

**As Reported by the Senate Health, Human Services and Aging
Committee**

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Sub. H. B. No. 248

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A B I L L

To amend sections 121.371, 3109.13, 3109.15, 3109.16, 1
3109.17, 3109.18, 3314.03, 3318.031, 3742.01 to 2
3742.08, 3742.10 to 3742.19, and 3742.99; to amend, 3
for the purpose of adopting new section numbers as 4
indicated in parentheses, sections 3742.11 5
(3742.31), 3742.12 (3742.35), and 3742.13 6
(3742.34); and to enact sections 3742.071, 3742.30, 7
3742.32, 3742.36 to 3742.51 of the Revised Code 8
with respect to the prevention of child lead 9
poisoning, the Wellness Block Grant Program, and 10
the Children's Trust Fund. 11

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

Section 1. That sections 121.371, 3109.13, 3109.15, 3109.16, 12
3109.17, 3109.18, 3314.03, 3318.031, 3742.01, 3742.02, 3742.03, 13
3742.04, 3742.05, 3742.06, 3742.07, 3742.08, 3742.10, 3742.11, 14

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3742.12, 3742.13, 3742.14, 3742.15, 3742.16, 3742.17, 3742.18, 15
3742.19, and 3742.99 be amended; sections 3742.11 (3742.31), 16
3742.12 (3742.35), and 3742.13 (3742.34) be amended for the 17
purpose of adopting new section numbers as indicated in 18
parentheses; and sections 3742.071, 3742.30, 3742.32, 3742.36, 19
3742.37, 3742.38, 3742.39, 3742.40, 3742.41, 3742.42, 3742.43, 20
3742.44, 3742.45, 3742.46, 3742.47, 3742.48, 3742.49, 3742.50, and 21
3742.51 of the Revised Code be enacted to read as follows: 22

Sec. 121.371. There is hereby created the wellness block 23
grant program. The Ohio family and children first cabinet council 24
shall oversee the program, and the ~~children's trust fund board,~~ 25
~~created by section 3109.15 of the Revised Code,~~ department of job 26
and family services shall serve as the program's administrative 27
agent. The ~~board and the~~ cabinet council shall establish 28
guidelines for operating the wellness block grant program. A 29
~~representative of the family and children first cabinet council~~ 30
~~and the chairperson of the children's trust fund board shall~~ 31
~~resolve any disagreements concerning the duties of the council and~~ 32
~~the board under this section.~~ 33

~~The children's trust fund board may accept gifts, donations,~~ 34
~~grants, or other moneys for the wellness block grant program from~~ 35
~~any source. The board shall use the funds received to make block~~ 36
~~grants to county family and children first councils. The amount to~~ 37
be granted to each county council for the program shall be 38
determined by ~~the board and the~~ cabinet council. ~~To cover~~ 39
~~administrative expenses, the board may use in each state fiscal~~ 40
~~year an amount not to exceed one per cent of the total amount~~ 41
~~available for the program in that year.~~ 42

County councils shall use the funds they receive ~~through~~ 43
~~wellness block grants~~ for the program to fund community-based 44
programs of prevention services that address issues of broad 45

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social concern, as determined by the cabinet council ~~and the~~ 46
board, and to fund state-directed training, evaluation, and 47
education programs pertaining to the issues being addressed. Each 48
county council shall submit to the board a program and fiscal plan 49
that outlines its proposal for expenditure of its block grant and 50
shall, after consulting with the board of county commissioners, 51
designate a fiscal agent to receive the block grant. 52

As requested by the board on behalf of the cabinet council, 53
each county council shall submit program and fiscal accountings 54
regarding the use of its block grant. The board and the cabinet 55
council shall establish criteria for assessing a county council's 56
progress in achieving the goals of the wellness block grant 57
program. If a county council does not operate in accordance with 58
the program guidelines and criteria established by the board and 59
the cabinet council, the board and the cabinet council may revise 60
the allocation of funds that the county council receives. 61

The board shall prepare an annual report detailing the 62
results of the program. The report shall be submitted to the 63
governor, the president and minority leader of the senate, and the 64
speaker and minority leader of the house of representatives. 65

Sec. 3109.13. As used in sections 3109.13 to 3109.18 of the 66
Revised Code, ~~child:~~ 67

(A) "Child abuse and child neglect prevention programs" means 68
programs designed to prevent child abuse and child neglect, 69
including, but not limited to, any of the following: 70

(A) ~~Public awareness programs that pertain to child abuse or~~ 71
~~child neglect;~~ 72

(B) ~~Community-based, family-focused support services and~~ 73
~~activities that do any of the following:~~ 74

(1) ~~Build parenting skills;~~ 75

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~~(2) Promote parental behaviors that lead to healthy and positive personal development of parents and children;~~ 76
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~~(3) Promote individual, family, and community strengths;~~ 78

~~(4) Provide information, education, or health activities that promote the well-being of families and children.~~ 79
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~~(C) Programs that train and place volunteers in programs that pertain to child abuse or child neglect that use primary and secondary prevention strategies that are conducted at the local level and activities and projects of statewide significance designed to strengthen families and prevent child abuse and child neglect.~~ 81
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~~(B) "Primary prevention strategies" are activities and services provided to the public designed to prevent or reduce the prevalence of child abuse and child neglect before signs of abuse or neglect can be observed.~~ 87
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~~(C) "Secondary prevention strategies" are activities and services that are provided to a specific population identified as having risk factors for child abuse and child neglect and are designed to intervene at the earliest warning signs of child abuse or child neglect, or whenever a child can be identified as being at risk of abuse or neglect.~~ 91
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Sec. 3109.15. There is hereby created within the department of job and family services the children's trust fund board consisting of fifteen members. The directors of alcohol and drug addiction services, health, and job and family services shall be members of the board. Eight public members shall be appointed by the governor. These members shall be persons with demonstrated knowledge in programs for children, shall be representative of the demographic composition of this state, and, to the extent practicable, shall be representative of the following categories: 97
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the educational community; the legal community; the social work 106
community; the medical community; the voluntary sector; and 107
professional providers of child abuse and child neglect services. 108
Five of these members shall be residents of ~~counties~~ metropolitan 109
statistical areas as defined by the United States office of 110
management and budget where the population exceeds four hundred 111
thousand; no ~~more than one~~ two such ~~member~~ members shall be a 112
~~resident~~ residents of the same ~~county~~ metropolitan statistical 113
area. Two members of the board shall be members of the house of 114
representatives appointed by the speaker of the house of 115
representatives and shall be members of two different political 116
parties. Two members of the board shall be members of the senate 117
appointed by the president of the senate and shall be members of 118
two different political parties. All members of the board 119
appointed by the speaker of the house of representatives or the 120
president of the senate shall serve until the expiration of the 121
sessions of the general assembly during which they were appointed. 122
They may be reappointed to an unlimited number of successive terms 123
of two years at the pleasure of the speaker of the house of 124
representatives or president of the senate. Public members shall 125
serve terms of three years. Each member shall serve until the 126
member's successor is appointed, or until a period of sixty days 127
has elapsed, whichever occurs first. No public member may serve 128
more than two consecutive full terms, ~~regardless of whether such~~ 129
~~terms were full or partial terms~~. All vacancies on the board shall 130
be filled for the balance of the unexpired term in the same manner 131
as the original appointment. 132

Any member of the board may be removed by the member's 133
appointing authority for misconduct, incompetency, or neglect of 134
duty after first being given the opportunity to be heard in the 135
member's own behalf. Pursuant to section 3.17 of the Revised Code, 136
a member, except a member of the general assembly or a judge of 137
any court in the state, who fails to attend at least three-fifths 138

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of the regular and special meetings held by the board during any two-year period forfeits the member's position on the board.

Each member of the board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.

~~The speaker of the house of representatives and the president of the senate shall jointly appoint the board chairperson from among the legislative members of the board. At the beginning of the first year of each even-numbered general assembly, the chairperson of the board shall be appointed by the speaker of the house of representatives from among members of the board who are members of the house of representatives. At the beginning of the first year of each odd-numbered general assembly, the chairperson of the board shall be appointed by the president of the senate from among the members of the board who are senate members.~~

The board shall biennially select a vice-chair from among its nonlegislative members.

Sec. 3109.16. The children's trust fund board, upon the recommendation of the director of job and family services, shall approve the employment of ~~the staff that~~ an executive director who will administer the programs of the board. The department of job and family services shall provide budgetary, procurement, accounting, and other related management functions for the board. An amount not to exceed three per cent of the total amount of fees deposited in the children's trust fund in each fiscal year may be used for costs directly related to these administrative functions of the department. Each fiscal year, the board shall approve a budget for administrative expenditures for the next fiscal year.

The board shall meet at least quarterly at the call of the chairperson to conduct its official business. All business

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transactions of the board shall be conducted in public meetings. 170
 Eight members of the board constitute a quorum. A majority of the 171
~~quorum~~ board members is required to ~~approve~~ adopt the state plan 172
 for the allocation of funds from the children's trust fund. A 173
majority of the quorum is required to make all other decisions of 174
the board. 175

The board may apply for and accept federal and other funds 176
 for the purpose of funding child abuse and child neglect 177
 prevention programs. In addition, the board may accept gifts and 178
 donations from any source, including individuals, philanthropic 179
 foundations or organizations, corporations, or corporation 180
 endowments. The acceptance and use of federal funds shall not 181
 entail any commitment or pledge of state funds, nor obligate the 182
 general assembly to continue the programs or activities for which 183
 the federal funds are made available. All funds received in the 184
 manner described in this section shall be transmitted to the 185
 treasurer of state, who shall credit them to the children's trust 186
 fund created in section 3109.14 of the Revised Code. 187

Sec. 3109.17. (A) For each fiscal biennium, the children's 188
 trust fund board shall establish a biennial state plan for 189
 comprehensive child abuse and child neglect prevention. The plan 190
 shall be transmitted to the governor, the president and minority 191
 leader of the senate, and the speaker and minority leader of the 192
 house of representatives and shall be made available to the 193
 general public. The board shall include in the state plan the 194
definition of "effective public notice" specified in rules adopted 195
by the department of job and family services. 196

(B) In developing and carrying out the state plan, the 197
 children's trust fund board shall, in accordance with Chapter 119. 198
 of the Revised Code, do all of the following: 199

(1) Ensure that an opportunity exists for assistance through 200

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child abuse and child neglect prevention programs to persons 201
throughout the state of various social and economic backgrounds; 202

(2) Before the thirtieth day of October of each year, notify 203
each child abuse and child neglect prevention advisory board of 204
the amount estimated to be ~~block-granted~~ allocated to that 205
advisory board for the following fiscal year. 206

(3) Develop criteria for county or district comprehensive 207
allocation plans, including criteria for determining the plans' 208
effectiveness; 209

(4) Review county or district comprehensive allocation plans; 210
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(5) ~~Make a block-grant~~ Allocate funds to each child abuse and 212
child neglect prevention advisory board for the purpose of funding 213
child abuse and child neglect prevention programs. ~~The block~~ 214
~~grants~~ Funds shall be allocated among advisory boards according to 215
a formula based on the ratio of the number of children under age 216
eighteen in the county or multicounty district to the number of 217
children under age eighteen in the state, as shown in the most 218
recent federal decennial census of population. Subject to the 219
availability of funds, each advisory board shall receive a minimum 220
of ten thousand dollars per fiscal year. In the case of an 221
advisory board that serves a multicounty district, the advisory 222
board shall receive, subject to available funds, a minimum of ten 223
thousand dollars per fiscal year for each county in the district. 224
~~Block-grants~~ Funds shall be disbursed to the advisory boards twice 225
annually. At least fifty per cent of the ~~amount of the block-grant~~ 226
funds allocated to an advisory board for a fiscal year shall be 227
disbursed to the advisory board not later than the thirtieth day 228
of September. The remainder of the ~~block-grant~~ funds allocated to 229
the advisory board for that fiscal year shall be disbursed before 230
the thirty-first day of March. 231

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If the children's trust fund board determines, based on 232
 county or district performance or on the annual report submitted 233
 by an advisory board, that the advisory board is not operating in 234
 accordance with the criteria established in division (B)(3) of 235
 this section, it may revise the allocation of funds that the 236
 advisory board receives. 237

The board shall specify the criteria child abuse and child 238
 neglect prevention advisory boards are to use in reviewing 239
 applications under division (F)(3) of section 3109.18 of the 240
 Revised Code. 241

(6) Allocate funds to entities other than child abuse and 242
 child neglect prevention advisory boards for the purpose of 243
 funding child abuse and child neglect prevention programs approved 244
 in the state plan; 245

(7) Provide for the monitoring of expenditures from the 246
 children's trust fund and of programs that receive money from the 247
 children's trust fund; 248

~~(7)~~(8) Establish reporting requirements for advisory boards; 249

~~(8)~~(9) Collaborate with appropriate persons and government 250
 entities and facilitate the exchange of information among those 251
 persons and entities for the purpose of child abuse and child 252
 neglect prevention; 253

~~(9)~~(10) Provide for the education of the public and 254
 professionals for the purpose of child abuse and child neglect 255
 prevention; 256

(11) Create and provide to each advisory board a children's 257
 trust fund grant application form; 258

(12) Specify the information to be included in an annual 259
 report completed by a recipient of a children's trust fund grant 260
 under division (K)(1) of section 3109.18 of the Revised Code. 261

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(C) The children's trust fund board shall prepare a report 262
for each fiscal biennium that ~~evaluates~~ delineates the expenditure 263
of money from the children's trust fund. On or before January 1, 264
2002, and on or before the first day of January of a year that 265
follows the end of a fiscal biennium of this state, the board 266
shall file a copy of the report with the governor, the president 267
and minority leader of the senate, and the speaker and minority 268
leader of the house of representatives. 269

~~(D) In addition to the duties described in this section and 270
in section 3109.16 of the Revised Code, the children's trust fund 271
board shall perform the duties described in section 121.371 of the 272
Revised Code with regard to the wellness block grant program. 273~~

Sec. 3109.18. (A)(1) A board of county commissioners may 274
establish a child abuse and child neglect prevention advisory 275
board or may designate the county family and children first 276
council to serve as the child abuse and child neglect prevention 277
advisory board. The boards of county commissioners of two or more 278
contiguous counties may instead form a multicounty district to be 279
served by a child abuse and child neglect prevention advisory 280
board or may designate a regional family and children first 281
council to serve as the district child abuse and child neglect 282
prevention advisory board. Each advisory board shall meet at least 283
twice a year. 284

(2) The county auditor is hereby designated as the auditor 285
and fiscal officer of the advisory board. In the case of a 286
multicounty district, the boards of county commissioners that 287
formed the district shall designate the auditor of one of the 288
counties as the auditor and fiscal officer of the advisory board. 289

(B) Each county that establishes an advisory board or, in a 290
multicounty district, the county the auditor of which has been 291
designated as the auditor and fiscal ~~agent~~ officer of the advisory 292

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board, shall establish a fund in the county treasury known as the 293
county or district children's trust fund. The advisory board shall 294
deposit all funds received from the children's trust fund board 295
into that fund, and the auditor shall distribute money from the 296
fund at the request of the advisory board. 297

(C) Each January, the board of county commissioners of a 298
county that has established an advisory board or, in a multicounty 299
district, the board of county commissioners of the county the 300
auditor of which has been designated as the auditor and fiscal 301
agent officer for the advisory board, shall appropriate the amount 302
described in division (B)(2) of section 3109.17 of the Revised 303
Code for distribution by the advisory board to child abuse and 304
child neglect prevention programs. 305

(D)(1) Except in the case of a county or regional family and 306
children first council that is designated to serve as a child 307
abuse and child neglect prevention advisory board, each advisory 308
board shall consist of an odd number of members from both the 309
public and private sectors, including all of the following: 310

(a) A representative of an agency responsible for the 311
administration of children's services in the county or district; 312

(b) A provider of alcohol or drug addiction services or a 313
representative of a board of alcohol, drug addiction, and mental 314
health services that serves the county or district; 315

(c) A provider of mental health services or a representative 316
of a board of alcohol, drug addiction, and mental health services 317
that serves the county or district; 318

(d) A representative of a board of mental retardation and 319
developmental disabilities that serves the county or district; 320

(e) A representative of the educational community appointed 321
by the superintendent of the school district with largest 322
enrollment in the county or multicounty district. 323

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(2) The following groups and entities may be represented on the advisory board:	324
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(a) Parent groups;	326
(b) Juvenile justice officials;	327
(c) Pediatricians, health department nurses, and other representatives of the medical community;	328
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(d) School personnel;	330
(e) Counselors <u>and social workers</u> ;	331
(f) Head start agencies;	332
(g) Child day-care providers;	333
(h) Other persons with demonstrated knowledge in programs for children.	334
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(3) Of the members first appointed, at least one shall serve for a term of three years, at least one for a term of two years, and at least one for a term of one year. Thereafter, each member shall serve a term of three years. Each member shall serve until the member's successor is appointed. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner as the original appointment.	336
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(E) Each board of county commissioners may incur reasonable costs not to exceed five per cent of the block-grant <u>funds</u> allocated to the county or district under section 3109.17 of the Revised Code, for the purpose of carrying out the functions of the advisory board.	343
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(F) Each child abuse and child neglect prevention advisory board shall do all of the following:	348
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(1) Develop a comprehensive allocation plan for the purpose of preventing child abuse and child neglect and submit the plan to the children's trust fund board;	350
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(2) Notify Provide effective public notice, as defined in 353
rules adopted by the department of job and family services, to 354
potential applicants about the availability of funds from the 355
children's trust fund, including an estimate of the amount of 356
money available for grants within each county or district, the 357
date of at least one public hearing, information on obtaining a 358
copy of the grant application form, and the deadline for 359
submitting grant applications; 360

(3) Review all applications received using ~~any~~ criteria 361
~~developed by the child abuse and child neglect prevention advisory~~ 362
board specified in the state plan adopted by the board under 363
section 3109.17 of the Revised Code; 364

(4) Consistent with the plan developed pursuant to division 365
(F)(1) of this section, make grants to child abuse and child 366
neglect prevention programs. In making grants to child abuse and 367
child neglect prevention programs, the advisory board may consider 368
factors such as need, geographic location, diversity, coordination 369
with or improvement of existing services, maintenance of local 370
funding efforts, and extensive use of volunteers. 371

(5) Establish reporting requirements for grant recipients. 372

(G) A member of a child abuse and child neglect prevention 373
advisory board shall not participate in the development of a 374
comprehensive allocation plan under division (F)(1) of this 375
section if it is reasonable to expect that the member's judgment 376
could be affected by the member's own financial, business, 377
property, or personal interest or other conflict of interest. For 378
purposes of this division, "conflict of interest" means the taking 379
of any action that violates any applicable provision of Chapter 380
102. or 2921. of the Revised Code. Questions relating to the 381
existence of a conflict of interest pertaining to Chapter 2921. of 382
the Revised Code shall be submitted by the advisory board to the 383
local prosecuting attorney for resolution. Questions relating to 384

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the existence of a conflict of interest pertaining to Chapter 102. 385
of the Revised Code shall be submitted by the advisory board to 386
the Ohio ethics commission for resolution. 387

(H) Each advisory board shall assist the children's trust 388
fund board in monitoring programs that receive money from the 389
children's trust fund and shall perform such other duties for the 390
local administration of the children's trust fund as the 391
children's trust fund board requires. 392

~~(H)~~(I) A recipient of a grant from the children's trust fund 393
shall use the grant funds only to fund primary and secondary child 394
abuse and child neglect prevention programs. Any grant funds that 395
are not spent by the recipient of the funds within the time 396
specified by the terms of the grant shall be returned to the 397
county treasurer. Any grant funds returned that are not 398
redistributed by the advisory board within the ~~time specified by~~ 399
~~the terms of the original grant~~ state fiscal year in which they 400
are received shall be returned to the treasurer of state. The 401
treasurer of state shall deposit such unspent moneys into the 402
children's trust fund to be spent for purposes consistent with the 403
state plan adopted under section 3109.17 of the Revised Code. 404

~~(I)~~(J) Applications for grants from the children's trust fund 405
shall be made to the advisory board on forms prescribed by the 406
~~department of job and family services~~ children's trust fund board. 407

~~(J)~~(K)(1) Each recipient of a children's trust fund grant 409
from an advisory board shall file with the advisory board a copy 410
of an annual report that includes the information required by the 411
~~advisory~~ children's trust fund board. 412

(2) Each advisory board shall file with the children's trust 413
fund board a copy of an annual report regarding the county or 414
district comprehensive allocation plan that contains the 415
information required by the children's trust fund board. 416

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Sec. 3314.03. (A) Each contract entered into under section	417
3314.02 of the Revised Code between a sponsor and the governing	418
authority of a community school shall specify the following:	419
(1) That the school shall be established as a nonprofit	420
corporation established under Chapter 1702. of the Revised Code;	421
(2) The education program of the school, including the	422
school's mission, the characteristics of the students the school	423
is expected to attract, the ages and grades of students, and the	424
focus of the curriculum;	425
(3) The academic goals to be achieved and the method of	426
measurement that will be used to determine progress toward those	427
goals, which shall include the statewide achievement tests;	428
(4) Performance standards by which the success of the school	429
will be evaluated by the sponsor;	430
(5) The admission standards of section 3314.06 of the Revised	431
Code;	432
(6) Dismissal procedures;	433
(7) The ways by which the school will achieve racial and	434
ethnic balance reflective of the community it serves;	435
(8) Requirements and procedures for financial audits by the	436
auditor of state. The contract shall require financial records of	437
the school to be maintained in the same manner as are financial	438
records of school districts, pursuant to rules of the auditor of	439
state, and the audits shall be conducted in accordance with	440
section 117.10 of the Revised Code.	441
(9) The facilities to be used and their locations;	442
(10) Qualifications of teachers, including a requirement that	443
the school's classroom teachers be licensed in accordance with	444
sections 3319.22 to 3319.31 of the Revised Code, except that a	445

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community school may engage noncertificated persons to teach up to
twelve hours per week pursuant to section 3319.301 of the Revised
Code;

(11) That the school will comply with the following
requirements:

(a) The school will provide learning opportunities to a
minimum of twenty-five students for a minimum of nine hundred
twenty hours per school year;

(b) The governing authority will purchase liability
insurance, or otherwise provide for the potential liability of the
school;

(c) The school will be nonsectarian in its programs,
admission policies, employment practices, and all other
operations, and will not be operated by a sectarian school or
religious institution;

(d) The school will comply with divisions (A), (B), and (C)
of section 3301.0715 and sections 9.90, 9.91, 109.65, 121.22,
149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711,
3301.0712, 3301.0714, 3313.50, 3313.643, 3313.66, 3313.661,
3313.662, 3313.67, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716,
3313.80, 3313.96, 3319.321, 3319.39, 3321.01, 3327.10, 4111.17,
and 4113.52 and Chapters 117., 1347., 2744., 3365., 3742., 4112.,
4123., 4141., and 4167. of the Revised Code as if it were a school
district;

(e) The school shall comply with Chapter 102. of the Revised
Code except that nothing in that chapter shall prohibit a member
of the school's governing board from also being an employee of the
school and nothing in that chapter or section 2921.42 of the
Revised Code shall prohibit a member of the school's governing
board from having an interest in a contract into which the
governing board enters;

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(f) The school will comply with sections 3313.61 , 3313.611, 477
and 3313.614 of the Revised Code, except that the requirement in 478
sections 3313.61 and 3313.611 of the Revised Code that a person 479
must successfully complete the curriculum in any high school prior 480
to receiving a high school diploma may be met by completing the 481
curriculum adopted by the governing authority of the community 482
school rather than the curriculum specified in Title XXXIII of the 483
Revised Code or any rules of the state board of education; 484

(g) The school governing authority will submit an annual 485
report of its activities and progress in meeting the goals and 486
standards of divisions (A)(3) and (4) of this section and its 487
financial status to the sponsor, the parents of all students 488
enrolled in the school, and the legislative office of education 489
oversight. The school will collect and provide any data that the 490
legislative office of education oversight requests in furtherance 491
of any study or research that the general assembly requires the 492
office to conduct, including the studies required under Section 493
50.39 of Am. Sub. H.B. 215 of the 122nd general assembly and 494
Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd general 495
assembly, as amended. 496

(12) Arrangements for providing health and other benefits to 497
employees; 498

(13) The length of the contract, which shall begin at the 499
beginning of an academic year and shall not exceed five years; 500

(14) The governing authority of the school, which shall be 501
responsible for carrying out the provisions of the contract; 502

(15) A financial plan detailing an estimated school budget 503
for each year of the period of the contract and specifying the 504
total estimated per pupil expenditure amount for each such year. 505
The plan shall specify for each year the base formula amount that 506
will be used for purposes of funding calculations under section 507

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3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of disadvantaged pupil impact aid calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or is to be a new start-up school, and if it is a converted public school, specification of any duties or responsibilities of an employer that the board of education that operated the school before conversion is delegating to the governing board of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in section 3314.06 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts

adjacent to the district in which the school is located; 539

(c) Permit the enrollment of students who reside in any other 540
district in the state. 541

(B) The community school shall also submit to the sponsor a 542
comprehensive plan for the school. The plan shall specify the 543
following: 544

(1) The process by which the governing authority of the 545
school will be selected in the future; 546

(2) The management and administration of the school; 547

(3) If the community school is a currently existing public 548
school, alternative arrangements for current public school 549
students who choose not to attend the school and teachers who 550
choose not to teach in the school after conversion; 551

(4) The instructional program and educational philosophy of 552
the school; 553

(5) Internal financial controls. 554

(C) A contract entered into under section 3314.02 of the 555
Revised Code between a sponsor and the governing authority of a 556
community school may provide for the community school governing 557
authority to make payments to the sponsor, which is hereby 558
authorized to receive such payments as set forth in the contract 559
between the governing authority and the sponsor. 560

Sec. 3318.031. The Ohio school facilities commission shall 561
consider student and staff safety and health when reviewing design 562
plans for classroom facility construction projects proposed under 563
this chapter. After consulting with appropriate education, health, 564
and law enforcement personnel, the commission may require as a 565
condition of project approval under section 3318.03 of the Revised 566
Code such changes in the design plans as the commission believes 567

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will advance or improve student and staff safety and health in the 568
proposed classroom facility. 569

To carry out its duties under this section, the commission 570
shall review and, if necessary, amend any construction and design 571
standards used in its project approval process, including 572
standards for location and number of exits, standards for lead 573
safety in classroom facilities constructed before 1978 in which 574
services are provided to children under six years of age, and 575
location of restrooms, with a focus on advancing student and staff 576
safety and health. 577

Sec. 3742.01. As used in this chapter: 578

(A) "Board of health" means the board of health of a city or 579
general health district or the authority having the duties of a 580
board of health under section 3709.05 of the Revised Code. 581

(B) "Child day-care facility" means each area of any of the 582
following in which child day-care, as defined in section 5104.01 583
of the Revised Code, is provided to children under six years of 584
age: 585

(1) A child day-care center, type A family day-care home, or 586
type B family day-care home as defined in section 5104.01 of the 587
Revised Code; 588

(2) A type C family day-care home authorized to provide child 589
day-care by Sub. H.B. 62 of the 121st general assembly, as amended 590
by Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 591
407 of the 123rd general assembly; 592

(3) A preschool program or school child program as defined in 593
section 3301.52 of the Revised Code. 594

(C) "Clearance examination" means an examination to determine 595
whether the lead hazards in a residential unit, child day-care 596
facility, or school have been sufficiently controlled. A clearance 597

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examination includes a visual assessment, collection, and analysis of environmental samples.

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(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who performs a clearance examination.

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(E) "Clinical laboratory" means a facility for the biological, microbiological, ~~seriological~~ serological, chemical, ~~immunoheathological~~ immunohematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the assessment or impairment of the health of human beings. "Clinical laboratory" does not include a facility that only collects or prepares specimens, or serves as a mailing service, and does not perform testing.

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~~(B)~~(F) "Encapsulation" means a method of abatement that involves the coating and sealing of surfaces with durable surface coating specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-containing paint from becoming part of house dust or otherwise accessible to children.

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~~(C)~~(G) "Enclosure" means the resurfacing or covering of surfaces with durable materials such as wallboard or paneling, and the sealing or caulking of edges and joints, so as to prevent or control chalking, flaking, peeling, scaling, or loose lead-containing substances from becoming part of house dust or otherwise accessible to children.

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~~(D)~~(H) "Environmental lead analytical laboratory" means a facility that analyzes air, dust, soil, water, paint, film, or other substances, other than substances derived from the human

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body, for the presence and concentration of lead. 629

~~(E)~~(I) "HEPA" means the designation given to a product, 630
device, or system that has been equipped with a high-efficiency 631
particulate air filter, which is a filter capable of removing 632
particles of 0.3 microns or larger from air at 99.97 per cent or 633
greater efficiency. 634

(J) "Interim controls" means a set of measures designed to 635
reduce temporarily human exposure or likely human exposure to lead 636
hazards. Interim controls include specialized cleaning, repairs, 637
painting, temporary containment, ongoing lead hazard maintenance 638
activities, and the establishment and operation of management and 639
resident education programs. 640

(K)(1) "Lead abatement" means a measure or set of measures, 641
including the following, designed and intended to eliminate for 642
the single purpose of permanently eliminating lead hazards. "Lead 643
abatement" includes all of the following: 644

(1)(a) Removal, encapsulation, or enclosure of lead hazards 645
lead-based paint and lead-contaminated dust; 646

(2)(b) Permanent enclosure or encapsulation of lead-based 647
paint; 648

(c) Replacement of lead-contaminated surfaces or fixtures 649
painted with lead-based paint; 650

(3)(d) Removal or permanent covering of lead-contaminated 651
soil; 652

(4)(e) Preparation, cleanup, and disposal, and postabatement 653
activities associated with the lead abatement. 654

(2) "Lead abatement" does not include any of the following: 655

(a) Preventive treatments performed pursuant to section 656
3742.41 of the Revised Code; 657

(b) Implementation of interim controls; 658

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(c) Activities performed by a property owner on a residential unit to which both of the following apply: 659 660

(i) It is a freestanding single-family home used as the property owner's private residence. 661 662

(ii) No child under six years of age who has lead poisoning resides in the unit. 663 664

~~(F)~~(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project. 665 666 667 668 669

~~(G)~~(M) "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other. 670 671 672

~~(H)~~(N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects. 673 674 675

~~(I)~~(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement. 676 677 678

~~(J)~~(P) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as established by rule of the public health council ~~in accordance with~~ under section 3742.03 3742.50 of the Revised Code. 679 680 681 682 683

~~(K)~~(Q) "Lead-contaminated dust" means dust ~~in or on structures that contain~~ contains an area or mass concentration of lead at or in excess of the level that is hazardous to human health as established by rule of the public health council under section 3742.03 3742.50 of the Revised Code. 684 685 686 687 688

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~~(L)~~(R) "Lead-contaminated soil" means soil that contains lead at or in excess of the level that is hazardous to human health as established by rule of the public health council under section 3742.03 3742.50 of the Revised Code.

~~(M)~~(S) "Lead hazard" means material that ~~may~~ is likely to cause lead exposure and ~~may~~ endanger an individual's health as determined by the public health council in rules adopted under section 3742.03 3742.50 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

~~(N)~~(T) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint ~~and the provision of a report explaining the results.~~ The inspection shall use a sampling or testing technique approved by the public health council in rules adopted by the council under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

~~(O)~~(U) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

~~(P)~~(V) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section 3742.03 3742.50 of the Revised Code.

~~(Q)~~(W) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of ~~lead-based paint~~ lead hazards in ~~structures a residential unit, child day-care facility, or school,~~ including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the

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~~structure unit, facility, or school~~ and occupancy by children 720
 under ~~age~~ six years of age, visual inspection, limited wipe 721
 sampling or other environmental sampling techniques, and any other 722
 activity as may be appropriate, ~~and provision of a report~~ 723
~~explaining the results of the investigation.~~ 724

~~(R)~~(X) "Lead risk assessor" means a person who is responsible 725
 for developing a written inspection, risk assessment, and analysis 726
 plan; conducting inspections for ~~lead-based paint~~ lead hazards in 727
 a ~~structure residential unit, child day-care facility, or school;~~ 728
~~taking post-abatement soil and dust clearance samples and~~ 729
~~evaluating the results;~~ interpreting results of inspections and 730
 risk assessments; identifying hazard control strategies to reduce 731
 or eliminate lead exposures; and completing a risk assessment 732
 report. 733

~~(S)~~(Y) "Lead-safe renovation" means the supervision or 734
 performance of services for the general improvement of all or part 735
of an existing structure, including a residential unit, child 736
day-care facility, or school, when the services are supervised or 737
performed by a lead-safe renovator. 738

(Z) "Lead-safe renovator" means a person who has successfully 739
completed a training program in lead-safe renovation approved 740
under section 3742.47 of the Revised Code. 741

(AA) "Manager" means a person, who may be the same person as 742
 the owner, responsible for the daily operation of a ~~structure~~ 743
residential unit, child day-care facility, or school. 744

~~(T)~~(BB) "Permanent" means an expected design life of at least 745
twenty years. 746

(CC) "Replacement" means a ~~lead abatement~~ an activity that 747
 entails removing components such as windows, doors, and trim that 748
 have ~~lead-based paint~~ lead hazards on their surfaces and 749
 installing ~~new or de-lead~~ components free of ~~lead-based paint~~ 750

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lead hazards. 751

~~(U) "Structure" means any house, apartment, or building, used
as an individual's private residence or commonly used as a place
of education or child day-care center for children under six years
of age, including all of the following:~~ 752
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~~(1) The interior and exterior surfaces and all common areas
of the structure;~~ 756
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~~(2) Every attached or unattached structure located within the
same lot line, including garages, play equipment, and fences;~~ 758
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~~(3) The lot or land occupied by the structure (DD)~~ 760
"Residential unit" means a dwelling or any part of a building 761
being used as an individual's private residence. 762

(EE) "School" means a public or nonpublic school in which 763
children under six years of age receive education. 764

Sec. 3742.02. (A) No person shall do any of the following: 765

(1) Violate any provision of this chapter or the rules 766
adopted pursuant to it; 767

(2) Apply or cause to be applied any lead-based paint on or 768
inside ~~any structure~~ a residential unit, child day-care facility, 769
or school, unless the public health council has determined by rule 770
under section ~~3742.03~~ 3742.50 of the Revised Code that no suitable 771
substitute exists; 772

(3) Interfere with an ~~inspection~~ investigation conducted by 773
the director of health or a board of health in accordance with 774
section ~~3742.11 or 3742.12~~ 3742.35 of the Revised Code. 775

(B) No person shall knowingly authorize or employ ~~any an~~ 776
individual to perform lead abatement on a ~~structure~~ residential 777
unit, child day-care facility, or school unless ~~that the~~ 778
individual who will perform the lead abatement holds a valid 779

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- license issued under section 3742.05 of the Revised Code. 780
- (C) ~~Without an appropriate valid license issued under section~~ 781
~~3742.05 of the Revised Code, no~~ No person shall do any of the 782
 following when a residential unit, child day-care facility, or 783
school is involved: 784
- (1) Perform a lead inspection ~~or hold himself out as a lead~~ 785
~~inspector~~ without a valid lead inspector license issued under 786
section 3742.05 of the Revised Code; 787
- (2) Perform a lead risk assessment, ~~or provide professional~~ 788
 advice regarding lead abatement, ~~or hold himself out as a lead~~ 789
~~risk assessor~~ without a valid lead risk assessor license issued 790
under section 3742.05 of the Revised Code; 791
- (3) Act as a lead abatement contractor ~~or hold himself out as~~ 792
~~a lead abatement contractor~~ without a valid lead abatement 793
 contractor's license issued under section 3742.05 of the Revised 794
Code; 795
- (4) Act as a lead abatement project designer ~~or hold himself~~ 796
~~out as a lead abatement project designer~~ without a valid lead 797
 abatement project designer license issued under section 3742.05 of 798
the Revised Code; 799
- (5) Perform ~~or hold himself out as providing~~ lead abatement 800
 without a valid lead abatement worker license issued under section 801
3742.05 of the Revised Code; 802
- (6) Effective one year after the effective date of this 803
amendment, perform a clearance examination without a valid 804
clearance technician license issued under section 3742.05 of the 805
Revised Code, unless the person holds a valid lead inspector 806
license or valid lead risk assessor license issued under that 807
section; 808
- (7) Perform lead training for the licensing purposes of this 809
chapter without a valid approval from the director of health under 810

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section 3742.08 of the Revised Code; 811

(8) Perform interim controls without complying with 24 C.F.R. Part 35. 812
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~~(D) This section does not apply to any individual performing lead abatement on a structure, or on the portion of the structure, that is used as his private residence.~~ 814
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Sec. 3742.03. The public health council shall adopt rules in accordance with Chapter 119. of the Revised Code for the administration and enforcement of this chapter sections 3742.01 to 3742.19 and 3742.99 of the Revised Code. The rules shall specify all of the following:

(A) Procedures to be followed by any individual a lead abatement contractor, lead abatement project designer, lead abatement worker, lead inspector, or lead risk assessor licensed under section 3742.05 of the Revised Code for undertaking lead abatement activities and procedures to be followed by a clearance technician, lead inspector, or lead risk assessor in performing a clearance examination;

(B)(1) Requirements for training and licensure, in addition to those established under section 3742.08 of the Revised Code, to include levels of training and periodic refresher training for each class of worker, and to be used for licensure under section 3742.05 of the Revised Code. ~~These~~ Except in the case of clearance technicians, these requirements shall include at least twenty-four classroom hours of training based on the Occupational Safety and Health Act training program for lead set forth in 29 C.F.R. 1926.62. For clearance technicians, the training requirements to obtain an initial license shall not exceed six hours and the requirements for refresher training shall not exceed two hours every four years. In establishing the training and licensure requirements, the public health council shall consider the core of

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information that is needed by all licensed persons, and establish 842
the training requirements so that persons who would seek licenses 843
in more than one area would not have to take duplicative course 844
work. 845

(2) Persons certified by the American board of industrial 846
hygiene as a certified industrial hygienist or as an industrial 847
hygienist-in-training, and persons registered as a sanitarian or 848
sanitarian-in-training under Chapter 4736. of the Revised Code, 849
shall be exempt from any training requirements for initial 850
licensure established under this chapter, but shall be required to 851
take any examinations for licensure required under section 3742.05 852
of the Revised Code. 853

(C) Fees for licenses issued under section 3742.05 of the 854
Revised Code and for their renewal; 855

(D) Procedures to be followed by lead inspectors, lead 856
abatement contractors, environmental lead analytical laboratories, 857
lead risk assessors, lead abatement project designers, and lead 858
abatement workers to prevent public exposure to lead hazards and 859
ensure worker protection during lead abatement projects; 860

(E)(1) Record-keeping and reporting requirements for clinical 861
laboratories, environmental lead analytical laboratories, lead 862
inspectors, lead abatement contractors, lead risk assessors, lead 863
abatement project designers, and lead abatement workers for lead 864
abatement projects and record-keeping and reporting requirements 865
for clinical laboratories, environmental lead analytical 866
laboratories, and clearance technicians for clearance 867
examinations; 868

(2) Record-keeping and reporting requirements regarding lead 869
poisoning for physicians, in addition to the requirements of 870
section 3701.25 of the Revised Code; 871

(3) Information that is required to be reported under rules 872

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based on divisions (E)(1) and (2) of this section and that is a
 medical record is not a public record under section 149.43 of the
 Revised Code and shall not be released, except in aggregate
 statistical form.

~~(F) Procedures for inspections conducted by the director of
 health or a board of health under section 3742.12 or 3742.13 of
 the Revised Code;~~

~~(G) The level of lead in lead-based paint, lead-contaminated
 dust, and lead-contaminated soil that is hazardous to human
 health;~~

~~(H) The level of lead in human blood that is hazardous to
 human health according to information obtained from the centers
 for disease control and prevention in the public health service of
 the United States department of health and human services;~~

~~(I) Environmental sampling techniques for use in collecting
 samples of air, water, dust, paint, and other materials;~~

~~(J)(G) Requirements for a respiratory protection plan
 prepared in accordance with section 3742.07 of the Revised Code;~~

~~(K)(H) Requirements under which a manufacturer of a lead
 abatement system or product encapsulants must demonstrate evidence
 of the safety and durability of its ~~system or product~~ encapsulants
 by providing results of testing from an independent laboratory
 indicating that the ~~system or product meets~~ encapsulants meet the
 standards developed for the ~~particular system or product~~ by the
 E06.23 subcommittee "E06.23.30 task group on encapsulants," which
 is the ~~lead-paint abatement task group of the lead hazards~~
associated with buildings subcommittee of the performance of
 buildings committee of the American society for testing and
 materials;~~

~~(L) Procedures to be followed by the public health council in
 revising its rules to ensure that lead-hazard activities meeting~~

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~~the provisions of this chapter continue to be eligible for federal funding and meet the requirements promulgated by regulation by the United States environmental protection agency, the United States department of housing and urban development, and other federal agencies that may have jurisdiction over lead hazards;~~

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~~(M) Any other requirements the council considers appropriate for the administration or enforcement of this chapter.~~

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Sec. 3742.04. (A) The director of health shall do all of the following:

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(1) Administer and enforce the requirements of ~~this chapter~~ sections 3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules adopted pursuant to ~~it~~ those sections;

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~~(2)(a) Conduct research and disseminate information on the number, extent, and general geographic location of lead-contaminated structures, which may include a statewide survey and may include the establishment of a unit for the collection and analysis of data on lead-hazard detection and lead-hazard reduction activities, including the licensing, certification, accreditation, approval, and enforcement activities under this chapter;~~

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~~(b) Update information and data collected or disseminated under division (A)(2)(a) of this section to include the results of an inspection or assessment conducted pursuant to section 3742.14 of the Revised Code, when a report based on that inspection is provided to the director pursuant to rules adopted by the public health council under section 3742.03 of the Revised Code.~~

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~~(3) Examine records and reports submitted by lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, and lead abatement workers, and clearance technicians~~ in accordance with section 3742.05 of the Revised Code

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to determine whether the requirements of this chapter are being	935
met;	936
(4) (3) Examine records and reports submitted by physicians,	937
clinical laboratories, and environmental lead analytical	938
laboratories under section 3701.25 or 3742.09 of the Revised Code;	939
(5) (4) Issue approval to manufacturers of lead abatement	940
systems or products <u>encapsulants</u> that have done all of the	941
following:	942
(a) Submitted an application for approval to the director on	943
a form prescribed by the director;	944
(b) Paid the application fee established by the director;	945
(c) Submitted results from an independent laboratory	946
indicating that the manufacturer's system or product satisfies	947
<u>encapsulants satisfy</u> the requirements established in rules adopted	948
under division (K) (H) of section 3742.03 of the Revised Code;	949
(d) Complied with rules adopted by the public health council	950
regarding durability and safety to workers and residents.	951
(6) (5) Establish liaisons and cooperate with the directors or	952
agencies in states having lead abatement, licensing,	953
accreditation, certification, and approval programs to promote	954
consistency between the requirements of this chapter and those of	955
other states in order to facilitate reciprocity of the programs	956
among states;	957
(6) <u>Establish a program to monitor and audit the quality of</u>	958
<u>work of lead inspectors, lead risk assessors, lead abatement</u>	959
<u>project designers, lead abatement contractors, lead abatement</u>	960
<u>workers, and clearance technicians. The director may refer</u>	961
<u>improper work discovered through the program to the attorney</u>	962
<u>general for appropriate action.</u>	963
(B) In addition to any other authority granted by this	964

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chapter, the director of health may do any of the following: 965

(1) Employ persons who have received training from a program 966
the director has determined provides the necessary background. The 967
appropriate training may be obtained in a state that has an 968
ongoing lead abatement program under which it conducts educational 969
programs. 970

~~(2) Conduct or cooperate with other state agencies to conduct 971
programs of public education on the nature and consequences of 972
lead hazards and on the need for lead hazard reduction activities 973
to be conducted under careful supervision by licensed and 974
accredited personnel; 975~~

~~(3) Cooperate with the United States environmental protection 976
agency in any joint oversight procedures the agency may propose 977
for laboratories that offer lead analysis services and are 978
accredited under the agency's laboratory accreditation program; 979~~

~~(4)(3) Advise, consult, cooperate with, or enter into 980
contracts or cooperative agreements with any person, government 981
entity, interstate agency, or the federal government as the 982
director considers necessary to fulfill the requirements of this 983
chapter and the rules adopted under it. 984~~

Sec. 3742.05. (A)(1) The director of health shall issue lead 985
inspector, lead abatement contractor, lead risk assessor, lead 986
abatement project designer, ~~and lead abatement worker, and~~ 987
clearance technician licenses. The director shall issue a license 988
to an applicant who meets all of the following requirements: 989

(a) Submits an application to the director on a form 990
prescribed by the director; 991

(b) Meets the licensing and training requirements established 992
by the public health council under section 3742.03 of the Revised 993
Code; 994

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(c) Successfully completes the licensing examination for the applicant's area of expertise administered under section 3742.08 of the Revised Code and any training required by the director under that section;	995 996 997 998
(d) Pays the license fee established by the public health council under section 3742.03 of the Revised Code;	999 1000
(e) Provides <u>the applicant's social security number and</u> any information the director may require to demonstrate the applicant's compliance with this chapter and the rules adopted under it.	1001 1002 1003 1004
(2) An individual may hold more than one license issued under this division <u>section</u> , but a separate application is required for each license.	1005 1006 1007
(B) A license issued under this section expires two years after the date of issuance. The director shall renew a license in accordance with the standard renewal procedure set forth in Chapter 4745. of the Revised Code, if the licensee does all of the following:	1008 1009 1010 1011 1012
(1) Continues to meet the requirements of division (A) of this section;	1013 1014
(2) Demonstrates compliance with procedures to prevent public exposure to lead hazards and for worker protection during lead abatement projects established by rule adopted by the public health council under section 3742.03 of the Revised Code;	1015 1016 1017 1018
(3) Meets the record-keeping and reporting requirements for lead abatement projects <u>or clearance examinations</u> established by rule adopted by the public health council under section 3742.03 of the Revised Code;	1019 1020 1021 1022
(4) Pays the license renewal fee established by rule adopted by the public health council under section 3742.03 of the Revised	1023 1024

Code. 1025

(C) An individual licensed, certified, or otherwise approved 1026
under the law of another state to perform functions substantially 1027
similar to those of a lead inspector, lead abatement contractor, 1028
lead risk assessor, lead abatement project designer, ~~or~~ lead 1029
abatement worker, or clearance technician may apply to the 1030
director of health for licensure in accordance with the procedures 1031
set forth in division (A) of this section. The director shall 1032
license an individual under this division on a determination that 1033
the standards for licensure, certification, or approval in that 1034
state are at least substantially equivalent to those established 1035
by this chapter and the rules adopted under it. The director may 1036
require an examination for licensure under this division. 1037

Sec. 3742.06. ~~(A)~~ All of the following apply to a residential 1038
unit, child day-care facility, or school: 1039

(A) No lead abatement contractor shall provide lead testing 1040
services or professional advice regarding lead abatement unless 1041
that service or advice is provided by a lead inspector or lead 1042
risk assessor who is licensed under section 3742.05 of the Revised 1043
Code and is employed by the lead abatement contractor. 1044

(B) No person shall provide advice on the need for lead 1045
abatement ~~in a structure~~ and then participate in ~~the a~~ a lead 1046
abatement project ~~on that structure~~ resulting from that advice 1047
unless either of the following applies: 1048

(1) The person is employed as a member of the staff of the 1049
owner or manager of the ~~structure~~ property on which the lead 1050
abatement is to be performed; 1051

(2) A written contract for lead abatement is entered into 1052
that states both of the following: 1053

(a) The person was involved in the lead testing ~~of the~~ 1054

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structure, or in the provision of professional advice, that led to 1055
the lead abatement contract; 1056

(b) The party contracting for lead abatement services should 1057
obtain a second opinion to verify any lead test results and assure 1058
that the proposed lead abatement or project design is appropriate. 1059

(C) No lead inspector, lead abatement contractor, lead risk 1060
assessor, ~~or~~ lead abatement project designer, or clearance 1061
technician shall use the services of an environmental lead 1062
analytical laboratory that has not been approved by the director 1063
of health under section 3742.09 of the Revised Code. 1064

(D) No lead abatement worker shall perform lead abatement 1065
without the on-site supervision of a licensed lead abatement 1066
contractor. 1067

(E) No person shall have lead-safe renovation performed in 1068
lieu of having lead abatement performed on a property at which a 1069
lead-poisoned child under six years of age has been identified. 1070

Sec. 3742.07. (A) Prior to engaging in any lead abatement 1071
project on a residential unit, child day-care facility, or school, 1072
the lead abatement contractor primarily responsible for the 1073
project shall do all of the following: 1074

~~(A)~~(1) Prepare a written respiratory protection plan that 1075
meets requirements established by rule adopted under section 1076
3742.03 of the Revised Code and make the plan available to the 1077
department of health and all lead abatement workers at the project 1078
site; 1079

~~(B)~~(2) Ensure that each lead abatement worker who is or will 1080
be involved in a lead abatement project has been examined by a 1081
licensed physician within the preceding calendar year and has been 1082
declared by ~~him~~ the physician to be physically capable of working 1083
while wearing a respirator; 1084

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~~(C)~~(3) Ensure that each employee or agent who will come in contact with lead hazards or will be responsible for a lead abatement project receives a license and appropriate training as required by this chapter before engaging in a lead abatement project;

~~(D)~~(4) At least ten days prior to the commencement of a project, notify the department of health, on a form prescribed by the director of health, of the date a lead abatement project will commence.

(B) During each lead abatement project, the lead abatement contractor primarily responsible for the project shall ensure that all persons involved in the project follow the worker protection standards established under 29 C.F.R. 1926.62 by the United States occupational safety and health administration.

Sec. 3742.071. All of the following apply in the performance of activities by persons licensed under this chapter:

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

(B) A clearance technician may perform a clearance examination when the examination is in connection with activities other than a lead abatement project. A clearance examination performed in connection with a lead abatement project shall be performed only by a lead inspector or lead risk assessor.

(C) The director of health may issue an immediate cease work order to a person licensed under this chapter if the director determines that the license holder is violating the terms or conditions of the license in a manner that endangers or materially impairs the health or well-being of an occupant of a residential unit, child day-care facility, or school or a person employed to

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perform lead abatement.

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Sec. 3742.08. (A)(1) The director of health shall conduct, specify requirements by rule, or approve training programs for licensure of lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, ~~and~~ lead abatement workers, and clearance technicians. In accordance with Chapter 119. of the Revised Code, the director shall adopt rules establishing all of the following:

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(a) A system for accreditation of training programs and the requirements for accreditation, including curriculum requirements, hour requirements, hands-on training requirements, trainee competency and proficiency requirements, and requirements for quality control;

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(b) Fees for application for approval of a training program and for participating in any program conducted by the director;

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(c) Any other requirements pertinent to the operation of a training program.

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(2) Each applicant for approval of a training program shall submit a completed application to the director on a form the director shall prescribe and provide. The director shall issue evidence of approval to each applicant who meets the requirements of division (A)(1) of this section and the criteria for approval established by rule adopted under this section and pays the fee.

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(B) The director shall administer examinations for licensure under this chapter by conducting examinations, contracting pursuant to section 3701.044 of the Revised Code for another entity to conduct the examinations, or approving examinations. In accordance with Chapter 119. of the Revised Code, the director shall adopt rules specifying requirements for the administration of licensing examinations. The rules shall include requirements

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regarding the qualifications of examination administrators, fees 1145
to cover the cost of conducting the examinations, and any other 1146
requirements pertinent to the examinations. 1147

If the director implements a system of approving 1148
examinations, the rules shall include procedures and criteria for 1149
approval and fees for the approval. Each applicant for approval 1150
shall submit a completed application to the director on a form the 1151
director shall prescribe and provide. The director shall issue 1152
evidence of approval to each applicant who meets the criteria for 1153
approval established in rules adopted under this division. 1154

Sec. 3742.10. (A) The director of health shall maintain a 1155
list of both of the following: 1156

(1) Lead inspectors, lead abatement contractors, lead risk 1157
assessors, lead abatement project designers, ~~and~~ lead abatement 1158
workers, and clearance technicians licensed under this chapter; 1159

(2) Training programs approved under section 3742.08 of the 1160
Revised Code. 1161

(B) Information contained in any list maintained under this 1162
section is a public record for the purposes of section 149.43 of 1163
the Revised Code and is subject to inspection and copying under 1164
section 1347.08 of the Revised Code. 1165

Sec. 3742.14. Any property owner or manager ~~may~~, at any time, 1166
~~may~~ employ a lead inspector ~~or lead risk assessor~~ to conduct ~~an a~~ 1167
lead inspection or an; a lead risk assessor to conduct a lead risk 1168
assessment; or a clearance technician, lead inspector, or lead 1169
risk assessor to conduct a clearance examination of a structure 1170
the property, and may provide a copy of the report based on that 1171
inspection ~~or~~, assessment, or examination to the director of 1172
health ~~pursuant to rules adopted by the public health council~~ 1173
~~under section 3742.03 of the Revised Code.~~ The director shall 1174

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include the information in the record of the property pursuant to 1175
~~division (A)(2)(b) of section 3742.04 of the Revised Code.~~ 1176

Sec. 3742.15. Any person may file a complaint with the 1177
 director of health concerning a lead inspector, a lead abatement 1178
 contractor, a lead risk assessor, a lead abatement project 1179
 designer, a lead abatement worker, a clearance technician, a 1180
 clinical laboratory, an environmental lead analytical laboratory, 1181
 or a training course. The complainant's name shall be confidential 1182
 and shall not be released without ~~his~~ the complainant's written 1183
 consent. The director may investigate the complaint and take 1184
 action under this chapter as ~~he~~ the director considers 1185
 appropriate. 1186

Sec. 3742.16. In accordance with Chapter 119. of the Revised 1187
 Code, the director of health may refuse to issue or renew, or may 1188
 suspend or revoke, a license, an accreditation or certification, 1189
 or an approval of any person, program, or laboratory for one or 1190
 more of the following reasons: 1191

(A) Violation of any provision of this chapter or the rules 1192
 adopted under it; 1193

(B) Failure to pay the fee for the issuance or renewal of a 1194
 license, an accreditation or certification, or an approval; 1195

(C) Any material misrepresentation in an application for a 1196
 license, an accreditation or certification, or an approval; 1197

(D) Interference with an ~~inspection~~ investigation made 1198
 pursuant to ~~section 3742.12 or 3742.13~~ 3742.35 of the Revised 1199
 Code; 1200

(E) Failure to meet the licensing requirements established by 1201
 rule adopted under section 3742.03 of the Revised Code; 1202

(F) Employment or use of lead abatement personnel that are 1203

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not licensed under this chapter. 1204

Sec. 3742.17. (A) Where any person is licensed by the 1205
 department of health to engage in lead abatement, lead inspection, 1206
 lead risk assessment, clearance examination, or any other activity 1207
 under this chapter, the liability of that person, when performing 1208
 the activity in accordance with procedures established pursuant to 1209
 state or federal law, for an injury to any individual or property 1210
 caused or related to the activity shall be limited to acts or 1211
 omissions of the person during the course of performing the 1212
 activity that can be shown, based on a preponderance of the 1213
 evidence, to have been negligent. For the purposes of this 1214
 section, the demonstration that acts or omissions of a person 1215
 performing lead abatement, lead inspection, lead risk assessment, 1216
clearance examination, or other activities under this chapter were 1217
 in accordance with generally accepted practice and with procedures 1218
 established by state or federal law at the time the abatement, 1219
 inspection, assessment, examination, or other activity was 1220
 performed creates a rebuttable presumption that the acts or 1221
 omissions were not negligent. 1222

(B) Where any person contracts with a person licensed as a 1223
 lead inspector, lead abatement contractor, lead risk assessor, 1224
 lead abatement project designer, ~~or~~ lead abatement worker, or 1225
clearance technician the liability of that person for lead-related 1226
 injuries caused by ~~his~~ the person's contractee in the performance 1227
 of lead abatement, lead inspection, lead risk assessment, 1228
clearance examination, or other activities under this chapter 1229
 shall be limited to those lead-related injuries arising from acts 1230
 or omissions that the person knew, or could reasonably have been 1231
 expected to know, were not in accordance with generally accepted 1232
 practices or with procedures established by state or federal law 1233
 at the time the activity took place. 1234

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(C) Notwithstanding any other provisions of the Revised Code 1235
or rules of a court to the contrary, this section governs all 1236
claims for lead-related injuries to individuals or property 1237
arising from lead abatement, lead inspection, lead risk 1238
assessment, clearance examination, or other activities for which a 1239
license is required under this chapter. 1240

Sec. 3742.18. ~~(A)~~ At the request of the director of health, 1241
the attorney general may commence a civil action for civil 1242
penalties and injunctive and other equitable relief against any 1243
person who violates ~~this chapter~~ section 3742.02, 3742.06, or 1244
3742.07 of the Revised Code. The action shall be commenced in the 1245
court of common pleas of the county in which the violation 1246
occurred or is about to occur. 1247

~~(B)~~ The court shall grant injunctive and other equitable 1248
relief on a showing that ~~a~~ the person has violated or is about to 1249
violate ~~this chapter~~ section 3742.02, 3742.06, or 3742.07 of the 1250
Revised Code. On 1251

~~(C)~~ ~~On~~ a finding of a violation, the court shall assess a 1252
civil penalty of not more than one thousand dollars. Each day a 1253
violation continues is a separate violation. All civil penalties 1254
collected by the court under this section shall be deposited into 1255
the state treasury to the credit of the lead abatement personnel 1256
licensing fund created under section 3742.19 of the Revised Code. 1257

Sec. 3742.19. Except for any licensing examination fee 1258
collected and retained by an entity under contract pursuant to 1259
division (B) of section 3742.08 of the Revised Code, all fees 1260
collected under ~~this chapter~~ and sections 3742.01 to 3742.18 of 1261
the Revised Code; any grant, contribution, or other moneys 1262
received for the purposes of ~~this chapter~~ those sections; and 1263
finer collected under section 3742.99 of the Revised Code shall be 1264

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deposited into the state treasury to the credit of the lead 1265
~~program abatement personnel licensing~~ fund, which is hereby 1266
 created. The moneys in the fund shall be used solely for the 1267
 administration and enforcement of ~~this chapter~~ sections 3742.01 to 1268
3742.18 of the Revised Code and the rules adopted under ~~it~~ those 1269
sections. 1270

Sec. 3742.30. Each child at risk of lead poisoning shall 1271
undergo a blood lead screening test to determine whether the child 1272
has lead poisoning. The at-risk children shall undergo the test at 1273
times determined by rules the public health council shall adopt in 1274
accordance with Chapter 119. of the Revised Code that are 1275
consistent with the guidelines established by the centers for 1276
disease control and prevention in the public health service of the 1277
United States department of health and human services. The rules 1278
shall specify which children are at risk of lead poisoning. 1279

Neither this section nor the rules adopted under it affect 1280
the coverage of blood lead screening tests by any publicly funded 1281
health program, including the medicaid program established by 1282
Chapter 5111. of the Revised Code. Neither this section nor the 1283
rules adopted under it apply to a child if a parent of the child 1284
objects to the test on the grounds that the test conflicts with 1285
the parent's religious tenets and practices. 1286

Sec. ~~3742.11~~ 3742.31. (A) The director of health shall 1287
 establish, promote, and maintain a child lead poisoning prevention 1288
 program. ~~In accordance with rules adopted by the public health~~ 1289
~~council under section 3742.03 of the Revised Code, the~~ The program 1290
 shall provide statewide coordination of screening, diagnosis, and 1291
 treatment services for children under age six, including both of 1292
the following: 1293

(1) Collecting the social security numbers of all children 1294
screened, diagnosed, or treated as part of the program's case 1295

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<u>management system;</u>	1296
<u>(2) Disclosing to the office of Ohio health plans in the</u>	1297
<u>department of job and family services on at least an annual basis</u>	1298
<u>the identity and lead screening test results of each child</u>	1299
<u>screened pursuant to section 3742.30 of the Revised Code. The</u>	1300
director shall collect and disseminate information relating to	1301
child lead poisoning and <u>controlling lead abatement hazards.</u>	1302
(B) On or before the first day of March of each year, the	1303
director of health shall submit a report of the activities of the	1304
child lead poisoning prevention program to the governor and to the	1305
members of the general assembly <u>The director of health shall</u>	1306
<u>operate the child lead poisoning prevention program in accordance</u>	1307
<u>with rules adopted under section 3742.50 of the Revised Code. The</u>	1308
<u>director may enter into an interagency agreement with one or more</u>	1309
<u>other state agencies to perform one or more of the program's</u>	1310
<u>duties. The director shall supervise and direct an agency's</u>	1311
<u>performance of such a duty.</u>	1312
<u>Sec. 3742.32.</u> <u>(A) The director of health shall appoint an</u>	1313
<u>advisory council to assist in the ongoing development and</u>	1314
<u>implementation of the child lead poisoning prevention program</u>	1315
<u>created under section 3742.31 of the Revised Code. The advisory</u>	1316
<u>council shall consist of the following members:</u>	1317
<u>(1) A representative of the office of Ohio health plans in</u>	1318
<u>the department of job and family services;</u>	1319
<u>(2) A representative of the bureau of child care in the</u>	1320
<u>department of job and family services;</u>	1321
<u>(3) A representative of the department of environmental</u>	1322
<u>protection;</u>	1323
<u>(4) A representative of the department of education;</u>	1324
<u>(5) A representative of the department of development;</u>	1325

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<u>(6) A representative of the Ohio apartment owner's association;</u>	1326
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<u>(7) A representative of the Ohio help end lead poisoning coalition;</u>	1328
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<u>(8) A representative of the Ohio environmental health association;</u>	1330
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<u>(9) An Ohio representative of the national paint and coatings association.</u>	1332
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<u>(B) The advisory council shall do both of the following:</u>	1334
<u>(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;</u>	1335
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<u>(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.</u>	1339
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<u>(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.</u>	1342
	1343
Sec. 3742.13 3742.34. (A) As used in this section, "board of health" means the board of health of a city or general health district, or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.	1344
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(B) If the director of health determines that a board of health can satisfactorily enforce section 3742.12 <u>sections 3742.35 to 3742.40</u> of the Revised Code, he <u>the director</u> may delegate his <u>the</u> authority to enforce that section <u>those sections</u> to the board.	1348
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The director may revoke his <u>the</u> delegation of authority at any	1352
time by written notice delivered to the board of health by	1353
certified mail.	1354

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~~Sec. 3742.12~~ 3742.35. (A) ~~The~~ When the director of health or 1355
~~his authorized representative may at any reasonable time request~~ 1356
~~that an occupant, or, if the structure is not occupied, the owner~~ 1357
~~or manager, permit him to enter a structure where the director~~ 1358
~~suspects lead poisoning has occurred due to the report of an~~ 1359
~~elevated blood lead level of a child, and perform a lead~~ 1360
~~inspection in accordance with procedures established by rule~~ 1361
~~adopted under section 3742.03 of the Revised Code.~~ 1362

~~(B) If any a board of health authorized to enforce sections~~ 1363
~~3742.35 to 3742.40 of the Revised Code becomes aware that an~~ 1364
~~individual under six years of age has lead poisoning, the director~~ 1365
~~or board shall conduct an investigation to determine the source of~~ 1366
~~the lead poisoning. The director or board may conduct such an~~ 1367
~~investigation when the director or board becomes aware that an~~ 1368
~~individual six years of age or older has lead poisoning. The~~ 1369
~~director or board shall conduct the investigation in accordance~~ 1370
~~with rules adopted under section 3742.50 of the Revised Code.~~ 1371

In conducting the investigation, the director or board may 1372
request permission to enter the residential unit, child day-care 1373
facility, or school that the director or board reasonably suspects 1374
to be the source of the lead poisoning. If the property is 1375
occupied, the director or board shall ask the occupant for 1376
permission. If the property is not occupied, the director or board 1377
shall ask the property owner or manager for permission. If the 1378
occupant, owner, or manager of a structure fails or refuses to 1379
permit entry to the structure, the director or his authorized 1380
representative board may petition and obtain an order to inspect 1381
enter the structure property from the common pleas a court of 1382
competent jurisdiction in the county in which the structure 1383
property is located. 1384

~~(C) As part of an inspection under this section the~~ 1385

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investigation, the director or ~~his authorized representative board~~ 1386
 may review the records and reports, if any, maintained under 1387
~~section 3742.03 of the Revised Code~~ by a lead inspector, lead 1388
 abatement contractor, lead risk assessor, lead abatement project 1389
 designer, ~~or lead abatement worker, or clearance technician.~~ 1390

Sec. 3742.36. When the director of health or an authorized 1391
board of health determines pursuant to an investigation conducted 1392
under section 3742.35 of the Revised Code that a residential unit, 1393
child day-care facility, or school is a possible source of the 1394
child's lead poisoning, the director or board shall conduct a risk 1395
assessment of that property in accordance with rules adopted under 1396
section 3742.50 of the Revised Code. 1397

Sec. 3742.37. (A) If the results of a risk assessment 1398
conducted under section 3742.36 of the Revised Code indicate that 1399
one or more lead hazards identified in a residential unit, child 1400
day-care facility, or school are contributing to a child's lead 1401
poisoning, the director of health or authorized board of health 1402
immediately shall issue an order to have each lead hazard in the 1403
property controlled. The areas of the unit, facility, or school 1404
that may be subject to the lead hazard control order include the 1405
following: 1406

(1) The interior and exterior surfaces and all common areas 1407
of the unit, facility, or school; 1408

(2) Every attached or unattached structure located within the 1409
same lot line as the unit, facility, or school, including garages, 1410
play equipment, and fences; 1411

(3) The lot or land that the unit, facility, or school 1412
occupies. 1413

(B) A lead hazard control order issued under this section 1414
shall be in writing and in the form the director shall prescribe. 1415

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

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

Sec. 3742.38. The owner and manager of a residential unit, child day-care facility, or school that is subject to a lead hazard control order issued under section 3742.37 of the Revised Code shall cooperate with the director of health or board of health that issued the order in controlling each lead hazard specified in the order. The owner or manager shall choose a method of controlling each lead hazard that enables the residential unit, child day-care facility, or school to pass a clearance examination. The method chosen may be the owner or manager's personal preference, a proposal made by a person under contract with the owner or manager, or a recommendation that the director

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or board may provide. The owner or manager shall inform the 1448
director or board of the method that the owner or manager chooses 1449
to control each lead hazard. 1450

Sec. 3742.39. A residential unit, child day-care facility, or 1451
school remains subject to a lead hazard control order issued under 1452
section 3742.37 of the Revised Code until the unit, facility, or 1453
school passes a clearance examination. After the unit, facility, 1454
or school passes the clearance examination, the director of health 1455
or board of health that issued the order shall provide the owner 1456
and manager of the unit, facility, or school with information on 1457
methods of maintaining control of each lead hazard specified in 1458
the order. In the case of a residential unit in which an 1459
individual who is not the owner or manager resides, the director 1460
or board also shall provide the information to the individual 1461
residing in the unit. 1462

Sec. 3742.40. If the owner and manager of a residential unit, 1463
child day-care facility, or school fails or refuses for any reason 1464
to comply with a lead hazard control order issued under section 1465
3742.37 of the Revised Code, the director of health or board of 1466
health that issued the order shall issue an order prohibiting the 1467
owner and manager from permitting the unit, facility, or school to 1468
be used as a residential unit, child day-care facility, or school 1469
until the unit, facility, or school passes a clearance 1470
examination. On receipt of the order, the owner or manager shall 1471
take appropriate measures to notify each occupant, in the case of 1472
a residential unit, and the parent, guardian, or custodian of each 1473
child attending the facility or school, in the case of a child 1474
day-care facility or school, to vacate the unit, facility, or 1475
school until the unit, facility, or school passes a clearance 1476
examination. The director or board shall post a sign at the unit, 1477

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facility, or school that warns the public that the unit, facility, 1478
or school has a lead hazard. The sign shall include a declaration 1479
that the unit, facility, or school is unsafe for human occupation, 1480
especially for children under six years of age and pregnant women. 1481
The director or board shall ensure that the sign remains posted at 1482
the unit, facility, or school and that the unit, facility, or 1483
school is not used as a residential unit, child day-care facility, 1484
or school until the unit, facility, or school passes a clearance 1485
examination. 1486

Sec. 3742.41. (A) A property constructed before January 1, 1487
1950, that is used as a residential unit, child day-care facility, 1488
or school shall be legally presumed not to contain a lead hazard 1489
and not to be the source of the lead poisoning of an individual 1490
who resides in the unit or receives child day-care or education at 1491
the facility or school if the owner or manager of the unit, 1492
facility, or school successfully completes both of the following 1493
preventive treatments: 1494

(1) Follows the essential maintenance practices specified in 1495
section 3742.42 of the Revised Code for the control of lead 1496
hazards; 1497

(2) Covers all rough, pitted, or porous horizontal surfaces 1498
of the inhabited or occupied areas within the unit, facility, or 1499
school with a smooth, cleanable covering or coating, such as metal 1500
coil stock, plastic, polyurethane, carpet, or linoleum. 1501

(B) The owner or manager of a residential unit, child 1502
day-care facility, or school has successfully completed the 1503
preventive treatments specified in division (A) of this section if 1504
the unit, facility, or school passes a clearance examination in 1505
accordance with standards for passage established by rules adopted 1506
under section 3742.49 of the Revised Code. 1507

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(C) The legal presumption established under this section is 1508
rebuttable in a court of law only on a showing of clear and 1509
convincing evidence to the contrary. 1510

Sec. 3742.42. (A) In completing the essential maintenance 1511
practices portion of the preventive treatments specified in 1512
section 3742.41 of the Revised Code, the owner or manager of a 1513
residential unit, child day-care facility, or school shall do all 1514
of the following: 1515

(1) Use only safe work practices, which include compliance 1516
with section 3742.44 of the Revised Code, to prevent the spread of 1517
lead-contaminated dust; 1518

(2) Perform visual examinations for deteriorated paint, 1519
underlying damage, and other conditions that may cause exposure to 1520
lead; 1521

(3) Promptly and safely repair deteriorated paint or other 1522
building components that may cause exposure to lead and eliminate 1523
the cause of the deterioration; 1524

(4) Ask tenants in a residential unit, and parents, 1525
guardians, and custodians of children in a child day-care facility 1526
or school, to report concerns about potential lead hazards by 1527
providing written notices to the tenants or parents, guardians, 1528
and custodians or by posting notices in conspicuous locations; 1529

(5) Perform specialized cleaning in accordance with section 1530
3742.45 of the Revised Code to control lead-contaminated dust; 1531

(6) Cover any bare soil on the property, except soil proven 1532
not to be lead-contaminated; 1533

(7) Maintain a record of essential maintenance practices for 1534
at least three years that documents all essential maintenance 1535
practices; 1536

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(8) Successfully complete a training program in essential maintenance practices that has been approved under section 3742.47 of the Revised Code. 1537
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(B) The areas of a residential unit, child day-care facility, or school that are subject to division (A) of this section include all of the following: 1540
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(1) The interior surfaces and all common areas of the unit, facility, or school; 1543
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(2) Every attached or unattached structure located within the same lot line as the unit, facility, or school that the owner or manager considers to be associated with the operation of the unit, facility, or school, including garages, play equipment, and fences; 1545
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(3) The lot or land that the unit, facility, or school occupies. 1550
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Sec. 3742.43. A person who implements the essential maintenance practices portion of the preventive treatments specified in section 3742.41 of the Revised Code shall do all of the following in the area of the residential unit, child day-care facility, or school in which the essential maintenance practices are being performed: 1552
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(A) Allow only persons performing the essential maintenance practices access to the area; 1558
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(B) Cover the area with six mil polyethylene plastic or its equivalent; 1560
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(C) Protect workers in a manner consistent with the requirements a lead abatement contractor must meet pursuant to division (B) of section 3742.07 of the Revised Code; 1562
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(D) Protect occupants' belongings by covering or removing 1565

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<u>them from the area;</u>	1566
<u>(E) Wet down all painted surfaces before disturbing the surfaces;</u>	1567
<u>(F) Wet down debris before sweeping or vacuuming.</u>	1568
<u>Sec. 3742.44. (A) The following activities shall be</u>	1569
<u>considered unsafe work practices due to the likelihood that</u>	1571
<u>engaging in the activities will create lead hazards, and in no</u>	1572
<u>event shall any person engage in the following activities when</u>	1573
<u>implementing the essential maintenance practices portion of the</u>	1574
<u>preventive treatments specified in section 3742.41 of the Revised</u>	1575
<u>Code:</u>	1576
<u>(1) Open flame burning or torching;</u>	1577
<u>(2) Machine sanding or grinding without a HEPA local vacuum</u>	1578
<u>exhaust tool;</u>	1579
<u>(3) Abrasive blasting or sandblasting without a HEPA local</u>	1580
<u>vacuum exhaust tool;</u>	1581
<u>(4) Use of a heat gun operating above one thousand one</u>	1582
<u>hundred degrees fahrenheit;</u>	1583
<u>(5) Charring paint;</u>	1584
<u>(6) Dry sanding;</u>	1585
<u>(7) Dry scraping, except when done as follows:</u>	1586
<u>(a) In conjunction with a heat gun operating at not more than</u>	1587
<u>one thousand one hundred degrees fahrenheit;</u>	1588
<u>(b) Within one foot of an electrical outlet;</u>	1589
<u>(c) To treat defective paint spots totaling not more than two</u>	1590
<u>square feet in an interior room or space or twenty square feet on</u>	1591
<u>an exterior surface.</u>	1592
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<u>(8) Uncontained hydroblasting or high-pressure washing;</u>	1594
<u>(9) Paint stripping in a poorly ventilated space using a</u>	1595
<u>volatile stripper that is considered a hazardous substance under</u>	1596
<u>16 C.F.R. 1500.3 or a hazardous chemical under 29 C.F.R. 1910.1200</u>	1597
<u>or 29 C.F.R. 1926.59 in the type of work being performed.</u>	1598
<u>(B) A person may engage in the following activities when</u>	1599
<u>implementing the essential maintenance practices portion of the</u>	1600
<u>preventive treatments specified in section 3742.41 of the Revised</u>	1601
<u>Code, but only if licensed under this chapter or trained in</u>	1602
<u>essential maintenance practices as required by this chapter:</u>	1603
<u>(1) Machine sanding or grinding performed with a HEPA local</u>	1604
<u>vacuum exhaust tool;</u>	1605
<u>(2) Abrasive blasting or sandblasting performed with a HEPA</u>	1606
<u>local vacuum exhaust tool;</u>	1607
<u>(3) Hydroblasting or high-pressure washing if the activity is</u>	1608
<u>contained.</u>	1609
<u>Sec. 3742.45. (A) Specialized cleaning methods used to</u>	1610
<u>control lead-contaminated dust when implementing the essential</u>	1611
<u>maintenance practices portion of the preventive treatments</u>	1612
<u>specified in section 3742.41 of the Revised Code may include any</u>	1613
<u>of the following:</u>	1614
<u>(1) Cleaning potentially lead-contaminated surfaces with a</u>	1615
<u>detergent;</u>	1616
<u>(2) Vacuuming potentially lead-contaminated surfaces with a</u>	1617
<u>HEPA vacuum;</u>	1618
<u>(3) Covering potentially lead-contaminated soil.</u>	1619
<u>(B) A person who uses or provides for others to use the</u>	1620
<u>specialized cleaning methods specified in division (A) of this</u>	1621
<u>section shall ensure that the cleaning is performed as follows:</u>	1622

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(1) The common areas of a building with more than one residential unit must undergo specialized cleaning at least annually, including hallways, stairways, laundry rooms, recreational rooms, playgrounds, boundary fences, and other portions of the building and its surroundings that are generally accessible to all residents. 1623
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(2) The interior of a residential unit that is vacated by its occupants must undergo specialized cleaning before it may be reoccupied. 1629
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(3) A child day-care facility or school must undergo specialized cleaning at least annually at a time when children are not present at the facility or school. 1632
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(4) In a residential unit, child day-care facility, or school, on completion of any maintenance or repair work that disturbs surfaces suspected or known to be painted with lead-based paint, the maintenance or repair work area must undergo specialized cleaning if the area of the disturbed surfaces suspected or known to be painted with lead-based paint totals more than one of the following: 1635
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(a) Twenty square feet or two square meters on exterior surfaces; 1642
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(b) Two square feet or two-tenths of one square meter in any one interior room or space; 1644
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(c) Ten per cent of the total surface area on an interior or exterior component with a small surface area, such as window sills, baseboards, and trim. 1646
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Sec. 3742.46. The essential maintenance practices portion of the preventive treatments specified in section 3742.41 of the Revised Code need not be performed by an individual who is licensed under this chapter as a lead abatement contractor or lead 1649
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abatement worker. Effective two years after the effective date of
this section, any individual, other than a licensed lead abatement
contractor or lead abatement worker, who performs the essential
maintenance practices must have successfully completed a training
program in essential maintenance practices that has been approved
by the director of health under section 3742.47 of the Revised
Code.

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Sec. 3742.47. (A) A person seeking approval of a training
program in either essential maintenance practices or lead-safe
renovation shall apply for approval to the director of health. The
application shall be made on a form prescribed by the director and
shall include the fee established under division (B) of this
section. The director shall issue approval to the applicant if the
applicant demonstrates to the satisfaction of the director that
the training program will meet the following requirements and any
other training program requirements established by rules adopted
under section 3742.50 of the Revised Code:

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(1) Conducts the training program in a period of time that
does not exceed six hours;

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(2) Administers an examination established by rule of the
public health council at the end of the training program to each
person who completes the training;

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(3) Grades each examination not later than one week after its
completion and determines whether the person who took the
examination received a passing score;

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

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(B) The director of health shall establish an application fee
for approving training programs under this section. The fee shall

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be reasonable and shall not exceed the expenses incurred in 1683
conducting the approval of training programs. An application fee 1684
submitted under division (A) of this section is nonrefundable. 1685

Sec. 3742.48. Any person who supervises or performs services 1686
for the general improvement of all or part of an existing 1687
structure, including a residential unit, child day-care facility, 1688
or school, may undertake a training program in lead-safe 1689
renovation approved under section 3742.47 of the Revised Code. 1690
After successfully completing the program, the person may 1691
represent to the public that the services are being supervised or 1692
performed by a lead-safe renovator. Regardless of whether a 1693
training program in lead-safe renovation has been completed, the 1694
person is not subject to licensure under this chapter solely for 1695
supervising or performing services for the general improvement of 1696
all or part of an existing structure. 1697

Sec. 3742.49. The director of health, in consultation with 1698
the individual authorized by the governor to act as the state 1699
historic preservation officer, shall develop recommendations for 1700
controlling lead hazards that take into consideration the historic 1701
nature of the property in which the hazards are located. The 1702
director shall provide periodic notifications of the 1703
recommendations to all persons licensed under this chapter. All 1704
lead hazard control orders issued under section 3742.37 of the 1705
Revised Code shall inform the recipient of the recommendations 1706
developed under this section. 1707

In no event shall a person use the recommendations as 1708
justification for refusing to comply with a lead hazard control 1709
order issued under section 3742.37 of the Revised Code. 1710

Sec. 3742.50. (A) The public health council shall adopt rules 1711
in accordance with Chapter 119. of the Revised Code establishing 1712

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<u>all of the following:</u>	1713
<u>(1) Procedures necessary for the development and operation of the child lead poisoning prevention program established under section 3742.31 of the Revised Code;</u>	1714 1715 1716
<u>(2) Standards and procedures for conducting investigations and risk assessments under sections 3742.35 and 3742.36 of the Revised Code;</u>	1717 1718 1719
<u>(3) Standards and procedures for issuing lead hazard control orders under section 3742.37 of the Revised Code, including standards and procedures for determining appropriate deadlines for complying with lead hazard control orders;</u>	1720 1721 1722 1723
<u>(4) The level of lead in human blood that is hazardous to human health, consistent with the guidelines issued by the centers for disease control and prevention in the public health service of the United States department of health and human services;</u>	1724 1725 1726 1727
<u>(5) The level of lead in paint, dust, and soil that is hazardous to human health;</u>	1728 1729
<u>(6) Standards and procedures to be followed when implementing preventive treatments for the control of lead hazards pursuant to section 3742.41 of the Revised Code that are based on information from the United States environmental protection agency, department of housing and urban development, occupational safety and health administration, or other agencies with recommendations or guidelines regarding implementation of preventive treatments;</u>	1730 1731 1732 1733 1734 1735 1736 1737
<u>(7) Standards that must be met to pass a clearance examination;</u>	1738 1739
<u>(8) Procedures for approving under section 3742.47 of the Revised Code training programs in essential maintenance practices and lead-safe renovation and requirements, in addition to those</u>	1740 1741 1742

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specified in section 3742.47 of the Revised Code, that a program 1743
must meet to receive approval; 1744

(9) The examination to be administered by a training program 1745
approved under section 3742.47 of the Revised Code and the 1746
examination's passing score. 1747

(B) The public health council shall establish procedures for 1748
revising its rules to ensure that the child lead poisoning 1749
prevention activities conducted under this chapter continue to 1750
meet the requirements necessary to obtain any federal funding 1751
available for those activities, including requirements established 1752
by the United States environmental protection agency, United 1753
States department of housing and urban development, or any other 1754
federal agency with jurisdiction over activities pertaining to 1755
child lead poisoning prevention. 1756

Sec. 3742.51. (A) There is hereby created in the state 1757
treasury the lead poisoning prevention fund. The fund shall 1758
include all moneys appropriated to the department of health for 1759
the administration and enforcement of sections 3742.31 to 3742.50 1760
of the Revised Code and the rules adopted under those sections. 1761
Any grants, contributions, or other moneys collected by the 1762
department for purposes of preventing lead poisoning shall be 1763
deposited in the state treasury to the credit of the fund. 1764

(B) Moneys in the fund shall be used solely for the purposes 1765
of the child lead poisoning prevention program established under 1766
section 3742.31 of the Revised Code, including providing financial 1767
assistance to individuals who are unable to pay for the following: 1768

(1) Costs associated with obtaining lead tests and lead 1769
poisoning treatment for children under six years of age who are 1770
not covered by private medical insurance or are underinsured, are 1771
not eligible for the medicaid program established under Chapter 1772
5111. of the Revised Code or any other government health program, 1773

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and do not have access to another source of funds to cover the cost of lead tests and any indicated treatments; 1774
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(2) Costs associated with having lead abatement performed or having the preventive treatments specified in section 3742.41 of the Revised Code performed. 1776
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Sec. 3742.99. (A) At the request of the director of health or a board of health, a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer may commence a criminal action against any person who violates any provision of this chapter section 3742.02, 3742.06, or 3742.07 of the Revised Code, any rule adopted under it this chapter that is directly related to any of the provisions of those sections, or any order issued pursuant to this chapter that is directly related to any of the provisions of those sections. 1779
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(B) Upon conviction, the person is subject to: 1788

(1) A fine of not more than one thousand dollars or imprisonment for not more than six months, or both, for a first offense; 1789
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(2) A fine of at least one thousand but not more than five thousand dollars or imprisonment for at least six months but not more than three years, or both, for a second or subsequent offense. Each day of violation is a separate offense. 1792
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Section 2. That existing sections 121.371, 3109.13, 3109.15, 3109.16, 3107.17, 3109.18, 3314.03, 3318.031, 3742.01, 3742.02, 3742.03, 3742.04, 3742.05, 3742.06, 3742.07, 3742.08, 3742.10, 3742.11, 3742.12, 3742.13, 3742.14, 3742.15, 3742.16, 3742.17, 3742.18, 3742.19, and 3742.99 of the Revised Code are hereby repealed. 1796
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