

As Reported by the House Health Committee

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**Representatives Raga, Kearns, DeWine, Flowers, Wagoner, Calvert,
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Schneider, Webster**

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A B I L L

To amend sections 3707.26 and 4736.01 and to enact 1
sections 117.102, 3313.473, 3314.12, and 3701.93 2
to 3701.98 of the Revised Code with respect to 3
inspections of public and nonpublic school 4
buildings by boards of health, to require the 5
Director of Health to establish the School Health 6
and Safety Network to coordinate school 7
inspections, and to include Safety and Sanitary 8
inspection rules within the practice of 9
environmental health for registered sanitarians. 10

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

Section 1. That sections 3707.26 and 4736.01 be amended and 11
sections 117.102, 3313.473, 3314.12, 3701.93, 3701.94, 3701.95, 12
3701.96, 3701.97, and 3701.98 of the Revised Code be enacted to 13
read as follows: 14

Sec. 117.102. The auditor of state shall review the report of 15
each school health and safety network inspection of a public 16
school building and associated grounds submitted to the auditor of 17

state under section 3701.95 of the Revised Code. The auditor of
state may include references to any of the recommendations
contained in the inspection report, as determined appropriate by
the auditor of state, in any audit report of the school district,
educational service center, or community school controlling the
inspected building and grounds.

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As used in this section, "public school" has the same meaning
as in section 3701.93 of the Revised Code.

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Sec. 3313.473. (A) The principal or chief administrator of
each public and nonpublic school shall cooperate with the
appropriate board of health in the conduct of any school health
and safety network inspections under section 3701.94 of the
Revised Code by providing access to the premises at any time
during operation for inspections and by providing any records or
other information the board of health considers necessary.

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(B) The board of education of each school district, the
governing board of each educational service center that controls a
public school, and the chief administrator of each nonpublic
school for which an inspection report is submitted by the board of
health under section 3701.95 of the Revised Code shall develop and
submit to the board, in accordance with section 3701.96 of the
Revised Code, a plan for abatement of conditions at that school
determined to be hazardous to occupants.

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(C) As used in this section, "public school" and "nonpublic
school" have the same meanings as in section 3701.93 of the
Revised Code.

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Sec. 3314.12. (A) The principal or chief administrator of
each community school shall cooperate with the appropriate board
of health in the conduct of any school health and safety network
inspections under section 3701.94 of the Revised Code by providing

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access to the premises at any time during operation for 48
inspections and by providing any records or other information the 49
board of health considers necessary. 50

(B) The governing authority of each community school for 51
which an inspection report is submitted by the board of health 52
under section 3701.95 of the Revised Code shall develop and submit 53
to the board, in accordance with section 3701.96 of the Revised 54
Code, a plan for abatement of conditions at the school determined 55
to be hazardous to occupants. 56

Sec. 3701.93. As used in sections 3701.93 to 3701.98 of the 57
Revised Code: 58

(A) "Board of health" has the same meaning as in section 59
3717.01 of the Revised Code. 60

(B) "Nonpublic school" means a chartered nonpublic school 61
that meets the minimum education standards prescribed by the state 62
board of education under section 3301.07 of the Revised Code. 63
"Nonpublic school" includes facilities used for child care 64
programs for preschool children operated by the school. 65

(C) "Public school" means either of the following: 66

(1) A school operated by any school district, educational 67
service center, or county board of mental retardation and 68
developmental disabilities, including facilities used for child 69
care programs for preschool children operated by the district, 70
center, or board of mental retardation and developmental 71
disabilities; 72

(2) A community school established under Chapter 3314. of the 73
Revised Code, including a facility operated by an internet- or 74
computer-based community school, as defined in section 3314.02 of 75
the Revised Code, that is used as a classroom or laboratory for 76

one or more students. "Public school" does not mean the residence
of a student enrolled in an internet- or computer-based community
school.

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Sec. 3701.94. The director of health shall establish the
school health and safety network, under which each board of
health, in addition to or in concert with inspections conducted
under section 3707.03 or 3707.26 of the Revised Code, shall
inspect each public and nonpublic school building and associated
grounds within its jurisdiction at least once each year to
identify conditions dangerous to public health and safety present
in or on the building or grounds. Inspections shall be conducted
during regular school hours.

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An inspector shall conduct inspections using forms,
templates, and checklists developed by the director or other forms
approved by the director.

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The director, with the cooperation of each board of health,
shall coordinate inspections, in a manner determined appropriate
by the director, to avoid duplication of authority over a school
by multiple boards of health and to ensure that each school is
inspected in accordance with sections 3701.93 to 3701.98 of the
Revised Code.

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Sec. 3701.95. (A) Each board of health shall report the
findings from the inspection of each public and nonpublic school
building and associated grounds conducted under section 3701.94 of
the Revised Code to all of the following:

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(1) The principal or chief administrator of the building;

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(2) The administrator responsible for facility operations and
maintenance of the school district, educational service center, or
community school controlling the inspected building and grounds;

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(3) In the case of a school operated by a school district or educational service center, the superintendent of that district or service center; 106
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(4) The auditor of state. 109

(B) Each report shall include recommendations for changes that the board of health determines may be needed to abate conditions that are hazardous to occupants. The report shall include recommendations made pursuant to an inspection conducted under section 3707.26 of the Revised Code. 110
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(C) The report is a public record under section 149.43 of the Revised Code. 115
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Sec. 3701.96. The board of education of each school district, the governing board of each educational service center, the governing authority of each community school, and the chief administrator of each nonpublic school shall submit to the board of health, by a deadline and in a manner established by the director of health, a written plan for abatement of the conditions determined to be hazardous to occupants, as described in the report submitted under section 3701.95 of the Revised Code. The plan shall include a schedule for completion of the abatement. 117
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The board of health shall determine compliance with the written plan for abatement. On completion of any plan for abatement, the board of health shall submit a supplemental report to all parties specified in division (A) of section 3701.95 of the Revised Code. 126
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The plan submitted under this section is a public record under section 149.43 of the Revised Code. 131
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Sec. 3701.97. In consultation with the association of Ohio health commissioners, the Ohio environmental health association, 133
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the Ohio school boards association, and the Ohio education 135
association, the director of health shall adopt rules in 136
accordance with Chapter 119. of the Revised Code establishing 137
minimum standards for inspection procedures for purposes of the 138
school health and safety network under sections 3701.93 to 3701.98 139
of the Revised Code. 140

The director also shall develop information specifying 141
dangerous conditions and dangerous products, including products 142
recalled by the manufacturer, that may be present in school 143
buildings and associated grounds. In developing that information, 144
the director may use information developed by other sources, 145
including other state and federal agencies. The director shall 146
distribute the information developed under this section on a 147
quarterly basis to boards of health through electronic mail. The 148
information shall also be made available on the department's 149
internet web site. 150

Sec. 3701.98. Nothing in sections 3701.93 to 3701.97 of the 151
Revised Code shall be construed to diminish the authority of a 152
board of health to issue orders or take other actions under 153
section 3707.03 or 3707.26 of the Revised Code. 154

Sec. 3707.26. ~~Semiannually, and oftener~~ (A) Annually, and 155
more often, if in its judgment necessary, the board of health of a 156
city or general health district shall inspect the sanitary 157
condition of all schools and school buildings within its 158
jurisdiction, and may disinfect any school building. During an 159
epidemic or threatened epidemic, ~~or~~ when a dangerous communicable 160
disease is unusually prevalent, or for any other imminent public 161
health threat as determined by the board, the board may close any 162
school and prohibit public gatherings for such time as is 163
necessary. 164

(B) In consultation with the association of Ohio health commissioners, the Ohio environmental health association, the Ohio school boards association, and the Ohio education association, the director of health shall adopt rules in accordance with Chapter 119. of the Revised Code establishing minimum standards for inspections conducted under this section. The rules shall be adopted not later than eighteen months after the effective date of this amendment.

Sec. 4736.01. As used in this chapter: 173

(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control. 181

(B) "Sanitarian" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science. 185

(C) "Registered sanitarian" means a person who is registered as a sanitarian in accordance with this chapter. 187

(D) "Sanitarian-in-training" means a person who is registered as a sanitarian-in-training in accordance with this chapter. 189

(E) "Practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, a general health district, the environmental protection agency, the department of health, or the department of agriculture requiring specialized knowledge, 194

training, and experience in the field of environmental health	195
science, with the primary purpose of improving or conducting	196
administration or enforcement under any of the following:	197
(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or	198
3733. of the Revised Code;	199
(2) Chapter 3734. of the Revised Code as it pertains to solid	200
waste;	201
(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections	202
3707.38 to 3707.99, or section 3715.21 of the Revised Code;	203
(4) Rules adopted under section 3701.34 of the Revised Code	204
pertaining to rabies control or swimming pools;	205
<u>(5) Rules for school health and safety network inspections</u>	206
<u>adopted under section 3701.97 of the Revised Code and for sanitary</u>	207
<u>inspection adopted under section 3707.26 of the Revised Code.</u>	208
"Practice of environmental health" does not include sampling,	209
testing, controlling of vectors, reporting of observations, or	210
other duties that do not require application of specialized	211
knowledge and skills in environmental health science performed	212
under the supervision of a registered sanitarian.	213
The state board of sanitarian registration may further define	214
environmental health science in relation to specific functions in	215
the practice of environmental health through rules adopted by the	216
board under Chapter 119. of the Revised Code.	217
Section 2. That existing sections 3707.26 and 4736.01 of the	218
Revised Code are hereby repealed.	219
Section 3. In establishing and operating the School Health	220
and Safety Network under sections 3701.93 to 3701.98 of the	221
Revised Code, the Director of Health and each board of health, as	222
defined in section 3701.93 of the Revised Code, to the greatest	223

extent possible shall use staff positions already within their 224
respective organizations on the effective date of this section. 225