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Representatives Dovilla, Landis

Cosponsors: Representatives Johnson, Pillich, Barborak, Bishoff, Milkovich, Perales, Retherford, Rosenberger, Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Beck, Blair, Blessing, Boose, Boyce, Brown, Buchy, Budish, Burkley, Butler, Carney, Celebrezze, Cera, Clyde, Curtin, Damschroder, Derickson, DeVitis, Duffey, Fedor, Foley, Gerberry, Green, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Henne, Huffman, Letson, Lundy, Lynch, Maag, McClain, McGregor, O'Brien, Patmon, Patterson, Pelanda, Ramos, Redfern, Rogers, Romanchuk, Ruhl, Scherer, Schuring, Sears, Sheehy, Smith, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Terhar, Wachtmann, Winburn Speaker Batchelder

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A B I L L

To amend sections 1306.20, 2913.01, 2913.02, 2913.43, 1
2913.49, 2913.61, 3307.01, 3333.28, 4729.12, 2
4729.13, 4729.15, 4731.36, 4743.04, 5902.02, 3
5903.03, 5903.10, 5903.11, 5903.12, 5903.121, 4
5907.01, and 5907.04 and to enact sections 5
2305.112, 2307.611, 3333.164, 3345.42, 3345.421, 6
3345.422, 3345.423, 3345.424, 5903.01, 5903.04, 7
5903.05, and 5903.15 of the Revised Code to 8
require state institutions of higher education to 9

award credit for military training, to increase 10
penalties for certain theft, deception, and 11
identity fraud offenses when the victim is an 12
active duty service member, to allow for a civil 13
action for victims of identity fraud, to make 14
other changes regarding state support and benefits 15
for veterans and their spouses, and to clarify 16
membership in the State Teachers Retirement 17
System. 18

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

Section 1. That sections 1306.20, 2913.01, 2913.02, 2913.43, 19
2913.49, 2913.61, 3307.01, 3333.28, 4729.12, 4729.13, 4729.15, 20
4731.36, 4743.04, 5902.02, 5903.03, 5903.10, 5903.11, 5903.12, 21
5903.121, 5907.01, and 5907.04 be amended and sections 2305.112, 22
2307.611, 3333.164, 3345.42, 3345.421, 3345.422, 3345.423, 23
3345.424, 5903.01, 5903.04, 5903.05, and 5903.15 of the Revised 24
Code be enacted to read as follows: 25

Sec. 1306.20. (A) Subject to section 1306.11 of the Revised 26
Code, each state agency shall determine if, and the extent to 27
which, it will send and receive electronic records and electronic 28
signatures to and from other persons and otherwise create, 29
generate, communicate, store, process, use, and rely upon 30
electronic records and electronic signatures. 31

(B)(1) Subject to division (B)(2) of this section, a state 32
agency may waive a requirement in the Revised Code, other than a 33
requirement in sections 1306.01 to 1306.15 of the Revised Code, 34
that relates to any of the following: 35

(a) The method of posting or displaying records; 36

(b) The manner of sending, communicating, or transmitting 37

records;	38
(c) The manner of formatting records.	39
(2) A state agency may exercise its authority to waive a requirement under division (B)(1) of this section only if the following apply:	40 41 42
(a) The requirement relates to a matter over which the state agency has jurisdiction;	43 44
(b) The waiver is consistent with criteria set forth in rules adopted by the state agency. The criteria, to the extent reasonable under the circumstances, shall contain standards to facilitate the use of electronic commerce by persons under the jurisdiction of the state agency consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.	45 46 47 48 49 50 51
(C) If a state agency creates, uses, receives, or retains electronic records, both of the following apply:	52 53
(1) Any rules adopted by a state agency relating to electronic records shall be consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.	54 55 56 57
(2) Each state agency shall create, use, receive, and retain electronic records in accordance with section 149.40 of the Revised Code.	58 59 60
(D) If a state agency creates, uses, or receives electronic signatures, the state agency shall create, use, or receive the signatures in accordance with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.	61 62 63 64 65
(E)(1) To the extent a state agency retains an electronic record, the state agency may retain a record in a format that is	66 67

different from the format in which the record was originally 68
created, used, sent, or received only if it can be demonstrated 69
that the alternative format used accurately and completely 70
reflects the record as it was originally created, used, sent, or 71
received. 72

(2) If a state agency in retaining any set of electronic 73
records pursuant to division (E)(1) of this section alters the 74
format of the records, the state agency shall create a certificate 75
of authenticity for each set of records that is altered. 76

(3) The department of administrative services, in 77
consultation with the state archivist, shall adopt rules in 78
accordance with section 111.15 of the Revised Code that establish 79
the methods for creating certificates of authenticity pursuant to 80
division (E)(2) of this section. 81

(F) Whenever any rule of law requires or authorizes the 82
filing of any information, notice, lien, or other document or 83
record with any state agency, a filing made by an electronic 84
record shall have the same force and effect as a filing made on 85
paper in all cases where the state agency has authorized or agreed 86
to such electronic filing and the filing is made in accordance 87
with applicable rules or agreement. 88

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 89
Code shall be construed to require any state agency to use or 90
permit the use of electronic records and electronic signatures. 91

(H)(1) Notwithstanding division (C)(1) or (D) of this 92
section, any state agency that, prior to ~~the effective date of~~ 93
~~this section~~ September 14, 2000, used or permitted the use of 94
electronic records or electronic signatures pursuant to laws 95
enacted, rules adopted, or agency policies adopted before ~~the~~ 96
~~effective date of this section~~ September 14, 2000, may use or 97
permit the use of electronic records or electronic signatures 98

pursuant to those previously enacted laws, adopted rules, or 99
adopted policies for a period of two years after ~~the effective~~ 100
~~date of this section~~ September 14, 2000. 101

(2) Subject to division (H)(3) of this section, after the 102
two-year period described in division (H)(1) of this section has 103
concluded, all state agencies that use or permit the use of 104
electronic records or electronic signatures before ~~the effective~~ 105
~~date of this section~~ September 14, 2000, shall only use or permit 106
the use of electronic records or electronic signatures consistent 107
with rules adopted by the department of administrative services 108
pursuant to division (A) of section 1306.21 of the Revised Code. 109

(3) After the two-year period described in division (H)(1) of 110
this section has concluded, the department of administrative 111
services may permit a state agency to use electronic records or 112
electronic signatures that do not comply with division (H)(2) of 113
this section, if the state agency files a written request with the 114
department. 115

(I) For the purposes of this section, "state agency" means 116
every organized body, office, or agency established by the laws of 117
the state for the exercise of any function of state government, 118
but does not include the general assembly, any legislative agency, 119
the supreme court, the other courts of record in this state, ~~or~~ 120
any judicial agency, or any state university identified in section 121
3345.011 of the Revised Code, or the northeast Ohio medical 122
university. 123

(J) A state university identified in section 3345.011 of the 124
Revised Code, and the northeast Ohio medical university, that uses 125
or permits the use of electronic records or electronic signatures 126
on the effective date of this amendment, shall, within six months 127
after the effective date of this amendment, adopt rules in 128
accordance with section 111.15 of the Revised Code to provide for 129
the use or permission to use electronic records or electronic 130

signatures. A state university identified in section 3345.011 of 131
the Revised Code, and the northeast Ohio medical university, if 132
not using or permitting the use of electronic records or 133
electronic signatures on the effective date of this amendment, 134
shall adopt rules in accordance with section 111.15 of the Revised 135
Code when it elects to begin using or permitting the use of 136
electronic records or electronic signatures. 137

Sec. 2305.112. A civil action brought pursuant to division 138
(A) of section 2307.60 of the Revised Code when the person filing 139
the action is injured in person or property by a violation of 140
division (B), (D), or (E) of section 2913.49 of the Revised Code 141
shall be commenced within five years from the date on which the 142
identity of the offender was discovered or reasonably should have 143
been discovered. 144

Sec. 2307.611. A person who brings a civil action pursuant to 145
division (A) of section 2307.60 of the Revised Code to recover 146
damages from any person who caused injury to person or property by 147
a violation of division (B), (D), or (E) of section 2913.49 of the 148
Revised Code may recover damages up to five thousand dollars for 149
each violation or three times the amount of actual damages, 150
whichever is greater, and reasonable attorney's fees. 151

Sec. 2913.01. As used in this chapter, unless the context 152
requires that a term be given a different meaning: 153

(A) "Deception" means knowingly deceiving another or causing 154
another to be deceived by any false or misleading representation, 155
by withholding information, by preventing another from acquiring 156
information, or by any other conduct, act, or omission that 157
creates, confirms, or perpetuates a false impression in another, 158
including a false impression as to law, value, state of mind, or 159
other objective or subjective fact. 160

(B) "Defraud" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.

(C) "Deprive" means to do any of the following:

(1) Withhold property of another permanently, or for a period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;

(2) Dispose of property so as to make it unlikely that the owner will recover it;

(3) Accept, use, or appropriate money, property, or services, with purpose not to give proper consideration in return for the money, property, or services, and without reasonable justification or excuse for not giving proper consideration.

(D) "Owner" means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license, or interest is unlawful.

(E) "Services" include labor, personal services, professional services, rental services, public utility services including wireless service as defined in division (F)(1) of section 128.01 of the Revised Code, common carrier services, and food, drink, transportation, entertainment, and cable television services and, for purposes of section 2913.04 of the Revised Code, include cable services as defined in that section.

(F) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film, or other thing having in or upon it any written, typewritten, or printed matter, and any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license, or identification.

(G) "Forge" means to fabricate or create, in whole or in part 192
and by any means, any spurious writing, or to make, execute, 193
alter, complete, reproduce, or otherwise purport to authenticate 194
any writing, when the writing in fact is not authenticated by that 195
conduct. 196

(H) "Utter" means to issue, publish, transfer, use, put or 197
send into circulation, deliver, or display. 198

(I) "Coin machine" means any mechanical or electronic device 199
designed to do both of the following: 200

(1) Receive a coin, bill, or token made for that purpose; 201

(2) In return for the insertion or deposit of a coin, bill, 202
or token, automatically dispense property, provide a service, or 203
grant a license. 204

(J) "Slug" means an object that, by virtue of its size, 205
shape, composition, or other quality, is capable of being inserted 206
or deposited in a coin machine as an improper substitute for a 207
genuine coin, bill, or token made for that purpose. 208

(K) "Theft offense" means any of the following: 209

(1) A violation of section 2911.01, 2911.02, 2911.11, 210
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 211
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 212
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 213
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 214
2913.51, 2915.05, or 2921.41 of the Revised Code; 215

(2) A violation of an existing or former municipal ordinance 216
or law of this or any other state, or of the United States, 217
substantially equivalent to any section listed in division (K)(1) 218
of this section or a violation of section 2913.41, 2913.81, or 219
2915.06 of the Revised Code as it existed prior to July 1, 1996; 220

(3) An offense under an existing or former municipal 221

ordinance or law of this or any other state, or of the United 222
States, involving robbery, burglary, breaking and entering, theft, 223
embezzlement, wrongful conversion, forgery, counterfeiting, 224
deceit, or fraud; 225

(4) A conspiracy or attempt to commit, or complicity in 226
committing, any offense under division (K)(1), (2), or (3) of this 227
section. 228

(L) "Computer services" includes, but is not limited to, the 229
use of a computer system, computer network, computer program, data 230
that is prepared for computer use, or data that is contained 231
within a computer system or computer network. 232

(M) "Computer" means an electronic device that performs 233
logical, arithmetic, and memory functions by the manipulation of 234
electronic or magnetic impulses. "Computer" includes, but is not 235
limited to, all input, output, processing, storage, computer 236
program, or communication facilities that are connected, or 237
related, in a computer system or network to an electronic device 238
of that nature. 239

(N) "Computer system" means a computer and related devices, 240
whether connected or unconnected, including, but not limited to, 241
data input, output, and storage devices, data communications 242
links, and computer programs and data that make the system capable 243
of performing specified special purpose data processing tasks. 244

(O) "Computer network" means a set of related and remotely 245
connected computers and communication facilities that includes 246
more than one computer system that has the capability to transmit 247
among the connected computers and communication facilities through 248
the use of computer facilities. 249

(P) "Computer program" means an ordered set of data 250
representing coded instructions or statements that, when executed 251
by a computer, cause the computer to process data. 252

(Q) "Computer software" means computer programs, procedures, 253
and other documentation associated with the operation of a 254
computer system. 255

(R) "Data" means a representation of information, knowledge, 256
facts, concepts, or instructions that are being or have been 257
prepared in a formalized manner and that are intended for use in a 258
computer, computer system, or computer network. For purposes of 259
section 2913.47 of the Revised Code, "data" has the additional 260
meaning set forth in division (A) of that section. 261

(S) "Cable television service" means any services provided by 262
or through the facilities of any cable television system or other 263
similar closed circuit coaxial cable communications system, or any 264
microwave or similar transmission service used in connection with 265
any cable television system or other similar closed circuit 266
coaxial cable communications system. 267

(T) "Gain access" means to approach, instruct, communicate 268
with, store data in, retrieve data from, or otherwise make use of 269
any resources of a computer, computer system, or computer network, 270
or any cable service or cable system both as defined in section 271
2913.04 of the Revised Code. 272

(U) "Credit card" includes, but is not limited to, a card, 273
code, device, or other means of access to a customer's account for 274
the purpose of obtaining money, property, labor, or services on 275
credit, or for initiating an electronic fund transfer at a 276
point-of-sale terminal, an automated teller machine, or a cash 277
dispensing machine. It also includes a county procurement card 278
issued under section 301.29 of the Revised Code. 279

(V) "Electronic fund transfer" has the same meaning as in 92 280
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 281

(W) "Rented property" means personal property in which the 282
right of possession and use of the property is for a short and 283

possibly indeterminate term in return for consideration; the 284
rentee generally controls the duration of possession of the 285
property, within any applicable minimum or maximum term; and the 286
amount of consideration generally is determined by the duration of 287
possession of the property. 288

(X) "Telecommunication" means the origination, emission, 289
dissemination, transmission, or reception of data, images, 290
signals, sounds, or other intelligence or equivalence of 291
intelligence of any nature over any communications system by any 292
method, including, but not limited to, a fiber optic, electronic, 293
magnetic, optical, digital, or analog method. 294

(Y) "Telecommunications device" means any instrument, 295
equipment, machine, or other device that facilitates 296
telecommunication, including, but not limited to, a computer, 297
computer network, computer chip, computer circuit, scanner, 298
telephone, cellular telephone, pager, personal communications 299
device, transponder, receiver, radio, modem, or device that 300
enables the use of a modem. 301

(Z) "Telecommunications service" means the providing, 302
allowing, facilitating, or generating of any form of 303
telecommunication through the use of a telecommunications device 304
over a telecommunications system. 305

(AA) "Counterfeit telecommunications device" means a 306
telecommunications device that, alone or with another 307
telecommunications device, has been altered, constructed, 308
manufactured, or programmed to acquire, intercept, receive, or 309
otherwise facilitate the use of a telecommunications service or 310
information service without the authority or consent of the 311
provider of the telecommunications service or information service. 312
"Counterfeit telecommunications device" includes, but is not 313
limited to, a clone telephone, clone microchip, tumbler telephone, 314
or tumbler microchip; a wireless scanning device capable of 315

acquiring, intercepting, receiving, or otherwise facilitating the 316
use of telecommunications service or information service without 317
immediate detection; or a device, equipment, hardware, or software 318
designed for, or capable of, altering or changing the electronic 319
serial number in a wireless telephone. 320

(BB)(1) "Information service" means, subject to division 321
(BB)(2) of this section, the offering of a capability for 322
generating, acquiring, storing, transforming, processing, 323
retrieving, utilizing, or making available information via 324
telecommunications, including, but not limited to, electronic 325
publishing. 326

(2) "Information service" does not include any use of a 327
capability of a type described in division (BB)(1) of this section 328
for the management, control, or operation of a telecommunications 329
system or the management of a telecommunications service. 330

(CC) "Elderly person" means a person who is sixty-five years 331
of age or older. 332

(DD) "Disabled adult" means a person who is eighteen years of 333
age or older and has some impairment of body or mind that makes 334
the person unable to work at any substantially remunerative 335
employment that the person otherwise would be able to perform and 336
that will, with reasonable probability, continue for a period of 337
at least twelve months without any present indication of recovery 338
from the impairment, or who is eighteen years of age or older and 339
has been certified as permanently and totally disabled by an 340
agency of this state or the United States that has the function of 341
so classifying persons. 342

(EE) "Firearm" and "dangerous ordnance" have the same 343
meanings as in section 2923.11 of the Revised Code. 344

(FF) "Motor vehicle" has the same meaning as in section 345
4501.01 of the Revised Code. 346

(GG) "Dangerous drug" has the same meaning as in section	347
4729.01 of the Revised Code.	348
(HH) "Drug abuse offense" has the same meaning as in section	349
2925.01 of the Revised Code.	350
(II)(1) "Computer hacking" means any of the following:	351
(a) Gaining access or attempting to gain access to all or	352
part of a computer, computer system, or a computer network without	353
express or implied authorization with the intent to defraud or	354
with intent to commit a crime;	355
(b) Misusing computer or network services including, but not	356
limited to, mail transfer programs, file transfer programs, proxy	357
servers, and web servers by performing functions not authorized by	358
the owner of the computer, computer system, or computer network or	359
other person authorized to give consent. As used in this division,	360
"misuse of computer and network services" includes, but is not	361
limited to, the unauthorized use of any of the following:	362
(i) Mail transfer programs to send mail to persons other than	363
the authorized users of that computer or computer network;	364
(ii) File transfer program proxy services or proxy servers to	365
access other computers, computer systems, or computer networks;	366
(iii) Web servers to redirect users to other web pages or web	367
servers.	368
(c)(i) Subject to division (II)(1)(c)(ii) of this section,	369
using a group of computer programs commonly known as "port	370
scanners" or "probes" to intentionally access any computer,	371
computer system, or computer network without the permission of the	372
owner of the computer, computer system, or computer network or	373
other person authorized to give consent. The group of computer	374
programs referred to in this division includes, but is not limited	375
to, those computer programs that use a computer network to access	376

a computer, computer system, or another computer network to 377
determine any of the following: the presence or types of computers 378
or computer systems on a network; the computer network's 379
facilities and capabilities; the availability of computer or 380
network services; the presence or versions of computer software 381
including, but not limited to, operating systems, computer 382
services, or computer contaminants; the presence of a known 383
computer software deficiency that can be used to gain unauthorized 384
access to a computer, computer system, or computer network; or any 385
other information about a computer, computer system, or computer 386
network not necessary for the normal and lawful operation of the 387
computer initiating the access. 388

(ii) The group of computer programs referred to in division 389
(II)(1)(c)(i) of this section does not include standard computer 390
software used for the normal operation, administration, 391
management, and test of a computer, computer system, or computer 392
network including, but not limited to, domain name services, mail 393
transfer services, and other operating system services, computer 394
programs commonly called "ping," "tcpdump," and "traceroute" and 395
other network monitoring and management computer software, and 396
computer programs commonly known as "nslookup" and "whois" and 397
other systems administration computer software. 398

(d) The intentional use of a computer, computer system, or a 399
computer network in a manner that exceeds any right or permission 400
granted by the owner of the computer, computer system, or computer 401
network or other person authorized to give consent. 402

(2) "Computer hacking" does not include the introduction of a 403
computer contaminant, as defined in section 2909.01 of the Revised 404
Code, into a computer, computer system, computer program, or 405
computer network. 406

(JJ) "Police dog or horse" has the same meaning as in section 407
2921.321 of the Revised Code. 408

(KK) "Anhydrous ammonia" is a compound formed by the 409
combination of two gaseous elements, nitrogen and hydrogen, in the 410
manner described in this division. Anhydrous ammonia is one part 411
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 412
weight is fourteen parts nitrogen to three parts hydrogen, which 413
is approximately eighty-two per cent nitrogen to eighteen per cent 414
hydrogen. 415

(LL) "Assistance dog" has the same meaning as in section 416
955.011 of the Revised Code. 417

(MM) "Federally licensed firearms dealer" has the same 418
meaning as in section 5502.63 of the Revised Code. 419

(NN) "Active duty service member" means any member of the 420
armed forces of the United States performing active duty under 421
title 10 of the United States Code. 422

Sec. 2913.02. (A) No person, with purpose to deprive the 423
owner of property or services, shall knowingly obtain or exert 424
control over either the property or services in any of the 425
following ways: 426

(1) Without the consent of the owner or person authorized to 427
give consent; 428

(2) Beyond the scope of the express or implied consent of the 429
owner or person authorized to give consent; 430

(3) By deception; 431

(4) By threat; 432

(5) By intimidation. 433

(B)(1) Whoever violates this section is guilty of theft. 434

(2) Except as otherwise provided in this division or division 435
(B)(3), (4), (5), (6), (7), (8), or (9) of this section, a 436
violation of this section is petty theft, a misdemeanor of the 437

first degree. If the value of the property or services stolen is 438
one thousand dollars or more and is less than seven thousand five 439
hundred dollars or if the property stolen is any of the property 440
listed in section 2913.71 of the Revised Code, a violation of this 441
section is theft, a felony of the fifth degree. If the value of 442
the property or services stolen is seven thousand five hundred 443
dollars or more and is less than one hundred fifty thousand 444
dollars, a violation of this section is grand theft, a felony of 445
the fourth degree. If the value of the property or services stolen 446
is one hundred fifty thousand dollars or more and is less than 447
seven hundred fifty thousand dollars, a violation of this section 448
is aggravated theft, a felony of the third degree. If the value of 449
the property or services is seven hundred fifty thousand dollars 450
or more and is less than one million five hundred thousand 451
dollars, a violation of this section is aggravated theft, a felony 452
of the second degree. If the value of the property or services 453
stolen is one million five hundred thousand dollars or more, a 454
violation of this section is aggravated theft of one million five 455
hundred thousand dollars or more, a felony of the first degree. 456

(3) Except as otherwise provided in division (B)(4), (5), 457
(6), (7), (8), or (9) of this section, if the victim of the 458
offense is an elderly person ~~or~~, disabled adult, active duty 459
service member, or spouse of an active duty service member, a 460
violation of this section is theft from ~~an elderly a person or~~ 461
~~disabled adult in a protected class,~~ and division (B)(3) of this 462
section applies. Except as otherwise provided in this division, 463
theft from ~~an elderly a person or disabled adult in a protected~~ 464
class is a felony of the fifth degree. If the value of the 465
property or services stolen is one thousand dollars or more and is 466
less than seven thousand five hundred dollars, theft from ~~an~~ 467
~~elderly a person or disabled adult in a protected class~~ is a 468
felony of the fourth degree. If the value of the property or 469
services stolen is seven thousand five hundred dollars or more and 470

is less than thirty-seven thousand five hundred dollars, theft 471
from ~~an elderly a person or disabled adult~~ in a protected class is 472
a felony of the third degree. If the value of the property or 473
services stolen is thirty-seven thousand five hundred dollars or 474
more and is less than one hundred fifty thousand dollars, theft 475
from ~~an elderly a person or disabled adult~~ in a protected class is 476
a felony of the second degree. If the value of the property or 477
services stolen is one hundred fifty thousand dollars or more, 478
theft from ~~an elderly a person or disabled adult~~ in a protected 479
class is a felony of the first degree. 480

(4) If the property stolen is a firearm or dangerous 481
ordnance, a violation of this section is grand theft. Except as 482
otherwise provided in this division, grand theft when the property 483
stolen is a firearm or dangerous ordnance is a felony of the third 484
degree, and there is a presumption in favor of the court imposing 485
a prison term for the offense. If the firearm or dangerous 486
ordnance was stolen from a federally licensed firearms dealer, 487
grand theft when the property stolen is a firearm or dangerous 488
ordnance is a felony of the first degree. The offender shall serve 489
a prison term imposed for grand theft when the property stolen is 490
a firearm or dangerous ordnance consecutively to any other prison 491
term or mandatory prison term previously or subsequently imposed 492
upon the offender. 493

(5) If the property stolen is a motor vehicle, a violation of 494
this section is grand theft of a motor vehicle, a felony of the 495
fourth degree. 496

(6) If the property stolen is any dangerous drug, a violation 497
of this section is theft of drugs, a felony of the fourth degree, 498
or, if the offender previously has been convicted of a felony drug 499
abuse offense, a felony of the third degree. 500

(7) If the property stolen is a police dog or horse or an 501
assistance dog and the offender knows or should know that the 502

property stolen is a police dog or horse or an assistance dog, a 503
violation of this section is theft of a police dog or horse or an 504
assistance dog, a felony of the third degree. 505

(8) If the property stolen is anhydrous ammonia, a violation 506
of this section is theft of anhydrous ammonia, a felony of the 507
third degree. 508

(9) Except as provided in division (B)(2) of this section 509
with respect to property with a value of seven thousand five 510
hundred dollars or more and division (B)(3) of this section with 511
respect to property with a value of one thousand dollars or more, 512
if the property stolen is a special purpose article as defined in 513
section 4737.04 of the Revised Code or is a bulk merchandise 514
container as defined in section 4737.012 of the Revised Code, a 515
violation of this section is theft of a special purpose article or 516
articles or theft of a bulk merchandise container or containers, a 517
felony of the fifth degree. 518

(10) In addition to the penalties described in division 519
(B)(2) of this section, if the offender committed the violation by 520
causing a motor vehicle to leave the premises of an establishment 521
at which gasoline is offered for retail sale without the offender 522
making full payment for gasoline that was dispensed into the fuel 523
tank of the motor vehicle or into another container, the court may 524
do one of the following: 525

(a) Unless division (B)(10)(b) of this section applies, 526
suspend for not more than six months the offender's driver's 527
license, probationary driver's license, commercial driver's 528
license, temporary instruction permit, or nonresident operating 529
privilege; 530

(b) If the offender's driver's license, probationary driver's 531
license, commercial driver's license, temporary instruction 532
permit, or nonresident operating privilege has previously been 533

suspended pursuant to division (B)(10)(a) of this section, impose 534
a class seven suspension of the offender's license, permit, or 535
privilege from the range specified in division (A)(7) of section 536
4510.02 of the Revised Code, provided that the suspension shall be 537
for at least six months. 538

(c) The court, in lieu of suspending the offender's driver's 539
or commercial driver's license, probationary driver's license, 540
temporary instruction permit, or nonresident operating privilege 541
pursuant to division (B)(10)(a) or (b) of this section, instead 542
may require the offender to perform community service for a number 543
of hours determined by the court. 544

(11) In addition to the penalties described in division 545
(B)(2) of this section, if the offender committed the violation by 546
stealing rented property or rental services, the court may order 547
that the offender make restitution pursuant to section 2929.18 or 548
2929.28 of the Revised Code. Restitution may include, but is not 549
limited to, the cost of repairing or replacing the stolen 550
property, or the cost of repairing the stolen property and any 551
loss of revenue resulting from deprivation of the property due to 552
theft of rental services that is less than or equal to the actual 553
value of the property at the time it was rented. Evidence of 554
intent to commit theft of rented property or rental services shall 555
be determined pursuant to the provisions of section 2913.72 of the 556
Revised Code. 557

(C) The sentencing court that suspends an offender's license, 558
permit, or nonresident operating privilege under division (B)(10) 559
of this section may grant the offender limited driving privileges 560
during the period of the suspension in accordance with Chapter 561
4510. of the Revised Code. 562

Sec. 2913.43. (A) No person, by deception, shall cause 563
another to execute any writing that disposes of or encumbers 564

property, or by which a pecuniary obligation is incurred. 565

(B)(1) Whoever violates this section is guilty of securing 566
writings by deception. 567

(2) Except as otherwise provided in this division or division 568
(B)(3) of this section, securing writings by deception is a 569
misdemeanor of the first degree. If the value of the property or 570
the obligation involved is one thousand dollars or more and less 571
than seven thousand five hundred dollars, securing writings by 572
deception is a felony of the fifth degree. If the value of the 573
property or the obligation involved is seven thousand five hundred 574
dollars or more and is less than one hundred fifty thousand 575
dollars, securing writings by deception is a felony of the fourth 576
degree. If the value of the property or the obligation involved is 577
one hundred fifty thousand dollars or more, securing writings by 578
deception is a felony of the third degree. 579

(3) If the victim of the offense is an elderly person ~~or~~, 580
disabled adult, active duty service member, or spouse of an active 581
duty service member, division (B)(3) of this section applies. 582
Except as otherwise provided in division (B)(3) of this section, 583
securing writings by deception is a felony of the fifth degree. If 584
the value of the property or obligation involved is one thousand 585
dollars or more and is less than seven thousand five hundred 586
dollars, securing writings by deception is a felony of the fourth 587
degree. If the value of the property or obligation involved is 588
seven thousand five hundred dollars or more and is less than 589
thirty-seven thousand five hundred dollars, securing writings by 590
deception is a felony of the third degree. If the value of the 591
property or obligation involved is thirty-seven thousand five 592
hundred dollars or more, securing writings by deception is a 593
felony of the second degree. 594

Sec. 2913.49. (A) As used in this section, "personal 595

identifying information" includes, but is not limited to, the 596
following: the name, address, telephone number, driver's license, 597
driver's license number, commercial driver's license, commercial 598
driver's license number, state identification card, state 599
identification card number, social security card, social security 600
number, birth certificate, place of employment, employee 601
identification number, mother's maiden name, demand deposit 602
account number, savings account number, money market account 603
number, mutual fund account number, other financial account 604
number, personal identification number, password, or credit card 605
number of a living or dead individual. 606

(B) No person, without the express or implied consent of the 607
other person, shall use, obtain, or possess any personal 608
identifying information of another person with intent to do either 609
of the following: 610

(1) Hold the person out to be the other person; 611

(2) Represent the other person's personal identifying 612
information as the person's own personal identifying information. 613

(C) No person shall create, obtain, possess, or use the 614
personal identifying information of any person with the intent to 615
aid or abet another person in violating division (B) of this 616
section. 617

(D) No person, with intent to defraud, shall permit another 618
person to use the person's own personal identifying information. 619

(E) No person who is permitted to use another person's 620
personal identifying information as described in division (D) of 621
this section shall use, obtain, or possess the other person's 622
personal identifying information with intent to defraud any person 623
by doing any act identified in division (B)(1) or (2) of this 624
section. 625

(F)(1) It is an affirmative defense to a charge under 626

division (B) of this section that the person using the personal 627
identifying information is acting in accordance with a legally 628
recognized guardianship or conservatorship or as a trustee or 629
fiduciary. 630

(2) It is an affirmative defense to a charge under division 631
(B), (C), (D), or (E) of this section that either of the following 632
applies: 633

(a) The person or entity using, obtaining, possessing, or 634
creating the personal identifying information or permitting it to 635
be used is a law enforcement agency, authorized fraud personnel, 636
or a representative of or attorney for a law enforcement agency or 637
authorized fraud personnel and is using, obtaining, possessing, or 638
creating the personal identifying information or permitting it to 639
be used, with prior consent given as specified in this division, 640
in a bona fide investigation, an information security evaluation, 641
a pretext calling evaluation, or a similar matter. The prior 642
consent required under this division shall be given by the person 643
whose personal identifying information is being used, obtained, 644
possessed, or created or is being permitted to be used or, if the 645
person whose personal identifying information is being used, 646
obtained, possessed, or created or is being permitted to be used 647
is deceased, by that deceased person's executor, or a member of 648
that deceased person's family, or that deceased person's attorney. 649
The prior consent required under this division may be given orally 650
or in writing by the person whose personal identifying information 651
is being used, obtained, possessed, or created or is being 652
permitted to be used or that person's executor, or family member, 653
or attorney. 654

(b) The personal identifying information was obtained, 655
possessed, used, created, or permitted to be used for a lawful 656
purpose, provided that division (F)(2)(b) of this section does not 657
apply if the person or entity using, obtaining, possessing, or 658

creating the personal identifying information or permitting it to 659
be used is a law enforcement agency, authorized fraud personnel, 660
or a representative of or attorney for a law enforcement agency or 661
authorized fraud personnel that is using, obtaining, possessing, 662
or creating the personal identifying information or permitting it 663
to be used in an investigation, an information security 664
evaluation, a pretext calling evaluation, or similar matter. 665

(G) It is not a defense to a charge under this section that 666
the person whose personal identifying information was obtained, 667
possessed, used, created, or permitted to be used was deceased at 668
the time of the offense. 669

(H)(1) If an offender commits a violation of division (B), 670
(D), or (E) of this section and the violation occurs as part of a 671
course of conduct involving other violations of division (B), (D), 672
or (E) of this section or violations of, attempts to violate, 673
conspiracies to violate, or complicity in violations of division 674
(C) of this section or section 2913.02, 2913.04, 2913.11, 2913.21, 675
2913.31, 2913.42, 2913.43, or 2921.13 of the Revised Code, the 676
court, in determining the degree of the offense pursuant to 677
division (I) of this section, may aggregate all credit, property, 678
or services obtained or sought to be obtained by the offender and 679
all debts or other legal obligations avoided or sought to be 680
avoided by the offender in the violations involved in that course 681
of conduct. The course of conduct may involve one victim or more 682
than one victim. 683

(2) If an offender commits a violation of division (C) of 684
this section and the violation occurs as part of a course of 685
conduct involving other violations of division (C) of this section 686
or violations of, attempts to violate, conspiracies to violate, or 687
complicity in violations of division (B), (D), or (E) of this 688
section or section 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 689
2913.42, 2913.43, or 2921.13 of the Revised Code, the court, in 690

determining the degree of the offense pursuant to division (I) of 691
this section, may aggregate all credit, property, or services 692
obtained or sought to be obtained by the person aided or abetted 693
and all debts or other legal obligations avoided or sought to be 694
avoided by the person aided or abetted in the violations involved 695
in that course of conduct. The course of conduct may involve one 696
victim or more than one victim. 697

(I)(1) Whoever violates this section is guilty of identity 698
fraud. 699

(2) Except as otherwise provided in this division or division 700
(I)(3) of this section, identity fraud is a felony of the fifth 701
degree. If the value of the credit, property, services, debt, or 702
other legal obligation involved in the violation or course of 703
conduct is one thousand dollars or more and is less than seven 704
thousand five hundred dollars, except as otherwise provided in 705
division (I)(3) of this section, identity fraud is a felony of the 706
fourth degree. If the value of the credit, property, services, 707
debt, or other legal obligation involved in the violation or 708
course of conduct is seven thousand five hundred dollars or more 709
and is less than one hundred fifty thousand dollars, except as 710
otherwise provided in division (I)(3) of this section, identity 711
fraud is a felony of the third degree. If the value of the credit, 712
property, services, debt, or other legal obligation involved in 713
the violation or course of conduct is one hundred fifty thousand 714
dollars or more, except as otherwise provided in division (I)(3) 715
of this section, identity fraud is a felony of the second degree. 716

(3) If the victim of the offense is an elderly person ~~or~~, 717
disabled adult, active duty service member, or spouse of an active 718
duty service member, a violation of this section is identity fraud 719
against ~~an elderly a person or disabled adult~~ in a protected 720
class. Except as otherwise provided in this division, identity 721
fraud against ~~an elderly a person or disabled adult~~ in a protected 722

class is a felony of the ~~fifth~~ fourth degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is one thousand dollars or more and is less than seven thousand five hundred dollars, identity fraud against ~~an elderly a person or disabled adult~~ in a protected class is a felony of the third degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, identity fraud against ~~an elderly a person or disabled adult~~ in a protected class is a felony of the second degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is one hundred fifty thousand dollars or more, identity fraud against ~~an elderly a person or disabled adult~~ in a protected class is a felony of the first degree.

(J) In addition to the penalties described in division (I) of this section, anyone injured in person or property by a violation of division (B), (D), or (E) of this section who is the owner of the identifying information involved in that violation has a civil action against the offender pursuant to section 2307.60 of the Revised Code. That person may also bring a civil action to enjoin or restrain future acts that would constitute a violation of division (B), (D), or (E) of this section.

Sec. 2913.61. (A) When a person is charged with a theft offense, or with a violation of division (A)(1) of section 1716.14 of the Revised Code involving a victim who is an elderly person or disabled adult that involves property or services valued at one thousand dollars or more, property or services valued at one thousand dollars or more and less than seven thousand five hundred dollars, property or services valued at one thousand five hundred dollars or more and less than seven thousand five hundred dollars,

property or services valued at seven thousand five hundred dollars 755
or more and less than thirty-seven thousand five hundred dollars, 756
property or services valued at seven thousand five hundred dollars 757
or more and less than one hundred fifty thousand dollars, property 758
or services valued at thirty-seven thousand five hundred dollars 759
or more and less than one hundred fifty thousand dollars, property 760
or services valued at thirty-seven thousand five hundred dollars 761
or more, property or services valued at one hundred fifty thousand 762
dollars or more, property or services valued at one hundred fifty 763
thousand dollars or more and less than seven hundred fifty 764
thousand dollars, property or services valued at seven hundred 765
fifty thousand dollars or more and less than one million five 766
hundred thousand dollars, or property or services valued at one 767
million five hundred thousand dollars or more, the jury or court 768
trying the accused shall determine the value of the property or 769
services as of the time of the offense and, if a guilty verdict is 770
returned, shall return the finding of value as part of the 771
verdict. In any case in which the jury or court determines that 772
the value of the property or services at the time of the offense 773
was one thousand dollars or more, it is unnecessary to find and 774
return the exact value, and it is sufficient if the finding and 775
return is to the effect that the value of the property or services 776
involved was one thousand dollars or more, was one thousand 777
dollars or more and less than seven thousand five hundred dollars, 778
was one thousand five hundred dollars or more and less than seven 779
thousand five hundred dollars, was seven thousand five hundred 780
dollars or more and less than thirty-seven thousand five hundred 781
dollars, ~~was seven thousand five hundred dollars or more and less~~ 782
~~than thirty seven thousand five hundred dollars,~~ was seven 783
thousand five hundred dollars or more and less than one hundred 784
fifty thousand dollars, was thirty-seven thousand five hundred 785
dollars or more and less than one hundred fifty thousand dollars, 786
was thirty-seven thousand five hundred dollars or more ~~and less~~ 787

~~than one hundred fifty thousand dollars, was one hundred fifty~~ 788
~~thousand dollars or more, was one hundred fifty thousand dollars~~ 789
~~or more and less than seven hundred fifty thousand dollars, was~~ 790
~~seven hundred fifty thousand dollars or more and less than one~~ 791
~~million five hundred thousand dollars, or was one million five~~ 792
~~hundred thousand dollars or more, whichever is relevant regarding~~ 793
~~the offense.~~ 794

(B) If more than one item of property or services is involved 795
in a theft offense or in a violation of division (A)(1) of section 796
1716.14 of the Revised Code involving a victim who is an elderly 797
person or disabled adult, the value of the property or services 798
involved for the purpose of determining the value as required by 799
division (A) of this section is the aggregate value of all 800
property or services involved in the offense. 801

(C)(1) When a series of offenses under section 2913.02 of the 802
Revised Code, or a series of violations of, attempts to commit a 803
violation of, conspiracies to violate, or complicity in violations 804
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 805
or 2913.04, division (B)(1) or (2) of section 2913.21, or section 806
2913.31 or 2913.43 of the Revised Code involving a victim who is 807
an elderly person or disabled adult, is committed by the offender 808
in the offender's same employment, capacity, or relationship to 809
another, all of those offenses shall be tried as a single offense. 810
When a series of offenses under section 2913.02 of the Revised 811
Code, or a series of violations of, attempts to commit a violation 812
of, conspiracies to violate, or complicity in violations of 813
section 2913.02 or 2913.43 of the Revised Code involving a victim 814
who is an active duty service member or spouse of an active duty 815
service member is committed by the offender in the offender's same 816
employment, capacity, or relationship to another, all of those 817
offenses shall be tried as a single offense. The value of the 818
property or services involved in the series of offenses for the 819

purpose of determining the value as required by division (A) of 820
this section is the aggregate value of all property and services 821
involved in all offenses in the series. 822

(2) If an offender commits a series of offenses under section 823
2913.02 of the Revised Code that involves a common course of 824
conduct to defraud multiple victims, all of the offenses may be 825
tried as a single offense. If an offender is being tried for the 826
commission of a series of violations of, attempts to commit a 827
violation of, conspiracies to violate, or complicity in violations 828
of division (A)(1) of section 1716.14, section 2913.02, 2913.03, 829
or 2913.04, division (B)(1) or (2) of section 2913.21, or section 830
2913.31 or 2913.43 of the Revised Code, whether committed against 831
one victim or more than one victim, involving a victim who is an 832
elderly person or disabled adult, pursuant to a scheme or course 833
of conduct, all of those offenses may be tried as a single 834
offense. If an offender is being tried for the commission of a 835
series of violations of, attempts to commit a violation of, 836
conspiracies to violate, or complicity in violations of section 837
2913.02 or 2913.43 of the Revised Code, whether committed against 838
one victim or more than one victim, involving a victim who is an 839
active duty service member or spouse of an active duty service 840
member pursuant to a scheme or course of conduct, all of those 841
offenses may be tried as a single offense. If the offenses are 842
tried as a single offense, the value of the property or services 843
involved for the purpose of determining the value as required by 844
division (A) of this section is the aggregate value of all 845
property and services involved in all of the offenses in the 846
course of conduct. 847

(3) When a series of two or more offenses under section 848
2913.40, 2913.48, or 2921.41 of the Revised Code is committed by 849
the offender in the offender's same employment, capacity, or 850
relationship to another, all of those offenses may be tried as a 851

single offense. If the offenses are tried as a single offense, the 852
value of the property or services involved for the purpose of 853
determining the value as required by division (A) of this section 854
is the aggregate value of all property and services involved in 855
all of the offenses in the series of two or more offenses. 856

(4) In prosecuting a single offense under division (C)(1), 857
(2), or (3) of this section, it is not necessary to separately 858
allege and prove each offense in the series. Rather, it is 859
sufficient to allege and prove that the offender, within a given 860
span of time, committed one or more theft offenses or violations 861
of section 2913.40, 2913.48, or 2921.41 of the Revised Code in the 862
offender's same employment, capacity, or relationship to another 863
as described in division (C)(1) or (3) of this section, or 864
committed one or more theft offenses that involve a common course 865
of conduct to defraud multiple victims or a scheme or course of 866
conduct as described in division (C)(2) of this section. While it 867
is not necessary to separately allege and prove each offense in 868
the series in order to prosecute a single offense under division 869
(C)(1), (2), or (3) of this section, it remains necessary in 870
prosecuting them as a single offense to prove the aggregate value 871
of the property or services in order to meet the requisite 872
statutory offense level sought by the prosecution. 873

(D) The following criteria shall be used in determining the 874
value of property or services involved in a theft offense: 875

(1) The value of an heirloom, memento, collector's item, 876
antique, museum piece, manuscript, document, record, or other 877
thing that has intrinsic worth to its owner and that either is 878
irreplaceable or is replaceable only on the expenditure of 879
substantial time, effort, or money, is the amount that would 880
compensate the owner for its loss. 881

(2) The value of personal effects and household goods, and of 882
materials, supplies, equipment, and fixtures used in the 883

profession, business, trade, occupation, or avocation of its 884
owner, which property is not covered under division (D)(1) of this 885
section and which retains substantial utility for its purpose 886
regardless of its age or condition, is the cost of replacing the 887
property with new property of like kind and quality. 888

(3) The value of any real or personal property that is not 889
covered under division (D)(1) or (2) of this section, and the 890
value of services, is the fair market value of the property or 891
services. As used in this section, "fair market value" is the 892
money consideration that a buyer would give and a seller would 893
accept for property or services, assuming that the buyer is 894
willing to buy and the seller is willing to sell, that both are 895
fully informed as to all facts material to the transaction, and 896
that neither is under any compulsion to act. 897

(E) Without limitation on the evidence that may be used to 898
establish the value of property or services involved in a theft 899
offense: 900

(1) When the property involved is personal property held for 901
sale at wholesale or retail, the price at which the property was 902
held for sale is prima-facie evidence of its value. 903

(2) When the property involved is a security or commodity 904
traded on an exchange, the closing price or, if there is no 905
closing price, the asked price, given in the latest market 906
quotation prior to the offense is prima-facie evidence of the 907
value of the security or commodity. 908

(3) When the property involved is livestock, poultry, or raw 909
agricultural products for which a local market price is available, 910
the latest local market price prior to the offense is prima-facie 911
evidence of the value of the livestock, poultry, or products. 912

(4) When the property involved is a negotiable instrument, 913
the face value is prima-facie evidence of the value of the 914

instrument. 915

(5) When the property involved is a warehouse receipt, bill 916
of lading, pawn ticket, claim check, or other instrument entitling 917
the holder or bearer to receive property, the face value or, if 918
there is no face value, the value of the property covered by the 919
instrument less any payment necessary to receive the property is 920
prima-facie evidence of the value of the instrument. 921

(6) When the property involved is a ticket of admission, 922
ticket for transportation, coupon, token, or other instrument 923
entitling the holder or bearer to receive property or services, 924
the face value or, if there is no face value, the value of the 925
property or services that may be received by the instrument is 926
prima-facie evidence of the value of the instrument. 927

(7) When the services involved are gas, electricity, water, 928
telephone, transportation, shipping, or other services for which 929
the rate is established by law, the duly established rate is 930
prima-facie evidence of the value of the services. 931

(8) When the services involved are services for which the 932
rate is not established by law, and the offender has been notified 933
prior to the offense of the rate for the services, either in 934
writing, orally, or by posting in a manner reasonably calculated 935
to come to the attention of potential offenders, the rate 936
contained in the notice is prima-facie evidence of the value of 937
the services. 938

Sec. 3307.01. As used in this chapter: 939

(A) "Employer" means the board of education, school district, 940
governing authority of any community school established under 941
Chapter 3314. of the Revised Code, a science, technology, 942
engineering, and mathematics school established under Chapter 943
3326. of the Revised Code, college, university, institution, or 944

other agency within the state by which a teacher is employed and 945
paid. 946

(B)(1) "Teacher" means all of the following: 947

(a) Any person paid from public funds and employed in the 948
public schools of the state under any type of contract described 949
in section 3311.77 or 3319.08 of the Revised Code in a position 950
for which the person is required to have a license issued pursuant 951
to sections 3319.22 to 3319.31 of the Revised Code; 952

(b) Any person employed as a teacher by a community school or 953
a science, technology, engineering, and mathematics school 954
pursuant to Chapter 3314. or 3326. of the Revised Code; 955

(c) Any person having a license issued pursuant to sections 956
3319.22 to 3319.31 of the Revised Code and employed in a public 957
school in this state in an educational position, as determined by 958
the state board of education, under programs provided for by 959
federal acts or regulations and financed in whole or in part from 960
federal funds, but for which no licensure requirements for the 961
position can be made under the provisions of such federal acts or 962
regulations; 963

(d) Any other teacher or faculty member employed in any 964
school, college, university, institution, or other agency wholly 965
controlled and managed, and supported in whole or in part, by the 966
state or any political subdivision thereof, including Central 967
state university, Cleveland state university, and the university 968
of Toledo; 969

(e) The educational employees of the department of education, 970
as determined by the state superintendent of public instruction. 971

In all cases of doubt, the state teachers retirement board 972
shall determine whether any person is a teacher, and its decision 973
shall be final. 974

(2) "Teacher" does not include either of the following:	975
(a) Any <u>any</u> eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code;	976 977 978 979
(b) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and performing services that are funded under section 3317.06 of the Revised Code and provided to students attending nonpublic schools, without regard to whether the services are performed in a public school and whether the person is employed under a contract with a third party.	980 981 982 983 984 985 986
(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in section 3307.50 of the Revised Code. However, for purposes of this chapter, the following persons shall not be considered members:	987 988 989 990 991 992
(1) A student, intern, or resident who is not a member while employed part-time by a school, college, or university at which the student, intern, or resident is regularly attending classes;	993 994 995
(2) A person denied membership pursuant to section 3307.24 of the Revised Code;	996 997
(3) An other system retirant, as defined in section 3307.35 of the Revised Code, or a superannuate;	998 999
(4) An individual employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501;	1000 1001 1002
(5) The surviving spouse of a member or retirant if the surviving spouse's only connection to the retirement system is an	1003 1004

account in an STRS defined contribution plan. 1005

(D) "Contributor" means any person who has an account in the 1006
teachers' savings fund or defined contribution fund, except that 1007
"contributor" does not mean a member or retirant's surviving 1008
spouse with an account in an STRS defined contribution plan. 1009

(E) "Beneficiary" means any person eligible to receive, or in 1010
receipt of, a retirement allowance or other benefit provided by 1011
this chapter. 1012

(F) "Year" means the year beginning the first day of July and 1013
ending with the thirtieth day of June next following, except that 1014
for the purpose of determining final average salary under the plan 1015
described in sections 3307.50 to 3307.79 of the Revised Code, 1016
"year" may mean the contract year. 1017

(G) "Local district pension system" means any school teachers 1018
pension fund created in any school district of the state in 1019
accordance with the laws of the state prior to September 1, 1920. 1020

(H) "Employer contribution" means the amount paid by an 1021
employer, as determined by the employer rate, including the normal 1022
and deficiency rates, contributions, and funds wherever used in 1023
this chapter. 1024

(I) "Five years of service credit" means employment covered 1025
under this chapter and employment covered under a former 1026
retirement plan operated, recognized, or endorsed by a college, 1027
institute, university, or political subdivision of this state 1028
prior to coverage under this chapter. 1029

(J) "Actuary" means an actuarial professional contracted with 1030
or employed by the state teachers retirement board, who shall be 1031
either of the following: 1032

(1) A member of the American academy of actuaries; 1033

(2) A firm, partnership, or corporation of which at least one 1034

person is a member of the American academy of actuaries. 1035

(K) "Fiduciary" means a person who does any of the following: 1036

(1) Exercises any discretionary authority or control with 1037
respect to the management of the system, or with respect to the 1038
management or disposition of its assets; 1039

(2) Renders investment advice for a fee, direct or indirect, 1040
with respect to money or property of the system; 1041

(3) Has any discretionary authority or responsibility in the 1042
administration of the system. 1043

(L)(1) Except as provided in this division, "compensation" 1044
means all salary, wages, and other earnings paid to a teacher by 1045
reason of the teacher's employment, including compensation paid 1046
pursuant to a supplemental contract. The salary, wages, and other 1047
earnings shall be determined prior to determination of the amount 1048
required to be contributed to the teachers' savings fund or 1049
defined contribution fund under section 3307.26 of the Revised 1050
Code and without regard to whether any of the salary, wages, or 1051
other earnings are treated as deferred income for federal income 1052
tax purposes. 1053

(2) Compensation does not include any of the following: 1054

(a) Payments for accrued but unused sick leave or personal 1055
leave, including payments made under a plan established pursuant 1056
to section 124.39 of the Revised Code or any other plan 1057
established by the employer; 1058

(b) Payments made for accrued but unused vacation leave, 1059
including payments made pursuant to section 124.13 of the Revised 1060
Code or a plan established by the employer; 1061

(c) Payments made for vacation pay covering concurrent 1062
periods for which other salary, compensation, or benefits under 1063
this chapter or Chapter 145. or 3309. of the Revised Code are 1064

paid;	1065
(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;	1066 1067 1068 1069 1070
(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	1071 1072 1073 1074 1075 1076
(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;	1077 1078 1079
(g) Payments by the employer for services not actually rendered;	1080 1081
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:	1082 1083 1084
(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	1085 1086 1087 1088 1089 1090
(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board	1091 1092 1093 1094 1095

in positions requiring the licenses; 1096

(iii) A retroactive increase paid to a member employed by a 1097
school district board of education as a superintendent that is 1098
also paid as described in division (L)(2)(h)(i) of this section; 1099

(iv) A retroactive increase paid to a member employed by an 1100
employer other than a school district board of education in 1101
accordance with uniform criteria applicable to all members 1102
employed by the employer. 1103

(i) Payments made to or on behalf of a teacher that are in 1104
excess of the annual compensation that may be taken into account 1105
by the retirement system under division (a)(17) of section 401 of 1106
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1107
401(a)(17), as amended. For a teacher who first establishes 1108
membership before July 1, 1996, the annual compensation that may 1109
be taken into account by the retirement system shall be determined 1110
under division (d)(3) of section 13212 of the "Omnibus Budget 1111
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 1112

(j) Payments made under division (B), (C), or (E) of section 1113
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 1114
No. 3 of the 119th general assembly, Section 3 of Amended 1115
Substitute Senate Bill No. 164 of the 124th general assembly, or 1116
Amended Substitute House Bill No. 405 of the 124th general 1117
assembly; 1118

(k) Anything of value received by the teacher that is based 1119
on or attributable to retirement or an agreement to retire; 1120

(l) Any amount paid by the employer as a retroactive payment 1121
of earnings, damages, or back pay pursuant to a court order, 1122
court-adopted settlement agreement, or other settlement agreement, 1123
unless the retirement system receives both of the following: 1124

(i) Teacher and employer contributions under sections 3307.26 1125
and 3307.28 of the Revised Code, plus interest compounded annually 1126

at a rate determined by the board, for each year or portion of a 1127
year for which amounts are paid under the order or agreement; 1128

(ii) Teacher and employer contributions under sections 1129
3307.26 and 3307.28 of the Revised Code, plus interest compounded 1130
annually at a rate determined by the board, for each year or 1131
portion of a year not subject to division (L)(2)(1)(i) of this 1132
section for which the board determines the teacher was improperly 1133
paid, regardless of the teacher's ability to recover on such 1134
amounts improperly paid. 1135

(3) The retirement board shall determine both of the 1136
following: 1137

(a) Whether particular forms of earnings are included in any 1138
of the categories enumerated in this division; 1139

(b) Whether any form of earnings not enumerated in this 1140
division is to be included in compensation. 1141

Decisions of the board made under this division shall be 1142
final. 1143

(M) "Superannuate" means both of the following: 1144

(1) A former teacher receiving from the system a retirement 1145
allowance under section 3307.58 or 3307.59 of the Revised Code; 1146

(2) A former teacher receiving a benefit from the system 1147
under a plan established under section 3307.81 of the Revised 1148
Code, except that "superannuate" does not include a former teacher 1149
who is receiving a benefit based on disability under a plan 1150
established under section 3307.81 of the Revised Code. 1151

For purposes of sections 3307.35 and 3307.353 of the Revised 1152
Code, "superannuate" also means a former teacher receiving from 1153
the system a combined service retirement benefit paid in 1154
accordance with section 3307.57 of the Revised Code, regardless of 1155
which retirement system is paying the benefit. 1156

(N) "STRS defined benefit plan" means the plan described in 1157
sections 3307.50 to 3307.79 of the Revised Code. 1158

(O) "STRS defined contribution plan" means the plans 1159
established under section 3307.81 of the Revised Code and includes 1160
the STRS combined plan under that section. 1161

Sec. 3333.164. (A) As used in this section, "state 1162
institution of higher education" has the same meaning as in 1163
section 3345.011 of the Revised Code. 1164

(B) Not later than December 31, 2014, the chancellor of the 1165
Ohio board of regents shall do all of the following with regard to 1166
the awarding of college credit for military training, experience, 1167
and coursework: 1168

(1) Develop a set of standards and procedures for state 1169
institutions of higher education to utilize in the granting of 1170
college credit for military training, experience, and coursework; 1171

(2) Create a military articulation and transfer assurance 1172
guide for college credit that is earned through military training, 1173
experience, and coursework. The chancellor shall use the current 1174
articulation and transfer policy adopted pursuant to section 1175
3333.16 of the Revised Code as a model in developing this guide. 1176

(3) Create a web site that contains information related to 1177
the awarding of college credit for military training, experience, 1178
and coursework. The web site shall include both of the following: 1179

(a) Standardized resources that address frequently asked 1180
questions regarding the awarding of such credit and related 1181
issues; 1182

(b) A statewide database that shows how specified military 1183
training, experience, and coursework translates to college credit. 1184

(4) Develop a statewide training program that prepares 1185
faculty and staff of state institutions of higher education to 1186

evaluate various military training, experience, and coursework and 1187
to award appropriate equivalent credit. The training program shall 1188
incorporate the best practices of awarding credit for military 1189
experiences, including both the recommendations of the American 1190
council on education and the standards developed by the council 1191
for adult and experiential learning. 1192

(C) Beginning on July 1, 2015, state institutions of higher 1193
education shall ensure that appropriate equivalent credit is 1194
awarded for military training, experience, and coursework that 1195
meet the standards developed by the chancellor pursuant to this 1196
section. 1197

Sec. 3333.28. (A) The chancellor of the Ohio board of regents 1198
shall establish the nurse education assistance program, the 1199
purpose of which shall be to make loans to students enrolled in 1200
prelicensure nurse education programs at institutions approved by 1201
the board of nursing under section 4723.06 of the Revised Code and 1202
postlicensure nurse education programs approved by the chancellor 1203
under section 3333.04 of the Revised Code or offered by an 1204
institution holding a certificate of authorization issued under 1205
Chapter 1713. of the Revised Code. The board of nursing shall 1206
assist the chancellor in administering the program. 1207

(B) There is hereby created in the state treasury the nurse 1208
education assistance fund, which shall consist of all money 1209
transferred to it pursuant to section 4743.05 of the Revised Code. 1210
The fund shall be used by the chancellor for loans made under 1211
division (A) of this section and for expenses of administering the 1212
loan program. 1213

(C) Between July 1, 2005, and January 1, 2012, the chancellor 1214
shall distribute money in the nurse education assistance fund in 1215
the following manner: 1216

(1)(a) Fifty per cent of available funds shall be awarded as 1217

loans to registered nurses enrolled in postlicensure nurse 1218
education programs described in division (A) of this section. To 1219
be eligible for a loan, the applicant shall provide the chancellor 1220
with a letter of intent to practice as a faculty member at a 1221
prelicensure or postlicensure program for nursing in this state 1222
upon completion of the applicant's academic program. 1223

(b) If the borrower of a loan under division (C)(1)(a) of 1224
this section secures employment as a faculty member of an approved 1225
nursing education program in this state within six months 1226
following graduation from an approved nurse education program, the 1227
chancellor may forgive the principal and interest of the student's 1228
loans received under division (C)(1)(a) of this section at a rate 1229
of twenty-five per cent per year, for a maximum of four years, for 1230
each year in which the borrower is so employed. A deferment of the 1231
service obligation, and other conditions regarding the forgiveness 1232
of loans may be granted as provided by the rules adopted under 1233
division (D)(7) of this section. 1234

(c) Loans awarded under division (C)(1)(a) of this section 1235
shall be awarded on the basis of the student's expected family 1236
contribution, with preference given to those applicants with the 1237
lowest expected family contribution. However, the chancellor may 1238
consider other factors the chancellor determines relevant in 1239
ranking the applications. 1240

(d) Each loan awarded to a student under division (C)(1)(a) 1241
of this section shall be not less than five thousand dollars per 1242
year. 1243

(2) Twenty-five per cent of available funds shall be awarded 1244
to students enrolled in prelicensure nurse education programs for 1245
registered nurses, as defined in section 4723.01 of the Revised 1246
Code. 1247

(3) Twenty-five per cent of available funds shall be awarded 1248

to students enrolled in nurse education programs as determined by 1249
the chancellor, with preference given to programs aimed at 1250
increasing enrollment in an area of need. 1251

After January 1, 2012, the chancellor shall determine the 1252
manner in which to distribute loans under this section. 1253

(D) Subject to the requirements specified in division (C) of 1254
this section, the chancellor shall adopt rules in accordance with 1255
Chapter 119. of the Revised Code establishing: 1256

(1) Eligibility criteria for receipt of a loan; 1257

(2) Loan application procedures; 1258

(3) The amounts in which loans may be made and the total 1259
amount that may be loaned to an individual; 1260

(4) The total amount of loans that can be made each year; 1261

(5) The percentage of the money in the fund that must remain 1262
in the fund at all times as a fund balance; 1263

(6) Interest and principal repayment schedules; 1264

(7) Conditions under which a portion of principal and 1265
interest obligations incurred by an individual under the program 1266
will be forgiven; 1267

(8) Conditions under which all or a portion of the principal 1268
and interest obligations incurred by an individual who is deployed 1269
on active duty outside of the state or who is the spouse of a 1270
person deployed on active duty outside of the state may be 1271
deferred or forgiven. 1272

(9) Ways that the program may be used to encourage 1273
individuals who are members of minority groups to enter the 1274
nursing profession; 1275

~~(9)~~(10) Any other matters incidental to the operation of the 1276
program. 1277

(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.

(F) The obligation to repay all or a portion of the principal and interest on a loan made under this section may be deferred or forgiven if the recipient of the loan meets the criteria for deferment or forgiveness established by the chancellor under the rule adopted under division (D)(8) of this section.

(G) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.12, 3333.122, 3333.22, 3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the chancellor may provide for taking assistance received under those sections into consideration when determining a student's eligibility for a loan under this section.

(H) As used in this section, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

Sec. 3345.42. As used in sections 3345.421, 3345.422, 3345.423, and 3345.424 of the Revised Code:

"Service member" means a person who is serving in the armed forces of the United States.

"Veteran" means any person who has completed service in the armed forces, including the national guard of any state or a reserve component of the armed forces, and who has been discharged

under honorable conditions from the armed forces or who has been 1308
transferred to the reserve with evidence of satisfactory service. 1309

Sec. 3345.421. Not later than December 31, 2014, the board of 1310
trustees of each state institution of higher education, as defined 1311
in section 3345.011 of the Revised Code, shall do all of the 1312
following: 1313

(A) Designate at least one person employed by the institution 1314
to serve as the contact person for veterans and service member 1315
affairs. Such a person shall assist and advise veterans and 1316
service members on issues related to earning college credit for 1317
military training, experience, and coursework. 1318

(B) Adopt a policy regarding the support and assistance the 1319
institution will provide to veterans and service members. 1320

(C) Allow for the establishment of a student-led group on 1321
campus for student service members and veterans and encourage 1322
other service member- and veteran-friendly organizations. 1323

(D) Integrate existing career services to create and 1324
encourage meaningful collaborative relationships between student 1325
service members and veterans and alumni of the institution, that 1326
links student service members and veterans with prospective 1327
employers, and that provides student service members and veterans 1328
with social opportunities; and, if the institution has career 1329
services programs, encourage the responsible office to seek and 1330
promote partnership opportunities for internships and employment 1331
of student service members and veterans with state, local, 1332
national, and international employers. 1333

(E) Survey student service members and veterans to identify 1334
their needs and challenges and make the survey available to 1335
faculty and staff at the state institution of higher education. 1336
And periodically conduct follow-up surveys, at a frequency 1337

determined by the board, to gauge the institution's progress 1338
toward meeting identified needs and challenges. 1339

The chancellor of the Ohio board of regents shall provide 1340
guidance to state institutions of higher education in their 1341
compliance with this section, including the recommendation of 1342
standardized policies on support and assistance to veterans and 1343
service members. 1344

The person or persons designated under division (A) of this 1345
section shall not be a person currently designated by the 1346
institution as a veterans administration certifying official. 1347

Sec. 3345.422. Not later than December 31, 2014, and 1348
continuing thereafter, each state institution of higher education, 1349
as defined in section 3345.011 of the Revised Code, shall provide 1350
a student who is either a veteran or a service member with 1351
priority for course registration. 1352

Sec. 3345.423. Not later than December 31, 2014, the board of 1353
trustees or managing authority of each state institution of higher 1354
education, as defined in section 3345.011 of the Revised Code, 1355
shall establish an appeals procedure for students who are veterans 1356
or service members for resolving disputes regarding the awarding 1357
of college credit for military experience. 1358

Sec. 3345.424. On or after December 31, 2014, no state 1359
institution of higher education, as defined in section 3345.011 of 1360
the Revised Code, shall charge a student who is a veteran or a 1361
service member any fee for the evaluation of, transcription of, or 1362
application for college credit for military experience. 1363

Sec. 4729.12. An identification card issued by the state 1364
board of pharmacy under section 4729.08 of the Revised Code 1365
entitles the individual to whom it is issued to practice as a 1366

pharmacist or as a pharmacy intern in this state until the next 1367
annual renewal date. 1368

Identification cards shall be renewed annually on the 1369
fifteenth day of September, according to the standard renewal 1370
procedure of Chapter 4745. of the Revised Code. 1371

Each pharmacist and pharmacy intern shall carry the 1372
identification card or renewal identification card while engaged 1373
in the practice of pharmacy. The license shall be conspicuously 1374
exposed at the principal place where the pharmacist or pharmacy 1375
intern practices pharmacy. 1376

A pharmacist or pharmacy intern who desires to continue in 1377
the practice of pharmacy shall file with the board an application 1378
in such form and containing such data as the board may require for 1379
renewal of an identification card. An application filed under this 1380
section may not be withdrawn without the approval of the board. If 1381
the board finds that the applicant's card has not been revoked or 1382
placed under suspension and that the applicant has paid the 1383
renewal fee, has continued pharmacy education in accordance with 1384
the rules of the board, and is entitled to continue in the 1385
practice of pharmacy, the board shall issue a renewal 1386
identification card to the applicant. 1387

When an identification card has lapsed for more than sixty 1388
days but application is made within three years after the 1389
expiration of the card, the applicant shall be issued a renewal 1390
identification card without further examination if the applicant 1391
meets the requirements of this section and pays the fee designated 1392
under division ~~(E)~~(A)(5) of section 4729.15 of the Revised Code. 1393

Sec. 4729.13. A pharmacist who fails to make application to 1394
the state board of pharmacy for a renewal identification card 1395
within a period of three years from the expiration of the 1396
identification card must pass an examination for registration; 1397

except that a pharmacist whose registration has expired, but who 1398
has continually practiced pharmacy in another state under a 1399
license issued by the authority of that state, may obtain a 1400
renewal identification card upon payment to the executive director 1401
of the board the fee designated under division ~~(F)~~(A)(6) of 1402
section 4729.15 of the Revised Code. 1403

Sec. 4729.15. The (A) Except as provided in division (B) of 1404
this section, the state board of pharmacy shall charge the 1405
following fees: 1406

~~(A)~~(1) For applying for a license to practice as a 1407
pharmacist, an amount adequate to cover all rentals, compensation 1408
for proctors, and other expenses of the board related to 1409
examination except the expenses of procuring and grading the 1410
examination, which fee shall not be returned if the applicant 1411
fails to pass the examination; 1412

~~(B)~~(2) For the examination of an applicant for licensure as a 1413
pharmacist, an amount adequate to cover any expenses to the board 1414
of procuring and grading the examination or any part thereof, 1415
which fee shall not be returned if the applicant fails to pass the 1416
examination; 1417

~~(C)~~(3) For issuing a license and an identification card to an 1418
individual who passes the examination described in section 4729.07 1419
of the Revised Code, an amount that is adequate to cover the 1420
expense; 1421

~~(D)~~(4) For a pharmacist applying for renewal of an 1422
identification card within sixty days after the expiration date, 1423
ninety-seven dollars and fifty cents, which fee shall not be 1424
returned if the applicant fails to qualify for renewal; 1425

~~(E)~~(5) For a pharmacist applying for renewal of an 1426
identification card that has lapsed for more than sixty days, but 1427

for less than three years, one hundred thirty-five dollars, which 1428
fee shall not be returned if the applicant fails to qualify for 1429
renewal; 1430

~~(F)~~(6) For a pharmacist applying for renewal of an 1431
identification card that has lapsed for more than three years, 1432
three hundred thirty-seven dollars and fifty cents, which fee 1433
shall not be returned if the applicant fails to qualify for 1434
renewal; 1435

~~(G)~~(7) For a pharmacist applying for a license and 1436
identification card, on presentation of a pharmacist license 1437
granted by another state, three hundred thirty-seven dollars and 1438
fifty cents, which fee shall not be returned if the applicant 1439
fails to qualify for licensure. 1440

~~(H)~~(8) For a license and identification card to practice as a 1441
pharmacy intern, twenty-two dollars and fifty cents, which fee 1442
shall not be returned if the applicant fails to qualify for 1443
licensure; 1444

~~(I)~~(9) For the renewal of a pharmacy intern identification 1445
card, twenty-two dollars and fifty cents, which fee shall not be 1446
returned if the applicant fails to qualify for renewal; 1447

~~(J)~~(10) For issuing a replacement license to a pharmacist, 1448
twenty-two dollars and fifty cents; 1449

~~(K)~~(11) For issuing a replacement license to a pharmacy 1450
intern, seven dollars and fifty cents; 1451

~~(L)~~(12) For issuing a replacement identification card to a 1452
pharmacist, thirty-seven dollars and fifty cents, or pharmacy 1453
intern, seven dollars and fifty cents; 1454

~~(M)~~(13) For certifying licensure and grades for reciprocal 1455
licensure, ten dollars; 1456

~~(N)~~(14) For making copies of any application, affidavit, or 1457

other document filed in the state board of pharmacy office, an 1458
amount fixed by the board that is adequate to cover the expense, 1459
except that for copies required by federal or state agencies or 1460
law enforcement officers for official purposes, no charge need be 1461
made; 1462

~~(O)~~(15) For certifying and affixing the seal of the board, an 1463
amount fixed by the board that is adequate to cover the expense, 1464
except that for certifying and affixing the seal of the board to a 1465
document required by federal or state agencies or law enforcement 1466
officers for official purposes, no charge need be made; 1467

~~(P)~~(16) For each copy of a book or pamphlet that includes 1468
laws administered by the state board of pharmacy, rules adopted by 1469
the board, and chapters of the Revised Code with which the board 1470
is required to comply, an amount fixed by the board that is 1471
adequate to cover the expense of publishing and furnishing the 1472
book or pamphlet. 1473

(B)(1) Subject to division (B)(2) of this section, the fees 1474
described in divisions (A)(1) to (13) of this section do not apply 1475
to an individual who is on active duty in the armed forces of the 1476
United States or to an individual who served in the armed forces 1477
of the United States and presents a valid copy of the individual's 1478
DD-214 form or an equivalent document issued by the United States 1479
department of defense indicating that the individual is an 1480
honorably discharged veteran. 1481

(2) The state board of pharmacy may establish limits with 1482
respect to the individuals for whom fees are not applicable under 1483
division (B)(1) of this section. 1484

Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the Revised 1485
Code shall not prohibit service in case of emergency, domestic 1486
administration of family remedies, or provision of assistance to 1487
another individual who is self-administering drugs. 1488

Sections 4731.01 to 4731.47 of the Revised Code shall not 1489
apply to any of the following: 1490

(1) A commissioned medical officer of the armed forces of the 1491
United States ~~armed forces, as defined in section 5903.11 of the~~ 1492
~~Revised Code,~~ or an employee of the veterans administration of the 1493
United States or the United States public health service in the 1494
discharge of the officer's or employee's professional duties; 1495

(2) A dentist authorized under Chapter 4715. of the Revised 1496
Code to practice dentistry when engaged exclusively in the 1497
practice of dentistry or when administering anesthetics in the 1498
practice of dentistry; 1499

(3) A physician or surgeon in another state or territory who 1500
is a legal practitioner of medicine or surgery therein when 1501
providing consultation to an individual holding a certificate to 1502
practice issued under this chapter who is responsible for the 1503
examination, diagnosis, and treatment of the patient who is the 1504
subject of the consultation, if one of the following applies: 1505

(a) The physician or surgeon does not provide consultation in 1506
this state on a regular or frequent basis. 1507

(b) The physician or surgeon provides the consultation 1508
without compensation of any kind, direct or indirect, for the 1509
consultation. 1510

(c) The consultation is part of the curriculum of a medical 1511
school or osteopathic medical school of this state or a program 1512
described in division (A)(2) of section 4731.291 of the Revised 1513
Code. 1514

(4) A physician or surgeon in another state or territory who 1515
is a legal practitioner of medicine or surgery therein and 1516
provided services to a patient in that state or territory, when 1517
providing, not later than one year after the last date services 1518
were provided in another state or territory, follow-up services in 1519

person or through the use of any communication, including oral, 1520
written, or electronic communication, in this state to the patient 1521
for the same condition; 1522

(5) A physician or surgeon residing on the border of a 1523
contiguous state and authorized under the laws thereof to practice 1524
medicine and surgery therein, whose practice extends within the 1525
limits of this state. Such practitioner shall not either in person 1526
or through the use of any communication, including oral, written, 1527
or electronic communication, open an office or appoint a place to 1528
see patients or receive calls within the limits of this state. 1529

(6) A board, committee, or corporation engaged in the conduct 1530
described in division (A) of section 2305.251 of the Revised Code 1531
when acting within the scope of the functions of the board, 1532
committee, or corporation; 1533

(7) The conduct of an independent review organization 1534
accredited by the superintendent of insurance under section 1535
3922.13 of the Revised Code for the purpose of external reviews 1536
conducted under Chapter 3922. of the Revised Code. 1537

As used in division (A)(1) of this section, "armed forces of 1538
the United States" means the army, air force, navy, marine corps, 1539
coast guard, and any other military service branch that is 1540
designated by congress as a part of the armed forces of the United 1541
States. 1542

(B)(1) Subject to division (B)(2) of this section, this 1543
chapter does not apply to a person who holds a current, 1544
unrestricted license to practice medicine and surgery or 1545
osteopathic medicine and surgery in another state when the person, 1546
pursuant to a written agreement with an athletic team located in 1547
the state in which the person holds the license, provides medical 1548
services to any of the following while the team is traveling to or 1549
from or participating in a sporting event in this state: 1550

(a) A member of the athletic team;	1551
(b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;	1552 1553
(c) A member of a band or cheerleading squad accompanying the athletic team;	1554 1555
(d) The athletic team's mascot.	1556
(2) In providing medical services pursuant to division (B)(1) of this section, the person shall not provide medical services at a health care facility, including a hospital, an ambulatory surgical facility, or any other facility in which medical care, diagnosis, or treatment is provided on an inpatient or outpatient basis.	1557 1558 1559 1560 1561 1562
(C) Sections 4731.51 to 4731.61 of the Revised Code do not apply to any graduate of a podiatric school or college while performing those acts that may be prescribed by or incidental to participation in an accredited podiatric internship, residency, or fellowship program situated in this state approved by the state medical board.	1563 1564 1565 1566 1567 1568
(D) This chapter does not apply to an oriental medicine practitioner or acupuncturist who complies with Chapter 4762. of the Revised Code.	1569 1570 1571
(E) This chapter does not prohibit the administration of drugs by any of the following:	1572 1573
(1) An individual who is licensed or otherwise specifically authorized by the Revised Code to administer drugs;	1574 1575
(2) An individual who is not licensed or otherwise specifically authorized by the Revised Code to administer drugs, but is acting pursuant to the rules for delegation of medical tasks adopted under section 4731.053 of the Revised Code;	1576 1577 1578 1579
(3) An individual specifically authorized to administer drugs	1580

pursuant to a rule adopted under the Revised Code that is in 1581
effect on April 10, 2001, as long as the rule remains in effect, 1582
specifically authorizing an individual to administer drugs. 1583

(F) The exemptions described in divisions (A)(3), (4), and 1584
(5) of this section do not apply to a physician or surgeon whose 1585
certificate to practice issued under this chapter is under 1586
suspension or has been revoked or permanently revoked by action of 1587
the state medical board. 1588

Sec. 4743.04. (A) The renewal of a license or other 1589
authorization to practice a trade or profession issued under Title 1590
XLVII of the Revised Code is subject to the provisions of section 1591
5903.10 of the Revised Code relating to service in the armed 1592
~~forces of the United States or a reserve component of the armed~~ 1593
~~forces of the United States, including the Ohio national guard or~~ 1594
~~the national guard of any other state.~~ 1595

(B) Continuing education requirements applicable to the 1596
licensees under Title XLVII of the Revised Code are subject to the 1597
provisions of section 5903.12 of the Revised Code relating to 1598
active duty military service. 1599

(C) A department, agency, or office of this state or of any 1600
political subdivision of this state that issues a license or 1601
certificate to practice a trade or profession may, pursuant to 1602
rules adopted by the department, agency, or office, issue a 1603
temporary license or certificate to practice the trade or 1604
profession to a person whose spouse is on active military duty in 1605
this state. 1606

(D) The issuance of a license or other authorization to 1607
practice a trade or profession issued under Title XLVII of the 1608
Revised Code is subject to the provisions of section 5903.03 of 1609
the Revised Code relating to service in the armed forces ~~of the~~ 1610
~~United States or a reserve component of the armed forces of the~~ 1611

~~United States, including the Ohio national guard or the national~~ 1612
~~guard of any other state.~~ 1613

Sec. 5902.02. The duties of the director of veterans services 1614
shall include the following: 1615

(A) Furnishing the veterans service commissions of all 1616
counties of the state copies of the state laws, rules, and 1617
legislation relating to the operation of the commissions and their 1618
offices; 1619

(B) Upon application, assisting the general public in 1620
obtaining records of vital statistics pertaining to veterans or 1621
their dependents; 1622

(C) Adopting rules pursuant to Chapter 119. of the Revised 1623
Code pertaining to minimum qualifications for hiring, certifying, 1624
and accrediting county veterans service officers, pertaining to 1625
their required duties, and pertaining to revocation of the 1626
certification of county veterans service officers; 1627

(D) Adopting rules pursuant to Chapter 119. of the Revised 1628
Code for the education, training, certification, and duties of 1629
veterans service commissioners and for the revocation of the 1630
certification of a veterans service commissioner; 1631

(E) Developing and monitoring programs and agreements 1632
enhancing employment and training for veterans in single or 1633
multiple county areas; 1634

(F) Developing and monitoring programs and agreements to 1635
enable county veterans service commissions to address 1636
homelessness, indigency, and other veteran-related issues 1637
individually or jointly; 1638

(G) Developing and monitoring programs and agreements to 1639
enable state agencies, individually or jointly, that provide 1640
services to veterans, including the veterans' homes operated under 1641

Chapter 5907. of the Revised Code and the director of job and 1642
family services, to address homelessness, indigency, employment, 1643
and other veteran-related issues; 1644

(H) Establishing and providing statistical reporting formats 1645
and procedures for county veterans service commissions; 1646

(I) Publishing electronically a listing of county veterans 1647
service offices and county veterans service commissioners. The 1648
listing shall include the expiration dates of commission members' 1649
terms of office and the organizations they represent; the names, 1650
addresses, and telephone numbers of county veterans service 1651
offices; and the addresses and telephone numbers of the Ohio 1652
offices and headquarters of state and national veterans service 1653
organizations. 1654

(J) Establishing a veterans advisory committee to advise and 1655
assist the department of veterans services in its duties. Members 1656
shall include a member of the national guard association of the 1657
United States who is a resident of this state, a member of the 1658
military officers association of America who is a resident of this 1659
state, a state representative of congressionally chartered 1660
veterans organizations referred to in section 5901.02 of the 1661
Revised Code, a representative of any other congressionally 1662
chartered state veterans organization that has at least one 1663
veterans service commissioner in the state, three representatives 1664
of the Ohio state association of county veterans service 1665
commissioners, who shall have a combined vote of one, three 1666
representatives of the state association of county veterans 1667
service officers, who shall have a combined vote of one, one 1668
representative of the county commissioners association of Ohio, 1669
who shall be a county commissioner not from the same county as any 1670
of the other county representatives, a representative of the 1671
advisory committee on women veterans, a representative of a labor 1672
organization, and a representative of the office of the attorney 1673

general. The department of veterans services shall submit to the 1674
advisory committee proposed rules for the committee's operation. 1675
The committee may review and revise these proposed rules prior to 1676
submitting them to the joint committee on agency rule review. 1677

(K) Adopting, with the advice and assistance of the veterans 1678
advisory committee, policy and procedural guidelines that the 1679
veterans service commissions shall adhere to in the development 1680
and implementation of rules, policies, procedures, and guidelines 1681
for the administration of Chapter 5901. of the Revised Code. The 1682
department of veterans services shall adopt no guidelines or rules 1683
regulating the purposes, scope, duration, or amounts of financial 1684
assistance provided to applicants pursuant to sections 5901.01 to 1685
5901.15 of the Revised Code. The director of veterans services may 1686
obtain opinions from the office of the attorney general regarding 1687
rules, policies, procedures, and guidelines of the veterans 1688
service commissions and may enforce compliance with Chapter 5901. 1689
of the Revised Code. 1690

(L) Receiving copies of form DD214 filed in accordance with 1691
the director's guidelines adopted under division (L) of this 1692
section from members of veterans service commissions appointed 1693
under section 5901.02 and from county veterans service officers 1694
employed under section 5901.07 of the Revised Code; 1695

(M) Developing and maintaining and improving a resource, such 1696
as a telephone answering point or a web site, by means of which 1697
veterans and their dependents, through a single portal, can access 1698
multiple sources of information and interaction with regard to the 1699
rights of, and the benefits available to, veterans and their 1700
dependents. The director of veterans services may enter into 1701
agreements with state and federal agencies, with agencies of 1702
political subdivisions, with state and local instrumentalities, 1703
and with private entities as necessary to make the resource as 1704
complete as is possible. 1705

(N) Planning, organizing, advertising, and conducting 1706
outreach efforts, such as conferences and fairs, at which veterans 1707
and their dependents may meet, learn about the organization and 1708
operation of the department of veterans services and of veterans 1709
service commissions, and obtain information about the rights of, 1710
and the benefits and services available to, veterans and their 1711
dependents; 1712

(O) Advertising, in print, on radio and television, and 1713
otherwise, the rights of, and the benefits and services available 1714
to, veterans and their dependents; 1715

(P) Developing and advocating improved benefits and services 1716
for, and improved delivery of benefits and services to, veterans 1717
and their dependents; 1718

(Q) Searching for, identifying, and reviewing statutory and 1719
administrative policies that relate to veterans and their 1720
dependents and reporting to the general assembly statutory and 1721
administrative policies that should be consolidated in whole or in 1722
part within the organization of the department of veterans 1723
services to unify funding, delivery, and accounting of statutory 1724
and administrative policy expressions that relate particularly to 1725
veterans and their dependents; 1726

(R) Encouraging veterans service commissions to innovate and 1727
otherwise to improve efficiency in delivering benefits and 1728
services to veterans and their dependents and to report successful 1729
innovations and efficiencies to the director of veterans services; 1730

(S) Publishing and encouraging adoption of successful 1731
innovations and efficiencies veterans service commissions have 1732
achieved in delivering benefits and services to veterans and their 1733
dependents; 1734

(T) Establishing advisory committees, in addition to the 1735
veterans advisory committee established under division (K) of this 1736

section, on veterans issues;	1737
(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled;	1738 1739 1740 1741 1742 1743
(V) Developing and maintaining relationships with the several veterans organizations, encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations;	1744 1745 1746 1747
(W) Requiring the several veterans organizations that receive funding from the state annually, not later than the thirtieth day of July, to report to the director of veterans services and prescribing the form and content of the report;	1748 1749 1750 1751
(X) Reviewing the reports submitted to the director under division (W) of this section within thirty days of receipt and informing the veterans organization of any deficiencies that exist in the organization's report and that funding will not be released until the deficiencies have been corrected and a satisfactory report submitted;	1752 1753 1754 1755 1756 1757
(Y) Advising the director of budget and management when a report submitted to the director under division (W) of this section has been reviewed and determined to be satisfactory;	1758 1759 1760
(Z) Furnishing copies of all reports that the director of veterans services has determined have been submitted satisfactorily under division (W) of this section to the chairperson of the finance committees of the general assembly;	1761 1762 1763 1764
(AA) Investigating complaints against county veterans services commissioners and county veterans service officers if the director reasonably believes the investigation to be appropriate	1765 1766 1767

and necessary;	1768
<u>(BB) Developing and maintaining a web site that is accessible by veterans and their dependents and provides a link to the web site of each state agency that issues a license, certificate, or other authorization permitting an individual to engage in an occupation or occupational activity;</u>	1769 1770 1771 1772 1773
<u>(CC) Encouraging state agencies to conduct outreach efforts through which veterans and their dependents can learn about available job and education benefits;</u>	1774 1775 1776
<u>(DD) Informing state agencies about changes in statutes and rules that affect veterans and their dependents;</u>	1777 1778
<u>(EE) Assisting licensing agencies in adopting rules under section 5903.03 of the Revised Code;</u>	1779 1780
<u>(FF) Taking any other actions required by this chapter.</u>	1781
<u>Sec. 5903.01. As used in this chapter:</u>	1782
<u>"Armed forces" means the armed forces of the United States, including the army, navy, air force, marine corps, coast guard, or any reserve components of those forces; the national guard of any state; the commissioned corps of the United States public health service; the merchant marine service during wartime; such other service as may be designated by congress; or the Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.</u>	1783 1784 1785 1786 1787 1788 1789 1790
<u>"License" means a license, certificate, permit, or other authorization issued or conferred by a licensing agency under which a licensee may engage in a profession, occupation, or occupational activity.</u>	1791 1792 1793 1794
<u>"Licensee" means a person to whom all of the following apply:</u>	1795
<u>(A) The person has been issued a license by a licensing</u>	1796

<u>agency.</u>	1797
<u>(B) The person has been a member of the armed forces.</u>	1798
<u>(C) The person has served on active duty, whether inside or outside the United States, for a period in excess of thirty-one days.</u>	1799 1800 1801
<u>"Licensing agency" means any state department, division, board, commission, agency, or other state governmental unit authorized by the Revised Code to issue a license.</u>	1802 1803 1804
<u>"Service member" means any person who is serving in the armed forces.</u>	1805 1806
<u>"Merchant marine" includes the United States army transport service and the United States naval transport service.</u>	1807 1808
<u>"Veteran" means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.</u>	1809 1810 1811 1812 1813
Sec. 5903.03. (A) As used in this section:	1814
(1) "License" and "licensing agency" have the meanings defined in section 5903.12 of the Revised Code.	1815 1816
(2) "Military, "military program of training" means a training program of the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.	1817 1818 1819 1820 1821
(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency shall consider an applicant for a license:	1822 1823 1824
(1) To have met the educational requirement for that license	1825

if the applicant has completed a military program of training and 1826
has been awarded a military primary specialty at a level that is 1827
substantially equivalent to or exceeds the educational requirement 1828
for that license; and 1829

(2) To have met the experience requirement for that license 1830
if the applicant has served in that military primary specialty 1831
under honorable conditions for a period of time that is 1832
substantially equivalent to or exceeds the experience requirement 1833
for that license. 1834

(C) Each licensing agency, not later than June 30, 2014, 1835
shall adopt rules under Chapter 119. of the Revised Code regarding 1836
which military programs of training, military primary specialties, 1837
and lengths of service are substantially equivalent to or exceed 1838
the educational and experience requirements for each license that 1839
agency issues. 1840

Sec. 5903.04. Each licensing agency shall adopt rules under 1841
Chapter 119. of the Revised Code to establish and implement all of 1842
the following: 1843

(A) A process to obtain from each applicant documentation and 1844
additional information necessary to determine if the applicant is 1845
a service member or veteran, or the spouse or surviving spouse of 1846
a service member or veteran; 1847

(B) A process to record, track, and monitor applications that 1848
have been received from a service member, veteran, or the spouse 1849
or surviving spouse of a service member or veteran; and 1850

(C) A process to prioritize and expedite certification or 1851
licensing for each applicant who is a service member, veteran, or 1852
the spouse or a surviving spouse of a service member or veteran. 1853

In establishing these processes, the licensing agency shall 1854
include any special accommodations that may be appropriate for 1855

applicants facing imminent deployment. 1856

Sec. 5903.05. A licensing agency shall apply for approval to 1857
the state approving agency at the Ohio department of veterans 1858
services as required under 38 U.S.C. 3672(a) to enable an eligible 1859
person or veteran to receive education benefits through the United 1860
States department of veterans affairs. 1861

Sec. 5903.10. (A) A holder of an expired license or 1862
certificate from this state or any political subdivision or agency 1863
of the state to practice a trade or profession shall be granted a 1864
renewal of the license or certificate by the issuing board or 1865
authority at the usual cost without penalty and without 1866
re-examination if not otherwise disqualified because of mental or 1867
physical disability and if either of the following applies: 1868

(1) The license or certificate was not renewed because of the 1869
holder's service in the armed forces ~~of the United States or a~~ 1870
~~reserve component of the armed forces of the United States,~~ 1871
~~including the Ohio national guard or the national guard of any~~ 1872
~~other state.~~ 1873

(2) The license or certificate was not renewed because the 1874
holder's spouse served in the armed forces of the United States or 1875
a reserve component of the armed forces ~~of the United States,~~ 1876
~~including the Ohio national guard or the national guard of any~~ 1877
~~other state,~~ and the service resulted in the holder's absence from 1878
this state. 1879

(B) A renewal shall not be granted under division (A) of this 1880
section unless the holder or the holder's spouse, whichever is 1881
applicable, has presented satisfactory evidence of the service 1882
member's discharge under honorable conditions or release under 1883
honorable conditions from active duty or national guard duty 1884
within six months after the discharge or release. 1885

Sec. 5903.11. (A) Any federally funded employment and 1886
training program administered by any state agency including, but 1887
not limited to, the "Workforce Investment Act of 1998," 112 Stat. 1888
936, codified in scattered sections of 29 U.S.C., as amended, 1889
shall include a veteran priority system to provide maximum 1890
employment and training opportunities to veterans and eligible 1891
persons within each targeted group as established by federal law 1892
and state and federal policy in the service area. Disabled 1893
veterans, veterans of the Vietnam era, other veterans, and 1894
eligible persons shall receive preference over nonveterans within 1895
each targeted group in the provision of employment and training 1896
services available through these programs as required by this 1897
section. 1898

(B) Each state agency shall refer qualified applicants to job 1899
openings and training opportunities in programs described in 1900
division (A) of this section in the following order of priority: 1901

(1) Special disabled veterans; 1902

(2) Veterans of the Vietnam era; 1903

(3) Disabled veterans; 1904

(4) All other veterans; 1905

(5) Other eligible persons; 1906

(6) Nonveterans. 1907

(C) Each state agency providing employment and training 1908
services to veterans and eligible persons under programs described 1909
in division (A) of this section shall submit an annual written 1910
report to the speaker of the house of representatives and the 1911
president of the senate on the services that it provides to 1912
veterans and eligible persons. Each such agency shall report 1913
separately on all entitlement programs, employment or training 1914
programs, and any other programs that it provides to each class of 1915

persons described in divisions (B)(1) to (6) of this section. Each 1916
such agency shall also report on action taken to ensure compliance 1917
with statutory requirements. Compliance and reporting procedures 1918
shall be in accordance with the reporting procedures then in 1919
effect for all employment and training programs described in 1920
division (A) of this section, with the addition of veterans as a 1921
separate reporting module. 1922

(D) All state agencies that administer federally funded 1923
employment and training programs described in division (A) of this 1924
section for veterans and eligible persons shall do all of the 1925
following: 1926

(1) Ensure that veterans are treated with courtesy and 1927
respect at all state governmental facilities; 1928

(2) Give priority in referral to jobs to qualified veterans 1929
and other eligible persons; 1930

(3) Give priority in referral to and enrollment in training 1931
programs to qualified veterans and other eligible persons; 1932

(4) Give preferential treatment to special disabled veterans 1933
in the provision of all needed state services; 1934

(5) Provide information and effective referral assistance to 1935
veterans and other eligible persons regarding needed benefits and 1936
services that may be obtained through other agencies. 1937

(E) As used in this section: 1938

(1) "Special disabled veteran" means a veteran who is 1939
entitled to, or who but for the receipt of military pay would be 1940
entitled to, compensation under any law administered by the 1941
department of veterans affairs for a disability rated at thirty 1942
per cent or more or a person who was discharged or released from 1943
active duty because of a service-connected disability. 1944

(2) "Veteran of the Vietnam era" means an eligible veteran 1945

who served on active duty for a period of more than one hundred 1946
eighty days, any part of which occurred from August 5, 1964, 1947
through May 7, 1975, and was discharged or released therefrom with 1948
other than a dishonorable discharge or a person who was discharged 1949
or released from active duty for a service-connected disability if 1950
any part of the active duty was performed from August 5, 1964, 1951
through May 7, 1975. 1952

(3) "Disabled veteran" means a veteran who is entitled to, or 1953
who but for the receipt of military retirement pay would be 1954
entitled to compensation, under any law administered by the 1955
department of veterans affairs and who is not a special disabled 1956
veteran. 1957

(4) "Eligible veteran" means a person who served on active 1958
duty for more than one hundred eighty days and was discharged or 1959
released from active duty with other than a dishonorable discharge 1960
or a person who was discharged or released from active duty 1961
because of a service-connected disability. 1962

(5) "Other eligible person" means one of the following: 1963

(a) The spouse of any person who died of a service-connected 1964
disability; 1965

(b) The spouse of any member of the armed forces serving on 1966
active duty who at the time of the spouse's application for 1967
assistance under any program described in division (A) of this 1968
section is listed pursuant to the "Act of September 6, 1966," 80 1969
Stat. 629, 37 U.S.C.A. 556, and the regulations issued pursuant 1970
thereto, as having been in one or more of the following categories 1971
for a total of ninety or more days: 1972

(i) Missing in action; 1973

(ii) Captured in line of duty by a hostile force; 1974

(iii) Forcibly detained or interned in line of duty by a 1975

foreign government or power.	1976
(c) The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while such a disability was in existence.	1977 1978 1979 1980
(6) "Veteran" means either of the following:	1981
(a) Any person a veteran as defined in section 5903.01 of the Revised Code who was a member of the armed forces of the United States for a period of one hundred eighty days or more or; a person who was discharged or released from active duty because of a service-connected disability;	1982 1983 1984 1985 1986
(b) A or a person who served as a member of the United States merchant marine and to whom either of the following applies:	1987 1988
(i)(a) The person has an honorable report of separation from active duty military service, form DD214 or DD215; or	1989 1990
(ii)(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.	1991 1992 1993 1994
(7) "Armed forces of the United States" means the army, air force, navy, marine corps, coast guard, and any other military service branch that is designated by congress as a part of the armed forces of the United States.	1995 1996 1997 1998
(8) "Employment program" means a program which provides referral of individuals to employer job openings in the federal, state, or private sector.	1999 2000 2001
(9)(8) "Training program" means any program that upgrades the employability of qualified applicants.	2002 2003
(10)(9) "Entitlement program" means any program that enlists specific criteria in determining eligibility, including but not	2004 2005

limited to the existence in special segments of the general population of specific financial needs.

~~(11)~~(10) "Targeted group" means a group of persons designated by federal law or regulations or by state law to receive special assistance under an employment and training program described in division (A) of this section.

~~(12) "United States merchant marine" includes the United States army transport service and the United States naval transport service.~~

Sec. 5903.12. (A) As used in this section:

~~(1)~~ "Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.281, 4734.25, 4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code.

~~(2) "License" means a license, certificate, permit, or other authorization issued or conferred by a licensing agency under which a licensee may engage in a profession, occupation, or occupational activity.~~

~~(3) "Licensee" means a person to whom all of the following apply:~~

~~(a) The person has been issued a license by a licensing agency.~~

~~(b) The person has been a member of the armed forces of the United States, the Ohio national guard, the Ohio military reserve, the Ohio naval militia, the national guard of any other state, or a reserve component of the armed forces of the United States.~~

~~(c) The person has served on active duty, whether inside or~~

~~outside the United States, for a period in excess of thirty one days.~~ 2036
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~~(4) "Licensing agency" means any state department, division, board, commission, agency, or other state governmental unit authorized by the Revised Code to issue a license.~~ 2038
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~~(5) "Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.~~ 2041
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(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty ~~as described in division (A)(3)(c) of this section~~ during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month. 2044
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Sec. 5903.121. ~~A "licensing agency," as defined in section 5903.12 of the Revised Code,~~ shall consider relevant education, training, or service completed by a licensee as a member of the armed forces ~~of the United States or reserve components thereof,~~ the Ohio national guard, the Ohio military reserve, the Ohio naval militia, ~~or the national guard of any other state~~ in determining whether a licensee has fulfilled required continuing education. 2057
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Sec. 5903.15. (A) As used in this section "employer" means 2065

any person who has one or more employees. "Employer" includes an agent of an employer but does not include the state or any agency of the state, and any municipal corporation, county, township, school district, or other political subdivision or any agency or instrumentality thereof. 2066
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(B) An employer may adopt a policy to provide a preference for employment decisions, including hiring, promotion, or retention during a reduction in force, to a service member, veteran, or the spouse or a surviving spouse of a service member or veteran. 2071
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(C) A preference provided under division (B) of this section is not a violation of any state or local equal employment opportunity law. The unlawful discriminatory practices as defined in section 4112.02 of the Revised Code do not make it unlawful for an employer implementing a policy under this section to obtain information about an applicant's military status for the purpose of determining if the applicant is eligible for the preference provided under this policy. 2076
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(D) If an employer elects to adopt a policy described in division (B) of this section, the employer may notify the Ohio department of job and family services. The department of job and family services shall maintain a registry of employers that have a voluntary veterans' preference employment policy as described in this section, which shall be available to the public on the web site maintained by the department. The department of veterans services shall make available on the department's web site a link to the registry. 2084
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Sec. 5907.01. (A) As used in this chapter: 2093

(1) "Armed forces of the United States" ~~has the same meaning as in section 5903.11 of the Revised Code~~ means the army, air 2094
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force, navy, marine corps, coast guard, and any other military 2096
service branch that is designated by congress as a part of the 2097
armed forces of the United States. 2098

(2) "Domiciliary" means a separate area within the Ohio 2099
veterans' home providing domiciliary care. 2100

(3) "Domiciliary care" means providing shelter, food, and 2101
necessary medical care on an ambulatory self-care basis to 2102
eligible veterans who do not need the nursing services provided in 2103
nursing homes. 2104

(4) "Nursing home" has the same meaning as in section 3721.01 2105
of the Revised Code. 2106

(5) "Veteran" has the same meaning as in section 5901.01 of 2107
the Revised Code. 2108

(B) There are hereby established the Ohio veterans' homes 2109
within the department of veterans services. The department shall 2110
maintain and operate state veterans' homes as administered under 2111
the state veterans' home programs defined in Title 38 of the 2112
United States Code. 2113

Sec. 5907.04. ~~Subject~~ As used in this section, "armed forces 2114
of the United States" means the army, air force, navy, marine 2115
corps, coast guard, and any other military service branch that is 2116
designated by congress as a part of the armed forces of the United 2117
States. 2118

Subject to the following paragraph, all veterans, who served 2119
during a period of conflict as determined by the United States 2120
department of veterans affairs or any person who is awarded either 2121
the armed forces expeditionary medal established by presidential 2122
executive order 10977 dated December 4, 1961, or the Vietnam 2123
service medal established by presidential executive order 11231 2124
dated July 8, 1965, who have been honorably discharged or 2125

separated under honorable conditions therefrom, or any discharged 2126
members of the Polish and Czechoslovakian armed forces who served 2127
in armed conflict with an enemy of the United States in World War 2128
II who have been citizens of the United States for at least ten 2129
years, provided that the above-mentioned persons have been 2130
citizens of this state for one year or more at the date of making 2131
application for admission, are disabled by disease, wounds, or 2132
otherwise, and are by reason of such disability incapable of 2133
earning their living, and all members of the Ohio national guard 2134
or naval militia who have lost an arm or leg, or their sight, or 2135
become permanently disabled from any cause, while in the line and 2136
discharge of duty, and are not able to support themselves, may be 2137
admitted to a veterans' home under such rules as the director of 2138
veterans services adopts. 2139

A veteran who served in the armed forces of the United States 2140
~~as defined in division (E)(7) of section 5903.11 of the Revised~~ 2141
~~Code~~ is eligible for admission to a veterans' home under the 2142
preceding paragraph only if the person has the characteristics 2143
defined in division (B)(1) of section 5901.01 of the Revised Code. 2144

Veterans' homes may reserve a bed during the temporary 2145
absence of a resident or patient from the home, including a 2146
nursing home within it, under conditions prescribed by the 2147
director, to include hospitalization for an acute condition, 2148
visits with relatives and friends, and participation in 2149
therapeutic programs outside the home. A home shall not reserve a 2150
bed for more than thirty days, except that absences for more than 2151
thirty days due to hospitalization may be authorized. 2152

Section 2. That existing sections 1306.20, 2913.01, 2913.02, 2153
2913.43, 2913.49, 2913.61, 3307.01, 3333.28, 4729.12, 4729.13, 2154
4729.15, 4731.36, 4743.04, 5902.02, 5903.03, 5903.10, 5903.11, 2155
5903.12, 5903.121, 5907.01, and 5907.04 of the Revised Code are 2156

hereby repealed. 2157

Section 3. The Director of Veterans Services shall implement 2158
divisions (BB) to (EE) of section 5902.02 of the Revised Code not 2159
later than December 31, 2014. 2160

Section 4. A licensing agency that is required to adopt rules 2161
under section 5903.04 of the Revised Code shall adopt initial 2162
rules not later than December 31, 2014. 2163

Section 5. State agencies that are required to apply for 2164
approval to the State Approving Agency at the Ohio Department of 2165
Veterans Services under section 5903.05 of the Revised Code shall 2166
do so initially not later than December 31, 2014. 2167

Section 6. The Chancellor of the Ohio Board of Regents shall 2168
prepare a report describing the progress made by state 2169
institutions of higher education toward implementation of this act 2170
by the Chancellor and by state institutions of higher education. 2171
The report shall include recommendations and ideas on how to 2172
integrate service members and veterans into the campus environment 2173
and how to promote academic achievement among service members and 2174
veterans in order to better prepare service members and the 2175
veterans to enter the workforce. The Chancellor, within six months 2176
after the effective date of this section, shall deliver the report 2177
to the General Assembly under division (B) of section 101.68 of 2178
the Revised Code. 2179

Section 7. Section 4731.36 of the Revised Code is presented 2180
in this act as a composite of the section as amended by both Sub. 2181
H.B. 251 and Sub. S.B. 141 of the 129th General Assembly. The 2182
General Assembly, applying the principle stated in division (B) of 2183
section 1.52 of the Revised Code that amendments are to be 2184

harmonized if reasonably capable of simultaneous operation, finds	2185
that the composite is the resulting version of the section in	2186
effect prior to the effective date of the section as presented in	2187
this act.	2188