

**As Introduced**

**130th General Assembly  
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**H. B. No. 320**

**Representative Young**

**Cosponsors: Representatives Amstutz, Becker, Boose, Brenner, Buchy,  
Burkley, Derickson, Hood, Roegner, Thompson**

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**A B I L L**

To amend sections 2305.234, 2305.2341, 4715.42, 1  
4723.271, 4731.295, and 5747.01 and to enact 2  
sections 5.2290, 4723.26, and 5747.78 of the 3  
Revised Code to create a state income tax 4  
deduction regarding certain health care services 5  
provided at a free clinic; to extend qualified 6  
immunity from civil liability for certain 7  
volunteer health care services provided to 8  
individuals eligible for or receiving Medicaid; to 9  
authorize a person practicing under a volunteer's 10  
certificate to provide health care services to any 11  
person; to create a volunteer's certificate for 12  
retired nurses; and to designate December as "Free 13  
Clinic Appreciation Month." 14

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

**Section 1.** That sections 2305.234, 2305.2341, 4715.42, 15  
4723.271, 4731.295, and 5747.01 be amended and sections 5.2290, 16  
4723.26, and 5747.78 of the Revised Code be enacted to read as 17  
follows: 18

Sec. 5.2290. The month of December is designated as "Free  
Clinic Appreciation Month."

**Sec. 2305.234.** (A) As used in this section:

(1) "Chiropractic claim," "medical claim," and "optometric  
claim" have the same meanings as in section 2305.113 of the  
Revised Code.

(2) "Dental claim" has the same meaning as in section  
2305.113 of the Revised Code, except that it does not include any  
claim arising out of a dental operation or any derivative claim  
for relief that arises out of a dental operation.

(3) "Governmental health care program" has the same meaning  
as in section 4731.65 of the Revised Code.

(4) "Health care facility or location" means a hospital,  
clinic, ambulatory surgical facility, office of a health care  
professional or associated group of health care professionals,  
training institution for health care professionals, or any other  
place where medical, dental, or other health-related diagnosis,  
care, or treatment is provided to a person.

(5) "Health care professional" means any of the following who  
provide medical, dental, or other health-related diagnosis, care,  
or treatment:

(a) Physicians authorized under Chapter 4731. of the Revised  
Code to practice medicine and surgery or osteopathic medicine and  
surgery;

(b) Registered nurses and licensed practical nurses licensed  
under Chapter 4723. of the Revised Code and individuals who hold a  
certificate of authority issued under that chapter that authorizes  
the practice of nursing as a certified registered nurse  
anesthetist, clinical nurse specialist, certified nurse-midwife,

or certified nurse practitioner;	48
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	49 50
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	51 52
(e) Physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants licensed under Chapter 4755. of the Revised Code;	53 54 55
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	56 57
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	58 59
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	60 61
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	62 63
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	64 65
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	66 67 68 69
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	70 71
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	72 73
(n) Professional clinical counselors, professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and	74 75 76

family therapists, licensed under Chapter 4757. of the Revised	77
Code;	78
(o) Psychologists licensed under Chapter 4732. of the Revised	79
Code;	80
(p) Independent chemical dependency counselors, chemical	81
dependency counselors III, chemical dependency counselors II, and	82
chemical dependency counselors I, licensed under Chapter 4758. of	83
the Revised Code.	84
(6) "Health care worker" means a person other than a health	85
care professional who provides medical, dental, or other	86
health-related care or treatment under the direction of a health	87
care professional with the authority to direct that individual's	88
activities, including medical technicians, medical assistants,	89
dental assistants, orderlies, aides, and individuals acting in	90
similar capacities.	91
(7) <u>Except as otherwise provided in division (A)(7) of this</u>	92
<u>section.</u> " <del>Indigent</del> <u>indigent</u> and uninsured person" means a person	93
who meets <del>all</del> <u>both</u> of the following requirements:	94
(a) The person's income is not greater than two hundred per	95
cent of the current poverty line as defined by the United States	96
office of management and budget and revised in accordance with	97
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981,"	98
95 Stat. 511, 42 U.S.C. 9902, as amended.	99
<del>(b) The person is not eligible for the medicaid program or</del>	100
<del>any other governmental health care program.</del>	101
<del>(c)</del> Either of the following applies:	102
(i) The person is not a policyholder, certificate holder,	103
insured, contract holder, subscriber, enrollee, member,	104
beneficiary, or other covered individual under a health insurance	105
or health care policy, contract, or plan.	106

(ii) The person is a policyholder, certificate holder, 107  
insured, contract holder, subscriber, enrollee, member, 108  
beneficiary, or other covered individual under a health insurance 109  
or health care policy, contract, or plan, but the insurer, policy, 110  
contract, or plan denies coverage or is the subject of insolvency 111  
or bankruptcy proceedings in any jurisdiction. 112

"Indigent and uninsured person" includes a person who is 113  
eligible for the medicaid program or is a medicaid recipient, but 114  
does not include a person who is eligible for or is a recipient, 115  
enrollee, or beneficiary of any other governmental health care 116  
program. 117

(8) "Nonprofit health care referral organization" means an 118  
entity that is not operated for profit and refers patients to, or 119  
arranges for the provision of, health-related diagnosis, care, or 120  
treatment by a health care professional or health care worker. 121

(9) "Operation" means any procedure that involves cutting or 122  
otherwise infiltrating human tissue by mechanical means, including 123  
surgery, laser surgery, ionizing radiation, therapeutic 124  
ultrasound, or the removal of intraocular foreign bodies. 125  
"Operation" does not include the administration of medication by 126  
injection, unless the injection is administered in conjunction 127  
with a procedure infiltrating human tissue by mechanical means 128  
other than the administration of medicine by injection. 129  
"Operation" does not include routine dental restorative 130  
procedures, the scaling of teeth, or extractions of teeth that are 131  
not impacted. 132

(10) "Tort action" means a civil action for damages for 133  
injury, death, or loss to person or property other than a civil 134  
action for damages for a breach of contract or another agreement 135  
between persons or government entities. 136

(11) "Volunteer" means an individual who provides any 137

medical, dental, or other health-care related diagnosis, care, or 138  
treatment without the expectation of receiving and without receipt 139  
of any compensation or other form of remuneration from an indigent 140  
and uninsured person, another person on behalf of an indigent and 141  
uninsured person, any health care facility or location, any 142  
nonprofit health care referral organization, or any other person 143  
or government entity. 144

(12) "Community control sanction" has the same meaning as in 145  
section 2929.01 of the Revised Code. 146

(13) "Deep sedation" means a drug-induced depression of 147  
consciousness during which a patient cannot be easily aroused but 148  
responds purposefully following repeated or painful stimulation, a 149  
patient's ability to independently maintain ventilatory function 150  
may be impaired, a patient may require assistance in maintaining a 151  
patent airway and spontaneous ventilation may be inadequate, and 152  
cardiovascular function is usually maintained. 153

(14) "General anesthesia" means a drug-induced loss of 154  
consciousness during which a patient is not arousable, even by 155  
painful stimulation, the ability to independently maintain 156  
ventilatory function is often impaired, a patient often requires 157  
assistance in maintaining a patent airway, positive pressure 158  
ventilation may be required because of depressed spontaneous 159  
ventilation or drug-induced depression of neuromuscular function, 160  
and cardiovascular function may be impaired. 161

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 162  
health care professional who is a volunteer and complies with 163  
division (B)(2) of this section is not liable in damages to any 164  
person or government entity in a tort or other civil action, 165  
including an action on a medical, dental, chiropractic, 166  
optometric, or other health-related claim, for injury, death, or 167  
loss to person or property that allegedly arises from an action or 168  
omission of the volunteer in the provision to an indigent and 169

uninsured person of medical, dental, or other health-related 170  
diagnosis, care, or treatment, including the provision of samples 171  
of medicine and other medical products, unless the action or 172  
omission constitutes willful or wanton misconduct. 173

(2) To qualify for the immunity described in division (B)(1) 174  
of this section, a health care professional shall do all of the 175  
following prior to providing diagnosis, care, or treatment: 176

(a) Determine, in good faith, that the indigent and uninsured 177  
person is mentally capable of giving informed consent to the 178  
provision of the diagnosis, care, or treatment and is not subject 179  
to duress or under undue influence; 180

(b) Inform the person of the provisions of this section, 181  
including notifying the person that, by giving informed consent to 182  
the provision of the diagnosis, care, or treatment, the person 183  
cannot hold the health care professional liable for damages in a 184  
tort or other civil action, including an action on a medical, 185  
dental, chiropractic, optometric, or other health-related claim, 186  
unless the action or omission of the health care professional 187  
constitutes willful or wanton misconduct; 188

(c) Obtain the informed consent of the person and a written 189  
waiver, signed by the person or by another individual on behalf of 190  
and in the presence of the person, that states that the person is 191  
mentally competent to give informed consent and, without being 192  
subject to duress or under undue influence, gives informed consent 193  
to the provision of the diagnosis, care, or treatment subject to 194  
the provisions of this section. A written waiver under division 195  
(B)(2)(c) of this section shall state clearly and in conspicuous 196  
type that the person or other individual who signs the waiver is 197  
signing it with full knowledge that, by giving informed consent to 198  
the provision of the diagnosis, care, or treatment, the person 199  
cannot bring a tort or other civil action, including an action on 200  
a medical, dental, chiropractic, optometric, or other 201

health-related claim, against the health care professional unless 202  
the action or omission of the health care professional constitutes 203  
willful or wanton misconduct. 204

(3) A physician or podiatrist who is not covered by medical 205  
malpractice insurance, but complies with division (B)(2) of this 206  
section, is not required to comply with division (A) of section 207  
4731.143 of the Revised Code. 208

(C) Subject to divisions (F) and (G)(3) of this section, 209  
health care workers who are volunteers are not liable in damages 210  
to any person or government entity in a tort or other civil 211  
action, including an action upon a medical, dental, chiropractic, 212  
optometric, or other health-related claim, for injury, death, or 213  
loss to person or property that allegedly arises from an action or 214  
omission of the health care worker in the provision to an indigent 215  
and uninsured person of medical, dental, or other health-related 216  
diagnosis, care, or treatment, unless the action or omission 217  
constitutes willful or wanton misconduct. 218

(D) Subject to divisions (F) and (G)(3) of this section, a 219  
nonprofit health care referral organization is not liable in 220  
damages to any person or government entity in a tort or other 221  
civil action, including an action on a medical, dental, 222  
chiropractic, optometric, or other health-related claim, for 223  
injury, death, or loss to person or property that allegedly arises 224  
from an action or omission of the nonprofit health care referral 225  
organization in referring indigent and uninsured persons to, or 226  
arranging for the provision of, medical, dental, or other 227  
health-related diagnosis, care, or treatment by a health care 228  
professional described in division (B)(1) of this section or a 229  
health care worker described in division (C) of this section, 230  
unless the action or omission constitutes willful or wanton 231  
misconduct. 232

(E) Subject to divisions (F) and (G)(3) of this section and 233

to the extent that the registration requirements of section 234  
3701.071 of the Revised Code apply, a health care facility or 235  
location associated with a health care professional described in 236  
division (B)(1) of this section, a health care worker described in 237  
division (C) of this section, or a nonprofit health care referral 238  
organization described in division (D) of this section is not 239  
liable in damages to any person or government entity in a tort or 240  
other civil action, including an action on a medical, dental, 241  
chiropractic, optometric, or other health-related claim, for 242  
injury, death, or loss to person or property that allegedly arises 243  
from an action or omission of the health care professional or 244  
worker or nonprofit health care referral organization relative to 245  
the medical, dental, or other health-related diagnosis, care, or 246  
treatment provided to an indigent and uninsured person on behalf 247  
of or at the health care facility or location, unless the action 248  
or omission constitutes willful or wanton misconduct. 249

(F)(1) Except as provided in division (F)(2) of this section, 250  
the immunities provided by divisions (B), (C), (D), and (E) of 251  
this section are not available to a health care professional, 252  
health care worker, nonprofit health care referral organization, 253  
or health care facility or location if, at the time of an alleged 254  
injury, death, or loss to person or property, the health care 255  
professionals or health care workers involved are providing one of 256  
the following: 257

(a) Any medical, dental, or other health-related diagnosis, 258  
care, or treatment pursuant to a community service work order 259  
entered by a court under division (B) of section 2951.02 of the 260  
Revised Code or imposed by a court as a community control 261  
sanction; 262

(b) Performance of an operation to which any one of the 263  
following applies: 264

(i) The operation requires the administration of deep 265

sedation or general anesthesia.	266
(ii) The operation is a procedure that is not typically performed in an office.	267 268
(iii) The individual involved is a health care professional, and the operation is beyond the scope of practice or the education, training, and competence, as applicable, of the health care professional.	269 270 271 272
(c) Delivery of a baby or any other purposeful termination of a human pregnancy.	273 274
(2) Division (F)(1) of this section does not apply when a health care professional or health care worker provides medical, dental, or other health-related diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency.	275 276 277 278 279
(G)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location.	280 281 282 283
(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, dental, or other health-related diagnosis, care, or treatment.	284 285 286 287 288 289 290
(3) This section does not grant an immunity from tort or other civil liability to a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location for actions that are outside the scope of authority of health care professionals or health care workers.	291 292 293 294 295

(4) This section does not affect any legal responsibility of 296  
a health care professional, health care worker, or nonprofit 297  
health care referral organization to comply with any applicable 298  
law of this state or rule of an agency of this state. 299

(5) This section does not affect any legal responsibility of 300  
a health care facility or location to comply with any applicable 301  
law of this state, rule of an agency of this state, or local code, 302  
ordinance, or regulation that pertains to or regulates building, 303  
housing, air pollution, water pollution, sanitation, health, fire, 304  
zoning, or safety. 305

**Sec. 2305.2341.** (A) The medical liability insurance 306  
reimbursement program is hereby established. Free clinics and 307  
federally qualified health center look-alikes, including the 308  
clinics' and centers' staff and volunteer health care 309  
professionals and volunteer health care workers, may participate 310  
in the medical liability insurance reimbursement program 311  
established by this section. The coverage provided under the 312  
program shall be limited to claims that arise out of the 313  
diagnosis, treatment, and care of patients of free clinics and 314  
centers, as defined in division (D) of this section. 315

(B) A free clinic or federally qualified health center 316  
look-alike is eligible to receive reimbursement under the medical 317  
liability insurance reimbursement program for the premiums that 318  
the clinic or center pays for medical liability insurance coverage 319  
for the clinic or center, its staff, and volunteer health care 320  
professionals and health care workers. Free clinics and federally 321  
qualified health center look-alikes shall register with the 322  
department of health by the thirty-first day of January of each 323  
year in order to participate in and to obtain reimbursement under 324  
the program. Clinics that register with the department in 325  
accordance with this division shall receive priority over centers 326

that register for reimbursement. 327

Free clinics and federally qualified health center 328  
look-alikes shall provide all of the following to the department 329  
of health at the time of registration: 330

(1) A statement of the number of volunteer and paid health 331  
care professionals and health care workers providing health care 332  
services at the free clinic or federally qualified health center 333  
look-alike at that time; 334

(2) A statement of the number of health care services 335  
rendered by the free clinic or federally qualified health center 336  
look-alike during the previous fiscal year; 337

(3) A signed form acknowledging that the free clinic or 338  
federally qualified health center look-alike agrees to follow its 339  
medical liability insurer's risk management and loss prevention 340  
policies; 341

(4) A copy of the medical liability insurance policy 342  
purchased by the free clinic or federally qualified health center 343  
look-alike, or the policy's declaration page, and documentation of 344  
the premiums paid by the clinic or center. 345

(C) The department of health shall reimburse free clinics and 346  
federally qualified health center look-alikes participating in the 347  
professional liability insurance reimbursement program for up to 348  
eighty per cent of the premiums that the clinic or center pays for 349  
medical liability insurance coverage up to twenty thousand 350  
dollars. Appropriations to the department of health may be made 351  
from the general fund of the state for this purpose. 352

(D) As used in this section: 353

(1) "Federally qualified health center look-alike" means a 354  
public or not-for-profit health center that meets the eligibility 355  
requirements to receive a federal public health services grant 356

under the "Public Health Services Act," 117 Stat. 2020, 42 U.S.C. 357  
254b, as amended, but does not receive grant funding. 358

(2) "Free clinic" means a nonprofit organization exempt from 359  
federal income taxation under section 501(c)(3) of the "Internal 360  
Revenue Code of 1986," as amended, or a program component of a 361  
nonprofit organization, whose primary mission is to provide health 362  
care services for free or for a minimal administrative fee to 363  
individuals with limited resources. A free clinic facilitates the 364  
delivery of health care services through the use of volunteer 365  
health care professionals and voluntary care networks. For this 366  
purpose, a free clinic shall comply with all of the following: 367

(a) If a free clinic does request a minimal administrative 368  
fee, a free clinic shall not deny an individual access to its 369  
health care services based on an individual's ability to pay the 370  
fee. 371

(b) A free clinic shall not bill a patient for health care 372  
services rendered. 373

(c) ~~Free clinics shall not perform~~ Except in dental and 374  
medical emergencies as provided in sections 4715.42 and 4731.295 375  
of the Revised Code, operations, as defined by divisions (A)(9) 376  
and (F)(1)(b) of section 2305.234 of the Revised Code shall not be 377  
performed in free clinics. 378

A clinic is not a free clinic if the clinic bills medicaid, 379  
medicare, or other third-party payers for health care services 380  
rendered at the clinic, and receives twenty-five per cent or more 381  
of the clinic's annual revenue from the third-party payments. 382

(3) "Health care professional" and "health care worker" have 383  
the same meanings as in section 2305.234 of the Revised Code. 384

**Sec. 4715.42.** (A)(1) As used in this section, ~~"indigent"~~ 385

(a) "Indigent and uninsured person" and "operation" have the 386

same meanings as in section 2305.234 of the Revised Code. 387

(b) "Free clinic" has the same meaning as in section 388  
2305.2341 of the Revised Code. 389

(2) For the purposes of this section, a person shall be 390  
considered retired from practice if the person's license has been 391  
surrendered or allowed to expire with the intention of ceasing to 392  
practice as a dentist or dental hygienist for remuneration. 393

(B) Within thirty days after receiving an application for a 394  
volunteer's certificate that includes all of the items listed in 395  
divisions (C)(1), (2), and (3) of this section, the state dental 396  
board shall issue, without examination, a volunteer's certificate 397  
to a person who is retired from practice so that the person may 398  
provide dental services to ~~indigent and uninsured~~ persons at any 399  
location, including a free clinic. 400

(C) An application for a volunteer's certificate shall 401  
include all of the following: 402

(1) A copy of the applicant's degree from dental college or 403  
dental hygiene school. 404

(2) One of the following, as applicable: 405

(a) A copy of the applicant's most recent license to practice 406  
dentistry or dental hygiene issued by a jurisdiction in the United 407  
States that licenses persons to practice dentistry or dental 408  
hygiene. 409

(b) A copy of the applicant's most recent license equivalent 410  
to a license to practice dentistry or dental hygiene in one or 411  
more branches of the United States armed services that the United 412  
States government issued. 413

(3) Evidence of one of the following, as applicable: 414

(a) The applicant has maintained for at least ten years prior 415  
to retirement full licensure in good standing in any jurisdiction 416

in the United States that licenses persons to practice dentistry 417  
or dental hygiene. 418

(b) The applicant has practiced as a dentist or dental 419  
hygienist in good standing for at least ten years prior to 420  
retirement in one or more branches of the United States armed 421  
services. 422

(D) The holder of a volunteer's certificate may provide 423  
dental services ~~only to indigent and uninsured persons~~ at any 424  
location, including a free clinic. The holder shall not accept any 425  
form of remuneration for providing dental services while in 426  
possession of the certificate. Except in a dental emergency, the 427  
holder shall not perform any operation. The board may revoke a 428  
volunteer's certificate on receiving proof satisfactory to the 429  
board that the holder has engaged in practice in this state 430  
outside the scope of the holder's certificate or that there are 431  
grounds for action against the person under section 4715.30 of the 432  
Revised Code. 433

(E)(1) A volunteer's certificate shall be valid for a period 434  
of three years, and may be renewed upon the application of the 435  
holder, unless the certificate was previously revoked under 436  
division (D) of this section. The board shall maintain a register 437  
of all persons who hold volunteer's certificates. The board shall 438  
not charge a fee for issuing or renewing a certificate pursuant to 439  
this section. 440

(2) To be eligible for renewal of a volunteer's certificate, 441  
the holder of the certificate shall certify to the board 442  
completion of sixty hours of continuing dental education that 443  
meets the requirements of section 4715.141 of the Revised Code and 444  
the rules adopted under that section, or completion of eighteen 445  
hours of continuing dental hygiene education that meets the 446  
requirements of section 4715.25 of the Revised Code and the rules 447  
adopted under that section, as the case may be. The board may not 448

renew a certificate if the holder has not complied with the 449  
appropriate continuing education requirements. Any entity for 450  
which the holder provides dental services may pay for or reimburse 451  
the holder for any costs incurred in obtaining the required 452  
continuing education credits. 453

(3) The board shall issue to each person who qualifies under 454  
this section for a volunteer's certificate a wallet certificate 455  
and a wall certificate that state that the certificate holder is 456  
authorized to provide dental services pursuant to the laws of this 457  
state. The holder shall keep the wallet certificate on the 458  
holder's person while providing dental services and shall display 459  
the wall certificate prominently at the location where the holder 460  
primarily practices. 461

(4) The holder of a volunteer's certificate issued pursuant 462  
to this section is subject to the immunity provisions regarding 463  
the provision of services to indigent and uninsured persons in 464  
section 2305.234 of the Revised Code. 465

(F) The board shall adopt rules in accordance with Chapter 466  
119. of the Revised Code to administer and enforce this section. 467

(G) ~~Within ninety days after the effective date of this~~ 468  
~~amendment, the~~ The state dental board shall make available through 469  
the board's website the application form for a volunteer's 470  
certificate under this section, a description of the application 471  
process, and a list of all items that are required by division (C) 472  
of this section to be submitted with the application. 473

**Sec. 4723.26.** (A)(1) As used in this section: 474

(a) "Indigent and uninsured person" and "operation" have the 475  
same meanings as in section 2305.234 of the Revised Code. 476

(b) "Free clinic" has the same meaning as in section 477  
2305.2341 of the Revised Code. 478

(2) For the purposes of this section, a person shall be 479  
considered retired from practice if the person's license has been 480  
surrendered or allowed to expire with the intention of ceasing to 481  
practice nursing as a registered nurse or licensed practical nurse 482  
for remuneration. 483

(B) Within thirty days after receiving an application for a 484  
volunteer's certificate that includes all of the items listed in 485  
divisions (C)(1), (2), and (3) of this section, the board of 486  
nursing shall issue, without examination, a volunteer's 487  
certificate to a person who is retired from practice so that the 488  
person may provide nursing services to persons at any location, 489  
including a free clinic. 490

(C) An application for a volunteer's certificate shall 491  
include all of the following: 492

(1) A copy of the applicant's degree from a school of 493  
registered nursing or practical nursing; 494

(2) One of the following, as applicable: 495

(a) A copy of the applicant's most recent license to practice 496  
nursing as a registered nurse or licensed practical nurse issued 497  
by a jurisdiction in the United States that licenses persons to 498  
practice nursing as a registered nurse or licensed practical 499  
nurse; 500

(b) A copy of the applicant's most recent license equivalent 501  
to a license to practice nursing as a registered nurse or licensed 502  
practical nurse in one or more branches of the United States armed 503  
services that the United States government issued. 504

(3) Evidence of one of the following, as applicable: 505

(a) The applicant has maintained for at least ten years prior 506  
to retirement full licensure in good standing in any jurisdiction 507  
in the United States that licenses persons to practice nursing as 508

a registered nurse or licensed practical nurse. 509

(b) The applicant has practiced nursing as a registered nurse 510  
or licensed practical nurse in good standing for at least ten 511  
years prior to retirement in one or more branches of the United 512  
States armed services. 513

(D) The holder of a volunteer's certificate may provide 514  
nursing services to persons at any location, including a free 515  
clinic. The holder shall not accept any form of remuneration for 516  
providing nursing services while in possession of the certificate. 517  
The board may revoke a volunteer's certificate on receiving proof 518  
satisfactory to the board that the holder has engaged in practice 519  
in this state outside the scope of the holder's certificate or 520  
that there are grounds for action against the person under section 521  
4723.28 of the Revised Code. 522

(E)(1) A volunteer's certificate shall be valid for a period 523  
of three years, and may be renewed upon the application of the 524  
holder, unless the certificate was previously revoked under 525  
division (D) of this section. The board shall maintain a register 526  
of all persons who hold volunteer's certificates. The board shall 527  
not charge a fee for issuing or renewing a certificate pursuant to 528  
this section. 529

(2) To be eligible for renewal of a volunteer's certificate, 530  
the holder of the certificate shall certify to the board 531  
completion of continuing nursing education that meets the 532  
requirements of section 4723.24 of the Revised Code and the rules 533  
adopted under that section. The board may not renew a certificate 534  
if the holder has not complied with the appropriate continuing 535  
education requirements. Any entity for which the holder provides 536  
nursing services may pay for or reimburse the holder for any costs 537  
incurred in obtaining the required continuing education hours. 538

(3) The board shall issue to each person who qualifies under 539

this section for a volunteer's certificate a wallet certificate 540  
and a wall certificate that state that the certificate holder is 541  
authorized to provide nursing services pursuant to the laws of 542  
this state. The holder shall keep the wallet certificate on the 543  
holder's person while providing nursing services and shall display 544  
the wall certificate prominently at the location where the holder 545  
primarily practices. 546

(4) The holder of a volunteer's certificate issued pursuant 547  
to this section is subject to the immunity provisions regarding 548  
the provision of services to indigent and uninsured persons in 549  
section 2305.234 of the Revised Code. 550

(F) The board shall adopt rules in accordance with Chapter 551  
119. of the Revised Code to administer and enforce this section. 552

**Sec. 4723.271.** (A) Upon request of the holder of a nursing 553  
license, volunteer's certificate, certificate of authority, 554  
dialysis technician certificate, medication aide certificate, or 555  
community health worker certificate issued under this chapter, the 556  
presentment of proper identification as prescribed in rules 557  
adopted by the board of nursing, and payment of the fee authorized 558  
under section 4723.08 of the Revised Code, the board of nursing 559  
shall provide to the requestor a replacement copy of a wall 560  
certificate suitable for framing. 561

(B) Upon request of the holder of a nursing license, 562  
volunteer's certificate, certificate of authority, certificate to 563  
prescribe, dialysis technician certificate, medication aide 564  
certificate, or community health worker certificate issued under 565  
this chapter and payment of the fee authorized under section 566  
4723.08 of the Revised Code, the board shall verify to an agency 567  
of another jurisdiction or foreign country the fact that the 568  
person holds such nursing license, volunteer's certificate, 569  
certificate of authority, certificate to prescribe, dialysis 570

technician certificate, medication aide certificate, or community health worker certificate. 571  
572

**Sec. 4731.295.** (A)(1) As used in this section, ~~"indigent:~~ 573

(a) "Indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code. 574  
575

(b) "Free clinic" has the same meaning as in section 2305.2341 of the Revised Code. 576  
577

(2) For the purposes of this section, a person shall be considered retired from practice if the person's license or certificate has expired with the person's intention of ceasing to practice medicine and surgery or osteopathic medicine and surgery for remuneration. 578  
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(B) The state medical board may issue, without examination, a volunteer's certificate to a person who is retired from practice so that the person may provide medical services to ~~indigent and uninsured~~ persons at any location, including a free clinic. The board shall deny issuance of a volunteer's certificate to a person who is not qualified under this section to hold a volunteer's certificate. 583  
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(C) An application for a volunteer's certificate shall include all of the following: 590  
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(1) A copy of the applicant's degree of medicine or osteopathic medicine. 592  
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(2) One of the following, as applicable: 594

(a) A copy of the applicant's most recent license or certificate authorizing the practice of medicine and surgery or osteopathic medicine and surgery issued by a jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery. 595  
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(b) A copy of the applicant's most recent license equivalent to a license to practice medicine and surgery or osteopathic medicine and surgery in one or more branches of the United States armed services that the United States government issued.

(3) Evidence of one of the following, as applicable:

(a) That the applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery.

(b) That the applicant has practiced for at least ten years prior to retirement in good standing as a doctor of medicine and surgery or osteopathic medicine and surgery in one or more of the branches of the United States armed services.

(4) A notarized statement from the applicant, on a form prescribed by the board, that the applicant will not accept any form of remuneration for any medical services rendered while in possession of a volunteer's certificate.

(D) The holder of a volunteer's certificate may provide medical services ~~only to indigent and uninsured persons~~ at any location, including a free clinic. The holder shall not accept any form of remuneration for providing medical services while in possession of the certificate. Except in a medical emergency, the holder shall not perform any operation or deliver babies. The board may revoke a volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the certificate.

(E)(1) A volunteer's certificate shall be valid for a period of three years, unless earlier revoked under division (D) of this section or pursuant to section 4731.22 of the Revised Code. A volunteer's certificate may be renewed upon the application of the holder. The board shall maintain a register of all persons who

hold volunteer's certificates. The board shall not charge a fee 631  
for issuing or renewing a certificate pursuant to this section. 632

(2) To be eligible for renewal of a volunteer's certificate 633  
the holder of the certificate shall certify to the board 634  
completion of one hundred fifty hours of continuing medical 635  
education that meets the requirements of section 4731.281 of the 636  
Revised Code regarding certification by private associations and 637  
approval by the board. The board may not renew a certificate if 638  
the holder has not complied with the continuing medical education 639  
requirements. Any entity for which the holder provides medical 640  
services may pay for or reimburse the holder for any costs 641  
incurred in obtaining the required continuing medical education 642  
credits. 643

(3) The board shall issue to each person who qualifies under 644  
this section for a volunteer's certificate a wallet certificate 645  
and a wall certificate that state that the certificate holder is 646  
authorized to provide medical services pursuant to the laws of 647  
this state. The holder shall keep the wallet certificate on the 648  
holder's person while providing medical services and shall display 649  
the wall certificate prominently at the location where the holder 650  
primarily practices. 651

(4) The holder of a volunteer's certificate issued pursuant 652  
to this section is subject to the immunity provisions regarding 653  
the provision of services to indigent and uninsured persons in 654  
section 2305.234 of the Revised Code. 655

(F) The board shall adopt rules in accordance with Chapter 656  
119. of the Revised Code to administer and enforce this section. 657

**Sec. 5747.01.** Except as otherwise expressly provided or 658  
clearly appearing from the context, any term used in this chapter 659  
that is not otherwise defined in this section has the same meaning 660  
as when used in a comparable context in the laws of the United 661

States relating to federal income taxes or if not used in a 662  
comparable context in those laws, has the same meaning as in 663  
section 5733.40 of the Revised Code. Any reference in this chapter 664  
to the Internal Revenue Code includes other laws of the United 665  
States relating to federal income taxes. 666

As used in this chapter: 667

(A) "Adjusted gross income" or "Ohio adjusted gross income" 668  
means federal adjusted gross income, as defined and used in the 669  
Internal Revenue Code, adjusted as provided in this section: 670

(1) Add interest or dividends on obligations or securities of 671  
any state or of any political subdivision or authority of any 672  
state, other than this state and its subdivisions and authorities. 673

(2) Add interest or dividends on obligations of any 674  
authority, commission, instrumentality, territory, or possession 675  
of the United States to the extent that the interest or dividends 676  
are exempt from federal income taxes but not from state income 677  
taxes. 678

(3) Deduct interest or dividends on obligations of the United 679  
States and its territories and possessions or of any authority, 680  
commission, or instrumentality of the United States to the extent 681  
that the interest or dividends are included in federal adjusted 682  
gross income but exempt from state income taxes under the laws of 683  
the United States. 684

(4) Deduct disability and survivor's benefits to the extent 685  
included in federal adjusted gross income. 686

(5) Deduct benefits under Title II of the Social Security Act 687  
and tier 1 railroad retirement benefits to the extent included in 688  
federal adjusted gross income under section 86 of the Internal 689  
Revenue Code. 690

(6) In the case of a taxpayer who is a beneficiary of a trust 691

that makes an accumulation distribution as defined in section 665 692  
of the Internal Revenue Code, add, for the beneficiary's taxable 693  
years beginning before 2002, the portion, if any, of such 694  
distribution that does not exceed the undistributed net income of 695  
the trust for the three taxable years preceding the taxable year 696  
in which the distribution is made to the extent that the portion 697  
was not included in the trust's taxable income for any of the 698  
trust's taxable years beginning in 2002 or thereafter. 699

"Undistributed net income of a trust" means the taxable income of 700  
the trust increased by (a)(i) the additions to adjusted gross 701  
income required under division (A) of this section and (ii) the 702  
personal exemptions allowed to the trust pursuant to section 703  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 704  
deductions to adjusted gross income required under division (A) of 705  
this section, (ii) the amount of federal income taxes attributable 706  
to such income, and (iii) the amount of taxable income that has 707  
been included in the adjusted gross income of a beneficiary by 708  
reason of a prior accumulation distribution. Any undistributed net 709  
income included in the adjusted gross income of a beneficiary 710  
shall reduce the undistributed net income of the trust commencing 711  
with the earliest years of the accumulation period. 712

(7) Deduct the amount of wages and salaries, if any, not 713  
otherwise allowable as a deduction but that would have been 714  
allowable as a deduction in computing federal adjusted gross 715  
income for the taxable year, had the targeted jobs credit allowed 716  
and determined under sections 38, 51, and 52 of the Internal 717  
Revenue Code not been in effect. 718

(8) Deduct any interest or interest equivalent on public 719  
obligations and purchase obligations to the extent that the 720  
interest or interest equivalent is included in federal adjusted 721  
gross income. 722

(9) Add any loss or deduct any gain resulting from the sale, 723

exchange, or other disposition of public obligations to the extent 724  
that the loss has been deducted or the gain has been included in 725  
computing federal adjusted gross income. 726

(10) Deduct or add amounts, as provided under section 5747.70 727  
of the Revised Code, related to contributions to variable college 728  
savings program accounts made or tuition units purchased pursuant 729  
to Chapter 3334. of the Revised Code. 730

(11)(a) Deduct, to the extent not otherwise allowable as a 731  
deduction or exclusion in computing federal or Ohio adjusted gross 732  
income for the taxable year, the amount the taxpayer paid during 733  
the taxable year for medical care insurance and qualified 734  
long-term care insurance for the taxpayer, the taxpayer's spouse, 735  
and dependents. No deduction for medical care insurance under 736  
division (A)(11) of this section shall be allowed either to any 737  
taxpayer who is eligible to participate in any subsidized health 738  
plan maintained by any employer of the taxpayer or of the 739  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 740  
application would be entitled to, benefits under part A of Title 741  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 742  
301, as amended. For the purposes of division (A)(11)(a) of this 743  
section, "subsidized health plan" means a health plan for which 744  
the employer pays any portion of the plan's cost. The deduction 745  
allowed under division (A)(11)(a) of this section shall be the net 746  
of any related premium refunds, related premium reimbursements, or 747  
related insurance premium dividends received during the taxable 748  
year. 749

(b) Deduct, to the extent not otherwise deducted or excluded 750  
in computing federal or Ohio adjusted gross income during the 751  
taxable year, the amount the taxpayer paid during the taxable 752  
year, not compensated for by any insurance or otherwise, for 753  
medical care of the taxpayer, the taxpayer's spouse, and 754  
dependents, to the extent the expenses exceed seven and one-half 755

per cent of the taxpayer's federal adjusted gross income. 756

(c) Deduct, to the extent not otherwise deducted or excluded 757  
in computing federal or Ohio adjusted gross income, any amount 758  
included in federal adjusted gross income under section 105 or not 759  
excluded under section 106 of the Internal Revenue Code solely 760  
because it relates to an accident and health plan for a person who 761  
otherwise would be a "qualifying relative" and thus a "dependent" 762  
under section 152 of the Internal Revenue Code but for the fact 763  
that the person fails to meet the income and support limitations 764  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 765

(d) For purposes of division (A)(11) of this section, 766  
"medical care" has the meaning given in section 213 of the 767  
Internal Revenue Code, subject to the special rules, limitations, 768  
and exclusions set forth therein, and "qualified long-term care" 769  
has the same meaning given in section 7702B(c) of the Internal 770  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 771  
of this section, "dependent" includes a person who otherwise would 772  
be a "qualifying relative" and thus a "dependent" under section 773  
152 of the Internal Revenue Code but for the fact that the person 774  
fails to meet the income and support limitations under section 775  
152(d)(1)(B) and (C) of the Internal Revenue Code. 776

(12)(a) Deduct any amount included in federal adjusted gross 777  
income solely because the amount represents a reimbursement or 778  
refund of expenses that in any year the taxpayer had deducted as 779  
an itemized deduction pursuant to section 63 of the Internal 780  
Revenue Code and applicable United States department of the 781  
treasury regulations. The deduction otherwise allowed under 782  
division (A)(12)(a) of this section shall be reduced to the extent 783  
the reimbursement is attributable to an amount the taxpayer 784  
deducted under this section in any taxable year. 785

(b) Add any amount not otherwise included in Ohio adjusted 786  
gross income for any taxable year to the extent that the amount is 787

attributable to the recovery during the taxable year of any amount 788  
deducted or excluded in computing federal or Ohio adjusted gross 789  
income in any taxable year. 790

(13) Deduct any portion of the deduction described in section 791  
1341(a)(2) of the Internal Revenue Code, for repaying previously 792  
reported income received under a claim of right, that meets both 793  
of the following requirements: 794

(a) It is allowable for repayment of an item that was 795  
included in the taxpayer's adjusted gross income for a prior 796  
taxable year and did not qualify for a credit under division (A) 797  
or (B) of section 5747.05 of the Revised Code for that year; 798

(b) It does not otherwise reduce the taxpayer's adjusted 799  
gross income for the current or any other taxable year. 800

(14) Deduct an amount equal to the deposits made to, and net 801  
investment earnings of, a medical savings account during the 802  
taxable year, in accordance with section 3924.66 of the Revised 803  
Code. The deduction allowed by division (A)(14) of this section 804  
does not apply to medical savings account deposits and earnings 805  
otherwise deducted or excluded for the current or any other 806  
taxable year from the taxpayer's federal adjusted gross income. 807

(15)(a) Add an amount equal to the funds withdrawn from a 808  
medical savings account during the taxable year, and the net 809  
investment earnings on those funds, when the funds withdrawn were 810  
used for any purpose other than to reimburse an account holder 811  
for, or to pay, eligible medical expenses, in accordance with 812  
section 3924.66 of the Revised Code; 813

(b) Add the amounts distributed from a medical savings 814  
account under division (A)(2) of section 3924.68 of the Revised 815  
Code during the taxable year. 816

(16) Add any amount claimed as a credit under section 817  
5747.059 or 5747.65 of the Revised Code to the extent that such 818

amount satisfies either of the following: 819

(a) The amount was deducted or excluded from the computation 820  
of the taxpayer's federal adjusted gross income as required to be 821  
reported for the taxpayer's taxable year under the Internal 822  
Revenue Code; 823

(b) The amount resulted in a reduction of the taxpayer's 824  
federal adjusted gross income as required to be reported for any 825  
of the taxpayer's taxable years under the Internal Revenue Code. 826

(17) Deduct the amount contributed by the taxpayer to an 827  
individual development account program established by a county 828  
department of job and family services pursuant to sections 329.11 829  
to 329.14 of the Revised Code for the purpose of matching funds 830  
deposited by program participants. On request of the tax 831  
commissioner, the taxpayer shall provide any information that, in 832  
the tax commissioner's opinion, is necessary to establish the 833  
amount deducted under division (A)(17) of this section. 834

(18) Beginning in taxable year 2001 but not for any taxable 835  
year beginning after December 31, 2005, if the taxpayer is married 836  
and files a joint return and the combined federal adjusted gross 837  
income of the taxpayer and the taxpayer's spouse for the taxable 838  
year does not exceed one hundred thousand dollars, or if the 839  
taxpayer is single and has a federal adjusted gross income for the 840  
taxable year not exceeding fifty thousand dollars, deduct amounts 841  
paid during the taxable year for qualified tuition and fees paid 842  
to an eligible institution for the taxpayer, the taxpayer's 843  
spouse, or any dependent of the taxpayer, who is a resident of 844  
this state and is enrolled in or attending a program that 845  
culminates in a degree or diploma at an eligible institution. The 846  
deduction may be claimed only to the extent that qualified tuition 847  
and fees are not otherwise deducted or excluded for any taxable 848  
year from federal or Ohio adjusted gross income. The deduction may 849  
not be claimed for educational expenses for which the taxpayer 850

claims a credit under section 5747.27 of the Revised Code. 851

(19) Add any reimbursement received during the taxable year 852  
of any amount the taxpayer deducted under division (A)(18) of this 853  
section in any previous taxable year to the extent the amount is 854  
not otherwise included in Ohio adjusted gross income. 855

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 856  
(v) of this section, add five-sixths of the amount of depreciation 857  
expense allowed by subsection (k) of section 168 of the Internal 858  
Revenue Code, including the taxpayer's proportionate or 859  
distributive share of the amount of depreciation expense allowed 860  
by that subsection to a pass-through entity in which the taxpayer 861  
has a direct or indirect ownership interest. 862

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 863  
this section, add five-sixths of the amount of qualifying section 864  
179 depreciation expense, including the taxpayer's proportionate 865  
or distributive share of the amount of qualifying section 179 866  
depreciation expense allowed to any pass-through entity in which 867  
the taxpayer has a direct or indirect ownership interest. 868

(iii) Subject to division (A)(20)(a)(v) of this section, for 869  
taxable years beginning in 2012 or thereafter, if the increase in 870  
income taxes withheld by the taxpayer is equal to or greater than 871  
ten per cent of income taxes withheld by the taxpayer during the 872  
taxpayer's immediately preceding taxable year, "two-thirds" shall 873  
be substituted for "five-sixths" for the purpose of divisions 874  
(A)(20)(a)(i) and (ii) of this section. 875

(iv) Subject to division (A)(20)(a)(v) of this section, for 876  
taxable years beginning in 2012 or thereafter, a taxpayer is not 877  
required to add an amount under division (A)(20) of this section 878  
if the increase in income taxes withheld by the taxpayer and by 879  
any pass-through entity in which the taxpayer has a direct or 880  
indirect ownership interest is equal to or greater than the sum of 881

(I) the amount of qualifying section 179 depreciation expense and 882  
(II) the amount of depreciation expense allowed to the taxpayer by 883  
subsection (k) of section 168 of the Internal Revenue Code, and 884  
including the taxpayer's proportionate or distributive shares of 885  
such amounts allowed to any such pass-through entities. 886

(v) If a taxpayer directly or indirectly incurs a net 887  
operating loss for the taxable year for federal income tax 888  
purposes, to the extent such loss resulted from depreciation 889  
expense allowed by subsection (k) of section 168 of the Internal 890  
Revenue Code and by qualifying section 179 depreciation expense, 891  
"the entire" shall be substituted for "five-sixths of the" for the 892  
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 893

The tax commissioner, under procedures established by the 894  
commissioner, may waive the add-backs related to a pass-through 895  
entity if the taxpayer owns, directly or indirectly, less than 896  
five per cent of the pass-through entity. 897

(b) Nothing in division (A)(20) of this section shall be 898  
construed to adjust or modify the adjusted basis of any asset. 899

(c) To the extent the add-back required under division 900  
(A)(20)(a) of this section is attributable to property generating 901  
nonbusiness income or loss allocated under section 5747.20 of the 902  
Revised Code, the add-back shall be situated to the same location 903  
as the nonbusiness income or loss generated by the property for 904  
the purpose of determining the credit under division (A) of 905  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 906  
be apportioned, subject to one or more of the four alternative 907  
methods of apportionment enumerated in section 5747.21 of the 908  
Revised Code. 909

(d) For the purposes of division (A)(20)(a)(v) of this 910  
section, net operating loss carryback and carryforward shall not 911  
include the allowance of any net operating loss deduction 912

carryback or carryforward to the taxable year to the extent such 913  
loss resulted from depreciation allowed by section 168(k) of the 914  
Internal Revenue Code and by the qualifying section 179 915  
depreciation expense amount. 916

(e) For the purposes of divisions (A)(20) and (21) of this 917  
section: 918

(i) "Income taxes withheld" means the total amount withheld 919  
and remitted under sections 5747.06 and 5747.07 of the Revised 920  
Code by an employer during the employer's taxable year. 921

(ii) "Increase in income taxes withheld" means the amount by 922  
which the amount of income taxes withheld by an employer during 923  
the employer's current taxable year exceeds the amount of income 924  
taxes withheld by that employer during the employer's immediately 925  
preceding taxable year. 926

(iii) "Qualifying section 179 depreciation expense" means the 927  
difference between (I) the amount of depreciation expense directly 928  
or indirectly allowed to a taxpayer under section 179 of the 929  
Internal Revised Code, and (II) the amount of depreciation expense 930  
directly or indirectly allowed to the taxpayer under section 179 931  
of the Internal Revenue Code as that section existed on December 932  
31, 2002. 933

(21)(a) If the taxpayer was required to add an amount under 934  
division (A)(20)(a) of this section for a taxable year, deduct one 935  
of the following: 936

(i) One-fifth of the amount so added for each of the five 937  
succeeding taxable years if the amount so added was five-sixths of 938  
qualifying section 179 depreciation expense or depreciation 939  
expense allowed by subsection (k) of section 168 of the Internal 940  
Revenue Code; 941

(ii) One-half of the amount so added for each of the two 942  
succeeding taxable years if the amount so added was two-thirds of 943

such depreciation expense; 944

(iii) One-sixth of the amount so added for each of the six 945  
succeeding taxable years if the entire amount of such depreciation 946  
expense was so added. 947

(b) If the amount deducted under division (A)(21)(a) of this 948  
section is attributable to an add-back allocated under division 949  
(A)(20)(c) of this section, the amount deducted shall be sitused 950  
to the same location. Otherwise, the add-back shall be apportioned 951  
using the apportionment factors for the taxable year in which the 952  
deduction is taken, subject to one or more of the four alternative 953  
methods of apportionment enumerated in section 5747.21 of the 954  
Revised Code. 955

(c) No deduction is available under division (A)(21)(a) of 956  
this section with regard to any depreciation allowed by section 957  
168(k) of the Internal Revenue Code and by the qualifying section 958  
179 depreciation expense amount to the extent that such 959  
depreciation results in or increases a federal net operating loss 960  
carryback or carryforward. If no such deduction is available for a 961  
taxable year, the taxpayer may carry forward the amount not 962  
deducted in such taxable year to the next taxable year and add 963  
that amount to any deduction otherwise available under division 964  
(A)(21)(a) of this section for that next taxable year. The 965  
carryforward of amounts not so deducted shall continue until the 966  
entire addition required by division (A)(20)(a) of this section 967  
has been deducted. 968

(d) No refund shall be allowed as a result of adjustments 969  
made by division (A)(21) of this section. 970

(22) Deduct, to the extent not otherwise deducted or excluded 971  
in computing federal or Ohio adjusted gross income for the taxable 972  
year, the amount the taxpayer received during the taxable year as 973  
reimbursement for life insurance premiums under section 5919.31 of 974

the Revised Code.	975
(23) Deduct, to the extent not otherwise deducted or excluded	976
in computing federal or Ohio adjusted gross income for the taxable	977
year, the amount the taxpayer received during the taxable year as	978
a death benefit paid by the adjutant general under section 5919.33	979
of the Revised Code.	980
(24) Deduct, to the extent included in federal adjusted gross	981
income and not otherwise allowable as a deduction or exclusion in	982
computing federal or Ohio adjusted gross income for the taxable	983
year, military pay and allowances received by the taxpayer during	984
the taxable year for active duty service in the United States	985
army, air force, navy, marine corps, or coast guard or reserve	986
components thereof or the national guard. The deduction may not be	987
claimed for military pay and allowances received by the taxpayer	988
while the taxpayer is stationed in this state.	989
(25) Deduct, to the extent not otherwise allowable as a	990
deduction or exclusion in computing federal or Ohio adjusted gross	991
income for the taxable year and not otherwise compensated for by	992
any other source, the amount of qualified organ donation expenses	993
incurred by the taxpayer during the taxable year, not to exceed	994
ten thousand dollars. A taxpayer may deduct qualified organ	995
donation expenses only once for all taxable years beginning with	996
taxable years beginning in 2007.	997
For the purposes of division (A)(25) of this section:	998
(a) "Human organ" means all or any portion of a human liver,	999
pancreas, kidney, intestine, or lung, and any portion of human	1000
bone marrow.	1001
(b) "Qualified organ donation expenses" means travel	1002
expenses, lodging expenses, and wages and salary forgone by a	1003
taxpayer in connection with the taxpayer's donation, while living,	1004
of one or more of the taxpayer's human organs to another human	1005

being. 1006

(26) Deduct, to the extent not otherwise deducted or excluded 1007  
in computing federal or Ohio adjusted gross income for the taxable 1008  
year, amounts received by the taxpayer as retired personnel pay 1009  
for service in the uniformed services or reserve components 1010  
thereof, or the national guard, or received by the surviving 1011  
spouse or former spouse of such a taxpayer under the survivor 1012  
benefit plan on account of such a taxpayer's death. If the 1013  
taxpayer receives income on account of retirement paid under the 1014  
federal civil service retirement system or federal employees 1015  
retirement system, or under any successor retirement program 1016  
enacted by the congress of the United States that is established 1017  
and maintained for retired employees of the United States 1018  
government, and such retirement income is based, in whole or in 1019  
part, on credit for the taxpayer's uniformed service, the 1020  
deduction allowed under this division shall include only that 1021  
portion of such retirement income that is attributable to the 1022  
taxpayer's uniformed service, to the extent that portion of such 1023  
retirement income is otherwise included in federal adjusted gross 1024  
income and is not otherwise deducted under this section. Any 1025  
amount deducted under division (A)(26) of this section is not 1026  
included in a taxpayer's adjusted gross income for the purposes of 1027  
section 5747.055 of the Revised Code. No amount may be deducted 1028  
under division (A)(26) of this section on the basis of which a 1029  
credit was claimed under section 5747.055 of the Revised Code. 1030

(27) Deduct, to the extent not otherwise deducted or excluded 1031  
in computing federal or Ohio adjusted gross income for the taxable 1032  
year, the amount the taxpayer received during the taxable year 1033  
from the military injury relief fund created in section 5101.98 of 1034  
the Revised Code. 1035

(28) Deduct, to the extent not otherwise deducted or excluded 1036  
in computing federal or Ohio adjusted gross income for the taxable 1037

year, the amount the taxpayer received as a veterans bonus during 1038  
the taxable year from the Ohio department of veterans services as 1039  
authorized by Section 2r of Article VIII, Ohio Constitution. 1040

(29) Deduct, to the extent not otherwise deducted or excluded 1041  
in computing federal or Ohio adjusted gross income for the taxable 1042  
year, any income derived from a transfer agreement or from the 1043  
enterprise transferred under that agreement under section 4313.02 1044  
of the Revised Code. 1045

(30) Deduct, to the extent not otherwise deducted or excluded 1046  
in computing federal or Ohio adjusted gross income for the taxable 1047  
year, Ohio college opportunity or federal Pell grant amounts 1048  
received by the taxpayer or the taxpayer's spouse or dependent 1049  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 1050  
1070a, et seq., and used to pay room or board furnished by the 1051  
educational institution for which the grant was awarded at the 1052  
institution's facilities, including meal plans administered by the 1053  
institution. For the purposes of this division, receipt of a grant 1054  
includes the distribution of a grant directly to an educational 1055  
institution and the crediting of the grant to the enrollee's 1056  
account with the institution. 1057

(31) Deduct one-half of the taxpayer's Ohio small business 1058  
investor income, the deduction not to exceed sixty-two thousand 1059  
five hundred dollars for each spouse if spouses file separate 1060  
returns under section 5747.08 of the Revised Code or one hundred 1061  
twenty-five thousand dollars for all other taxpayers. No 1062  
pass-through entity may claim a deduction under this division. 1063

For the purposes of this division, "Ohio small business 1064  
investor income" means the portion of a taxpayer's adjusted gross 1065  
income that is business income reduced by deductions from business 1066  
income and apportioned or allocated to this state under sections 1067  
5747.21 and 5747.22 of the Revised Code, to the extent not 1068  
otherwise deducted or excluded in computing federal or Ohio 1069

adjusted gross income for the taxable year. 1070

(32) Deduct the amount allowed under section 5747.78 of the 1071  
Revised Code for a physician, dentist, nurse, medical assistant, 1072  
phlebotomist, or medical secretary who provided services free of 1073  
charge to a free clinic during the taxable year. 1074

(B) "Business income" means income, including gain or loss, 1075  
arising from transactions, activities, and sources in the regular 1076  
course of a trade or business and includes income, gain, or loss 1077  
from real property, tangible property, and intangible property if 1078  
the acquisition, rental, management, and disposition of the 1079  
property constitute integral parts of the regular course of a 1080  
trade or business operation. "Business income" includes income, 1081  
including gain or loss, from a partial or complete liquidation of 1082  
a business, including, but not limited to, gain or loss from the 1083  
sale or other disposition of goodwill. 1084

(C) "Nonbusiness income" means all income other than business 1085  
income and may include, but is not limited to, compensation, rents 1086  
and royalties from real or tangible personal property, capital 1087  
gains, interest, dividends and distributions, patent or copyright 1088  
royalties, or lottery winnings, prizes, and awards. 1089

(D) "Compensation" means any form of remuneration paid to an 1090  
employee for personal services. 1091

(E) "Fiduciary" means a guardian, trustee, executor, 1092  
administrator, receiver, conservator, or any other person acting 1093  
in any fiduciary capacity for any individual, trust, or estate. 1094

(F) "Fiscal year" means an accounting period of twelve months 1095  
ending on the last day of any month other than December. 1096

(G) "Individual" means any natural person. 1097

(H) "Internal Revenue Code" means the "Internal Revenue Code 1098  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 1099

(I) "Resident" means any of the following, provided that 1100  
division (I)(3) of this section applies only to taxable years of a 1101  
trust beginning in 2002 or thereafter: 1102

(1) An individual who is domiciled in this state, subject to 1103  
section 5747.24 of the Revised Code; 1104

(2) The estate of a decedent who at the time of death was 1105  
domiciled in this state. The domicile tests of section 5747.24 of 1106  
the Revised Code are not controlling for purposes of division 1107  
(I)(2) of this section. 1108

(3) A trust that, in whole or part, resides in this state. If 1109  
only part of a trust resides in this state, the trust is a 1110  
resident only with respect to that part. 1111

For the purposes of division (I)(3) of this section: 1112

(a) A trust resides in this state for the trust's current 1113  
taxable year to the extent, as described in division (I)(3)(d) of 1114  
this section, that the trust consists directly or indirectly, in 1115  
whole or in part, of assets, net of any related liabilities, that 1116  
were transferred, or caused to be transferred, directly or 1117  
indirectly, to the trust by any of the following: 1118

(i) A person, a court, or a governmental entity or 1119  
instrumentality on account of the death of a decedent, but only if 1120  
the trust is described in division (I)(3)(e)(i) or (ii) of this 1121  
section; 1122

(ii) A person who was domiciled in this state for the 1123  
purposes of this chapter when the person directly or indirectly 1124  
transferred assets to an irrevocable trust, but only if at least 1125  
one of the trust's qualifying beneficiaries is domiciled in this 1126  
state for the purposes of this chapter during all or some portion 1127  
of the trust's current taxable year; 1128

(iii) A person who was domiciled in this state for the 1129

purposes of this chapter when the trust document or instrument or 1130  
part of the trust document or instrument became irrevocable, but 1131  
only if at least one of the trust's qualifying beneficiaries is a 1132  
resident domiciled in this state for the purposes of this chapter 1133  
during all or some portion of the trust's current taxable year. If 1134  
a trust document or instrument became irrevocable upon the death 1135  
of a person who at the time of death was domiciled in this state 1136  
for purposes of this chapter, that person is a person described in 1137  
division (I)(3)(a)(iii) of this section. 1138

(b) A trust is irrevocable to the extent that the transferor 1139  
is not considered to be the owner of the net assets of the trust 1140  
under sections 671 to 678 of the Internal Revenue Code. 1141

(c) With respect to a trust other than a charitable lead 1142  
trust, "qualifying beneficiary" has the same meaning as "potential 1143  
current beneficiary" as defined in section 1361(e)(2) of the 1144  
Internal Revenue Code, and with respect to a charitable lead trust 1145  
"qualifying beneficiary" is any current, future, or contingent 1146  
beneficiary, but with respect to any trust "qualifying 1147  
beneficiary" excludes a person or a governmental entity or 1148  
instrumentality to any of which a contribution would qualify for 1149  
the charitable deduction under section 170 of the Internal Revenue 1150  
Code. 1151

(d) For the purposes of division (I)(3)(a) of this section, 1152  
the extent to which a trust consists directly or indirectly, in 1153  
whole or in part, of assets, net of any related liabilities, that 1154  
were transferred directly or indirectly, in whole or part, to the 1155  
trust by any of the sources enumerated in that division shall be 1156  
ascertained by multiplying the fair market value of the trust's 1157  
assets, net of related liabilities, by the qualifying ratio, which 1158  
shall be computed as follows: 1159

(i) The first time the trust receives assets, the numerator 1160  
of the qualifying ratio is the fair market value of those assets 1161

at that time, net of any related liabilities, from sources 1162  
enumerated in division (I)(3)(a) of this section. The denominator 1163  
of the qualifying ratio is the fair market value of all the 1164  
trust's assets at that time, net of any related liabilities. 1165

(ii) Each subsequent time the trust receives assets, a 1166  
revised qualifying ratio shall be computed. The numerator of the 1167  
revised qualifying ratio is the sum of (1) the fair market value 1168  
of the trust's assets immediately prior to the subsequent 1169  
transfer, net of any related liabilities, multiplied by the 1170  
qualifying ratio last computed without regard to the subsequent 1171  
transfer, and (2) the fair market value of the subsequently 1172  
transferred assets at the time transferred, net of any related 1173  
liabilities, from sources enumerated in division (I)(3)(a) of this 1174  
section. The denominator of the revised qualifying ratio is the 1175  
fair market value of all the trust's assets immediately after the 1176  
subsequent transfer, net of any related liabilities. 1177

(iii) Whether a transfer to the trust is by or from any of 1178  
the sources enumerated in division (I)(3)(a) of this section shall 1179  
be ascertained without regard to the domicile of the trust's 1180  
beneficiaries. 1181

(e) For the purposes of division (I)(3)(a)(i) of this 1182  
section: 1183

(i) A trust is described in division (I)(3)(e)(i) of this 1184  
section if the trust is a testamentary trust and the testator of 1185  
that testamentary trust was domiciled in this state at the time of 1186  
the testator's death for purposes of the taxes levied under 1187  
Chapter 5731. of the Revised Code. 1188

(ii) A trust is described in division (I)(3)(e)(ii) of this 1189  
section if the transfer is a qualifying transfer described in any 1190  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 1191  
irrevocable inter vivos trust, and at least one of the trust's 1192

qualifying beneficiaries is domiciled in this state for purposes 1193  
of this chapter during all or some portion of the trust's current 1194  
taxable year. 1195

(f) For the purposes of division (I)(3)(e)(ii) of this 1196  
section, a "qualifying transfer" is a transfer of assets, net of 1197  
any related liabilities, directly or indirectly to a trust, if the 1198  
transfer is described in any of the following: 1199

(i) The transfer is made to a trust, created by the decedent 1200  
before the decedent's death and while the decedent was domiciled 1201  
in this state for the purposes of this chapter, and, prior to the 1202  
death of the decedent, the trust became irrevocable while the 1203  
decedent was domiciled in this state for the purposes of this 1204  
chapter. 1205

(ii) The transfer is made to a trust to which the decedent, 1206  
prior to the decedent's death, had directly or indirectly 1207  
transferred assets, net of any related liabilities, while the 1208  
decedent was domiciled in this state for the purposes of this 1209  
chapter, and prior to the death of the decedent the trust became 1210  
irrevocable while the decedent was domiciled in this state for the 1211  
purposes of this chapter. 1212

(iii) The transfer is made on account of a contractual 1213  
relationship existing directly or indirectly between the 1214  
transferor and either the decedent or the estate of the decedent 1215  
at any time prior to the date of the decedent's death, and the 1216  
decedent was domiciled in this state at the time of death for 1217  
purposes of the taxes levied under Chapter 5731. of the Revised 1218  
Code. 1219

(iv) The transfer is made to a trust on account of a 1220  
contractual relationship existing directly or indirectly between 1221  
the transferor and another person who at the time of the 1222  
decedent's death was domiciled in this state for purposes of this 1223

chapter. 1224

(v) The transfer is made to a trust on account of the will of 1225  
a testator who was domiciled in this state at the time of the 1226  
testator's death for purposes of the taxes levied under Chapter 1227  
5731. of the Revised Code. 1228

(vi) The transfer is made to a trust created by or caused to 1229  
be created by a court, and the trust was directly or indirectly 1230  
created in connection with or as a result of the death of an 1231  
individual who, for purposes of the taxes levied under Chapter 1232  
5731. of the Revised Code, was domiciled in this state at the time 1233  
of the individual's death. 1234

(g) The tax commissioner may adopt rules to ascertain the 1235  
part of a trust residing in this state. 1236

(J) "Nonresident" means an individual or estate that is not a 1237  
resident. An individual who is a resident for only part of a 1238  
taxable year is a nonresident for the remainder of that taxable 1239  
year. 1240

(K) "Pass-through entity" has the same meaning as in section 1241  
5733.04 of the Revised Code. 1242

(L) "Return" means the notifications and reports required to 1243  
be filed pursuant to this chapter for the purpose of reporting the 1244  
tax due and includes declarations of estimated tax when so 1245  
required. 1246

(M) "Taxable year" means the calendar year or the taxpayer's 1247  
fiscal year ending during the calendar year, or fractional part 1248  
thereof, upon which the adjusted gross income is calculated 1249  
pursuant to this chapter. 1250

(N) "Taxpayer" means any person subject to the tax imposed by 1251  
section 5747.02 of the Revised Code or any pass-through entity 1252  
that makes the election under division (D) of section 5747.08 of 1253

the Revised Code. 1254

(O) "Dependents" means dependents as defined in the Internal 1255  
Revenue Code and as claimed in the taxpayer's federal income tax 1256  
return for the taxable year or which the taxpayer would have been 1257  
permitted to claim had the taxpayer filed a federal income tax 1258  
return. 1259

(P) "Principal county of employment" means, in the case of a 1260  
nonresident, the county within the state in which a taxpayer 1261  
performs services for an employer or, if those services are 1262  
performed in more than one county, the county in which the major 1263  
portion of the services are performed. 1264

(Q) As used in sections 5747.50 to 5747.55 of the Revised 1265  
Code: 1266

(1) "Subdivision" means any county, municipal corporation, 1267  
park district, or township. 1268

(2) "Essential local government purposes" includes all 1269  
functions that any subdivision is required by general law to 1270  
exercise, including like functions that are exercised under a 1271  
charter adopted pursuant to the Ohio Constitution. 1272

(R) "Overpayment" means any amount already paid that exceeds 1273  
the figure determined to be the correct amount of the tax. 1274

(S) "Taxable income" or "Ohio taxable income" applies only to 1275  
estates and trusts, and means federal taxable income, as defined 1276  
and used in the Internal Revenue Code, adjusted as follows: 1277

(1) Add interest or dividends, net of ordinary, necessary, 1278  
and reasonable expenses not deducted in computing federal taxable 1279  
income, on obligations or securities of any state or of any 1280  
political subdivision or authority of any state, other than this 1281  
state and its subdivisions and authorities, but only to the extent 1282  
that such net amount is not otherwise includible in Ohio taxable 1283

income and is described in either division (S)(1)(a) or (b) of 1284  
this section: 1285

(a) The net amount is not attributable to the S portion of an 1286  
electing small business trust and has not been distributed to 1287  
beneficiaries for the taxable year; 1288

(b) The net amount is attributable to the S portion of an 1289  
electing small business trust for the taxable year. 1290

(2) Add interest or dividends, net of ordinary, necessary, 1291  
and reasonable expenses not deducted in computing federal taxable 1292  
income, on obligations of any authority, commission, 1293  
instrumentality, territory, or possession of the United States to 1294  
the extent that the interest or dividends are exempt from federal 1295  
income taxes but not from state income taxes, but only to the 1296  
extent that such net amount is not otherwise includible in Ohio 1297  
taxable income and is described in either division (S)(1)(a) or 1298  
(b) of this section; 1299

(3) Add the amount of personal exemption allowed to the 1300  
estate pursuant to section 642(b) of the Internal Revenue Code; 1301

(4) Deduct interest or dividends, net of related expenses 1302  
deducted in computing federal taxable income, on obligations of 1303  
the United States and its territories and possessions or of any 1304  
authority, commission, or instrumentality of the United States to 1305  
the extent that the interest or dividends are exempt from state 1306  
taxes under the laws of the United States, but only to the extent 1307  
that such amount is included in federal taxable income and is 1308  
described in either division (S)(1)(a) or (b) of this section; 1309

(5) Deduct the amount of wages and salaries, if any, not 1310  
otherwise allowable as a deduction but that would have been 1311  
allowable as a deduction in computing federal taxable income for 1312  
the taxable year, had the targeted jobs credit allowed under 1313  
sections 38, 51, and 52 of the Internal Revenue Code not been in 1314

effect, but only to the extent such amount relates either to 1315  
income included in federal taxable income for the taxable year or 1316  
to income of the S portion of an electing small business trust for 1317  
the taxable year; 1318

(6) Deduct any interest or interest equivalent, net of 1319  
related expenses deducted in computing federal taxable income, on 1320  
public obligations and purchase obligations, but only to the 1321  
extent that such net amount relates either to income included in 1322  
federal taxable income for the taxable year or to income of the S 1323  
portion of an electing small business trust for the taxable year; 1324

(7) Add any loss or deduct any gain resulting from sale, 1325  
exchange, or other disposition of public obligations to the extent 1326  
that such loss has been deducted or such gain has been included in 1327  
computing either federal taxable income or income of the S portion 1328  
of an electing small business trust for the taxable year; 1329

(8) Except in the case of the final return of an estate, add 1330  
any amount deducted by the taxpayer on both its Ohio estate tax 1331  
return pursuant to section 5731.14 of the Revised Code, and on its 1332  
federal income tax return in determining federal taxable income; 1333

(9)(a) Deduct any amount included in federal taxable income 1334  
solely because the amount represents a reimbursement or refund of 1335  
expenses that in a previous year the decedent had deducted as an 1336  
itemized deduction pursuant to section 63 of the Internal Revenue 1337  
Code and applicable treasury regulations. The deduction otherwise 1338  
allowed under division (S)(9)(a) of this section shall be reduced 1339  
to the extent the reimbursement is attributable to an amount the 1340  
taxpayer or decedent deducted under this section in any taxable 1341  
year. 1342

(b) Add any amount not otherwise included in Ohio taxable 1343  
income for any taxable year to the extent that the amount is 1344  
attributable to the recovery during the taxable year of any amount 1345

deducted or excluded in computing federal or Ohio taxable income 1346  
in any taxable year, but only to the extent such amount has not 1347  
been distributed to beneficiaries for the taxable year. 1348

(10) Deduct any portion of the deduction described in section 1349  
1341(a)(2) of the Internal Revenue Code, for repaying previously 1350  
reported income received under a claim of right, that meets both 1351  
of the following requirements: 1352

(a) It is allowable for repayment of an item that was 1353  
included in the taxpayer's taxable income or the decedent's 1354  
adjusted gross income for a prior taxable year and did not qualify 1355  
for a credit under division (A) or (B) of section 5747.05 of the 1356  
Revised Code for that year. 1357

(b) It does not otherwise reduce the taxpayer's taxable 1358  
income or the decedent's adjusted gross income for the current or 1359  
any other taxable year. 1360

(11) Add any amount claimed as a credit under section 1361  
5747.059 or 5747.65 of the Revised Code to the extent that the 1362  
amount satisfies either of the following: 1363

(a) The amount was deducted or excluded from the computation 1364  
of the taxpayer's federal taxable income as required to be 1365  
reported for the taxpayer's taxable year under the Internal 1366  
Revenue Code; 1367

(b) The amount resulted in a reduction in the taxpayer's 1368  
federal taxable income as required to be reported for any of the 1369  
taxpayer's taxable years under the Internal Revenue Code. 1370

(12) Deduct any amount, net of related expenses deducted in 1371  
computing federal taxable income, that a trust is required to 1372  
report as farm income on its federal income tax return, but only 1373  
if the assets of the trust include at least ten acres of land 1374  
satisfying the definition of "land devoted exclusively to 1375  
agricultural use" under section 5713.30 of the Revised Code, 1376

regardless of whether the land is valued for tax purposes as such 1377  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 1378  
trust is a pass-through entity investor, section 5747.231 of the 1379  
Revised Code applies in ascertaining if the trust is eligible to 1380  
claim the deduction provided by division (S)(12) of this section 1381  
in connection with the pass-through entity's farm income. 1382

Except for farm income attributable to the S portion of an 1383  
electing small business trust, the deduction provided by division 1384  
(S)(12) of this section is allowed only to the extent that the 1385  
trust has not distributed such farm income. Division (S)(12) of 1386  
this section applies only to taxable years of a trust beginning in 1387  
2002 or thereafter. 1388

(13) Add the net amount of income described in section 641(c) 1389  
of the Internal Revenue Code to the extent that amount is not 1390  
included in federal taxable income. 1391

(14) Add or deduct the amount the taxpayer would be required 1392  
to add or deduct under division (A)(20) or (21) of this section if 1393  
the taxpayer's Ohio taxable income were computed in the same 1394  
manner as an individual's Ohio adjusted gross income is computed 1395  
under this section. In the case of a trust, division (S)(14) of 1396  
this section applies only to any of the trust's taxable years 1397  
beginning in 2002 or thereafter. 1398

(T) "School district income" and "school district income tax" 1399  
have the same meanings as in section 5748.01 of the Revised Code. 1400

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 1401  
of this section, "public obligations," "purchase obligations," and 1402  
"interest or interest equivalent" have the same meanings as in 1403  
section 5709.76 of the Revised Code. 1404

(V) "Limited liability company" means any limited liability 1405  
company formed under Chapter 1705. of the Revised Code or under 1406  
the laws of any other state. 1407

(W) "Pass-through entity investor" means any person who, 1408  
during any portion of a taxable year of a pass-through entity, is 1409  
a partner, member, shareholder, or equity investor in that 1410  
pass-through entity. 1411

(X) "Banking day" has the same meaning as in section 1304.01 1412  
of the Revised Code. 1413

(Y) "Month" means a calendar month. 1414

(Z) "Quarter" means the first three months, the second three 1415  
months, the third three months, or the last three months of the 1416  
taxpayer's taxable year. 1417

(AA)(1) "Eligible institution" means a state university or 1418  
state institution of higher education as defined in section 1419  
3345.011 of the Revised Code, or a private, nonprofit college, 1420  
university, or other post-secondary institution located in this 1421  
state that possesses a certificate of authorization issued by the 1422  
Ohio board of regents pursuant to Chapter 1713. of the Revised 1423  
Code or a certificate of registration issued by the state board of 1424  
career colleges and schools under Chapter 3332. of the Revised 1425  
Code. 1426

(2) "Qualified tuition and fees" means tuition and fees 1427  
imposed by an eligible institution as a condition of enrollment or 1428  
attendance, not exceeding two thousand five hundred dollars in 1429  
each of the individual's first two years of post-secondary 1430  
education. If the individual is a part-time student, "qualified 1431  
tuition and fees" includes tuition and fees paid for the academic 1432  
equivalent of the first two years of post-secondary education 1433  
during a maximum of five taxable years, not exceeding a total of 1434  
five thousand dollars. "Qualified tuition and fees" does not 1435  
include: 1436

(a) Expenses for any course or activity involving sports, 1437  
games, or hobbies unless the course or activity is part of the 1438

individual's degree or diploma program;	1439
(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;	1440 1441 1442
(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.	1443 1444 1445
(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.	1446 1447 1448
(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:	1449 1450 1451 1452 1453
(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.	1454 1455 1456 1457 1458
(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.	1459 1460 1461
Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.	1462 1463 1464
(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust amount, and other than qualifying investment income, as defined in section 5747.012 of the Revised Code, to the	1465 1466 1467 1468

extent such qualifying investment income is not otherwise part of 1469  
modified business income. 1470

(4) "Modified Ohio taxable income" applies only to trusts, 1471  
and means the sum of the amounts described in divisions (BB)(4)(a) 1472  
to (c) of this section: 1473

(a) The fraction, calculated under section 5747.013, and 1474  
applying section 5747.231 of the Revised Code, multiplied by the 1475  
sum of the following amounts: 1476

(i) The trust's modified business income; 1477

(ii) The trust's qualifying investment income, as defined in 1478  
section 5747.012 of the Revised Code, but only to the extent the 1479  
qualifying investment income does not otherwise constitute 1480  
modified business income and does not otherwise constitute a 1481  
qualifying trust amount. 1482

(b) The qualifying trust amount multiplied by a fraction, the 1483  
numerator of which is the sum of the book value of the qualifying 1484  
investee's physical assets in this state on the last day of the 1485  
qualifying investee's fiscal or calendar year ending immediately 1486  
prior to the day on which the trust recognizes the qualifying 1487  
trust amount, and the denominator of which is the sum of the book 1488  
value of the qualifying investee's total physical assets 1489  
everywhere on the last day of the qualifying investee's fiscal or 1490  
calendar year ending immediately prior to the day on which the 1491  
trust recognizes the qualifying trust amount. If, for a taxable 1492  
year, the trust recognizes a qualifying trust amount with respect 1493  
to more than one qualifying investee, the amount described in 1494  
division (BB)(4)(b) of this section shall equal the sum of the 1495  
products so computed for each such qualifying investee. 1496

(c)(i) With respect to a trust or portion of a trust that is 1497  
a resident as ascertained in accordance with division (I)(3)(d) of 1498  
this section, its modified nonbusiness income. 1499

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (BB)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212 of the Revised Code without regard to division (A) of that section.

If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's

fiscal or calendar year ending immediately prior to the date on 1532  
which the trust recognizes the gain or loss, then "qualifying 1533  
investee" includes all persons in the qualifying controlled group 1534  
on such last day. 1535

(ii) If the qualifying investee, or if the qualifying 1536  
investee and any members of the qualifying controlled group of 1537  
which the qualifying investee is a member on the last day of the 1538  
qualifying investee's fiscal or calendar year ending immediately 1539  
prior to the date on which the trust recognizes the gain or loss, 1540  
separately or cumulatively own, directly or indirectly, on the 1541  
last day of the qualifying investee's fiscal or calendar year 1542  
ending immediately prior to the date on which the trust recognizes 1543  
the qualifying trust amount, more than fifty per cent of the 1544  
equity of a pass-through entity, then the qualifying investee and 1545  
the other members are deemed to own the proportionate share of the 1546  
pass-through entity's physical assets which the pass-through 1547  
entity directly or indirectly owns on the last day of the 1548  
pass-through entity's calendar or fiscal year ending within or 1549  
with the last day of the qualifying investee's fiscal or calendar 1550  
year ending immediately prior to the date on which the trust 1551  
recognizes the qualifying trust amount. 1552

(iii) For the purposes of division (BB)(5)(a)(iii) of this 1553  
section, "upper level pass-through entity" means a pass-through 1554  
entity directly or indirectly owning any equity of another 1555  
pass-through entity, and "lower level pass-through entity" means 1556  
that other pass-through entity. 1557

An upper level pass-through entity, whether or not it is also 1558  
a qualifying investee, is deemed to own, on the last day of the 1559  
upper level pass-through entity's calendar or fiscal year, the 1560  
proportionate share of the lower level pass-through entity's 1561  
physical assets that the lower level pass-through entity directly 1562  
or indirectly owns on the last day of the lower level pass-through 1563

entity's calendar or fiscal year ending within or with the last 1564  
day of the upper level pass-through entity's fiscal or calendar 1565  
year. If the upper level pass-through entity directly and 1566  
indirectly owns less than fifty per cent of the equity of the 1567  
lower level pass-through entity on each day of the upper level 1568  
pass-through entity's calendar or fiscal year in which or with 1569  
which ends the calendar or fiscal year of the lower level 1570  
pass-through entity and if, based upon clear and convincing 1571  
evidence, complete information about the location and cost of the 1572  
physical assets of the lower pass-through entity is not available 1573  
to the upper level pass-through entity, then solely for purposes 1574  
of ascertaining if a gain or loss constitutes a qualifying trust 1575  
amount, the upper level pass-through entity shall be deemed as 1576  
owning no equity of the lower level pass-through entity for each 1577  
day during the upper level pass-through entity's calendar or 1578  
fiscal year in which or with which ends the lower level 1579  
pass-through entity's calendar or fiscal year. Nothing in division 1580  
(BB)(5)(a)(iii) of this section shall be construed to provide for 1581  
any deduction or exclusion in computing any trust's Ohio taxable 1582  
income. 1583

(b) With respect to a trust that is not a resident for the 1584  
taxable year and with respect to a part of a trust that is not a 1585  
resident for the taxable year, "qualifying investee" for that 1586  
taxable year does not include a C corporation if both of the 1587  
following apply: 1588

(i) During the taxable year the trust or part of the trust 1589  
recognizes a gain or loss from the sale, exchange, or other 1590  
disposition of equity or ownership interests in, or debt 1591  
obligations of, the C corporation. 1592

(ii) Such gain or loss constitutes nonbusiness income. 1593

(6) "Available" means information is such that a person is 1594  
able to learn of the information by the due date plus extensions, 1595

if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.

(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.

(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(EE)(1) For the purposes of division (EE) of this section:

(a) "Qualifying person" means any person other than a qualifying corporation.

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an 1626  
election by a pre-income tax trust to subject to the tax imposed 1627  
by section 5751.02 of the Revised Code the pre-income tax trust 1628  
and all pass-through entities of which the trust owns or controls, 1629  
directly, indirectly, or constructively through related interests, 1630  
five per cent or more of the ownership or equity interests. The 1631  
trustee shall notify the tax commissioner in writing of the 1632  
election on or before April 15, 2006. The election, if timely 1633  
made, shall be effective on and after January 1, 2006, and shall 1634  
apply for all tax periods and tax years until revoked by the 1635  
trustee of the trust. 1636

(4) A "pre-income tax trust" is a trust that satisfies all of 1637  
the following requirements: 1638

(a) The document or instrument creating the trust was 1639  
executed by the grantor before January 1, 1972; 1640

(b) The trust became irrevocable upon the creation of the 1641  
trust; and 1642

(c) The grantor was domiciled in this state at the time the 1643  
trust was created. 1644

(GG) "Uniformed services" has the same meaning as in 10 1645  
U.S.C. 101. 1646

Sec. 5747.78. (A) In computing Ohio adjusted gross income, a 1647  
deduction from federal adjusted gross income is allowed for 1648  
physicians, dentists, nurses, medical assistants, phlebotomists, 1649  
or medical secretaries who provide services free of charge to a 1650  
free clinic. The deduction shall equal the sum of the following 1651  
amounts: 1652

(1) The number of hours of service that the taxpayer provided 1653  
free of charge to the free clinic during the taxable year, 1654  
multiplied by eighty-five dollars in the case of a physician or 1655

dentist, thirty dollars in the case of a nurse, eighteen dollars 1656  
in the case of a medical assistant or phlebotomist, or thirteen 1657  
dollars in the case of a medical secretary; 1658

(2) The number of miles the taxpayer traveled to and from the 1659  
free clinic during the taxable year in order to provide the free 1660  
services, multiplied by the mileage rate allowed for the 1661  
reimbursement of travel expenses of state agents as provided by 1662  
rule of the director of budget and management adopted pursuant to 1663  
division (B) of section 126.31 of the Revised Code. 1664

(B) As used in this section: 1665

(1) "Free clinic" has the same meaning as in section 1666  
2305.2341 of the Revised Code, except that "free clinic" shall not 1667  
include a clinic that performs or induces abortions. 1668

(2) "Physician," "dentist," and "nurse" mean an individual 1669  
who is duly licensed to practice the respective profession under 1670  
the laws of this state. 1671

**Section 2.** That existing sections 2305.234, 2305.2341, 1672  
4715.42, 4723.271, 4731.295, and 5747.01 of the Revised Code are 1673  
hereby repealed. 1674

**Section 3.** The amendment of section 5747.01 and enactment of 1675  
section 5747.78 of the Revised Code by this act apply to taxable 1676  
years beginning on or after January 1, 2014. 1677