

As Introduced

**125th General Assembly
Regular Session
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H. B. No. 150

**Representatives Fessler, Callender, Webster, Gilb, Reinhard, Reidelbach,
McGregor, Jolivette**

A B I L L

To amend sections 2901.01, 2903.13, 2907.03, 2907.08, 1
2917.31, 2923.122, 2925.01, 3301.07, 3301.071, 2
3301.0722, 3301.16, 3313.671, 3313.94, 3319.22, 3
3319.32, 3327.01, 3332.02, 3333.21, 3333.37, 4
3365.01, 3781.11, 4117.10, 4732.15, 4732.22, 5
4743.03, 4757.41, 5104.01, and 5107.62 and to 6
enact section 3301.0723 of the Revised Code to 7
modify the powers of the State Board of Education, 8
and to amend the versions of sections 2923.122 and 9
2925.01 of the Revised Code that are scheduled to 10
take effect January 1, 2004, to continue the 11
provisions of this act on and after that effective 12
date. 13

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

Section 1. That sections 2901.01, 2903.13, 2907.03, 2907.08, 14
2917.31, 2923.122, 2925.01, 3301.07, 3301.071, 3301.0722, 3301.16, 15
3313.671, 3313.94, 3319.22, 3319.32, 3327.01, 3332.02, 3333.21, 16
3333.37, 3365.01, 3781.11, 4117.10, 4732.15, 4732.22, 4743.03, 17
4757.41, 5104.01, and 5107.62 be amended and that section 18
3301.0723 of the Revised Code be enacted to read as follows: 19

Sec. 2901.01. (A) As used in the Revised Code:	20
(1) "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing.	21 22
(2) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person.	23 24
(3) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.	25 26 27
(4) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.	28 29 30 31 32
(5) "Serious physical harm to persons" means any of the following:	33 34
(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;	35 36 37
(b) Any physical harm that carries a substantial risk of death;	38 39
(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;	40 41 42
(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;	43 44 45
(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.	46 47 48

(6) "Serious physical harm to property" means any physical 49
harm to property that does either of the following: 50

(a) Results in substantial loss to the value of the property 51
or requires a substantial amount of time, effort, or money to 52
repair or replace; 53

(b) Temporarily prevents the use or enjoyment of the property 54
or substantially interferes with its use or enjoyment for an 55
extended period of time. 56

(7) "Risk" means a significant possibility, as contrasted 57
with a remote possibility, that a certain result may occur or that 58
certain circumstances may exist. 59

(8) "Substantial risk" means a strong possibility, as 60
contrasted with a remote or significant possibility, that a 61
certain result may occur or that certain circumstances may exist. 62

(9) "Offense of violence" means any of the following: 63

(a) A violation of section 2903.01, 2903.02, 2903.03, 64
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 65
2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 66
2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 67
2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 68
2923.161, of division (A)(1), (2), or (3) of section 2911.12, or 69
of division (B)(1), (2), (3), or (4) of section 2919.22 of the 70
Revised Code or felonious sexual penetration in violation of 71
former section 2907.12 of the Revised Code; 72

(b) A violation of an existing or former municipal ordinance 73
or law of this or any other state or the United States, 74
substantially equivalent to any section, division, or offense 75
listed in division (A)(9)(a) of this section; 76

(c) An offense, other than a traffic offense, under an 77
existing or former municipal ordinance or law of this or any other 78

state or the United States, committed purposely or knowingly, and 79
involving physical harm to persons or a risk of serious physical 80
harm to persons; 81

(d) A conspiracy or attempt to commit, or complicity in 82
committing, any offense under division (A)(9)(a), (b), or (c) of 83
this section. 84

(10)(a) "Property" means any property, real or personal, 85
tangible or intangible, and any interest or license in that 86
property. "Property" includes, but is not limited to, cable 87
television service, other telecommunications service, 88
telecommunications devices, information service, computers, data, 89
computer software, financial instruments associated with 90
computers, other documents associated with computers, or copies of 91
the documents, whether in machine or human readable form, trade 92
secrets, trademarks, copyrights, patents, and property protected 93
by a trademark, copyright, or patent. "Financial instruments 94
associated with computers" include, but are not limited to, 95
checks, drafts, warrants, money orders, notes of indebtedness, 96
certificates of deposit, letters of credit, bills of credit or 97
debit cards, financial transaction authorization mechanisms, 98
marketable securities, or any computer system representations of 99
any of them. 100

(b) As used in division (A)(10) of this section, "trade 101
secret" has the same meaning as in section 1333.61 of the Revised 102
Code, and "telecommunications service" and "information service" 103
have the same meanings as in section 2913.01 of the Revised Code. 104

(c) As used in divisions (A)(10) and (13) of this section, 105
"cable television service," "computer," "computer software," 106
"computer system," "computer network," "data," and 107
"telecommunications device" have the same meanings as in section 108
2913.01 of the Revised Code. 109

(11) "Law enforcement officer" means any of the following:	110
(a) A sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or state highway patrol trooper;	111 112 113 114 115 116
(b) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;	117 118 119 120 121
(c) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;	122 123
(d) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;	124 125 126
(e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;	127 128 129
(f) A person appointed by a mayor pursuant to section 737.01 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;	130 131 132 133
(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;	134 135 136 137
(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;	138 139

(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;	140 141
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	142 143 144
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	145 146
(l) The house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house sergeant at arms;	147 148 149 150
(m) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	151 152 153 154 155 156 157 158 159
(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.	160 161 162 163
(13) "Contraband" means any property described in the following categories:	164 165
(a) Property that in and of itself is unlawful for a person to acquire or possess;	166 167
(b) Property that is not in and of itself unlawful for a person to acquire or possess, but that has been determined by a	168 169

court of this state, in accordance with law, to be contraband 170
because of its use in an unlawful activity or manner, of its 171
nature, or of the circumstances of the person who acquires or 172
possesses it, including, but not limited to, goods and personal 173
property described in division (D) of section 2913.34 of the 174
Revised Code; 175

(c) Property that is specifically stated to be contraband by 176
a section of the Revised Code or by an ordinance, regulation, or 177
resolution; 178

(d) Property that is forfeitable pursuant to a section of the 179
Revised Code, or an ordinance, regulation, or resolution, 180
including, but not limited to, forfeitable firearms, dangerous 181
ordnance, obscene materials, and goods and personal property 182
described in division (D) of section 2913.34 of the Revised Code; 183

(e) Any controlled substance, as defined in section 3719.01 184
of the Revised Code, or any device, paraphernalia, money as 185
defined in section 1301.01 of the Revised Code, or other means of 186
exchange that has been, is being, or is intended to be used in an 187
attempt or conspiracy to violate, or in a violation of, Chapter 188
2925. or 3719. of the Revised Code; 189

(f) Any gambling device, paraphernalia, money as defined in 190
section 1301.01 of the Revised Code, or other means of exchange 191
that has been, is being, or is intended to be used in an attempt 192
or conspiracy to violate, or in the violation of, Chapter 2915. of 193
the Revised Code; 194

(g) Any equipment, machine, device, apparatus, vehicle, 195
vessel, container, liquid, or substance that has been, is being, 196
or is intended to be used in an attempt or conspiracy to violate, 197
or in the violation of, any law of this state relating to alcohol 198
or tobacco; 199

(h) Any personal property that has been, is being, or is 200

intended to be used in an attempt or conspiracy to commit, or in 201
the commission of, any offense or in the transportation of the 202
fruits of any offense; 203

(i) Any property that is acquired through the sale or other 204
transfer of contraband or through the proceeds of contraband, 205
other than by a court or a law enforcement agency acting within 206
the scope of its duties; 207

(j) Any computer, computer system, computer network, computer 208
software, or other telecommunications device that is used in a 209
conspiracy to commit, an attempt to commit, or the commission of 210
any offense, if the owner of the computer, computer system, 211
computer network, computer software, or other telecommunications 212
device is convicted of or pleads guilty to the offense in which it 213
is used; 214

(k) Any property that is material support or resources and 215
that has been, is being, or is intended to be used in an attempt 216
or conspiracy to violate, or in the violation of, section 2909.22, 217
2909.23, or 2909.24 of the Revised Code or of section 2921.32 of 218
the Revised Code when the offense or act committed by the person 219
aided or to be aided as described in that section is an act of 220
terrorism. As used in division (A)(13)(k) of this section, 221
"material support or resources" and "act of terrorism" have the 222
same meanings as in section 2909.21 of the Revised Code. 223

(14) A person is "not guilty by reason of insanity" relative 224
to a charge of an offense only if the person proves, in the manner 225
specified in section 2901.05 of the Revised Code, that at the time 226
of the commission of the offense, the person did not know, as a 227
result of a severe mental disease or defect, the wrongfulness of 228
the person's acts. 229

(B)(1)(a) Subject to division (B)(2) of this section, as used 230
in any section contained in Title XXIX of the Revised Code that 231

sets forth a criminal offense, "person" includes all of the	232
following:	233
(i) An individual, corporation, business trust, estate,	234
trust, partnership, and association;	235
(ii) An unborn human who is viable.	236
(b) As used in any section contained in Title XXIX of the	237
Revised Code that does not set forth a criminal offense, "person"	238
includes an individual, corporation, business trust, estate,	239
trust, partnership, and association.	240
(c) As used in division (B)(1)(a) of this section:	241
(i) "Unborn human" means an individual organism of the	242
species Homo sapiens from fertilization until live birth.	243
(ii) "Viable" means the stage of development of a human fetus	244
at which there is a realistic possibility of maintaining and	245
nourishing of a life outside the womb with or without temporary	246
artificial life-sustaining support.	247
(2) Notwithstanding division (B)(1)(a) of this section, in no	248
case shall the portion of the definition of the term "person" that	249
is set forth in division (B)(1)(a)(ii) of this section be applied	250
or construed in any section contained in Title XXIX of the Revised	251
Code that sets forth a criminal offense in any of the following	252
manners:	253
(a) Except as otherwise provided in division (B)(2)(a) of	254
this section, in a manner so that the offense prohibits or is	255
construed as prohibiting any pregnant woman or her physician from	256
performing an abortion with the consent of the pregnant woman,	257
with the consent of the pregnant woman implied by law in a medical	258
emergency, or with the approval of one otherwise authorized by law	259
to consent to medical treatment on behalf of the pregnant woman.	260
An abortion that violates the conditions described in the	261

immediately preceding sentence may be punished as a violation of 262
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 263
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 264
of the Revised Code, as applicable. An abortion that does not 265
violate the conditions described in the second immediately 266
preceding sentence, but that does violate section 2919.12, 267
division (B) of section 2919.13, or section 2919.151, 2919.17, or 268
2919.18 of the Revised Code, may be punished as a violation of 269
section 2919.12, division (B) of section 2919.13, or section 270
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 271
Consent is sufficient under this division if it is of the type 272
otherwise adequate to permit medical treatment to the pregnant 273
woman, even if it does not comply with section 2919.12 of the 274
Revised Code. 275

(b) In a manner so that the offense is applied or is 276
construed as applying to a woman based on an act or omission of 277
the woman that occurs while she is or was pregnant and that 278
results in any of the following: 279

(i) Her delivery of a stillborn baby; 280

(ii) Her causing, in any other manner, the death in utero of 281
a viable, unborn human that she is carrying; 282

(iii) Her causing the death of her child who is born alive 283
but who dies from one or more injuries that are sustained while 284
the child is a viable, unborn human; 285

(iv) Her causing her child who is born alive to sustain one 286
or more injuries while the child is a viable, unborn human; 287

(v) Her causing, threatening to cause, or attempting to 288
cause, in any other manner, an injury, illness, or other 289
physiological impairment, regardless of its duration or gravity, 290
or a mental illness or condition, regardless of its duration or 291
gravity, to a viable, unborn human that she is carrying. 292

(C) As used in Title XXIX of the Revised Code:	293
(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.	294 295
(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.	296 297
(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for which the state board of education prescribes <u>formulates</u> minimum standards under section 3301.07 of the Revised Code.	298 299 300 301 302 303 304 305
(4) "School bus" has the same meaning as in section 4511.01 of the Revised Code.	306 307
Sec. 2903.13. (A) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.	308 309
(B) No person shall recklessly cause serious physical harm to another or to another's unborn.	310 311
(C) Whoever violates this section is guilty of assault. Except as otherwise provided in division (C)(1), (2), (3), (4), or (5) of this section, assault is a misdemeanor of the first degree.	312 313 314
(1) Except as otherwise provided in this division, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, assault is a felony of the fourth degree. If the offense is committed by a caretaker against a functionally impaired person under the caretaker's care, if the offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.11 or 2903.16 of the Revised Code, and if in relation to the previous conviction	315 316 317 318 319 320 321 322

the offender was a caretaker and the victim was a functionally 323
impaired person under the offender's care, assault is a felony of 324
the third degree. 325

(2) If the offense is committed in any of the following 326
circumstances, assault is a felony of the fifth degree: 327

(a) The offense occurs in or on the grounds of a state 328
correctional institution or an institution of the department of 329
youth services, the victim of the offense is an employee of the 330
department of rehabilitation and correction, the department of 331
youth services, or a probation department or is on the premises of 332
the particular institution for business purposes or as a visitor, 333
and the offense is committed by a person incarcerated in the state 334
correctional institution, by a person institutionalized in the 335
department of youth services institution pursuant to a commitment 336
to the department of youth services, by a probationer or parolee, 337
by an offender under transitional control, under a community 338
control sanction, or on an escorted visit, by a person under 339
post-release control, or by an offender under any other type of 340
supervision by a government agency. 341

(b) The offense occurs in or on the grounds of a local 342
correctional facility, the victim of the offense is an employee of 343
the local correctional facility or a probation department or is on 344
the premises of the facility for business purposes or as a 345
visitor, and the offense is committed by a person who is under 346
custody in the facility subsequent to the person's arrest for any 347
crime or delinquent act, subsequent to the person's being charged 348
with or convicted of any crime, or subsequent to the person's 349
being alleged to be or adjudicated a delinquent child. 350

(c) The offense occurs off the grounds of a state 351
correctional institution and off the grounds of an institution of 352
the department of youth services, the victim of the offense is an 353
employee of the department of rehabilitation and correction, the 354

department of youth services, or a probation department, the 355
offense occurs during the employee's official work hours and while 356
the employee is engaged in official work responsibilities, and the 357
offense is committed by a person incarcerated in a state 358
correctional institution or institutionalized in the department of 359
youth services who temporarily is outside of the institution for 360
any purpose, by a probationer or parolee, by an offender under 361
transitional control, under a community control sanction, or on an 362
escorted visit, by a person under post-release control, or by an 363
offender under any other type of supervision by a government 364
agency. 365

(d) The offense occurs off the grounds of a local 366
correctional facility, the victim of the offense is an employee of 367
the local correctional facility or a probation department, the 368
offense occurs during the employee's official work hours and while 369
the employee is engaged in official work responsibilities, and the 370
offense is committed by a person who is under custody in the 371
facility subsequent to the person's arrest for any crime or 372
delinquent act, subsequent to the person being charged with or 373
convicted of any crime, or subsequent to the person being alleged 374
to be or adjudicated a delinquent child and who temporarily is 375
outside of the facility for any purpose or by a probationer or 376
parolee, by an offender under transitional control, under a 377
community control sanction, or on an escorted visit, by a person 378
under post-release control, or by an offender under any other type 379
of supervision by a government agency. 380

(e) The victim of the offense is a school teacher or 381
administrator or a school bus operator, and the offense occurs in 382
a school, on school premises, in a school building, on a school 383
bus, or while the victim is outside of school premises or a school 384
bus and is engaged in duties or official responsibilities 385
associated with the victim's employment or position as a school 386

teacher or administrator or a school bus operator, including, but 387
not limited to, driving, accompanying, or chaperoning students at 388
or on class or field trips, athletic events, or other school 389
extracurricular activities or functions outside of school 390
premises. 391

(3) If the victim of the offense is a peace officer, a 392
firefighter, or a person performing emergency medical service, 393
while in the performance of their official duties, assault is a 394
felony of the fourth degree. 395

(4) If the victim of the offense is a peace officer and if 396
the victim suffered serious physical harm as a result of the 397
commission of the offense, assault is a felony of the fourth 398
degree, and the court, pursuant to division (F) of section 2929.13 399
of the Revised Code, shall impose as a mandatory prison term one 400
of the prison terms prescribed for a felony of the fourth degree 401
that is at least twelve months in duration. 402

(5) If the victim of the offense is an officer or employee of 403
a public children services agency or a private child placing 404
agency and the offense relates to the officer's or employee's 405
performance or anticipated performance of official 406
responsibilities or duties, assault is either a felony of the 407
fifth degree or, if the offender previously has been convicted of 408
or pleaded guilty to an offense of violence, the victim of that 409
prior offense was an officer or employee of a public children 410
services agency or private child placing agency, and that prior 411
offense related to the officer's or employee's performance or 412
anticipated performance of official responsibilities or duties, a 413
felony of the fourth degree. 414

(D) As used in this section: 415

(1) "Peace officer" has the same meaning as in section 416
2935.01 of the Revised Code. 417

(2) "Firefighter" has the same meaning as in section 3937.41 418
of the Revised Code. 419

(3) "Emergency medical service" has the same meaning as in 420
section 4765.01 of the Revised Code. 421

(4) "Local correctional facility" means a county, 422
multicounty, municipal, municipal-county, or multicounty-municipal 423
jail or workhouse, a minimum security jail established under 424
section 341.23 or 753.21 of the Revised Code, or another county, 425
multicounty, municipal, municipal-county, or multicounty-municipal 426
facility used for the custody of persons arrested for any crime or 427
delinquent act, persons charged with or convicted of any crime, or 428
persons alleged to be or adjudicated a delinquent child. 429

(5) "Employee of a local correctional facility" means a 430
person who is an employee of the political subdivision or of one 431
or more of the affiliated political subdivisions that operates the 432
local correctional facility and who operates or assists in the 433
operation of the facility. 434

(6) "School teacher or administrator" means either of the 435
following: 436

(a) A person who is employed in the public schools of the 437
state under a contract described in section 3319.08 of the Revised 438
Code in a position in which the person is required to have a 439
certificate issued pursuant to sections 3319.22 to 3319.311 of the 440
Revised Code. 441

(b) A person who is employed by a nonpublic school for which 442
the state board of education ~~prescribes~~ formulates minimum 443
standards under section 3301.07 of the Revised Code and who is 444
certificated in accordance with section 3301.071 of the Revised 445
Code. 446

(7) "Community control sanction" has the same meaning as in 447

section 2929.01 of the Revised Code. 448

(8) "Escorted visit" means an escorted visit granted under 449
section 2967.27 of the Revised Code. 450

(9) "Post-release control" and "transitional control" have 451
the same meanings as in section 2967.01 of the Revised Code. 452

Sec. 2907.03. (A) No person shall engage in sexual conduct 453
with another, not the spouse of the offender, when any of the 454
following apply: 455

(1) The offender knowingly coerces the other person to submit 456
by any means that would prevent resistance by a person of ordinary 457
resolution. 458

(2) The offender knows that the other person's ability to 459
appraise the nature of or control the other person's own conduct 460
is substantially impaired. 461

(3) The offender knows that the other person submits because 462
the other person is unaware that the act is being committed. 463

(4) The offender knows that the other person submits because 464
the other person mistakenly identifies the offender as the other 465
person's spouse. 466

(5) The offender is the other person's natural or adoptive 467
parent, or a stepparent, or guardian, custodian, or person in loco 468
parentis of the other person. 469

(6) The other person is in custody of law or a patient in a 470
hospital or other institution, and the offender has supervisory or 471
disciplinary authority over the other person. 472

(7) The offender is a teacher, administrator, coach, or other 473
person in authority employed by or serving in a school for which 474
the state board of education ~~prescribes~~ formulates minimum 475
standards pursuant to division ~~(D)~~(C) of section 3301.07 of the 476

Revised Code, the other person is enrolled in or attends that 477
school, and the offender is not enrolled in and does not attend 478
that school. 479

(8) The other person is a minor, the offender is a teacher, 480
administrator, coach, or other person in authority employed by or 481
serving in an institution of higher education, and the other 482
person is enrolled in or attends that institution. 483

(9) The other person is a minor, and the offender is the 484
other person's athletic or other type of coach, is the other 485
person's instructor, is the leader of a scouting troop of which 486
the other person is a member, or is a person with temporary or 487
occasional disciplinary control over the other person. 488

(10) The offender is a mental health professional, the other 489
person is a mental health client or patient of the offender, and 490
the offender induces the other person to submit by falsely 491
representing to the other person that the sexual conduct is 492
necessary for mental health treatment purposes. 493

(11) The other person is confined in a detention facility, 494
and the offender is an employee of that detention facility. 495

(B) Whoever violates this section is guilty of sexual 496
battery, a felony of the third degree. 497

(C) As used in this section: 498

(1) "Detention facility" has the same meaning as in section 499
2921.01 of the Revised Code. 500

(2) "Institution of higher education" means a state 501
institution of higher education defined in section 3345.011 of the 502
Revised Code, a private nonprofit college or university located in 503
this state that possesses a certificate of authorization issued by 504
the Ohio board of regents pursuant to Chapter 1713. of the Revised 505
Code, or a school certified under Chapter 3332. of the Revised 506

Code. 507

Sec. 2907.08. (A) No person, for the purpose of sexually 508
arousing or gratifying the person's self, shall commit trespass or 509
otherwise surreptitiously invade the privacy of another, to spy or 510
eavesdrop upon another. 511

(B) No person, for the purpose of sexually arousing or 512
gratifying the person's self, shall commit trespass or otherwise 513
surreptitiously invade the privacy of another to photograph the 514
other person in a state of nudity. 515

(C) No person, for the purpose of sexually arousing or 516
gratifying the person's self, shall commit trespass or otherwise 517
surreptitiously invade the privacy of another to photograph the 518
other person in a state of nudity if the other person is a minor. 519

(D) No person, for the purpose of sexually arousing or 520
gratifying the person's self, shall commit trespass or otherwise 521
surreptitiously invade the privacy of another to photograph the 522
other person in a state of nudity if the other person is a minor 523
and any of the following applies: 524

(1) The offender is the minor's natural or adoptive parent, 525
stepparent, guardian, or custodian, or person in loco parentis of 526
the minor. 527

(2) The minor is in custody of law or is a patient in a 528
hospital or other institution, and the offender has supervisory or 529
disciplinary authority over the minor. 530

(3) The offender is a teacher, administrator, coach, or other 531
person in authority employed by or serving in a school for which 532
the state board of education ~~prescribes~~ formulates minimum 533
standards pursuant to division ~~(D)~~(C) of section 3301.07 of the 534
Revised Code, the minor is enrolled in or attends that school, and 535
the offender is not enrolled in and does not attend that school. 536

(4) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the minor is enrolled in or attends that institution.

(5) The offender is a caregiver, administrator, or other person in authority employed by or serving in a child day-care center, type A family day-care home, or type B family day-care home, and the minor is enrolled in or attends that center or home.

(6) The offender is the minor's athletic or other type of coach, is the minor's instructor, is the leader of a scouting troop of which the minor is a member, provides babysitting care for the minor, or is a person with temporary or occasional disciplinary control over the minor.

(E) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.

(F)(1) Whoever violates this section is guilty of voyeurism.

(2) A violation of division (A) of this section is a misdemeanor of the third degree.

(3) A violation of division (B) of this section is a misdemeanor of the second degree.

(4) A violation of division (C) or (E) of this section is a misdemeanor of the first degree.

(5) A violation of division (D) of this section is a felony of the fifth degree.

(G) As used in this section:

(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.031 of

the Revised Code, a private nonprofit college or university 567
located in this state that possesses a certificate of 568
authorization issued by the Ohio board of regents pursuant to 569
Chapter 1713. of the Revised Code, or a school certified under 570
Chapter 3332. of the Revised Code. 571

(2) "Child day-care center," "type A family day-care home," 572
and "type B family day-care home" have the same meanings as in 573
section 5104.01 of the Revised Code. 574

(3) "Babysitting care" means care provided for a child while 575
the parents, guardian, or legal custodian of the child is ~~are~~ 576
temporarily away. 577

Sec. 2917.31. (A) No person shall cause the evacuation of any 578
public place, or otherwise cause serious public inconvenience or 579
alarm, by doing any of the following: 580

(1) Initiating or circulating a report or warning of an 581
alleged or impending fire, explosion, crime, or other catastrophe, 582
knowing that such report or warning is false; 583

(2) Threatening to commit any offense of violence; 584

(3) Committing any offense, with reckless disregard of the 585
likelihood that its commission will cause serious public 586
inconvenience or alarm. 587

(B) Division (A)(1) of this section does not apply to any 588
person conducting an authorized fire or emergency drill. 589

(C)(1) Whoever violates this section is guilty of inducing 590
panic. 591

(2) Except as otherwise provided in division (C)(3), (4), 592
(5), (6), (7), (8), or (9) of this section, inducing panic is a 593
misdemeanor of the first degree. 594

(3) Except as otherwise provided in division (C)(4), (5), 595

(6), (7), (8), or (9) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the fourth degree.

(4) Except as otherwise provided in division (C)(5), (6), (7), (8), or (9) of this section, if a violation of this section results in economic harm, the penalty shall be determined as follows:

(a) If the violation results in economic harm of five hundred dollars or more but less than five thousand dollars and if division (C)(3) of this section does not apply, inducing panic is a felony of the fifth degree.

(b) If the violation results in economic harm of five thousand dollars or more but less than one hundred thousand dollars, inducing panic is a felony of the fourth degree.

(c) If the violation results in economic harm of one hundred thousand dollars or more, inducing panic is a felony of the third degree.

(5) Except as otherwise provided in division (C)(6), (7), (8), or (9) of this section, if the public place involved in a violation of division (A)(1) of this section is a school, the penalty shall be determined as follows:

(a) Except as otherwise provided in division (C)(5)(b) or (c) of this section, inducing panic is a felony of the fourth degree.

(b) If the violation results in physical harm to any person and if division (C)(5)(c)(iii) of this section does not apply, inducing panic is a felony of the third degree.

(c) If the violation results in economic harm, the penalty shall be determined as follows:

(i) If the violation results in economic harm of five hundred dollars or more but less than five thousand dollars and if

division (C)(5)(b) of this section does not apply, inducing panic 626
is a felony of the fourth degree. 627

(ii) If the violation results in economic harm of five 628
thousand dollars or more but less than one hundred thousand 629
dollars, inducing panic is a felony of the third degree. 630

(iii) If the violation results in economic harm of one 631
hundred thousand dollars or more, inducing panic is a felony of 632
the second degree. 633

(6) If the violation pertains to a purported, threatened, or 634
actual use of a weapon of mass destruction, and except as 635
otherwise provided in division (C)(7), (8), or (9) of this 636
section, inducing panic is a felony of the fourth degree. 637

(7) If the violation pertains to a purported, threatened, or 638
actual use of a weapon of mass destruction, and except as 639
otherwise provided in division (C)(9)(a) or (c) of this section, 640
if a violation of this section results in physical harm to any 641
person, inducing panic is a felony of the third degree. 642

(8) If the violation pertains to a purported, threatened, or 643
actual use of a weapon of mass destruction, and except as 644
otherwise provided in division (C)(9)(a) or (c) of this section, 645
if a violation of this section results in economic harm of one 646
hundred thousand dollars or more, inducing panic is a felony of 647
the third degree. 648

(9)(a) If the public place involved in a violation of 649
division (A)(1) of this section is a school, if the violation 650
pertains to a purported, threatened, or actual use of a weapon of 651
mass destruction, and if the violation results in physical harm to 652
any person, inducing panic is a felony of the second degree. 653

(b) If the public place involved in a violation of division 654
(A)(1) of this section is a school, if the violation pertains to a 655
purported, threatened, or actual use of a weapon of mass 656

destruction, and if the violation results in economic harm of five 657
thousand dollars or more but less than one hundred thousand 658
dollars, and if division (C)(9)(a) of this section does not apply, 659
inducing panic is a felony of the third degree. 660

(c) If the public place involved in a violation of division 661
(A)(1) of this section is a school, if the violation pertains to a 662
purported, threatened, or actual use of a weapon of mass 663
destruction, and if the violation results in economic harm of one 664
hundred thousand dollars or more, inducing panic is a felony of 665
the second degree. 666

(D)(1) It is not a defense to a charge under this section 667
that pertains to a purported or threatened use of a weapon of mass 668
destruction that the offender did not possess or have the ability 669
to use a weapon of mass destruction or that what was represented 670
to be a weapon of mass destruction was not a weapon of mass 671
destruction. 672

(2) Any act that is a violation of this section and any other 673
section of the Revised Code may be prosecuted under this section, 674
the other section, or both sections. 675

(E) As used in this section: 676

(1) "Economic harm" means any of the following: 677

(a) All direct, incidental, and consequential pecuniary harm 678
suffered by a victim as a result of criminal conduct. "Economic 679
harm" as described in this division includes, but is not limited 680
to, all of the following: 681

(i) All wages, salaries, or other compensation lost as a 682
result of the criminal conduct; 683

(ii) The cost of all wages, salaries, or other compensation 684
paid to employees for time those employees are prevented from 685
working as a result of the criminal conduct; 686

(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct; (iii) 687
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(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct. (iv) 689
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(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or section 2917.32 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision. (b) 691
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(2) "School" means any school operated by a board of education or any school for which the state board of education ~~prescribes~~ formulates minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed. (2) 698
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(3) "Weapon of mass destruction" means any of the following: (3) 704

(a) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors; (a) 705
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(b) Any weapon involving a disease organism or biological agent; (b) 708
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(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life; (c) 710
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(d) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section: (d) 712
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(i) Any explosive, incendiary, or poison gas bomb, grenade, (i) 716

rocket having a propellant charge of more than four ounces, 717
missile having an explosive or incendiary charge of more than 718
one-quarter ounce, mine, or similar device; 719

(ii) Any combination of parts either designed or intended for 720
use in converting any item or device into any item or device 721
described in division (E)(3)(d)(i) of this section and from which 722
an item or device described in that division may be readily 723
assembled. 724

(4) "Biological agent" has the same meaning as in section 725
2917.33 of the Revised Code. 726

(5) "Emergency medical services personnel" has the same 727
meaning as in section 2133.21 of the Revised Code. 728

Sec. 2923.122. (A) No person shall knowingly convey, or 729
attempt to convey, a deadly weapon or dangerous ordnance into a 730
school safety zone. 731

(B) No person shall knowingly possess a deadly weapon or 732
dangerous ordnance in a school safety zone. 733

(C) No person shall knowingly possess an object in a school 734
safety zone if both of the following apply: 735

(1) The object is indistinguishable from a firearm, whether 736
or not the object is capable of being fired. 737

(2) The person indicates that the person possesses the object 738
and that it is a firearm, or the person knowingly displays or 739
brandishes the object and indicates that it is a firearm. 740

(D) This section does not apply to officers, agents, or 741
employees of this or any other state or the United States, or to 742
law enforcement officers, authorized to carry deadly weapons or 743
dangerous ordnance and acting within the scope of their duties, to 744
any security officer employed by a board of education or governing 745
body of a school during the time that the security officer is on 746

duty pursuant to that contract of employment, or to any other 747
person who has written authorization from the board of education 748
or governing body of a school to convey deadly weapons or 749
dangerous ordnance into a school safety zone or to possess a 750
deadly weapon or dangerous ordnance in a school safety zone and 751
who conveys or possesses the deadly weapon or dangerous ordnance 752
in accordance with that authorization. 753

Division (C) of this section does not apply to premises upon 754
which home schooling is conducted. Division (C) of this section 755
also does not apply to a school administrator, teacher, or 756
employee who possesses an object that is indistinguishable from a 757
firearm for legitimate school purposes during the course of 758
employment, a student who uses an object that is indistinguishable 759
from a firearm under the direction of a school administrator, 760
teacher, or employee, or any other person who with the express 761
prior approval of a school administrator possesses an object that 762
is indistinguishable from a firearm for a legitimate purpose, 763
including the use of the object in a ceremonial activity, a play, 764
reenactment, or other dramatic presentation, or a ROTC activity or 765
another similar use of the object. 766

(E)(1) Whoever violates division (A) or (B) of this section 767
is guilty of illegal conveyance or possession of a deadly weapon 768
or dangerous ordnance in a school safety zone. Except as otherwise 769
provided in this division, illegal conveyance or possession of a 770
deadly weapon or dangerous ordnance in a school safety zone is a 771
felony of the fifth degree. If the offender previously has been 772
convicted of a violation of this section, illegal conveyance or 773
possession of a deadly weapon or dangerous ordnance in a school 774
safety zone is a felony of the fourth degree. 775

(2) Whoever violates division (C) of this section is guilty 776
of illegal possession of an object indistinguishable from a 777
firearm in a school safety zone. Except as otherwise provided in 778

this division, illegal possession of an object indistinguishable 779
from a firearm in a school safety zone is a misdemeanor of the 780
first degree. If the offender previously has been convicted of a 781
violation of this section, illegal possession of an object 782
indistinguishable from a firearm in a school safety zone is a 783
felony of the fifth degree. 784

(F)(1) In addition to any other penalty imposed upon a person 785
who is convicted of or pleads guilty to a violation of this 786
section and subject to division (F)(2) of this section, if the 787
offender has not attained nineteen years of age, regardless of 788
whether the offender is attending or is enrolled in a school 789
operated by a board of education or for which the state board of 790
education ~~prescribes~~ formulates minimum standards under section 791
3301.07 of the Revised Code, the court shall impose upon the 792
offender whichever of the following penalties applies: 793

(a) If the offender has been issued a probationary driver's 794
license, restricted license, driver's license, or probationary 795
commercial driver's license that then is in effect, the court 796
shall suspend for a period of not less than twelve months and not 797
more than thirty-six months that license of the offender. 798

(b) If the offender has been issued a temporary instruction 799
permit that then is in effect, the court shall revoke it and deny 800
the offender the issuance of another temporary instruction permit, 801
and the period of denial shall be for not less than twelve months 802
and not more than thirty-six months. 803

(c) If the offender has been issued a commercial driver's 804
license temporary instruction permit that then is in effect, the 805
court shall suspend the offender's driver's license, revoke the 806
commercial driver's license temporary instruction permit, and deny 807
the offender the issuance of another commercial driver's license 808
temporary instruction permit, and the period of suspension plus 809
the period of denial shall total not less than twelve months and 810

not more than thirty-six months. 811

(d) If, on the date the court imposes sentence upon the 812
offender for a violation of this section, the offender has not 813
been issued any type of license that then is in effect to operate 814
a motor vehicle in this state or a temporary instruction permit 815
that then is in effect, the court shall deny the offender the 816
issuance of a temporary instruction permit for a period of not 817
less than twelve months and not more than thirty-six months. 818

(e) If the offender is not a resident of this state, the 819
court shall suspend for a period of not less than twelve months 820
and not more than thirty-six months the nonresident operating 821
privilege of the offender. 822

(2) If the offender shows good cause why the court should not 823
suspend or revoke one of the types of licenses, permits, or 824
privileges specified in division (F)(1) of this section or deny 825
the issuance of one of the temporary instruction permits specified 826
in that division, the court in its discretion may choose not to 827
impose the suspension, revocation, or denial required in that 828
division. 829

(G) As used in this section, "object that is 830
indistinguishable from a firearm" means an object made, 831
constructed, or altered so that, to a reasonable person without 832
specialized training in firearms, the object appears to be a 833
firearm. 834

Sec. 2925.01. As used in this chapter: 835

(A) "Administer," "controlled substance," "dispense," 836
"distribute," "hypodermic," "manufacturer," "official written 837
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 838
"schedule II," "schedule III," "schedule IV," "schedule V," and 839
"wholesaler" have the same meanings as in section 3719.01 of the 840

Revised Code. 841

(B) "Drug dependent person" and "drug of abuse" have the same 842
meanings as in section 3719.011 of the Revised Code. 843

(C) "Drug," "dangerous drug," "licensed health professional 844
authorized to prescribe drugs," and "prescription" have the same 845
meanings as in section 4729.01 of the Revised Code. 846

(D) "Bulk amount" of a controlled substance means any of the 847
following: 848

(1) For any compound, mixture, preparation, or substance 849
included in schedule I, schedule II, or schedule III, with the 850
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 851
except as provided in division (D)(2) or (5) of this section, 852
whichever of the following is applicable: 853

(a) An amount equal to or exceeding ten grams or twenty-five 854
unit doses of a compound, mixture, preparation, or substance that 855
is or contains any amount of a schedule I opiate or opium 856
derivative; 857

(b) An amount equal to or exceeding ten grams of a compound, 858
mixture, preparation, or substance that is or contains any amount 859
of raw or gum opium; 860

(c) An amount equal to or exceeding thirty grams or ten unit 861
doses of a compound, mixture, preparation, or substance that is or 862
contains any amount of a schedule I hallucinogen other than 863
tetrahydrocannabinol or lysergic acid amide, or a schedule I 864
stimulant or depressant; 865

(d) An amount equal to or exceeding twenty grams or five 866
times the maximum daily dose in the usual dose range specified in 867
a standard pharmaceutical reference manual of a compound, mixture, 868
preparation, or substance that is or contains any amount of a 869
schedule II opiate or opium derivative; 870

(e) An amount equal to or exceeding five grams or ten unit 871
doses of a compound, mixture, preparation, or substance that is or 872
contains any amount of phencyclidine; 873

(f) An amount equal to or exceeding one hundred twenty grams 874
or thirty times the maximum daily dose in the usual dose range 875
specified in a standard pharmaceutical reference manual of a 876
compound, mixture, preparation, or substance that is or contains 877
any amount of a schedule II stimulant that is in a final dosage 878
form manufactured by a person authorized by the "Federal Food, 879
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 880
amended, and the federal drug abuse control laws, as defined in 881
section 3719.01 of the Revised Code, that is or contains any 882
amount of a schedule II depressant substance or a schedule II 883
hallucinogenic substance; 884

(g) An amount equal to or exceeding three grams of a 885
compound, mixture, preparation, or substance that is or contains 886
any amount of a schedule II stimulant, or any of its salts or 887
isomers, that is not in a final dosage form manufactured by a 888
person authorized by the Federal Food, Drug, and Cosmetic Act and 889
the federal drug abuse control laws. 890

(2) An amount equal to or exceeding one hundred twenty grams 891
or thirty times the maximum daily dose in the usual dose range 892
specified in a standard pharmaceutical reference manual of a 893
compound, mixture, preparation, or substance that is or contains 894
any amount of a schedule III or IV substance other than an 895
anabolic steroid or a schedule III opiate or opium derivative; 896

(3) An amount equal to or exceeding twenty grams or five 897
times the maximum daily dose in the usual dose range specified in 898
a standard pharmaceutical reference manual of a compound, mixture, 899
preparation, or substance that is or contains any amount of a 900
schedule III opiate or opium derivative; 901

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid.

(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing

another to use, administering to another, using, or otherwise	932
dealing with a controlled substance is an element;	933
(4) A conspiracy to commit, attempt to commit, or complicity	934
in committing or attempting to commit any offense under division	935
(G)(1), (2), or (3) of this section.	936
(H) "Felony drug abuse offense" means any drug abuse offense	937
that would constitute a felony under the laws of this state, any	938
other state, or the United States.	939
(I) "Harmful intoxicant" does not include beer or	940
intoxicating liquor but means any of the following:	941
(1) Any compound, mixture, preparation, or substance the gas,	942
fumes, or vapor of which when inhaled can induce intoxication,	943
excitement, giddiness, irrational behavior, depression,	944
stupefaction, paralysis, unconsciousness, asphyxiation, or other	945
harmful physiological effects, and includes, but is not limited	946
to, any of the following:	947
(a) Any volatile organic solvent, plastic cement, model	948
cement, fingernail polish remover, lacquer thinner, cleaning	949
fluid, gasoline, or other preparation containing a volatile	950
organic solvent;	951
(b) Any aerosol propellant;	952
(c) Any fluorocarbon refrigerant;	953
(d) Any anesthetic gas.	954
(2) Gamma Butyrolactone;	955
(3) 1,4 Butanediol.	956
(J) "Manufacture" means to plant, cultivate, harvest,	957
process, make, prepare, or otherwise engage in any part of the	958
production of a drug, by propagation, extraction, chemical	959
synthesis, or compounding, or any combination of the same, and	960
includes packaging, repackaging, labeling, and other activities	961

incident to production.	962
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	963 964 965 966
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	967 968 969 970 971 972
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of any of the following reference works:	973 974 975
(1) "The National Formulary";	976
(2) "The United States Pharmacopeia," prepared by authority of the United States Pharmacopeial Convention, Inc.;	977 978
(3) Other standard references that are approved by the state board of pharmacy.	979 980
(N) "Juvenile" means a person under eighteen years of age.	981
(O) "Counterfeit controlled substance" means any of the following:	982 983
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	984 985 986 987
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	988 989 990 991

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; 992
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(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale. 995
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(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. 1000
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(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education ~~prescribes~~ formulates minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed. 1004
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(R) "School premises" means either of the following: 1012

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed; 1013
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(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education ~~prescribes~~ formulates minimum standards under section 3301.07 of the Revised Code and on which some of the 1017
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instruction, extracurricular activities, or training of the school 1023
is conducted, whether or not any instruction, extracurricular 1024
activities, or training provided by the school is being conducted 1025
on the parcel of real property at the time a criminal offense is 1026
committed. 1027

(S) "School building" means any building in which any of the 1028
instruction, extracurricular activities, or training provided by a 1029
school is conducted, whether or not any instruction, 1030
extracurricular activities, or training provided by the school is 1031
being conducted in the school building at the time a criminal 1032
offense is committed. 1033

(T) "Disciplinary counsel" means the disciplinary counsel 1034
appointed by the board of commissioners on grievances and 1035
discipline of the supreme court under the Rules for the Government 1036
of the Bar of Ohio. 1037

(U) "Certified grievance committee" means a duly constituted 1038
and organized committee of the Ohio state bar association or of 1039
one or more local bar associations of the state of Ohio that 1040
complies with the criteria set forth in Rule V, section 6 of the 1041
Rules for the Government of the Bar of Ohio. 1042

(V) "Professional license" means any license, permit, 1043
certificate, registration, qualification, admission, temporary 1044
license, temporary permit, temporary certificate, or temporary 1045
registration that is described in divisions (W)(1) to (35) of this 1046
section and that qualifies a person as a professionally licensed 1047
person. 1048

(W) "Professionally licensed person" means any of the 1049
following: 1050

(1) A person who has obtained a license as a manufacturer of 1051
controlled substances or a wholesaler of controlled substances 1052
under Chapter 3719. of the Revised Code; 1053

- (2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter; 1054
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- (3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code; 1058
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- (4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter; 1061
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- (5) A person licensed as an auctioneer or apprentice auctioneer or licensed to operate an auction company under Chapter 4707. of the Revised Code; 1064
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- (6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code; 1067
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- (7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code; 1070
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- (8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, managing cosmetologist's license, managing hair designer's license, managing manicurist's license, managing esthetician's license, managing natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code; 1073
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- (9) A person who has been issued a license to practice 1083

dentistry, a general anesthesia permit, a conscious intravenous	1084
sedation permit, a limited resident's license, a limited teaching	1085
license, a dental hygienist's license, or a dental hygienist's	1086
teacher's certificate under Chapter 4715. of the Revised Code;	1087
(10) A person who has been issued an embalmer's license, a	1088
funeral director's license, a funeral home license, or a crematory	1089
license, or who has been registered for an embalmer's or funeral	1090
director's apprenticeship under Chapter 4717. of the Revised Code;	1091
(11) A person who has been licensed as a registered nurse or	1092
practical nurse, or who has been issued a certificate for the	1093
practice of nurse-midwifery under Chapter 4723. of the Revised	1094
Code;	1095
(12) A person who has been licensed to practice optometry or	1096
to engage in optical dispensing under Chapter 4725. of the Revised	1097
Code;	1098
(13) A person licensed to act as a pawnbroker under Chapter	1099
4727. of the Revised Code;	1100
(14) A person licensed to act as a precious metals dealer	1101
under Chapter 4728. of the Revised Code;	1102
(15) A person licensed as a pharmacist, a pharmacy intern, a	1103
wholesale distributor of dangerous drugs, or a terminal	1104
distributor of dangerous drugs under Chapter 4729. of the Revised	1105
Code;	1106
(16) A person who is authorized to practice as a physician	1107
assistant under Chapter 4730. of the Revised Code;	1108
(17) A person who has been issued a certificate to practice	1109
medicine and surgery, osteopathic medicine and surgery, a limited	1110
branch of medicine, or podiatry under Chapter 4731. of the Revised	1111
Code;	1112
(18) A person licensed as a psychologist or school	1113

psychologist under Chapter 4732. of the Revised Code;	1114
(19) A person registered to practice the profession of	1115
engineering or surveying under Chapter 4733. of the Revised Code;	1116
(20) A person who has been issued a license to practice	1117
chiropractic under Chapter 4734. of the Revised Code;	1118
(21) A person licensed to act as a real estate broker or real	1119
estate salesperson under Chapter 4735. of the Revised Code;	1120
(22) A person registered as a registered sanitarian under	1121
Chapter 4736. of the Revised Code;	1122
(23) A person licensed to operate or maintain a junkyard	1123
under Chapter 4737. of the Revised Code;	1124
(24) A person who has been issued a motor vehicle salvage	1125
dealer's license under Chapter 4738. of the Revised Code;	1126
(25) A person who has been licensed to act as a steam	1127
engineer under Chapter 4739. of the Revised Code;	1128
(26) A person who has been issued a license or temporary	1129
permit to practice veterinary medicine or any of its branches, or	1130
who is registered as a graduate animal technician under Chapter	1131
4741. of the Revised Code;	1132
(27) A person who has been issued a hearing aid dealer's or	1133
fitter's license or trainee permit under Chapter 4747. of the	1134
Revised Code;	1135
(28) A person who has been issued a class A, class B, or	1136
class C license or who has been registered as an investigator or	1137
security guard employee under Chapter 4749. of the Revised Code;	1138
(29) A person licensed and registered to practice as a	1139
nursing home administrator under Chapter 4751. of the Revised	1140
Code;	1141
(30) A person licensed to practice as a speech-language	1142

pathologist or audiologist under Chapter 4753. of the Revised Code;	1143 1144
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1145 1146
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	1147 1148 1149 1150
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	1151 1152
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	1153 1154 1155
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code.	1156 1157
(X) "Cocaine" means any of the following:	1158
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	1159 1160
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	1161 1162 1163 1164
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	1165 1166 1167 1168 1169 1170
(Y) "L.S.D." means lysergic acid diethylamide.	1171
(Z) "Hashish" means the resin or a preparation of the resin	1172

contained in marihuana, whether in solid form or in a liquid 1173
concentrate, liquid extract, or liquid distillate form. 1174

(AA) "Marihuana" has the same meaning as in section 3719.01 1175
of the Revised Code, except that it does not include hashish. 1176

(BB) An offense is "committed in the vicinity of a juvenile" 1177
if the offender commits the offense within one hundred feet of a 1178
juvenile or within the view of a juvenile, regardless of whether 1179
the offender knows the age of the juvenile, whether the offender 1180
knows the offense is being committed within one hundred feet of or 1181
within view of the juvenile, or whether the juvenile actually 1182
views the commission of the offense. 1183

(CC) "Presumption for a prison term" or "presumption that a 1184
prison term shall be imposed" means a presumption, as described in 1185
division (D) of section 2929.13 of the Revised Code, that a prison 1186
term is a necessary sanction for a felony in order to comply with 1187
the purposes and principles of sentencing under section 2929.11 of 1188
the Revised Code. 1189

(DD) "Major drug offender" has the same meaning as in section 1190
2929.01 of the Revised Code. 1191

(EE) "Minor drug possession offense" means either of the 1192
following: 1193

(1) A violation of section 2925.11 of the Revised Code as it 1194
existed prior to July 1, 1996; 1195

(2) A violation of section 2925.11 of the Revised Code as it 1196
exists on and after July 1, 1996, that is a misdemeanor or a 1197
felony of the fifth degree. 1198

(FF) "Mandatory prison term" has the same meaning as in 1199
section 2929.01 of the Revised Code. 1200

(GG) "Crack cocaine" means a compound, mixture, preparation, 1201
or substance that is or contains any amount of cocaine that is 1202

analytically identified as the base form of cocaine or that is in 1203
a form that resembles rocks or pebbles generally intended for 1204
individual use. 1205

(HH) "Adulterate" means to cause a drug to be adulterated as 1206
described in section 3715.63 of the Revised Code. 1207

(II) "Public premises" means any hotel, restaurant, tavern, 1208
store, arena, hall, or other place of public accommodation, 1209
business, amusement, or resort. 1210

Sec. 3301.07. The state board of education shall exercise 1211
under the acts of the general assembly general supervision of the 1212
system of public education in the state. ~~In addition to the powers~~ 1213
~~otherwise imposed on the state board under the provisions of law,~~ 1214
the The board shall have the following powers: 1215

(A) ~~Exercise policy forming, planning, and evaluative~~ 1216
~~functions for the public schools of the state, and for adult~~ 1217
~~education, except as otherwise provided by law;~~ 1218

~~(B) Exercise leadership in the improvement of public~~ 1219
~~education in this state, and administer~~ Administer the educational 1220
~~policies~~ laws of this state relating to public schools, ~~and as~~ 1221
relating to instruction and instructional material, building and 1222
equipment, transportation of pupils, administrative 1223
responsibilities of school officials and personnel, and finance 1224
and organization of school districts, educational service centers, 1225
and territory. ~~Consultative and advisory services in such matters~~ 1226
~~shall be provided by the board to school districts and educational~~ 1227
~~service centers of this state.~~ The board ~~also~~ shall develop a 1228
standard of financial reporting which shall be used by all school 1229
districts and educational service centers to make their financial 1230
information available to the public in a format understandable by 1231
the average citizen and provide year-to-year comparisons for at 1232
least five years. The format shall show, among other things, 1233

district and educational service center revenue by source; 1234
expenditures for salaries, wages, and benefits of employees, 1235
showing such amounts separately for classroom teachers, other 1236
employees required to hold licenses issued pursuant to sections 1237
3319.22 to 3319.31 of the Revised Code, and all other employees; 1238
expenditures other than for personnel, by category, including 1239
utilities, textbooks and other educational materials, equipment, 1240
permanent improvements, pupil transportation, extracurricular 1241
athletics, and other extracurricular activities; and per pupil 1242
expenditures. 1243

~~(C)~~(B) Administer and supervise the allocation and 1244
distribution of all state and federal funds for public school 1245
education under the provisions of law, and may prescribe such 1246
systems of accounting as are necessary and proper to this 1247
function. It may require county auditors and treasurers, boards of 1248
education, educational service center governing boards, treasurers 1249
of such boards, teachers, and other school officers and employees, 1250
or other public officers or employees, to file with it such 1251
reports as it may prescribe relating to such funds, or to the 1252
management and condition of such funds. 1253

~~(D)~~(C) Formulate ~~and prescribe~~ minimum standards to be 1254
applied to all elementary and secondary schools in this state for 1255
the purpose of requiring a general education of high quality. Such 1256
standards shall provide adequately for: the licensing of teachers, 1257
administrators, and other professional personnel and their 1258
assignment according to training and qualifications; ~~efficient and~~ 1259
~~effective instructional materials and equipment, including~~ library 1260
facilities; the proper organization, administration, and 1261
supervision of each school, including regulations for preparing 1262
all necessary records and reports ~~and the preparation~~ of a 1263
~~statement of policies and objectives~~ for each school; buildings, 1264
grounds, health and sanitary facilities and services; and 1265

admission of pupils, and such requirements for their promotion 1266
from grade to grade as will assure that they are capable and 1267
prepared for ~~the level of study to which they are certified;~~ 1268
~~requirements for graduation; and such other factors as the board~~ 1269
~~finds necessary.~~ For purposes of this division, the standards and 1270
associated assessments and applicable rules shall: 1271

(1) Be strictly academic and based upon objective, verifiable 1272
knowledge in traditional subject areas including reading, 1273
mathematics, history, and science; 1274

(2) Be consistent with and supportive of basic fundamental 1275
American principles as stated in the Declaration of Independence 1276
and the Constitution of the United States, and promote such 1277
American values as national sovereignty, patriotism, and 1278
free-market enterprise; 1279

(3) Not mandate any specific teaching methodology, nor 1280
promote any subjective, ideological, partisan, or attitudinal 1281
content matter such as is promoted by the council for civic 1282
education, the national council for teachers of mathematics, or 1283
other such organizations promoting content and standards 1284
inconsistent with the criteria described in division (C)(2) of 1285
this section; 1286

(4) Not be based upon the secretary's commission on achieving 1287
necessary skills (SCANS), the national skills standards board 1288
(NSSB), nor any other work-based or work-training standards or 1289
curriculum such as those required under the "School-to-Work 1290
Opportunities Act of 1994," 20 U.S.C. 6101, et seq. and the "Goals 1291
2000: Educate America Act of 1994," Pub. L. No. 103-227, 108 Stat. 1292
187. 1293

(5) The associated state assessments shall consist of 1294
machine-scored questions with one correct answer for each 1295
question. Assessments and answer keys shall be open and available 1296

to the general public annually, as prescribed in section 3301.0711 1297
of the Revised Code, and individual student scores shall be made 1298
available to the parents of each student in compliance with 1299
section 3319.321 of the Revised Code. 1300

~~In the formulation and administration of such standards for~~ 1301
~~nonpublic schools the board shall also consider the particular~~ 1302
~~needs, methods and objectives of those schools, provided they do~~ 1303
~~not conflict with the provision of a general education of a high~~ 1304
~~quality and provided that regular procedures shall be followed for~~ 1305
~~promotion from grade to grade of pupils who have met the~~ 1306
~~educational requirements prescribed.~~ 1307

~~(E) May require as part of the health curriculum information~~ 1308
~~developed under section 2108.15 of the Revised Code promoting the~~ 1309
~~donation of anatomical gifts pursuant to Chapter 2108. of the~~ 1310
~~Revised Code and may provide the information to high schools,~~ 1311
~~educational service centers, and joint vocational school district~~ 1312
~~boards of education;~~ 1313

~~(F) Prepare and submit annually to the governor and the~~ 1314
~~general assembly a report on the status, needs, and major problems~~ 1315
~~of the public schools of the state, with recommendations for~~ 1316
~~necessary legislative action and a ten-year projection of the~~ 1317
~~state's public and nonpublic school enrollment, by year and by~~ 1318
~~grade level;~~ 1319

~~(G)(D) Prepare and submit to the director of budget and~~ 1320
~~management the biennial budgetary requests of the state board of~~ 1321
~~education, for its agencies and for the public schools of the~~ 1322
~~state;~~ 1323

~~(H) Cooperate with federal, state, and local agencies~~ 1324
~~concerned with the health and welfare of children and youth of the~~ 1325
~~state;~~ 1326

~~(I) Require such reports from school districts and~~ 1327

~~educational service centers, school officers, and employees as are
necessary and desirable. The superintendents and treasurers of
school districts and educational service centers shall certify as
to the accuracy of all reports required by law or state board or
state department of education rules to be submitted by the
district or educational service center and which contain
information necessary for calculation of state funding. Any
superintendent who knowingly falsifies such report shall be
subject to license revocation pursuant to section 3319.31 of the
Revised Code.~~

(J). Such budgetary requests shall include every proposed
expenditure of an amount greater than one thousand dollars and the
reason for such expenditure. No budgetary request shall propose
the expenditure of funds not reasonably forecasted to be available
from expected revenues.

(E) In accordance with Chapter 119. of the Revised Code,
adopt procedures, and standards, ~~and guidelines~~ for the education
of handicapped children pursuant to Chapter 3323. of the Revised
Code, including procedures, and standards, ~~and guidelines~~
governing programs and services operated by county boards of
mental retardation and developmental disabilities pursuant to
section 3323.09 of the Revised Code;

~~(K) For the purpose of encouraging the development of special
programs of education for academically gifted children, employ
competent persons to analyze and publish data, promote research,
advise and counsel with boards of education, and encourage the
training of teachers in the special instruction of gifted
children.~~(F) The board may provide financial assistance out of any
funds appropriated for ~~this~~ such purpose to boards of education
and educational service center governing boards for developing and
conducting programs of education for academically gifted children.

~~(L) Require that all public schools emphasize and encourage, within existing units of study, the teaching of energy and resource conservation as recommended to each district board of education by leading business persons involved in energy production and conservation, beginning in the primary grades;~~

~~(M)(G) Formulate and prescribe minimum standards requiring the use of systematic phonics as a technique in the teaching of reading in grades kindergarten through three. In addition, the state board shall provide in-service training programs for teachers on the use of systematic phonics as a technique in the teaching of reading in grades kindergarten through three.~~

~~(N)(H) Develop and modify as necessary a state plan for technology to encourage and promote the use of technological advancements in educational settings.~~

~~The board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.~~

Sec. 3301.071. (A) In the case of nontax-supported schools, standards for teacher certification ~~prescribed~~ under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a bachelor's degree from a college or university accredited by a national or regional association in the United States except that, at the discretion of the state board of education, this requirement may

be met by having an equivalent degree from a foreign college or 1390
university of comparable standing. 1391

In the case of nonchartered, nontax-supported schools, the 1392
standards for teacher certification ~~prescribed~~ under section 1393
3301.07 of the Revised Code shall provide for certification, 1394
without further educational requirements, of any administrator, 1395
supervisor, or teacher who has attended and received a diploma 1396
from a "bible college" or "bible institute" described in division 1397
(E) of section 1713.02 of the Revised Code. 1398

(B) Each person applying for a certificate under this section 1399
for purposes of serving in a nonpublic school chartered by the 1400
state board under section 3301.16 of the Revised Code shall pay a 1401
fee in the amount established under division (A) of section 1402
3319.51 of the Revised Code. Any fees received under this division 1403
shall be paid into the state treasury to the credit of the state 1404
board of education certification fund established under division 1405
(B) of section 3319.51 of the Revised Code. 1406

(C) A person applying for or holding any certificate pursuant 1407
to this section for purposes of serving in a nonpublic school 1408
chartered by the state board is subject to sections 3123.41 to 1409
3123.50 of the Revised Code and any applicable rules adopted under 1410
section 3123.63 of the Revised Code and sections 3319.31 and 1411
3319.311 of the Revised Code. 1412

(D) Divisions (B) and (C) of this section and sections 1413
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 1414
to any administrators, supervisors, or teachers in nonchartered, 1415
nontax-supported schools. 1416

Sec. 3301.0722. As used in this section and section 3301.0721 1417
of the Revised Code, "form" means any report, document, paper, 1418
computer software program, or other instrument used in the 1419

management information system created by section 3301.0714 of the 1420
Revised Code or used to gather required or requested education 1421
data under ~~division (I) of section 3301.07~~ 3319.32 of the Revised 1422
Code or any other provision of state or federal statute or rule. 1423

Beginning July 1, 1992, the state board of education, the 1424
superintendent of public instruction, or the department of 1425
education shall not put into use any new form or any modified 1426
version of any previously existing form, unless the new or 1427
modified form has been submitted to the unit established pursuant 1428
to section 3301.133 of the Revised Code, the unit has reviewed the 1429
form, and the superintendent has considered the findings of the 1430
review and the unit's recommendations. 1431

Sec. 3301.0723. The state board of education shall examine 1432
each contract with a consideration valued at ten thousand dollars 1433
or greater that the department of education proposes entering into 1434
and, if the board determines that the contract is appropriate, 1435
shall approve such contract. The department of education shall not 1436
enter into any contract subject to this section unless it is first 1437
approved by the state board pursuant to this section. 1438

Sec. 3301.16. Pursuant to standards ~~prescribed~~ formulated by 1439
the state board of education as provided in division ~~(D)~~ (C) of 1440
section 3301.07 of the Revised Code, the state board shall 1441
classify and charter school districts and individual schools 1442
within each district except that no charter shall be granted to a 1443
nonpublic school unless pursuant to division (K) of section 1444
3301.0711 of the Revised Code the school elects to administer the 1445
tests prescribed by division (B) of section 3301.0710 of the 1446
Revised Code beginning July 1, 1995. The state board shall revoke 1447
the charter of any school district or school which fails to meet 1448
the standards for elementary and high schools as prescribed by the 1449

board. The state board shall also revoke the charter of any 1450
nonpublic school that does not comply with section 3313.612 of the 1451
Revised Code or, on or after July 1, 1995, does not participate in 1452
the testing program prescribed by division (B) of section 1453
3301.0710 of the Revised Code. In the issuance and revocation of 1454
school district or school charters, the state board shall be 1455
governed by the provisions of Chapter 119. of the Revised Code. 1456

In case a school district charter is revoked pursuant to this 1457
section, the state board may dissolve the school district and 1458
transfer its territory to one or more adjacent districts. An 1459
equitable division of the funds, property, and indebtedness of the 1460
school district shall be made by the state board among the 1461
receiving districts. The board of education of a receiving 1462
district shall accept such territory pursuant to the order of the 1463
state board. Prior to dissolving the school district, the state 1464
board shall notify the appropriate educational service center 1465
governing board and all adjacent school district boards of 1466
education of its intention to do so. Boards so notified may make 1467
recommendations to the state board regarding the proposed 1468
dissolution and subsequent transfer of territory. Except as 1469
provided in section 3301.161 of the Revised Code, the transfer 1470
ordered by the state board shall become effective on the date 1471
specified by the state board, but the date shall be at least 1472
thirty days following the date of issuance of the order. 1473

A high school is one of higher grade than an elementary 1474
school, in which instruction and training are given in accordance 1475
with sections 3301.07 and 3313.60 of the Revised Code and which 1476
also offers other subjects of study more advanced than those 1477
taught in the elementary schools and such other subjects as may be 1478
approved by the state board of education. 1479

An elementary school is one in which instruction and training 1480

are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which offers such other subjects as may be approved by the state board of education. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive, plus the kindergarten year.

Sec. 3313.671. (A) Except as otherwise provided in this division, no pupil, at the time of initial entry or at the beginning of each school year, to an elementary or high school for which the state board of education ~~prescribes~~ formulates minimum standards pursuant to division ~~(D)~~(C) of section 3301.07 of the Revised Code, shall be permitted to remain in school for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission, that the pupil has been immunized by a method of immunization approved by the department of health pursuant to section 3701.13 of the Revised Code against mumps, poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and rubella or is in the process of being so immunized. Also, except as provided in this division, no pupil who begins kindergarten at an elementary school subject to the state board of education's minimum standards during or after the school year beginning in 1999 shall be permitted to remain in school for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized by a department of health-approved method of immunization against hepatitis B or is in the process of being so immunized. "In the process of being so immunized" means the pupil has been immunized against mumps, rubeola and rubella, and if the pupil has not been immunized against poliomyelitis, diphtheria, pertussis, tetanus, and hepatitis B, the pupil has received at least the first dose of the immunization sequence, and presents written evidence to the pupil's building principal of each

subsequent dose required to obtain immunization at the intervals 1513
prescribed by the director of health. Any student previously 1514
admitted under the "in process of being so immunized" provision 1515
and who has not complied with the immunization intervals 1516
prescribed by the director of health shall be excluded from school 1517
on the fifteenth day of the following school year. Any student so 1518
excluded shall be readmitted upon showing evidence to the 1519
student's building principal of progress on the director of 1520
health's interval schedule. 1521

(1) A pupil who has had natural rubeola, and presents a 1522
signed statement from the pupil's parent or physician to that 1523
effect, is not required to be immunized against rubeola. 1524

(2) A pupil who has had natural mumps, and presents a signed 1525
statement from the pupil's parent or physician to that effect, is 1526
not required to be immunized against mumps. 1527

(3) A pupil who presents a written statement of the pupil's 1528
parent or guardian in which the parent or guardian objects to the 1529
immunization for good cause, including religious convictions, is 1530
not required to be immunized. 1531

(4) A child whose physician certifies in writing that such 1532
immunization against any disease is medically contraindicated is 1533
not required to be immunized against that disease. This section 1534
does not limit or impair the right of a board of education of a 1535
city, exempted village, or local school district to make and 1536
enforce rules to secure immunization against mumps, poliomyelitis, 1537
rubeola, rubella, diphtheria, pertussis, tetanus, and hepatitis B 1538
of the pupils under its jurisdiction. 1539

(B) Boards of health, legislative authorities of municipal 1540
corporations, and boards of township trustees on application of 1541
the board of education of the district or proper authority of any 1542
school affected by this section, shall provide at the public 1543

expense, without delay, the means of immunization against mumps, 1544
poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 1545
and hepatitis B to pupils who are not so provided by their parents 1546
or guardians. 1547

Sec. 3313.94. The board of education of each school district 1548
shall issue an annual report of school progress for each school 1549
under its control and for the district according to guidelines 1550
established by the state board of education. The reports shall 1551
contain a ten-year projection of its enrollment, by year and by 1552
grade level; financial reporting pursuant to the requirements of 1553
division ~~(B)~~(A) of section 3301.07 of the Revised Code; the names, 1554
addresses, and home telephone numbers of the members of the state 1555
board of education, the Ohio house of representatives, and the 1556
Ohio senate elected from districts within which the school 1557
district has territory; and information about the achievements, 1558
problems, plans, and improvements in the school district. The 1559
guidelines shall be developed in consultation with representatives 1560
of the education profession, local boards of education, and other 1561
residents of the state and shall require some information common 1562
to all schools and school districts, permit reporting of 1563
information particular to each school and district, and permit 1564
schools and school districts to take maximum advantage of reports 1565
already required by their board of education and other 1566
governmental units. The reports shall be provided upon request to 1567
members of the local community of each school and district and 1568
shall be made in formats useful for parents and residents of the 1569
district. The board of education of each school district shall 1570
make the local community aware of the availability of the report. 1571
However, nothing in this section shall be construed to require any 1572
school board to expend funds on advertisements about the reports 1573
or on mass mailings as a means of distributing the reports to the 1574
local community. 1575

Sec. 3319.22. (A) The state board of education shall adopt 1576
rules establishing the standards and requirements for obtaining 1577
temporary, associate, provisional, and professional educator 1578
licenses of any categories, types, and levels the board elects to 1579
provide. However, no educator license shall be required for 1580
teaching children two years old or younger. 1581

(B) Any rules the state board of education adopts, amends, or 1582
rescinds for educator licenses under this section, division ~~(D)~~(C) 1583
of section 3301.07 of the Revised Code, or any other law shall be 1584
adopted, amended, or rescinded under Chapter 119. of the Revised 1585
Code except as follows: 1586

(1) Notwithstanding division (D) of section 119.03 and 1587
division (A)(1) of section 119.04 of the Revised Code, the 1588
effective date of any rules, or amendment or rescission of any 1589
rules, shall not be as prescribed in division (D) of section 1590
119.03 and division (A)(1) of section 119.04 of the Revised Code. 1591
Instead, the effective date shall be the date prescribed by 1592
section 3319.23 of the Revised Code. 1593

(2) Notwithstanding the authority to adopt, amend, or rescind 1594
emergency rules in division (F) of section 119.03 of the Revised 1595
Code, this authority shall not apply to the state board of 1596
education with regard to rules for educator licenses. 1597

(C)(1) The rules adopted under this section establishing 1598
standards requiring additional coursework for the renewal of any 1599
educator license shall require a school district and a chartered 1600
nonpublic school to establish local professional development 1601
committees. In a nonpublic school, the chief administrative 1602
officer shall establish the committees in any manner acceptable to 1603
such officer. The committees established under this division shall 1604
determine whether coursework that a district or chartered 1605
nonpublic school teacher proposes to complete meets the 1606

requirement of the rules. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be established as described in division (C)(2) of this section.

Not later than the effective date of the rules adopted under this section, the board of education of each school district shall establish the structure for one or more local professional development committees to be operated by such school district. The committee structure so established by a district board shall remain in effect unless within thirty days prior to an anniversary of the date upon which the current committee structure was established, the board provides notice to all affected district employees that the committee structure is to be modified. Professional development committees may have a district-level or building-level scope of operations, and may be established with regard to particular grade or age levels for which an educator license is designated.

Each professional development committee shall consist of at least three classroom teachers employed by the district, one principal employed by the district, and one other employee of the district appointed by the district superintendent. For committees with a building-level scope, the teacher and principal members shall be assigned to that building, and the teacher members shall be elected by majority vote of the classroom teachers assigned to that building. For committees with a district-level scope, the teacher members shall be elected by majority vote of the classroom teachers of the district, and the principal member shall be elected by a majority vote of the principals of the district, unless there are two or fewer principals employed by the district,

in which case the one or two principals employed shall serve on 1639
the committee. If a committee has a particular grade or age level 1640
scope, the teacher members shall be licensed to teach such grade 1641
or age levels, and shall be elected by majority vote of the 1642
classroom teachers holding such a license and the principal shall 1643
be elected by all principals serving in buildings where any such 1644
teachers serve. The district superintendent shall appoint a 1645
replacement to fill any vacancy that occurs on a professional 1646
development committee, except in the case of vacancies among the 1647
elected classroom teacher members, which shall be filled by vote 1648
of the remaining members of the committee so selected. 1649

Terms of office on professional development committees shall 1650
be prescribed by the district board establishing the committees. 1651
The conduct of elections for members of professional development 1652
committees shall be prescribed by the district board establishing 1653
the committees. A professional development committee may include 1654
additional members, except that the majority of members on each 1655
such committee shall be classroom teachers employed by the 1656
district. Any member appointed to fill a vacancy occurring prior 1657
to the expiration date of the term for which a predecessor was 1658
appointed shall hold office as a member for the remainder of that 1659
term. 1660

The initial meeting of any professional development 1661
committee, upon election and appointment of all committee members, 1662
shall be called by a member designated by the district 1663
superintendent. At this initial meeting, the committee shall 1664
select a chairperson and such other officers the committee deems 1665
necessary, and shall adopt rules for the conduct of its meetings. 1666
Thereafter, the committee shall meet at the call of the 1667
chairperson or upon the filing of a petition with the district 1668
superintendent signed by a majority of the committee members 1669
calling for the committee to meet. 1670

(3) In the case of a school district in which an exclusive representative has been established pursuant to Chapter 4117. of the Revised Code, professional development committees shall be established in accordance with any collective bargaining agreement in effect in the district that includes provisions for such committees.

If the collective bargaining agreement does not specify a different method for the selection of teacher members of the committees, the exclusive representative of the district's teachers shall select the teacher members.

If the collective bargaining agreement does not specify a different structure for the committees, the board of education of the school district shall establish the structure, including the number of committees and the number of teacher and administrative members on each committee; the specific administrative members to be part of each committee; whether the scope of the committees will be district levels, building levels, or by type of grade or age levels for which educator licenses are designated; the lengths of terms for members; the manner of filling vacancies on the committees; and the frequency and time and place of meetings. However, in all cases, except as provided in division (C)(4) of this section, there shall be a majority of teacher members of any professional development committee, there shall be at least five total members of any professional development committee, and the exclusive representative shall designate replacement members in the case of vacancies among teacher members, unless the collective bargaining agreement specifies a different method of selecting such replacements.

(4) Whenever an administrator's coursework plan is being discussed or voted upon, the local professional development committee shall, at the request of one of its administrative members, cause a majority of the committee to consist of

administrative members by reducing the number of teacher members 1703
voting on the plan. 1704

(D)(1) The department of education, educational service 1705
centers, county boards of mental retardation and developmental 1706
disabilities, regional professional development centers, special 1707
education regional resource centers, college and university 1708
departments of education, head start programs, the Ohio SchoolNet 1709
commission, and the Ohio education computer network may establish 1710
local professional development committees to determine whether the 1711
coursework proposed by their employees who are licensed or 1712
certificated under this section or section 3319.222 of the Revised 1713
Code meet the requirements of the rules adopted under this 1714
section. They may establish local professional development 1715
committees on their own or in collaboration with a school district 1716
or other agency having authority to establish them. 1717

Local professional development committees established by 1718
county boards of mental retardation and developmental disabilities 1719
shall be structured in a manner comparable to the structures 1720
prescribed for school districts in divisions (C)(2) and (3) of 1721
this section, as shall the committees established by any other 1722
entity specified in division (D)(1) of this section that provides 1723
educational services by employing or contracting for services of 1724
classroom teachers licensed or certificated under this section or 1725
section 3319.222 of the Revised Code. All other entities specified 1726
in division (D)(1) of this section shall structure their 1727
committees in accordance with guidelines which shall be issued by 1728
the state board. 1729

(2) Any public agency that is not specified in division 1730
(D)(1) of this section but provides educational services and 1731
employs or contracts for services of classroom teachers licensed 1732
or certificated under this section or section 3319.222 of the 1733
Revised Code may establish a local professional development 1734

committee, subject to the approval of the department of education. 1735
The committee shall be structured in accordance with guidelines 1736
issued by the state board. 1737

Sec. 3319.32. (A) The superintendents and treasurers of 1738
school districts and educational service centers shall certify as 1739
to the accuracy of all reports required by law or by rules of the 1740
state board or state department of education that are to be 1741
submitted by the district or educational service center and which 1742
contain information necessary for calculation of state funding. 1743
Any superintendent who knowingly falsifies such report shall be 1744
subject to license revocation pursuant to section 3319.31 of the 1745
Revised Code. 1746

(B) Boards of education shall require all teachers and 1747
superintendents to keep the school records and to prepare reports 1748
in such manner as to enable the preparation of the annual reports 1749
required by law and shall withhold the pay of such teachers and 1750
superintendents who fail to file the reports required of them. The 1751
records of each school, in addition to all other requirements, 1752
shall be so kept as to exhibit the names of all pupils enrolled 1753
therein, the studies pursued, the character of the work done and 1754
the standing of each pupil; and these records shall be as nearly 1755
uniform throughout the state as practicable. 1756

(C) Nothing in this section shall require any person to 1757
release, or to permit access to, public school records in 1758
violation of section 3319.321 of the Revised Code. 1759

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 1760
and division (D) of section 3311.52 of the Revised Code, this 1761
section and sections 3327.011, 3327.012, and 3327.02 of the 1762
Revised Code do not apply to any joint vocational or cooperative 1763
education school district. 1764

In all city, local, and exempted village school districts 1765
where resident school pupils in grades kindergarten through eight 1766
live more than two miles from the school for which the state board 1767
of education ~~prescribes~~ formulates minimum standards pursuant to 1768
division ~~(D)~~(C) of section 3301.07 of the Revised Code and to 1769
which they are assigned by the board of education of the district 1770
of residence or to and from the nonpublic or community school 1771
which they attend the board of education shall provide 1772
transportation for such pupils to and from such school except as 1773
provided in section 3327.02 of the Revised Code. 1774

In all city, local, and exempted village school districts the 1775
board may provide transportation for resident school pupils in 1776
grades nine through twelve to and from the high school to which 1777
they are assigned by the board of education of the district of 1778
residence or to and from the nonpublic or community high school 1779
which they attend for which the state board of education 1780
~~prescribes~~ formulates minimum standards pursuant to division 1781
~~(D)~~(C) of section 3301.07 of the Revised Code. 1782

A board of education shall not be required to transport 1783
elementary or high school pupils to and from a nonpublic or 1784
community school where such transportation would require more than 1785
thirty minutes of direct travel time as measured by school bus 1786
from the collection point as designated by the coordinator of 1787
school transportation, appointed under section 3327.011 of the 1788
Revised Code, for the attendance area of the district of 1789
residence. 1790

Where it is impractical to transport a pupil by school 1791
conveyance, a board of education may offer payment, in lieu of 1792
providing such transportation in accordance with section 3327.02 1793
of the Revised Code. 1794

In all city, local, and exempted village school districts the 1795

board shall provide transportation for all children who are so 1796
crippled that they are unable to walk to and from the school for 1797
which the state board of education ~~prescribes~~ formulates minimum 1798
standards pursuant to division ~~(D)~~(C) of section 3301.07 of the 1799
Revised Code and which they attend. In case of dispute whether the 1800
child is able to walk to and from the school, the health 1801
commissioner shall be the judge of such ability. In all city, 1802
exempted village, and local school districts the board shall 1803
provide transportation to and from school or special education 1804
classes for educable mentally retarded children in accordance with 1805
standards adopted by the state board of education. 1806

When transportation of pupils is provided the conveyance 1807
shall be run on a time schedule that shall be adopted and put in 1808
force by the board not later than ten days after the beginning of 1809
the school term. 1810

The cost of any transportation service authorized by this 1811
section shall be paid first out of federal funds, if any, 1812
available for the purpose of pupil transportation, and secondly 1813
out of state appropriations, in accordance with regulations 1814
adopted by the state board of education. 1815

No transportation of any pupils shall be provided by any 1816
board of education to or from any school which in the selection of 1817
pupils, faculty members, or employees, practices discrimination 1818
against any person on the grounds of race, color, religion, or 1819
national origin. 1820

Sec. 3332.02. This chapter does not apply to the following 1821
categories of courses, schools, or colleges: 1822

(A) Tuition-free courses or schools conducted by employers 1823
exclusively for their own employees; 1824

(B) Nonprofit institutions with certificates of authorization 1825

issued pursuant to section 1713.02 of the Revised Code or that are 1826
nonprofit institutions exempted from the requirement to obtain a 1827
certificate by division (E) of that section; 1828

(C) Schools, colleges, technical colleges, or universities 1829
established by law or chartered by the Ohio board of regents; 1830

(D) Courses of instruction required by law to be approved or 1831
licensed by a state board or agency other than the state board of 1832
career colleges and schools, except that a school so approved or 1833
licensed may apply to the state board of career colleges and 1834
schools for a certificate of registration to be issued in 1835
accordance with this chapter; 1836

(E) Schools for which minimum standards are ~~prescribed~~ 1837
formulated by the state board of education pursuant to division 1838
~~(D)~~(C) of section 3301.07 of the Revised Code; 1839

(F) Courses of instruction conducted by a public school 1840
district or a combination of public school districts; 1841

(G) Courses of instruction conducted outside the United 1842
States; 1843

(H) Private institutions exempt from regulation under this 1844
chapter as prescribed in section 3333.046 of the Revised Code; 1845

(I) Training courses for employees paid for by their 1846
employers and conducted by outside service providers. 1847

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the 1848
Revised Code, "term" and "academic year" mean "term" and "academic 1849
year" as defined by the Ohio board of regents. 1850

The board shall establish and administer an academic 1851
scholarship program. Under the program, a total of one thousand 1852
new scholarships shall be awarded annually in the amount of not 1853
less than two thousand dollars per award. At least one such new 1854
scholarship shall be awarded annually to a student in each public 1855

high school and joint vocational school and each nonpublic high 1856
school for which the state board of education ~~prescribes~~ 1857
formulates minimum standards in accordance with section 3301.07 of 1858
the Revised Code. 1859

To be eligible for the award of a scholarship, a student 1860
shall be a resident of Ohio and shall be enrolled as a full-time 1861
undergraduate student in an Ohio institution of higher education 1862
that meets the requirements of Title VI of the "Civil Rights Act 1863
of 1964" and is state-assisted, is nonprofit and holds a 1864
certificate of authorization issued under section 1713.02 of the 1865
Revised Code, is a private institution exempt from regulation 1866
under Chapter 3332. of the Revised Code as prescribed in section 1867
3333.046 of the Revised Code, or holds a certificate of 1868
registration and program authorization issued under section 1869
3332.05 of the Revised Code and awards an associate or bachelor's 1870
degree. Students who attend an institution holding a certificate 1871
of registration shall be enrolled in a program leading to an 1872
associate or bachelor's degree for which associate or bachelor's 1873
degree program the institution has program authorization to offer 1874
the program issued under section 3332.05 of the Revised Code. 1875

"Resident" and "full-time student" shall be defined by board 1876
rule. 1877

The board shall award the scholarships on the basis of a 1878
formula designed by it to identify students with the highest 1879
capability for successful college study. The formula shall weigh 1880
the factor of achievement, as measured by grade point average, and 1881
the factor of ability, as measured by performance on a competitive 1882
examination specified by the board. Students receiving 1883
scholarships shall be known as "Ohio academic scholars." Annually, 1884
not later than the thirty-first day of July, the board shall 1885
report to the governor and the general assembly on the performance 1886
of current Ohio academic scholars and the effectiveness of its 1887

formula. 1888

Sec. 3333.37. As used in sections 3333.37 to 3333.375 of the 1889
Revised Code, the following words and terms have the following 1890
meanings unless the context indicates a different meaning or 1891
intent: 1892

(A) "Cost of attendance" means all costs of a student 1893
incurred in connection with a program of study at an eligible 1894
institution, as determined by the institution, including tuition; 1895
instructional fees; room and board; books, computers, and 1896
supplies; and other related fees, charges, and expenses. 1897

(B) "Eligible institution" means one of the following: 1898

(1) A state-assisted post-secondary educational institution 1899
within the state; 1900

(2) A nonprofit institution of higher education within the 1901
state that holds a certificate of authorization from the Ohio 1902
board of regents pursuant to Chapter 1713. of the Revised Code, 1903
that is accredited by the appropriate regional and, when 1904
appropriate, professional accrediting associations within whose 1905
jurisdiction it falls, is authorized to grant a bachelor's degree 1906
or higher, and satisfies other conditions as set forth in the 1907
policy guidelines; 1908

(3) A private institution exempt from regulation under 1909
Chapter 3332. of the Revised Code as prescribed in section 1910
3333.046 of the Revised Code. 1911

(C) "Eligible student" means either of the following: 1912

(1) An undergraduate student who meets all of the following: 1913

(a) Is a resident of this state; 1914

(b) Has graduated from any Ohio secondary school for which 1915
the state board of education ~~prescribes~~ formulates minimum 1916

standards in accordance with section 3301.07 of the Revised Code;	1917
(c) Is attending and in good standing, or has been accepted	1918
for attendance, at any eligible institution as a full-time student	1919
to pursue a bachelor's degree.	1920
(2) A graduate student who is a resident of this state, and	1921
is attending and in good standing, or has been accepted for	1922
attendance, at any eligible institution.	1923
(D) "Fellowship" or "fellowship program" means the Ohio	1924
priority needs fellowship created by sections 3333.37 to 3333.375	1925
of the Revised Code.	1926
(E) "Full-time student" has the meaning as defined by rule of	1927
the Ohio board of regents.	1928
(F) "Ohio outstanding scholar" means a student who is the	1929
recipient of a scholarship under sections 3333.37 to 3333.375 of	1930
the Revised Code.	1931
(G) "Policy guidelines" means the rules adopted by the Ohio	1932
board of regents pursuant to section 3333.374 of the Revised Code.	1933
(H) "Priority needs fellow" means a student who is the	1934
recipient of a fellowship under sections 3333.37 to 3333.375 of	1935
the Revised Code.	1936
(I) "Priority needs field of study" means those academic	1937
majors and disciplines as determined by the Ohio board of regents	1938
that support the purposes and intent of sections 3333.37 to	1939
3333.375 of the Revised Code as described in section 3333.371 of	1940
the Revised Code.	1941
(J) "Scholarship" or "scholarship program" means the Ohio	1942
outstanding scholarship created by sections 3333.37 to 3333.375 of	1943
the Revised Code.	1944
Sec. 3365.01. As used in sections 3365.01 to 3365.10 of the	1945

Revised Code:	1946
(A) "College" means any state-assisted college or university described in section 3333.041 of the Revised Code, any nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, any private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, and any institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code.	1947 1948 1949 1950 1951 1952 1953 1954 1955 1956
(B) "School district," except as specified in division (G) of this section, means any school district to which a student is admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of the Revised Code and does not include a joint vocational or cooperative education school district.	1957 1958 1959 1960 1961
(C) "Parent" has the same meaning as in section 3313.64 of the Revised Code.	1962 1963
(D) "Participant" means a student enrolled in a college under the post-secondary enrollment options program established by this chapter.	1964 1965 1966
(E) "Secondary grade" means the ninth through twelfth grades.	1967
(F) "School foundation payments" means the amount required to be paid to a school district for a fiscal year under Chapter 3317. of the Revised Code.	1968 1969 1970
(G) "Tuition base" means, with respect to a participant's school district, the formula amount defined in division (B) of section 3317.02 of the Revised Code multiplied by the district's cost-of-doing-business factor defined in division (N) of section 3317.02 of the Revised Code. The participant's "school district"	1971 1972 1973 1974 1975

in the case of a participant enrolled in a community school shall 1976
be the school district in which the student is entitled to attend 1977
school under section 3313.64 or 3313.65 of the Revised Code. 1978

(H) "Educational program" means enrollment in one or more 1979
school districts, in a nonpublic school, or in a college under 1980
division (B) of section 3365.04 of the Revised Code. 1981

(I) "Nonpublic school" means a chartered or nonchartered 1982
school for which minimum standards are ~~prescribed~~ formulated by 1983
the state board of education pursuant to division ~~(D)~~ (C) of 1984
section 3301.07 of the Revised Code. 1985

(J) "School year" means the year beginning on the first day 1986
of July and ending on the thirtieth day of June. 1987

(K) "Community school" means any school established pursuant 1988
to Chapter 3314. of the Revised Code that includes secondary 1989
grades. 1990

(L) "Community school payments" means payments made by the 1991
department of education to a community school pursuant to division 1992
(D) of section 3314.08 of the Revised Code. 1993

Sec. 3781.11. (A) The rules of the board of building 1994
standards shall: 1995

(1) Provide uniform minimum standards and requirements for 1996
construction and construction materials, including construction of 1997
industrialized units, to make buildings safe and sanitary as 1998
defined in section 3781.06 of the Revised Code; 1999

(2) Formulate such standards and requirements, so far as may 2000
be practicable, in terms of performance objectives, so as to make 2001
adequate performance for the use intended the test of 2002
acceptability; 2003

(3) Permit, to the fullest extent feasible, the use of 2004
materials and technical methods, devices, and improvements, 2005

including the use of industrialized units which tend to reduce the 2006
cost of construction and erection without affecting minimum 2007
requirements for the health, safety, and security of the occupants 2008
or users of buildings or industrialized units and without 2009
preferential treatment of types or classes of materials or 2010
products or methods of construction; 2011

(4) Encourage, so far as may be practicable, the 2012
standardization of construction practices, methods, equipment, 2013
material, and techniques, including methods employed to produce 2014
industrialized units; 2015

(5) Not require any alteration or repair of any part of a 2016
school building owned by a chartered nonpublic school or a city, 2017
local, exempted village, or joint vocational school district and 2018
operated in conjunction with any primary or secondary school 2019
program that is not being altered or repaired if all of the 2020
following apply: 2021

(a) The school building meets all of the applicable building 2022
code requirements in existence at the time of the construction of 2023
the building. 2024

(b) The school building otherwise satisfies the requirements 2025
of section 3781.06 of the Revised Code. 2026

(c) The part of the school building altered or repaired 2027
conforms to all rules of the board existing on the date of the 2028
repair or alteration. 2029

(6) Not require any alteration or repair to any part of a 2030
workshop or factory that is not otherwise being altered, repaired, 2031
or added to if all of the following apply: 2032

(a) The workshop or factory otherwise satisfies the 2033
requirements of section 3781.06 of the Revised Code. 2034

(b) The part of the workshop or factory altered, repaired, or 2035

added conforms to all rules of the board existing on the date of 2036
plan approval of the repair, alteration, or addition. 2037

(B) The rules of the board shall supersede and govern any 2038
order, standard, or rule of the division of industrial compliance 2039
in the department of commerce, division of the fire marshal, the 2040
department of health, and of counties and townships, in all cases 2041
where such orders, standards, or rules are in conflict with the 2042
rules of the board, except that rules adopted and orders issued by 2043
the fire marshal pursuant to Chapter 3743. of the Revised Code 2044
prevail in the event of a conflict. 2045

(C) The construction, alteration, erection, and repair of 2046
buildings including industrialized units, and the materials and 2047
devices of any kind used in connection with them and the heating 2048
and ventilating of them and the plumbing and electric wiring in 2049
them shall conform to the statutes of this state or the rules 2050
adopted and promulgated by the board, and to provisions of local 2051
ordinances not inconsistent therewith. Any building, structure, or 2052
part thereof, constructed, erected, altered, manufactured, or 2053
repaired not in accordance with the statutes of this state or with 2054
the rules of the board, and any building, structure, or part 2055
thereof in which there is installed, altered, or repaired any 2056
fixture, device, and material, or plumbing, heating, or 2057
ventilating system, or electric wiring not in accordance with such 2058
statutes or rules is a public nuisance. 2059

(D) As used in this section: 2060

(1) "Nonpublic school" means a chartered school for which 2061
minimum standards are ~~prescribed~~ formulated by the state board of 2062
education pursuant to division ~~(D)~~(C) of section 3301.07 of the 2063
Revised Code. 2064

(2) "Workshop or factory" includes manufacturing, mechanical, 2065
electrical, mercantile, art, and laundering establishments, 2066

printing, telegraph, and telephone offices, railroad depots, and 2067
memorial buildings, but does not include hotels and tenement and 2068
apartment houses. 2069

Sec. 4117.10. (A) An agreement between a public employer and 2070
an exclusive representative entered into pursuant to this chapter 2071
governs the wages, hours, and terms and conditions of public 2072
employment covered by the agreement. If the agreement provides for 2073
a final and binding arbitration of grievances, public employers, 2074
employees, and employee organizations are subject solely to that 2075
grievance procedure and the state personnel board of review or 2076
civil service commissions have no jurisdiction to receive and 2077
determine any appeals relating to matters that were the subject of 2078
a final and binding grievance procedure. Where no agreement exists 2079
or where an agreement makes no specification about a matter, the 2080
public employer and public employees are subject to all applicable 2081
state or local laws or ordinances pertaining to the wages, hours, 2082
and terms and conditions of employment for public employees. Laws 2083
pertaining to civil rights, affirmative action, unemployment 2084
compensation, workers' compensation, the retirement of public 2085
employees, and residency requirements, the minimum educational 2086
requirements contained in the Revised Code pertaining to public 2087
education including the requirement of a certificate by the fiscal 2088
officer of a school district pursuant to section 5705.41 of the 2089
Revised Code, the provisions of division (A) of section 124.34 of 2090
the Revised Code governing the disciplining of officers and 2091
employees who have been convicted of a felony, and the minimum 2092
standards promulgated by the state board of education pursuant to 2093
division ~~(D)~~(C) of section 3301.07 of the Revised Code prevail 2094
over conflicting provisions of agreements between employee 2095
organizations and public employers. The law pertaining to the 2096
leave of absence and compensation provided under section 5923.05 2097
of the Revised Code prevails over any conflicting provisions of 2098

such agreements if the terms of the agreement contain benefits 2099
which are less than those contained in that section or the 2100
agreement contains no such terms and the public authority is the 2101
state or any agency, authority, commission, or board of the state 2102
or if the public authority is another entity listed in division 2103
(B) of section 4117.01 of the Revised Code that elects to provide 2104
leave of absence and compensation as provided in section 5923.05 2105
of the Revised Code. Except for sections 306.08, 306.12, 306.35, 2106
and 4981.22 of the Revised Code and arrangements entered into 2107
thereunder, and section 4981.21 of the Revised Code as necessary 2108
to comply with section 13(c) of the "Urban Mass Transportation Act 2109
of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(c), as amended, and 2110
arrangements entered into thereunder, this chapter prevails over 2111
any and all other conflicting laws, resolutions, provisions, 2112
present or future, except as otherwise specified in this chapter 2113
or as otherwise specified by the general assembly. Nothing in this 2114
section prohibits or shall be construed to invalidate the 2115
provisions of an agreement establishing supplemental workers' 2116
compensation or unemployment compensation benefits or exceeding 2117
minimum requirements contained in the Revised Code pertaining to 2118
public education or the minimum standards promulgated by the state 2119
board of education pursuant to division ~~(D)~~(C) of section 3301.07 2120
of the Revised Code. 2121

(B) The public employer shall submit a request for funds 2122
necessary to implement an agreement and for approval of any other 2123
matter requiring the approval of the appropriate legislative body 2124
to the legislative body within fourteen days of the date on which 2125
the parties finalize the agreement, unless otherwise specified, 2126
but if the appropriate legislative body is not in session at the 2127
time, then within fourteen days after it convenes. The legislative 2128
body must approve or reject the submission as a whole, and the 2129
submission is deemed approved if the legislative body fails to act 2130

within thirty days after the public employer submits the 2131
agreement. The parties may specify that those provisions of the 2132
agreement not requiring action by a legislative body are effective 2133
and operative in accordance with the terms of the agreement, 2134
provided there has been compliance with division (C) of this 2135
section. If the legislative body rejects the submission of the 2136
public employer, either party may reopen all or part of the entire 2137
agreement. 2138

As used in this section, "legislative body" includes the 2139
general assembly, the governing board of a municipal corporation, 2140
school district, college or university, village, township, or 2141
board of county commissioners or any other body that has authority 2142
to approve the budget of their public jurisdiction. 2143

(C) The chief executive officer, or the chief executive 2144
officer's representative, of each municipal corporation, the 2145
designated representative of the board of education of each school 2146
district, college or university, or any other body that has 2147
authority to approve the budget of their public jurisdiction, the 2148
designated representative of the board of county commissioners and 2149
of each elected officeholder of the county whose employees are 2150
covered by the collective negotiations, and the designated 2151
representative of the village or the board of township trustees of 2152
each township is responsible for negotiations in the collective 2153
bargaining process; except that the legislative body may accept or 2154
reject a proposed collective bargaining agreement. When the 2155
matters about which there is agreement are reduced to writing and 2156
approved by the employee organization and the legislative body, 2157
the agreement is binding upon the legislative body, the employer, 2158
and the employee organization and employees covered by the 2159
agreement. 2160

(D) There is hereby established an office of collective 2161
bargaining in the department of administrative services for the 2162

purpose of negotiating with and entering into written agreements 2163
between state agencies, departments, boards, and commissions and 2164
the exclusive representative on matters of wages, hours, terms and 2165
other conditions of employment and the continuation, modification, 2166
or deletion of an existing provision of a collective bargaining 2167
agreement. Nothing in any provision of law to the contrary shall 2168
be interpreted as excluding the bureau of workers' compensation 2169
and the industrial commission from the preceding sentence. This 2170
office shall not negotiate on behalf of other statewide elected 2171
officials or boards of trustees of state institutions of higher 2172
education who shall be considered as separate public employers for 2173
the purposes of this chapter; however, the office may negotiate on 2174
behalf of these officials or trustees where authorized by the 2175
officials or trustees. The staff of the office of collective 2176
bargaining are in the unclassified service. The director of 2177
administrative services shall fix the compensation of the staff. 2178

The office of collective bargaining shall: 2179

(1) Assist the director in formulating management's 2180
philosophy for public collective bargaining as well as planning 2181
bargaining strategies; 2182

(2) Conduct negotiations with the exclusive representatives 2183
of each employee organization; 2184

(3) Coordinate the state's resources in all mediation, 2185
fact-finding, and arbitration cases as well as in all labor 2186
disputes; 2187

(4) Conduct systematic reviews of collective bargaining 2188
agreements for the purpose of contract negotiations; 2189

(5) Coordinate the systematic compilation of data by all 2190
agencies that is required for negotiating purposes; 2191

(6) Prepare and submit an annual report and other reports as 2192
requested to the governor and the general assembly on the 2193

implementation of this chapter and its impact upon state government. 2194
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Sec. 4732.15. (A) Upon application by a psychologist or school psychologist licensed or certified by the licensing department of another state, a territory, or the District of Columbia, or a psychologist or school psychologist holding a diploma issued by the American board of psychology, who wishes to remove to this state to practice, the state board of psychology may issue a license to practice psychology or school psychology without requiring the applicant to submit to examination, provided ~~he~~ the applicant meets the requirements for entrance to the appropriate examination under section 4732.10 of the Revised Code. Application shall be made on a form prescribed by the board. 2196
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(B) The board shall issue a license without examination: 2207

(1) To any person who makes application for a license as a psychologist within two years and two months after ~~the effective date of this section~~ September 22, 1972, and who meets the requirements of division (B) of section 4732.10 of the Revised Code; 2208
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(2) To any person who: 2213

(a) Is a resident on ~~the effective date of this act~~ September 22, 1972, and makes application for a license as a psychologist within four years and two months after ~~such date~~ September 22, 1972; 2214
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(b) Meets the requirements of division (B) (1), (2), and (3) of section 4732.10 of the Revised Code; 2218
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(c) Possesses a master's degree in psychology or school psychology from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards, or a master's degree which in 2220
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the opinion of the board is the equivalent thereof and has 2224
subsequently engaged in psychological work of a type satisfactory 2225
to the board for at least four years prior to the date application 2226
is filed. 2227

The equivalent of four school years of full-time employment 2228
by a board of education in the practice of school psychology or by 2229
a private school meeting the standards ~~prescribed~~ formulated by 2230
the state board of education under division ~~(D)~~(C) of section 2231
3301.07 of the Revised Code, after certification as a school 2232
psychologist shall satisfy the experience requirements of this 2233
section. The equivalent of one year of internship or clerkship 2234
training in a program acceptable to the state board of psychology 2235
and subsequent to the master's degree shall be applied toward the 2236
four-year experience requirement. 2237

(3) To any person who: 2238

(a) Is a resident on ~~the effective date of this section~~ 2239
September 22, 1972, and makes application for a license as a 2240
psychologist within six months after ~~such date~~ September 22, 1972; 2241

(b) Does not meet the requirements of divisions (B) (1) and 2242
(B) (2) of this section; 2243

(c) Has, in the opinion of the state board of psychology, had 2244
appropriate experience in the practice of psychology and 2245
demonstrates to the board's satisfaction professional competence 2246
in the practice of psychology. The board may use records, 2247
interviews, letters of reference, or formal evaluation, including 2248
examination, to assess such applicant's level of competence. 2249

Sec. 4732.22. The following persons are exempted from the 2250
licensing requirements of this chapter: 2251

(A) A certificated school psychologist, while practicing 2252
school psychology within the scope of ~~his~~ employment by a board of 2253

education or by a private school meeting the standards ~~prescribed~~ 2254
formulated by the state board of education under division ~~(D)~~(C) 2255
of section 3301.07 of the Revised Code, or while acting as a 2256
school psychologist within the scope of ~~his~~ employment in a 2257
program for trainable mentally retarded children established under 2258
Chapter 3323. or 5126. of the Revised Code. A person exempted 2259
under this division shall not offer psychological services to any 2260
other individual, organization, or group for remuneration, 2261
monetary or otherwise, unless ~~he~~ the person is licensed by the 2262
state board of psychology. 2263

(B) Any nonresident temporarily employed in this state to 2264
render psychological services for not more than thirty days a 2265
year, who, in the opinion of the board, meets the standards for 2266
entrance in division (B) of section 4732.10 of the Revised Code, 2267
and who holds whatever license or certificate, if any, is required 2268
for such practice in ~~his~~ the person's home state or home country. 2269

(C) Any person employed by a licensed psychologist or 2270
licensed school psychologist, while carrying out specific tasks, 2271
under the licensee's supervision, as an extension of the 2272
licensee's legal and ethical authority as specified under this 2273
chapter. All fees shall be billed under the name of the licensee, 2274
and the employee shall not represent ~~himself~~ self to the public as 2275
a psychologist or school psychologist, although supervised persons 2276
and persons in training may be ascribed such titles as "psychology 2277
trainee," "psychology assistant," "psychology intern," or other 2278
appropriate term that clearly implies their supervised or training 2279
status. 2280

(D) Unlicensed persons holding a master's degree or doctoral 2281
degree in psychology from a program approved by the board while 2282
working under the supervision of a licensed psychologist. The 2283
board shall establish rules governing such supervisory 2284
relationship which shall include a regulation requiring 2285

registration with the board of such unlicensed person. 2286

(E) Any student in an accredited educational institution, 2287
while carrying out activities that are part of ~~his~~ the student's 2288
prescribed course of study, provided such activities are 2289
supervised by a professional person who is qualified to perform 2290
such activities and is licensed under this chapter or is exempted 2291
under division (F) or (G) of this section or division (B) or (D) 2292
of section 4732.23 of the Revised Code. Such student shall hold 2293
~~himself~~ self out to the public only by clearly indicating ~~his~~ the 2294
person's student status and the profession in which ~~he~~ the student 2295
is being trained. 2296

(F) Duly ordained ministers while functioning in their 2297
ministerial capacity; 2298

(G) Qualified social workers while functioning in their 2299
capacity as social workers. 2300

Sec. 4743.03. No board, commission, or agency created under 2301
or by virtue of Title 47 of the Revised Code shall restrict entry 2302
into any occupation, profession, or trade under its supervision or 2303
regulation by: 2304

(A) Unreasonably restricting the number of schools or other 2305
institutions it certifies or accredits for the purpose of 2306
fulfilling educational or training requirements for such 2307
occupation, profession, or trade; 2308

(B) Denying certification or accreditation for the purpose of 2309
fulfilling such educational or training requirements to any 2310
school, college, or other educational institution that has been 2311
certified by the Ohio board of regents or the state board of 2312
career colleges and schools or to a high school for which the 2313
state board of education ~~prescribes~~ formulates minimum standards 2314
under division ~~(D)~~ (C) of section 3301.07 of the Revised Code, 2315

unless the educational or training program offered by such school, 2316
college, or institution is not in substantial compliance with 2317
applicable standards of the occupation, profession, or trade. 2318

(C) Rules of state regulatory boards relevant to age and 2319
level of education required for admission to courses of study 2320
leading to examination and licensing in professions or occupations 2321
controlled by regulatory boards not requiring a technical, 2322
associate, or baccalaureate degree shall not apply to vocational 2323
education programs conducted in the public schools where such 2324
vocational education programs in all other respects meet the 2325
minimum standards and requirements of any regulatory board and 2326
students completing such programs are of the minimum age required 2327
for examination and licensing for the purpose of practicing 2328
professions or occupations controlled by regulatory boards. 2329

Nothing in this section shall prohibit a board, commission, 2330
or agency from prescribing and enforcing educational and training 2331
requirements and standards for certification and accreditation of 2332
schools and other institutions that constitute reasonable bases 2333
for maintaining necessary standards of performance in any 2334
occupation, profession, or trade. 2335

Sec. 4757.41. (A) This chapter shall not apply to the 2336
following: 2337

(1) A person certified by the state board of education under 2338
Chapter 3319. of the Revised Code while performing any services 2339
within the person's scope of employment by a board of education or 2340
by a private school meeting the standards ~~prescribed~~ formulated by 2341
the state board of education under division ~~(D)~~(C) of section 2342
3301.07 of the Revised Code or in a program operated under Chapter 2343
5126. of the Revised Code for training individuals with mental 2344
retardation or other developmental disabilities; 2345

(2) Psychologists or school psychologists licensed under 2346

Chapter 4732. of the Revised Code;	2347
(3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions;	2348 2349 2350 2351
(4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g)(5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;	2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362
(5) Any person employed in the civil service as defined in section 124.01 of the Revised Code while engaging in social work or professional counseling as a civil service employee;	2363 2364 2365
(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or registered under this chapter;	2366 2367 2368 2369 2370 2371
(7) Until two years after the date the department of alcohol and drug addiction services ceases to administer its process for the certification or credentialing of chemical dependency counselors and alcohol and other drug prevention specialists under section 3793.07 of the Revised Code, as specified in division (B) of that section, or in the case of an individual who has the	2372 2373 2374 2375 2376 2377

expiration date of the individual's certificate or credentials 2378
delayed under section 4758.04 of the Revised Code, until the date 2379
of the delayed expiration, individuals with certification or 2380
credentials accepted by the department under that section who are 2381
acting within the scope of their certification or credentials as 2382
members of the profession of chemical dependency counseling or as 2383
alcohol and other drug prevention specialists; 2384

(8) Individuals who hold a license or certificate under 2385
Chapter 4758. of the Revised Code who are acting within the scope 2386
of their license or certificate as members of the profession of 2387
chemical dependency counseling or alcohol and other drug 2388
prevention services; 2389

(9) Any person employed by the American red cross while 2390
engaging in activities relating to services for military families 2391
and veterans and disaster relief, as described in the "American 2392
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 2393
amended; 2394

(10) Members of labor organizations who hold union counselor 2395
certificates while performing services in their official capacity 2396
as union counselors; 2397

(11) Any person employed in a hospital as defined in section 2398
3727.01 of the Revised Code or in a nursing home as defined in 2399
section 3721.01 of the Revised Code while providing as a hospital 2400
employee or nursing home employee, respectively, social services 2401
other than counseling and the use of psychosocial interventions 2402
and social psychotherapy. 2403

(B) Divisions (A)(5), (9), and (11) of this section do not 2404
prevent a person described in those divisions from obtaining a 2405
license or certificate of registration under this chapter. 2406

Sec. 5104.01. As used in this chapter: 2407

(A) "Administrator" means the person responsible for the 2408
daily operation of a center or type A home. The administrator and 2409
the owner may be the same person. 2410

(B) "Approved child day camp" means a child day camp approved 2411
pursuant to section 5104.22 of the Revised Code. 2412

(C) "Authorized provider" means a person authorized by a 2413
county director of job and family services to operate a certified 2414
type B family day-care home. 2415

(D) "Border state child day-care provider" means a child 2416
day-care provider that is located in a state bordering Ohio and 2417
that is licensed, certified, or otherwise approved by that state 2418
to provide child day-care. 2419

(E) "Caretaker parent" means the father or mother of a child 2420
whose presence in the home is needed as the caretaker of the 2421
child, a person who has legal custody of a child and whose 2422
presence in the home is needed as the caretaker of the child, a 2423
guardian of a child whose presence in the home is needed as the 2424
caretaker of the child, and any other person who stands in loco 2425
parentis with respect to the child and whose presence in the home 2426
is needed as the caretaker of the child. 2427

(F) "Certified type B family day-care home" and "certified 2428
type B home" mean a type B family day-care home that is certified 2429
by the director of the county department of job and family 2430
services pursuant to section 5104.11 of the Revised Code to 2431
receive public funds for providing child day-care pursuant to this 2432
chapter and any rules adopted under it. 2433

(G) "Chartered nonpublic school" means a school that meets 2434
standards for nonpublic schools ~~prescribed~~ formulated by the state 2435
board of education for nonpublic schools pursuant to section 2436
3301.07 of the Revised Code. 2437

(H) "Child" includes an infant, toddler, preschool child, or school child. 2438
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(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended. 2440
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(J) "Child day camp" means a program in which only school children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day. For purposes of this division, the maximum seven hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home. 2444
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(K) "Child day-care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home. 2458
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(L) "Child day-care center" and "center" mean any place in which child day-care or publicly funded child day-care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day-care or publicly funded child day-care is provided for 2464
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seven to twelve children at one time. In counting children for the 2469
purposes of this division, any children under six years of age who 2470
are related to a licensee, administrator, or employee and who are 2471
on the premises of the center shall be counted. "Child day-care 2472
center" and "center" do not include any of the following: 2473

(1) A place located in and operated by a hospital, as defined 2474
in section 3727.01 of the Revised Code, in which the needs of 2475
children are administered to, if all the children whose needs are 2476
being administered to are monitored under the on-site supervision 2477
of a physician licensed under Chapter 4731. of the Revised Code or 2478
a registered nurse licensed under Chapter 4723. of the Revised 2479
Code, and the services are provided only for children who, in the 2480
opinion of the child's parent, guardian, or custodian, are 2481
exhibiting symptoms of a communicable disease or other illness or 2482
are injured; 2483

(2) A child day camp; 2484

(3) A place that provides child day-care, but not publicly 2485
funded child day-care, if all of the following apply: 2486

(a) An organized religious body provides the child day-care; 2487

(b) A parent, custodian, or guardian of at least one child 2488
receiving child day-care is on the premises and readily accessible 2489
at all times; 2490

(c) The child day-care is not provided for more than thirty 2491
days a year; 2492

(d) The child day-care is provided only for preschool and 2493
school children. 2494

(M) "Child day-care resource and referral service 2495
organization" means a community-based nonprofit organization that 2496
provides child day-care resource and referral services but not 2497
child day-care. 2498

(N) "Child day-care resource and referral services" means all	2499
of the following services:	2500
(1) Maintenance of a uniform data base of all child day-care	2501
providers in the community that are in compliance with this	2502
chapter, including current occupancy and vacancy data;	2503
(2) Provision of individualized consumer education to	2504
families seeking child day-care;	2505
(3) Provision of timely referrals of available child day-care	2506
providers to families seeking child day-care;	2507
(4) Recruitment of child day-care providers;	2508
(5) Assistance in the development, conduct, and dissemination	2509
of training for child day-care providers and provision of	2510
technical assistance to current and potential child day-care	2511
providers, employers, and the community;	2512
(6) Collection and analysis of data on the supply of and	2513
demand for child day-care in the community;	2514
(7) Technical assistance concerning locally, state, and	2515
federally funded child day-care and early childhood education	2516
programs;	2517
(8) Stimulation of employer involvement in making child	2518
day-care more affordable, more available, safer, and of higher	2519
quality for their employees and for the community;	2520
(9) Provision of written educational materials to caretaker	2521
parents and informational resources to child day-care providers;	2522
(10) Coordination of services among child day-care resource	2523
and referral service organizations to assist in developing and	2524
maintaining a statewide system of child day-care resource and	2525
referral services if required by the department of job and family	2526
services;	2527

(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child day-care centers and parent cooperative type A family day-care homes.

(O) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.

(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child day-care or publicly funded child day-care for children on a temporary, irregular basis.

(Q) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;

(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.

(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.

(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(T) "Head start program" means a comprehensive child development program that receives funds distributed under the

"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 2558
amended, or under section 3301.31 of the Revised Code. 2559

(U) "Income" means gross income, as defined in section 2560
5107.10 of the Revised Code, less any amounts required by federal 2561
statutes or regulations to be disregarded. 2562

(V) "Indicator checklist" means an inspection tool, used in 2563
conjunction with an instrument-based program monitoring 2564
information system, that contains selected licensing requirements 2565
that are statistically reliable indicators or predictors of a 2566
child day-care center or type A family day-care home's compliance 2567
with licensing requirements. 2568

(W) "Infant" means a child who is less than eighteen months 2569
of age. 2570

(X) "In-home aide" means a person certified by a county 2571
director of job and family services pursuant to section 5104.12 of 2572
the Revised Code to provide publicly funded child day-care to a 2573
child in a child's own home pursuant to this chapter and any rules 2574
adopted under it. 2575

(Y) "Instrument-based program monitoring information system" 2576
means a method to assess compliance with licensing requirements 2577
for child day-care centers and type A family day-care homes in 2578
which each licensing requirement is assigned a weight indicative 2579
of the relative importance of the requirement to the health, 2580
growth, and safety of the children that is used to develop an 2581
indicator checklist. 2582

(Z) "License capacity" means the maximum number in each age 2583
category of children who may be cared for in a child day-care 2584
center or type A family day-care home at one time as determined by 2585
the director of job and family services considering building 2586
occupancy limits established by the department of commerce, number 2587
of available child-care staff members, amount of available indoor 2588

floor space and outdoor play space, and amount of available play equipment, materials, and supplies. 2589
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(AA) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code. 2591
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(BB) "Licensee" means the owner of a child day-care center or type A family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter. 2596
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(CC) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp. 2600
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(DD) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity. 2602
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(EE) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation. 2604
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(FF) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child day-care or 2617
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publicly funded child day-care for no more than four hours a day 2620
for any child. 2621

(GG) "Place of worship" means a building where activities of 2622
an organized religious group are conducted and includes the 2623
grounds and any other buildings on the grounds used for such 2624
activities. 2625

(HH) "Preschool child" means a child who is three years old 2626
or older but is not a school child. 2627

(II) "Protective day-care" means publicly funded child 2628
day-care for the direct care and protection of a child to whom 2629
either of the following applies: 2630

(1) A case plan prepared and maintained for the child 2631
pursuant to section 2151.412 of the Revised Code indicates a need 2632
for protective day-care and the child resides with a parent, 2633
stepparent, guardian, or another person who stands in loco 2634
parentis as defined in rules adopted under section 5104.38 of the 2635
Revised Code; 2636

(2) The child and the child's caretaker either temporarily 2637
reside in a facility providing emergency shelter for homeless 2638
families or are determined by the county department of job and 2639
family services to be homeless, and are otherwise ineligible for 2640
publicly funded child day-care. 2641

(JJ) "Publicly funded child day-care" means administering to 2642
the needs of infants, toddlers, preschool children, and school 2643
children under age thirteen during any part of the 2644
twenty-four-hour day by persons other than their caretaker parents 2645
for remuneration wholly or in part with federal or state funds, 2646
including child care block grant act funds, distributed by the 2647
department of job and family services. 2648

(KK) "Religious activities" means any of the following: 2649
worship or other religious services; religious instruction; Sunday 2650

school classes or other religious classes conducted during or 2651
prior to worship or other religious services; youth or adult 2652
fellowship activities; choir or other musical group practices or 2653
programs; meals; festivals; or meetings conducted by an organized 2654
religious group. 2655

(LL) "School child" means a child who is enrolled in or is 2656
eligible to be enrolled in a grade of kindergarten or above but is 2657
less than fifteen years old. 2658

(MM) "School child day-care center," "school child center," 2659
"school child type A family day-care home," and "school child type 2660
A family home" mean a center or type A home that provides child 2661
day-care for school children only and that does either or both of 2662
the following: 2663

(1) Operates only during that part of the day that 2664
immediately precedes or follows the public school day of the 2665
school district in which the center or type A home is located; 2666

(2) Operates only when the public schools in the school 2667
district in which the center or type A home is located are not 2668
open for instruction with pupils in attendance. 2669

(NN) "Special needs day-care" means publicly funded child 2670
day-care that is provided for a child who is physically or 2671
developmentally handicapped, mentally retarded, or mentally ill. 2672

(OO) "State median income" means the state median income 2673
calculated by the department of development pursuant to division 2674
(A)(1)(g) of section 5709.61 of the Revised Code. 2675

(PP) "Toddler" means a child who is at least eighteen months 2676
of age but less than three years of age. 2677

(QQ) "Type A family day-care home" and "type A home" mean a 2678
permanent residence of the administrator in which child day-care 2679
or publicly funded child day-care is provided for seven to twelve 2680

children at one time or a permanent residence of the administrator 2681
in which child day-care is provided for four to twelve children at 2682
one time if four or more children at one time are under two years 2683
of age. In counting children for the purposes of this division, 2684
any children under six years of age who are related to a licensee, 2685
administrator, or employee and who are on the premises of the type 2686
A home shall be counted. "Type A family day-care home" does not 2687
include a residence in which the needs of children are 2688
administered to, if all of the children whose needs are being 2689
administered to are siblings of the same immediate family and the 2690
residence is the home of the siblings. "Type A family day-care 2691
home" and "type A home" do not include any child day camp. 2692

(RR) "Type B family day-care home" and "type B home" mean a 2693
permanent residence of the provider in which child day-care is 2694
provided for one to six children at one time and in which no more 2695
than three children are under two years of age at one time. In 2696
counting children for the purposes of this division, any children 2697
under six years of age who are related to the provider and who are 2698
on the premises of the type B home shall be counted. "Type B 2699
family day-care home" does not include a residence in which the 2700
needs of children are administered to, if all of the children 2701
whose needs are being administered to are siblings of the same 2702
immediate family and the residence is the home of the siblings. 2703
"Type B family day-care home" and "type B home" do not include any 2704
child day camp. 2705

Sec. 5107.62. County departments of job and family services 2706
shall establish and administer developmental activities for minor 2707
heads of households and adults participating in Ohio works first. 2708
In establishing developmental activities, county departments are 2709
not limited by the restrictions that Title IV-A imposes on work 2710
activities. Developmental activities may be identical or similar 2711
to, or different from, work activities and alternative work 2712

activities. 2713

In accordance with a federal waiver granted by the United 2714
States secretary of health and human services pursuant to a 2715
request made under former section 5101.09 of the Revised Code, a 2716
county department may establish and administer a developmental 2717
activity under which a minor head of household or adult attends a 2718
school, special education program, or adult high school 2719
continuation program that conforms to the minimum standards 2720
~~prescribed~~ formulated by the state board of education or 2721
instructional courses designed to prepare the minor head of 2722
household or adult to earn a high school equivalence diploma. 2723
Pursuant to the waiver, a minor head of household or adult 2724
assigned to this developmental activity is required to earn a high 2725
school diploma, adult education diploma, or high school 2726
equivalence diploma not later than two years after the date the 2727
minor head of household or adult is placed in the activity. 2728

Section 2. That existing sections 2901.01, 2903.13, 2907.03, 2729
2907.08, 2917.31, 2923.122, 2925.01, 3301.07, 3301.071, 3301.0722, 2730
3301.16, 3313.671, 3313.94, 3319.22, 3319.32, 3327.01, 3332.02, 2731
3333.21, 3333.37, 3365.01, 3781.11, 4117.10, 4732.15, 4732.22, 2732
4743.03, 4757.41, 5104.01, and 5107.62 of the Revised Code are 2733
hereby repealed. 2734

Section 3. That the versions of sections 2923.122 and 2925.01 2735
of the Revised Code that are scheduled to take effect on January 2736
1, 2004, be amended to read as follows: 2737

Sec. 2923.122. (A) No person shall knowingly convey, or 2738
attempt to convey, a deadly weapon or dangerous ordnance into a 2739
school safety zone. 2740

(B) No person shall knowingly possess a deadly weapon or 2741

dangerous ordnance in a school safety zone. 2742

(C) No person shall knowingly possess an object in a school 2743
safety zone if both of the following apply: 2744

(1) The object is indistinguishable from a firearm, whether 2745
or not the object is capable of being fired. 2746

(2) The person indicates that the person possesses the object 2747
and that it is a firearm, or the person knowingly displays or 2748
brandishes the object and indicates that it is a firearm. 2749

(D) This section does not apply to officers, agents, or 2750
employees of this or any other state or the United States, or to 2751
law enforcement officers, authorized to carry deadly weapons or 2752
dangerous ordnance and acting within the scope of their duties, to 2753
any security officer employed by a board of education or governing 2754
body of a school during the time that the security officer is on 2755
duty pursuant to that contract of employment, or to any other 2756
person who has written authorization from the board of education 2757
or governing body of a school to convey deadly weapons or 2758
dangerous ordnance into a school safety zone or to possess a 2759
deadly weapon or dangerous ordnance in a school safety zone and 2760
who conveys or possesses the deadly weapon or dangerous ordnance 2761
in accordance with that authorization. 2762

Division (C) of this section does not apply to premises upon 2763
which home schooling is conducted. Division (C) of this section 2764
also does not apply to a school administrator, teacher, or 2765
employee who possesses an object that is indistinguishable from a 2766
firearm for legitimate school purposes during the course of 2767
employment, a student who uses an object that is indistinguishable 2768
from a firearm under the direction of a school administrator, 2769
teacher, or employee, or any other person who with the express 2770
prior approval of a school administrator possesses an object that 2771
is indistinguishable from a firearm for a legitimate purpose, 2772

including the use of the object in a ceremonial activity, a play, 2773
reenactment, or other dramatic presentation, or a ROTC activity or 2774
another similar use of the object. 2775

(E)(1) Whoever violates division (A) or (B) of this section 2776
is guilty of illegal conveyance or possession of a deadly weapon 2777
or dangerous ordnance in a school safety zone. Except as otherwise 2778
provided in this division, illegal conveyance or possession of a 2779
deadly weapon or dangerous ordnance in a school safety zone is a 2780
felony of the fifth degree. If the offender previously has been 2781
convicted of a violation of this section, illegal conveyance or 2782
possession of a deadly weapon or dangerous ordnance in a school 2783
safety zone is a felony of the fourth degree. 2784

(2) Whoever violates division (C) of this section is guilty 2785
of illegal possession of an object indistinguishable from a 2786
firearm in a school safety zone. Except as otherwise provided in 2787
this division, illegal possession of an object indistinguishable 2788
from a firearm in a school safety zone is a misdemeanor of the 2789
first degree. If the offender previously has been convicted of a 2790
violation of this section, illegal possession of an object 2791
indistinguishable from a firearm in a school safety zone is a 2792
felony of the fifth degree. 2793

(F)(1) In addition to any other penalty imposed upon a person 2794
who is convicted of or pleads guilty to a violation of this 2795
section and subject to division (F)(2) of this section, if the 2796
offender has not attained nineteen years of age, regardless of 2797
whether the offender is attending or is enrolled in a school 2798
operated by a board of education or for which the state board of 2799
education ~~prescribes~~ formulates minimum standards under section 2800
3301.07 of the Revised Code, the court shall impose upon the 2801
offender a class four suspension of the offender's probationary 2802
driver's license, restricted license, driver's license, commercial 2803
driver's license, temporary instruction permit, or probationary 2804

commercial driver's license that then is in effect from the range 2805
specified in division (A)(4) of section 4510.02 of the Revised 2806
Code and shall deny the offender the issuance of any permit or 2807
license of that type during the period of the suspension. 2808

If the offender is not a resident of this state, the court 2809
shall impose a class four suspension of the nonresident operating 2810
privilege of the offender from the range specified in division 2811
(A)(4) of section 4510.02 of the Revised Code. 2812

(2) If the offender shows good cause why the court should not 2813
suspend one of the types of licenses, permits, or privileges 2814
specified in division (F)(1) of this section or deny the issuance 2815
of one of the temporary instruction permits specified in that 2816
division, the court in its discretion may choose not to impose the 2817
suspension, revocation, or denial required in that division. 2818

(G) As used in this section, "object that is 2819
indistinguishable from a firearm" means an object made, 2820
constructed, or altered so that, to a reasonable person without 2821
specialized training in firearms, the object appears to be a 2822
firearm. 2823

Sec. 2925.01. As used in this chapter: 2824

(A) "Administer," "controlled substance," "dispense," 2825
"distribute," "hypodermic," "manufacturer," "official written 2826
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 2827
"schedule II," "schedule III," "schedule IV," "schedule V," and 2828
"wholesaler" have the same meanings as in section 3719.01 of the 2829
Revised Code. 2830

(B) "Drug dependent person" and "drug of abuse" have the same 2831
meanings as in section 3719.011 of the Revised Code. 2832

(C) "Drug," "dangerous drug," "licensed health professional 2833
authorized to prescribe drugs," and "prescription" have the same 2834

meanings as in section 4729.01 of the Revised Code. 2835

(D) "Bulk amount" of a controlled substance means any of the 2836
following: 2837

(1) For any compound, mixture, preparation, or substance 2838
included in schedule I, schedule II, or schedule III, with the 2839
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 2840
except as provided in division (D)(2) or (5) of this section, 2841
whichever of the following is applicable: 2842

(a) An amount equal to or exceeding ten grams or twenty-five 2843
unit doses of a compound, mixture, preparation, or substance that 2844
is or contains any amount of a schedule I opiate or opium 2845
derivative; 2846

(b) An amount equal to or exceeding ten grams of a compound, 2847
mixture, preparation, or substance that is or contains any amount 2848
of raw or gum opium; 2849

(c) An amount equal to or exceeding thirty grams or ten unit 2850
doses of a compound, mixture, preparation, or substance that is or 2851
contains any amount of a schedule I hallucinogen other than 2852
tetrahydrocannabinol or lysergic acid amide, or a schedule I 2853
stimulant or depressant; 2854

(d) An amount equal to or exceeding twenty grams or five 2855
times the maximum daily dose in the usual dose range specified in 2856
a standard pharmaceutical reference manual of a compound, mixture, 2857
preparation, or substance that is or contains any amount of a 2858
schedule II opiate or opium derivative; 2859

(e) An amount equal to or exceeding five grams or ten unit 2860
doses of a compound, mixture, preparation, or substance that is or 2861
contains any amount of phencyclidine; 2862

(f) An amount equal to or exceeding one hundred twenty grams 2863
or thirty times the maximum daily dose in the usual dose range 2864

specified in a standard pharmaceutical reference manual of a 2865
compound, mixture, preparation, or substance that is or contains 2866
any amount of a schedule II stimulant that is in a final dosage 2867
form manufactured by a person authorized by the "Federal Food, 2868
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 2869
amended, and the federal drug abuse control laws, as defined in 2870
section 3719.01 of the Revised Code, that is or contains any 2871
amount of a schedule II depressant substance or a schedule II 2872
hallucinogenic substance; 2873

(g) An amount equal to or exceeding three grams of a 2874
compound, mixture, preparation, or substance that is or contains 2875
any amount of a schedule II stimulant, or any of its salts or 2876
isomers, that is not in a final dosage form manufactured by a 2877
person authorized by the Federal Food, Drug, and Cosmetic Act and 2878
the federal drug abuse control laws. 2879

(2) An amount equal to or exceeding one hundred twenty grams 2880
or thirty times the maximum daily dose in the usual dose range 2881
specified in a standard pharmaceutical reference manual of a 2882
compound, mixture, preparation, or substance that is or contains 2883
any amount of a schedule III or IV substance other than an 2884
anabolic steroid or a schedule III opiate or opium derivative; 2885

(3) An amount equal to or exceeding twenty grams or five 2886
times the maximum daily dose in the usual dose range specified in 2887
a standard pharmaceutical reference manual of a compound, mixture, 2888
preparation, or substance that is or contains any amount of a 2889
schedule III opiate or opium derivative; 2890

(4) An amount equal to or exceeding two hundred fifty 2891
milliliters or two hundred fifty grams of a compound, mixture, 2892
preparation, or substance that is or contains any amount of a 2893
schedule V substance; 2894

(5) An amount equal to or exceeding two hundred solid dosage 2895

units, sixteen grams, or sixteen milliliters of a compound, 2896
mixture, preparation, or substance that is or contains any amount 2897
of a schedule III anabolic steroid. 2898

(E) "Unit dose" means an amount or unit of a compound, 2899
mixture, or preparation containing a controlled substance that is 2900
separately identifiable and in a form that indicates that it is 2901
the amount or unit by which the controlled substance is separately 2902
administered to or taken by an individual. 2903

(F) "Cultivate" includes planting, watering, fertilizing, or 2904
tilling. 2905

(G) "Drug abuse offense" means any of the following: 2906

(1) A violation of division (A) of section 2913.02 that 2907
constitutes theft of drugs, or a violation of section 2925.02, 2908
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2909
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2910
2925.37 of the Revised Code; 2911

(2) A violation of an existing or former law of this or any 2912
other state or of the United States that is substantially 2913
equivalent to any section listed in division (G)(1) of this 2914
section; 2915

(3) An offense under an existing or former law of this or any 2916
other state, or of the United States, of which planting, 2917
cultivating, harvesting, processing, making, manufacturing, 2918
producing, shipping, transporting, delivering, acquiring, 2919
possessing, storing, distributing, dispensing, selling, inducing 2920
another to use, administering to another, using, or otherwise 2921
dealing with a controlled substance is an element; 2922

(4) A conspiracy to commit, attempt to commit, or complicity 2923
in committing or attempting to commit any offense under division 2924
(G)(1), (2), or (3) of this section. 2925

(H) "Felony drug abuse offense" means any drug abuse offense	2926
that would constitute a felony under the laws of this state, any	2927
other state, or the United States.	2928
(I) "Harmful intoxicant" does not include beer or	2929
intoxicating liquor but means any of the following:	2930
(1) Any compound, mixture, preparation, or substance the gas,	2931
fumes, or vapor of which when inhaled can induce intoxication,	2932
excitement, giddiness, irrational behavior, depression,	2933
stupefaction, paralysis, unconsciousness, asphyxiation, or other	2934
harmful physiological effects, and includes, but is not limited	2935
to, any of the following:	2936
(a) Any volatile organic solvent, plastic cement, model	2937
cement, fingernail polish remover, lacquer thinner, cleaning	2938
fluid, gasoline, or other preparation containing a volatile	2939
organic solvent;	2940
(b) Any aerosol propellant;	2941
(c) Any fluorocarbon refrigerant;	2942
(d) Any anesthetic gas.	2943
(2) Gamma Butyrolactone;	2944
(3) 1,4 Butanediol.	2945
(J) "Manufacture" means to plant, cultivate, harvest,	2946
process, make, prepare, or otherwise engage in any part of the	2947
production of a drug, by propagation, extraction, chemical	2948
synthesis, or compounding, or any combination of the same, and	2949
includes packaging, repackaging, labeling, and other activities	2950
incident to production.	2951
(K) "Possess" or "possession" means having control over a	2952
thing or substance, but may not be inferred solely from mere	2953
access to the thing or substance through ownership or occupation	2954
of the premises upon which the thing or substance is found.	2955

(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of any of the following reference works:

(1) "The National Formulary";

(2) "The United States Pharmacopeia," prepared by authority of the United States Pharmacopeial Convention, Inc.;

(3) Other standard references that are approved by the state board of pharmacy.

(N) "Juvenile" means a person under eighteen years of age.

(O) "Counterfeit controlled substance" means any of the following:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance

because of its similarity in shape, size, and color, or its 2986
markings, labeling, packaging, distribution, or the price for 2987
which it is sold or offered for sale. 2988

(P) An offense is "committed in the vicinity of a school" if 2989
the offender commits the offense on school premises, in a school 2990
building, or within one thousand feet of the boundaries of any 2991
school premises. 2992

(Q) "School" means any school operated by a board of 2993
education, any community school established under Chapter 3314. of 2994
the Revised Code, or any nonpublic school for which the state 2995
board of education ~~prescribes~~ formulates minimum standards under 2996
section 3301.07 of the Revised Code, whether or not any 2997
instruction, extracurricular activities, or training provided by 2998
the school is being conducted at the time a criminal offense is 2999
committed. 3000

(R) "School premises" means either of the following: 3001

(1) The parcel of real property on which any school is 3002
situated, whether or not any instruction, extracurricular 3003
activities, or training provided by the school is being conducted 3004
on the premises at the time a criminal offense is committed; 3005

(2) Any other parcel of real property that is owned or leased 3006
by a board of education of a school, the governing authority of a 3007
community school established under Chapter 3314. of the Revised 3008
Code, or the governing body of a nonpublic school for which the 3009
state board of education ~~prescribes~~ formulates minimum standards 3010
under section 3301.07 of the Revised Code and on which some of the 3011
instruction, extracurricular activities, or training of the school 3012
is conducted, whether or not any instruction, extracurricular 3013
activities, or training provided by the school is being conducted 3014
on the parcel of real property at the time a criminal offense is 3015
committed. 3016

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.

(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar association or of one or more local bar associations of the state of Ohio that complies with the criteria set forth in Rule V, section 6 of the Rules for the Government of the Bar of Ohio.

(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in divisions (W)(1) to (36) of this section and that qualifies a person as a professionally licensed person.

(W) "Professionally licensed person" means any of the following:

(1) A person who has obtained a license as a manufacturer of controlled substances or a wholesaler of controlled substances under Chapter 3719. of the Revised Code;

(2) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;

(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	3047 3048 3049
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	3050 3051 3052
(5) A person licensed as an auctioneer or apprentice auctioneer or licensed to operate an auction company under Chapter 4707. of the Revised Code;	3053 3054 3055
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	3056 3057 3058
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	3059 3060 3061
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, managing cosmetologist's license, managing hair designer's license, managing manicurist's license, managing esthetician's license, managing natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	3062 3063 3064 3065 3066 3067 3068 3069 3070 3071
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	3072 3073 3074 3075 3076

(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	3077 3078 3079 3080
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	3081 3082 3083 3084
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	3085 3086 3087
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	3088 3089
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	3090 3091
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	3092 3093 3094 3095
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	3096 3097
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	3098 3099 3100 3101
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	3102 3103
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	3104 3105
(20) A person who has been issued a license to practice	3106

chiropractic under Chapter 4734. of the Revised Code;	3107
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	3108 3109
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	3110 3111
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	3112 3113
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	3114 3115
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	3116 3117
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	3118 3119 3120 3121
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	3122 3123 3124
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	3125 3126 3127
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	3128 3129 3130
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	3131 3132 3133
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	3134 3135

(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	3136 3137 3138 3139
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	3140 3141
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	3142 3143 3144
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	3145 3146
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	3147 3148 3149
(X) "Cocaine" means any of the following:	3150
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	3151 3152
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	3153 3154 3155 3156
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	3157 3158 3159 3160 3161 3162
(Y) "L.S.D." means lysergic acid diethylamide.	3163
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid	3164 3165

concentrate, liquid extract, or liquid distillate form. 3166

(AA) "Marihuana" has the same meaning as in section 3719.01 3167
of the Revised Code, except that it does not include hashish. 3168

(BB) An offense is "committed in the vicinity of a juvenile" 3169
if the offender commits the offense within one hundred feet of a 3170
juvenile or within the view of a juvenile, regardless of whether 3171
the offender knows the age of the juvenile, whether the offender 3172
knows the offense is being committed within one hundred feet of or 3173
within view of the juvenile, or whether the juvenile actually 3174
views the commission of the offense. 3175

(CC) "Presumption for a prison term" or "presumption that a 3176
prison term shall be imposed" means a presumption, as described in 3177
division (D) of section 2929.13 of the Revised Code, that a prison 3178
term is a necessary sanction for a felony in order to comply with 3179
the purposes and principles of sentencing under section 2929.11 of 3180
the Revised Code. 3181

(DD) "Major drug offender" has the same meaning as in section 3182
2929.01 of the Revised Code. 3183

(EE) "Minor drug possession offense" means either of the 3184
following: 3185

(1) A violation of section 2925.11 of the Revised Code as it 3186
existed prior to July 1, 1996; 3187

(2) A violation of section 2925.11 of the Revised Code as it 3188
exists on and after July 1, 1996, that is a misdemeanor or a 3189
felony of the fifth degree. 3190

(FF) "Mandatory prison term" has the same meaning as in 3191
section 2929.01 of the Revised Code. 3192

(GG) "Crack cocaine" means a compound, mixture, preparation, 3193
or substance that is or contains any amount of cocaine that is 3194
analytically identified as the base form of cocaine or that is in 3195

a form that resembles rocks or pebbles generally intended for individual use. 3196
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(HH) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code. 3198
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(II) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort. 3200
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Section 4. That the existing versions of sections 2923.122 and 2925.01 of the Revised Code that are scheduled to take effect on January 1, 2004, are hereby repealed. 3203
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Section 5. Sections 3 and 4 of this act take effect January 1, 2004. 3206
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Section 6. Section 2901.01 of the Revised Code is presented in this act as a composite of the section as amended by Sub. H.B. 364, Sub. H.B. 545, and H.B. 675 of the 124th General Assembly. Section 2907.08 of the Revised Code is presented in this act as a composite of the section as amended by Sub. H.B. 332, Sub. H.B. 448, and Sub. H.B. 504 of the 123rd General Assembly. Section 2925.01 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 364 and Am. Sub. H.B. 415 of the 124th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act. 3208
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Section 7. Section 2925.01 of the Revised Code is presented in Section 3 of this act as a composite of the section as amended by both Sub. H.B. 364 and Am. Sub. H.B. 415 of the 124th General 3222
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Assembly. The General Assembly, applying the principle stated in	3225
division (B) of section 1.52 of the Revised Code that amendments	3226
are to be harmonized if reasonably capable of simultaneous	3227
operation, finds that the composite is the resulting version of	3228
the section in effect prior to the effective date of the section	3229
as presented in Section 3 of this act.	3230