

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**WEDNESDAY, DECEMBER 12, 2012**

TWO HUNDRED ELEVENTH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, December 12, 2012, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Kevin Whitsett of the Georgetown Church of Christ in Georgetown, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Batchelder prior to the commencement of business:

Jesse Oxley received H.R. 437, presented by Representative Stebelton-5th district.

Carole Morbitzer received H.R. 497, presented by Representatives Stinziano-25th district and Heard 26th district.

The Columbus Preparatory Academy was honored by Representative Stinziano-25th district.

JD Johnston and Tarah Briggs, guests of Representative Garland-20th district.

Dick and Bobbie Celeste, family of Representative Celeste-24th district.

Girl Scouts of the Ohio Heartland Troop #2071, guests of Representative Heard-26th district.

Troy Jolly, Bev Chaney, Monte and Donna Riley, and Rex, Erin, and Ashley Ross, guests of Representative Bulp-88th district.

Gary, Paul, Jackie, and Amy Oxley and John and Peg Aiznett, guests of Representative Stebelton-5th district.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 251**-Representative Schuring, et al., were taken up for consideration.

**Sub. H. B. No. 251**-Representative Schuring.

Cosponsors: Representatives Adams, J., Murray, Fedor, Phillips, Fende, Yuko, Hagan, R., Letson, Celeste, Combs, Derickson, Hagan, C., Luckie, Milkovich, Ramos, Speaker Batchelder. Senators Oelslager, Tavares, Wagoner.

To amend sections 4731.02, 4731.06, 4731.07, 4731.22, 4731.36, 4734.31, 4762.01, 4762.02, 4762.03, 4762.031, 4762.04, 4762.05, 4762.06, 4762.08, 4762.09, 4762.10, 4762.11, 4762.12, 4762.13, 4762.131, 4762.132, 4762.14, 4762.15, 4762.16, 4762.17, 4762.18, 4762.19, and 4762.22 and to repeal

section 4731.04 of the Revised Code to regulate the practice of Oriental medicine, to modify the laws governing the practice of acupuncture, and to revise certain laws governing the State Medical Board.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyce	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goodwin	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Lundy	Lynch	Maag
Martin	McClain	McGregor	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Pelanda	Phillips	Pillich
Ramos	Reece	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Williams	Winburn	Young	Yuko
			Batchelder-93.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 303**-Representative Schuring, et al., were taken up for consideration.

**Sub. H. B. No. 303**-Representative Schuring.

Cosponsors: Representatives Carney, Gonzales, Fende, Antonio, Barnes, Garland, Hackett, Yuko, Adams, R., Anielski, Bubp, Celeste, Damschroder, Gardner, Grossman, Hagan, R., Heard, Hill, Hottinger, Johnson, Letson, Lynch, Mallory, McClain, Milkovich, Newbold, O'Brien, Okey, Pillich, Ramos, Reece, Sears, Stebelton, Stinziano, Wachtmann, Speaker Batchelder. Senators Beagle, Hughes, Lehner, Manning, Oelslager, Widener.

To amend sections 109.57, 1337.11, 2133.01, 2305.113, 2305.234, 2317.54, 2711.22, 3701.881, 3701.92, 3701.923, 3701.924, 3701.925, 3701.926, 3701.927, 3701.928, 3701.929, 3712.01, 3712.03, 3712.09, 3712.99, 3721.01,

3793.11, 3795.01, 3963.01, 4503.44, 4719.01, 4723.01, 4723.03, 4723.06, 4723.063, 4723.07, 4723.08, 4723.09, 4723.17, 4723.171, 4723.24, 4723.271, 4723.28, 4723.32, 4723.34, 4723.35, 4723.41, 4723.42, 4723.43, 4723.431, 4723.44, 4723.48, 4723.482, 4723.485, 4723.487, 4723.50, 4723.61, 4723.64, 4723.65, 4723.651, 4723.652, 4723.66, 4723.67, 4723.68, 4723.69, 4723.71, 4723.72, 4723.73, 4723.74, 4723.75, 4723.751, 4723.76, 4723.77, 4723.79, 4723.83, 4723.84, 4723.87, 4723.88, 4723.99, 4752.02, 4759.01, 4759.03, 4759.05, 4759.06, 4759.10, 5111.222, 5111.231, 5111.24, 5111.242, 5111.246, 5111.25, 5111.88, 5111.981, 5119.22, and 5120.55; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4723.17 (4723.18) and 4723.171 (4723.181); to enact new section 4723.17 and sections 3712.031, 3712.041, 3712.051, 3712.061, 4723.091, 4723.092, 4723.19, 4723.653, and 5111.982; to repeal sections 4723.483, 4723.62, 4723.621, 4723.63, and 4723.78 of the Revised Code; and to amend Section 3.19 of Am. Sub. H.B. 95 of the 125th General Assembly to revise the laws administered by the Board of Nursing and the professionals regulated by the Board; to update statutory references to professional organizations of dietitians; to extend qualified immunity from civil liability for volunteer services provided by certain behavioral health professionals; to modify the requirements for licensure of methadone treatment programs; to make changes in the laws governing certain Medicaid payments for nursing facility services; to authorize certain assessments of persons with intellectual disabilities residing in intermediate care facilities; to enact "Sarah's Law" regarding the licensure of pediatric respite care programs, to amend the version of section 109.57 of the Revised Code that is scheduled to take effect on January 1, 2014, to continue amendments made by this act to that section; and to declare an emergency.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 87, nays 6, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Antonio	Ashford
Baker	Barnes	Beck	Blair
Blessing	Boose	Boyce	Brenner
Bubp	Buchy	Budish	Butler
Carney	Celebrezze	Celeste	Cera
Clyde	Conditt	Damschroder	DeVitis
Derickson	Dovilla	Driehaus	Duffey
Fedor	Fende	Foley	Gardner
Garland	Gerberry	Gonzales	Goodwin
Grossman	Hackett	Hagan, C.	Hall
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Lundy	Lynch	Maag
McClain	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pelanda	Phillips	Ramos	Reece

Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-87.

Representatives Adams J., Anielski, Hagan, R., Hayes, Martin, and Pillich voted in the negative-6.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 77, nays 16, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Baker	Barnes	Beck
Blair	Blessing	Boose	Boyce
Brenner	Bubp	Buchy	Budish
Butler	Carney	Celeste	Cera
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Duffey	Fedor	Gardner
Garland	Gerberry	Gonzales	Goodwin
Grossman	Hackett	Hagan, C.	Hall
Hayes	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Lynch	Maag	Martin	McClain
McGregor	Milkovich	Newbold	O'Brien
Patmon	Pelanda	Ramos	Reece
Roegner	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slesnick	Smith
Sprague	Stautberg	Stebelton	Stinziano
Sykes	Terhar	Thompson	Uecker
Wachtmann	Williams	Young	Yuko
			Batchelder-77.

Those who voted in the negative were: Representatives

Ashford	Celebrezze	Clyde	Driehaus
Fende	Foley	Hagan, R.	Heard
Letson	Lundy	Murray	Okey
Phillips	Pillich	Szollosi	Winburn-16.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 347**-Representative Anielski, et al., were taken up for consideration.

**Sub. H. B. No. 347**-Representative Anielski.

Cosponsors: Representatives Hall, Huffman, Stebelton, Baker, Barnes, Beck, Blair, Blessing, Buchy, Combs, Grossman, Hackett, Matheney, Newbold,

Roegner, Rose, Ruhl, Sears, Slaby. Senators Eklund, Hughes, Jones, Manning, Patton, Seitz, Wagoner.

To amend sections 122.12, 122.121, 505.60, and 731.09 and to enact section 731.091 of the Revised Code to authorize the legislative authority of a statutory nonchartered village to be composed of five instead of six members and to authorize the terms of office to be nonstaggered, to restrict the types of competitive events that qualify for state grants based on projected incremental increases in sales tax receipts, and to authorize townships to reimburse officers and employees for out-of-pocket insurance premiums attributable to coverage provided for their immediate dependents.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyce	Brenner	Bubp	Buchy
Butler	Carney	Celebrezze	Celeste
Cera	Clyde	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Foley
Gardner	Garland	Gerberry	Gonzales
Goodwin	Grossman	Hackett	Hagan, C.
Hagan, R.	Hall	Hayes	Heard
Henne	Hill	Hottinger	Huffman
Johnson	Kozlowski	Landis	Letson
Lundy	Lynch	Maag	Martin
McClain	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pelanda	Phillips	Pillich	Ramos
Reece	Roegner	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-92.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 479**-Representatives Hagan, C., Blessing, et al., were taken up for consideration.

**Sub. H. B. No. 479**-Representatives Hagan, C., Blessing.

Cosponsors: Speaker Batchelder, Representatives Gardner, Grossman, Stebelton, Sears, Boose, Damschroder, Schuring, Wachtmann, Johnson, Beck, Gonzales, Terhar, Amstutz, Antonio, Blair, Brenner, Bubp, Buchy, Budish, Carney, Celebrezze, Combs, Conditt, Derickson, DeVitis, Dovilla, Duffey,

Foley, Hackett, Hall, Hayes, Henne, Kozlowski, Letson, McClain, McGregor, Milkovich, Newbold, O'Brien, Phillips, Pillich, Ruhl, Smith, Sprague, Stautberg, Winburn. Senators Bacon, Obhof, Wagoner, Burke, Eklund, Hite, Jordan, Kearney, LaRose, Lehner, Manning, Oelslager, Patton.

To amend sections 317.08, 317.32, 317.321, 1336.04, 1701.73, 1702.38, 1703.22, 2101.24, 2131.08, 2131.09, 2329.66, 2329.661, 5805.06, 5808.08, 5808.18, 5815.24, 5815.25, and 5815.36 and to enact sections 1301.401, 1319.07, 1319.08, 1319.09, 5815.37, and 5816.01 to 5816.14 of the Revised Code to adopt the Ohio Legacy Trust Act; to modify certain property rights in the Ohio Trust Code; to require the recording of personal property transfers with the county recorder upon request; to regulate the temporary conveyance of trust real property for financing purposes; to grant probate courts concurrent jurisdiction with court of common pleas general divisions over certain actions involving the designation or removal of certain beneficiaries, title change involving joint and survivorship interests, alleged gifts, or the passing of assets upon death other than by will, intestate succession, or trust; to regulate the use and enforceability of certain loan covenants in nonrecourse commercial loan transactions; and to make certain changes in the exempt interests law, the fraudulent transfers law, the secured transactions recording law, and the rule against perpetuities.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyce	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goodwin	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Lundy	Lynch	Maag
Martin	McClain	McGregor	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Pelanda	Phillips	Pillich
Ramos	Reece	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Williams	Winburn	Young	Yuko
			Batchelder-93.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 481**-Representative Hackett, et al., were taken up for consideration.

**Sub. H. B. No. 481**-Representative Hackett.

Cosponsors: Representatives Beck, Grossman, Boose, Wachtmann, Henne, Slaby, L., Combs, Adams, R., Boyd, Bulp, Buchy, Carney, Damschroder, Gardner, Garland, Gerberry, Goodwin, Hall, Hayes, Kozlowski, Letson, Mallory, McClain, Milkovich, Newbold, Thompson, Yuko, Speaker Batchelder. Senators Hughes, Jordan, LaRose, Patton, Seitz, Wagoner.

To amend sections 9.833, 148.06, 149.431, 2744.081, 4717.05, 4717.06, 4717.10, 4717.11, 4717.12, 4717.13, 4717.21, 4717.24, and 4717.30 of the Revised Code to authorize the Board of Embalmers and Funeral Directors to issue courtesy licenses to allow funeral directors in bordering states to conduct limited funeral-related activities in Ohio; to permit embalmers and funeral directors to place their licenses on inactive status; to clarify that, upon the sale of the funeral home, the home may remain operating based upon a submission of a new license application to the Board; to permit out-of-state funeral directors without a license to work with licensed funeral directors during a declared disaster or emergency; to eliminate the requirement that funeral homes be the guarantor of the identity of decedents and instead require funeral homes to complete only visual identification of remains; to exempt certain records concerning individual and joint self insurance of political subdivisions from the public records law; and to authorize joint county department of job and family services employees and detention facility district employees to participate in a deferred compensation program.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyce	Brenner	Bulp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goodwin	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Lundy	Lynch	Maag
Martin	McClain	McGregor	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Pelanda	Phillips	Pillich



Ramos	Reece	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Williams	Winburn	Young	Yuko
			Batchelder-93.

The Senate amendments were concurred in.

### MOTIONS AND RESOLUTIONS

Representative Phillips reported for the Rules and Reference Committee recommending that the following House Resolution be read by title only and approved:

**H.R. No. 524** - Representative Patmon

Honoring Representative Dennis John Kucinich on his retirement as a member of the United States House of Representatives

/s/LOUIS BLESSING

Louis Blessing, Chair

Representative Blessing moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be approved.

The motion was agreed to.

### BILLS FOR THIRD CONSIDERATION

**Sub. H. B. No. 610**-Representative Stautberg.

Cosponsor: Representative Bulp.

To amend sections 2333.22, 2715.21, 2735.01, 2735.02, and 2735.04 of the Revised Code to add to and clarify the powers of a receiver and to provide a procedure for a receiver's sale of real property, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Blessing moved that **Sub. H. B. No. 610**-Representative Stautberg, et al., be rereferred to the committee on Rules and Reference.

The question being, "Shall the motion to rerefer be agreed to?"

The motion was agreed to without objection.

**Sub. S. B. No. 37**-Senator Hughes.

Cosponsors: Senators Bacon, Grendell, Sawyer, Seitz, Beagle, Brown, Burke, Cafaro, Daniels, Faber, Gentile, Jordan, Lehner, Balderson, Manning, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Skindell, Tavares, Turner, Wagoner, Widener. Representatives Johnson, Ruhl, Uecker.

To amend section 5533.051 and to enact sections 5501.313, 5533.182, 5533.183, 5533.221, 5533.542, 5533.725, 5533.755, 5533.831, 5533.832, and 5533.98 of the Revised Code to permit the Director of Transportation to designate portions of state highways as memorial highways in honor of each State Highway Patrol trooper who is or has been killed in the line of duty, and to designate a number of memorial highways, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Antonio moved to amend as follows:

In line 12, after "5533.832" insert ", 5533.921"

Between lines 100 and 101, insert:

" **Sec. 5533.921.** In addition to the designation in section 5533.92 of the Revised Code, the road known as state route number two, located in Cuyahoga county and also known as the Cleveland memorial shoreway, commencing at Lake avenue and extending in an easterly direction to the point at which the road crosses the Cuyahoga river, shall be known as the "Governor Richard F. Celeste Shoreway."

The director of transportation may erect suitable markers along the highway indicating its name."

In line 3 of the title, after "5533.832" insert ", 5533.921"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyce	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goodwin	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Lundy	Lynch	Maag

Martin	McClain	McGregor	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Pelanda	Phillips	Pillich
Ramos	Reece	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Williams	Winburn	Young	Yuko
			Batchelder-93.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyce	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goodwin	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Henne	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Lundy	Lynch	Maag
Martin	McClain	McGregor	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Pelanda	Phillips	Pillich
Ramos	Reece	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Williams	Winburn	Young	Yuko
			Batchelder-93.

The bill passed.

Representative Damschroder moved to amend the title as follows:

Add the names: "Adams, R., Anielski, Antonio, Ashford, Barnes, Beck, Blair, Blessing, Boose, Boyce, Brenner, Bubp, Buchy, Budish, Butler, Carney, Celeste, Cera, Damschroder, Derickson, Dovilla, Driehaus, Duffey, Fedor,

Fende, Foley, Gardner, Garland, Gerberry, Goodwin, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Hill, Hottinger, Huffman, Kozlowski, Letson, Lundy, Maag, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Scherer, Schuring, Sears, Slesnick, Smith, Sprague, Stautberg, Sykes, Szollosi, Terhar, Thompson, Winburn, Young, Yuko, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 114**-Senator Seitz.

Cosponsors: Senators Kearney, Patton, Wilson, Bacon, Beagle, Burke, Daniels, Hite, Hughes, LaRose, Sawyer, Schiavoni, Smith, Tavares, Turner. Representative Ruhl.

To amend sections 2744.081, 2744.082, 4501.01, 4501.13, 4503.04, 4503.21, 4503.22, 4503.544, 4507.01, 4507.05, 4507.06, 4507.11, 4511.01, 4511.53, 4513.241, 4517.33, 4519.01, 4519.02, 4775.01, 4775.02, 4775.03, 4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, 4775.11, 4775.99, and 5703.21 and to enact sections 4511.214, 4511.215, and 4519.401 of the Revised Code to establish conditions for the operation of certain specialized motor vehicles, including low-speed and under-speed vehicles, scooters, cab-enclosed motorcycles, and mini-trucks; to establish conditions for operation of a motorcycle with a temporary instruction permit; to prohibit motorcycle handlebars from being higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle; to establish a motor scooter temporary instruction permit and license or endorsement; to prohibit a motor vehicle manufacturer, remanufacturer, or distributor from providing to a licensed motor vehicle dealer a motor vehicle that violates window tinting standards; to increase the penalty for installing nonconforming glass or other material; to establish civil liability for installing nonconforming glass or other material, including costs and attorney fees; to rename the Board of Motor Vehicle Collision Repair Registration as the Motor Vehicle Repair Board and to expand the jurisdiction of the Board to require persons who install motor vehicle window tint to register with the Board; to give the Franklin County Court of Common Pleas exclusive jurisdiction over motor vehicle repair registration violations; to impose a registration or license suspension up to 180 days on a registered motor vehicle repair facility or licensed motor vehicle dealer upon a second or subsequent violation for installing nonconforming glass or other material; to establish an exemption from the motor vehicle window tinting standards for vehicles used by law enforcement agencies under specified circumstances; and to make certain changes associated with the Political Subdivision Tort Liability Law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 84, nays 8, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Anielski	Antonio
Ashford	Baker	Barnes	Beck
Blair	Blessing	Boyce	Bubp
Buchy	Budish	Butler	Carney
Celebrezze	Celeste	Cera	Clyde
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gerberry	Gonzales	Grossman	Hackett
Hagan, C.	Hagan, R.	Hall	Hayes
Heard	Hill	Hottinger	Huffman
Johnson	Kozlowski	Landis	Letson
Lundy	Lynch	Maag	McClain
McGregor	Milkovich	Murray	Newbold
O'Brien	Okey	Pelanda	Phillips
Pillich	Ramos	Reece	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Terhar	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-84.

Representatives Adams J., Boose, Brenner, Henne, Martin, Patmon, Roegner, and Thompson voted in the negative-8.

The bill passed.

Representative Damschroder moved to amend the title as follows:

Add the names: "Kozlowski, Letson, Murray, Phillips, Rosenberger, Uecker, Winburn, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. S. B. No. 222**-Senator Burke.

Cosponsors: Senators Patton, Widener, Bacon, Balderson, Beagle, Brown, Cafaro, Coley, Daniels, Eklund, Faber, Gentile, Hite, Hughes, Jones, Kearney, Lehner, Niehaus, Obhof, Oelslager, Sawyer, Schaffer, Smith, Tavares, Wagoner. Representatives Celebrezze, Johnson, Ruhl.

To enact sections 5529.07 and 5537.35 of the Revised Code to require certain flags to be displayed at rest areas along the state's interstates and the Ohio Turnpike, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyce	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Grossman	Hackett	Hagan, C.
Hagan, R.	Hall	Hayes	Heard
Henne	Hill	Hottinger	Huffman
Johnson	Kozlowski	Landis	Letson
Lundy	Lynch	Maag	Martin
McClain	McGregor	Milkovich	Murray
Newbold	O'Brien	Okey	Patmon
Pelanda	Phillips	Pillich	Ramos
Reece	Roegner	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Sykes	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-92.

The bill passed.

Representative Damschroder moved to amend the title as follows:

Add the names: "Adams, R., Antonio, Barnes, Beck, Blair, Boose, Boyce, Brenner, Bubp, Buchy, Celeste, Cera, Damschroder, Dovilla, Driehaus, Fende, Garland, Hackett, Hall, Hayes, Kozlowski, Landis, Letson, Martin, McGregor, Milkovich, Murray, Newbold, Okey, Pelanda, Pillich, Rosenberger, Szollosi, Terhar, Thompson, Winburn, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 298-Senator Cafaro.**

Cosponsors: Senators Brown, Seitz, Kearney, Beagle, Hughes, Hite, Turner, Bacon, Balderson, Burke, Gentile, Lehner, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Smith, Tavares, Wagoner.

To amend sections 4303.181, 4303.202, 4303.208, and 4303.99 of the Revised Code to alter the conditions under which a D-51 liquor permit may be issued, to make changes to the law governing the issuance of F-2 liquor permits, and to allow an F-2 liquor permit to be issued for the same location

that an F-8 liquor permit is issued provided that certain criteria apply, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 89, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyce	Brenner	Bubp	Buchy
Budish	Carney	Celebrezze	Celeste
Cera	Clyde	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Foley
Gardner	Garland	Gerberry	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Hill	Hottinger
Huffman	Johnson	Kozlowski	Landis
Letson	Lundy	Lynch	Maag
Martin	McClain	McGregor	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Pelanda	Phillips	Pillich
Ramos	Reece	Roegner	Rosenberger
Ruhl	Scherer	Schuring	Sears
Slesnick	Smith	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollosi
Terhar	Thompson	Uecker	Wachtmann
Williams	Winburn	Young	Yuko
			Batchelder-89.

Representatives Butler and Henne voted in the negative-2.

The bill passed.

Representative Young moved to amend the title as follows:

Add the names: "Representatives Barnes, Boyce, Driehaus, Hackett, Letson, McGregor, Milkovich, Murray, O'Brien, Reece, Terhar, Thompson, Young."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Blessing, the House recessed.

The House met pursuant to recess.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

**Sub. S. B. No. 139** -Senator Hughes - et al.

Attest:

Vincent L. Keeran,  
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

**Am. Sub. S. B. No. 70** -Senator Schaffer - et al.

Attest:

Vincent L. Keeran,  
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 50** -Representative Snitchler

Cosponsors: Representatives Burke, Murray, Schuring, Blessing, Boose, Bupp, Combs, Grossman, Martin, Slesnick, Speaker Batchelder Senators Schaffer, Coley, Eklund, Manning, Niehaus, Obhof, Patton, Peterson, Seitz, Wagoner

To amend sections 349.04, 709.023, and 718.01 of the Revised Code to exempt from municipal income tax the compensation paid to persons performing personal services for a political subdivision on its property when that property is annexed to a municipal corporation under the expedited type-II annexation proceeding unless the compensation is taxable because of the



person's residency, and to permit a board of county commissioners to determine the times for and manner of holding elections for citizen members of the board of trustees of a new community organization.

As a substitute bill, in which the concurrence of the House is requested.

Attest: Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. Sub. H. B. No. 197**-Representative Slesnick  
Cosponsors: Representatives Fende, Letson, Murray, O'Brien, Patmon, Yuko, Blair, Combs, Johnson, Milkovich, Terhar, Speaker Batchelder Senators Wagoner, Bacon, Beagle, Coley, Eklund, Jordan, Kearney, LaRose, Lehner, Manning, Obhof, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Tavares

To amend sections 1901.261, 1901.31, 1907.20, 1907.26, 1907.261, 2303.201, 2929.12, 2929.22, and 4503.39 and to enact sections 1901.44, 1905.202, 1907.25, and 2947.09 of the Revised Code to require that all moneys collected by the clerk of a municipal or county court be paid to the appropriate person, fund, or entity on or before the twentieth day of the month following the month in which they are collected; to authorize a municipal, mayor's, or county court to require community service in lieu of costs if at the time of sentencing or any time after sentencing the court finds that the offender cannot pay costs; to authorize a municipal, mayor's, or county court to allow payment of costs in installments if at the time of sentencing or at any time after sentencing the court finds that the offender will not be able to pay costs in full when due; to raise the ceilings on the optional additional fees that a court of common pleas may charge to fund court computerization or computerization of the court clerk's office; to authorize use of the additional clerk's fees to fund technological advances in the clerk's office; to authorize new fees to fund computerization of or technological advances in the clerk's office; to ensure that after notice to the debtor and an opportunity to enter into an installment payment or community service agreement with the court neither the Registrar of Motor Vehicles nor any deputy registrar accepts any application for the registration or transfer of registration of a motor vehicle of

a person who fails to pay any fine or costs imposed for offenses by a common pleas, municipal, mayor's, or county court; and to require a court in determining the sentence for a criminal offense to consider emotional, mental, or physical conditions traceable to an offender's military service that contributed to the offender's commission of the offense and to consider the offender's military service record.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 36, after "2303.201," insert "2929.12, 2929.22,"

Between lines 1208 and 1209, insert:

**"Sec. 2929.12.** (A) Unless otherwise required by section 2929.13 or 2929.14 of the Revised Code, a court that imposes a sentence under this chapter upon an offender for a felony has discretion to determine the most effective way to comply with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code. In exercising that discretion, the court shall consider the factors set forth in divisions (B) and (C) of this section relating to the seriousness of the conduct ~~and~~, the factors provided in divisions (D) and (E) of this section relating to the likelihood of the offender's recidivism and the factors set forth in division (F) of this section pertaining to the offender's service in the armed forces of the United States and, in addition, may consider any other factors that are relevant to achieving those purposes and principles of sentencing.

(B) The sentencing court shall consider all of the following that apply regarding the offender, the offense, or the victim, and any other relevant factors, as indicating that the offender's conduct is more serious than conduct normally constituting the offense:

(1) The physical or mental injury suffered by the victim of the offense due to the conduct of the offender was exacerbated because of the physical or mental condition or age of the victim.

(2) The victim of the offense suffered serious physical, psychological, or economic harm as a result of the offense.

(3) The offender held a public office or position of trust in the community, and the offense related to that office or position.

(4) The offender's occupation, elected office, or profession obliged the offender to prevent the offense or bring others committing it to justice.

(5) The offender's professional reputation or occupation, elected office, or profession was used to facilitate the offense or is likely to influence the future conduct of others.

(6) The offender's relationship with the victim facilitated the offense.

(7) The offender committed the offense for hire or as a part of an

organized criminal activity.

(8) In committing the offense, the offender was motivated by prejudice based on race, ethnic background, gender, sexual orientation, or religion.

(9) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children.

(C) The sentencing court shall consider all of the following that apply regarding the offender, the offense, or the victim, and any other relevant factors, as indicating that the offender's conduct is less serious than conduct normally constituting the offense:

(1) The victim induced or facilitated the offense.

(2) In committing the offense, the offender acted under strong provocation.

(3) In committing the offense, the offender did not cause or expect to cause physical harm to any person or property.

(4) There are substantial grounds to mitigate the offender's conduct, although the grounds are not enough to constitute a defense.

(D) The sentencing court shall consider all of the following that apply regarding the offender, and any other relevant factors, as factors indicating that the offender is likely to commit future crimes:

(1) At the time of committing the offense, the offender was under release from confinement before trial or sentencing, under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or under post-release control pursuant to section 2967.28 or any other provision of the Revised Code for an earlier offense or had been unfavorably terminated from post-release control for a prior offense pursuant to division (B) of section 2967.16 or section 2929.141 of the Revised Code.

(2) The offender previously was adjudicated a delinquent child pursuant to Chapter 2151. of the Revised Code prior to January 1, 2002, or pursuant to Chapter 2152. of the Revised Code, or the offender has a history of criminal convictions.

(3) The offender has not been rehabilitated to a satisfactory degree after previously being adjudicated a delinquent child pursuant to Chapter 2151. of the Revised Code prior to January 1, 2002, or pursuant to Chapter 2152. of the Revised Code, or the offender has not responded favorably to sanctions previously imposed for criminal convictions.

(4) The offender has demonstrated a pattern of drug or alcohol abuse that

is related to the offense, and the offender refuses to acknowledge that the offender has demonstrated that pattern, or the offender refuses treatment for the drug or alcohol abuse.

(5) The offender shows no genuine remorse for the offense.

(E) The sentencing court shall consider all of the following that apply regarding the offender, and any other relevant factors, as factors indicating that the offender is not likely to commit future crimes:

(1) Prior to committing the offense, the offender had not been adjudicated a delinquent child.

(2) Prior to committing the offense, the offender had not been convicted of or pleaded guilty to a criminal offense.

(3) Prior to committing the offense, the offender had led a law-abiding life for a significant number of years.

(4) The offense was committed under circumstances not likely to recur.

(5) The offender shows genuine remorse for the offense.

(F) The sentencing court shall consider the offender's military service record and whether the offender has an emotional, mental, or physical condition that is traceable to the offender's service in the armed forces of the United States and that was a contributing factor in the offender's commission of the offense or offenses.

**Sec. 2929.22.** (A) Unless a mandatory jail term is required to be imposed by division (G) of section 1547.99, division (B) of section 4510.14, division (G) of section 4511.19 of the Revised Code, or any other provision of the Revised Code a court that imposes a sentence under this chapter upon an offender for a misdemeanor or minor misdemeanor has discretion to determine the most effective way to achieve the purposes and principles of sentencing set forth in section 2929.21 of the Revised Code.

Unless a specific sanction is required to be imposed or is precluded from being imposed by the section setting forth an offense or the penalty for an offense or by any provision of sections 2929.23 to 2929.28 of the Revised Code, a court that imposes a sentence upon an offender for a misdemeanor may impose on the offender any sanction or combination of sanctions under sections 2929.24 to 2929.28 of the Revised Code. The court shall not impose a sentence that imposes an unnecessary burden on local government resources.

(B)(1) In determining the appropriate sentence for a misdemeanor, the court shall consider all of the following factors:

(a) The nature and circumstances of the offense or offenses;

(b) Whether the circumstances regarding the offender and the offense or offenses indicate that the offender has a history of persistent criminal activity and that the offender's character and condition reveal a substantial risk that the

offender will commit another offense;

(c) Whether the circumstances regarding the offender and the offense or offenses indicate that the offender's history, character, and condition reveal a substantial risk that the offender will be a danger to others and that the offender's conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences;

(d) Whether the victim's youth, age, disability, or other factor made the victim particularly vulnerable to the offense or made the impact of the offense more serious;

(e) Whether the offender is likely to commit future crimes in general, in addition to the circumstances described in divisions (B)(1)(b) and (c) of this section ;

(f) Whether the offender has an emotional, mental, or physical condition that is traceable to the offender's service in the armed forces of the United States and that was a contributing factor in the offender's commission of the offense or offenses;

(g) The offender's military service record.

(2) In determining the appropriate sentence for a misdemeanor, in addition to complying with division (B)(1) of this section, the court may consider any other factors that are relevant to achieving the purposes and principles of sentencing set forth in section 2929.21 of the Revised Code.

(C) Before imposing a jail term as a sentence for a misdemeanor, a court shall consider the appropriateness of imposing a community control sanction or a combination of community control sanctions under sections 2929.25, 2929.26, 2929.27, and 2929.28 of the Revised Code. A court may impose the longest jail term authorized under section 2929.24 of the Revised Code only upon offenders who commit the worst forms of the offense or upon offenders whose conduct and response to prior sanctions for prior offenses demonstrate that the imposition of the longest jail term is necessary to deter the offender from committing a future crime.

(D)(1) A sentencing court shall consider any relevant oral or written statement made by the victim, the defendant, the defense attorney, or the prosecuting authority regarding sentencing for a misdemeanor. This division does not create any rights to notice other than those rights authorized by Chapter 2930. of the Revised Code.

(2) At the time of sentencing for a misdemeanor or as soon as possible after sentencing, the court shall notify the victim of the offense of the victim's right to file an application for an award of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code."

In line 1276, after "2303.201," insert "2929.12, 2929.22,"

In line 2 of the title, after "2303.201," insert "2929.12, 2929.22,"

In line 26 of the title, delete the first "and"

In line 34 of the title, after "court" insert "; and to require a court in determining the sentence for a criminal offense to consider emotional, mental, or physical conditions traceable to an offender's military service that contributed to the offender's commission of the offense and to consider the offender's military service record"

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 274**—Representative Letson  
Cosponsors: Representatives Bulp, Antonio, Brenner, Combs, Derickson, Foley, Mallory, Milkovich, Murray, O'Brien, Okey, Ramos, Szollosi, Winburn, Yuko, Speaker Batchelder Senators Obhof, LaRose, Wagoner

To amend section 5301.057 of the Revised Code to provide that a transfer fee for purposes of a transfer fee covenant does not include any payment required pursuant to a conservation easement or agricultural easement, to authorize the conveyance of the water rights of certain state-owned real estate to the Wayne County Board of County Commissioners, and to authorize the conveyance of state-owned real estate in Richland County to the Mansfield Reformatory Preservation Society.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. Sub. H. B. No. 279** -Representatives Grossman, Driehaus  
Cosponsors: Representatives Yuko, Combs, Boyd, Reece, Letson, Henne, Martin, Goyal, Burke, Bubp, Conditt, Adams, R., Antonio, Barnes, Blair, Celebrezze, Celeste, Cera, Fedor, Fende, Foley, Garland, Hackett, Hagan, R., Heard, Johnson, Kozlowski, Mallory, Milkovich, Murray, Newbold, O'Brien, Patmon, Phillips, Pillich, Ramos, Ruhl, Sprague, Winburn Senators Bacon, Brown, Burke, Cafaro, Eklund, Hite, Hughes, Kearney, Lehner, Manning, Niehaus, Oelslager, Patton, Sawyer, Schiavoni, Seitz, Smith, Tavares, Turner, Wagoner, Widener

To amend sections 2151.33, 3107.062, 3107.063, 3109.53, 3109.59, 3109.60, 3109.66, 3109.70, 3109.71, 3109.72, 3310.41, 5153.16, and 5153.161, to enact new section 3109.76 and sections 2151.411 and 3310.43, and to repeal sections 3109.76 and 3109.77 of the Revised Code to require a public children services agency or private child placing agency that obtains temporary custody of a child to attempt to notify certain relatives of the child; to require a public children services agency to attempt to keep siblings together; to modify the putative father registry; to eliminate the automatic termination upon the expiration of one year of a power of attorney or caretaker authorization affidavit that gives care of a child to a grandparent; to allow a grandparent to seek custody of a child if the child's parent, guardian, or custodian seeks to terminate a power of attorney or caretaker authorization affidavit; to require a public children services agency to file a missing child report if a child in its custody is or may be missing; to authorize a public children services agency to provide care for a child in the home of a qualified nonrelative of the child; to require the Department of Job and Family Services to develop recommendations for the implementation of a subsidized relative guardianship program; to authorize the State Board of Education to issue one-year, renewable instructional assistant permits for qualified individuals to provide services to children under the Autism Scholarship Program; to make other changes in the administration of the Autism Scholarship Program; and to declare an emergency.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 1016, delete "2012" and insert "2013"

In line 1017, delete "eighteen" and insert "twelve"

In line 1041, after "6." insert "Sections 2151.33, 3107.062, 3107.063, 3109.53, 3109.59, 3109.60, 3109.66, 3109.70, 3109.71, 3109.72, 5153.16, and

5153.161 of the Revised Code, as amended by this act, and new section 3109.76 and section 2151.411 of the Revised Code, as enacted by this act, and the repeal of sections 3109.76 and 3109.77 of the Revised Code by this act, shall take effect ninety days after the effective date of this act.

7."

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 280** -Representatives Dovilla, Wachtmann

Cosponsors: Representatives Mecklenborg, Gardner, Buchy, Grossman, Brenner, Gonzales, Goodwin, Derickson, Fende, Blair, Hackett, Maag, Lundy, Stebelton, Letson, Sprague, Reece, Johnson, Rosenberger, Pillich, Bubp, Butler, Hagan, C., Landis, Milkovich, Yuko, Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blessing, Boose, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, DeVitis, Driehaus, Duffey, Fedor, Foley, Garland, Gerberry, Goyal, Hall, Hayes, Heard, Henne, Hill, Huffman, Kozlowski, Mallory, Martin, Matheney, McClain, McGregor, Murray, O'Brien, Patmon, Phillips, Ramos, Roegner, Rose, Ruhl, Schuring, Sears, Slaby, Slesnick, Stautberg, Stinziano, Szollosi, Terhar, Thompson, Uecker, Williams, Winburn, Young, Speaker Batchelder Senators Bacon, Balderson, Beagle, Brown, Burke, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Seitz, Smith, Tavares, Turner, Wagoner, Widener

To amend sections 5910.01, 5910.02, and 5919.34 and to enact section 5910.07 of the Revised Code to qualify for a War Orphans Scholarship, children of military veterans who participated in an operation for which the Armed Forces Expeditionary Medal was awarded, and to authorize the administrators of the Ohio National Guard Scholarship Program and the Ohio War Orphans Scholarship Program to apply for, and receive and accept, grants, and to receive and accept gifts, bequests, and contributions, from public and private sources, to provide for the reimbursement of certain school districts for deductions taken for certain Jon Peterson Special Needs Scholarships, and to make an appropriation.



As a substitute bill, in which the concurrence of the House is requested.

Attest: Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. Sub. H. B. No. 284**-Representatives Gonzales, Letson  
Cosponsors: Representatives Stebelton, Wachtmann, Boyd, Slesnick, Gerberry, O'Brien, Murray, Reece, Mallory, Amstutz, Antonio, Boose, Carney, Celeste, Duffey, Fedor, Foley, Gardner, Garland, Hottinger, McClain, Milkovich, Newbold, Pelanda, Phillips, Pillich, Ramos, Schuring, Sears, Sprague, Terhar, Young, Yuko, Speaker Batchelder Senators Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Eklund, Hite, Hughes, LaRose, Lehner, Manning, Oelslager, Peterson, Schiavoni, Seitz, Smith, Tavares, Turner, Wagoner

To amend sections 2133.211, 3719.06, 4730.06, 4730.09, 4730.10, 4730.11, 4730.38, 4730.39, 4730.40, 4730.41, 4730.42, 4730.44, 4730.46, 4755.48, 4755.481, 4757.41, 4758.01, 4758.02, 4758.10, 4758.20, 4758.21, 4758.22, 4758.23, 4758.24, 4758.26, 4758.27, 4758.30, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.51, 4758.55, 4758.56, 4758.59, 4758.61, 4758.70, 4765.01, 4765.35, 4765.36, 4765.37, 4765.38, 4765.39, 4765.49, and 4765.51, to enact sections 4723.36, 4730.04, 4730.092, 4730.411, 4758.221, 4758.241, 4758.39, 4758.46, 4758.47, 4758.52, 4758.54, and 4758.561, and to repeal sections 3793.07, 4730.401, 4758.04, 4758.53, and 4758.58 of the Revised Code to modify the laws governing physician assistants, to authorize certain nurses to determine and pronounce death under specified circumstances, and to revise the laws governing the professions of chemical dependency counseling and alcohol and other drug prevention.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 14, after "4755.481," insert "4757.41, 4758.01, 4758.02, 4758.10, 4758.20, 4758.21, 4758.22, 4758.23, 4758.24, 4758.26, 4758.27, 4758.30, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.51, 4758.55, 4758.56, 4758.59, 4758.61, 4758.70,"

In line 16, delete "and"; after "4730.411" insert ", 4758.221, 4758.241,"

4758.39, 4758.46, 4758.47, 4758.52, 4758.54, and 4758.561"

Between lines 1021 and 1022, insert:

"**Sec. 4757.41.** (A) This chapter shall not apply to the following:

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

(2) Psychologists or school psychologists licensed under Chapter 4732. of the Revised Code;

(3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions;

(4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g)(5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(5) Any person employed in the civil service as defined in section 124.01 of the Revised Code while engaging in social work or professional counseling as a civil service employee;

(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or registered under this chapter;

(7) ~~Until two years after the date the department of alcohol and drug addiction services ceases to administer its process for the certification or credentialing of chemical dependency counselors and alcohol and other drug prevention specialists under section 3793.07 of the Revised Code, as specified in division (B) of that section, or in the case of an individual who has the expiration date of the individual's certificate or credentials delayed under section 4758.04 of the Revised Code, until the date of the delayed expiration, individuals with certification or credentials accepted by the department under that section who are acting within the scope of their certification or credentials as members of the profession of chemical dependency counseling or as alcohol and other drug~~

~~prevention specialists;~~

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

~~(9)~~ (8) Any person employed by the American red cross while engaging in activities relating to services for military families and veterans and disaster relief, as described in the "American National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as amended;

~~(10)~~ (9) Members of labor organizations who hold union counselor certificates while performing services in their official capacity as union counselors;

~~(11)~~ (10) Any person employed in a hospital as defined in section 3727.01 of the Revised Code or in a nursing home as defined in section 3721.01 of the Revised Code while providing as a hospital employee or nursing home employee, respectively, social services other than counseling and the use of psychosocial interventions and social psychotherapy.

(B) Divisions (A)(5), ~~(9)~~ (8), and ~~(11)~~ (10) of this section do not prevent a person described in those divisions from obtaining a license or certificate of registration under this chapter.

**Sec. 4758.01.** As used in this chapter:

(A) "Accredited educational institution" means an educational institution accredited by an accrediting agency accepted by the Ohio board of regents.

(B)(1) "Alcohol and other drug clinical counseling principles, methods, or procedures" means an approach to chemical dependency counseling that emphasizes the chemical dependency counselor's role in systematically assisting clients through all of the following:

- (a) Analyzing background and current information;
- (b) Exploring possible solutions;
- (c) Developing and providing a treatment plan;

(d) In the case of an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor , or chemical dependency counselor III only, diagnosing chemical dependency conditions.

(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.

(C) "Alcohol and other drug prevention services" means a planned process of strategies and activities designed to preclude the onset of the use of alcohol and other drugs, reduce problematic use of alcohol and other drugs, or both.

(D) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after ~~the effective date of this section~~ December 23, 2002.

(E) "Chemical dependency counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of alcohol and other drug clinical counseling principles, methods, or procedures to assist individuals who are abusing or dependent on alcohol or other drugs.

(F) ~~"Scope~~ Unless the context provides otherwise, "scope of practice" means the services, methods, and techniques in which and the areas for which a person who holds a license or certificate under this chapter is trained and qualified.

(G) "Substance abuse professional" has the same meaning as in 49 C.F.R. 40.3.

(H) "U.S. department of transportation drug and alcohol testing program" means a transportation workplace drug and alcohol testing program governed by 49 C.F.R. part 40.

**Sec. 4758.02.** (A) ~~Effective two years after the date the department of alcohol and drug addiction services ceases to administer its certification and credentialing process under section 3793.07 of the Revised Code as specified in division (B) of that section and except~~ Except as provided in sections section 4758.03 and 4758.04 of the Revised Code, no person shall do any of the following:

(1) Engage in or represent to the public that the person engages in chemical dependency counseling for a fee, salary, or other consideration unless the person holds a valid independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, ~~chemical dependency counselor I certificate~~, or chemical dependency counselor assistant certificate issued under this chapter;

(2) Use the title "licensed independent chemical dependency counselor-clinical supervisor," "LICDC-CS," "licensed independent chemical dependency counselor," "LICDC," "licensed chemical dependency counselor III," "LCDC III," "licensed chemical dependency counselor II," "LCDC II," "certified chemical dependency counselor I," "CCDC I," "chemical dependency counselor assistant," "CDCA," or any other title or description incorporating the word "chemical dependency counselor" or any other initials used to identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials;

(3) Represent to the public that the person is a registered applicant unless

the person holds a valid registered applicant certificate issued under this chapter;

(4) Use the title "certified prevention specialist II," "CPS II," "certified prevention specialist I," "CPS I," "certified prevention specialist assistant," "CPSA," "registered applicant," "RA," or any other title, description, or initials used to identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials.

(B) ~~Effective six years after the effective date of this section, no~~ No person shall engage in or represent to the public that the person engages in chemical dependency counseling as a chemical dependency counselor I.

**Sec. 4758.10.** (A) There is hereby created the chemical dependency professionals board.

(B) The governor shall appoint all of the following voting members of the board with the advice and consent of the senate:

(1) Four individuals who hold a valid independent chemical dependency counselor-clinical supervisor license or independent chemical dependency counselor license issued under this chapter, including at least two of whom have received at least a master's degree in a field related to chemical dependency counseling from an accredited educational institution;

(2) Two individuals who hold a valid chemical dependency counselor III license issued under this chapter;

(3) One individual who holds a valid chemical dependency counselor II license issued under this chapter;

(4) Two individuals who hold a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter;

(5) One individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and has experience practicing in a field related to chemical dependency counseling;

(6) Two individuals who represent the public and have not practiced chemical dependency counseling or alcohol and other drug prevention services and have not been involved in the delivery of chemical dependency counseling services or alcohol and other drug prevention services. At least one of these individuals shall be at least sixty years of age. During their terms, the public members shall not practice chemical dependency counseling or alcohol and other drug prevention services or be involved in the delivery of chemical dependency counseling services or alcohol and other drug prevention services.

(C) Not later than ninety days after ~~the effective date of this section~~ December 23, 2002, the director of alcohol and drug addiction services shall appoint an individual who represents the department of alcohol and drug addiction services to serve as an ex officio member of the chemical dependency professionals board.

(D) Not more than one-half of the voting members of the board may be of the same gender or members of the same political party. At least two voting members of the board shall be of African, Native American, Hispanic, or Asian descent.

**Sec. 4758.20.** (A) The chemical dependency professionals board shall adopt rules to establish, specify, or provide for all of the following:

(1) Fees for the purposes authorized by section 4758.21 of the Revised Code;

(2) If the board, pursuant to section 4758.221 of the Revised Code, elects to administer examinations for individuals seeking to act as substance abuse professionals in a U.S. department of transportation drug and alcohol testing program, the board's administration of the examinations;

(3) For the purpose of section 4758.23 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license or certificate issued under this chapter;

~~(3)~~ (4) For the purpose of section 4758.24 of the Revised Code, all of the following:

(a) Good moral character requirements for an individual who seeks or holds a license or certificate issued under this chapter;

(b) The documents that an individual seeking such a license or certificate must submit to the board;

(c) Requirements to obtain the license or certificate that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, and 4758.45, 4758.46, and 4758.47 of the Revised Code. The additional requirements may include preceptorships.

~~(4) Procedures for renewal of a chemical dependency counselor I license under section 4758.27 of the Revised Code;~~

(d) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.

(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license or certificate issued under this chapter;

(6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual holding a license or certificate issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;

(7) Requirements governing reinstatement of a suspended or revoked license or certificate under division (B) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must

wait to apply for reinstatement;

(8) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation;

(9) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code;

(10) For the purpose of division (A)(1) of section 4758.39 and division (A)(1) of section 4758.40 of the Revised Code, course requirements for a degree in a behavioral sciences science or nursing that shall, at a minimum, include at least ~~sixty quarter~~ forty semester hours ~~; or the equivalent number of semester hours~~; in all of the following courses:

- (a) Theories of counseling and psychotherapy;
- (b) Counseling procedures;
- (c) Group process and techniques;
- (d) Relationship therapy;
- (e) Research methods and statistics;
- (f) Fundamentals of assessment and diagnosis, including measurement and appraisal;
- (g) Psychopathology;
- (h) Human development;
- (i) Cultural competence in counseling;
- (j) Ethics.

(11) For the purpose of division (A)(3) of section 4758.39, division (A)(3) of section 4758.40, division (A)(3) of section 4758.41, and division (A)(3) of section 4758.42 of the Revised Code, training requirements for chemical dependency that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in all of the following courses:

- (a) Theories of addiction;
- (b) Counseling procedures and strategies with addicted populations;
- (c) Group process and techniques working with addicted populations;
- (d) Assessment and diagnosis of addiction;
- (e) Relationship counseling with addicted populations;
- (f) Pharmacology;
- (g) Prevention strategies;

(h) Treatment planning;

(i) Legal and ethical issues.

(12) For the purpose of division (B)(2)(b) of section 4758.40 and division (B)(2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;

(13) For the purpose of division (A)(1) of section 4758.41 of the Revised Code, course requirements for a ~~bachelor's~~ degree in a behavioral sciences science or nursing;

(14) For the purpose of division (A) of section 4758.43 of the Revised Code, training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in one or more of the courses listed in division (A) ~~(11)~~ (10) of this section as selected by the individual seeking the chemical dependency counselor assistant certificate;

(15) For the purpose of division (A)(2) of section 4758.44 of the Revised Code, the field of study in which an individual must obtain at least a bachelor's degree;

(16) For the purpose of division (A)(3) of section 4758.44, division (A)(3) of section 4758.45, and division ~~(A)(2)~~ (D) of section ~~4758.53~~ 4758.46 of the Revised Code, requirements for prevention-related education;

~~(16)~~ (17) For the purpose of division (A)(4) of section 4758.44 of the Revised Code, the number of hours of administrative or supervisory education that an individual must have;

(18) For the purpose of division (A)(2) of section 4758.45 of the Revised Code, the field of study in which an individual must obtain at least an associate's degree;

(19) For the purpose of section 4758.51 of the Revised Code, continuing education requirements for individuals who hold a license or certificate issued under this chapter;

~~(17)~~ (20) For the purpose of section 4758.51 of the Revised Code, the number of hours of continuing education that an individual must complete to have an expired license or certificate restored under section 4758.26 of the Revised Code;

~~(18)~~ (21) For the purpose of divisions (A) and (B) of section 4758.53 4758.52 of the Revised Code, the training requirements an individual holding a registered applicant certificate must complete to take an examination administered pursuant to section 4758.22 of the Revised Code to obtain a



~~prevention specialist II certificate or prevention specialist I certificate and the documentation the individual must submit to the board showing that the individual has completed the requirements for chemical dependency counseling;~~

~~(19) The method of determining the amount of time an individual must wait to apply to the board for a new registered applicant certificate under division (B) of section 4758.53 of the Revised Code;~~

~~(20) (22) The duties , which may differ, of an all of the following:~~

~~(a) An independent chemical dependency counselor counselor-clinical supervisor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56 of the Revised Code; independent~~

~~(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor , or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code; or~~

~~(c) A prevention specialist II or prevention specialist I certified under this chapter or independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III , or chemical dependency counselor II licensed under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code. The duties may differ.~~

~~(21) (23) Anything else necessary to administer this chapter.~~

~~(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations. Initial rules shall be adopted not later than nine months after December 23, 2002.~~

~~(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or alcohol and other drug prevention services.~~

**Sec. 4758.21.** (A) In accordance with rules adopted under section 4758.20 of the Revised Code and subject to division (B) of this section, the chemical dependency professionals board shall establish, and may from time to time adjust, fees to be charged for the following:

(1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code;

(2) Issuing an initial independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, prevention specialist assistant certificate, or registered applicant certificate;

(3) Renewing an independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, ~~chemical dependency counselor I certificate~~, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, or ~~registered applicant~~ prevention specialist assistant certificate;

(4) Approving continuing education courses under section 4758.28 of the Revised Code;

(5) Doing anything else the board determines necessary to administer this chapter.

(B) The fees established under division (A) of this section are nonrefundable. They shall be in amounts sufficient to cover the necessary expenses of the board in administering this chapter and rules adopted under it. The fees for a license or certificate and the renewal of a license or certificate may differ for the various types of licenses and certificates, but shall not exceed one hundred seventy-five dollars each, unless the board determines that amounts in excess of one hundred seventy-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred seventy-five dollars are approved by the controlling board.

(C) All vouchers of the board shall be approved by the chairperson or executive director of the board, or both, as authorized by the board.

**Sec. 4758.22.** The chemical dependency professionals board shall prepare, cause to be prepared, or procure the use of, and grade, cause to be graded, or procure the grading of, examinations to determine the competence of individuals seeking an independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, prevention specialist II certificate, or prevention specialist I certificate. The board may develop the examinations or use examinations prepared by state or national organizations that represent the interests of those involved in chemical dependency counseling or alcohol and other drug prevention services. The board shall conduct examinations at least twice each year and shall determine the level of competence necessary for a passing score.

An individual may not sit for an examination administered pursuant to this section unless the individual meets the requirements to obtain the license or certificate the individual seeks, other than the requirement to have passed the examination, and pays the fee established under section 4758.21 of the Revised Code. An individual who is denied admission to the examination may appeal the denial in accordance with Chapter 119. of the Revised Code.

**Sec. 4758.221.** In accordance with rules adopted under section 4758.20 of the Revised Code, the chemical dependency professionals board may

administer examinations for individuals seeking to act as substance abuse professionals in a U.S. department of transportation drug and alcohol testing program. If it elects to administer the examinations, the board shall use examinations that comprehensively cover all the elements of substance abuse professional qualification training listed in 49 C.F.R. 40.281(c)(1) and are prepared by a nationally recognized professional or training organization that represents the interests of those involved in chemical dependency counseling services.

**Sec. 4758.23.** (A) In rules adopted under section 4758.20 of the Revised Code, the chemical dependency professionals board shall establish codes of ethical practice and professional conduct for the following:

(1) Individuals who hold a valid independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, ~~chemical dependency counselor I certificate~~, or chemical dependency counselor assistant certificate issued under this chapter;

(2) Individuals who hold a valid prevention specialist II certificate, prevention specialist I certificate, prevention specialist assistant certificate, or registered applicant certificate issued under this chapter.

(B) The codes for individuals identified under division (A)(1) of this section shall define unprofessional conduct, which shall include engaging in a dual relationship with a client, former client, consumer, or former consumer; committing an act of sexual abuse, misconduct, or exploitation of a client, former client, consumer, or former consumer; and, except as permitted by law, violating client or consumer confidentiality.

(C) The codes for individuals identified under division (A)(1) of this section may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in chemical dependency counseling. The codes for individuals identified under division (A)(2) of this section may be based on any codes of ethical practice and professional conduct developed by national associations or other organizations representing the interests of those involved in alcohol and other drug prevention services. The board may establish standards in the codes that are more stringent than those established by the national associations or other organizations.

**Sec. 4758.24.** (A) The chemical dependency professionals board shall issue a license or certificate under this chapter to an individual who meets all of the following requirements:

(1) Is of good moral character as determined in accordance with rules adopted under section 4758.20 of the Revised Code;

(2) ~~Submits~~ Except as provided in section 4758.241 of the Revised Code, submits a properly completed application and all other documentation specified

in rules adopted under section 4758.20 of the Revised Code;

(3) ~~Pays~~ Except as provided in section 4758.241 of the Revised Code, pays the fee established under section 4758.21 of the Revised Code for the license or certificate that the individual seeks;

(4) Meets the requirements to obtain the license or certificate that the individual seeks as specified in section ~~4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, or 4758.45~~ , 4758.46, or 4758.47 of the Revised Code;

(5) Meets any additional requirements specified in rules adopted under section 4758.20 of the Revised Code to obtain the license or certificate that the individual seeks.

(B) The board shall not ~~issue an initial~~ do either of the following:

(1) Issue a certificate to practice as a chemical dependency counselor I ;

(2) Issue a new registered applicant certificate to an individual whose previous registered applicant certificate has been expired for less than the period of time specified in rules adopted under section 4758.20 of the Revised Code.

**Sec. 4758.241.** The chemical dependency professionals board shall issue an independent chemical dependency counselor-clinical supervisor license under section 4758.24 of the Revised Code to each individual who, on the effective date of this section, holds a valid independent chemical dependency counselor license without requiring the individual to comply with divisions (A)(2) and (3) of that section.

**Sec. 4758.26.** (A) ~~Except as provided in~~ Subject to section ~~4758.27~~ 4758.30 of the Revised Code, a license or certificate issued under this chapter ; ~~other than a registered applicant certificate,~~ expires ~~two years~~ the following period of time after it is issued ~~and may be renewed in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code ;~~

(1) In the case of an initial chemical dependency counselor assistant certificate, thirteen months;

(2) In the case of any other license or certificate, two years.

(B) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, the chemical dependency professionals board shall renew a license or certificate issued under this chapter ; ~~other than a registered applicant certificate,~~ in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code if the individual seeking the renewal pays the renewal fee established under section 4758.21 of the Revised Code and does the following:

(1) In the case of an individual seeking renewal of an initial chemical dependency counselor assistant certificate, satisfies the additional training requirement established under section 4758.52 of the Revised Code;

(2) In the case of any other individual, satisfies the continuing education requirements established under section 4758.51 of the Revised Code.

(C) ~~Except~~ Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, a license or certificate issued under this chapter ~~, other than a registered applicant certificate,~~ that has expired may be restored if the individual seeking the restoration, not later than two years after the license or certificate expires, applies for restoration of the license or certificate. The board shall issue a restored license or certificate to the individual if the individual pays the renewal fee established under section 4758.21 of the Revised Code and does the following:

(1) In the case of an individual whose initial chemical dependency counselor assistant certificate expired, satisfies the additional training requirement established under section 4758.52 of the Revised Code;

(2) In the case of any other individual, satisfies the continuing education requirements established under section 4758.51 of the Revised Code for restoring the license or certificate. ~~The~~

The board shall not require an individual to take an examination as a condition of having an expired license or certificate restored under this section.

~~**Sec. 4758.27.** Until the date that is six years after the effective date of this section, the chemical dependency professionals board shall renew a certificate that on the effective date of this section is accepted under section 3793.07 of the Revised Code as authority to practice as a chemical dependency counselor I if the individual holding the certificate renews the certificate in accordance with rules adopted under section 4758.20 of the Revised Code and pays the renewal fee established under section 4758.21 of the Revised Code. Subsequent renewals shall be done under section 4758.26 of the Revised Code.~~

~~After the date that is six years after the effective date of this section, the~~ The chemical dependency professionals board shall not renew under this section, or renew or restore under section 4758.26 of the Revised Code ,a either of the following:

(A) A certificate to practice as a ~~certified~~ chemical dependency counselor I;

(B) A registered applicant certificate.

**Sec. 4758.30.** (A) The chemical dependency professionals board, in accordance with Chapter 119. of the Revised Code, may refuse to issue a license or certificate applied for under this chapter; refuse to renew or restore a license or certificate issued under this chapter; suspend, revoke, or otherwise restrict a license or certificate issued under this chapter; or reprimand an individual holding a license or certificate issued under this chapter. These actions may be taken by the board regarding the applicant for a license or certificate or the individual holding a license or certificate for one or more of the following reasons:

- (1) Violation of any provision of this chapter or rules adopted under it;
- (2) Knowingly making a false statement on an application for a license or certificate or for renewal, restoration, or reinstatement of a license or certificate;
- (3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, or fields related to chemical dependency counseling or alcohol and other drug prevention services;
- (4) Conviction in this or any other state of any crime that is a felony in this state;
- (5) Conviction in this or any other state of a misdemeanor committed in the course of practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, ~~chemical dependency counselor I~~, chemical dependency counselor assistant, prevention specialist II, prevention specialist I, prevention specialist assistant, or registered applicant;
- (6) Inability to practice as an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, ~~chemical dependency counselor I~~, chemical dependency counselor assistant, prevention specialist II, prevention specialist I, prevention specialist assistant, or registered applicant due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;
- (7) Practicing outside the individual's scope of practice;
- (8) Practicing without complying with the supervision requirements specified under section 4758.56, 4758.59, or 4758.61 of the Revised Code;
- (9) Violation of the code of ethical practice and professional conduct for chemical dependency counseling or alcohol and other drug prevention services adopted by the board pursuant to section 4758.23 of the Revised Code;
- (10) Revocation of a license or certificate or voluntary surrender of a license or certificate in another state or jurisdiction for an offense that would be a violation of this chapter.

(B) An individual whose license or certificate has been suspended or revoked under this section may apply to the board for reinstatement after an amount of time the board shall determine in accordance with rules adopted under section 4758.20 of the Revised Code. The board may accept or refuse an application for reinstatement. The board may require an examination for reinstatement of a license or certificate that has been suspended or revoked.

**Sec. 4758.39.** An individual seeking an independent chemical dependency counselor-clinical supervisor license shall meet the requirements of division (A) or (B) of this section.

(A) To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold from an accredited educational institution at least a master's degree in either a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;

(2) Have not less than six thousand hours of compensated work or supervised internship experience (including at least two thousand hours of clinical supervisory experience as part of the compensated work or supervised internship) in any of the following, not less than one thousand two hundred hours of which are in chemical dependency counseling:

(a) Chemical dependency services, substance abuse services, or both types of services;

(b) The practice of psychology, as defined in section 4732.01 of the Revised Code;

(c) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.

(3) Have a minimum of one hundred eighty hours of training in chemical dependency that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(4) Unless the individual holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code that authorizes the individual to engage in a profession whose scope of practice includes the clinical supervision of chemical dependency counseling, chemical dependency counseling, and diagnosing and treating chemical dependency conditions, pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as an independent chemical dependency counselor-clinical supervisor.

(B) To meet the requirement of this division, an individual must hold, on the effective date of this section, a valid independent chemical dependency counselor license.

**Sec. 4758.40.** An individual seeking an independent chemical dependency counselor license shall meet ~~either of the following~~ requirements ~~of division (A) or (B) of this section.~~

(A) ~~Meet~~ To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold from an accredited educational institution at least a master's degree in a behavioral ~~sciences~~ science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;

(2) Have not less than ~~four~~ two thousand hours of compensated work or supervised internship experience in ~~either~~ any of the following, not less than ~~eight~~ four hundred hours of which are in chemical dependency counseling:

(a) Chemical dependency services, substance abuse services, or both types of services;

(b) The practice of psychology, as defined in section 4732.01 of the Revised Code ~~;~~ or the ;

(c) ~~The~~ practice of professional counseling ~~or~~ the practice of social work, ~~both or the practice of marriage and family therapy, all~~ as defined in section 4757.01 of the Revised Code.

(3) Have a minimum of ~~two~~ one hundred ~~seventy~~ eighty hours of training in chemical dependency that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(4) ~~Pass~~ Unless the individual holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code that authorizes the individual to engage in a profession whose scope of practice includes chemical dependency counseling and diagnosing and treating chemical dependency conditions, pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as an independent chemical dependency counselor.

(B) ~~Meet~~ To meet the requirements of this division, an individual must meet both of the following requirements:

(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;

(2) Meet one of the following requirements:

(a) Hold the degree described in division (A)(1) of this section;

(b) Have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A)(1) of this section may provide the portion of the training on chemical dependency conditions.



**Sec. 4758.41.** An individual seeking a chemical dependency counselor III license shall meet ~~any of the following~~ requirements ~~of division (A), (B), or (C) of this section.~~

(A) ~~Meet~~ To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold from an accredited educational institution at least a bachelor's degree in a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;

(2) Have not less than ~~four~~ two thousand hours of compensated work or supervised internship experience in ~~either~~ any of the following, not less than ~~eight~~ four hundred ~~work~~ hours of which are in chemical dependency counseling:

(a) Chemical dependency services, substance abuse services, or both types of services;

(b) The practice of psychology, as defined in section 4732.01 of the Revised Code ~~, or the~~ ;

(c) ~~The practice of professional counseling or~~ the practice of social work, both or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.

(3) Have a minimum of ~~two~~ one hundred ~~seventy~~ eighty hours of training in chemical dependency that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(4) ~~Pass~~ Unless the individual holds a valid license, registration, certificate, or credentials issued under another chapter of the Revised Code that authorizes the individual to engage in a profession whose scope of practice includes chemical dependency counseling and diagnosing and treating chemical dependency conditions, pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor III.

(B) ~~Meet~~ To meet the requirements of this division, an individual must meet both of the following requirements:

(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under ~~former~~ section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor III or certified chemical dependency counselor III-E;

(2) Have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a professional clinical counselor or independent social

worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A)(1) of section 4758.40 of the Revised Code may provide the portion of the training on chemical dependency conditions.

(C) ~~Meet~~ To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold, on December 23, 2002, a certificate or credentials that were accepted under ~~former~~ section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II;

(2) Meet the requirement of division (B)(2) of this section;

(3) Hold a bachelor's degree in a behavioral science.

**Sec. 4758.42.** An individual seeking a chemical dependency counselor II license shall meet ~~either of the following~~ requirements ~~÷ of division (A) or (B) of this section.~~

(A) ~~Meet~~ To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold from an accredited educational institution an associate's degree in a behavioral science or nursing or a bachelor's degree in any field;

(2) ~~(a) If the individual holds an associate's degree, have~~ Have not less than ~~five two~~ thousand hours of compensated ~~or volunteer~~ work, ~~field placement, intern,~~ or ~~practicum supervised internship~~ experience in ~~either any~~ of the following, not less than ~~one thousand~~ four hundred hours of which are in chemical dependency counseling:

~~(i) (a)~~ (i) (a) Chemical dependency services, substance abuse services, or both types of services;

~~(ii) (b)~~ (ii) (b) The practice of psychology, as defined in section 4732.01 of the Revised Code, ~~or the~~ ;

~~(c) The practice of professional counseling or the practice of social work, both or the practice of marriage and family therapy, all~~ as defined in section 4757.01 of the Revised Code.

~~(b) If the individual holds a bachelor's degree, have not less than six thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in either of the following, not less than one thousand two hundred hours of which are in chemical dependency counseling:~~

~~(i) Chemical dependency services, substance abuse services, or both types of services;~~

~~(ii) The practice of psychology, as defined in section 4732.01 of the Revised Code, or the practice of professional counseling or the practice of social~~

~~work, both as defined in section 4757.01 of the Revised Code.~~

(3) Have a minimum of ~~two one~~ hundred ~~seventy eighty~~ hours of training in chemical dependency that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.

(B) ~~Hold~~ To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II.

**Sec. 4758.43.** An individual seeking a chemical dependency counselor assistant certificate shall meet either of the following requirements:

(A) Have at least forty hours of training in chemical dependency counseling that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code ;

(B) ~~Hold, on the effective date of this section~~ December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a registered candidate.

**Sec. 4758.44.** An individual seeking a prevention specialist II certificate shall meet ~~either of the following~~ requirements : of division (A) or (B) of this section.

(A) ~~Meet~~ To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Have at least six thousand hours of compensated work experience in which not less than fifty per cent of the individual's time was devoted to planning, coordinating in alcohol and other drug prevention services, including at least four thousand hours of administering or delivering alcohol and other drug prevention supervising the services;

(2) ~~Have one of the following:~~

(a) ~~A bachelor's degree in a behavioral science and at least six thousand hours of compensated work experience in alcohol and other drug prevention services;~~

(b) ~~A master's or doctoral degree in a behavioral science and at least four thousand hours of compensated work experience in alcohol and other drug prevention services. Hold from an accredited educational institution at least a bachelor's degree in a field of study specified in rules adopted under section 4758.20 of the Revised Code;~~

(3) Have at least ~~two one~~ hundred ~~seventy~~ hours of prevention-related education that meets the requirements specified in rules adopted under section

4758.20 of the Revised Code;

~~(4) Obtain a registered applicant certificate under this chapter and comply with the requirements of~~ Have at least the number of hours of administrative or supervisory education specified in rules adopted under section 4758.53 4758.20 of the Revised Code;

(5) Pass ~~the examination~~ one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a prevention specialist II.

~~(B) Hold~~ To meet the requirement of this division, an individual must hold, on the effective date of this section December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified prevention specialist II.

**Sec. 4758.45.** An individual seeking a prevention specialist I certificate shall meet ~~either of the following~~ requirements ÷ of division (A) or (B) of this section.

~~(A) Meet~~ To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Have at least two thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in ~~which not less than twenty per cent of the individual's time was devoted to~~ alcohol and other drug prevention services, including at least four hundred hours of planning or delivering alcohol and other drug prevention the services;

~~(2) Have one of the following:~~

~~(a) At least six thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention services;~~

~~(b) An associate's degree in a behavioral science and at least four thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention services;~~

~~(c) A bachelor's, master's, or doctoral degree in a behavioral science and at least two thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention services.~~ Hold from an accredited educational institution at least an associate's degree in a field of study specified in rules adopted under section 4758.20 of the Revised Code;

(3) Have at least one hundred ~~eighty~~ hours of prevention-related education that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

~~(4) Obtain a registered applicant certificate under this chapter and comply with the requirements of section 4758.53 of the Revised Code;~~

~~(5)~~ Pass the examination one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a prevention specialist I.

~~(B) Hold~~ To meet the requirement of this division, an individual must hold, on the effective date of this section December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified prevention specialist I.

**Sec. 4758.46.** An individual seeking a prevention specialist assistant certificate shall meet all of the following requirements:

(A) Be at least eighteen years of age;

(B) Have at least a high school diploma or high school equivalence diploma;

(C) Have at least one hundred hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention services;

(D) Have at least forty-five hours of prevention-related education that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code.

**Sec. 4758.47.** An individual seeking a registered applicant certificate shall meet all of the following requirements:

(A) Be at least eighteen years of age;

(B) Have at least a high school diploma or high school equivalence diploma;

(C) Submit to the chemical dependency professionals board a professional development plan that is acceptable to the board.

**Sec. 4758.51.** (A) Except as provided in division ~~(B)~~ (C) of this section and in accordance with rules adopted under section 4758.20 of the Revised Code, each individual who holds a license or certificate issued under this chapter , other than an initial chemical dependency counselor assistant certificate, shall complete during the period that the license or certificate is in effect not less than ~~forty~~ the following number of clock hours of continuing education as a condition of receiving a renewed license or certificate :

(1) In the case of an individual holding a prevention specialist assistant certificate, twenty;

(2) In the case of any other individual, forty. ~~To have an expired license or certificate restored,~~

(B) Except as provided in division (C) of this section, an individual whose license or certificate issued under this chapter, other than an initial chemical dependency counselor assistant certificate, has expired shall complete

the number of hours of continuing education specified in rules adopted under section 4758.20 of the Revised Code as a condition of receiving a restored license or certificate.

~~(B)~~ (C) The chemical dependency professionals board may waive the continuing education requirements established under this section for individuals who are unable to fulfill them because of military service, illness, residence outside the United States, or any other reason the board considers acceptable.

**Sec. 4758.52.** (A) Except as provided in division (C) of this section, each individual who holds an initial chemical dependency counselor assistant certificate shall complete, during the first twelve months that the initial certificate is in effect, at least thirty additional hours of training in chemical dependency counseling that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code as a condition of having the initial certificate renewed.

(B) Except as provided in division (C) of this section, an individual whose initial chemical dependency counselor assistant certificate has expired shall complete at least thirty additional hours of training in chemical dependency counseling that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code as a condition of receiving a restored chemical dependency counselor assistant certificate.

(C) The chemical dependency professionals board may waive the additional training requirement established under this section for individuals who are unable to fulfill the requirement because of military service, illness, residence outside the United States, or any other reason the board considers acceptable.

**Sec. 4758.54.** In addition to practicing chemical dependency counseling, an individual holding a valid independent chemical dependency counselor-clinical supervisor license may do all of the following:

(A) Diagnose and treat chemical dependency conditions;

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;

(C) Provide clinical supervision of chemical dependency counseling;

(D) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

**Sec. 4758.55.** In addition to practicing chemical dependency counseling, an individual holding a valid independent chemical dependency counselor license may do all of the following:

(A) Diagnose and treat chemical dependency conditions;

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as

they relate to abuse of and dependency on alcohol and other drugs;

(C) Provide clinical supervision of chemical dependency counseling under the supervision of any of the following:

(1) An independent chemical dependency counselor-clinical supervisor licensed under this chapter;

(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(3) A psychologist licensed under Chapter 4732. of the Revised Code;

(4) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, independent social worker, or independent marriage and family therapist.

(D) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

**Sec. 4758.56.** (A) In addition to practicing chemical dependency counseling, an individual holding a valid chemical dependency counselor III license may do all of the following:

(1) Diagnose chemical dependency conditions under the supervision of any of the following:

~~(a) An independent chemical dependency counselor licensed under this chapter;~~

~~(b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;~~

~~(c) A psychologist licensed under Chapter 4732. of the Revised Code;~~

~~(d) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, or independent social worker. professionals listed in section 4758.561 of the Revised Code;~~

(2) Treat chemical dependency conditions;

(3) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;

(4) Provide clinical supervision of chemical dependency counseling under the supervision of any of the professionals listed in section 4758.561 of the Revised Code;

(5) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

(B) A chemical dependency counselor III may not practice as an individual practitioner.

**Sec. 4758.561.** Any of the following professionals may supervise a chemical dependency counselor III for purposes of divisions (A)(1) and (4) of section 4758.56 of the Revised Code:

(A) An independent chemical dependency counselor-clinical supervisor licensed under this chapter;

(B) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(C) A psychologist licensed under Chapter 4732. of the Revised Code;

(D) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, independent social worker, or independent marriage and family therapist.

**Sec. 4758.59.** (A) Subject to division (B) of this section, an individual holding a valid chemical dependency counselor assistant certificate may do both of the following in addition to practicing chemical dependency counseling:

(1) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of or dependency on alcohol and other drugs;

(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

(B) An individual holding a valid chemical dependency counselor assistant certificate may practice chemical dependency counseling and perform the tasks specified in division (A) of this section only while under the supervision of any of the following:

(1) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor , or chemical dependency counselor III licensed under this chapter;

(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(3) A psychologist licensed under Chapter 4732. of the Revised Code;

(4) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor ~~or~~ , independent social worker , or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code



if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, ~~or~~ independent social worker , or independent marriage and family therapist.

(C) A chemical dependency counselor assistant may not practice as an individual practitioner.

**Sec. 4758.61.** An individual who holds a valid prevention specialist assistant certificate or registered applicant certificate issued under this chapter may engage in the practice of alcohol and other drug prevention services under the supervision of any of the following:

(A) A prevention specialist II or prevention specialist I certified under this chapter;

(B) An independent chemical dependency counselor-clinical supervisor, an independent chemical dependency counselor, or a chemical dependency counselor III ~~, or a chemical dependency counselor II~~ licensed under this chapter;

(C) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(D) A psychologist licensed under Chapter 4732. of the Revised Code;

(E) A registered nurse licensed under Chapter 4723. of the Revised Code;

(F) A professional clinical counselor, a professional counselor, an independent social worker, ~~or~~ a social worker , an independent marriage and family therapist, or a marriage and family therapist licensed under Chapter 4757. of the Revised Code;

(G) A school counselor licensed by the department of education pursuant to section 3319.22 of the Revised Code;

(H) A health education specialist certified by the national commission for health education credentialing.

**Sec. 4758.70.** Except to the extent of providing services authorized by this chapter, this chapter does not authorize any individual to engage in either of the following:

(A) The practice of psychology as defined in section 4732.01 of the Revised Code :

~~Except to the extent of providing services authorized by this chapter, this chapter does not authorize any individual to engage in the :~~

(B) The practice of professional counseling ~~or~~ , practice of social work, or practice of marriage and family therapy, as those terms are defined in section 4757.01 of the Revised Code."

In line 1472, after "4755.481," insert "4757.41, 4758.01, 4758.02, 4758.10, 4758.20, 4758.21, 4758.22, 4758.23, 4758.24, 4758.26, 4758.27,

4758.30, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.51, 4758.55, 4758.56, 4758.59, 4758.61, 4758.70,"

In line 1474, delete "section" and insert "sections 3793.07,"; after "4730.401" insert ", 4758.04, 4758.53, and 4758.58"

In line 4 of the title, after "4755.481," insert "4757.41, 4758.01, 4758.02, 4758.10, 4758.20, 4758.21, 4758.22, 4758.23, 4758.24, 4758.26, 4758.27, 4758.30, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.51, 4758.55, 4758.56, 4758.59, 4758.61, 4758.70,"

In line 6 of the title, delete "and"

In line 7 of the title, after "4730.411," insert "4758.221, 4758.241, 4758.39, 4758.46, 4758.47, 4758.52, 4758.54, and 4758.561,"; delete "section" and insert "sections 3793.07,"; after "4730.401" insert ", 4758.04, 4758.53, and 4758.58"

In line 9 of the title, delete "and" and insert a comma

In line 11 of the title, after "circumstances" insert ", and to revise the laws governing the professions of chemical dependency counseling and alcohol and other drug prevention"

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bills:

#### **Sub. H. B. No. 458** -Representative Sprague

Cosponsors: Representatives Stautberg, Williams, Ashford, Cera, Hagan, C., Hall, Landis, O'Brien, Pillich, Adams, R., Anielski, Antonio, Beck, Boose, Bupp, Buchy, Budish, Carney, Celebrezze, Combs, Conditt, Damschroder, Derickson, DeVitis, Foley, Garland, Grossman, Hackett, Johnson, Kozlowski, Letson, Maag, Mallory, Martin, McClain, Milkovich, Murray, Ruhl, Stinziano, Thompson, Wachtmann, Winburn, Yuko, Speaker Batchelder  
Senators Sawyer, Hite, Coley, LaRose, Bacon, Balderson, Burke, Eklund, Gentile, Hughes, Jones, Kearney, Lehner, Niehaus, Peterson, Schaffer, Schiavoni, Seitz, Skindell, Smith, Turner, Wagoner

To amend sections 153.64, 3781.25, 3781.26, 3781.27, 3781.28, 3781.29, 3781.30, 3781.31, and 3781.32 and to enact sections 3781.261 and 3781.271 of the Revised Code to modify the call before you dig notification system.

**H. B. No. 543** -Representative Anielski

Cosponsors: Representatives Grossman, Okey, Antonio, Baker, Stinziano, Patmon, Milkovich, Sears, Pillich, Brenner, Stebelton, Roegner, Wachtmann, O'Brien, Gonzales, Fende, Duffey, Garland, Hackett, Ramos, Smith, Yuko, Adams, J., Adams, R., Ashford, Barnes, Beck, Blair, Blessing, Boyce, Boyd, Bubp, Buchy, Budish, Carney, Celebrezze, Celeste, Clyde, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Fedor, Foley, Gardner, Gerberry, Goodwin, Goyal, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Maag, Martin, McClain, McGregor, Newbold, Pelanda, Phillips, Reece, Rosenberger, Ruhl, Scherer, Schuring, Slaby, M., Slesnick, Sprague, Stautberg, Szollosi, Terhar, Thompson, Uecker, Williams, Winburn, Young, Speaker Batchelder Senators Turner, Beagle, Sawyer, Obhof, Hite, Bacon, Balderson, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hughes, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Niehaus, Oelslager, Patton, Peterson, Schaffer, Schiavoni, Skindell, Smith, Tavares, Wagoner, Widener

To amend section 3319.073 of the Revised Code to enact the "Jason Flatt Act" to require public schools to train staff in youth suicide awareness and prevention.

Attest:

Vincent L. Keeran,  
Clerk.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. Sub. H. B. No. 472** -Representative Beck

Cosponsors: Representatives Letson, Antonio, Barnes, Boose, Combs, Gardner, Garland, Hackett, Newbold, O'Brien, Sears, Sprague, Thompson, Wachtmann, Winburn, Young, Speaker Batchelder Senators Peterson, Beagle, Kearney, Obhof, Oelslager, Smith, Tavares, Turner, Wagoner

To amend sections 5701.11 and 5751.01 of the Revised Code, to contingently amend sections 5502.011, 5507.01, 5507.02, 5507.18, 5507.34, 5507.40, 5507.42, 5507.44, 5507.46, 5507.53, 5507.55, 5507.57, 5507.63, 5507.65, 5507.66, and 5733.55, to contingently enact section 5507.54, and to contingently repeal section 5507.51 of the Revised Code, and to terminate certain provisions of this act on January 1, 2014, by contingently repealing

sections 5507.40 and 5507.53 of the Revised Code on that date, to contingently revise the 9-1-1 law, to expressly incorporate changes in the Internal Revenue Code since March 7, 2011, into Ohio law, to extend the existing commercial activity tax exemption for "qualified distribution centers" to include precious metal refineries in the Appalachian region, thereby exempting suppliers of unrefined metals to such a refinery from the tax to the extent that the refinery ships the refined metals outside Ohio, to permit, for a limited time, the abatement of unpaid property taxes, penalties, and interest owed on property owned by a municipal corporation that would have been tax exempt except for a failure to comply with certain tax-exemption procedures, to contingently make an appropriation, and to declare an emergency.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 506, strike through "(A)"

In line 536, delete " (1)"

In line 538, delete " (a)" and insert " (1)"

In line 554, delete " (b)(i)" and insert " (2)(a)"

In line 558, delete " (I)" and insert " (i)"

In line 563, delete " (II)" and insert " (ii)"

In line 567, delete " (ii)" and insert " (b)"; delete " (1)(b)(i)" and insert " (2)"

In line 670, delete " billing and"

In line 706, strike through "(D)" and insert " (C)"

In line 737, strike through "(E)" and insert " (D)"

In line 741, strike through "(D)" and insert " (C)"

In line 757, strike through "(D)" and insert " (C)"

In line 767, strike through "(E)" and insert " (D)"

In line 770, strike through "(E)" and insert " (D)"

In line 779, strike through "(E)" and insert " (D)"

In line 783, strike through "(E)" and insert " (D)"

In line 790, strike through "(E)" and insert " (D)"

In line 812, strike through "(E)" and insert " (D)"

In line 816, strike through "(E)" and insert " (D)"

In line 819, delete " (F)" and insert " (E)"

In line 849, delete "(F)" and insert "(E)"

In line 852, delete "(F)" and insert "(E)"

In line 862, delete "(F)" and insert "(E)"

In line 895, delete "(F)" and insert "(E)"

In line 899, delete "(F)" and insert "(E)"

In line 915, strike through "(E)" and insert "(D)"

In line 1176, strike through "5507.02" and insert "5507.021"

In line 1194, strike through "billing and"

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. H. B. No. 492** -Representative Gonzales

Cosponsors: Representatives Conditt, Grossman, Celebrezze, Patmon, Fende, Ruhl, Stebelton, Adams, R., Hill, Gerberry, Wachtmann, Derickson, Antonio, Barnes, Boyd, Carney, Duffey, Gardner, Garland, Goodwin, Hackett, Hottinger, Johnson, Ramos, Schuring, Sears, Slaby, M., Smith, Yuko, Anielski, Ashford, Baker, Beck, Bulp, Buchy, Celeste, Damschroder, DeVitis, Dovilla, Driehaus, Fedor, Hagan, C., Hagan, R., Hall, Hayes, Huffman, Kozlowski, Letson, Luckie, Lundy, Lynch, Mallory, Milkovich, Newbold, O'Brien, Pelanda, Scherer, Sprague, Stautberg, Uecker, Winburn, Young, Speaker Batchelder Senators Beagle, Brown, Gentile, Hite, Hughes, Jones, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Schaffer, Schiavoni, Tavares, Wagoner

To enact sections 5.2283 and 5.2284 of the Revised Code to designate May as "Melanoma and Skin Cancer Detection and Prevention Month and to designate April 27 as "Emma 'Grandma' Gatewood Day."

With the following additional amendments, in which the concurrence of the House is requested.

In line 4, delete "section 5.2280" and insert "sections 5.2283 and 5.2284"

In line 6, delete "5.2280" and insert "5.2283"

After line 7, insert:

" Sec. 5.2284. The twenty-seventh day of April is designated as "Emma 'Grandma' Gatewood Day," in honor of the legendary hiker who was a founder of the buckeye trail, which was declared the official hiking trail of the state on that day in 1967."

In line 1 of the title, delete "section 5.2280" and insert "sections 5.2283 and 5.2284"

In line 3 of the title, after "Month" insert "and to designate April 27 as "Emma 'Grandma' Gatewood Day"

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

#### **Sub. H. B. No. 532** -Representatives Kozlowski, Gonzales

Cosponsors: Representatives Henne, Gardner, Derickson, Adams, J., Bulp, Pillich, Garland, Grossman, Sears, Szollosi, Hottinger, Buchy, Fende, Wachtmann, Lundy, Ruhl, Yuko, Reece, Dovilla, Boose, Conditt, Stebelton, Maag, Young, Goodwin, Johnson, Landis, Butler, Fedor, Hagan, C., Martin, Milkovich, Rosenberger, Amstutz, Adams, R., Anielski, Antonio, Ashford, Baker, Beck, Blair, Blessing, Boyce, Brenner, Budish, DeVitis, Duffey, Gerberry, Hackett, Hall, Hayes, Hill, Huffman, Letson, Lynch, McClain, Murray, Newbold, O'Brien, Okey, Patmon, Phillips, Roegner, Slesnick, Smith, Sprague, Stautberg, Terhar, Thompson, Uecker, Speaker Batchelder Senators Sawyer, Balderson, Beagle, Faber, Hite, Hughes, LaRose, Manning, Obhof, Oelslager, Peterson, Wagoner

To amend sections 3313.41, 3313.411, 3354.121, and 5913.11, to enact section 3313.412 of the Revised Code, and to amend Section 707.10 of Am. Sub. H.B. 487 of the 129th General Assembly to revise the Ohio Military Medal of Distinction law; to allow certain community colleges to acquire, construct, and maintain housing and dining facilities; to expand the areas for which a municipal corporation in Stark County may use up to 5% of its water and sewer funds for sewage or water system extensions to include areas within a joint economic development district and areas within the municipal corporation's boundaries; to temporarily permit a school district to offer

highest priority to purchase an athletic field to the current leaseholder; to permit a school district to sell or lease real property directly to a STEM school in certain circumstances; and to make an appropriation.

As a substitute bill, in which the concurrence of the House is requested.

Attest: Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. Sub. H. B. No. 555** -Representatives Stebelton, Butler  
Cosponsors: Representatives Slaby, Hackett, McGregor, Adams, J., Amstutz, Buchy, Wachtmann, Speaker Batchelder Senators Eklund, Jones, Lehner, Niehaus, Sawyer, Wagoner

To amend sections 3301.079, 3301.0710, 3301.0711, 3301.0714, 3301.0715, 3302.01, 3302.02, 3302.021, 3302.03, 3302.033, 3302.04, 3302.041, 3302.05, 3302.10, 3302.12, 3302.20, 3302.21, 3310.03, 3310.06, 3311.741, 3311.80, 3313.473, 3313.608, 3314.011, 3314.012, 3314.013, 3314.015, 3314.016, 3314.02, 3314.05, 3314.35, 3314.36, 3314.37, 3317.081, 3319.11, 3319.111, 3319.112, 3319.58, 3326.03, 3333.041, 3333.048, 3333.391, 5910.01, 5910.02, and 5919.34; to enact sections 3302.034, 3310.16, 3314.017, 3314.351, 3314.361, and 5910.07 of the Revised Code; and to amend Section 267.10.90 of Am. Sub. H.B. 153 of the 129th General Assembly, as subsequently amended, to create a new academic performance rating system for public schools; to require an alternative rating system for community schools with dropout prevention and recovery programs; to create a new evaluation process for community school sponsors; to abolish the Ohio Accountability Task Force to make changes in the third grade reading guarantee; to modify the procedure for approving the opening of new Internet- or computer-based community schools; to make changes in the War Orphans Scholarship and Ohio National Guard Scholarship programs; and to make other changes to education laws.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 35, delete "3302.036,"

In line 1278, delete " grade"

In line 1279, delete " or"

In line 1280, delete " , for a"

In line 1281, delete " school year."

In line 1284, delete " , for that school year."

In line 1285, delete " , for a school year."

In line 1289, delete " for that school year"

In line 1290, after the underlined period insert " For each school year that such a student's score is included in the performance index score and the student attains the proficient score on an assessment, that additional weight shall be assigned to the student on a subject-by-subject basis."

In line 1735, after the underlined period insert " In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based on the reduction in the percentage of students scoring below grade level, or below proficient, compared from year to year on the English language arts diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable."

In line 1927, after the underlined period insert " When determining the overall grade for the prepared for success component prescribed by division (C)(3)(f) of this section, no individual student shall be counted in more than one performance measure. However, if a student qualifies for more than one performance measure in the component, the state board may, in its method to determine a grade for the component, specify an additional weight for such a student that is not greater than or equal to 1.0."

Delete lines 2178 through 2206

In line 6225, after "6." insert "(A) Not later than March 31, 2013, the State Board of Education shall submit to the General Assembly in accordance with section 101.68 of the Revised Code recommendations to create a one-year safe harbor for districts and schools for the first year that the assessments developed by the Partnership for Assessment of Readiness for College and Careers are administered in this state as achievement assessments under section 3301.0710 or 3301.0712 of the Revised Code, or in replacement of those assessments. The recommendations shall include a method to exempt from sanctions and penalties prescribed by law, based on report card ratings, school districts, buildings operated by districts, community schools, STEM schools, and college preparatory boarding schools that have a decline in performance index score that is within two standard errors of measure below the Ohio statewide



average decline in performance index score when compared to the performance index score from the previous year as determined by the Department of Education. However, districts or schools that have received an "F" for performance index score on the report card issued for the previous school year shall not be eligible for the exemption.

(B) The recommendations shall specify that for those districts and schools to which the exemption applies, for purposes of determining whether a district or school is subject to any sanctions or penalties, the year that the assessments developed by the Partnership for Assessment of Readiness for College and Careers are first administered in this state shall not be considered.

However, the ratings of any previous or subsequent years shall be considered in determining whether a school district or building is subject to sanctions or penalties. Accordingly, the ratings for the year that the assessments developed by the Partnership for Assessment of Readiness for College and Careers are first administered shall have no effect in determining sanctions or penalties, but shall not create a new starting point for determinations that are based on ratings over multiple years.

(C) The recommendations shall include the provisions from which an applicable district or building would be exempt, including, but not limited to, the following:

(1) Any restructuring provisions established under Chapter 3302. of the Revised Code, except as required under the "No Child Left Behind Act of 2001";

(2) Provisions for academic distress commissions under section 3302.10 of the Revised Code;

(3) Provisions prescribing new buildings where students are eligible for the Educational Choice Scholarships under section 3310.03 of the Revised Code;

(4) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code;

(5) Provisions prescribing community school closure requirements under section 3314.35 of the Revised Code.

**Section 7."**

In line 6227, delete "(7)" and insert (8)"

In line 6240, delete "(8)" and insert (9)"

In line 6281, delete "(9)" and insert (10)"

In line 6284, delete "(10)" and insert (11)"

In line 11 of the title, delete "3302.036,"

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Sub. H. B. No. 606**—Representative Hagan, R.

Cosponsors: Representatives Gerberry, Bulp, Blair, Blessing, Combs, DeVitis, Hottinger, Huffman, Martin, Murray, Ramos, Stebelton, Yuko, Speaker Batchelder Senators Schiavoni, Seitz

To amend sections 1901.08, 1905.01, 4511.204, and 4511.205 of the Revised Code to abolish a judgeship of the Youngstown Municipal Court; to increase from more than 100 to more than 200 the population necessary for a municipal corporation to have a mayor's court unless the municipal corporation is located entirely on an island in Lake Erie; and to provide that a conviction or guilty plea of the offense of driving a vehicle while writing, sending, or reading a text-based communication on a handheld electronic wireless communications device and a conviction or guilty plea of a substantially equivalent municipal ordinance for the same conduct are allied offenses of similar import and that an adjudication for the offense of a person who is less than 18 years of age from using, in any manner, an electronic wireless communications device while driving and an adjudication of a substantially equivalent municipal ordinance for the same conduct are allied offenses of similar import.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

Vincent L. Keeran,  
Clerk.

The Senate amendments were laid over under the Rule.

Clerk's Notation

This is to acknowledge receipt of the report of the Committee of Conference on **Am. Sub. S. B. No. 70**—Senator Schaffer, et al., on December 12, 2012.

On motion of Representative Celeste, the House adjourned until Thursday, December 13, 2012 at 1:00 o'clock p.m.

Attest:

JENNIFER E. WOODRING,  
Clerk.