticipated TANF spending for the upcoming fiscal biennium.
- Requires the Governor to submit the TANF spending plan to the General Assembly as an appendix to the Governor's budget.
- Requires JFS to submit an updated TANF spending plan to the chairpersons of certain standing committees of the House and Senate and the minority leaders of the House and Senate at the conclusion of each fiscal year, and permits the chairpersons to call the JFS Director to testify about the plan.

## **Supplemental Nutrition Assistance Program (SNAP) debit cards**

- Requires JFS to collect information on suspicious electronic benefit transfer card transactions and provide the information to each impacted county department of job and family services for analysis and investigation.

## **Elderly Simplified Application Project**

- Requires the JFS Director to submit an application for participation in the federal Elderly Simplified Application Project within SNAP.

## **Data matching agreements**

- Requires the JFS Director to enter into several data matching agreements for determining eligibility for certain public assistance recipients.

## **Third-party commercial consumer reporting agency**

- Permits JFS to contract with a third-party commercial consumer reporting agency to assist with improving the timeliness of benefit deliveries, maximizing operational efficiencies, increasing cost savings, and minimizing fraud within public assistance programs.
- Requires county departments of job and family services to participate in a no-cost, 90-day pilot program under which they must contract with a third-party commercial consumer reporting agency.
- Following the conclusion of the pilot program, permits JFS to contract with a vendor to provide the services described above.
- Requires both JFS and county departments to undertake efforts to incorporate real-time employment and income information into their verification and eligibility determination procedures.

## **Public Assistance Benefits Accountability Task Force**

- Establishes the Public Assistance Benefits Accountability Task Force, and requires it to study various aspects of Ohio's public assistance programs and to submit a report to the General Assembly.

## **JFS subgrant**

- Requires JFS to enter into a subgrant agreement with the Ohio Association of Foodbanks to do the following:
  - Provide food distribution via the statewide charitable emergency food provider network;
  - Support transportation of meals for the Governor's Office of Faith-Based and Community Initiatives Innovative Summer Meals programs; and
  - Provide capacity building equipment for food pantries and soup kitchens.
- Requires the Association to do the following:

- Purchase food for the Agriculture Clearance and Ohio Food programs;
- Provide the cost of transportation of food already purchased in FY 2021 to the Governor’s Office of Faith-Based and Community Initiatives Summer and Rural Meals program sites;
- Support the Capacity Building Grant program and purchase equipment for partner agencies to increase their capacity to serve more TANF-eligible families; and
- Submit quarterly and annual reports to JFS that include performance details.

### **Individual development account reports**

- Eliminates a requirement that county departments of job and family services file semi-annual reports with JFS regarding their Individual Development Account Programs.
- Eliminates a requirement that JFS prepare an annual report regarding these programs.

### **Family and Children First**

- Transfers fiscal and administrative agent duties for the Ohio Family and Children First Cabinet Council from the Department of Mental Health and Addiction Services to JFS, including transferring the Council’s office location and employees.
- Permits a county family and children first council to create a flexible funding pool to assure access to services by families, children, and seniors in need of protective services.

### **Case plans and family service plans**

- Beginning January 1, 2023, makes it mandatory for a public children services agency (PCSA) or private child placing agency (PCPA) to include in its case plan for a child in temporary custody (unless it is not in the child’s best interest) a permanency plan that describes agency-provided services to achieve permanency for the child if reasonable efforts at family reunification are unsuccessful.
- Requires permanency plan services to be provided concurrently with efforts at family reunification.
- Requires the JFS Director to adopt, according to R.C. Chapter 119, case plan rules for the concurrent provision of permanency plan services for a child in temporary custody.
- Repeals the option that allowed a PCSA to maintain a family service plan for any child for whom it provides in-home services under an alternative response to a child abuse or neglect report, and thereby requires the PCSA to maintain a case plan for such a child.

### **Caseworker in-service training**

- Requires the JFS Director to adopt rules to establish circumstances under which a PCSA executive director may waive portions of caseworker in-service training requirements.

## **Kinship caregiver placement efforts**

- Requires a PCSA or PCPA with temporary custody of a child or a child placed in a planned permanent living arrangement (TC/PPLA child) to make intensive efforts to identify potential kinship caregivers using certain search technology.
- Requires a court to review a PCSA's or PCPA's efforts to locate appropriate and willing kinship caregivers for a TC/PPLA child at every hearing concerning that child.
- Requires a PCSA or PCPA to include a summary of its efforts to find a kinship caregiver for a TC/PPLA child as part of the semiannual administrative review of the child's case plan, unless a court has deemed such efforts unnecessary.
- Allows a court to issue, under certain circumstances, an order determining that a TC/PPLA child's current placement is in the child's best interest and that further intensive efforts at finding kinship caregivers are unnecessary.
- Provides that a TC/PPLA child's current caregivers must be considered the child's kin with equal standing with relatives regarding permanency, if the court determines the current placement is in the child's best interest and intensive efforts to find kinship caregivers are unnecessary.
- Excuses a PCSA or PCPA from considering a TC/PPLA child's relative as a permanent placement option if the relative has failed to show interest within six months of receiving notice of the child's placement in the temporary care of the PCSA or PCPA.
- Provides that nothing in the act's kinship caregiver placement efforts provisions prevents a PCSA or PCPA from continuing to search for an appropriate kinship caregiver.

## **Kinship caregiver program**

- Requires each county department of job and family services to incorporate a kinship caregiver program, which includes a family stabilization service and caregiving service, into its prevention, retention, and contingency plan.
- Earmarks \$10 million in each of FYs 2022 and 2023 for the program, and requires the JFS Director to allocate funds to county departments via a formula.
- Requires each PCSA to use the allocated funds to provide reasonable and necessary relief of child caring functions so kinship caregivers can provide and maintain a home for the child in place of the child's parents.
- Requires the county department to enter into a memorandum of understanding with the PCSA for authorization to spend the allocation.
- Specifies that the program will end if funding is no longer available and any county department or PCSA cannot be held responsible for payment of services.

## **Kinship guardianship assistance and Kinship Support Program**

- Requires the JFS Director, by June 30, 2022, to submit amendments to the state Title IV-E plan to implement Title IV-E kinship guardianship assistance (federal KGA) available (1) on behalf of an eligible child to relatives, and (2) to any relative on behalf of a kinship guardianship (KG) young adult.
- Requires implementation of the state plan amendments to begin December 30, 2022, if the Secretary of Health and Human Services approves the plan and the General Assembly has appropriated funds sufficient to operate the program required by the amended plan.
- Allows a PCSA to enter into an agreement with a child’s relative to provide state kinship guardianship assistance (state KGA), if state funds are available and certain conditions are met.
- Requires implementation of state KGA no later than December 30, 2022, if the amended state plan for federal KGA is approved.
- Provides that any JFS decision terminating federal KGA for a KG young adult or kinship support program (KSP) payments is subject to a state hearing.
- Allows kinship caregivers to participate in the kinship permanency incentive program if they are not receiving federal assistance payments for KGA or for adopted or emancipated young adults or state adoption maintenance subsidy payments.
- Allows for specified relatives receiving federal KGA, state KGA, or KSP payments to participate in Ohio Works First if other conditions are also met.
- Excludes federal KGA, state KGA, and KSP payments from the definition of gross income for child support purposes.
- Provides that benefits and services provided under the following are inalienable and therefore not subject to attachment or garnishment:
  - Kinship guardianship assistance program;
  - Extended kinship guardianship assistance program;
  - Kinship support program;
  - Kinship permanency incentive program;
  - State adoption maintenance subsidy.
- Repeals requirements governing PCSA placement of children with special needs determined impossible to adopt and the duty to periodically redetermine and report the child’s status to JFS.

## **Online training for foster caregivers**

- Repeals the law permitting up to 20% of a prospective foster caregiver’s preplacement training to be provided online.

- Requires JFS to adopt rules, in accordance with R.C. Chapter 119, regarding the amount of preplacement and continuing training hours that may be completed online for prospective and existing foster caregivers.

### **PASSS program**

- Recodifies and transfers, from PCSAs to JFS, complete administration of the post-adoption special services subsidy (PASSS) program, under which payments are made on behalf of an adopted child with a physical or developmental disability or mental or emotional condition.
- Permits JFS to contract with any person to carry out PASSS duties.
- Prohibits PASSS payments to any person:
  - 18 years or older beyond the end of the school year during which the person attains that age; or
  - A mentally or physically disabled person who is 21 or older.
- Requires JFS to adopt rules necessary to implement, and to actually implement, the recodified PASSS by July 1, 2022.

### **Bills of rights for foster youth and resource families**

- Requires JFS to adopt by rule, in accordance with R.C. Chapter 119, a Foster Youth Bill of Rights and a Resource Family Bill of Rights.
- Provides that if a right in the Foster Youth Bill of Rights conflicts with a right in the Resource Family Bill of Rights, the Foster Youth Bill of Rights prevails.
- Provides that the rights created for foster youth and resource families do not create grounds for a civil action against JFS, the recommending agency, or the custodial agency.

### **Notification for sibling of adopted person**

- Provides that an adopted person's legal parents may be notified that an adopted person's sibling has been placed into out-of-home care after an adoption has been finalized.
- Defines "sibling," for notification purposes only, as a former biological sibling, former legal sibling, or any person who would have been considered a sibling if not for a termination or other disruption of parental rights.

### **Criminal records check**

- Adds, as a result of an LSC error, certain crimes to the Bureau of Criminal Identification and Investigation criminal background check for:
  - Persons whose identities are required to be disclosed for the issuance or transfer of a permit, license, certificate of registration, or certification by the Department of Commerce;

- Persons employed to be responsible for the care, custody, or control of a child at a Head start agency or preschool program; and
- Any school district, educational service center, or school employment applicant.
- Failed, due to the error, to apply the additional crimes to the background check for persons responsible for out-of-home child care and members of a household for a host family hosting a child under a host family agreement.

## **Background checks for institutions and associations**

- Requires an institution or association to obtain certain background information before employing a person or engaging a subcontractor, intern, or volunteer if:
  - The institution or association is a residential facility; or
  - The institution or association is not a residential facility and the person, subcontractor, intern, or volunteer will have contact with children.
- Requires the institution or association, regarding the background information, to:
  - “Obtain” (instead of “conduct”) a search of the U.S. Department of Justice’s National Sex Offender Public Website; and
  - “Obtain” (instead of “conduct”) a summary report of a search of the uniform statewide automated child welfare information system.
- Allows an institution or association to refuse to employ a person or engage a subcontractor, intern, or volunteer based solely on the search and summary report obtained.
- Requires an institution or association to obtain the search and summary report for a person, subcontractor, intern, or volunteer if that information has not been obtained by September 30, 2021.

## **Federal foster care assistance for emancipated young adults**

- Expands the juvenile courts that may exercise jurisdiction over an emancipated young adult (EYA) receiving federal foster care payments to include the court of the county where the EYA resided when his or her custody, planned permanent living arrangement, or care and placement terminated.
- Revises the timing for JFS or its representative to petition for a judicial determination that the EYA’s best interest is served by continuing care and placement with JFS or its representative after the EYA enters a voluntary participation agreement for placement and care.
- Explicitly associates seeking and obtaining the determination with maintaining the EYA’s eligibility for Title IV-E assistance.
- Eliminates the remedy that an EYA loses eligibility for continued care and placement with JFS or its representative under a voluntary participation agreement (VPA) if a court,



180 days after the VPA becomes effective, determines the continued care and placement does not serve the EYA's best interest.

- Requires a court to make a permanency plan determination regarding an EYA:
  - 12 months after the VPA's effective date;
  - At least once every 12 months after the first determination; and
  - That JFS or its representative made reasonable efforts to finalize a permanency plan to prepare the EYA for independence.
- Requires federal payments for foster care to be suspended if the best interest and reasonable efforts determinations (described above) are not timely made.

### **Foster caregiver certification extension**

- Requires JFS to extend the certification deadline to December 31, 2021, for foster caregivers and prospective foster caregivers who began training or preplacement training between 2019 and 2021, unless their certification deadline is after December 31, 2021.
- Prohibits JFS from requiring foster caregivers and prospective foster caregivers from repeating training or certification requirements that have been previously completed, except JFS may require a new background check and home inspection.

### **Court order to interview and examine a child**

- Allows a juvenile court, if it determines probable cause exists, to issue an order, without a hearing, authorizing a PCSA to interview or examine a child who may be abused, neglected, or dependent if the child's parent, guardian, custodian, or caretaker refuses the PCSA reasonable access to the child.
- Requires that a PCSA request the order and to submit a sworn affidavit detailing the facts that would support the order.
- Specifies that the order is not a final, appealable order, which means that the order may not be reviewed, affirmed, modified, or reversed, with or without trial.

### **Reimbursement for federal juvenile court programs**

- Adds prevention services costs under the federal Family First Prevention Services Act to the expenses for which a juvenile court may receive reimbursement upon agreement with JFS on behalf of a child in certain circumstances.
- Adds a child who is at imminent risk of removal from the home and is a sibling of a child in the temporary or permanent custody of the court as a child on whose behalf reimbursement may be sought.

### **Streamlining County Level-Information Access Task Force**

- Creates the Task Force on Streamlining County Level-Information Access to make recommendations on streamlining information access across information technology

systems for (1) county departments of job and family services, (2) child support enforcement agencies, (3) PCSAs, and (4) county OhioMeansJobs centers.

- Requires the Task Force to do the following:
  - Identify barriers to efficient operations between information technology systems that affect operations and client services;
  - For each identified barrier, explore the feasibility of allowing county employees access to more than one information technology system;
  - Prioritize which barriers should be addressed first;
  - Submit a report to the General Assembly by February 1, 2022.

### **Publicly funded child care**

- Revises the law governing eligibility determinations for publicly funded child care, including by specifying that the eligibility period is to be at least 12 months.
- Revises the income eligibility for publicly funded child care, specifying that the maximum amount of family income for initial eligibility cannot exceed 142% of the federal poverty line, but only until June 30, 2023.
- Repeals the law requiring JFS to ensure that specified percentages of publicly funded child care providers are rated in the Step Up to Quality Program's third highest tier or above by specified dates, including the provision requiring all of these providers to be rated in the third highest tier or above by June 30, 2025.

### **Type A family day-care homes**

- Eliminates the requirement that JFS include in the rules governing Type A family day-care homes standards for preparing and distributing parent rosters.

### **Child care resource and referral services**

- Eliminates the requirement that the JFS Director adopt rules for funding child care resource and referral service organizations.

### **Head Start program definition**

- Revises the definition of "head start program" for the law governing the licensure and regulation of child care providers, including by specifying that it is a school-readiness program.

### **Elder Abuse Commission reporting**

- Removes a requirement that the Elder Abuse Commission review current funding of adult protective services and submit a separate report on the cost of implementing its recommendations.
- Requires instead that the Commission's biennial report include estimates of the funding necessary to implement its specific recommendations.

## Ohio Commission on Fatherhood

- Extends the timeline of appointing the chairperson of the Ohio Commission on Fatherhood from every year to every other year, occurring in odd-numbered years.

## Unemployment compensation

### Applications for unemployment benefits

- For benefit years beginning on or after July 1, 2022, eliminates from consideration in the first phase of the unemployment eligibility process whether a claimant is disqualified from unemployment benefits for reasons relating to why the claimant is unemployed (this phase examines whether the claimant worked enough and earned enough to qualify for benefits).
- Requires the JFS Director to check the Ohio New Hire Reporting Center, the National Directory of New Hires, and the Integrity Data Hub when determining whether an initial application is valid or whether a first claim or additional claim qualifies an individual for benefits.

### Other provisions

- Makes information maintained by or furnished to the Unemployment Compensation Review Commission confidential and, with one exception, inadmissible in cases unrelated to the Unemployment Compensation Law (similar to continuing law regarding information maintained by, or furnished to, JFS).
- Prohibits disclosure of information maintained by the Commission unless an exception applies.
- Reduces from 30 days to ten days the time for the JFS Director to approve or deny a shared work plan and notify the employer of the determination.
- Increases the maximum percentage an individual's workweek can be reduced for purposes of participating in the SharedWork Ohio Program from 50% to 60%.
- Requires, if permitted by federal law, any portion of compensation paid under the SharedWork Ohio Program to be charged to the mutualized account and not to a participating employer's experience during any period the compensation is being reimbursed under federal law.

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## JUDICIARY/SUPREME COURT

### Lima Municipal Court clerk

- Specifies that the Lima Municipal Court clerk is an elected position.
- Includes the Lima Municipal Court clerk within the procedure for filling a vacancy.

## Jefferson County Court

- Effective January 1, 2022, removes the requirement that the presiding judge of the Jefferson County Court determine areas of separate jurisdiction for the judges of that court and that the judges hold court in Wintersville or Cross Creek, Dillonvale, and Toronto.

## Indigent drivers alcohol treatment fund

- Expands how a court may use surplus money in an indigent drivers alcohol treatment fund by allowing expenditures for the costs of staffing, equipment, training, drug testing, supplies, and other expenses of any specialized docket program established within the court and certified by the Supreme Court.

## Probation Workload Study Committee

- Creates the Probation Workload Study Committee within the Ohio Supreme Court to study and discuss probation caseload principles, education standards for probation officers, workload capacity principles, and any other additional subject determined by the Study Committee to be relevant.
- Requires the Study Committee to provide its recommendations to the Governor and legislative leaders by December 31, 2021.

## Clerks of court deputy appointments

- Requires that the appointments of deputies to a clerk of a court of common pleas be “endorsed” by the clerk.

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## LEGISLATIVE SERVICE COMMISSION

- Codifies the traditional practice that in even-numbered general assemblies, the Senate President serves as chairperson of the Legislative Service Commission (LSC) and the Speaker of the House serves as vice-chairperson, and vice-versa in odd-numbered general assemblies.
- Eliminates the requirement that LSC meet at least quarterly.

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## JOINT LEGISLATIVE ETHICS COMMITTEE

- Specifies that the Joint Legislative Ethics Committee (JLEC) and the Office of Legislative Inspector General are not occupational licensing boards.
- Specifies that a registration to be a legislative agent, retirement system lobbyist, or executive agency lobbyist is not a license.
- Prevents occupational licensing provisions of H.B. 263 of the 133rd General Assembly from applying to these registrations, thereby allowing JLEC to continue to prohibit registration of persons convicted of specified offenses and automatically ban a person from serving as a legislative agent, retirement system lobbyist, or executive agency lobbyist if convicted of specified offenses.

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## DEPARTMENT OF MEDICAID

### Medicaid managed care contracting entities (VETOED)

- Would have required the Department of Medicaid to contract with Medicaid managed care organizations (MCOs) that (1) are domiciled in Ohio, (2) are currently Medicaid MCOs, and (3) have a proven history of providing quality services and customer satisfaction (VETOED).
- Would have required any Medicaid MCO to participate, at minimum, in the geographic regions of Ohio where it is already providing services (VETOED).
- Would have required the Department to establish an appeals process under which applicants can appeal the Department's award of Medicaid MCO contracts (VETOED).

### Duties of area agencies on aging

- Requires the Department, if it adds to the Medicaid managed care system during FY 2022 and FY 2023 more Medicaid recipients who are aged, blind, disabled, or also enrolled in Medicare, to take certain actions regarding the duties of area agencies on aging relative to home and community-based waiver services.

### Medicaid coverage of women postpartum

- Expands Medicaid coverage for pregnant women to include the maximum period permitted under federal law, instead of for 60 days after giving birth.

### Medicaid eligibility

- Requires the Department to take certain actions in the event that it receives federal funding for the Medicaid program that is contingent upon a restriction that limits the Department's ability to disenroll ineligible Medicaid recipients.

### Post-COVID Medicaid redetermination

- Requires the Department to seek Controlling Board approval to permit it to use third-party data to conduct an eligibility redetermination of all Ohio Medicaid recipients within 90 days after the conclusion of the COVID-19 emergency period.
- Requires the Department to conduct an expedited eligibility review of recipients identified as likely ineligible for the program based on that verification and (to the extent permitted under federal law) to disenroll those who are no longer eligible.
- Requires the Department to conduct an expedited eligibility review of recipients who were newly enrolled in Medicaid for three or more months during the COVID-19 emergency period and (to the extent permitted under federal law) to disenroll those who are no longer eligible.
- Requires the Department to complete a report containing its findings from the verification and submit it to various state agencies.

- Provides that any third-party vendor expenses incurred by the verification is entirely contingent on the Department realizing cost savings, and limits vendor expenses to 20% of those savings.

### **Medicaid waiver component definition**

- Specifies that the definition of a “Medicaid waiver component” does not include services delivered under a prepaid inpatient health plan.

### **Voluntary community engagement program**

- Requires the Medicaid Director to establish a voluntary community engagement program for medical assistance recipients.
- Requires the program to encourage work among able-bodied medical assistance recipients of working age, including providing information about the benefits of work on physical and mental health.
- Provides that the program is in effect through FY 2023, or until Ohio is able to implement the waiver component establishing work requirements and community engagement as a condition of enrolling in the Medicaid expansion eligibility group.

### **Medicaid Cost Assurance pilot**

- Establishes the Medicaid Cost Assurance Pilot Program to be available to the Medicaid expansion eligibility group population during the FY 2022-FY 2023 biennium.
- Requires the Department to implement the pilot program initially to the expansion eligibility group population, with future expansion to be determined based on success criteria.
- By December 31, 2022, requires the Department to submit a report to the Speaker of the House, the Senate President, and the Joint Medicaid Oversight Committee (JMOC) outlining clinical outcome data and cost impacts of the program.

### **Care Innovation and Community Improvement Program**

- Requires the Medicaid Director to continue the Care Innovation and Community Improvement Program for the FY 2022-FY 2023 biennium.

### **Ohio Invests in Improvements for Priority Populations**

- Establishes the Ohio Invests in Improvements for Priority Populations Program as a directed payment program for inpatient and outpatient hospital services provided to Medicaid managed care recipients.
- Provides that, under the program, state university-owned hospitals with fewer than 300 beds can directly receive payment for program services.
- Requires participating hospitals to remit to the Department, through intergovernmental transfer, the nonfederal share of payment for those services.

## **Hospital Care Assurance Program, franchise permit fee**

- Continues, until October 2023, the Hospital Care Assurance Program and the franchise permit fee imposed on hospitals under Medicaid.

## **Medicaid rates for community behavioral health services**

- Permits the Department to establish Medicaid rates for community behavioral health services provided during FY 2022 and FY 2023 that exceed the Medicare rates paid for the services.

## **Home and community-based services payment rates (VETOED)**

- Would have earmarked \$5 million to increase the payment rates during FY 2022 and FY 2023 for adult day care services provided under the PASSPORT, Ohio Home Care, MyCare Ohio, and Assisted Living waivers (VETOED).
- Would have increased the payment rates for providers of certain services under the PASSPORT, the Ohio Home Care waiver, the MyCare Ohio waiver, and the Assisted Living waiver programs by 4% in FY 2022 and another 2% in FY 2023 (VETOED).

## **Value-based purchasing supplemental rebate**

- Requires the Department to submit a Medicaid state plan amendment to allow it to enter into value-based purchasing supplemental rebate agreements with pharmaceutical manufacturers.

## **Medicaid reports**

- Requires the Director to notify JMOC and be available to testify to JMOC before making any Medicaid payment rate increases greater than 10%.
- Requires the Director to report quarterly to JMOC the fee rates and the aggregate total of certain Medicaid program fees and if there is a rate increase pending before CMS for any of those fees.

## **Pharmacy supplemental dispensing fee (PARTIALLY VETOED)**

- Requires the Department to establish for the FY 2022-FY 2023 biennium a supplemental dispensing fee with three payment levels for retail pharmacies under the care management system.
- Would have required the payment levels to be based on (1) the ratio of Medicaid prescriptions filled compared to total prescriptions filled for each pharmacy and (2) the number of retail pharmacies participating in the care management system (VETOED).
- Would have prohibited the supplemental dispensing fee from causing a reduction in other payments made to the pharmacy (VETOED).

## **Nursing facilities**

### **Critical access nursing facilities**

- For calculating the occupancy and utilization rates to determine if a nursing facility is a critical access nursing facility, provides that “as of the last day of the calendar year” refers to the rates during the calendar year identified in the nursing facility’s cost report.

### **Medicaid payment formula**

- Removes provisions that require the Department to include in a nursing facility’s occupancy rate any beds that the facility removes from its Medicaid certified capacity, unless the beds are also removed from the facility’s licensed capacity.

### **Resident assessment data**

- Requires rules relating to the resident assessment data that nursing facilities must compile quarterly to specify any resident assessment data that is excluded from the facility’s case mix score calculated quarterly by the Department.

### **Special Focus Facility Program**

- Modifies the nursing facility Special Focus Facility (SFF) Program, which requires the Department to terminate a nursing facility’s Medicaid participation if the facility is placed on the federal SFF list and fails to make improvements or graduate from the program within certain periods of time.
- As part of the modifications, requires a nursing facility to take all necessary steps to improve its quality of care to avoid having its license terminated under the SFF Program, and permits appeals relating to the amount of time a facility has been on an SFF list.

### **Quality payments – repealed**

- Repeals the quality payments nursing facilities received under former law for meeting at least one of five quality indicators.

### **Quality incentive payments (PARTIALLY VETOED)**

- Extends the nursing facility quality incentive payments from FY 2021 through the FY 2022-FY 2023 biennium.
- Clarifies that the data used to calculate a nursing facility’s quality score is based on CMS data from the most recent month of the calendar year during which the fiscal year for the rate begins, instead of May of the calendar year during which the fiscal year begins.
- Provides that a nursing facility receives zero quality points if its total number of points for FY 2022 or FY 2023 for the quality metrics is less than the number equal to the bottom 25% of all nursing facilities.
- Replaces the previous disqualifications from the quality incentive payments with a new disqualification for a nursing facility that is on CMS’s SFF list in that fiscal year.



- Would have defined SFF Table A, Table B, and Table C, for purposes of the above disqualification (VETOED).
- Suspends, after FY 2023, a provision of law that disqualifies a nursing facility from receiving a quality incentive payment if its licensed occupancy percentage is below 80% for the fiscal year, unless certain exceptions are met.
- Subtracts \$1.79 from the nursing facility's base rate calculation, which is used to determine the total amount to be spent on quality incentive payments.
- Modifies the calculation used to determine the total amount to be spent on quality incentive payments in a fiscal year by (1) adding \$1.79 to the step of the calculation using the number that is 5.2% of each nursing facility's base rate and (2) including a \$25 million add-on in FY 2022 and \$125 million in FY 2023 to the total in each fiscal year.
- Clarifies that if a nursing facility is new or undergoes a change of operator during FY 2022 or FY 2023, it receives no quality incentive payment for that fiscal year.

### **Nursing facility rebasing**

- Requires the Department to rebase only the direct care, ancillary and support, and tax cost centers when conducting a rebasing.
- Requires a nursing facility to spend money received from the rebasing conducted in FY 2022 on those cost centers only.
- Requires a nursing facility operator to spend 70% of additional dollars received as a result of a rebasing on direct care costs, including employee salaries, and permits the Department to recover any amounts that do not comply with this requirement.
- Requires the Medicaid Director to adopt rules to ensure that nursing facility operators comply with this requirement.
- Requires the Department to conduct its next nursing facility rebasing on June 30, 2021, using nursing facility calendar year 2019 data.
- Earmarks \$125 million in each of FYs 2022 and 2023 for that rebasing and requires the rebasing determinations to be paid in the following order: (1) direct care costs, (2) ancillary and support costs, and (3) tax costs.
- Requires nursing facility payments based on the rebasing calculations to be prorated in order to stay within that earmark.
- Requires nursing facility operators to submit quarterly reports to the Department identifying the amounts spent on each cost center.
- Permits the Department to review the quarterly reports and requires an operator to reimburse to the Department any amounts, plus interest, not spent in accordance with these requirements.

### **Nursing Facility Payment Commission**

- Requires the Department to establish the Nursing Facility Payment Commission to analyze the efficacy of the current nursing facility quality incentive payment formula, base rate calculation, and cost centers and submit a report of its findings to the General Assembly by August 31, 2022.

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## **JOINT MEDICAID OVERSIGHT COMMITTEE**

- Requires appointment of a Joint Medicaid Oversight Committee vice-chairperson.

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## **MEDICAL BOARD**

- Permits a physician assistant to personally furnish supplies of specified drugs and therapeutic devices at an employer-based health care clinic.
- Recognizes the authority of a medical practitioner, health care institution, or health care payer to decline to perform, participate in, or pay for any health care service that violates the practitioner's, institution's, or payer's conscience.
- Allows a physician to delegate the use of light-based medical devices for hair removal to specified persons, including cosmetic therapists, under certain circumstances.
- Creates the Massage Therapy Advisory Council to make recommendations to the State Medical Board regarding issues affecting the practice of massage therapy.

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## **DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES**

### **Suspending admissions, action against license**

- Authorizes the Ohio Department of Mental Health and Addiction Services (OhioMHAS) Director to suspend admissions at the following facilities without a hearing if there is a pattern of serious noncompliance or a violation creates a substantial health and safety risk: residential facilities, certain community addiction services providers, and hospitals for mentally ill persons.
- Specifies a process for appeals when admissions are suspended without a prior hearing.
- Regarding suspending admissions, denying an application, or refusing to renew or revoking a license or certification, (1) authorizes OhioMHAS to take action regardless of whether deficiencies have been corrected at the time of the hearing and (2) prohibits it from permitting an opportunity for submitting a plan of correction.

### **Certifiable services and supports**

- Specifies reasons the OhioMHAS Director may refuse to certify, renew, or revoke certifiable services and supports provided by a community mental health or addiction services provider.

- Eliminates requirements that the Director (1) identify areas of noncompliance for an applicant who does not satisfy certification standards and (2) provide applicants with reasonable time to demonstrate compliance.

### **Licensing boards treatment and monitoring programs**

- Supports new or existing confidential treatment and monitoring programs offered by occupational licensing boards for healthcare workers with mental health or substance use disorders, including by allowing boards to contract with organizations to administer the programs.

### **Confidentiality of substance use disorder records**

- Modifies existing requirements for maintaining confidentiality of records regarding drug treatment programs and services that are licensed or certified by OhioMHAS.
- Establishes confidentiality requirements based on federal law and applies them to federally assisted programs for substance use disorder treatment.
- Requires that the disclosure of any confidential information comply with the federal requirements.

### **Opioid treatment programs**

- Lengthens the term of a license to operate an opioid treatment program (OTP) to two years, except that the Director may require annual licensure for an OTP if the Director has concerns about its compliance record.
- Requires OhioMHAS to inspect all community addiction services providers licensed to operate OTPs at least biennially, as opposed to annually.
- Permits a community addiction services provider to employ an individual who receives medication-assisted treatment from the provider.

### **Substance use disorder treatment in drug courts**

- Continues an OhioMHAS program to provide addiction treatment to persons with substance use disorders through drug courts with programs using medication-assisted treatment.
- Modifies the program by authorizing services to be included for withdrawal management or detoxification, including drugs used in providing those services.
- Requires community addiction services providers to provide specified treatment to the participants in the program based on the individual needs of each participant.

### **County jails reimbursed for substance use treatment drugs**

- Establishes a program to reimburse counties for the cost of drugs used in providing county jail inmates with medication-assisted treatment and withdrawal management or detoxification services related to drug or alcohol use.

## **Pilot – controlled substances in lockable containers**

- Requires OhioMHAS to operate a two-year pilot program to dispense schedule II controlled substances in lockable or tamper-evident containers.

## **ADAMHS board composition and appointment (PARTIALLY VETOED)**

- Establishes options for the size of an alcohol, drug addiction, and mental health services (ADAMHS) board that results from the OhioMHAS Director granting approval in calendar year 2021 or 2022 for a county with a population between 70,000 and 80,000 to withdraw from a joint-county alcohol, drug addiction, and mental health service district.
- Provides that an ADAMHS board established from that withdrawal must consist of 18 members or 14 members.
- Would have permitted the ADAMHS board that is established to consist of seven to nine members (VETOED).
- Would have permitted an ADAMHS board that already was formed to continue as an 18-member or 14-member board, or, within six months, choose to reduce to between seven and nine members (VETOED).
- Would have specified the number of members to be appointed by the OhioMHAS Director and the board of county commissioners for the ADAMHS boards described above (VETOED).
- Provides that if a county with a population between 35,000 and 45,000 joins an existing alcohol, drug addiction, and mental health service district during the two-year period beginning June 30, 2021, the ADAMHS board serving that district may expand from 14 to 18 members.
- Permits the ADAMHS board to make such an election for one year from the date the county joins the joint-county district.

## **Stabilization centers**

- Continues the requirement that ADAMHS boards establish and administer, in collaboration with the other ADAMHS boards that serve the same state psychiatric hospital region, six mental health crisis stabilization centers.
- Requires the establishment and administration, in collaboration with the other ADAMHS boards that serve the same state psychiatric hospital region, acute substance use disorder stabilization centers.

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# **DEPARTMENT OF NATURAL RESOURCES**

## **I. Division of Wildlife**

- Eliminates the nonresident Lake Erie Sport Fishing District permit.

- Removes the \$500,000 cap on annual expenditures from the Wildlife Boater Angler Fund that the Division of Wildlife may make to pay for equipment and personnel costs associated with boating access improvements.
- Reduces, from \$11.50 to \$11.00, the fees for a senior deer permit and senior wild turkey permit, available to Ohio residents 66 and older.
- Removes superfluous definitions of “resident” and “nonresident” in the law governing deer and wild turkey permits.
- Reduces multi-year hunting license fees and senior multi-year fishing license fees.
- Increases adult multi-year fishing license fees.

## **II. Division of Mineral Resources Management**

### **Performance security for coal mining operations**

- Requires a coal mining and reclamation permittee to submit full performance security instead of using partial security and money from the existing Reclamation Forfeiture Fund for land reclamation if:
  - Ownership and operational control of the permittee has been transferred, assigned, or sold; and
  - The transferee has not held a mining permit in Ohio for at least five years.
- Specifies that this restriction applies even if the status and name of the permittee otherwise remain the same.

### **Deputy mine inspector eligibility**

- Allows an applicant for the position of deputy mine inspector of underground coal mines or underground noncoal mines to have experience in any underground mine located anywhere as long as the total experience equals six years.
- Allows an applicant for the position of deputy mine inspector of surface mines to have experience in surface mines located anywhere as long as the total experience equals six years.

### **Reciprocity for mine personnel**

- Authorizes the Chief of the Division of Mineral Resources Management to issue a certificate to work as a mine foreperson, foreperson, or mine electrician to an out-of-state applicant if:
  - The applicant holds a valid certification or other authorization from a state with which the Department of Natural Resources (DNR) has a reciprocal agreement; and
  - The applicant passes an examination on Ohio mining law or other topics determined by the Chief.

- Allows an out-of-state mine foreperson, foreperson, or mine electrician (working under a reciprocal agreement) who was issued a temporary certificate to act as a foreperson or mine electrician in Ohio prior to September 30, 2021, to continue to work under that temporary certificate until it expires.

### **III. Division of Oil and Gas Resources Management**

#### **Oil and gas well plugging**

- Authorizes the holder of a valid well drilling permit to obtain approval from the Division of Oil and Gas Resources Management to plug that well without obtaining a permit to plug and abandon if an oil and gas inspector approves it and either:
  - The well was drilled to total depth and the well cannot or will not be completed; or
  - The well is a lost hole or a dry hole.
- Requires a well drilled to total depth that cannot or will not be completed to be plugged within 30 days of the inspector's approval.
- Requires the plugging of a lost hole or dry hole to be completed immediately after determining that the well is a lost hole or dry hole in accordance with rules.
- Clarifies that the Chief of the Division may plug and abandon wells without a permit to do so.
- Specifies that the \$250 application fee for a permit to plug and abandon a well is nonrefundable and applies even if oil or gas has not been produced from it.
- Requires any person undertaking plugging, other than a well owner already required to maintain an insurance policy, to obtain \$1 million in bodily injury and property damage insurance coverage (or \$3 million if the well is in an urbanized area).
- Requires a person to electronically submit proof of that insurance to the Chief on the Chief's request.

#### **Defective well casing and plugging requirements**

- Prohibits any person (rather than only the well owner, as in prior law) from constructing a well that causes damage to other permeable strata, underground sources of drinking water, or the surface of the land or that threatens the public health and safety or the environment.
- Prohibits any person or well owner from operating a well in a way that causes the damage specified above or threatens the public health and safety or the environment.
- Retains law prohibiting a well owner from allowing a well to leak fluid or gases, but eliminates the requirement that the leak must be due to defective casing and either:
  - Cause the damages specified above; or
  - Threaten the public health and safety or the environment.

- Requires either a person that owns a well or that is responsible for the well to notify the Chief of well or casing defects within 24 hours of discovering the defect, rather than only requiring the well owner to do so, as in prior law.
- Requires either the person that owns a well or that is responsible for the well to immediately repair any defects or to plug it, rather than only requiring the well owner to do so, as in prior law.
- Requires the Chief to issue a plugging order to either the person that owns the well or the person that is responsible for the well when the Chief determines the well should be plugged.

#### **IV. Oil and Gas Leasing Commission**

- Renames the Oil and Gas Leasing Commission the Oil and Gas Land Management Commission.
- Specifies that the state's policy is to promote exploration for, development of, and production of oil and natural gas resources owned or controlled by the state, rather than to provide access and support for those activities, as in prior law.
- Revises the Commission's membership.
- Requires the Commission to hire at least one person to provide clerical and other services.
- Requires money received by a state agency in exchange for the lease of a formation under state agency-owned land for oil and gas development to be deposited into State Land Royalty Fund.
- Authorizes a state agency to use distributions from that fund for any purpose the agency deems necessary, rather than for capital costs and land acquisition as in prior law.
- Eliminates the Forestry Minerals Royalty Fund and the Parks Minerals Royalty Fund used by the Division of Forestry and the Division of Parks and Watercraft, respectively, for capital expenditures and land acquisition (the divisions will continue to receive distributions from the State Land Royalty Fund).
- Eliminates signing fees, rentals, and royalty payments received by the Division of Wildlife for leases of its land as a source of revenue for the Wildlife Habitat Fund, and instead requires distributions to the Division to be made from the State Land Royalty Fund.
- Retains a requirement that 30% of proceeds from a lease for oil and gas development under a state park be deposited into the fund that supports that state park.
- Allows a state agency to lease state agency-owned land (until the Commission adopts rules specifying a standard lease agreement and any other necessary procedures or requirements) for oil and gas development on terms that are just and reasonable, as determined by the custom and practice of the oil and gas industry.
- Specifies that the lease must at least include the elements required to be included in the standard lease agreement.

- Adds new elements to the required standard lease form that must be used by a state agency when leasing state agency-owned land for oil and gas development.
- Requires the Commission to establish a standard surface use agreement form that must be used by a state agency to authorize the use of the surface of a parcel of leased land.
- Revises requirements and procedures concerning the nomination of state agency-owned formations to the Commission for lease and bidding on such leases.
- Revises requirements concerning the notification of nomination decisions and advertisement of bids.
- Specifies that certain information included in a nomination or a bid for a lease is confidential, may not be disclosed by the Commission, and is not a public record.
- Specifies that the Commission is not subject to certain administrative rulemaking requirements.

## **V. Division of Water Resources**

- Revises the amount of the surety bond that an applicant for a dam or levee construction permit must obtain and bases the amount on the estimated costs of construction.
- Authorizes the Chief of the Division of Water Resources to reduce the required surety amount for specified reasons.
- Authorizes the Chief to assess a civil penalty of up to \$5,000 per day for each day of each violation of the laws governing dams and levees and water diversions and withdrawals.
- Disburses money derived from costs and civil penalties to either the Dam Safety Fund or the Water Management Fund, depending on whether violations are committed under the law governing dam safety or the law governing water diversions and withdrawals.
- Requires criminal fines collected from violators of laws governing water well constructions logs and water diversions and withdrawals to be credited to the Water Management Fund, rather than the Dam Safety Fund as under prior law.

## **VI. Division of Parks and Watercraft**

- Prohibits a person from operating a watercraft in Ohio if it displays an identification number or registration decal that: (1) is fictitious, (2) is counterfeit or an unlawfully made copy, or (3) belongs to another watercraft.
- Increases the damage threshold that triggers a required watercraft accident report from \$500 to \$1,000.



## **VII. Division of Forestry**

### **Forestry projects on federal land**

- Allows the Chief of the Division of Forestry to enter into agreements with the federal government for forest management projects, including timber sales, pursuant to federal law.
- Allows the Chief to sell timber and other forest products from federal lands in accordance with the terms of an agreement with the federal government.
- Requires the Chief to deposit money received from timber sales from federal lands into the existing State Forest Fund.
- Allows the money derived from those timber sales to be used for forest management projects associated with federal lands.

### **Wildfire reimbursement to firefighting agencies**

- Allows the DNR Director to reimburse firefighting agencies and private fire companies for costs associated with certain fire assistance activities if those costs are eligible in accordance with an agreement between the Division and the federal government.

### **State employees aid in out-of-state wildfires**

- Specifies that all DNR and Department of Commerce employees whom the Chief sends to another state to assist with forest fires are eligible for regular employment benefits and are immune from civil liability when performing duties within the scope of employment, rather than solely DNR's Division of Forestry employees as in prior law.

## **VIII. Division of Geological Survey**

- Eliminates the Ohio Geology license plate.
- Correspondingly, eliminates the \$15 contribution for each license plate, which was deposited in the Geological Mapping Fund to be used for grants to graduate-level educational institutions for geology-related research activities and providing geology kits to primary and secondary schools.
- Instead, allows the Chief of the Division of Geological Survey to spend any money deposited in the Geological Mapping Fund (not just money from license plate proceeds) for the grants and kits.
- Adds to the purposes for which money in the fund may be used by allowing the Chief to issue grants to collegiate geology departments for undergraduate geological research.

## **IX. Other provisions**

### **Malabar Farm State Park**

- Designates 120 contiguous acres of Malabar Farm State Park's (Richland County) most mature hardwood forest located between Bromfield Road and State Route 95 as the "Doris Duke Woods" at Malabar Farm State Park.
- Specifies that DNR may not remove or allow any person or governmental entity to remove timber from the Woods, except for normal maintenance.
- Requires the DNR Director to meet with the Malabar Farm Foundation by October 30, 2021, to discuss entering into agreements to mutually support and advance the shared objectives of protecting, conserving, and educating the public concerning Malabar Farm State Park and the legacy of Louis Bromfield.
- Requires DNR and the Foundation to meet every other month until June 30, 2022.
- After the June 30, 2022, meeting, requires DNR and the Foundation to jointly provide a report detailing the meetings and any resulting agreements to each member of the General Assembly who represents all or part of Richland County.

### **Local payments for DNR land**

- Requires DNR to reimburse school districts and other taxing authorities for forgone property tax revenue resulting from the state's acquisition of certain DNR land after 2017.

### **Geneva Lodge and Conference Center**

- Requires the DNR Director to assume ownership and operation of the Geneva Lodge and Conference Center from Ashtabula County by December 31, 2021.
- Appropriates \$13,950,000 for the purchase and operation of Geneva Lodge and Conference Center.

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## **OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY**

- Requires the Governor to present an award each October, during National Disability Employment Awareness Month, to employers who meet the criteria for having a workplace inclusive of individuals with disabilities.
- Requires the Opportunities for Ohioans with Disabilities Agency to determine the criteria to be used to recommend employers for the award.

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## **OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD**

### **Board vacancies**

- Extends from 60 to 90 days the maximum transition period that may occur between an expired term of office and the Governor's appointment of a person to fill a vacancy on the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board.

### **Occupational therapy licensing procedures**

- Eliminates limited permits for occupational therapists and occupational therapy assistants.
- Eliminates the option of having a license placed in escrow when an occupational therapist or occupational therapy assistant is not in active practice.

### **Physical therapy licensing procedures**

- Eliminates the requirement that an applicant applying for a physical therapist or physical therapist assistant license submit a physical description and photograph.
- Specifies that a license applicant must graduate from a professional program and that the program be accredited by an agency acceptable to the Board's Physical Therapy Section.

### **Orthotists, prosthetists, and pedorthists – enforcement**

- Authorizes the Board to discipline orthotists, prosthetists, and pedorthists for denial, revocation, suspension, or restriction of authority to practice any health care occupation in any jurisdiction.
- Allows the Board to impose a fine or a requirement to take corrective action courses.
- Requires a person who is sanctioned to pay the actual cost of the administrative hearing.
- Transfers the duty to investigate violations to the full Board, in place of the Board's secretary.
- Permits the Board to share confidential investigatory information with any relevant law enforcement, prosecutorial, or regulatory agency.

### **Discipline based on sexual interactions with patients**

- Includes sexual conduct with a patient among the other sex-related behaviors for which the Board may take disciplinary action against a physical therapist or physical therapist assistant.
- Allows the Board, in its regulation of all other professionals under its jurisdiction, to take disciplinary action due to sexual conduct, sexual contact, and sexually demeaning verbal behavior with a patient.

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## DEPARTMENT OF PUBLIC SAFETY

### Towing law changes

#### Law enforcement tows

- Establishes procedures that allow a towing service or a storage facility to obtain title to another's motor vehicle (regardless of value) after it was towed by law enforcement, certain conditions are met, and it remains unclaimed 60 days after the service or facility sends the proper notice to the owner and any lienholder.
- Requires a clerk of court to issue a certificate of title for a motor vehicle to a service or facility that presents an affidavit affirming compliance with all necessary procedures.
- Requires the Registrar of Motor Vehicles to create the form of the affidavit (to be used by the service or facility) by December 29, 2021.

#### Motor vehicle dealership and repair facility tows

- Allows a motor vehicle dealership or repair facility to request a towing service to remove a motor vehicle from its property as long as certain conditions are met.
- Establishes procedures for the owner or any lienholder to reclaim the vehicle.
- Establishes procedures for the towing service or a storage facility to take title to the vehicle (regardless of value) if it remains unclaimed for an additional 60 days after the service or facility sends the proper notice to the owner and any lienholder.

#### Notice requirements for private tow-away zones

- Reduces from three to two the number of notices that must be sent to an owner and any lienholder of a motor vehicle after the vehicle has been towed from a private tow-away zone and before a towing service or storage facility may take title to the vehicle.

#### Certificate of title fee allocation

- Reallocates 10¢ of the \$15 motor vehicle certificate of title fee that previously was deposited in the Motor Vehicle Sales Audit Fund to the Highway Operating Fund.

#### Emergency Management Assistance Compact immunity

- Specifies that a political subdivision employee who renders aid in another state in accordance with the Emergency Management Assistance Compact is considered a state employee for immunity purposes.

#### U.S. Power Squadron license plate distribution

- Regarding U.S. Power Squadron license plates, requires U.S. Power Squadron District 7 (rather than the Registrar) to equally distribute the contributions for the plates to all Ohio Power Squadron Districts in Ohio.

## Emergency medical services in additional settings

- Until October 1, 2022, authorizes a first responder and each type of emergency medical technician to perform emergency medical services in any setting, including in any area of a hospital, subject to direction and supervision requirements.
- Provides immunity from damages in a civil action for injury, death, or loss to person or property resulting from performing the authorized emergency medical services, unless they are performed in a manner that constitutes willful or wanton misconduct.

## Vehicle registration waiver for amusement ride owners

- Waives one year of vehicle and trailer registration taxes and fees for amusement ride owners that were unable to operate their amusement rides in 2020.

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## PUBLIC UTILITIES COMMISSION

- Removes the requirement that the Public Utilities Commission (PUCO) office be open during specific business hours.
- Allows the Power Siting Board, subject to Controlling Board approval, to contract for the services of outside experts and analysts, and fund the expense through certificate or amendment application fees imposed under continuing law.
- Changes the requirement that basic local exchange service provide for a telephone directory in any reasonable format to include, at the telephone company's option, an internet-accessible database of directory listings.
- Requires a telephone company that no longer offers a printed directory to provide reasonable customer notice of available options to obtain directory information.
- Requires PUCO to amend its rules by December 29, 2021, as necessary to conform them with that new format option.

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## DEPARTMENT OF REHABILITATION AND CORRECTION

### Local confinement for fourth, fifth degree felony prison terms

- Expands the voluntary Targeting Community Alternatives to Prison (T-CAP) Program to include fourth degree felonies, instead of only fifth degree felonies.

### Post-release control sanctions

- Modifies the law regarding post-release control (PRC) by:
  - Changing the duration of mandatory PRC to “up to five years, but not less than two years” for a first degree felony that is not a felony sex offense; “up to three years, but not less than 18 months” for a second degree felony that is not a felony sex offense; and “up to three years, but not less than one year” for a third degree felony that is an offense of violence and is not a felony sex offense;

- Changing the duration of discretionary PRC to “up to two years” for a third, fourth, or fifth degree felony that is not subject to mandatory PRC;
- Removing juvenile court delinquent child adjudications as factors that must be considered by the Parole Board or court in determining PRC sanctions;
- Changing from mandatory to discretionary the use of active GPS monitoring for the first 14 days of a prisoner on PRC who is released before the expiration of the prisoner’s term and who earned over 60 days of earned credit;
- Modifying the mechanism for shortening or terminating PRC of an offender who is complying with the PRC sanctions;
- Specifying that if, during the PRC period, the offender serves as a sanction for violating PRC conditions the maximum prison sanction time available as a PRC sanction, the PRC terminates;
- Providing rules for determining the manner in which PRC operates when an offender is simultaneously subject to a period of parole and a period of PRC or is subject to two simultaneous PRC periods; and
- Specifying that a PRC period must not be imposed consecutively to any other PRC period.

### **Sacramental wine in governmental facility**

- Exempts small amounts of sacramental wine from the offense of “illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility” when the person conveying, delivering, or attempting to convey or deliver the wine is a cleric.

### **Notification of possible prison term for community control violation**

- Specifies that the notice a court must give to an offender it sentences to a community control sanction for a felony regarding a possible prison term as a violation sanction must indicate “the range from which the term may be imposed.”

### **Prison term penalty for certain conduct by a felony offender serving a community control sanction**

- Modifies provisions regarding a court’s imposition of a prison term as a penalty for a convicted felon who is sentenced to a community control sanction and who violates the conditions of the sanction, violates a law, or leaves the state without the permission of the court or probation officer.

### **Community-based substance use disorder treatment**

- Extends eligibility for the community-based substance use disorder treatment program.
- Removes a restriction that prevented those with certain prior offense of violence convictions from participating in the program.

## **Subsidies for community-based corrections programs**

- Modifies the requirements for the program of subsidies for community-based corrections programs.

## **Administrative releases**

- Expands the Adult Parole Authority's ability to grant an administrative release to include: (1) a "releasee" who is serving another felony sentence in a prison within or outside Ohio for the purpose of consolidating the records or if justice would best be served, or (2) a "releasee" who has been deported from the U.S.

## **Certificate of qualification for employment (CQE)**

### **Sealing of CQE records**

- Specifies that when a criminal record is sealed, records related to a certificate of qualification for employment (CQE) are also sealed.

### **Consideration of sealed CQE records**

- Requires that a petition for a CQE include the individual's criminal history, except for information contained in any record that has been sealed.
- Requires a court, upon receiving a petition for a CQE, to review the individual's criminal history, except for information contained in any record that has been sealed.
- Authorizes a court to order any report, investigation, or disclosure by the individual, except about any record that has been sealed.
- Specifies that in any application for a CQE, a person may be questioned only with respect to convictions and bail forfeitures not sealed.

## **Sealing of records related to unconditional pardon**

- Allows the Governor to include as a condition of an unconditional pardon that the records related to the conviction or convictions be sealed, and generally provides that the records are not subject to public inspection unless directed by the Governor.

## **Internet access for prisoners**

- Provides greater flexibility for prisons to provide internet access to prisoners in state owned and private prison facilities.

## **Outdated law – Ohio River Valley Facility**

- Removes outdated provisions that allowed Lawrence County to place inmates in the Ohio River Valley Facility.

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## SECRETARY OF STATE

### Private funding for elections

- Prohibits a public official responsible for administering or conducting an election from collaborating with, or accepting or expending any money from, a nongovernmental person or entity for any costs or activities related to elections.
- Changes the purposes for which the Secretary of State may use the Boards of Elections Reimbursement and Education Fund, and prohibits the fund from receiving revenues from fees, gifts, grants, or donations.
- Abolishes the Citizen Education Fund, which was to receive gifts, grants, fees, and donations from private individuals and entities for voter education purposes, and specifies the process to dispose of the remaining money in the fund.

### Federal grants

- Requires grants the Secretary of State receives from the U.S. Election Assistance Commission, other than through the Help America Vote Act, to be deposited in the Miscellaneous Federal Grants Fund and spent in accordance with the grant agreement.

### Foreign nonprofit corporations

- Eliminates a requirement that a foreign nonprofit corporation provide to the Secretary of State the location of its principal office in Ohio in order to obtain a certificate of authority to exercise its corporate privileges in Ohio.

### Service of process fees

- Specifies that the \$5 fee the Secretary of State charges for service of process is per address served.

### Copies of laws

- Eliminates a requirement that the Secretary of State forward a copy of each new law to the clerk of each court of common pleas within 60 days after it was filed with the Secretary.

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## DEPARTMENT OF TAXATION

### Income tax

- Reduces nonbusiness income tax rates by 3%.
- Eliminates the highest income tax bracket – reducing the number of brackets from five to four – and further lowers the rate of the new highest bracket to 3.99%.
- Increases the income level at which the first tax bracket begins, from \$22,150 to \$25,000.
- Suspends the annual inflation indexing adjustment of income tax brackets for taxable years beginning in 2021 and of personal exemption amounts for both 2021 and 2022.



- Authorizes a full or partial income tax deduction for capital gains received by investors in certain Ohio-based venture capital operating companies (VCOCs) for taxable years beginning after 2025, provided the VCOOC is certified by the Director of Development.
- Beginning with the 2026 taxable year, allows an income tax deduction for taxpayers with capital gains from the sale of an ownership interest in a business equal to the lesser of the capital gain or a percentage of the business's payroll over a specified period based on the taxpayer's proportionate interest in the business.
- Explicitly authorizes an income tax deduction for all railroad retirement benefits that are exempt from state taxation under federal law.
- Clarifies that nonresident income not subject to personal income tax based on a reciprocity agreement between Ohio and another state may be deducted on a taxpayer's Ohio return.
- Clarifies that a taxpayer may claim a credit for any income tax withheld on behalf of the taxpayer, including from a taxpayer's wages, retirement income, unemployment compensation, or lottery and casino winnings.
- Extends the amount of time within which a taxpayer must report to the Tax Commissioner a change in the amount of the taxpayer's resident credit for income that is taxed in another state or the District of Columbia.
- Declares that the state does not intend to impose income tax on unemployment compensation reported to a person whose identity was fraudulently used by a third party to collect unemployment compensation.
- Authorizes a nonrefundable tax credit of up to \$750 for taxpayers who donate to a nonprofit organization that awards scholarships to primary and secondary school students and that prioritizes low-income students.
- Authorizes a nonrefundable income tax credit of up to \$250 for certain home school education expenses incurred by a taxpayer for one or more of their dependents.
- Authorizes a means-tested, nonrefundable income tax credit for tuition paid to a nonchartered, nonpublic school.
- Delays by one year, from 2022 to 2023, the date by which the Department of Job and Family Services (JFS) must begin to accept state income tax withholding requests from unemployment compensation recipients.
- Requires JFS to report and remit state income tax withholding on unemployment compensation benefits on a monthly basis.
- Eliminates the requirement that, if claiming the business income deduction, each business or professional activity generating income for a taxpayer be reported on their annual income tax returns.

- Increases, from \$1 million to \$2 million, the limit on the amount of Ohio opportunity zone investment income tax credits that may be awarded to an individual during a fiscal biennium.

### **Municipal income tax**

- Reinstates, until December 31, 2021, and modifies a temporary municipal income taxation rule for employees who are working from home due to COVID-19.
- States that, beginning on January 1, 2021, the temporary rule applies only for the purposes of municipal income tax withholding and the situsing of an employer's net profits, and not for the purpose of determining an employee's actual tax liability.
- Temporarily shields employers from certain penalties associated with withholding municipal income tax as long as the employer withholds such tax for an employee's principal place of work.
- Makes several changes to the general procedure for creating a joint economic development district (JEDD).

### **Sales and use taxes**

- Exempts employment services and employment placement services from sales and use tax.
- Exempts the sale or use of investment bullion and coins from state and local sales and use taxes.
- Allows certain county sales and use taxes to be levied for the operation of jail facilities, in addition to the construction, acquisition, equipping, or repair of the facilities.
- Repeals several inoperable provisions of use tax law that would have applied only in the event that an act of Congress authorized states to compel sellers that do not have a physical presence in the state ("remote sellers") to collect and remit use tax.

### **Lodging taxes**

- Authorizes the convention facilities authority (CFA) of a county with a 2000 population between 130,000 and 150,000, and that includes a city with a 2000 population of more than 50,000 (Clark County) to increase the rate of a previously authorized lodging tax from 3% to 4%.
- Authorizes a county with a population between 300,000 and 350,000, and that already levies a 3% lodging tax (Lorain County) to levy an additional lodging tax of up to 3% for purposes of constructing, maintaining, operating, and promoting a convention facility.

### **Commercial activity tax (PARTIALLY VETOED)**

- Requires that a taxpayer's preceding year's taxable gross receipts be used to calculate the commercial activity tax (CAT) owed on its first \$1 million in gross receipts, instead of its current year's receipts.

- Makes permanent a temporary CAT exemption for Bureau of Workers' Compensation dividends paid to employers.
- Would have reduced the percentage of CAT revenue devoted to offset the Department of Taxation's administrative expenses from 0.65% to 0.5% (VETOED).

### **Kilowatt-hour tax**

- Clarifies eligibility criteria for a kilowatt-hour tax exemption available under continuing law to certain end users that generate their own electricity.

### **Estate tax**

- Makes several administrative changes regarding the state's repealed estate tax.

### **Property tax**

- Authorizes a municipal corporation or township to permanently impose, with voter approval, a combined levy for fire, emergency medical, and police services.
- Modifies an existing property tax exemption for property used as housing for individuals with developmental disabilities.
- Extends, by two years, the deadline by which an owner or lessee of a renewable energy facility may apply for a property tax exemption for such facilities.
- Temporarily extends the charitable use property tax exemption to any parking garage owned and operated by a qualifying tax-exempt nonprofit arts institution.
- Temporarily exempts property owned by certain nonprofit arts institutions from special assessments levied by a municipality, special improvement district, or conservancy district.
- Expands an existing property tax exemption for fraternal organizations to include the property of such organizations with national governing bodies.
- Imposes a charge against any property that improperly received the homestead exemption if the property owner or occupant fails to notify the county auditor that the owner or occupant no longer qualifies for the exemption.
- Requires the owner of tax-exempt property to notify the county auditor if the property ceases to qualify for an exemption.
- Imposes a charge on property whose owner fails to give such notice equal to the tax savings for up to the five preceding years that the property did not qualify for the exemption.
- Establishes a temporary procedure by which a 501(c)(3) organization may apply for tax exemption and abatement of more than three years of unpaid property taxes, penalties, and interest due on certain property.

- Allows political subdivisions to use tax increment financing (TIF) district or downtown redevelopment district (DRD) service payments for off-street parking facilities.
- Allows municipalities that create certain types of TIFs the discretion to designate the beginning date of the TIF exemption, rather than the exemption automatically beginning on the effective date of the designating ordinance.
- Creates the Federally Subsidized Housing Study Committee and requires it to submit a report to the General Assembly, making recommendations about the property tax valuation and valuation process of federally subsidized residential rental property.

### **TPP supplement payments**

- Between FY 2022 and FY 2026, requires that the tangible personal property (TPP) supplement payment to joint fire districts and school districts that have a nuclear power plant in their territory be no less than the amount that was paid to them in FY 2017.

### **Tax administration**

- Extends the time allowed for the Tax Commissioner to approve or deny a political subdivision's request to transfer money between certain funds of the subdivision.
- Allows the Department of Taxation to disclose to the State Racing Commission confidential taxpayer information to assist the Commission with administering horse racing permits and taxes on horse racing.
- Explicitly authorizes the Tax Commissioner to review additional information provided by an applicant for a state tax refund and to adjust the amount of the refund multiple times before issuing a final refund determination.
- Adds resort area and tourism development gross receipts taxes to the tax obligations respecting which the Tax Commissioner must periodically verify the compliance of liquor permit holders.
- Requires the monthly disbursements made by the Tax Commissioner from the Wireless 9-1-1 Government Assistance Fund to county treasurers to be made in the same proportion distributed to that county in the corresponding calendar month of the previous year, instead of basing them on 2013 distributions made by the Public Utilities Commission (PUCO).
- Requires any shortfall in distributions resulting from the timing of funds received in a previous month to be distributed in the following month, instead of calculating the county's share of the fund by proportionally reducing the distributions to be equivalent to the amount available in the fund.
- Eliminates the Tax Expenditure Review Committee.
- Repeals a provision recommending that any bill proposing to enact or modify a tax expenditure include a statement of the bill's intent.

- Reduces, from \$1 million to \$250,000, the amount a nonprofit corporation must spend granting wishes of minors with life-threatening illnesses to qualify for funds from the Wishes for Sick Children Income Tax Contribution Fund.

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## DEPARTMENT OF TRANSPORTATION

### Traffic safety study

- Requires the Director of Transportation, in conjunction with the relevant chief executive officers and legislative authorities, to conduct a traffic safety study and issue a report by December 31, 2022, regarding the roads and highways through Strongsville, North Royalton, and Brunswick.
- Appropriates up to \$100,000 from the Highway Operating Fund for the study.

### Intersection traffic study

- Requires the Director to conduct a traffic study for the intersection of U.S. Route 36 and State Route 721.

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## TREASURER OF STATE

### Government expenditure database

- Requires the Treasurer of State, in collaboration with the OBM and DAS Directors, to establish and maintain the Ohio State and Local Government Expenditure Database that includes information about state entities' expenditures.
- Allows a political subdivision or state retirement system to agree to have information on its expenditures included in the database.
- Requires that the database be free to access by the public and available on the Treasurer's and OBM's websites and by a prominent internet link on each state entity's website.
- Requires the Treasurer to enter an annual agreement with the OBM and DAS Directors to ensure proper maintenance and operation of the database.
- Requires the database to include certain expenditure information and a searchable database of state and school district employee salary and employment information.
- Requires the Treasurer to coordinate with the OBM Director to allow for public comment regarding the database's utility.
- Prohibits the database from including information that is confidential or that is not a public record under state law, but provides that the Treasurer, a state entity, and the Treasurer's and state entity's employees are not liable for disclosure of a record that is confidential or not a public record.

### Negotiable certificates of deposit

- Authorizes the Treasurer to invest in or execute transactions for interim funds in negotiable certificates of deposit.

- Limits investment in negotiable certificates of deposit to not more than 25% of the state's total average portfolio.
- Expands the limit on investment in debt interests of a single issuer, such that when the amount of such an investment, when added to the amount invested in commercial paper (continuing law) and negotiable certificates of deposit (added by the act), it may not exceed in the aggregate 5% of the state's portfolio.

### **State Board of Deposit secretary**

- Requires an employee of the Treasurer's department appointed by the Treasurer, rather than the Cashier of the State Treasury, to serve as secretary of the State Board of Deposit.

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## **LOCAL GOVERNMENT**

### **City health districts**

- Generally requires each city with a population under 50,000 served by an unaccredited board of health of a city health district to complete a study evaluating the efficiency and effectiveness of merging with the general health district that includes the city.
- Exempts a city with a population under 50,000 whose unaccredited city health district is in the process of applying for accreditation.
- Requires the Director of Health to develop criteria for determining whether a merger is advisable and requires the city to conduct its evaluation using the criteria.
- Requires the city's chief executive, if the study indicates that a merger is advisable, to contract with the District Advisory Council for the general health district that includes the city for the administration of health affairs in the merged district, unless the Advisory Council delays the merger for good cause.

### **Auxiliary containers**

- Makes permanent all of the following provisions enacted in H.B. 242 of the 133<sup>rd</sup> General Assembly, which otherwise would have expired on January 15, 2022:
  - Prohibits local governments from imposing a tax, fee, assessment, or other charge on auxiliary containers (for example, a plastic or paper bag), the sale, use, or consumption of auxiliary containers, or on the basis of receipts received from the sale of auxiliary containers;
  - Authorizes a person to use an auxiliary container for commerce purposes or otherwise;
  - Clarifies that continuing law prohibiting the improper deposit of litter applies to auxiliary containers under the state anti-littering law.

## **Tourism development districts (TDDs)**

- Clarifies that a municipality or township may enlarge the territory of an existing tourism development district (TDD) after December 31, 2020 – the deadline under continuing law for creating a new TDD.

## **Local workforce development board meetings**

- Allows local workforce development boards to hold meetings by interactive video conference or teleconference (states a preference for interactive video conference).
- Requires a board that wishes to do so to adopt rules requiring the meetings to be conducted in a certain manner and establishing a minimum number of members who must be physically present at the primary meeting location.

## **Municipal fiscal officer continuing education**

- Requires appointed municipal fiscal officers (as well as elected fiscal officers under pre-existing law) to complete 18 hours of continuing education during the first term of office and 12 hours in each subsequent term of office.

## **Unpaid municipal trash charges**

- Allows a municipal corporation to place as a lien on property unpaid garbage/trash collection charges when the unpaid amount equals or exceeds the annual charge for the services.

## **Township fiscal officer assistant compensation**

- Allows township fiscal officers to set the compensation of their hired assistants without prior approval from the board of township trustees.

## **New community authorities**

- Specifies that a person controlling land pursuant to certain 99-year renewable leases qualifies as a developer eligible to form a new community authority.

## **Medical marijuana businesses**

- Prohibits local governments from imposing a tax or fee on medical marijuana businesses that is based on the business's gross receipts or is the same as or similar to a state tax or fee.

## **Agreements with animal shelters**

- Expands the facilities with which a board of county commissioners may enter into an agreement to operate as a dog pound on behalf of the county to include any animal shelter for dogs.

## **Shoreline improvement district projects**

- Allows a special improvement district to fund projects, including by assessing property within the district, to abate erosion along waters within a watershed district.

- Specifies that an existing qualified nonprofit corporation may create a special improvement district to implement a shoreline improvement project even if the corporation (1) does not have an established police department and (2) is not organized for purposes that include the acquisition of real property.

### **Discriminatory restrictive covenants – void**

- Declares void discriminatory restrictive covenants in deeds limiting the transfer or lease of real property to individuals against whom discrimination is prohibited under the Ohio Civil Rights Law.
- Allows attorneys preparing new deeds to omit discriminatory restrictive covenants contained in prior deeds.
- Provides that omission of a discriminatory restrictive covenant from a new deed does not affect the deed's validity and prohibits county recorders from refusing to record a deed due to the omission.

### **Free library photocopies of identification**

- Requires public libraries to provide an individual with a photocopy of that individual's driver's license, driver's permit, or state identification free of charge upon request.

### **Park district eminent domain for recreational trails**

- Until July 1, 2026, prohibits park districts in counties with 220,000 to 240,000 residents (Lake and Mahoning counties) from using eminent domain to appropriate property for recreational trails.

### **Soil and water conservation districts – credit cards**

- Establishes procedures by which a soil and water conservation district may accept credit cards for payment of certain goods and services.

### **Regional councils of governments**

- Authorizes a regional council of governments, having an educational service center as its fiscal agent and established to provide health care benefits, to acquire, establish, manage, or operate a separate business entity, and utilize its unencumbered reserve funds in the acquisition, establishment, or operation, to cover costs of those benefits.
- Specifies if a business entity described above operates or provides services that is engaging in the business of insurance or is subject to Ohio insurance laws, it must comply with and is not exempt from laws that apply to self-insurance programs for health care benefits provided by political subdivisions and county boards.

### **Transportation improvement district board**

- Reauthorizes the President of the Senate and the Speaker of the House to appoint a nonvoting member to serve on a transportation improvement district board of trustees.



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## MISCELLANEOUS

### **Juneteenth as a paid legal holiday**

- Establishes June 19, known as Juneteenth, as a legal holiday for which certain government employees receive paid leave and for which school districts may dismiss school.
- Excludes Juneteenth Day from the definition of “business day,” similar to other legal holidays, for purposes of the law governing how long a buyer has to cancel a home solicitation sale contract and the minimum time that must pass before a home solicitation seller may transfer any note in connection with a home solicitation sale to a finance company.

### **COVID violations: expunge, refund fines, reinstate permits (VETOED)**

- Would have vacated violations or sanctions imposed against businesses under certain COVID-related orders or rules (VETOED).
- Would have required state agencies and boards of health to expunge any record of a violation, and to treat any finding of a violation as a nullity (VETOED).
- Would have returned to businesses money collected by a state agency or board of health in civil or administrative penalties for violations (VETOED).
- Would have required state agencies and boards of health to cease any disciplinary action against a business for violations occurring before the act’s effective date (VETOED).
- Would have required state agencies and boards of health to restore rights and privileges of a business lost as a result of a violation (VETOED).
- Would have required the Liquor Control Commission to reinstate a liquor permit that was revoked as a result of a violation of certain rules governing COVID-19 and disorderly conduct, if the permit holder paid a fine of \$2,500 (VETOED).

### **Buy Ohio preference for personal protective equipment**

- Requires state agencies to give preference to U.S. and Ohio products through the “competitive sealed bid process” when purchasing personal protective equipment with a purchase cost under \$50,000.

### **Open Meetings Law violations (VETOED)**

- Would have created a procedure within the Court of Claims to hear complaints alleging a violation of the Open Meetings Law (VETOED).
- Would have provided for the assignment of a special master to refer the case to mediation or to proceed with the case and submit a report and recommendation to the Court of Claims (VETOED).

- Would have required that any appeal from an order of the Court of Claims be taken to the court of appeals of the appellate district where the principal place of business of the public body that is alleged to have violated the Open Meetings Law is located (VETOED).
- Would have allowed a court of appeals to award reasonable attorney's fees to an aggrieved person if the court determines that the public body violated the Open Meetings Law and obviously filed the appeal with the intent to delay compliance with the Court of Claims' order or to unduly harass the aggrieved person (VETOED).
- Would have provided that all filing fees collected by a clerk of the common pleas court are to be paid to the county treasurer for deposit into the county general revenue fund (VETOED).
- Would have provided that all filing fees collected by the clerk of the Court of Claims are to be kept by the Court of Claims to assist in paying for its costs to implement the above provisions (VETOED).

### **Vax-A-Million database not a public record**

- Specifies the information in the Vax-A-Million database is confidential and not public record.

### **Use of medical marijuana in violation of employer's policy**

- Provides that an employer does not violate the Ohio Civil Rights Law if the employer takes an adverse employment action against a person who uses medical marijuana in violation of the employer's policy regulating medical marijuana use.

### **Post-Traumatic Stress Fund actuarial study**

- Permits the Ohio Police and Fire Pension Fund Board of Trustees to use its own actuary or, as under continuing law, a disinterested third-party actuary to perform an actuarial valuation and prepare a report required by continuing law related to the funding requirements of the State Post-Traumatic Stress Fund.
- Extends the due date for the actuarial study and report from October 1, 2021, to December 15, 2021.

### **Court settlements that conflict with the Revised Code**

- Prohibits a public official, in the course of a lawsuit, from entering into an agreement not to enforce a provision of the Revised Code or to act contrary to the Revised Code.
- States that this provision must not be construed to limit or otherwise restrict a court's authority under the Ohio Constitution.

### **Land conveyances**

- Authorizes the conveyance of two tracts of state-owned land, currently under DRC, in Madison and Warren counties.

## **Perpetual easement at Rhodes Tower**

- Authorizes the Director of Administrative Services to grant the owner of 60 E. Broad St. in Columbus a perpetual easement over state-owned property at the Rhodes Tower complex, which had been subject to a 40-year easement granted in 1974.

## **EEG Combined Transcranial Magnetic Stimulation pilot**

- Renames the Transcranial Magnetic Stimulation Pilot Program to the Electroencephalogram (EEG) Combined Transcranial Magnetic Stimulation Pilot Program.
- Eliminates the specification that the pilot program be operated for three years.
- Expands the program to include first responders and law enforcement officers.
- Expands the list of disorders and conditions that establish eligibility for treatment under the program.
- Authorizes the program to have up to ten branch sites, and specifies that a branch site may be a mobile unit or an EEG combined neuromodulation portable unit.
- Requires the supplier to create and conduct a clinical trial and to establish and operate a clinical practice, and establishes criteria that the supplier must follow.

## **JobsOhio annual report**

- Changes the date by which the Chief Investment Officer of JobsOhio must deliver an annual report of JobsOhio's activities from March 1 to July 1.

## **State Teachers Retirement Board meetings**

- Authorizes the State Teachers Retirement Board to adopt a policy that allows Board members to attend Board meetings by means of teleconference or video conference.
- Requires that the policy, if adopted, stipulate that at least 1/3 of the Board members must attend in person where the meeting is being held and the number of meetings each Board member must attend in person.
- Permits a Board member attending a meeting via teleconference or video conference to be considered present at the meeting, to be counted for purposes of establishing a quorum, and to vote.

## **Postpartum Cardiomyopathy Awareness Week**

- Designates the fourth week of June as "Postpartum Cardiomyopathy Awareness Week."

## **Maternal Mortality Awareness Month**

- Designates the month of May as "Maternal Mortality Awareness Month."

## H.B. 167

(For details of the act's fiscal provisions see, the [LSC Fiscal Note \(PDF\)](#), which is available on the General Assembly's website, [legislature.ohio.gov](http://legislature.ohio.gov))

**Primary Sponsor:** Rep Oelslager

**Effective date:** May 11, 2021

- Appropriates \$465 million of federal funds to the Development Services Agency (since renamed the Department of Development) to fund an emergency rental assistance program.
- Appropriates \$100 million of federal funds to the Department of Public Safety for COVID-19 relief purposes.

## H.B. 168

(For details of the act's fiscal provisions see, the [LSC Fiscal Note \(PDF\)](#), which is available on the General Assembly's website, [legislature.ohio.gov](http://legislature.ohio.gov))

**Primary Sponsors:** Reps. Fraizer and Loychik

**Effective date:** June 29, 2021

### Unemployment compensation advance repayment

- Requires, on August 31, 2021, or as soon as possible thereafter, and again on December 27, 2021, or as soon as possible thereafter, the Director of Job and Family Services (JFS Director) to certify to the Director of Budget and Management (OBM Director), the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House, the balance of amounts loaned to Ohio by the federal government for paying unemployment benefits.
- Requires the OBM Director to remit the amounts certified, but not to exceed the available balance, from the State Fiscal Recovery Fund to the Unemployment Compensation Fund to the credit of the Mutualized Account.
- Specifies that the amounts remitted are appropriated.
- Requires the JFS Director to deposit the amounts remitted as cash with the U.S. Secretary of the Treasury to reduce or eliminate the balance of amounts advanced to Ohio.

### Appropriations from federal American Rescue Plan Act funds

- Appropriates \$250 million in FY 2022 for the Water and Sewer Quality Program, to be established and administered by the Department of Development, to provide grants to political subdivisions for water and sewer quality projects.
- Appropriates \$84 million in FY 2022 to the Department of Mental Health and Addiction Services for pediatric behavioral health care facilities.

- Appropriates \$422 million in FY 2022 to the Office of Budget and Management to disburse to certain local governments in accordance with the federal American Rescue Plan Act.

## **H.B. 169**

(For details of the act's fiscal provisions see, the [LSC Fiscal Note \(PDF\)](#), which is available on the General Assembly's website, [legislature.ohio.gov](http://legislature.ohio.gov))

**Primary Sponsors:** Reps. Cutrona and Swearingen

**Effective date:** December 23, 2021; sections related to commercial driver's license training effective March 24, 2022; one item vetoed

### **COVID-19 recovery appropriations**

- Appropriates approximately \$4.19 billion in additional funding provided to Ohio for FY 2022 under various federal acts to support recovery from the COVID-19 pandemic.

### **Medicaid provider relief and workforce incentive payments**

- Appropriates a portion of the enhanced Federal Medical Assistance Percentage under the federal "Families First Coronavirus Response Act" to the Department of Medicaid for health care provider relief payments for nursing facilities, assisted living facilities, hospice care programs, and certain hospitals.
- Appropriates a portion of those funds to the Department of Developmental Disabilities to be used for Medicaid payments during FY 2022, including payments to intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) exclusively for workforce incentive payments.
- Permits the Medicaid Director to make provider relief payments to certain home and community-based service providers, assisted living facilities, hospice care programs, and hospitals.
- Permits the Director to make workforce incentive payments to nursing facilities; nonstate ICFs/IID; and critical access, rural, or distressed hospitals.

### **Commercial driver's license training**

- Requires an applicant to complete new federal mandatory training requirements before taking the skills test or knowledge test related to an initial application for certain commercial driver's licenses (CDLs) or endorsements.
- Requires the Registrar of Motor Vehicles to verify that an applicant has completed the required training before the applicant takes the skills test or knowledge test and before issuing the applicant the CDL or endorsement.
- Authorizes the Registrar to use the Trainer Provider Registry, available through the Federal Motor Carrier Safety Administration, to verify completion of the required training.
- Requires all authorized driver training schools that teach CDL students to incorporate the new federal training requirements.

- Clarifies that the Registrar must determine both of the following prior to issuing, renewing, transferring, or upgrading a CDL:
  - Whether the applicant was previously issued a CDL in another state; and
  - Whether the applicant is disqualified from operating a commercial motor vehicle.

### **Suspension of Step Up to Quality requirement (VETOED)**

- Would have suspended through December 31, 2022, the requirement that licensed child care centers, homes, and programs be rated in the Step Up to Quality Program to be eligible to provide publicly funded child care (VETOED).

## **H.B. 170**

(For details of the act's fiscal provisions see, the [LSC Fiscal Note \(PDF\)](#), which is available on the General Assembly's website, [legislature.ohio.gov](http://legislature.ohio.gov))

**Primary Sponsors:** Reps. Bird and Richardson

**Effective date:** June 2, 2021; Section 733.20, authorizing audits, effective September 1, 2021

- Appropriates \$967.3 million of federal funds to assist schools, the Department of Health, and the Adjutant General in response to the COVID-19 pandemic.
- Requires the Department of Education to obtain Controlling Board approval prior to spending certain funds, including certain funds it receives from the federal CARES Act, the federal Consolidated Appropriations Act, 2021, and the federal American Rescue Plan Act.
- Permits the Auditor of State to audit spending by the Department and each school district of the amounts appropriated for FY 2021 and any other federal funds received by the Department under the federal CARES Act, the federal Consolidated Appropriations Act, 2021, and the federal American Rescue Plan Act.

## **S.B. 108**

(For details of the act's fiscal provisions see, the [LSC Fiscal Note \(PDF\)](#), which is available on the General Assembly's website, [legislature.ohio.gov](http://legislature.ohio.gov))

**Primary Sponsors:** Sens. S. Huffman and Romanchuk

**Effective date:** May 17, 2021

- Appropriates \$125 million of federal funds to the Department of Development to provide grants to bars, restaurants, and lodging businesses impacted by the COVID-19 pandemic.

## S.B. 109

(For details of the act's fiscal provisions see, the [LSC Fiscal Note \(PDF\)](#), which is available on the General Assembly's website, [legislature.ohio.gov](http://legislature.ohio.gov))

**Primary Sponsors:** Sens. Manning and Rulli

**Effective date:** May 17, 2021

- Appropriates a total of \$556.9 million of federal funds for grants to businesses and child care providers impacted by COVID-19, for food assistance and other assistance programs, and for local fairs and Ohio Veterans Homes.
- Reappropriates for FY 2022 amounts remaining in the Coronavirus Relief Fund at the end of FY 2021.