

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**H. B. No. 794**

**Representative Ramos**

---

**A BILL**

To amend sections 307.47, 319.54, 323.04, 323.05, 1  
1313.17, 1313.29, 1313.30, 1313.33, 1313.34, 2  
1313.35, 1319.06, 1321.31, 1707.03, 1707.06, 3  
1707.14, 2103.05, 2103.06, 2103.08, 2105.06, 4  
2111.08, 2121.03, 2307.09, 2307.10, 2317.02, 5  
2719.06, 2907.26, 2921.22, 2933.54, 2945.42, 6  
3101.01, 3101.08, 3101.13, 3101.14, 3103.01, 7  
3103.04, 3103.05, 3103.06, 3103.08, 3105.01, 8  
3105.17, 3105.31, 3105.32, 3107.03, 3109.03, 9  
3109.56, 3111.92, 3111.93, 3111.94, 3111.95, 10  
3111.96, 3111.97, 3113.08, 3115.316, 3127.40, 11  
3701.791, 3705.09, 3911.08, 3923.03, 3937.30, 12  
4112.02, 4141.30, 4728.03, 4737.07, 5103.16, 13  
5123.01, 5302.05, 5302.07, 5302.11, 5302.12, 14  
5302.17, 5302.20, 5302.21, 5309.80, 5309.85, 15  
5711.14, 5731.10, 5747.05, 5747.08, and 5747.081 16  
of the Revised Code to change various references 17  
to husband and wife in the Revised Code to 18  
spouse. 19

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

**Section 1.** That sections 307.47, 319.54, 323.04, 323.05, 20

1313.17, 1313.29, 1313.30, 1313.33, 1313.34, 1313.35, 1319.06, 21  
1321.31, 1707.03, 1707.06, 1707.14, 2103.05, 2103.06, 2103.08, 22  
2105.06, 2111.08, 2121.03, 2307.09, 2307.10, 2317.02, 2719.06, 23  
2907.26, 2921.22, 2933.54, 2945.42, 3101.01, 3101.08, 3101.13, 24  
3101.14, 3103.01, 3103.04, 3103.05, 3103.06, 3103.08, 3105.01, 25  
3105.17, 3105.31, 3105.32, 3107.03, 3109.03, 3109.56, 3111.92, 26  
3111.93, 3111.94, 3111.95, 3111.96, 3111.97, 3113.08, 3115.316, 27  
3127.40, 3701.791, 3705.09, 3911.08, 3923.03, 3937.30, 4112.02, 28  
4141.30, 4728.03, 4737.07, 5103.16, 5123.01, 5302.05, 5302.07, 29  
5302.11, 5302.12, 5302.17, 5302.20, 5302.21, 5309.80, 5309.85, 30  
5711.14, 5731.10, 5747.05, 5747.08, and 5747.081 of the Revised 31  
Code be amended to read as follows: 32

**Sec. 307.47.** The board of county commissioners shall 33  
provide for the relief, out of the general funds of the county, 34  
of any person temporarily or permanently disabled by reason of 35  
~~his~~ the person's automobile being commandeered by any police 36  
officer of the county or other political subdivision in the 37  
discharge of ~~his~~ official duty. Such board shall pay, out of the 38  
general funds of the county, to the ~~husband or wife~~ spouse or 39  
other dependents of any person whose death is caused by reason 40  
of ~~his~~ the person's automobile being commandeered by any police 41  
officer of the county or other political subdivision in the 42  
discharge of ~~his~~ official duty, the sum not to exceed five 43  
thousand dollars. 44

**Sec. 319.54.** (A) On all moneys collected by the county 45  
treasurer on any tax duplicate of the county, other than estate 46  
tax duplicates, and on all moneys received as advance payments 47  
of personal property and classified property taxes, the county 48  
auditor, on settlement with the treasurer and tax commissioner, 49  
on or before the date prescribed by law for such settlement or 50  
any lawful extension of such date, shall be allowed as 51

compensation for the county auditor's services the following 52  
percentages: 53

(1) On the first one hundred thousand dollars, two and 54  
one-half per cent; 55

(2) On the next two million dollars, eight thousand three 56  
hundred eighteen ten-thousandths of one per cent; 57

(3) On the next two million dollars, six thousand six 58  
hundred fifty-five ten-thousandths of one per cent; 59

(4) On all further sums, one thousand six hundred sixty- 60  
three ten-thousandths of one per cent. 61

If any settlement is not made on or before the date 62  
prescribed by law for such settlement or any lawful extension of 63  
such date, the aggregate compensation allowed to the auditor 64  
shall be reduced one per cent for each day such settlement is 65  
delayed after the prescribed date. No penalty shall apply if the 66  
auditor and treasurer grant all requests for advances up to 67  
ninety per cent of the settlement pursuant to section 321.34 of 68  
the Revised Code. The compensation allowed in accordance with 69  
this section on settlements made before the dates prescribed by 70  
law, or the reduced compensation allowed in accordance with this 71  
section on settlements made after the date prescribed by law or 72  
any lawful extension of such date, shall be apportioned ratably 73  
by the auditor and deducted from the shares or portions of the 74  
revenue payable to the state as well as to the county, 75  
townships, municipal corporations, and school districts. 76

(B) For the purpose of reimbursing county auditors for the 77  
expenses associated with the increased number of applications 78  
for reductions in real property taxes under sections 323.152 and 79  
4503.065 of the Revised Code that result from the amendment of 80

those sections by Am. Sub. H.B. 119 of the 127th general 81  
assembly, there shall be paid from the state's general revenue 82  
fund to the county treasury, to the credit of the real estate 83  
assessment fund created by section 325.31 of the Revised Code, 84  
an amount equal to one per cent of the total annual amount of 85  
property tax relief reimbursement paid to that county under 86  
sections 323.156 and 4503.068 of the Revised Code for the 87  
preceding tax year. Payments made under this division shall be 88  
made at the same times and in the same manner as payments made 89  
under section 323.156 of the Revised Code. 90

(C) From all moneys collected by the county treasurer on 91  
any tax duplicate of the county, other than estate tax 92  
duplicates, and on all moneys received as advance payments of 93  
personal property and classified property taxes, there shall be 94  
paid into the county treasury to the credit of the real estate 95  
assessment fund created by section 325.31 of the Revised Code, 96  
an amount to be determined by the county auditor, which shall 97  
not exceed the percentages prescribed in divisions (C) (1) and 98  
(2) of this section. 99

(1) For payments made after June 30, 2007, and before 100  
2011, the following percentages: 101

(a) On the first five hundred thousand dollars, four per 102  
cent; 103

(b) On the next five million dollars, two per cent; 104

(c) On the next five million dollars, one per cent; 105

(d) On all further sums not exceeding one hundred fifty 106  
million dollars, three-quarters of one per cent; 107

(e) On amounts exceeding one hundred fifty million 108  
dollars, five hundred eighty-five thousandths of one per cent. 109

(2) For payments made in or after 2011, the following	110
percentages:	111
(a) On the first five hundred thousand dollars, four per	112
cent;	113
(b) On the next ten million dollars, two per cent;	114
(c) On amounts exceeding ten million five hundred thousand	115
dollars, three-fourths of one per cent.	116
Such compensation shall be apportioned ratably by the	117
auditor and deducted from the shares or portions of the revenue	118
payable to the state as well as to the county, townships,	119
municipal corporations, and school districts.	120
(D) Each county auditor shall receive four per cent of the	121
amount of tax collected and paid into the county treasury, on	122
property omitted and placed by the county auditor on the tax	123
duplicate.	124
(E) On all estate tax moneys collected by the county	125
treasurer, the county auditor, on settlement annually with the	126
tax commissioner, shall be allowed, as compensation for the	127
auditor's services under Chapter 5731. of the Revised Code, the	128
following percentages:	129
(1) Four per cent on the first one hundred thousand	130
dollars;	131
(2) One-half of one per cent on all additional sums.	132
Such percentages shall be computed upon the amount	133
collected and reported at each annual settlement, and shall be	134
for the use of the general fund of the county.	135
(F) On all cigarette license moneys collected by the	136

county treasurer, the county auditor, on settlement semiannually 137  
with the treasurer, shall be allowed as compensation for the 138  
auditor's services in the issuing of such licenses one-half of 139  
one per cent of such moneys, to be apportioned ratably and 140  
deducted from the shares of the revenue payable to the county 141  
and subdivisions, for the use of the general fund of the county. 142

(G) The county auditor shall charge and receive fees as 143  
follows: 144

(1) For deeds of land sold for taxes to be paid by the 145  
purchaser, five dollars; 146

(2) For the transfer or entry of land, lot, or part of 147  
lot, or the transfer or entry on or after January 1, 2000, of a 148  
used manufactured home or mobile home as defined in section 149  
5739.0210 of the Revised Code, fifty cents for each transfer or 150  
entry, to be paid by the person requiring it; 151

(3) For receiving statements of value and administering 152  
section 319.202 of the Revised Code, one dollar, or ten cents 153  
for each one hundred dollars or fraction of one hundred dollars, 154  
whichever is greater, of the value of the real property 155  
transferred or, for sales occurring on or after January 1, 2000, 156  
the value of the used manufactured home or used mobile home, as 157  
defined in section 5739.0210 of the Revised Code, transferred, 158  
except no fee shall be charged when the transfer is made: 159

(a) To or from the United States, this state, or any 160  
instrumentality, agency, or political subdivision of the United 161  
States or this state; 162

(b) Solely in order to provide or release security for a 163  
debt or obligation; 164

(c) To confirm or correct a deed previously executed and 165

recorded or when a current owner on any record made available to 166  
the general public on the internet or a publicly accessible 167  
database and the general tax list of real and public utility 168  
property and the general duplicate of real and public utility 169  
property is a peace officer, parole officer, prosecuting 170  
attorney, assistant prosecuting attorney, correctional employee, 171  
youth services employee, firefighter, EMT, or investigator of 172  
the bureau of criminal identification and investigation and is 173  
changing the current owner name listed on any record made 174  
available to the general public on the internet or a publicly 175  
accessible database and the general tax list of real and public 176  
utility property and the general duplicate of real and public 177  
utility property to the initials of the current owner as 178  
prescribed in division (B)(1) of section 319.28 of the Revised 179  
Code; 180

(d) To evidence a gift, in trust or otherwise and whether 181  
revocable or irrevocable, ~~between husband and wife~~ spouses, or 182  
parent and child or the spouse of either; 183

(e) On sale for delinquent taxes or assessments; 184

(f) Pursuant to court order, to the extent that such 185  
transfer is not the result of a sale effected or completed 186  
pursuant to such order; 187

(g) Pursuant to a reorganization of corporations or 188  
unincorporated associations or pursuant to the dissolution of a 189  
corporation, to the extent that the corporation conveys the 190  
property to a stockholder as a distribution in kind of the 191  
corporation's assets in exchange for the stockholder's shares in 192  
the dissolved corporation; 193

(h) By a subsidiary corporation to its parent corporation 194

for no consideration, nominal consideration, or in sole	195
consideration of the cancellation or surrender of the	196
subsidiary's stock;	197
(i) By lease, whether or not it extends to mineral or	198
mineral rights, unless the lease is for a term of years	199
renewable forever;	200
(j) When the value of the real property or the	201
manufactured or mobile home or the value of the interest that is	202
conveyed does not exceed one hundred dollars;	203
(k) Of an occupied residential property, including a	204
manufactured or mobile home, being transferred to the builder of	205
a new residence or to the dealer of a new manufactured or mobile	206
home when the former residence is traded as part of the	207
consideration for the new residence or new manufactured or	208
mobile home;	209
(l) To a grantee other than a dealer in real property or	210
in manufactured or mobile homes, solely for the purpose of, and	211
as a step in, the prompt sale of the real property or	212
manufactured or mobile home to others;	213
(m) To or from a person when no money or other valuable	214
and tangible consideration readily convertible into money is	215
paid or to be paid for the real estate or manufactured or mobile	216
home and the transaction is not a gift;	217
(n) Pursuant to division (B) of section 317.22 of the	218
Revised Code, or section 2113.61 of the Revised Code, between	219
spouses or to a surviving spouse pursuant to section 5302.17 of	220
the Revised Code as it existed prior to April 4, 1985, between	221
persons pursuant to section 5302.17 or 5302.18 of the Revised	222
Code on or after April 4, 1985, to a person who is a surviving,	223



survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	224 225 226
(o) To a trustee acting on behalf of minor children of the deceased;	227 228
(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;	229 230
(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;	231 232
(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;	233 234 235 236 237
(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;	238 239 240 241
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	242 243
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;	244 245 246 247
(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;	248 249 250 251

(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	252 253 254
(x) Between persons pursuant to section 5302.18 of the Revised Code;	255 256
(y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code, or its wholly owned subsidiary, to a third party.	257 258 259
(4) For the cost of publishing the delinquent manufactured home tax list, the delinquent tax list, and the delinquent vacant land tax list, a flat fee, as determined by the county auditor, to be charged to the owner of a home on the delinquent manufactured home tax list or the property owner of land on the delinquent tax list or the delinquent vacant land tax list.	260 261 262 263 264 265
The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county, except that fees charged and received under division (G) (3) of this section for a transfer of real property to a county land reutilization corporation shall be credited to the county land reutilization corporation fund established under section 321.263 of the Revised Code.	266 267 268 269 270 271 272 273 274 275 276
The real property transfer fee provided for in division (G) (3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery.	277 278 279 280

The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer.

**Sec. 323.04.** A taxpayer may, subject to sections 323.01 to 323.05, ~~inclusive,~~ of the Revised Code, use in the payment of ~~his~~ the taxpayer's taxes any liquidated claim which such taxpayer, or the ~~husband or wife~~ spouse of such taxpayer, has against any subdivision which is to derive benefit from the tax collection.

**Sec. 323.05.** The liquidated claims and certificates described in sections 323.01 to 323.04, ~~inclusive,~~ of the Revised Code, shall be nonnegotiable for the purposes of such sections, except that where the tax is for property owned jointly by ~~a husband and wife~~ both spouses or by either of them when the other is the owner of a liquidated claim, such liquidated claim and certificate shall be accepted by the county treasurer in the manner provided by section 323.02 of the Revised Code in payment of taxes levied against the property owned by both or either of them. Such certificates shall only be used when a taxpayer or the ~~husband or wife~~ spouse of such taxpayer holds a liquidated claim of record against the subdivision.

The use of such certificates constitutes a reduction of the indebtedness of the subdivision to the taxpayer holding such certificates to the extent of the taxes credited on them.

Any certificate issued under section 323.02 of the Revised Code may be used for any of the purposes of sections 323.01 to 323.05, ~~inclusive,~~ of the Revised Code, and failure of any fiscal officer of any subdivision to give a certificate may be

enforced by mandamus. All certificates shall be subject to 311  
sections 323.03 and 323.04 of the Revised Code. 312

**Sec. 1313.17.** No assignment for the benefit of creditors 313  
shall include or cover any property exempt from levy or sale on 314  
execution, or exempt from being applied to the payment of debts 315  
by any legal process, unless in the assignment the exemption is 316  
expressly waived. 317

No such assignment shall include any property belonging to 318  
the ~~wife~~ spouse of the assignor, nor require the assignor to 319  
deliver up any of such property. 320

**Sec. 1313.29.** When real property is to be sold as provided 321  
in sections 1313.21 to 1313.31, ~~inclusive,~~ of the Revised Code, 322  
the ~~husband or wife~~ spouse of the assignor may be made a party, 323  
and file an answer in the probate court to have such real 324  
property sold free of ~~his or her~~ the spouse's contingent right 325  
of dower and to allow ~~him or her~~ the spouse in lieu thereof, out 326  
of the proceeds of the sale, such sum of money as the court 327  
deems the just and reasonable value of the dower interest 328  
therein. Such answer has the force and effect, in all respects, 329  
of a deed releasing such contingent dower interest in such real 330  
property. 331

**Sec. 1313.30.** When the assignor and ~~his wife~~ the 332  
assignor's spouse jointly have executed a mortgage upon real 333  
property assigned for the benefit of creditors, or when the 334  
assignor alone has executed a mortgage upon any of such real 335  
property to secure the payment of purchase money, or a part 336  
thereof, the probate court shall order its sale free from the 337  
contingent right of dower of ~~such wife~~ the assignor's spouse, 338  
and shall determine the just and reasonable value of ~~her~~ the 339  
spouse's dower interests in the proceeds of sale remaining after 340

the payment of such encumbrances as preclude ~~her~~ the spouse's 341  
right to dower therein. 342

**Sec. 1313.33.** When real property to be sold, or which has 343  
been contracted to be sold by an assignor prior to the 344  
assignment for the benefit of creditors, is encumbered with 345  
liens, or when questions in regard to the title, or the dower 346  
estate of the ~~wife or widow~~ spouse or surviving spouse of the 347  
assignor, require a decree to settle them, the assignee may 348  
commence a civil action therefor in the court of common pleas or 349  
probate court of the proper county, making all persons in 350  
interest, including the ~~wife or widow~~ spouse or surviving spouse 351  
of the assignor, parties. 352

Upon hearing, the court shall order a sale of the 353  
premises, or the completion of such contracts of sale, the 354  
payment of encumbrances and the contingent dower interest of the 355  
~~wife or widow~~ spouse or surviving spouse, subject to section 356  
1313.35 of the Revised Code, and determine the questions 357  
involved as to title to the property. 358

**Sec. 1313.34.** The proceeds of all the real property of the 359  
assignor sold by court order for the benefit of creditors, after 360  
payment of liens, encumbrances and the contingent dower rights 361  
and interest of ~~his wife or widow~~ the assignor's spouse or 362  
surviving spouse, must be reported to the probate court by the 363  
assignee, and disposed of as provided in sections 1313.01 to 364  
1313.59, ~~inclusive~~, of the Revised Code. 365

**Sec. 1313.35.** Sections 1313.21 to 1313.31, ~~inclusive~~, of 366  
the Revised Code relating to the ~~wife~~ spouse of the assignor as 367  
a party to the proceedings thereunder and ~~her~~ the spouse's 368  
rights by virtue thereof, and also relating to ordering property 369  
sold at private sale, and upon terms of credit, apply to 370

proceedings under sections 1313.33 and 1313.34 of the Revised 371  
Code. 372

**Sec. 1319.06.** No ~~husband or wife~~ spouse shall create any 373  
lien by chattel mortgage or otherwise upon any personal 374  
household property owned by either or both of them, without the 375  
joint consent of both ~~husband and wife~~ spouses. No such mortgage 376  
is valid unless executed by both ~~husband and wife~~ spouses. 377

This section does not apply to any mortgage or lien for 378  
the purchase price of such property. 379

**Sec. 1321.31.** No assignment of, or order for, wages or 380  
salary is valid unless made in writing by the person by whom the 381  
said wages or salary are earned and no assignment of, or order 382  
for, wages or salary made by a married person is valid unless 383  
the written consent of the ~~husband or wife~~ spouse of the person 384  
making such assignment or order is attached to such assignment 385  
or order. No assignment of, or order for, wages or salary of a 386  
minor is valid unless the written consent of a parent or the 387  
guardian of such minor is attached to such order or assignment. 388  
No assignment of, or order for, wages or salary is valid for 389  
more than twenty-five per cent of the earnings, wages, or salary 390  
of any married person. No such assignment is valid for more than 391  
fifty per cent of the earnings, wages, or salary of any 392  
unmarried person. 393

Assignments of wages have priority as to each other from 394  
the time they are filed with the employer of the assignor, and 395  
the balance due any married person after twenty-five per cent 396  
has been so assigned, or due any unmarried person after fifty 397  
per cent has been so assigned is not subject to further 398  
assignment. 399

**Sec. 1707.03.** (A) As used in this section, "exempt" means 400  
that, except in the case of securities the right to buy, sell, 401  
or deal in which has been suspended or revoked under an existing 402  
order of the division of securities under section 1707.13 of the 403  
Revised Code or under a cease and desist order under division 404  
(G) of section 1707.23 of the Revised Code, transactions in 405  
securities may be carried on and completed without compliance 406  
with sections 1707.08 to 1707.11 of the Revised Code. 407

(B) A sale of securities made by or on behalf of a bona 408  
fide owner, neither the issuer nor a dealer, is exempt if the 409  
sale is made in good faith and not for the purpose of avoiding 410  
this chapter and is not made in the course of repeated and 411  
successive transactions of a similar character. Any sale of 412  
securities over a stock exchange that is lawfully conducted in 413  
this state and regularly open for public patronage and that has 414  
been established and operated for a period of at least five 415  
years prior to the sale at a commission not exceeding the 416  
commission regularly charged in such transactions also is 417  
exempt. 418

(C) The sale of securities by executors, administrators, 419  
receivers, trustees, or anyone acting in a fiduciary capacity is 420  
exempt, where such relationship was created by law, by a will, 421  
or by judicial authority, and where such sales are subject to 422  
approval by, or are made in pursuance to authority granted by, 423  
any court of competent jurisdiction or are otherwise authorized 424  
and lawfully made by such fiduciary. 425

(D) A sale to the issuer, to a dealer, or to an 426  
institutional investor is exempt. 427

(E) A sale in good faith, and not for the purpose of 428  
avoiding this chapter, by a pledgee of a security pledged for a 429

bona fide debt is exempt. 430

(F) The sale at public auction by a corporation of shares 431  
of its stock because of delinquency in payment for the shares is 432  
exempt. 433

(G) (1) The giving of any conversion right with, or on 434  
account of the purchase of, any security that is exempt, is the 435  
subject matter of an exempt transaction, has been registered by 436  
description, by coordination, or by qualification, or is the 437  
subject matter of a transaction that has been registered by 438  
description is exempt. 439

(2) The giving of any subscription right, warrant, or 440  
option to purchase a security or right to receive a security 441  
upon exchange, which security is exempt at the time the right, 442  
warrant, or option to purchase or right to receive is given, is 443  
the subject matter of an exempt transaction, is registered by 444  
description, by coordination, or by qualification, or is the 445  
subject matter of a transaction that has been registered by 446  
description is exempt. 447

(3) The giving of any subscription right or any warrant or 448  
option to purchase a security, which right, warrant, or option 449  
expressly provides that it shall not be exercisable except for a 450  
security that at the time of the exercise is exempt, is the 451  
subject matter of an exempt transaction, is registered by 452  
description, by coordination, or by qualification, or at such 453  
time is the subject matter of a transaction that has been 454  
registered by description is exempt. 455

(H) The sale of notes, bonds, or other evidences of 456  
indebtedness that are secured by a mortgage lien upon real 457  
estate, leasehold estate other than oil, gas, or mining 458



leasehold, or tangible personal property, or which evidence of 459  
indebtedness is due under or based upon a conditional-sale 460  
contract, if all such notes, bonds, or other evidences of 461  
indebtedness are sold to a single purchaser at a single sale, is 462  
exempt. 463

(I) The delivery of securities by the issuer on the 464  
exercise of conversion rights, the sale of securities by the 465  
issuer on exercise of subscription rights or of warrants or 466  
options to purchase securities, the delivery of voting-trust 467  
certificates for securities deposited under a voting-trust 468  
agreement, the delivery of deposited securities on surrender of 469  
voting-trust certificates, and the delivery of final 470  
certificates on surrender of interim certificates are exempt; 471  
but the sale of securities on exercise of subscription rights, 472  
warrants, or options is not an exempt transaction unless those 473  
rights, warrants, or options when granted were the subject 474  
matter of an exempt transaction under division (G) of this 475  
section or were registered by description, by coordination, or 476  
by qualification. 477

(J) The sale of securities by a bank, savings and loan 478  
association, savings bank, or credit union organized under the 479  
laws of the United States or of this state is exempt if at a 480  
profit to that seller of not more than two per cent of the total 481  
sale price of the securities. 482

(K) (1) The distribution by a corporation of its securities 483  
to its security holders as a share dividend or other 484  
distribution out of earnings or surplus is exempt. 485

(2) The exchange or distribution by the issuer of any of 486  
its securities or of the securities of any of the issuer's 487  
wholly owned subsidiaries exclusively with or to its existing 488

security holders, if no commission or other remuneration is 489  
given directly or indirectly for soliciting the exchange, is 490  
exempt. 491

(3) The sale of preorganization subscriptions for shares 492  
of stock of a corporation prior to the incorporation of the 493  
corporation is exempt, when the sale is evidenced by a written 494  
agreement, no remuneration is given, or promised, directly or 495  
indirectly, for or in connection with the sale of those 496  
securities, and no consideration is received, directly or 497  
indirectly, by any person from the purchasers of those 498  
securities until registration by qualification, by coordination, 499  
or by description of those securities is made under this 500  
chapter. 501

(L) The issuance of securities in exchange for one or more 502  
bona fide outstanding securities, claims, or property interests, 503  
not including securities sold for a consideration payable in 504  
whole or in part in cash, under a plan of reorganization, 505  
recapitalization, or refinancing approved by a court pursuant to 506  
the Bankruptcy Act of the United States or to any other federal 507  
act giving any federal court jurisdiction over such plan of 508  
reorganization, or under a plan of reorganization approved by a 509  
court of competent jurisdiction of any state of the United 510  
States is exempt. As used in this division, "reorganization," 511  
"recapitalization," and "refinancing" have the same meanings as 512  
in section 1707.04 of the Revised Code. 513

(M) A sale by a licensed dealer, acting either as 514  
principal or as agent, of securities issued and outstanding 515  
before the sale is exempt, unless the sale is of one or more of 516  
the following: 517

(1) Securities constituting the whole or a part of an 518

unsold allotment to or subscription by a dealer as an 519  
underwriter or other participant in the distribution of those 520  
securities by the issuer, whether that distribution is direct or 521  
through an underwriter, provided that, if the issuer is such by 522  
reason of owning one-fourth or more of those securities, the 523  
dealer has knowledge of this fact or reasonable cause to believe 524  
this fact; 525

(2) Any class of shares issued by a corporation when the 526  
number of beneficial owners of that class is less than twenty- 527  
five, with the record owner of securities being deemed the 528  
beneficial owner for this purpose, in the absence of actual 529  
knowledge to the contrary; 530

(3) Securities that within one year were purchased outside 531  
this state or within one year were transported into this state, 532  
if the dealer has knowledge or reasonable cause to believe, 533  
before the sale of those securities, that within one year they 534  
were purchased outside this state or within one year were 535  
transported into this state; but such a sale of those securities 536  
is exempt if any of the following occurs: 537

(a) A recognized securities manual contains the names of 538  
the issuer's officers and directors, a balance sheet of the 539  
issuer as of a date within eighteen months, and a profit and 540  
loss statement for either the fiscal year preceding that date or 541  
the most recent year of operations; 542

(b) Those securities, or securities of the same class, 543  
within one year were registered or qualified under section 544  
1707.09 or 1707.091 of the Revised Code, and that registration 545  
or qualification is in full force and effect; 546

(c) The sale is made by a licensed dealer on behalf of the 547

bona fide owner of those securities in accordance with division 548  
(B) of this section; 549

(d) Those securities were transported into Ohio in a 550  
transaction of the type described in division (L), (K), or (I) 551  
of this section, or in a transaction registered under division 552  
(A) of section 1707.06 of the Revised Code. 553

(N) For the purpose of this division and division (M) of 554  
this section, "underwriter" means any person who has purchased 555  
from an issuer with a view to, or sells for an issuer in 556  
connection with, the distribution of any security, or who 557  
participates directly or indirectly in any such undertaking or 558  
in the underwriting thereof, but "underwriter" does not include 559  
a person whose interest is limited to a discount, commission, or 560  
profit from the underwriter or from a dealer that is not in 561  
excess of the customary distributors' or sellers' discount, 562  
commission, or profit; and "issuer" includes any person or any 563  
group of persons acting in concert in the sale of such 564  
securities, owning beneficially one-fourth or more of the 565  
outstanding securities of the class involved in the transactions 566  
in question, with the record owner of securities being deemed 567  
the beneficial owner for this purpose, in the absence of actual 568  
knowledge to the contrary. 569

(O) (1) The sale of any equity security is exempt if all 570  
the following conditions are satisfied: 571

(a) The sale is by the issuer of the security. 572

(b) The total number of purchasers in this state of all 573  
securities issued or sold by the issuer in reliance upon this 574  
exemption during the period of one year ending with the date of 575  
the sale does not exceed ten. A sale of securities registered 576

under this chapter or sold pursuant to an exemption under this 577  
chapter other than this exemption shall not be integrated with a 578  
sale pursuant to this exemption in computing the number of 579  
purchasers under this exemption. 580

(c) No advertisement, article, notice, or other 581  
communication published in any newspaper, magazine, or similar 582  
medium or broadcast over television or radio is used in 583  
connection with the sale, but the use of an offering circular or 584  
other communication delivered by the issuer to selected 585  
individuals does not destroy this exemption. 586

(d) The issuer reasonably believes after reasonable 587  
investigation that the purchaser is purchasing for investment. 588

(e) The aggregate commission, discount, and other 589  
remuneration, excluding legal, accounting, and printing fees, 590  
paid or given directly or indirectly does not exceed ten per 591  
cent of the initial offering price. 592

(f) Any such commission, discount, or other remuneration 593  
for sales in this state is paid or given only to dealers or 594  
salespersons registered pursuant to this chapter. 595

(2) For the purposes of division (O)(1) of this section, 596  
each of the following is deemed to be a single purchaser of a 597  
security: ~~husband and wife~~ both spouses, a child and its parent 598  
or guardian when the parent or guardian holds the security for 599  
the benefit of the child, a corporation, a limited liability 600  
company, a partnership, an association or other unincorporated 601  
entity, a joint-stock company, or a trust, but only if the 602  
corporation, limited liability company, partnership, 603  
association, entity, joint-stock company, or trust was not 604  
formed for the purpose of purchasing the security. 605

(3) As used in division (O) (1) of this section, "equity security" means any stock or similar security of a corporation or any membership interest in a limited liability company; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security that the division considers necessary or appropriate, by such rules as it may prescribe in the public interest or for the protection of investors, to treat as an equity security.

(P) The sale of securities representing interests in or under profit-sharing or participation agreements relating to oil or gas wells located in this state, or representing interests in or under oil or gas leases of real estate situated in this state, is exempt if the securities are issued by an individual, partnership, limited partnership, partnership association, syndicate, pool, trust or trust fund, or other unincorporated association and if each of the following conditions is complied with:

(1) The beneficial owners of the securities do not, and will not after the sale, exceed five natural persons;

(2) The securities constitute or represent interests in not more than one oil or gas well;

(3) A certificate or other instrument in writing is furnished to each purchaser of the securities at or before the consummation of the sale, disclosing the maximum commission, compensation for services, cost of lease, and expenses with respect to the sale of such interests and with respect to the promotion, development, and management of the oil or gas well, and the total of that commission, compensation, costs, and

expenses does not exceed twenty-five per cent of the aggregate 636  
interests in the oil or gas well, exclusive of any landowner's 637  
rental or royalty; 638

(4) The sale is made in good faith and not for the purpose 639  
of avoiding this chapter. 640

(Q) The sale of any security is exempt if all of the 641  
following conditions are satisfied: 642

(1) The provisions of section 5 of the Securities Act of 643  
1933 do not apply to the sale by reason of an exemption under 644  
section 4 (2) of that act. 645

(2) The aggregate commission, discount, and other 646  
remuneration, excluding legal, accounting, and printing fees, 647  
paid or given directly or indirectly does not exceed ten per 648  
cent of the initial offering price. 649

(3) Any such commission, discount, or other remuneration 650  
for sales in this state is paid or given only to dealers or 651  
salespersons registered under this chapter. 652

(4) The issuer or dealer files with the division of 653  
securities, not later than sixty days after the sale, a report 654  
setting forth the name and address of the issuer, the total 655  
amount of the securities sold under this division, the number of 656  
persons to whom the securities were sold, the price at which the 657  
securities were sold, and the commissions or discounts paid or 658  
given. 659

(5) The issuer pays a filing fee of one hundred dollars 660  
for the first filing and fifty dollars for every subsequent 661  
filing during each calendar year. 662

(R) A sale of a money order, travelers' check, or other 663

instrument for the transmission of money by a person qualified 664  
to engage in such business under Chapter 1315. of the Revised 665  
Code is exempt. 666

(S) A sale by a licensed dealer of securities that are in 667  
the process of registration under the Securities Act of 1933, 668  
unless exempt under that act, and that are in the process of 669  
registration, if registration is required under this chapter, is 670  
exempt, provided that no sale of that nature shall be 671  
consummated prior to the registration by description or 672  
qualification of the securities. 673

(T) The execution by a licensed dealer of orders for the 674  
purchase of any security is exempt, provided that the dealer 675  
acts only as agent for the purchaser, has made no solicitation 676  
of the order to purchase the security, has no interest in the 677  
distribution of the security, and delivers to the purchaser 678  
written confirmation of the transaction that clearly itemizes 679  
the dealer's commission. "Solicitation," as used in this 680  
division, means solicitation of the order for the specific 681  
security purchased and does not include general solicitations or 682  
advertisements of any kind. 683

(U) The sale insofar as the security holders of a person 684  
are concerned, where, pursuant to statutory provisions of the 685  
jurisdiction under which that person is organized or pursuant to 686  
provisions contained in its articles of incorporation, 687  
certificate of incorporation, partnership agreement, declaration 688  
of trust, trust indenture, or similar controlling instrument, 689  
there is submitted to the security holders, for their vote or 690  
consent, (1) a plan or agreement for a reclassification of 691  
securities of that person that involves the substitution of a 692  
security of that person for another security of that person, (2) 693



a plan or agreement of merger or consolidation or a similar plan 694  
or agreement of acquisition in which the securities of that 695  
person held by the security holders will become or be exchanged 696  
for securities of any other person, or (3) a plan or agreement 697  
for a combination as defined in division (Q) of section 1701.01 698  
of the Revised Code or a similar plan or agreement for the 699  
transfer of assets of that person to another person in 700  
consideration of the issuance of securities of any person, is 701  
exempt if, with respect to any of the foregoing transactions, 702  
either of the following conditions is satisfied: 703

(a) The securities to be issued to the security holders 704  
are effectively registered under sections 6 to 8 of the 705  
Securities Act of 1933 and offered and sold in compliance with 706  
section 5 of that act; 707

(b) At least twenty days prior to the date on which a 708  
meeting of the security holders is held or the earliest date on 709  
which corporate action may be taken when no meeting is held, 710  
there is submitted to the security holders, by that person, or 711  
by the person whose securities are to be issued in the 712  
transaction, information substantially equivalent to the 713  
information that would be required to be included in a proxy 714  
statement or information statement prepared by or on behalf of 715  
the management of an issuer subject to section 14(a) or 14(c) of 716  
the Securities Exchange Act of 1934. 717

(V) The sale of any security is exempt if the division by 718  
rule finds that registration is not necessary or appropriate in 719  
the public interest or for the protection of investors. 720

(W) Any offer or sale of securities made in reliance on 721  
the exemptions provided by Rule 505 of Regulation D made 722  
pursuant to the Securities Act of 1933 and the conditions and 723

definitions provided by Rules 501 to 503 thereunder is exempt if 724  
the offer or sale satisfies all of the following conditions: 725

(1) No commission or other remuneration is given, directly 726  
or indirectly, to any person for soliciting or selling to any 727  
person in this state in reliance on the exemption under this 728  
division, except to dealers licensed in this state. 729

(2) (a) Unless the cause for disqualification is waived 730  
under division (W) (2) (b) of this section, no exemption under 731  
this section is available for the securities of an issuer unless 732  
the issuer did not know and in the exercise of reasonable care 733  
could not have known that any of the following applies to any of 734  
the persons described in Rule 262(a) to (c) of Regulation A 735  
under the Securities Act of 1933: 736

(i) The person has filed an application for registration 737  
or qualification that is the subject of an effective order 738  
entered against the issuer, its officers, directors, general 739  
partners, controlling persons or affiliates thereof, pursuant to 740  
the law of any state within five years before the filing of a 741  
notice required under division (W) (3) of this section denying 742  
effectiveness to, or suspending or revoking the effectiveness 743  
of, the registration statement. 744

(ii) The person has been convicted of any offense in 745  
connection with the offer, sale, or purchase of any security or 746  
franchise, or any felony involving fraud or deceit, including, 747  
but not limited to, forgery, embezzlement, fraud, theft, or 748  
conspiracy to defraud. 749

(iii) The person is subject to an effective administrative 750  
order or judgment that was entered by a state securities 751  
administrator within five years before the filing of a notice 752

required under division (W) (3) of this section and that 753  
prohibits, denies, or revokes the use of any exemption from 754  
securities registration, prohibits the transaction of business 755  
by the person as a dealer, or is based on fraud, deceit, an 756  
untrue statement of a material fact, or an omission to state a 757  
material fact. 758

(iv) The person is subject to any order, judgment, or 759  
decree of any court entered within five years before the filing 760  
of a notice required under division (W) (3) of this section, 761  
temporarily, preliminarily, or permanently restraining or 762  
enjoining the person from engaging in or continuing any conduct 763  
or practice in connection with the offer, sale, or purchase of 764  
any security, or the making of any false filing with any state. 765

(b) (i) Any disqualification under this division involving 766  
a dealer may be waived if the dealer is or continues to be 767  
licensed in this state as a dealer after notifying the 768  
commissioner of the act or event causing disqualification. 769

(ii) The commissioner may waive any disqualification under 770  
this paragraph upon a showing of good cause that it is not 771  
necessary under the circumstances that use of the exemption be 772  
denied. 773

(3) Not later than five business days before the earlier 774  
of the date on which the first use of an offering document or 775  
the first sale is made in this state in reliance on the 776  
exemption under this division, there is filed with the 777  
commissioner a notice comprised of offering material in 778  
compliance with the requirements of Rule 502 of Regulation D 779  
under the Securities Act of 1933 and a fee of one hundred 780  
dollars. Material amendments to the offering document shall be 781  
filed with the commissioner not later than the date of their 782

first use in this state.	783
(4) The aggregate commission, discount, and other remuneration paid or given, directly or indirectly, does not exceed twelve per cent of the initial offering price, excluding legal, accounting, and printing fees.	784 785 786 787
(X) Any offer or sale of securities made in reliance on the exemption provided in Rule 506 of Regulation D under the Securities Act of 1933, and in accordance with Rules 501 to 503 of Regulation D under the Securities Act of 1933, is exempt provided that all of the following apply:	788 789 790 791 792
(1) The issuer makes a notice filing with the division on form D of the securities and exchange commission within fifteen days of the first sale in this state;	793 794 795
(2) Any commission, discount, or other remuneration for sales of securities in this state is paid or given only to dealers or salespersons licensed under this chapter;	796 797 798
(3) The issuer pays a filing fee of one hundred dollars to the division; however, no filing fee shall be required to file amendments to the form D of the securities and exchange commission.	799 800 801 802
(Y) The offer or sale of securities by an issuer is exempt provided that all of the following apply:	803 804
(1) The sale of securities is made only to persons who are, or who the issuer reasonably believes are, accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933.	805 806 807 808
(2) The issuer reasonably believes that all purchasers are purchasing for investment and not with a view to or for sale in	809 810

connection with a distribution of the security. Any resale of a 811  
security sold in reliance on this exemption within twelve months 812  
of sale shall be presumed to be with a view to distribution and 813  
not for investment, except a resale to which any of the 814  
following applies: 815

(a) The resale is pursuant to a registration statement 816  
effective under section 1707.09 or 1707.091 of the Revised Code. 817

(b) The resale is to an accredited investor, as defined in 818  
Rule 501 of Regulation D under the Securities Act of 1933. 819

(c) The resale is to an institutional investor pursuant to 820  
the exemptions under division (B) or (D) of this section. 821

(3) The exemption under this division is not available to 822  
an issuer that is in the development stage and that either has 823  
no specific business plan or purpose or has indicated that its 824  
business plan is to engage in a merger or acquisition with an 825  
unidentified company or companies, or other entities or persons. 826

(4) The exemption under this division is not available to 827  
an issuer, if the issuer, any of the issuer's predecessors, any 828  
affiliated issuer, any of the issuer's directors, officers, 829  
general partners, or beneficial owners of ten per cent or more 830  
of any class of its equity securities, any of the issuer's 831  
promoters presently connected with the issuer in any capacity, 832  
any underwriter of the securities to be offered, or any partner, 833  
director, or officer of such underwriter: 834

(a) Within the past five years, has filed a registration 835  
statement that is the subject of a currently effective 836  
registration stop order entered by any state securities 837  
administrator or the securities and exchange commission; 838

(b) Within the past five years, has been convicted of any 839

criminal offense in connection with the offer, purchase, or sale 840  
of any security, or involving fraud or deceit; 841

(c) Is currently subject to any state or federal 842  
administrative enforcement order or judgment, entered within the 843  
past five years, finding fraud or deceit in connection with the 844  
purchase or sale of any security; 845

(d) Is currently subject to any order, judgment, or decree 846  
of any court of competent jurisdiction, entered within the past 847  
five years, that temporarily, preliminarily, or permanently 848  
restrains or enjoins the party from engaging in or continuing to 849  
engage in any conduct or practice involving fraud or deceit in 850  
connection with the purchase or sale of any security. 851

(5) Division (Y) (4) of this section is inapplicable if any 852  
of the following applies: 853

(a) The party subject to the disqualification is licensed 854  
or registered to conduct securities business in the state in 855  
which the order, judgment, or decree creating the 856  
disqualification was entered against the party described in 857  
division (Y) (4) of this section. 858

(b) Before the first offer is made under this exemption, 859  
the state securities administrator, or the court or regulatory 860  
authority that entered the order, judgment, or decree, waives 861  
the disqualification. 862

(c) The issuer did not know and, in the exercise of 863  
reasonable care based on reasonable investigation, could not 864  
have known that a disqualification from the exemption existed 865  
under division (Y) (4) of this section. 866

(6) A general announcement of the proposed offering may be 867  
made by any means; however, the general announcement shall 868

include only the following information, unless additional 869  
information is specifically permitted by the division by rule: 870

(a) The name, address, and telephone number of the issuer 871  
of the securities; 872

(b) The name, a brief description, and price of any 873  
security to be issued; 874

(c) A brief description of the business of the issuer; 875

(d) The type, number, and aggregate amount of securities 876  
being offered; 877

(e) The name, address, and telephone number of the person 878  
to contact for additional information; and 879

(f) A statement indicating all of the following: 880

(i) Sales will only be made to accredited investors as 881  
defined in Rule 501 of Regulation D under the Securities Act of 882  
1933; 883

(ii) No money or other consideration is being solicited or 884  
will be accepted by way of this general announcement; 885

(iii) The securities have not been registered with or 886  
approved by any state securities administrator or the securities 887  
and exchange commission and are being offered and sold pursuant 888  
to an exemption from registration. 889

(7) The issuer, in connection with an offer, may provide 890  
information in addition to the general announcement described in 891  
division (Y)(6) of this section, provided that either of the 892  
following applies: 893

(a) The information is delivered through an electronic 894  
database that is restricted to persons that are accredited 895

investors as defined in Rule 501 of Regulation D under the 896  
Securities Act of 1933. 897

(b) The information is delivered after the issuer 898  
reasonably believes that the prospective purchaser is an 899  
accredited investor as defined in Rule 501 of Regulation D under 900  
the Securities Act of 1933. 901

(8) No telephone solicitation shall be done, unless prior 902  
to placing the telephone call, the issuer reasonably believes 903  
that the prospective purchaser to be solicited is an accredited 904  
investor as defined in Rule 501 of Regulation D under the 905  
Securities Act of 1933. 906

(9) Dissemination of the general announcement described in 907  
division (Y) (6) of this section to persons that are not 908  
accredited investors, as defined in Rule 501 of Regulation D 909  
under the Securities Act of 1933, does not disqualify the issuer 910  
from claiming an exemption under this division. 911

(10) The issuer shall file with the division notice of the 912  
offering of securities within fifteen days after notice of the 913  
offering is made or a general announcement is made in this 914  
state. The filing shall be on forms adopted by the division and 915  
shall include a copy of the general announcement, if one is made 916  
regarding the proposed offering, and copies of any offering 917  
materials, circulars, or prospectuses. A filing fee of one 918  
hundred dollars also shall be included. 919

**Sec. 1707.06.** (A) The following transactions in securities 920  
may be carried out upon compliance with sections 1707.08 and 921  
1707.11 of the Revised Code: 922

(1) The sale of its securities by a corporation may be so 923  
carried out when no part of the securities to be sold is issued 924



directly or indirectly in payment or exchange for intangible 925  
property or for property not located in this state, and when the 926  
total commission, remuneration, expense, or discount, excluding 927  
legal, accounting, and printing fees of the corporation, in 928  
connection with the sale of those securities does not exceed 929  
three per cent of the initial offering price of those 930  
securities. 931

(2) The sale of its securities by any corporation may be 932  
so carried out when the securities are sold to not more than a 933  
maximum of thirty-five purchasers, the aggregate commission, 934  
discount, or other remuneration, excluding legal, accounting, 935  
and printing fees, paid or given directly or indirectly in 936  
connection with the sale of those securities does not exceed ten 937  
per cent of the initial offering price, and those securities are 938  
issued and disposed of for the sole account of the issuer in 939  
good faith and not for the purpose of avoiding this chapter. For 940  
the purposes of this division, neither of the following shall be 941  
included among the thirty-five purchaser maximum: 942

(a) Any purchaser of at least one hundred thousand dollars 943  
of the offered securities; 944

(b) Any director or executive officer of the issuing 945  
corporation. 946

(3) The sale of securities representing an interest in a 947  
partnership, limited liability company, limited partnership, 948  
partnership association, syndicate, pool, trust, trust fund, or 949  
other unincorporated association may be so carried out if the 950  
securities are sold to not more than a maximum of thirty-five 951  
purchasers, the aggregate commission, discount, or other 952  
remuneration, excluding legal, accounting, and printing fees, 953  
paid or given directly or indirectly in connection with the sale 954

of those securities does not exceed ten per cent of the initial 955  
offering price, and the sale is made in good faith and not for 956  
the purpose of avoiding this chapter. For the purposes of this 957  
division, neither of the following shall be included among the 958  
thirty-five purchaser maximum: 959

(a) Any purchaser of at least one hundred thousand dollars 960  
of the offered securities; 961

(b) Any trustee, general partner, director, or executive 962  
officer of the issuer, or any member of a limited liability 963  
company, if the issuer is a limited liability company in which 964  
the management is reserved to its members, or manager of a 965  
limited liability company, if the issuer is a limited liability 966  
company in which the management is not reserved to its members. 967

(4) The offering and sale of additional securities of a 968  
corporation, made by it to its own security holders exclusively, 969  
may be so carried out where no commission or other remuneration 970  
is paid or given directly or indirectly in connection with the 971  
offering and sale, other than a commission in respect of the 972  
securities purchased by such security holders or a discount in 973  
respect of the securities not purchased by the security holders, 974  
or both, paid by the corporation to a dealer who has agreed to 975  
purchase all of those securities not taken by the security 976  
holders. 977

(B) An issuer engaging in any transaction specified in 978  
this section shall not be deemed a dealer. Any commission, 979  
discount, or other remuneration for sales in this state of 980  
securities specified in this section shall be paid only to 981  
dealers or salespersons licensed pursuant to this chapter. 982

(C) For the purpose of this section, each of the following 983

is deemed to be a single purchaser of a security:	984
(1) <del>Husband and wife</del> <u>Both spouses</u> ;	985
(2) A child and its parent or guardian when the parent or guardian holds the security for the benefit of the child;	986 987
(3) A corporation, a limited liability company, a partnership, an association or other unincorporated entity, a joint-stock company, or a trust, but only if the corporation, limited liability company, partnership, association, entity, joint-stock company, or trust was not formed for the purpose of purchasing the security.	988 989 990 991 992 993
(D) A sale of securities registered under section 1707.09 or 1707.091 of the Revised Code or sold pursuant to an exemption under this chapter shall not be integrated with a sale pursuant to this section in computing the number of purchasers under this section.	994 995 996 997 998
<b>Sec. 1707.14.</b> (A) No person shall act as a dealer, unless the person is licensed as a dealer by the division of securities, except when at least one of the following cases applies:	999 1000 1001 1002
(1) When the person is transacting business through or with a licensed dealer;	1003 1004
(2) When the securities are the subject matter of one or more transactions enumerated in divisions (B) to (L), (O) to (R), and (U) to (Y) of section 1707.03, or in section 1707.06 of the Revised Code, except when a commission, discount, or other remuneration is paid or given in consideration with transactions enumerated in divisions (O), (Q), (W), (X), and (Y) of section 1707.03, or in section 1707.06 of the Revised Code;	1005 1006 1007 1008 1009 1010 1011

(3) When the person is an issuer selling securities issued 1012  
by it or by its subsidiary, if such securities are specified 1013  
under division (G) or (I) of section 1707.02, or under section 1014  
1707.04 of the Revised Code; 1015

(4) When the person is participating in transactions 1016  
exempt, under section 1707.34 of the Revised Code, from this 1017  
chapter; 1018

(5) When the person has no place of business in this 1019  
state, is registered with the securities and exchange 1020  
commission, and the only transactions effected in this state are 1021  
with institutional investors. 1022

(B) Each dealer that in any twelve-month or shorter 1023  
period, alone or with any other dealer with which it is 1024  
affiliated, has total revenues of one hundred fifty thousand 1025  
dollars or more derived from the business of buying, selling, or 1026  
otherwise dealing in securities, and that at any time during 1027  
such period has one hundred or more retail securities customers, 1028  
shall be registered as a broker or dealer with the securities 1029  
and exchange commission under the Securities Exchange Act of 1030  
1934, except the following entities: 1031

(1) A bank; 1032

(2) A dealer that enters into and is in compliance with an 1033  
undertaking accepted by the division, in which the dealer agrees 1034  
that it will not engage in any transaction involving the buying, 1035  
selling, or otherwise dealing in securities with any natural 1036  
person in this state, except for transactions involving either 1037  
of the following: 1038

(a) Securities of corporations or associations that have 1039  
qualified for treatment as nonprofit organizations pursuant to 1040

section 501(c)(3) of the "Internal Revenue Code of 1986," 100 1041  
Stat. 2085, 26 U.S.C.A. 501, as amended; 1042

(b) Securities or transactions that are described in 1043  
divisions (A)(1) to (4) of this section. 1044

(C) Every dealer that must be registered as a broker or 1045  
dealer with the securities and exchange commission pursuant to 1046  
division (B) of this section shall become so registered no later 1047  
than ninety days after the date on which the dealer meets the 1048  
requirements for such registration. 1049

(D) The division by rule may exempt any dealer from 1050  
complying with the licensing or registration requirements of 1051  
this section, if the division finds that such licensing or 1052  
registration is not necessary for the protection of investors or 1053  
in the public interest. 1054

(E) As used in division (B) of this section, "retail 1055  
securities customer" means a person that purchases from or 1056  
through or sells securities to or through a dealer, and that is 1057  
not an officer, a director, a principal, a general partner, or 1058  
an employee of, the dealer. Each of the following is deemed to 1059  
be a single retail securities customer: 1060

(1) ~~A husband and wife~~ Both spouses; 1061

(2) A minor child and the minor child's parent or legal 1062  
guardian; 1063

(3) A corporation, a partnership, an association or other 1064  
unincorporated entity, a joint stock company, or a trust. 1065

**Sec. 2103.05.** ~~A husband or wife~~ spouse who leaves the 1066  
other spouse and dwells in adultery will be barred from dower in 1067  
the real property of the other, unless the offense is condoned 1068

by the injured consort. 1069

**Sec. 2103.06.** If a ~~husband or wife~~ spouse gives up real 1070  
property by collusion or fraud, or loses it by default, the 1071  
~~widow or widower~~ surviving spouse may recover dower therein. 1072

**Sec. 2103.08.** Sections 5305.01 to 5305.22, ~~inclusive,~~ of 1073  
the Revised Code apply to the assignment of the dower of ~~a~~ 1074  
~~husband~~ either spouse. 1075

**Sec. 2105.06.** When a person dies intestate having title or 1076  
right to any personal property, or to any real property or 1077  
inheritance, in this state, the personal property shall be 1078  
distributed, and the real property or inheritance shall descend 1079  
and pass in parcenary, except as otherwise provided by law, in 1080  
the following course: 1081

(A) If there is no surviving spouse, to the children of 1082  
the intestate or their lineal descendants, per stirpes; 1083

(B) If there is a spouse and one or more children of the 1084  
decedent or their lineal descendants surviving, and all of the 1085  
decedent's children who survive or have lineal descendants 1086  
surviving also are children of the surviving spouse, then the 1087  
whole to the surviving spouse; 1088

(C) If there is a spouse and one child of the decedent or 1089  
the child's lineal descendants surviving and the surviving 1090  
spouse is not the natural or adoptive parent of the decedent's 1091  
child, the first twenty thousand dollars plus one-half of the 1092  
balance of the intestate estate to the spouse and the remainder 1093  
to the child or the child's lineal descendants, per stirpes; 1094

(D) If there is a spouse and more than one child or their 1095  
lineal descendants surviving, the first sixty thousand dollars 1096  
if the spouse is the natural or adoptive parent of one, but not 1097

all, of the children, or the first twenty thousand dollars if 1098  
the spouse is the natural or adoptive parent of none of the 1099  
children, plus one-third of the balance of the intestate estate 1100  
to the spouse and the remainder to the children equally, or to 1101  
the lineal descendants of any deceased child, per stirpes; 1102

(E) If there are no children or their lineal descendants, 1103  
then the whole to the surviving spouse; 1104

(F) Except as provided in section 2105.062 of the Revised 1105  
Code, if there is no spouse and no children or their lineal 1106  
descendants, to the parents of the intestate equally, or to the 1107  
surviving parent; 1108

(G) Except as provided in section 2105.062 of the Revised 1109  
Code, if there is no spouse, no children or their lineal 1110  
descendants, and no parent surviving, to the brothers and 1111  
sisters, whether of the whole or of the half blood of the 1112  
intestate, or their lineal descendants, per stirpes; 1113

(H) Except as provided in section 2105.062 of the Revised 1114  
Code, if there are no brothers or sisters or their lineal 1115  
descendants, one-half to one set of the paternal intestate's 1116  
grandparents ~~of the intestate~~ equally, or to the survivor of 1117  
them, and one-half to the other set of the maternal intestate's 1118  
grandparents ~~of the intestate~~ equally, or to the survivor of 1119  
them; 1120

(I) Except as provided in section 2105.062 of the Revised 1121  
Code, if there ~~is are no paternal grandparent or no maternal~~ 1122  
~~grandparent grandparents~~, one-half to the lineal descendants of 1123  
the deceased grandparents, per stirpes; if there are no such 1124  
lineal descendants, then to the surviving grandparents or their 1125  
lineal descendants, per stirpes; if there are no surviving 1126

grandparents or their lineal descendants, then to the next of 1127  
kin of the intestate, provided there shall be no representation 1128  
among the next of kin; 1129

(J) If there are no next of kin, to stepchildren or their 1130  
lineal descendants, per stirpes; 1131

(K) If there are no stepchildren or their lineal 1132  
descendants, escheat to the state. 1133

**Sec. 2111.08.** ~~The wife and husband~~ Both spouses are the 1134  
joint natural guardians of their minor children and are equally 1135  
charged with their care, nurture, welfare, and education and the 1136  
care and management of their estates. ~~The wife and husband~~ 1137  
spouses have equal powers, rights, and duties and neither parent 1138  
has any right paramount to the right of the other concerning the 1139  
parental rights and responsibilities for the care of the minor 1140  
or the right to be the residential parent and legal custodian of 1141  
the minor, the control of the services or the earnings of such 1142  
minor, or any other matter affecting the minor; provided that if 1143  
either parent, to the exclusion of the other, is maintaining and 1144  
supporting the child, that parent shall have the paramount right 1145  
to control the services and earnings of the child. Neither 1146  
parent shall forcibly take a child from the guardianship of the 1147  
parent who is the residential parent and legal custodian of the 1148  
child. 1149

If the ~~wife and husband~~ spouses live apart, the court may 1150  
award the guardianship of a minor to either parent, and the 1151  
state in which the parent who is the residential parent and 1152  
legal custodian or who otherwise has the lawful custody of the 1153  
minor resides has jurisdiction to determine questions concerning 1154  
the minor's guardianship. 1155



**Sec. 2121.03.** At the hearing the probate court shall hear 1156  
such legally admissible evidence as is offered for the purpose 1157  
of ascertaining whether the presumption of death is established. 1158  
No person shall be disqualified to testify by reason of 1159  
~~relationship as husband or wife~~ being married to the presumed 1160  
decedent, or by reason an interest in the presumed decedent's 1161  
property, or because of a right or interest under the terms of a 1162  
contract, beneficiary designation, trust, or otherwise, arising 1163  
by reason of the death of the presumed decedent. 1164

**Sec. 2307.09.** A ~~married woman~~ spouse may sue and be sued 1165  
as if ~~she~~ the spouse were unmarried, and ~~her husband~~ the other 1166  
spouse may be joined ~~with her~~ only when the cause of action is 1167  
in favor of or against both. 1168

**Sec. 2307.10.** When ~~husband and wife~~ spouses are sued 1169  
together, ~~the wife~~ one spouse may defend for ~~her~~ the spouse's 1170  
own right, ~~and if the husband neglects to~~ also may defend ~~she~~ 1171  
~~also may defend for his~~ the other spouse's right ~~if the other~~ 1172  
spouse neglects to do so. 1173

**Sec. 2317.02.** The following persons shall not testify in 1174  
certain respects: 1175

(A) (1) An attorney, concerning a communication made to the 1176  
attorney by a client in that relation or concerning the 1177  
attorney's advice to a client, except that the attorney may 1178  
testify by express consent of the client or, if the client is 1179  
deceased, by the express consent of the surviving spouse or the 1180  
executor or administrator of the estate of the deceased client. 1181  
However, if the client voluntarily reveals the substance of 1182  
attorney-client communications in a nonprivileged context or is 1183  
deemed by section 2151.421 of the Revised Code to have waived 1184  
any testimonial privilege under this division, the attorney may 1185

be compelled to testify on the same subject. 1186

The testimonial privilege established under this division 1187  
does not apply concerning either of the following: 1188

(a) A communication between a client in a capital case, as 1189  
defined in section 2901.02 of the Revised Code, and the client's 1190  
attorney if the communication is relevant to a subsequent 1191  
ineffective assistance of counsel claim by the client alleging 1192  
that the attorney did not effectively represent the client in 1193  
the case; 1194

(b) A communication between a client who has since died 1195  
and the deceased client's attorney if the communication is 1196  
relevant to a dispute between parties who claim through that 1197  
deceased client, regardless of whether the claims are by testate 1198  
or intestate succession or by inter vivos transaction, and the 1199  
dispute addresses the competency of the deceased client when the 1200  
deceased client executed a document that is the basis of the 1201  
dispute or whether the deceased client was a victim of fraud, 1202  
undue influence, or duress when the deceased client executed a 1203  
document that is the basis of the dispute. 1204

(2) An attorney, concerning a communication made to the 1205  
attorney by a client in that relationship or the attorney's 1206  
advice to a client, except that if the client is an insurance 1207  
company, the attorney may be compelled to testify, subject to an 1208  
in camera inspection by a court, about communications made by 1209  
the client to the attorney or by the attorney to the client that 1210  
are related to the attorney's aiding or furthering an ongoing or 1211  
future commission of bad faith by the client, if the party 1212  
seeking disclosure of the communications has made a prima-facie 1213  
showing of bad faith, fraud, or criminal misconduct by the 1214  
client. 1215

(B) (1) A physician, advanced practice registered nurse, or 1216  
dentist concerning a communication made to the physician, 1217  
advanced practice registered nurse, or dentist by a patient in 1218  
that relation or the advice of a physician, advanced practice 1219  
registered nurse, or dentist given to a patient, except as 1220  
otherwise provided in this division, division (B) (2), and 1221  
division (B) (3) of this section, and except that, if the patient 1222  
is deemed by section 2151.421 of the Revised Code to have waived 1223  
any testimonial privilege under this division, the physician or 1224  
advanced practice registered nurse may be compelled to testify 1225  
on the same subject. 1226

The testimonial privilege established under this division 1227  
does not apply, and a physician, advanced practice registered 1228  
nurse, or dentist may testify or may be compelled to testify, in 1229  
any of the following circumstances: 1230

(a) In any civil action, in accordance with the discovery 1231  
provisions of the Rules of Civil Procedure in connection with a 1232  
civil action, or in connection with a claim under Chapter 4123. 1233  
of the Revised Code, under any of the following circumstances: 1234

(i) If the patient or the guardian or other legal 1235  
representative of the patient gives express consent; 1236

(ii) If the patient is deceased, the spouse of the patient 1237  
or the executor or administrator of the patient's estate gives 1238  
express consent; 1239

(iii) If a medical claim, dental claim, chiropractic 1240  
claim, or optometric claim, as defined in section 2305.113 of 1241  
the Revised Code, an action for wrongful death, any other type 1242  
of civil action, or a claim under Chapter 4123. of the Revised 1243  
Code is filed by the patient, the personal representative of the 1244

estate of the patient if deceased, or the patient's guardian or 1245  
other legal representative. 1246

(b) In any civil action concerning court-ordered treatment 1247  
or services received by a patient, if the court-ordered 1248  
treatment or services were ordered as part of a case plan 1249  
journalized under section 2151.412 of the Revised Code or the 1250  
court-ordered treatment or services are necessary or relevant to 1251  
dependency, neglect, or abuse or temporary or permanent custody 1252  
proceedings under Chapter 2151. of the Revised Code. 1253

(c) In any criminal action concerning any test or the 1254  
results of any test that determines the presence or 1255  
concentration of alcohol, a drug of abuse, a combination of 1256  
them, a controlled substance, or a metabolite of a controlled 1257  
substance in the patient's whole blood, blood serum or plasma, 1258  
breath, urine, or other bodily substance at any time relevant to 1259  
the criminal offense in question. 1260

(d) In any criminal action against a physician, advanced 1261  
practice registered nurse, or dentist. In such an action, the 1262  
testimonial privilege established under this division does not 1263  
prohibit the admission into evidence, in accordance with the 1264  
Rules of Evidence, of a patient's medical or dental records or 1265  
other communications between a patient and the physician, 1266  
advanced practice registered nurse, or dentist that are related 1267  
to the action and obtained by subpoena, search warrant, or other 1268  
lawful means. A court that permits or compels a physician, 1269  
advanced practice registered nurse, or dentist to testify in 1270  
such an action or permits the introduction into evidence of 1271  
patient records or other communications in such an action shall 1272  
require that appropriate measures be taken to ensure that the 1273  
confidentiality of any patient named or otherwise identified in 1274

the records is maintained. Measures to ensure confidentiality 1275  
that may be taken by the court include sealing its records or 1276  
deleting specific information from its records. 1277

(e) (i) If the communication was between a patient who has 1278  
since died and the deceased patient's physician, advanced 1279  
practice registered nurse, or dentist, the communication is 1280  
relevant to a dispute between parties who claim through that 1281  
deceased patient, regardless of whether the claims are by 1282  
testate or intestate succession or by inter vivos transaction, 1283  
and the dispute addresses the competency of the deceased patient 1284  
when the deceased patient executed a document that is the basis 1285  
of the dispute or whether the deceased patient was a victim of 1286  
fraud, undue influence, or duress when the deceased patient 1287  
executed a document that is the basis of the dispute. 1288

(ii) If neither the spouse of a patient nor the executor 1289  
or administrator of that patient's estate gives consent under 1290  
division (B) (1) (a) (ii) of this section, testimony or the 1291  
disclosure of the patient's medical records by a physician, 1292  
advanced practice registered nurse, dentist, or other health 1293  
care provider under division (B) (1) (e) (i) of this section is a 1294  
permitted use or disclosure of protected health information, as 1295  
defined in 45 C.F.R. 160.103, and an authorization or 1296  
opportunity to be heard shall not be required. 1297

(iii) Division (B) (1) (e) (i) of this section does not 1298  
require a mental health professional to disclose psychotherapy 1299  
notes, as defined in 45 C.F.R. 164.501. 1300

(iv) An interested person who objects to testimony or 1301  
disclosure under division (B) (1) (e) (i) of this section may seek 1302  
a protective order pursuant to Civil Rule 26. 1303

(v) A person to whom protected health information is 1304  
disclosed under division (B) (1) (e) (i) of this section shall not 1305  
use or disclose the protected health information for any purpose 1306  
other than the litigation or proceeding for which the 1307  
information was requested and shall return the protected health 1308  
information to the covered entity or destroy the protected 1309  
health information, including all copies made, at the conclusion 1310  
of the litigation or proceeding. 1311

(2) (a) If any law enforcement officer submits a written 1312  
statement to a health care provider that states that an official 1313  
criminal investigation has begun regarding a specified person or 1314  
that a criminal action or proceeding has been commenced against 1315  
a specified person, that requests the provider to supply to the 1316  
officer copies of any records the provider possesses that 1317  
pertain to any test or the results of any test administered to 1318  
the specified person to determine the presence or concentration 1319  
of alcohol, a drug of abuse, a combination of them, a controlled 1320  
substance, or a metabolite of a controlled substance in the 1321  
person's whole blood, blood serum or plasma, breath, or urine at 1322  
any time relevant to the criminal offense in question, and that 1323  
conforms to section 2317.022 of the Revised Code, the provider, 1324  
except to the extent specifically prohibited by any law of this 1325  
state or of the United States, shall supply to the officer a 1326  
copy of any of the requested records the provider possesses. If 1327  
the health care provider does not possess any of the requested 1328  
records, the provider shall give the officer a written statement 1329  
that indicates that the provider does not possess any of the 1330  
requested records. 1331

(b) If a health care provider possesses any records of the 1332  
type described in division (B) (2) (a) of this section regarding 1333  
the person in question at any time relevant to the criminal 1334

offense in question, in lieu of personally testifying as to the 1335  
results of the test in question, the custodian of the records 1336  
may submit a certified copy of the records, and, upon its 1337  
submission, the certified copy is qualified as authentic 1338  
evidence and may be admitted as evidence in accordance with the 1339  
Rules of Evidence. Division (A) of section 2317.422 of the 1340  
Revised Code does not apply to any certified copy of records 1341  
submitted in accordance with this division. Nothing in this 1342  
division shall be construed to limit the right of any party to 1343  
call as a witness the person who administered the test to which 1344  
the records pertain, the person under whose supervision the test 1345  
was administered, the custodian of the records, the person who 1346  
made the records, or the person under whose supervision the 1347  
records were made. 1348

(3) (a) If the testimonial privilege described in division 1349  
(B) (1) of this section does not apply as provided in division 1350  
(B) (1) (a) (iii) of this section, a physician, advanced practice 1351  
registered nurse, or dentist may be compelled to testify or to 1352  
submit to discovery under the Rules of Civil Procedure only as 1353  
to a communication made to the physician, advanced practice 1354  
registered nurse, or dentist by the patient in question in that 1355  
relation, or the advice of the physician, advanced practice 1356  
registered nurse, or dentist given to the patient in question, 1357  
that related causally or historically to physical or mental 1358  
injuries that are relevant to issues in the medical claim, 1359  
dental claim, chiropractic claim, or optometric claim, action 1360  
for wrongful death, other civil action, or claim under Chapter 1361  
4123. of the Revised Code. 1362

(b) If the testimonial privilege described in division (B) 1363  
(1) of this section does not apply to a physician, advanced 1364  
practice registered nurse, or dentist as provided in division 1365

(B) (1) (c) of this section, the physician, advanced practice registered nurse, or dentist, in lieu of personally testifying as to the results of the test in question, may submit a certified copy of those results, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of the Revised Code does not apply to any certified copy of results submitted in accordance with this division. Nothing in this division shall be construed to limit the right of any party to call as a witness the person who administered the test in question, the person under whose supervision the test was administered, the custodian of the results of the test, the person who compiled the results, or the person under whose supervision the results were compiled.

(4) The testimonial privilege described in division (B) (1) of this section is not waived when a communication is made by a physician or advanced practice registered nurse to a pharmacist or when there is communication between a patient and a pharmacist in furtherance of the physician-patient or advanced practice registered nurse-patient relation.

(5) (a) As used in divisions (B) (1) to (4) of this section, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a physician, advanced practice registered nurse, or dentist to diagnose, treat, prescribe, or act for a patient. A "communication" may include, but is not limited to, any medical or dental, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis.



(b) As used in division (B) (2) of this section, "health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner. 1396  
1397  
1398  
1399

(c) As used in division (B) (5) (b) of this section: 1400

(i) "Ambulatory care facility" means a facility that 1401  
provides medical, diagnostic, or surgical treatment to patients 1402  
who do not require hospitalization, including a dialysis center, 1403  
ambulatory surgical facility, cardiac catheterization facility, 1404  
diagnostic imaging center, extracorporeal shock wave lithotripsy 1405  
center, home health agency, inpatient hospice, birthing center, 1406  
radiation therapy center, emergency facility, and an urgent care 1407  
center. "Ambulatory health care facility" does not include the 1408  
private office of a physician, advanced practice registered 1409  
nurse, or dentist, whether the office is for an individual or 1410  
group practice. 1411

(ii) "Emergency facility" means a hospital emergency 1412  
department or any other facility that provides emergency medical 1413  
services. 1414

(iii) "Health care practitioner" has the same meaning as 1415  
in section 4769.01 of the Revised Code. 1416

(iv) "Hospital" has the same meaning as in section 3727.01 1417  
of the Revised Code. 1418

(v) "Long-term care facility" means a nursing home, 1419  
residential care facility, or home for the aging, as those terms 1420  
are defined in section 3721.01 of the Revised Code; a 1421  
residential facility licensed under section 5119.34 of the 1422  
Revised Code that provides accommodations, supervision, and 1423  
personal care services for three to sixteen unrelated adults; a 1424

nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code.

(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.

(d) As used in divisions (B) (1) and (2) of this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

(6) Divisions (B) (1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, advanced practice registered nurses, and dentists.

(7) Nothing in divisions (B) (1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 of the Revised Code or the immunity from civil liability conferred by section 2305.33 of the Revised Code upon physicians or advanced practice registered nurses who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B) (7) of this section, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code and "advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(C) (1) A cleric, when the cleric remains accountable to the authority of that cleric's church, denomination, or sect,

concerning a confession made, or any information confidentially 1454  
communicated, to the cleric for a religious counseling purpose 1455  
in the cleric's professional character. The cleric may testify 1456  
by express consent of the person making the communication, 1457  
except when the disclosure of the information is in violation of 1458  
a sacred trust and except that, if the person voluntarily 1459  
testifies or is deemed by division (A) (4) (c) of section 2151.421 1460  
of the Revised Code to have waived any testimonial privilege 1461  
under this division, the cleric may be compelled to testify on 1462  
the same subject except when disclosure of the information is in 1463  
violation of a sacred trust. 1464

(2) As used in division (C) of this section: 1465

(a) "Cleric" means a member of the clergy, rabbi, priest, 1466  
Christian Science practitioner, or regularly ordained, 1467  
accredited, or licensed minister of an established and legally 1468  
cognizable church, denomination, or sect. 1469

(b) "Sacred trust" means a confession or confidential 1470  
communication made to a cleric in the cleric's ecclesiastical 1471  
capacity in the course of discipline enjoined by the church to 1472  
which the cleric belongs, including, but not limited to, the 1473  
Catholic Church, if both of the following apply: 1474

(i) The confession or confidential communication was made 1475  
directly to the cleric. 1476

(ii) The confession or confidential communication was made 1477  
in the manner and context that places the cleric specifically 1478  
and strictly under a level of confidentiality that is considered 1479  
inviolable by canon law or church doctrine. 1480

(D) ~~Husband or wife~~ Spouses, concerning any communication 1481  
made by one to the other, or an act done by either in the 1482

presence of the other, during coverture, unless the 1483  
communication was made, or act done, in the known presence or 1484  
hearing of a third person competent to be a witness; and such 1485  
rule is the same if the marital relation has ceased to exist; 1486

(E) A person who assigns a claim or interest, concerning 1487  
any matter in respect to which the person would not, if a party, 1488  
be permitted to testify; 1489

(F) A person who, if a party, would be restricted under 1490  
section 2317.03 of the Revised Code, when the property or thing 1491  
is sold or transferred by an executor, administrator, guardian, 1492  
trustee, heir, devisee, or legatee, shall be restricted in the 1493  
same manner in any action or proceeding concerning the property 1494  
or thing. 1495

(G) (1) A school guidance counselor who holds a valid 1496  
educator license from the state board of education as provided 1497  
for in section 3319.22 of the Revised Code, a person licensed 1498  
under Chapter 4757. of the Revised Code as a licensed 1499  
professional clinical counselor, licensed professional 1500  
counselor, social worker, independent social worker, marriage 1501  
and family therapist or independent marriage and family 1502  
therapist, or registered under Chapter 4757. of the Revised Code 1503  
as a social work assistant concerning a confidential 1504  
communication received from a client in that relation or the 1505  
person's advice to a client unless any of the following applies: 1506

(a) The communication or advice indicates clear and 1507  
present danger to the client or other persons. For the purposes 1508  
of this division, cases in which there are indications of 1509  
present or past child abuse or neglect of the client constitute 1510  
a clear and present danger. 1511

(b) The client gives express consent to the testimony.	1512
(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.	1513 1514 1515
(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.	1516 1517 1518 1519
(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client, marriage and family therapist-client, or social worker-client relationship.	1520 1521 1522 1523
(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.	1524 1525 1526 1527
(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.	1528 1529 1530 1531 1532 1533 1534
(2) Nothing in division (G) (1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code.	1535 1536 1537 1538 1539
(H) A mediator acting under a mediation order issued under	1540

division (A) of section 3109.052 of the Revised Code or 1541  
otherwise issued in any proceeding for divorce, dissolution, 1542  
legal separation, annulment, or the allocation of parental 1543  
rights and responsibilities for the care of children, in any 1544  
action or proceeding, other than a criminal, delinquency, child 1545  
abuse, child neglect, or dependent child action or proceeding, 1546  
that is brought by or against either parent who takes part in 1547  
mediation in accordance with the order and that pertains to the 1548  
mediation process, to any information discussed or presented in 1549  
the mediation process, to the allocation of parental rights and 1550  
responsibilities for the care of the parents' children, or to 1551  
the awarding of parenting time rights in relation to their 1552  
children; 1553

(I) A communications assistant, acting within the scope of 1554  
the communication assistant's authority, when providing 1555  
telecommunications relay service pursuant to section 4931.06 of 1556  
the Revised Code or Title II of the "Communications Act of 1557  
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1558  
communication made through a telecommunications relay service. 1559  
Nothing in this section shall limit the obligation of a 1560  
communications assistant to divulge information or testify when 1561  
mandated by federal law or regulation or pursuant to subpoena in 1562  
a criminal proceeding. 1563

Nothing in this section shall limit any immunity or 1564  
privilege granted under federal law or regulation. 1565

(J) (1) A chiropractor in a civil proceeding concerning a 1566  
communication made to the chiropractor by a patient in that 1567  
relation or the chiropractor's advice to a patient, except as 1568  
otherwise provided in this division. The testimonial privilege 1569  
established under this division does not apply, and a 1570

chiropractor may testify or may be compelled to testify, in any 1571  
civil action, in accordance with the discovery provisions of the 1572  
Rules of Civil Procedure in connection with a civil action, or 1573  
in connection with a claim under Chapter 4123. of the Revised 1574  
Code, under any of the following circumstances: 1575

(a) If the patient or the guardian or other legal 1576  
representative of the patient gives express consent. 1577

(b) If the patient is deceased, the spouse of the patient 1578  
or the executor or administrator of the patient's estate gives 1579  
express consent. 1580

(c) If a medical claim, dental claim, chiropractic claim, 1581  
or optometric claim, as defined in section 2305.113 of the 1582  
Revised Code, an action for wrongful death, any other type of 1583  
civil action, or a claim under Chapter 4123. of the Revised Code 1584  
is filed by the patient, the personal representative of the 1585  
estate of the patient if deceased, or the patient's guardian or 1586  
other legal representative. 1587

(2) If the testimonial privilege described in division (J) 1588  
(1) of this section does not apply as provided in division (J) 1589  
(1)(c) of this section, a chiropractor may be compelled to 1590  
testify or to submit to discovery under the Rules of Civil 1591  
Procedure only as to a communication made to the chiropractor by 1592  
the patient in question in that relation, or the chiropractor's 1593  
advice to the patient in question, that related causally or 1594  
historically to physical or mental injuries that are relevant to 1595  
issues in the medical claim, dental claim, chiropractic claim, 1596  
or optometric claim, action for wrongful death, other civil 1597  
action, or claim under Chapter 4123. of the Revised Code. 1598

(3) The testimonial privilege established under this 1599

division does not apply, and a chiropractor may testify or be 1600  
compelled to testify, in any criminal action or administrative 1601  
proceeding. 1602

(4) As used in this division, "communication" means 1603  
acquiring, recording, or transmitting any information, in any 1604  
manner, concerning any facts, opinions, or statements necessary 1605  
to enable a chiropractor to diagnose, treat, or act for a 1606  
patient. A communication may include, but is not limited to, any 1607  
chiropractic, office, or hospital communication such as a 1608  
record, chart, letter, memorandum, laboratory test and results, 1609  
x-ray, photograph, financial statement, diagnosis, or prognosis. 1610

(K) (1) Except as provided under division (K) (2) of this 1611  
section, a critical incident stress management team member 1612  
concerning a communication received from an individual who 1613  
receives crisis response services from the team member, or the 1614  
team member's advice to the individual, during a debriefing 1615  
session. 1616

(2) The testimonial privilege established under division 1617  
(K) (1) of this section does not apply if any of the following 1618  
are true: 1619

(a) The communication or advice indicates clear and 1620  
present danger to the individual who receives crisis response 1621  
services or to other persons. For purposes of this division, 1622  
cases in which there are indications of present or past child 1623  
abuse or neglect of the individual constitute a clear and 1624  
present danger. 1625

(b) The individual who received crisis response services 1626  
gives express consent to the testimony. 1627

(c) If the individual who received crisis response 1628



services is deceased, the surviving spouse or the executor or 1629  
administrator of the estate of the deceased individual gives 1630  
express consent. 1631

(d) The individual who received crisis response services 1632  
voluntarily testifies, in which case the team member may be 1633  
compelled to testify on the same subject. 1634

(e) The court in camera determines that the information 1635  
communicated by the individual who received crisis response 1636  
services is not germane to the relationship between the 1637  
individual and the team member. 1638

(f) The communication or advice pertains or is related to 1639  
any criminal act. 1640

(3) As used in division (K) of this section: 1641

(a) "Crisis response services" means consultation, risk 1642  
assessment, referral, and on-site crisis intervention services 1643  
provided by a critical incident stress management team to 1644  
individuals affected by crisis or disaster. 1645

(b) "Critical incident stress management team member" or 1646  
"team member" means an individual specially trained to provide 1647  
crisis response services as a member of an organized community 1648  
or local crisis response team that holds membership in the Ohio 1649  
critical incident stress management network. 1650

(c) "Debriefing session" means a session at which crisis 1651  
response services are rendered by a critical incident stress 1652  
management team member during or after a crisis or disaster. 1653

(L) (1) Subject to division (L) (2) of this section and 1654  
except as provided in division (L) (3) of this section, an 1655  
employee assistance professional, concerning a communication 1656

made to the employee assistance professional by a client in the 1657  
employee assistance professional's official capacity as an 1658  
employee assistance professional. 1659

(2) Division (L)(1) of this section applies to an employee 1660  
assistance professional who meets either or both of the 1661  
following requirements: 1662

(a) Is certified by the employee assistance certification 1663  
commission to engage in the employee assistance profession; 1664

(b) Has education, training, and experience in all of the 1665  
following: 1666

(i) Providing workplace-based services designed to address 1667  
employer and employee productivity issues; 1668

(ii) Providing assistance to employees and employees' 1669  
dependents in identifying and finding the means to resolve 1670  
personal problems that affect the employees or the employees' 1671  
performance; 1672

(iii) Identifying and resolving productivity problems 1673  
associated with an employee's concerns about any of the 1674  
following matters: health, marriage, family, finances, substance 1675  
abuse or other addiction, workplace, law, and emotional issues; 1676

(iv) Selecting and evaluating available community 1677  
resources; 1678

(v) Making appropriate referrals; 1679

(vi) Local and national employee assistance agreements; 1680

(vii) Client confidentiality. 1681

(3) Division (L)(1) of this section does not apply to any 1682  
of the following: 1683

(a) A criminal action or proceeding involving an offense 1684  
under sections 2903.01 to 2903.06 of the Revised Code if the 1685  
employee assistance professional's disclosure or testimony 1686  
relates directly to the facts or immediate circumstances of the 1687  
offense; 1688

(b) A communication made by a client to an employee 1689  
assistance professional that reveals the contemplation or 1690  
commission of a crime or serious, harmful act; 1691

(c) A communication that is made by a client who is an 1692  
unemancipated minor or an adult adjudicated to be incompetent 1693  
and indicates that the client was the victim of a crime or 1694  
abuse; 1695

(d) A civil proceeding to determine an individual's mental 1696  
competency or a criminal action in which a plea of not guilty by 1697  
reason of insanity is entered; 1698

(e) A civil or criminal malpractice action brought against 1699  
the employee assistance professional; 1700

(f) When the employee assistance professional has the 1701  
express consent of the client or, if the client is deceased or 1702  
disabled, the client's legal representative; 1703

(g) When the testimonial privilege otherwise provided by 1704  
division (L)(1) of this section is abrogated under law. 1705

**Sec. 2719.06.** The court of common pleas may correct, 1706  
amend, and relieve against errors, defects, or mistakes 1707  
occurring in the deed or other conveyance of ~~a husband and wife~~ 1708  
spouses, executed and intended to convey or encumber the lands 1709  
or estate of ~~the wife~~ one spouse, or ~~her~~ the spouse's right of 1710  
dower in the lands of ~~her husband~~ the other spouse, in the 1711  
manner and to the extent that such courts are authorized to 1712

correct errors, mistakes, or defects in the deeds or conveyances 1713  
of other persons. 1714

**Sec. 2907.26.** (A) In any case in which it is necessary to 1715  
prove that a place is a brothel, evidence as to the reputation 1716  
of such place and as to the reputation of the persons who 1717  
inhabit or frequent it, is admissible on the question of whether 1718  
such place is or is not a brothel. 1719

(B) In any case in which it is necessary to prove that a 1720  
person is a prostitute, evidence as to the reputation of such 1721  
person is admissible on the question of whether such person is 1722  
or is not a prostitute. 1723

(C) In any prosecution for a violation of sections 2907.21 1724  
to 2907.25 of the Revised Code, proof of a prior conviction of 1725  
the accused of any such offense or substantially equivalent 1726  
offense is admissible in support of the charge. 1727

(D) The prohibition contained in division (D) of section 1728  
2317.02 of the Revised Code against testimony by a ~~husband or~~ 1729  
~~wife~~ spouse concerning communications between them does not 1730  
apply, and the accused's spouse may testify concerning any such 1731  
communication, in any of the following cases: 1732

(1) When the ~~husband or wife~~ spouse is charged with a 1733  
violation of section 2907.21 of the Revised Code, and the spouse 1734  
testifying was the victim of the offense; 1735

(2) When the ~~husband or wife~~ spouse is charged with a 1736  
violation of section 2907.22 of the Revised Code, and the spouse 1737  
testifying was the prostitute involved in the offense, or the 1738  
person transported, induced, or procured by the offender to 1739  
engage in sexual activity for hire; 1740

(3) When the ~~husband or wife~~ spouse is charged with a 1741

violation of section 2907.23 of the Revised Code, and the spouse 1742  
testifying was the prostitute involved in the offense or the 1743  
person who used the offender's premises to engage in sexual 1744  
activity for hire; 1745

(4) When the ~~husband or wife~~ spouse is charged with a 1746  
violation of section 2907.24 or 2907.25 of the Revised Code. 1747

**Sec. 2921.22.** (A) (1) Except as provided in division (A) (2) 1748  
of this section, no person, knowing that a felony has been or is 1749  
being committed, shall knowingly fail to report such information 1750  
to law enforcement authorities. 1751

(2) No person, knowing that a violation of division (B) of 1752  
section 2913.04 of the Revised Code has been, or is being 1753  
committed or that the person has received information derived 1754  
from such a violation, shall knowingly fail to report the 1755  
violation to law enforcement authorities. 1756

(B) Except for conditions that are within the scope of 1757  
division (E) of this section, no person giving aid to a sick or 1758  
injured person shall negligently fail to report to law 1759  
enforcement authorities any gunshot or stab wound treated or 1760  
observed by the person, or any serious physical harm to persons 1761  
that the person knows or has reasonable cause to believe 1762  
resulted from an offense of violence. 1763

(C) No person who discovers the body or acquires the first 1764  
knowledge of the death of a person shall fail to report the 1765  
death immediately to a physician or advanced practice registered 1766  
nurse whom the person knows to be treating the deceased for a 1767  
condition from which death at such time would not be unexpected, 1768  
or to a law enforcement officer, an ambulance service, an 1769  
emergency squad, or the coroner in a political subdivision in 1770

which the body is discovered, the death is believed to have 1771  
occurred, or knowledge concerning the death is obtained. For 1772  
purposes of this division, "advanced practice registered nurse" 1773  
does not include a certified registered nurse anesthetist. 1774

(D) No person shall fail to provide upon request of the 1775  
person to whom a report required by division (C) of this section 1776  
was made, or to any law enforcement officer who has reasonable 1777  
cause to assert the authority to investigate the circumstances 1778  
surrounding the death, any facts within the person's knowledge 1779  
that may have a bearing on the investigation of the death. 1780

(E) (1) As used in this division, "burn injury" means any 1781  
of the following: 1782

(a) Second or third degree burns; 1783

(b) Any burns to the upper respiratory tract or laryngeal 1784  
edema due to the inhalation of superheated air; 1785

(c) Any burn injury or wound that may result in death; 1786

(d) Any physical harm to persons caused by or as the 1787  
result of the use of fireworks, novelties and trick noisemakers, 1788  
and wire sparklers, as each is defined by section 3743.01 of the 1789  
Revised Code. 1790

(2) No physician, nurse, physician assistant, or limited 1791  
practitioner who, outside a hospital, sanitarium, or other 1792  
medical facility, attends or treats a person who has sustained a 1793  
burn injury that is inflicted by an explosion or other 1794  
incendiary device or that shows evidence of having been 1795  
inflicted in a violent, malicious, or criminal manner shall fail 1796  
to report the burn injury immediately to the local arson, or 1797  
fire and explosion investigation, bureau, if there is a bureau 1798  
of this type in the jurisdiction in which the person is attended 1799

or treated, or otherwise to local law enforcement authorities. 1800

(3) No manager, superintendent, or other person in charge 1801  
of a hospital, sanitarium, or other medical facility in which a 1802  
person is attended or treated for any burn injury that is 1803  
inflicted by an explosion or other incendiary device or that 1804  
shows evidence of having been inflicted in a violent, malicious, 1805  
or criminal manner shall fail to report the burn injury 1806  
immediately to the local arson, or fire and explosion 1807  
investigation, bureau, if there is a bureau of this type in the 1808  
jurisdiction in which the person is attended or treated, or 1809  
otherwise to local law enforcement authorities. 1810

(4) No person who is required to report any burn injury 1811  
under division (E) (2) or (3) of this section shall fail to file, 1812  
within three working days after attending or treating the 1813  
victim, a written report of the burn injury with the office of 1814  
the state fire marshal. The report shall comply with the uniform 1815  
standard developed by the state fire marshal pursuant to 1816  
division (A) (15) of section 3737.22 of the Revised Code. 1817

(5) Anyone participating in the making of reports under 1818  
division (E) of this section or anyone participating in a 1819  
judicial proceeding resulting from the reports is immune from 1820  
any civil or criminal liability that otherwise might be incurred 1821  
or imposed as a result of such actions. Notwithstanding section 1822  
4731.22 of the Revised Code, the physician-patient relationship 1823  
or advanced practice registered nurse-patient relationship is 1824  
not a ground for excluding evidence regarding a person's burn 1825  
injury or the cause of the burn injury in any judicial 1826  
proceeding resulting from a report submitted under division (E) 1827  
of this section. 1828

(F) (1) Any doctor of medicine or osteopathic medicine, 1829

hospital intern or resident, nurse, psychologist, social worker, 1830  
independent social worker, social work assistant, licensed 1831  
professional clinical counselor, licensed professional 1832  
counselor, independent marriage and family therapist, or 1833  
marriage and family therapist who knows or has reasonable cause 1834  
to believe that a patient or client has been the victim of 1835  
domestic violence, as defined in section 3113.31 of the Revised 1836  
Code, shall note that knowledge or belief and the basis for it 1837  
in the patient's or client's records. 1838

(2) Notwithstanding section 4731.22 of the Revised Code, 1839  
the physician-patient privilege or advanced practice registered 1840  
nurse-patient privilege shall not be a ground for excluding any 1841  
information regarding the report containing the knowledge or 1842  
belief noted under division (F) (1) of this section, and the 1843  
information may be admitted as evidence in accordance with the 1844  
Rules of Evidence. 1845

(G) Divisions (A) and (D) of this section do not require 1846  
disclosure of information, when any of the following applies: 1847

(1) The information is privileged by reason of the 1848  
relationship between attorney and client; physician and patient; 1849  
advanced practice registered nurse and patient; licensed 1850  
psychologist or licensed school psychologist and client; 1851  
licensed professional clinical counselor, licensed professional 1852  
counselor, independent social worker, social worker, independent 1853  
marriage and family therapist, or marriage and family therapist 1854  
and client; member of the clergy, rabbi, minister, or priest and 1855  
any person communicating information confidentially to the 1856  
member of the clergy, rabbi, minister, or priest for a religious 1857  
counseling purpose of a professional character; ~~husband and wife~~ 1858  
spouses; or a communications assistant and those who are a party 1859



to a telecommunications relay service call. 1860

(2) The information would tend to incriminate a member of 1861  
the actor's immediate family. 1862

(3) Disclosure of the information would amount to 1863  
revealing a news source, privileged under section 2739.04 or 1864  
2739.12 of the Revised Code. 1865

(4) Disclosure of the information would amount to 1866  
disclosure by a member of the ordained clergy of an organized 1867  
religious body of a confidential communication made to that 1868  
member of the clergy in that member's capacity as a member of 1869  
the clergy by a person seeking the aid or counsel of that member 1870  
of the clergy. 1871

(5) Disclosure would amount to revealing information 1872  
acquired by the actor in the course of the actor's duties in 1873  
connection with a bona fide program of treatment or services for 1874  
drug dependent persons or persons in danger of drug dependence, 1875  
which program is maintained or conducted by a hospital, clinic, 1876  
person, agency, or community addiction services provider whose 1877  
alcohol and drug addiction services are certified pursuant to 1878  
section 5119.36 of the Revised Code. 1879

(6) Disclosure would amount to revealing information 1880  
acquired by the actor in the course of the actor's duties in 1881  
connection with a bona fide program for providing counseling 1882  
services to victims of crimes that are violations of section 1883  
2907.02 or 2907.05 of the Revised Code or to victims of 1884  
felonious sexual penetration in violation of former section 1885  
2907.12 of the Revised Code. As used in this division, 1886  
"counseling services" include services provided in an informal 1887  
setting by a person who, by education or experience, is 1888

competent to provide those services.	1889
(H) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.	1890 1891 1892
(I) Whoever violates division (A) or (B) of this section is guilty of failure to report a crime. Violation of division (A) (1) of this section is a misdemeanor of the fourth degree. Violation of division (A) (2) or (B) of this section is a misdemeanor of the second degree.	1893 1894 1895 1896 1897
(J) Whoever violates division (C) or (D) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.	1898 1899 1900
(K) (1) Whoever negligently violates division (E) of this section is guilty of a minor misdemeanor.	1901 1902
(2) Whoever knowingly violates division (E) of this section is guilty of a misdemeanor of the second degree.	1903 1904
(L) As used in this section, "nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse.	1905 1906 1907
<b>Sec. 2933.54.</b> (A) A judge of a court of common pleas to whom an application for an interception warrant is made under section 2933.53 of the Revised Code may issue an interception warrant if the judge determines, on the basis of the facts submitted by the person who made the application and all affiants, that all of the following exist:	1908 1909 1910 1911 1912 1913
(1) The application and affidavits comply with section 2933.53 of the Revised Code.	1914 1915
(2) There is probable cause to believe that a particular	1916

person is committing, has committed, or is about to commit a 1917  
designated offense. 1918

(3) There is probable cause to believe that particular 1919  
communications concerning the designated offense will be 1920  
obtained through the interception of wire, oral, or electronic 1921  
communications. 1922

(4) Normal investigative procedures with respect to the 1923  
designated offense have been tried and have failed or normal 1924  
investigative procedures with respect to the designated offense 1925  
reasonably appear to be unlikely to succeed if tried or to be 1926  
too dangerous to employ in order to obtain evidence. 1927

(5) Except as provided in division (G) (1) of section 1928  
2933.53 of the Revised Code, there is probable cause to believe 1929  
that the communication facilities from which the communications 1930  
are to be intercepted, or the place at which oral communications 1931  
are to be intercepted, are being used or are about to be used in 1932  
connection with the commission of the designated offense or are 1933  
leased to, listed in the name of, or commonly used by a person 1934  
who is the subject of the interception warrant. 1935

(6) The investigative officer has received training that 1936  
satisfies the minimum standards established by the attorney 1937  
general and the Ohio peace officer training commission under 1938  
section 2933.64 of the Revised Code in order to intercept the 1939  
wire, oral, or electronic communication and is able to execute 1940  
the interception sought. 1941

(B) If the communication facilities from which a wire or 1942  
electronic communication is to be intercepted are public 1943  
facilities, the judge of the court of common pleas to whom the 1944  
application for an interception warrant is made shall not issue 1945

an interception warrant unless the judge, in addition to the 1946  
findings specified in division (A) of this section, determines 1947  
that there is a special need to intercept wire or electronic 1948  
communications made from the facilities. 1949

(C) If the facilities from which, or the place at which, 1950  
the wire, oral, or electronic communications are to be 1951  
intercepted are being used by, are about to be used by, are 1952  
leased to, are listed in the name of, or are commonly used by a 1953  
licensed physician, a licensed practicing psychologist, an 1954  
attorney, a practicing ~~clergyman~~ member of the clergy, or a 1955  
journalist or are used primarily for habitation by ~~a husband and~~ 1956  
~~wife~~ two spouses, the judge of the court of common pleas to whom 1957  
the application is made shall not issue an interception warrant 1958  
unless the judge, in addition to the findings specified in 1959  
divisions (A) and (B) of this section, determines that there is 1960  
a special need to intercept wire, oral, or electronic 1961  
communications over the facilities or in those places. No 1962  
otherwise privileged wire, oral, or electronic communication 1963  
shall lose its privileged character because it is intercepted in 1964  
accordance with or in violation of sections 2933.51 to 2933.66 1965  
of the Revised Code. 1966

(D) If an application for an interception warrant does not 1967  
comply with section 2933.53 of the Revised Code, or if the judge 1968  
of a court of common pleas with whom an application is filed is 1969  
not satisfied that grounds exist for issuance of an interception 1970  
warrant, the judge shall deny the application. 1971

(E) An interception warrant shall terminate when the 1972  
objective of the warrant has been achieved or upon the 1973  
expiration of thirty days after the date of commencement of the 1974  
warrant as specified in this division, whichever occurs first, 1975

unless an extension is granted as described in this division. 1976  
The date of commencement of an interception warrant is the day 1977  
on which an investigative or law enforcement officer first 1978  
begins to conduct an interception under the warrant, or the day 1979  
that is ten days after the warrant is issued, whichever is 1980  
earlier. A judge of a court of common pleas may grant extensions 1981  
of a warrant pursuant to section 2933.55 of the Revised Code. 1982

(F) If a judge of a court of common pleas issues an 1983  
interception warrant, the judge shall make a finding as to the 1984  
objective of the warrant. 1985

**Sec. 2945.42.** No person is disqualified as a witness in a 1986  
criminal prosecution by reason of the person's interest in the 1987  
prosecution as a party or otherwise or by reason of the person's 1988  
conviction of crime. ~~Husband and wife~~ Both spouses are competent 1989  
witnesses to testify in behalf of each other in all criminal 1990  
prosecutions and to testify against each other in all actions, 1991  
prosecutions, and proceedings for personal injury of either by 1992  
the other, bigamy, or failure to provide for, neglect of, or 1993  
cruelty to their children under eighteen years of age or their 1994  
physically or mentally handicapped child under twenty-one years 1995  
of age. A spouse may testify against his or her spouse in a 1996  
prosecution under a provision of sections 2903.11 to 2903.13, 1997  
2919.21, 2919.22, or 2919.25 of the Revised Code for cruelty to, 1998  
neglect of, or abandonment of such spouse, in a prosecution 1999  
against his or her spouse under section 2903.211 or 2911.211, of 2000  
the Revised Code for the commission of the offense against the 2001  
spouse who is testifying, in a prosecution under section 2919.27 2002  
of the Revised Code involving a protection order issued or 2003  
consent agreement approved pursuant to section 2919.26 or 2004  
3113.31 of the Revised Code for the commission of the offense 2005  
against the spouse who is testifying, or in a prosecution under 2006

section 2907.02 of the Revised Code for the commission of rape 2007  
or under former section 2907.12 of the Revised Code for 2008  
felonious sexual penetration against such spouse in a case in 2009  
which the offense can be committed against a spouse. Such 2010  
interest, conviction, or relationship may be shown for the 2011  
purpose of affecting the credibility of the witness. ~~Husband or~~ 2012  
~~wife~~ Neither spouse shall not testify concerning a communication 2013  
made by one to the other, or act done by either in the presence 2014  
of the other, during coverture, unless the communication was 2015  
made or act done in the known presence or hearing of a third 2016  
person competent to be a witness, or in case of personal injury 2017  
by either ~~the husband or wife~~ spouse to the other, or rape or 2018  
the former offense of felonious sexual penetration in a case in 2019  
which the offense can be committed against a spouse, or bigamy, 2020  
or failure to provide for, or neglect or cruelty of either to 2021  
their children under eighteen years of age or their physically 2022  
or mentally handicapped child under twenty-one years of age, 2023  
violation of a protection order or consent agreement, or neglect 2024  
or abandonment of a spouse under a provision of those sections. 2025  
The presence or whereabouts of ~~the husband or wife~~ a spouse is 2026  
not an act under this section. The rule is the same if the 2027  
marital relation has ceased to exist. 2028

**Sec. 3101.01.** (A) Male persons of the age of eighteen 2029  
years, and female persons of the age of sixteen years, not 2030  
nearer of kin than second cousins, and not having a ~~husband or~~ 2031  
~~wife~~ spouse living, may ~~be joined in~~ enter into marriage. A 2032  
marriage may only be entered into ~~by one man and one woman~~ 2033  
between two persons. A minor shall first obtain the consent of 2034  
the minor's parents, surviving parent, parent who is designated 2035  
the residential parent and legal custodian of the minor by a 2036  
court of competent jurisdiction, guardian, or any one of the 2037

following who has been awarded permanent custody of the minor by 2038  
a court exercising juvenile jurisdiction: 2039

(1) An adult person; 2040

(2) The department of job and family services or any child 2041  
welfare organization certified by the department; 2042

(3) A public children services agency. 2043

(B) For the purposes of division (A) of this section, a 2044  
minor shall not be required to obtain the consent of a parent 2045  
who resides in a foreign country, has neglected or abandoned the 2046  
minor for a period of one year or longer immediately preceding 2047  
the minor's application for a marriage license, has been 2048  
adjudged incompetent, is an inmate of a state mental or 2049  
correctional institution, has been permanently deprived of 2050  
parental rights and responsibilities for the care of the minor 2051  
and the right to have the minor live with the parent and to be 2052  
the legal custodian of the minor by a court exercising juvenile 2053  
jurisdiction, or has been deprived of parental rights and 2054  
responsibilities for the care of the minor and the right to have 2055  
the minor live with the parent and to be the legal custodian of 2056  
the minor by the appointment of a guardian of the person of the 2057  
minor by the probate court or by another court of competent 2058  
jurisdiction. 2059

~~(C) (1) Any marriage between persons of the same sex is 2060  
against the strong public policy of this state. Any marriage 2061  
between persons of the same sex shall have no legal force or 2062  
effect in this state and, if attempted to be entered into in 2063  
this state, is void ab initio and shall not be recognized by 2064  
this state. 2065~~

~~(2) Any marriage entered into by persons of the same sex 2066~~

~~in any other jurisdiction shall be considered and treated in all  
respects as having no legal force or effect in this state and  
shall not be recognized by this state.~~ 2067  
2068  
2069

~~(3) The recognition or extension by the state of the  
specific statutory benefits of a legal marriage to nonmarital  
relationships between persons of the same sex or different sexes  
is against the strong public policy of this state. Any public  
act, record, or judicial proceeding of this state, as defined in  
section 9.82 of the Revised Code, that extends the specific  
statutory benefits of legal marriage to nonmarital relationships  
between persons of the same sex or different sexes is void ab  
initio. Nothing in division (C) (3) of this section shall be  
construed to do either of the following:~~ 2070  
2071  
2072  
2073  
2074  
2075  
2076  
2077  
2078  
2079

~~(a) Prohibit the extension of specific benefits otherwise  
enjoyed by all persons, married or unmarried, to nonmarital  
relationships between persons of the same sex or different  
sexes, including the extension of benefits conferred by any  
statute that is not expressly limited to married persons, which  
includes but is not limited to benefits available under Chapter  
4117. of the Revised Code;~~ 2080  
2081  
2082  
2083  
2084  
2085  
2086

~~(b) Affect the validity of private agreements that are  
otherwise valid under the laws of this state.~~ 2087  
2088

~~(4) Any public act, record, or judicial proceeding of any  
other state, country, or other jurisdiction outside this state  
that extends the specific benefits of legal marriage to  
nonmarital relationships between persons of the same sex or  
different sexes shall be considered and treated in all respects  
as having no legal force or effect in this state and shall not  
be recognized by this state.~~ 2089  
2090  
2091  
2092  
2093  
2094  
2095



**Sec. 3101.08.** An ordained or licensed minister of any 2096  
religious society or congregation within this state who is 2097  
licensed to solemnize marriages, a judge of a county court in 2098  
accordance with section 1907.18 of the Revised Code, a judge of 2099  
a municipal court in accordance with section 1901.14 of the 2100  
Revised Code, a probate judge in accordance with section 2101.27 2101  
of the Revised Code, the mayor of a municipal corporation in any 2102  
county in which such municipal corporation wholly or partly 2103  
lies, the superintendent of the state school for the deaf, or 2104  
any religious society in conformity with the rules of its 2105  
church, may join together as ~~husband and wife~~ spouses any 2106  
persons who are not prohibited by law from being joined in 2107  
marriage. 2108

**Sec. 3101.13.** Except as otherwise provided in this 2109  
section, a certificate of every marriage solemnized shall be 2110  
transmitted by the authorized person solemnizing the marriage, 2111  
within thirty days after the solemnization, to the probate judge 2112  
of the county in which the marriage license was issued. If, in 2113  
accordance with section 2101.27 of the Revised Code, a probate 2114  
judge solemnizes a marriage and if the probate judge issued the 2115  
marriage license to the ~~husband and wife~~ spouses, the probate 2116  
judge shall file a certificate of that solemnized marriage in 2117  
the probate judge's office within thirty days after the 2118  
solemnization. All of the transmitted and filed certificates 2119  
shall be consecutively numbered and recorded in the order in 2120  
which they are received. 2121

**Sec. 3101.14.** Every marriage license shall have printed 2122  
upon it in prominent type the notice that, unless the person 2123  
solemnizing the marriage returns a certificate of the solemnized 2124  
marriage to the probate court that issued the marriage license 2125  
within thirty days after performing the ceremony, or, if the 2126

person solemnizing the marriage is a probate judge who is acting 2127  
in accordance with section 2101.27 of the Revised Code and who 2128  
issued the marriage license to the ~~husband and wife~~ spouses, 2129  
unless that probate judge files a certificate of the solemnized 2130  
marriage in the probate judge's office within thirty days after 2131  
the solemnization, the person or probate judge is guilty of a 2132  
minor misdemeanor and, upon conviction, may be punished by a 2133  
fine of fifty dollars. An envelope suitable for returning the 2134  
certificate of marriage, and addressed to the proper probate 2135  
court, shall be given with each license, except that this 2136  
requirement does not apply if a marriage is to be solemnized by 2137  
a probate judge who is acting in accordance with section 2101.27 2138  
of the Revised Code and who issued the marriage license to the 2139  
~~husband and wife~~ spouses. 2140

**Sec. 3103.01.** ~~Husband and wife~~ Both spouses contract 2141  
towards each other obligations of mutual respect, fidelity, and 2142  
support. 2143

**Sec. 3103.04.** Neither ~~husband nor wife~~ spouse has any 2144  
interest in the property of the other, except as mentioned in 2145  
section 3103.03 of the Revised Code, the right to dower, and the 2146  
right to remain in the mansion house after the death of either. 2147  
Neither can be excluded from the other's dwelling, except upon a 2148  
decree or order of injunction made by a court of competent 2149  
jurisdiction. 2150

**Sec. 3103.05.** A ~~husband or wife~~ spouse may enter into any 2151  
engagement or transaction with the other, or with any other 2152  
person, which either might if unmarried; subject, in 2153  
transactions between themselves, to the general rules which 2154  
control the actions of persons occupying confidential relations 2155  
with each other. 2156

**Sec. 3103.06.** ~~A husband and wife~~ Spouses cannot, by any 2157  
contract with each other, alter their legal relations, except 2158  
that they may agree to an immediate separation and make 2159  
provisions for the support of either of them and their children 2160  
during the separation. 2161

**Sec. 3103.08.** Neither ~~husband nor wife~~ spouse, as such, is 2162  
answerable for the acts of the other. 2163

**Sec. 3105.01.** The court of common pleas may grant divorces 2164  
for the following causes: 2165

(A) Either party had a ~~husband or wife~~ spouse living at 2166  
the time of the marriage from which the divorce is sought; 2167

(B) Willful absence of the adverse party for one year; 2168

(C) Adultery; 2169

(D) Extreme cruelty; 2170

(E) Fraudulent contract; 2171

(F) Any gross neglect of duty; 2172

(G) Habitual drunkenness; 2173

(H) Imprisonment of the adverse party in a state or 2174  
federal correctional institution at the time of filing the 2175  
complaint; 2176

(I) Procurement of a divorce outside this state, by a 2177  
~~husband or wife~~ spouse, by virtue of which the party who 2178  
procured it is released from the obligations of the marriage, 2179  
while those obligations remain binding upon the other party; 2180

(J) On the application of either party, when ~~husband and~~ 2181  
~~wife~~ the spouses have, without interruption for one year, lived 2182  
separate and apart without cohabitation; 2183

(K) Incompatibility, unless denied by either party.	2184
A plea of res judicata or of recrimination with respect to	2185
any provision of this section does not bar either party from	2186
obtaining a divorce on this ground.	2187
<b>Sec. 3105.17.</b> (A) Either party to the marriage may file a	2188
complaint for divorce or for legal separation, and when filed	2189
the other may file a counterclaim for divorce or for legal	2190
separation. The court of common pleas may grant divorces for the	2191
causes set forth in section 3105.01 of the Revised Code. The	2192
court of common pleas may grant legal separation on a complaint	2193
or counterclaim, regardless of whether the parties are living	2194
separately at the time the complaint or counterclaim is filed,	2195
for the following causes:	2196
(1) Either party had a <del>husband or wife</del> <u>spouse</u> living at	2197
the time of the marriage from which legal separation is sought;	2198
(2) Willful absence of the adverse party for one year;	2199
(3) Adultery;	2200
(4) Extreme cruelty;	2201
(5) Fraudulent contract;	2202
(6) Any gross neglect of duty;	2203
(7) Habitual drunkenness;	2204
(8) Imprisonment of the adverse party in a state or	2205
federal correctional institution at the time of filing the	2206
complaint;	2207
(9) On the application of either party, when <del>husband and</del>	2208
<del>wife</del> <u>both spouses</u> have, without interruption for one year, lived	2209
separate and apart without cohabitation;	2210

(10) Incompatibility, unless denied by either party.	2211
(B) The filing of a complaint or counterclaim for legal separation or the granting of a decree of legal separation under this section does not bar either party from filing a complaint or counterclaim for a divorce or annulment or obtaining a divorce or annulment.	2212 2213 2214 2215 2216
<b>Sec. 3105.31.</b> A marriage may be annulled for any of the following causes existing at the time of the marriage:	2217 2218
(A) That the party in whose behalf it is sought to have the marriage annulled was under the age at which persons may be joined in marriage as established by section 3101.01 of the Revised Code, unless after attaining such age such party cohabited with the other as <del>husband or wife</del> <u>a spouse</u> ;	2219 2220 2221 2222 2223
(B) That the former <del>husband or wife</del> <u>spouse</u> of either party was living and the marriage with such <del>former husband or wife</del> <u>spouse</u> was then and still is in force;	2224 2225 2226
(C) That either party has been adjudicated to be mentally incompetent, unless such party after being restored to competency cohabited with the other as <del>husband or wife</del> <u>a spouse</u> ;	2227 2228 2229
(D) That the consent of either party was obtained by fraud, unless such party afterwards, with full knowledge of the facts constituting the fraud, cohabited with the other as <del>husband or wife</del> <u>a spouse</u> ;	2230 2231 2232 2233
(E) That the consent to the marriage of either party was obtained by force, unless such party afterwards cohabited with the other as <del>husband or wife</del> <u>a spouse</u> ;	2234 2235 2236
(F) That the marriage between the parties was never consummated although otherwise valid.	2237 2238

**Sec. 3105.32.** An action to obtain a decree of nullity of a marriage must be commenced within the periods and by the parties as follows:

(A) For the cause mentioned in division (A) of section 3105.31 of the Revised Code, by the party to the marriage who was married under the age at which persons may be joined in marriage as established by section 3101.01 of the Revised Code, within two years after arriving at such age; or by a parent, guardian, or other person having charge of such party at any time before such party has arrived at such age;

(B) For the cause mentioned in division (B) of section 3105.31 of the Revised Code, by either party during the life of the other or by such former ~~husband or wife~~ spouse;

(C) For the cause mentioned in division (C) of section 3105.31 of the Revised Code, by the party aggrieved or a relative or guardian of the party adjudicated mentally incompetent at any time before the death of either party;

(D) For the cause mentioned in division (D) of section 3105.31 of the Revised Code, by the party aggrieved within two years after the discovery of the facts constituting fraud;

(E) For the cause mentioned in division (E) of section 3105.31 of the Revised Code, by the party aggrieved within two years from the date of the said marriage;

(F) For the cause mentioned in division (F) of section 3105.31 of the Revised Code, by the party aggrieved within two years from the date of the marriage.

**Sec. 3107.03.** The following persons may adopt:

(A) ~~A husband and wife~~ Spouses together, at least one of

whom is an adult;	2267
(B) An unmarried adult;	2268
(C) The unmarried minor parent of the person to be adopted;	2269 2270
(D) A married adult without the other spouse joining as a petitioner if any of the following apply:	2271 2272
(1) The other spouse is a parent of the person to be adopted and supports the adoption;	2273 2274
(2) The petitioner and the other spouse are separated under section 3103.06 or 3105.17 of the Revised Code;	2275 2276
(3) The failure of the other spouse to join in the petition or to support the adoption is found by the court to be by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances that make it impossible or unreasonably difficult to obtain either the support or refusal of the other spouse.	2277 2278 2279 2280 2281 2282
<b>Sec. 3109.03.</b> When <del>husband and wife</del> <u>spouses</u> are living separate and apart from each other, or are divorced, and the question as to the parental rights and responsibilities for the care of their children and the place of residence and legal custodian of their children is brought before a court of competent jurisdiction, they shall stand upon an equality as to the parental rights and responsibilities for the care of their children and the place of residence and legal custodian of their children, so far as parenthood is involved.	2283 2284 2285 2286 2287 2288 2289 2290 2291
<b>Sec. 3109.56.</b> When a parent seeks to create a power of attorney pursuant to section 3109.52 of the Revised Code, all of the following apply:	2292 2293 2294

(A) The power of attorney shall be executed by both	2295
parents if any of the following apply:	2296
(1) The parents are married to each other and are living	2297
<del>as husband and wife</del> <u>spouses</u> .	2298
(2) The child is the subject of a shared parenting order	2299
issued pursuant to section 3109.04 of the Revised Code.	2300
(3) The child is the subject of a custody order issued	2301
pursuant to section 3109.04 of the Revised Code unless one of	2302
the following is the case:	2303
(a) The parent who is not the residential parent and legal	2304
custodian is prohibited from receiving a notice of relocation in	2305
accordance with section 3109.051 of the Revised Code.	2306
(b) The parental rights of the parent who is not the	2307
residential parent and legal custodian have been terminated by	2308
order of a juvenile court pursuant to Chapter 2151. of the	2309
Revised Code.	2310
(c) The parent who is not the residential parent and legal	2311
custodian cannot be located with reasonable efforts.	2312
(B) In all other cases, the power of attorney may be	2313
executed only by one of the following persons:	2314
(1) The parent who is the residential parent and legal	2315
custodian of the child, as determined by court order or as	2316
provided in section 3109.042 of the Revised Code;	2317
(2) The parent with whom the child is residing the	2318
majority of the school year in cases in which no court has	2319
issued an order designating a parent as the residential parent	2320
and legal custodian of the child or section 3109.042 of the	2321
Revised Code is not applicable.	2322



**Sec. 3111.92.** The non-spousal artificial insemination of a 2323  
married woman may occur only if both she and her ~~husband~~spouse 2324  
sign a written consent to the artificial insemination as 2325  
described in section 3111.93 of the Revised Code. 2326

**Sec. 3111.93.** (A) Prior to a non-spousal artificial 2327  
insemination, the physician associated with it shall do the 2328  
following: 2329

(1) Obtain the written consent of the recipient on a form 2330  
that the physician shall provide. The written consent shall 2331  
contain all of the following: 2332

(a) The name and address of the recipient and, if married, 2333  
her ~~husband~~spouse; 2334

(b) The name of the physician; 2335

(c) The proposed location of the performance of the 2336  
artificial insemination; 2337

(d) A statement that the recipient and, if married, her 2338  
~~husband~~spouse consent to the artificial insemination; 2339

(e) If desired, a statement that the recipient and, if 2340  
married, her ~~husband~~spouse consent to more than one artificial 2341  
insemination if necessary; 2342

(f) A statement that the donor shall not be advised by the 2343  
physician or another person performing the artificial 2344  
insemination as to the identity of the recipient or, if married, 2345  
her ~~husband~~spouse and that the recipient and, if married, her 2346  
~~husband~~spouse shall not be advised by the physician or another 2347  
person performing the artificial insemination as to the identity 2348  
of the donor; 2349

(g) A statement that the physician is to obtain necessary 2350

semen from a donor and, subject to any agreed upon provision as 2351  
described in division (A) (1) (n) of this section, that the 2352  
recipient and, if married, her ~~husband~~-spouse shall rely upon 2353  
the judgment and discretion of the physician in this regard; 2354

(h) A statement that the recipient and, if married, her 2355  
~~husband~~-spouse understand that the physician cannot be 2356  
responsible for the physical or mental characteristics of any 2357  
child resulting from the artificial insemination; 2358

(i) A statement that there is no guarantee that the 2359  
recipient will become pregnant as a result of the artificial 2360  
insemination; 2361

(j) A statement that the artificial insemination shall 2362  
occur in compliance with sections 3111.88 to 3111.96 of the 2363  
Revised Code; 2364

(k) A brief summary of the paternity consequences of the 2365  
artificial insemination as set forth in section 3111.95 of the 2366  
Revised Code; 2367

(l) The signature of the recipient and, if married, her 2368  
~~husband~~-spouse; 2369

(m) If agreed to, a statement that the artificial 2370  
insemination will be performed by a person who is under the 2371  
supervision and control of the physician; 2372

(n) Any other provision that the physician, the recipient, 2373  
and, if married, her ~~husband~~-spouse agree to include. 2374

(2) Upon request, provide the recipient and, if married, 2375  
her ~~husband~~-spouse with the following information to the extent 2376  
the physician has knowledge of it: 2377

(a) The medical history of the donor, including, but not 2378

limited to, any available genetic history of the donor and 2379  
persons related to him by consanguinity, the blood type of the 2380  
donor, and whether he has an RH factor; 2381

(b) The race, eye and hair color, age, height, and weight 2382  
of the donor; 2383

(c) The educational attainment and talents of the donor; 2384

(d) The religious background of the donor; 2385

(e) Any other information that the donor has indicated may 2386  
be disclosed. 2387

(B) After each non-spousal artificial insemination of a 2388  
woman, the physician associated with it shall note the date of 2389  
the artificial insemination in the physician's records 2390  
pertaining to the woman and the artificial insemination, and 2391  
retain this information as provided in section 3111.94 of the 2392  
Revised Code. 2393

**Sec. 3111.94.** (A) The physician who is associated with a 2394  
non-spousal artificial insemination shall place the written 2395  
consent obtained pursuant to division (A) (1) of section 3111.93 2396  
of the Revised Code, information provided to the recipient and, 2397  
if married, her ~~husband~~-spouse pursuant to division (A) (2) of 2398  
that section, other information concerning the donor that the 2399  
physician possesses, and other matters concerning the artificial 2400  
insemination in a file that shall bear the name of the 2401  
recipient. This file shall be retained by the physician in the 2402  
physician's office separate from any regular medical chart of 2403  
the recipient, and shall be confidential, except as provided in 2404  
divisions (B) and (C) of this section. This file is not a public 2405  
record under section 149.43 of the Revised Code. 2406

(B) The written consent form and information provided to 2407

the recipient and, if married, her ~~husband~~-spouse pursuant to 2408  
division (A) (2) of section 3111.93 of the Revised Code shall be 2409  
open to inspection only until the child born as the result of 2410  
the non-spousal artificial insemination is twenty-one years of 2411  
age, and only to the recipient or, if married, her ~~husband~~- 2412  
spouse upon request to the physician. 2413

(C) Information pertaining to the donor that was not 2414  
provided to the recipient and, if married, her ~~husband~~-spouse 2415  
pursuant to division (A) (2) of section 3111.93 of the Revised 2416  
Code and that the physician possesses shall be kept in the file 2417  
pertaining to the non-spousal artificial insemination for at 2418  
least five years from the date of the artificial insemination. 2419  
At the expiration of this period, the physician may destroy such 2420  
information or retain it in the file. 2421

The physician shall not make this information available 2422  
for inspection by any person during the five-year period or, if 2423  
the physician retains the information after the expiration of 2424  
that period, at any other time, unless the following apply: 2425

(1) A child is born as a result of the artificial 2426  
insemination, an action is filed by the recipient, her ~~husband~~- 2427  
spouse if she is married, or a guardian of the child in the 2428  
domestic relations division or, if there is no domestic 2429  
relations division, the general division of the court of common 2430  
pleas of the county in which the office of the physician is 2431  
located, the child is not twenty-one years of age or older, and 2432  
the court pursuant to division (C) (2) of this section issues an 2433  
order authorizing the inspection of specified types of 2434  
information by the recipient, ~~husband~~-spouse, or guardian; 2435

(2) Prior to issuing an order authorizing an inspection of 2436  
information, the court shall determine, by clear and convincing 2437

evidence, that the information that the recipient, ~~husband~~ 2438  
spouse, or guardian wishes to inspect is necessary for or 2439  
helpful in the medical treatment of the child born as a result 2440  
of the artificial insemination, and shall determine which types 2441  
of information in the file are germane to the medical treatment 2442  
and are to be made available for inspection by the recipient, 2443  
~~husband~~ spouse, or guardian in that regard. An order only shall 2444  
authorize the inspection of information germane to the medical 2445  
treatment of the child. 2446

**Sec. 3111.95.** (A) If a married woman is the subject of a 2447  
non-spousal artificial insemination and if her ~~husband~~ spouse 2448  
consented to the artificial insemination, the ~~husband~~ spouse 2449  
shall be treated in law and regarded as the natural ~~father~~ 2450  
parent of a child conceived as a result of the artificial 2451  
insemination, and a child so conceived shall be treated in law 2452  
and regarded as the natural child of the ~~husband~~ woman's spouse. 2453  
A presumption that arises under division (A) (1) or (2) of 2454  
section 3111.03 of the Revised Code is conclusive with respect 2455  
to this ~~father~~ parent and child relationship, and no action or 2456  
proceeding under sections 3111.01 to 3111.18 or sections 3111.38 2457  
to 3111.54 of the Revised Code shall affect the relationship. 2458

(B) If a woman is the subject of a non-spousal artificial 2459  
insemination, the donor shall not be treated in law or regarded 2460  
as the natural father of a child conceived as a result of the 2461  
artificial insemination, and a child so conceived shall not be 2462  
treated in law or regarded as the natural child of the donor. No 2463  
action or proceeding under sections 3111.01 to 3111.18 or 2464  
sections 3111.38 to 3111.54 of the Revised Code shall affect 2465  
these consequences. 2466

**Sec. 3111.96.** The failure of a physician or person under 2467

the supervision and control of a physician to comply with the 2468  
applicable requirements of sections 3111.88 to 3111.95 of the 2469  
Revised Code shall not affect the legal status, rights, or 2470  
obligations of a child conceived as a result of a non-spousal 2471  
artificial insemination, a recipient, a ~~husband~~recipient's 2472  
spouse who consented to the non-spousal artificial insemination 2473  
~~of his wife~~, or the donor. If a recipient who is married and ~~her~~ 2474  
~~husband~~the recipient's spouse make a good faith effort to 2475  
execute a written consent that is in compliance with section 2476  
3111.93 of the Revised Code relative to a non-spousal artificial 2477  
insemination, the failure of the written consent to so comply 2478  
shall not affect the ~~paternity~~ consequences set forth in 2479  
division (A) of section 3111.95 of the Revised Code. 2480

**Sec. 3111.97.** (A) A woman who gives birth to a child born 2481  
as a result of embryo donation shall be treated in law and 2482  
regarded as the natural mother of the child, and the child shall 2483  
be treated in law and regarded as the natural child of the 2484  
woman. No action or proceeding under this chapter shall affect 2485  
the relationship. 2486

(B) If a married woman gives birth to a child born as a 2487  
result of embryo donation to which her ~~husband~~spouse consented, 2488  
the ~~husband~~spouse shall be treated in law and regarded as the 2489  
natural ~~father~~parent of the child, and the child shall be 2490  
treated in law and regarded as the natural child of the ~~husband~~ 2491  
woman's spouse. A presumption that arises under division (A) (1) 2492  
or (2) of section 3111.03 of the Revised Code is conclusive with 2493  
respect to this ~~father~~parent and child relationship, and no 2494  
action or proceeding under this chapter shall affect the 2495  
relationship. 2496

(C) If a married woman gives birth to a child born as a 2497

result of embryo donation to which her ~~husband~~ spouse has not 2498  
consented, a presumption that arises under division (A) (1) or 2499  
(2) of section 3111.03 of the Revised Code that the ~~husband~~ 2500  
spouse is the ~~father~~ parent of the child may be rebutted by 2501  
clear and convincing evidence that includes the lack of consent 2502  
to the embryo donation. 2503

(D) As used in this division, "donor" means an individual 2504  
who produced genetic material used to create an embryo, consents 2505  
to the implantation of the embryo in a woman who is not the 2506  
individual or the individual's wife, and at the time of the 2507  
embryo donation does not intend to raise the resulting child as 2508  
the individual's own. 2509

If an individual who produced genetic material used to 2510  
create an embryo dies, the other person who produced genetic 2511  
material used to create the embryo may consent to donate the 2512  
embryo. In such a case, the deceased person shall be deemed a 2513  
donor for the purposes of this section. 2514

A donor shall not be treated in law or regarded as a 2515  
parent of a child born as a result of embryo donation. A donor 2516  
shall have no parental responsibilities and shall have no right, 2517  
obligation, or interest with respect to a child resulting from 2518  
the donation. 2519

(E) This section deals with embryo donation for the 2520  
purpose of impregnating a woman so that she can bear a child 2521  
that she intends to raise as her child. 2522

**Sec. 3113.08.** Upon failure of ~~the father or mother~~ either 2523  
parent of a child under eighteen years of age, or of a 2524  
physically or mentally handicapped child under twenty-one years 2525  
of age, or the ~~husband~~ spouse of a pregnant woman to comply with 2526

any order and undertaking provided for in sections 3113.01 to 2527  
3113.14, ~~inclusive~~, of the Revised Code, such person may be 2528  
arrested by the sheriff or other officer, on a warrant issued on 2529  
the praecipe of the prosecuting attorney, and brought before the 2530  
court of common pleas for sentence. Thereupon the court may pass 2531  
sentence, or for good cause shown, may modify the order as to 2532  
the time and amount of payments, or take a new undertaking and 2533  
further suspend sentence, whichever is for the best interests of 2534  
such child or pregnant woman and of the public. 2535

**Sec. 3115.316.** (A) The physical presence of a nonresident 2536  
party who is an individual in a tribunal of this state is not 2537  
required for the establishment, enforcement, or modification of 2538  
a support order or the rendition of a judgment determining 2539  
parentage of a child. 2540

(B) An affidavit, a document substantially complying with 2541  
federally mandated forms, or a document incorporated by 2542  
reference in any of them, which would not be excluded under the 2543  
hearsay rule if given in person, is admissible in evidence if 2544  
given under penalty of perjury by a party or witness residing 2545  
outside this state. 2546

(C) A copy of the record of child-support payments 2547  
certified as a true copy of the original by the custodian of the 2548  
record may be forwarded to a responding tribunal. The copy is 2549  
evidence of facts asserted in it, and is admissible to show 2550  
whether payments were made. 2551

(D) Copies of bills for testing for parentage of a child, 2552  
and for prenatal and postnatal health care of the mother and 2553  
child, furnished to the adverse party at least ten days before 2554  
trial, are admissible in evidence to prove the amount of the 2555  
charges billed and that the charges were reasonable, necessary, 2556



and customary. 2557

(E) Documentary evidence transmitted from outside this 2558  
state to a tribunal of this state by telephone, telecopier, or 2559  
other electronic means that do not provide an original record 2560  
may not be excluded from evidence on an objection based on the 2561  
means of transmission. 2562

(F) In a proceeding under this chapter, a tribunal of this 2563  
state shall permit a party or witness residing outside this 2564  
state to be deposed or to testify under penalty of perjury by 2565  
telephone, audiovisual means, or other electronic means at a 2566  
designated tribunal or other location. A tribunal or support 2567  
enforcement agency of this state shall cooperate with other 2568  
tribunals in designating an appropriate location for the 2569  
deposition or testimony. 2570

(G) If a party called to testify at a civil hearing 2571  
refuses to answer on the ground that the testimony may be self- 2572  
incriminating, the trier of fact may draw an adverse inference 2573  
from the refusal. 2574

(H) A privilege against disclosure of communications 2575  
between spouses does not apply in a proceeding under this 2576  
chapter. 2577

(I) The defense of immunity based on the relationship of 2578  
~~husband and wife~~ spouses or parent and child does not apply in a 2579  
proceeding under this chapter. 2580

(J) A voluntary acknowledgment of paternity, certified as 2581  
a true copy, is admissible to establish parentage of the child. 2582

**Sec. 3127.40.** (A) Unless the court issues a temporary 2583  
emergency order pursuant to section 3127.18 of the Revised Code, 2584  
upon a finding that a petitioner is entitled to immediate 2585

physical custody of the child, the court shall order that the 2586  
petitioner may take immediate physical custody of the child 2587  
unless the respondent establishes either of the following: 2588

(1) That the child custody determination has not been 2589  
registered and confirmed under section 3127.35 of the Revised 2590  
Code and that one of the following circumstances applies: 2591

(a) The issuing court did not have jurisdiction under 2592  
sections 3127.15 to 3127.24 of the Revised Code or a similar 2593  
statute of another state. 2594

(b) The child custody determination for which enforcement 2595  
is sought has been vacated, stayed, or modified by a court of a 2596  
state having jurisdiction to do so under sections 3127.15 to 2597  
3127.24 of the Revised Code or a similar statute of another 2598  
state. 2599

(c) The respondent was entitled to notice of the child 2600  
custody proceeding for which enforcement is sought, but notice 2601  
was not given in accordance with the standards of section 2602  
3127.07 of the Revised Code or a similar statute of another 2603  
state. 2604

(2) That the child custody determination for which 2605  
enforcement is sought was registered and confirmed under section 2606  
3127.35 of the Revised Code but has been vacated, stayed, or 2607  
modified by a court of a state having jurisdiction to do so 2608  
under sections 3127.15 to 3127.24 of the Revised Code or a 2609  
similar statute of another state. 2610

(B) The court shall award the fees, costs, and expenses 2611  
authorized under section 3127.42 of the Revised Code, and may 2612  
grant additional relief, including a request for the assistance 2613  
of law enforcement officials, and shall set a further hearing to 2614

determine whether the additional relief is appropriate. 2615

(C) If a party called to testify in a proceeding to 2616  
enforce a child custody determination refuses to answer on the 2617  
basis that the testimony may be self-incriminating, the court 2618  
may draw an adverse inference from the refusal. 2619

(D) A privilege against disclosure of communications 2620  
between spouses and a defense of immunity based on the 2621  
relationship of ~~husband and wife~~ spouses or parent and child may 2622  
not be invoked in a proceeding under this chapter. 2623

**Sec. 3701.791.** (A) As used in this section, "medical 2624  
emergency" means a condition of a pregnant woman that, in the 2625  
reasonable judgment of the physician who is attending the woman, 2626  
creates an immediate threat of serious risk to the life or 2627  
physical health of the woman from the continuation of the 2628  
pregnancy necessitating the immediate performance or inducement 2629  
of an abortion. 2630

(B) Except as provided in division (D) of this section, an 2631  
office or facility at which abortions are performed or induced 2632  
shall post the notice described in division (C) of this section 2633  
in a conspicuous location in an area of the office or facility 2634  
that is accessible to all patients, employees, and visitors. 2635

The notice shall be displayed on a poster with dimensions 2636  
of at least seventeen inches by eleven inches. The first two 2637  
sentences of the notice shall be printed in at least a forty- 2638  
four-point typeface and the remaining lines shall be in at least 2639  
a thirty-point typeface. 2640

(C) The department of health shall publish the following 2641  
notice on its internet web site in a manner that can be copied 2642  
and produced in poster form: 2643

"NO ONE CAN FORCE YOU TO HAVE AN ABORTION. 2644

NO ONE - NOT A PARENT, NOT A ~~HUSBAND~~ SPOUSE, NOT A 2645  
BOYFRIEND - NO ONE. 2646

Under Ohio law, an abortion cannot be legally performed on 2647  
anyone, regardless of her age, unless she VOLUNTARILY CONSENTS 2648  
to having the abortion. 2649

Ohio law requires that, before an abortion can legally be 2650  
performed, the pregnant female must sign a form indicating that 2651  
she consents to having the abortion "voluntarily" and "WITHOUT 2652  
COERCION BY ANY PERSON." 2653

IF SOMEONE IS TRYING TO FORCE YOU TO HAVE AN ABORTION 2654  
AGAINST YOUR WILL: 2655

DO NOT SIGN THE CONSENT FORM 2656

IF YOU ARE AT AN ABORTION FACILITY, TELL AN EMPLOYEE OF 2657  
THE FACILITY THAT SOMEONE IS TRYING TO FORCE YOU TO HAVE AN 2658  
ABORTION." 2659

(D) Division (B) of this section does not apply to an 2660  
office or facility at which abortions are performed or induced 2661  
due only to a medical emergency. 2662

**Sec. 3705.09.** (A) A birth certificate for each live birth 2663  
in this state shall be filed in the registration district in 2664  
which it occurs within ten calendar days after such birth and 2665  
shall be registered if it has been completed and filed in 2666  
accordance with this section. 2667

(B) When a birth occurs in or en route to an institution, 2668  
the person in charge of the institution or a designated 2669  
representative shall obtain the personal data, prepare the 2670  
certificate, and complete and certify the facts of birth on the 2671

certificate within ten calendar days. The physician or certified nurse-midwife in attendance shall be listed on the birth record. 2672  
2673

(C) When a birth occurs outside an institution, the birth certificate shall be prepared and filed by one of the following in the indicated order of priority: 2674  
2675  
2676

(1) The physician or certified nurse-midwife in attendance at or immediately after the birth; 2677  
2678

(2) Any other person in attendance at or immediately after the birth; 2679  
2680

(3) The father; 2681

(4) The mother; 2682

(5) The person in charge of the premises where the birth occurred. 2683  
2684

(D) Either of the parents of the child or other informant shall attest to the accuracy of the personal data entered on the birth certificate in time to permit the filing of the certificate within the ten days prescribed in this section. 2685  
2686  
2687  
2688

(E) When a birth occurs in a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this state, the birth shall be registered in this state but the record shall show the actual place of birth insofar as can be determined. 2689  
2690  
2691  
2692  
2693  
2694  
2695  
2696  
2697  
2698

(F) (1) If the mother of a child was married at the time of 2699

either conception or birth or between conception and birth, the 2700  
child shall be registered in the surname designated by the 2701  
mother, and the name of the ~~husband~~-spouse shall be entered on 2702  
the certificate as the ~~father~~-parent of the child. The 2703  
presumption of paternity shall be in accordance with section 2704  
3111.03 of the Revised Code. 2705

(2) If the mother was not married at the time of 2706  
conception or birth or between conception and birth, the child 2707  
shall be registered by the surname designated by the mother. The 2708  
name of the father of such child shall also be inserted on the 2709  
birth certificate if both the mother and the father sign an 2710  
acknowledgement of paternity affidavit before the birth record 2711  
has been sent to the local registrar. If the father is not named 2712  
on the birth certificate pursuant to division (F) (1) or (2) of 2713  
this section, no other information about the father shall be 2714  
entered on the record. 2715

(G) When a man is presumed, found, or declared to be the 2716  
father of a child, according to section 2105.26, sections 2717  
3111.01 to 3111.18, former section 3111.21, or sections 3111.38 2718  
to 3111.54 of the Revised Code, or the father has acknowledged 2719  
the child as his child in an acknowledgment of paternity, and 2720  
the acknowledgment has become final pursuant to section 2721  
2151.232, 3111.25, or 3111.821 of the Revised Code, and 2722  
documentary evidence of such fact is submitted to the department 2723  
of health in such form as the director may require, a new birth 2724  
record shall be issued by the department which shall have the 2725  
same overall appearance as the record which would have been 2726  
issued under this section if a marriage had occurred before the 2727  
birth of such child. Where handwriting is required to effect 2728  
such appearance, the department shall supply it. Upon the 2729  
issuance of such new birth record, the original birth record 2730

shall cease to be a public record. Except as provided in 2731  
division (C) of section 3705.091 of the Revised Code, the 2732  
original record and any documentary evidence supporting the new 2733  
registration of birth shall be placed in an envelope which shall 2734  
be sealed by the department and shall not be open to inspection 2735  
or copy unless so ordered by a court of competent jurisdiction. 2736

(H) Every birth certificate filed under this section on or 2737  
after July 1, 1990, shall be accompanied by all social security 2738  
numbers that have been issued to the parents of the child, 2739  
unless the division of child support in the department of job 2740  
and family services, acting in accordance with regulations 2741  
prescribed under the "Family Support Act of 1988," 102 Stat. 2742  
2353, 42 U.S.C.A. 405, as amended, finds good cause for not 2743  
requiring that the numbers be furnished with the certificate. 2744  
The parents' social security numbers shall not be recorded on 2745  
the certificate. No social security number obtained under this 2746  
division shall be used for any purpose other than child support 2747  
enforcement. 2748

**Sec. 3911.08.** In respect to insurance issued upon the life 2749  
of any minor, regardless of the age of the minor at the date of 2750  
the issuance of said insurance, for the benefit of such minor, 2751  
or for the benefit of the father, mother, ~~husband, wife, spouse,~~ 2752  
child, brother, or sister of such minor, the insured is not, by 2753  
reason only of such minority, incompetent to contract for such 2754  
insurance, or for the surrender of such insurance, or to give a 2755  
valid discharge for any benefit accruing, or for money payable 2756  
under the contract, or to contract for the payment of a policy 2757  
loan, or to contract for any policy change, provided ~~he the~~ 2758  
minor is fifteen years of age or older on the date ~~he enters of~~ 2759  
entering into any such contract or ~~gives giving~~ any such 2760  
discharge. 2761

**Sec. 3923.03.** No policy of sickness and accident insurance 2762  
shall be delivered, issued for delivery, or used in this state 2763  
unless all the following requirements are complied with: 2764

(A) The entire money and other considerations therefor are 2765  
expressed therein. 2766

(B) The time at which insurance takes effect and 2767  
terminates is expressed therein. 2768

(C) It purports to insure only one person, except that a 2769  
policy may be issued to the head of a family, who for this 2770  
purpose may be ~~the husband or the wife~~ either spouse and who is 2771  
considered the policyholder, covering any two or more members of 2772  
any one family, including ~~husband, wife~~ spouses, dependent 2773  
children, any children under the age of nineteen, and other 2774  
dependents living with the family. 2775

(D) Every printed portion of the text matter and of any 2776  
indorsements or attached papers shall be printed in uniform type 2777  
of which the face shall be not less than ten point, the "text" 2778  
to include all printed matter except the name and address of the 2779  
insurer, name and title of the policy, captions, subcaptions, 2780  
and form number. The superintendent of insurance shall not 2781  
disapprove any such policy on the ground that every printed 2782  
portion of its text matter or of any indorsement or attached 2783  
paper is not printed in uniform type if it is shown that the 2784  
type used is required to conform to the laws of another state in 2785  
which the insurer is licensed. 2786

(E) The exceptions and reductions of indemnity are 2787  
adequately captioned and clearly set forth in the policy. 2788

(F) Every such policy, including riders and indorsements, 2789  
shall be identified by a form number in the lower left-hand 2790



corner of its first page. 2791

**Sec. 3937.30.** (A) As used in sections 3937.30 to 3937.39 2792  
of the Revised Code, "automobile insurance policy" means an 2793  
insurance policy delivered or issued in this state or covering a 2794  
motor vehicle required to be registered in this state which: 2795

(1) Provides automobile bodily injury or property damage 2796  
liability, or related coverage, or any combination thereof; 2797

(2) Insures as named insured, any of the following: 2798

(a) Any one person; 2799

(b) ~~A husband and wife resident~~ Spouses in the same 2800  
household; 2801

(c) Either ~~a husband or a wife~~ spouse who ~~reside~~ resides 2802  
in the same household if an endorsement on the policy excludes 2803  
the other spouse from coverage under the policy and the spouse 2804  
excluded signs the endorsement. Nothing in division (A) (2) (c) of 2805  
this section shall prevent the issuance of separate policies to 2806  
each spouse or affect the compliance of the policy with Chapter 2807  
4509. of the Revised Code as to the named insured or any 2808  
additional insured. 2809

(3) Does not cover garage, automobile sales agency, repair 2810  
shop, service station, or public parking operation hazards; 2811

(4) Is not issued under an assigned risk plan pursuant to 2812  
section 4509.70 of the Revised Code. 2813

(B) For purposes of this section, "motor vehicle," means a 2814  
self-propelled vehicle designed for and principally used on 2815  
public roads, including an automobile, truck, motorcycle, and a 2816  
motor home, provided the motor home is not stationary and is not 2817  
being used as a temporary or permanent residence or office. 2818

"Motor vehicle" does not include a trailer, motorized bicycle, 2819  
golf cart, off-road recreational vehicle, snowmobile, 2820  
watercraft, construction equipment, farm tractor or other 2821  
vehicle designed and principally used for agricultural purposes, 2822  
mobile home, vehicle traveling on treads or rails, or any 2823  
similar vehicle. 2824

**Sec. 4112.02.** It shall be an unlawful discriminatory 2825  
practice: 2826

(A) For any employer, because of the race, color, 2827  
religion, sex, military status, national origin, disability, 2828  
age, or ancestry of any person, to discharge without just cause, 2829  
to refuse to hire, or otherwise to discriminate against that 2830  
person with respect to hire, tenure, terms, conditions, or 2831  
privileges of employment, or any matter directly or indirectly 2832  
related to employment. 2833

(B) For an employment agency or personnel placement 2834  
service, because of race, color, religion, sex, military status, 2835  
national origin, disability, age, or ancestry, to do any of the 2836  
following: 2837

(1) Refuse or fail to accept, register, classify properly, 2838  
or refer for employment, or otherwise discriminate against any 2839  
person; 2840

(2) Comply with a request from an employer for referral of 2841  
applicants for employment if the request directly or indirectly 2842  
indicates that the employer fails to comply with the provisions 2843  
of sections 4112.01 to 4112.07 of the Revised Code. 2844

(C) For any labor organization to do any of the following: 2845

(1) Limit or classify its membership on the basis of race, 2846  
color, religion, sex, military status, national origin, 2847

disability, age, or ancestry; 2848

(2) Discriminate against, limit the employment 2849  
opportunities of, or otherwise adversely affect the employment 2850  
status, wages, hours, or employment conditions of any person as 2851  
an employee because of race, color, religion, sex, military 2852  
status, national origin, disability, age, or ancestry. 2853

(D) For any employer, labor organization, or joint labor- 2854  
management committee controlling apprentice training programs to 2855  
discriminate against any person because of race, color, 2856  
religion, sex, military status, national origin, disability, or 2857  
ancestry in admission to, or employment in, any program 2858  
established to provide apprentice training. 2859

(E) Except where based on a bona fide occupational 2860  
qualification certified in advance by the commission, for any 2861  
employer, employment agency, personnel placement service, or 2862  
labor organization, prior to employment or admission to 2863  
membership, to do any of the following: 2864

(1) Elicit or attempt to elicit any information concerning 2865  
the race, color, religion, sex, military status, national 2866  
origin, disability, age, or ancestry of an applicant for 2867  
employment or membership; 2868

(2) Make or keep a record of the race, color, religion, 2869  
sex, military status, national origin, disability, age, or 2870  
ancestry of any applicant for employment or membership; 2871

(3) Use any form of application for employment, or 2872  
personnel or membership blank, seeking to elicit information 2873  
regarding race, color, religion, sex, military status, national 2874  
origin, disability, age, or ancestry; but an employer holding a 2875  
contract containing a nondiscrimination clause with the 2876

government of the United States, or any department or agency of 2877  
that government, may require an employee or applicant for 2878  
employment to furnish documentary proof of United States 2879  
citizenship and may retain that proof in the employer's 2880  
personnel records and may use photographic or fingerprint 2881  
identification for security purposes; 2882

(4) Print or publish or cause to be printed or published 2883  
any notice or advertisement relating to employment or membership 2884  
indicating any preference, limitation, specification, or 2885  
discrimination, based upon race, color, religion, sex, military 2886  
status, national origin, disability, age, or ancestry; 2887

(5) Announce or follow a policy of denying or limiting, 2888  
through a quota system or otherwise, employment or membership 2889  
opportunities of any group because of the race, color, religion, 2890  
sex, military status, national origin, disability, age, or 2891  
ancestry of that group; 2892

(6) Utilize in the recruitment or hiring of persons any 2893  
employment agency, personnel placement service, training school 2894  
or center, labor organization, or any other employee-referring 2895  
source known to discriminate against persons because of their 2896  
race, color, religion, sex, military status, national origin, 2897  
disability, age, or ancestry. 2898

(F) For any person seeking employment to publish or cause 2899  
to be published any advertisement that specifies or in any 2900  
manner indicates that person's race, color, religion, sex, 2901  
military status, national origin, disability, age, or ancestry, 2902  
or expresses a limitation or preference as to the race, color, 2903  
religion, sex, military status, national origin, disability, 2904  
age, or ancestry of any prospective employer. 2905

(G) For any proprietor or any employee, keeper, or manager 2906  
of a place of public accommodation to deny to any person, except 2907  
for reasons applicable alike to all persons regardless of race, 2908  
color, religion, sex, military status, national origin, 2909  
disability, age, or ancestry, the full enjoyment of the 2910  
accommodations, advantages, facilities, or privileges of the 2911  
place of public accommodation. 2912

(H) Subject to section 4112.024 of the Revised Code, for 2913  
any person to do any of the following: 2914

(1) Refuse to sell, transfer, assign, rent, lease, 2915  
sublease, or finance housing accommodations, refuse to negotiate 2916  
for the sale or rental of housing accommodations, or otherwise 2917  
deny or make unavailable housing accommodations because of race, 2918  
color, religion, sex, military status, familial status, 2919  
ancestry, disability, or national origin; 2920

(2) Represent to any person that housing accommodations 2921  
are not available for inspection, sale, or rental, when in fact 2922  
they are available, because of race, color, religion, sex, 2923  
military status, familial status, ancestry, disability, or 2924  
national origin; 2925

(3) Discriminate against any person in the making or 2926  
purchasing of loans or the provision of other financial 2927  
assistance for the acquisition, construction, rehabilitation, 2928  
repair, or maintenance of housing accommodations, or any person 2929  
in the making or purchasing of loans or the provision of other 2930  
financial assistance that is secured by residential real estate, 2931  
because of race, color, religion, sex, military status, familial 2932  
status, ancestry, disability, or national origin or because of 2933  
the racial composition of the neighborhood in which the housing 2934  
accommodations are located, provided that the person, whether an 2935

individual, corporation, or association of any type, lends money 2936  
as one of the principal aspects or incident to the person's 2937  
principal business and not only as a part of the purchase price 2938  
of an owner-occupied residence the person is selling nor merely 2939  
casually or occasionally to a relative or friend; 2940

(4) Discriminate against any person in the terms or 2941  
conditions of selling, transferring, assigning, renting, 2942  
leasing, or subleasing any housing accommodations or in 2943  
furnishing facilities, services, or privileges in connection 2944  
with the ownership, occupancy, or use of any housing 2945  
accommodations, including the sale of fire, extended coverage, 2946  
or homeowners insurance, because of race, color, religion, sex, 2947  
military status, familial status, ancestry, disability, or 2948  
national origin or because of the racial composition of the 2949  
neighborhood in which the housing accommodations are located; 2950

(5) Discriminate against any person in the terms or 2951  
conditions of any loan of money, whether or not secured by 2952  
mortgage or otherwise, for the acquisition, construction, 2953  
rehabilitation, repair, or maintenance of housing accommodations 2954  
because of race, color, religion, sex, military status, familial 2955  
status, ancestry, disability, or national origin or because of 2956  
the racial composition of the neighborhood in which the housing 2957  
accommodations are located; 2958

(6) Refuse to consider without prejudice the combined 2959  
income of both ~~husband and wife~~ spouses for the purpose of 2960  
extending mortgage credit to a married couple or either member 2961  
of a married couple; 2962

(7) Print, publish, or circulate any statement or 2963  
advertisement, or make or cause to be made any statement or 2964  
advertisement, relating to the sale, transfer, assignment, 2965

rental, lease, sublease, or acquisition of any housing 2966  
accommodations, or relating to the loan of money, whether or not 2967  
secured by mortgage or otherwise, for the acquisition, 2968  
construction, rehabilitation, repair, or maintenance of housing 2969  
accommodations, that indicates any preference, limitation, 2970  
specification, or discrimination based upon race, color, 2971  
religion, sex, military status, familial status, ancestry, 2972  
disability, or national origin, or an intention to make any such 2973  
preference, limitation, specification, or discrimination; 2974

(8) Except as otherwise provided in division (H) (8) or 2975  
(17) of this section, make any inquiry, elicit any information, 2976  
make or keep any record, or use any form of application 2977  
containing questions or entries concerning race, color, 2978  
religion, sex, military status, familial status, ancestry, 2979  
disability, or national origin in connection with the sale or 2980  
lease of any housing accommodations or the loan of any money, 2981  
whether or not secured by mortgage or otherwise, for the 2982  
acquisition, construction, rehabilitation, repair, or 2983  
maintenance of housing accommodations. Any person may make 2984  
inquiries, and make and keep records, concerning race, color, 2985  
religion, sex, military status, familial status, ancestry, 2986  
disability, or national origin for the purpose of monitoring 2987  
compliance with this chapter. 2988

(9) Include in any transfer, rental, or lease of housing 2989  
accommodations any restrictive covenant, or honor or exercise, 2990  
or attempt to honor or exercise, any restrictive covenant; 2991

(10) Induce or solicit, or attempt to induce or solicit, a 2992  
housing accommodations listing, sale, or transaction by 2993  
representing that a change has occurred or may occur with 2994  
respect to the racial, religious, sexual, military status, 2995

familial status, or ethnic composition of the block, 2996  
neighborhood, or other area in which the housing accommodations 2997  
are located, or induce or solicit, or attempt to induce or 2998  
solicit, a housing accommodations listing, sale, or transaction 2999  
by representing that the presence or anticipated presence of 3000  
persons of any race, color, religion, sex, military status, 3001  
familial status, ancestry, disability, or national origin, in 3002  
the block, neighborhood, or other area will or may have results 3003  
including, but not limited to, the following: 3004

(a) The lowering of property values; 3005

(b) A change in the racial, religious, sexual, military 3006  
status, familial status, or ethnic composition of the block, 3007  
neighborhood, or other area; 3008

(c) An increase in criminal or antisocial behavior in the 3009  
block, neighborhood, or other area; 3010

(d) A decline in the quality of the schools serving the 3011  
block, neighborhood, or other area. 3012

(11) Deny any person access to or membership or 3013  
participation in any multiple-listing service, real estate 3014  
brokers' organization, or other service, organization, or 3015  
facility relating to the business of selling or renting housing 3016  
accommodations, or discriminate against any person in the terms 3017  
or conditions of that access, membership, or participation, on 3018  
account of race, color, religion, sex, military status, familial 3019  
status, national origin, disability, or ancestry; 3020

(12) Coerce, intimidate, threaten, or interfere with any 3021  
person in the exercise or enjoyment of, or on account of that 3022  
person's having exercised or enjoyed or having aided or 3023  
encouraged any other person in the exercise or enjoyment of, any 3024



right granted or protected by division (H) of this section; 3025

(13) Discourage or attempt to discourage the purchase by a 3026  
prospective purchaser of housing accommodations, by representing 3027  
that any block, neighborhood, or other area has undergone or 3028  
might undergo a change with respect to its religious, racial, 3029  
sexual, military status, familial status, or ethnic composition; 3030

(14) Refuse to sell, transfer, assign, rent, lease, 3031  
sublease, or finance, or otherwise deny or withhold, a burial 3032  
lot from any person because of the race, color, sex, military 3033  
status, familial status, age, ancestry, disability, or national 3034  
origin of any prospective owner or user of the lot; 3035

(15) Discriminate in the sale or rental of, or otherwise 3036  
make unavailable or deny, housing accommodations to any buyer or 3037  
renter because of a disability of any of the following: 3038

(a) The buyer or renter; 3039

(b) A person residing in or intending to reside in the 3040  
housing accommodations after they are sold, rented, or made 3041  
available; 3042

(c) Any individual associated with the person described in 3043  
division (H) (15) (b) of this section. 3044

(16) Discriminate in the terms, conditions, or privileges 3045  
of the sale or rental of housing accommodations to any person or 3046  
in the provision of services or facilities to any person in 3047  
connection with the housing accommodations because of a 3048  
disability of any of the following: 3049

(a) That person; 3050

(b) A person residing in or intending to reside in the 3051  
housing accommodations after they are sold, rented, or made 3052

available; 3053

(c) Any individual associated with the person described in 3054  
division (H) (16) (b) of this section. 3055

(17) Except as otherwise provided in division (H) (17) of 3056  
this section, make an inquiry to determine whether an applicant 3057  
for the sale or rental of housing accommodations, a person 3058  
residing in or intending to reside in the housing accommodations 3059  
after they are sold, rented, or made available, or any 3060  
individual associated with that person has a disability, or make 3061  
an inquiry to determine the nature or severity of a disability 3062  
of the applicant or such a person or individual. The following 3063  
inquiries may be made of all applicants for the sale or rental 3064  
of housing accommodations, regardless of whether they have 3065  
disabilities: 3066

(a) An inquiry into an applicant's ability to meet the 3067  
requirements of ownership or tenancy; 3068

(b) An inquiry to determine whether an applicant is 3069  
qualified for housing accommodations available only to persons 3070  
with disabilities or persons with a particular type of 3071  
disability; 3072

(c) An inquiry to determine whether an applicant is 3073  
qualified for a priority available to persons with disabilities 3074  
or persons with a particular type of disability; 3075

(d) An inquiry to determine whether an applicant currently 3076  
uses a controlled substance in violation of section 2925.11 of 3077  
the Revised Code or a substantively comparable municipal 3078  
ordinance; 3079

(e) An inquiry to determine whether an applicant at any 3080  
time has been convicted of or pleaded guilty to any offense, an 3081

element of which is the illegal sale, offer to sell, 3082  
cultivation, manufacture, other production, shipment, 3083  
transportation, delivery, or other distribution of a controlled 3084  
substance. 3085

(18) (a) Refuse to permit, at the expense of a person with 3086  
a disability, reasonable modifications of existing housing 3087  
accommodations that are occupied or to be occupied by the person 3088  
with a disability, if the modifications may be necessary to 3089  
afford the person with a disability full enjoyment of the 3090  
housing accommodations. This division does not preclude a 3091  
landlord of housing accommodations that are rented or to be 3092  
rented to a disabled tenant from conditioning permission for a 3093  
proposed modification upon the disabled tenant's doing one or 3094  
more of the following: 3095

(i) Providing a reasonable description of the proposed 3096  
modification and reasonable assurances that the proposed 3097  
modification will be made in a workerlike manner and that any 3098  
required building permits will be obtained prior to the 3099  
commencement of the proposed modification; 3100

(ii) Agreeing to restore at the end of the tenancy the 3101  
interior of the housing accommodations to the condition they 3102  
were in prior to the proposed modification, but subject to 3103  
reasonable wear and tear during the period of occupancy, if it 3104  
is reasonable for the landlord to condition permission for the 3105  
proposed modification upon the agreement; 3106

(iii) Paying into an interest-bearing escrow account that 3107  
is in the landlord's name, over a reasonable period of time, a 3108  
reasonable amount of money not to exceed the projected costs at 3109  
the end of the tenancy of the restoration of the interior of the 3110  
housing accommodations to the condition they were in prior to 3111

the proposed modification, but subject to reasonable wear and 3112  
tear during the period of occupancy, if the landlord finds the 3113  
account reasonably necessary to ensure the availability of funds 3114  
for the restoration work. The interest earned in connection with 3115  
an escrow account described in this division shall accrue to the 3116  
benefit of the disabled tenant who makes payments into the 3117  
account. 3118

(b) A landlord shall not condition permission for a 3119  
proposed modification upon a disabled tenant's payment of a 3120  
security deposit that exceeds the customarily required security 3121  
deposit of all tenants of the particular housing accommodations. 3122

(19) Refuse to make reasonable accommodations in rules, 3123  
policies, practices, or services when necessary to afford a 3124  
person with a disability equal opportunity to use and enjoy a 3125  
dwelling unit, including associated public and common use areas; 3126

(20) Fail to comply with the standards and rules adopted 3127  
under division (A) of section 3781.111 of the Revised Code; 3128

(21) Discriminate against any person in the selling, 3129  
brokering, or appraising of real property because of race, 3130  
color, religion, sex, military status, familial status, 3131  
ancestry, disability, or national origin; 3132

(22) Fail to design and construct covered multifamily 3133  
dwellings for first occupancy on or after June 30, 1992, in 3134  
accordance with the following conditions: 3135

(a) The dwellings shall have at least one building 3136  
entrance on an accessible route, unless it is impractical to do 3137  
so because of the terrain or unusual characteristics of the 3138  
site. 3139

(b) With respect to dwellings that have a building 3140

entrance on an accessible route, all of the following apply: 3141

(i) The public use areas and common use areas of the 3142  
dwellings shall be readily accessible to and usable by persons 3143  
with a disability. 3144

(ii) All the doors designed to allow passage into and 3145  
within all premises shall be sufficiently wide to allow passage 3146  
by persons with a disability who are in wheelchairs. 3147

(iii) All premises within covered multifamily dwelling 3148  
units shall contain an accessible route into and through the 3149  
dwelling; all light switches, electrical outlets, thermostats, 3150  
and other environmental controls within such units shall be in 3151  
accessible locations; the bathroom walls within such units shall 3152  
contain reinforcements to allow later installation of grab bars; 3153  
and the kitchens and bathrooms within such units shall be 3154  
designed and constructed in a manner that enables an individual 3155  
in a wheelchair to maneuver about such rooms. 3156

For purposes of division (H) (22) of this section, "covered 3157  
multifamily dwellings" means buildings consisting of four or 3158  
more units if such buildings have one or more elevators and 3159  
ground floor units in other buildings consisting of four or more 3160  
units. 3161

(I) For any person to discriminate in any manner against 3162  
any other person because that person has opposed any unlawful 3163  
discriminatory practice defined in this section or because that 3164  
person has made a charge, testified, assisted, or participated 3165  
in any manner in any investigation, proceeding, or hearing under 3166  
sections 4112.01 to 4112.07 of the Revised Code. 3167

(J) For any person to aid, abet, incite, compel, or coerce 3168  
the doing of any act declared by this section to be an unlawful 3169

discriminatory practice, to obstruct or prevent any person from 3170  
complying with this chapter or any order issued under it, or to 3171  
attempt directly or indirectly to commit any act declared by 3172  
this section to be an unlawful discriminatory practice. 3173

(K) Nothing in divisions (A) to (E) of this section shall 3174  
be construed to require a person with a disability to be 3175  
employed or trained under circumstances that would significantly 3176  
increase the occupational hazards affecting either the person 3177  
with a disability, other employees, the general public, or the 3178  
facilities in which the work is to be performed, or to require 3179  
the employment or training of a person with a disability in a 3180  
job that requires the person with a disability routinely to 3181  
undertake any task, the performance of which is substantially 3182  
and inherently impaired by the person's disability. 3183

(L) An aggrieved individual may enforce the individual's 3184  
rights relative to discrimination on the basis of age as 3185  
provided for in this section by instituting a civil action, 3186  
within one hundred eighty days after the alleged unlawful 3187  
discriminatory practice occurred, in any court with jurisdiction 3188  
for any legal or equitable relief that will effectuate the 3189  
individual's rights. 3190

A person who files a civil action under this division is 3191  
barred, with respect to the practices complained of, from 3192  
instituting a civil action under section 4112.14 of the Revised 3193  
Code and from filing a charge with the commission under section 3194  
4112.05 of the Revised Code. 3195

(M) With regard to age, it shall not be an unlawful 3196  
discriminatory practice and it shall not constitute a violation 3197  
of division (A) of section 4112.14 of the Revised Code for any 3198  
employer, employment agency, joint labor-management committee 3199

controlling apprenticeship training programs, or labor organization to do any of the following:

(1) Establish bona fide employment qualifications reasonably related to the particular business or occupation that may include standards for skill, aptitude, physical capability, intelligence, education, maturation, and experience;

(2) Observe the terms of a bona fide seniority system or any bona fide employee benefit plan, including, but not limited to, a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this section. However, no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual, because of the individual's age except as provided for in the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 623, as amended.

(3) Retire an employee who has attained sixty-five years of age who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of those plans, of the employer of the employee, which equals, in the aggregate, at least forty-four thousand dollars, in accordance with the conditions of the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A.

631, as amended;	3230
(4) Observe the terms of any bona fide apprenticeship	3231
program if the program is registered with the Ohio	3232
apprenticeship council pursuant to sections 4139.01 to 4139.06	3233
of the Revised Code and is approved by the federal committee on	3234
apprenticeship of the United States department of labor.	3235
(N) Nothing in this chapter prohibiting age discrimination	3236
and nothing in division (A) of section 4112.14 of the Revised	3237
Code shall be construed to prohibit the following:	3238
(1) The designation of uniform age the attainment of which	3239
is necessary for public employees to receive pension or other	3240
retirement benefits pursuant to Chapter 145., 742., 3307.,	3241
3309., or 5505. of the Revised Code;	3242
(2) The mandatory retirement of uniformed patrol officers	3243
of the state highway patrol as provided in section 5505.16 of	3244
the Revised Code;	3245
(3) The maximum age requirements for appointment as a	3246
patrol officer in the state highway patrol established by	3247
section 5503.01 of the Revised Code;	3248
(4) The maximum age requirements established for original	3249
appointment to a police department or fire department in	3250
sections 124.41 and 124.42 of the Revised Code;	3251
(5) Any maximum age not in conflict with federal law that	3252
may be established by a municipal charter, municipal ordinance,	3253
or resolution of a board of township trustees for original	3254
appointment as a police officer or firefighter;	3255
(6) Any mandatory retirement provision not in conflict	3256
with federal law of a municipal charter, municipal ordinance, or	3257



resolution of a board of township trustees pertaining to police 3258  
officers and firefighters; 3259

(7) Until January 1, 1994, the mandatory retirement of any 3260  
employee who has attained seventy years of age and who is 3261  
serving under a contract of unlimited tenure, or similar 3262  
arrangement providing for unlimited tenure, at an institution of 3263  
higher education as defined in the "Education Amendments of 3264  
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 3265

(O) (1) (a) Except as provided in division (O) (1) (b) of this 3266  
section, for purposes of divisions (A) to (E) of this section, a 3267  
disability does not include any physiological disorder or 3268  
condition, mental or psychological disorder, or disease or 3269  
condition caused by an illegal use of any controlled substance 3270  
by an employee, applicant, or other person, if an employer, 3271  
employment agency, personnel placement service, labor 3272  
organization, or joint labor-management committee acts on the 3273  
basis of that illegal use. 3274

(b) Division (O) (1) (a) of this section does not apply to 3275  
an employee, applicant, or other person who satisfies any of the 3276  
following: 3277

(i) The employee, applicant, or other person has 3278  
successfully completed a supervised drug rehabilitation program 3279  
and no longer is engaging in the illegal use of any controlled 3280  
substance, or the employee, applicant, or other person otherwise 3281  
successfully has been rehabilitated and no longer is engaging in 3282  
that illegal use. 3283

(ii) The employee, applicant, or other person is 3284  
participating in a supervised drug rehabilitation program and no 3285  
longer is engaging in the illegal use of any controlled 3286

substance. 3287

(iii) The employee, applicant, or other person is 3288  
erroneously regarded as engaging in the illegal use of any 3289  
controlled substance, but the employee, applicant, or other 3290  
person is not engaging in that illegal use. 3291

(2) Divisions (A) to (E) of this section do not prohibit 3292  
an employer, employment agency, personnel placement service, 3293  
labor organization, or joint labor-management committee from 3294  
doing any of the following: 3295

(a) Adopting or administering reasonable policies or 3296  
procedures, including, but not limited to, testing for the 3297  
illegal use of any controlled substance, that are designed to 3298  
ensure that an individual described in division (O) (1) (b) (i) or 3299  
(ii) of this section no longer is engaging in the illegal use of 3300  
any controlled substance; 3301

(b) Prohibiting the illegal use of controlled substances 3302  
and the use of alcohol at the workplace by all employees; 3303

(c) Requiring that employees not be under the influence of 3304  
alcohol or not be engaged in the illegal use of any controlled 3305  
substance at the workplace; 3306

(d) Requiring that employees behave in conformance with 3307  
the requirements established under "The Drug-Free Workplace Act 3308  
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 3309

(e) Holding an employee who engages in the illegal use of 3310  
any controlled substance or who is an alcoholic to the same 3311  
qualification standards for employment or job performance, and 3312  
the same behavior, to which the employer, employment agency, 3313  
personnel placement service, labor organization, or joint labor- 3314  
management committee holds other employees, even if any 3315

unsatisfactory performance or behavior is related to an 3316  
employee's illegal use of a controlled substance or alcoholism; 3317

(f) Exercising other authority recognized in the 3318  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 3319  
U.S.C.A. 12101, as amended, including, but not limited to, 3320  
requiring employees to comply with any applicable federal 3321  
standards. 3322

(3) For purposes of this chapter, a test to determine the 3323  
illegal use of any controlled substance does not include a 3324  
medical examination. 3325

(4) Division (O) of this section does not encourage, 3326  
prohibit, or authorize, and shall not be construed as 3327  
encouraging, prohibiting, or authorizing, the conduct of testing 3328  
for the illegal use of any controlled substance by employees, 3329  
applicants, or other persons, or the making of employment 3330  
decisions based on the results of that type of testing. 3331

(P) This section does not apply to a religious 3332  
corporation, association, educational institution, or society 3333  
with respect to the employment of an individual of a particular 3334  
religion to perform work connected with the carrying on by that 3335  
religious corporation, association, educational institution, or 3336  
society of its activities. 3337

The unlawful discriminatory practices defined in this 3338  
section do not make it unlawful for a person or an appointing 3339  
authority administering an examination under section 124.23 of 3340  
the Revised Code to obtain information about an applicant's 3341  
military status for the purpose of determining if the applicant 3342  
is eligible for the additional credit that is available under 3343  
that section. 3344

**Sec. 4141.30.** (A) All benefits shall be paid through 3345  
public employment offices in accordance with such rules as the 3346  
director of job and family services prescribes. 3347

(B) With the exceptions in division (B)(4) of this 3348  
section, benefits are payable to each eligible and qualified 3349  
individual on account of each week of involuntary total 3350  
unemployment after the specified waiting period at the weekly 3351  
benefit amount determined by: 3352

(1) Computing the individual's average weekly wage as 3353  
defined in division (O)(2) of section 4141.01 of the Revised 3354  
Code; 3355

(2) Determining the individual's dependency class under 3356  
division (E) of this section; 3357

(3) Computing the individual's weekly benefit amount to be 3358  
fifty per cent of the individual's average weekly wage except, 3359  
that the individual's weekly benefit amount shall not exceed the 3360  
maximum amount shown for the individual's dependency class in 3361  
the following table: 3362

	Maximum Weekly	3363
Dependency Class	Benefit Amount	3364
A	\$147	3365
B	223	3366
C	233	3367

Effective Sunday of the calendar week in which January 1, 3368  
1988, occurs and on each similar day of each year thereafter, 3369  
the current maximum weekly benefit amount for each dependency 3370  
class shall be adjusted based on the statewide average weekly 3371  
wage. Any percentage increase in such statewide average weekly 3372  
wage between the wage computed for the current year and the wage 3373

computed for the preceding year shall be used to increase the 3374  
maximum amounts then in effect by the same percentage. Such 3375  
increased amounts will be effective with respect to applications 3376  
for benefit rights filed during the fifty-two consecutive 3377  
calendar weeks beginning with such Sunday date. 3378

The director shall calculate the statewide average weekly 3379  
wage based on the average weekly earnings of all workers in 3380  
employment subject to this chapter during the preceding twelve- 3381  
month period ending the thirtieth day of June. The calculation 3382  
shall be made in the following manner: 3383

(a) The sum of the total monthly employment reported for 3384  
the previous twelve-month period shall be divided by twelve to 3385  
determine the average monthly employment; 3386

(b) The sum of the total wages reported for the previous 3387  
twelve-month period shall be divided by the average monthly 3388  
employment to determine the average annual wage; 3389

(c) The average annual wage shall be divided by fifty-two 3390  
to determine the statewide average weekly wage. 3391

In the computation of the weekly benefit amount, any 3392  
resulting amount not a multiple of one dollar shall be rounded 3393  
to the next lower multiple of one dollar. In the computation of 3394  
the adjusted maximum benefit amounts, based on the statewide 3395  
average weekly wage, any resulting amount not a multiple of one 3396  
dollar shall be rounded to the next lower multiple of one 3397  
dollar. 3398

(4) Effective Sunday of the calendar week in which January 3399  
1, occurs for calendar years 1988 through 1993, the maximum 3400  
weekly benefit amount payable for an individual's dependency 3401  
class for those years shall be computed in accordance with this 3402

division, with an additional increase added to the prior year's 3403  
increase equal to one-sixth of total percentage increase that 3404  
otherwise would have been available in calendar years 1983, 3405  
1984, 1985, 1986, and 1987, if in those years an adjustment in 3406  
the maximum weekly benefit amount would have been made pursuant 3407  
to this division. 3408

(5) Effective Sunday of the calendar week in which January 3409  
1, 1991, occurs, the maximum weekly benefit amounts computed 3410  
under divisions (B) (3) and (4) of this section shall not exceed 3411  
the following amounts: 3412

(a) For dependency class A, fifty per cent of the 3413  
statewide average weekly wage; 3414

(b) For dependency class B, sixty per cent of the 3415  
statewide average weekly wage; 3416

(c) For dependency class C, sixty-six and two-thirds per 3417  
cent of the statewide average weekly wage. 3418

Division (B) (5) of this section applies to all new claims 3419  
filed on and after the Sunday of the calendar week in which 3420  
January 1, 1991, occurs, provided that the maximum weekly 3421  
benefit amounts established for the dependency classes prior to 3422  
such date apply to all claims until the maximum weekly benefit 3423  
amounts as determined pursuant to division (B) (5) of this 3424  
section equal or exceed the maximum weekly benefit amounts in 3425  
effect prior to such date. 3426

(6) For the time period beginning on January 1, 2018, and 3427  
ending January 1, 2020, no individual's weekly benefit amount 3428  
shall exceed the maximum weekly benefit amounts in effect on ~~the~~ 3429  
~~effective date of this section~~ March 28, 2017. 3430

(C) Benefits are payable to each partially unemployed 3431

individual otherwise eligible on account of each week of 3432  
involuntary partial unemployment after the specified waiting 3433  
period in an amount equal to the individual's weekly benefit 3434  
amount less that part of the remuneration payable to the 3435  
individual with respect to such week which is in excess of 3436  
twenty per cent of the individual's weekly benefit amount, and 3437  
the resulting amount rounded to the next lower multiple of one 3438  
dollar. 3439

(D) The total benefits to which an individual is entitled 3440  
in any benefit year, whether for partial or total unemployment, 3441  
or both, shall not exceed the lesser of the following two 3442  
amounts: (1) an amount equal to twenty-six times the 3443  
individual's weekly benefit amount determined in accordance with 3444  
division (B) of this section and this division, or (2) an amount 3445  
computed by taking the sum of twenty times the individual's 3446  
weekly benefit amount for the first twenty base period 3447  
qualifying weeks plus one times the weekly benefit amount for 3448  
each additional qualifying week beyond the first twenty 3449  
qualifying weeks in the individual's base period. 3450

(E) Each eligible and qualified individual shall be 3451  
assigned a dependency class in accordance with the following 3452  
schedule: 3453

Class	Description of Dependents	
A	No dependents, or has	3455
	insufficient wages to qualify	3456
	for more than the maximum	3457
	weekly benefit amount as	3458
	provided under dependency	3459
	class A	3460
B	One or two dependents	3461

C	Three or more dependents	3462
	As used in this division "dependent" means:	3463
	(1) Any natural child, stepchild, or adopted child of the individual claiming benefits for whom such individual at the beginning of the individual's current benefit year is supplying and for at least ninety consecutive days, or for the duration of the parental relationship if it existed less than ninety days, immediately preceding the beginning of such benefit year, has supplied more than one-half of the cost of support and if such child on the beginning date of such benefit year was under eighteen years of age, or if unable to work because of permanent physical or mental disability;	3464 3465 3466 3467 3468 3469 3470 3471 3472 3473
	(2) The legally married <del>wife or husband</del> <u>spouse</u> of the individual claiming benefits for whom more than one-half the cost of support has been supplied by such individual for at least ninety consecutive days, or for the duration of the marital relationship if it has existed for less than ninety days, immediately preceding the beginning of such individual's current benefit year and such <del>wife or husband</del> <u>spouse</u> was living with such individual and had an average weekly income, in such period, not in excess of twenty-five per cent of the claimant's average weekly wage.	3474 3475 3476 3477 3478 3479 3480 3481 3482 3483
	(3) If both <del>the husband and wife</del> <u>spouses</u> qualify for benefit rights with overlapping benefit years, only one of them may qualify for a dependency class other than A.	3484 3485 3486
	<b>Sec. 4728.03.</b> (A) As used in this section, "experience and fitness in the capacity involved" means that the applicant for a precious metals dealer's license has had sufficient financial responsibility, reputation, and experience in the business of	3487 3488 3489 3490



precious metals dealer, or a related business, to act as a 3491  
precious metals dealer in compliance with this chapter. 3492

(B) (1) The division of financial institutions in the 3493  
department of commerce may grant a precious metals dealer's 3494  
license to any person of good character, having experience and 3495  
fitness in the capacity involved, who demonstrates a net worth 3496  
of at least ten thousand dollars and the ability to maintain 3497  
that net worth during the licensure period. The superintendent 3498  
of financial institutions shall compute the applicant's net 3499  
worth according to generally accepted accounting principles. 3500

(2) In place of the demonstration of net worth required by 3501  
division (B) (1) of this section, an applicant may obtain a 3502  
surety bond issued by a surety company authorized to do business 3503  
in this state if all of the following conditions are met: 3504

(a) A copy of the surety bond is filed with the division; 3505

(b) The bond is in favor of any person, and of the state 3506  
for the benefit of any person, injured by any violation of this 3507  
chapter; 3508

(c) The bond is in the amount of not less than ten 3509  
thousand dollars. 3510

(3) Before granting a license under this division, the 3511  
division shall determine that the applicant meets the 3512  
requirements of division (B) (1) or (2) of this section. 3513

(C) The division shall require an applicant for a precious 3514  
metals dealer's license to pay to the division a nonrefundable, 3515  
initial investigation fee of two hundred dollars which shall be 3516  
for the exclusive use of the state. The license fee for a 3517  
precious metals dealer's license and the renewal fee shall be 3518  
determined by the superintendent, provided that the fee may not 3519

exceed three hundred dollars. A license issued by the division 3520  
shall expire on the last day of June next following the date of 3521  
its issuance. Fifty per cent of license fees shall be for the 3522  
use of the state, and fifty per cent shall be paid to the 3523  
municipal corporation, or if outside the limits of any municipal 3524  
corporation, to the county in which the office of the licensee 3525  
is located. All portions of license fees payable to municipal 3526  
corporations or counties shall be paid as they accrue, by the 3527  
treasurer of state, on vouchers issued by the director of budget 3528  
and management. 3529

(D) Every such license shall be renewed annually by the 3530  
last day of June according to the standard renewal procedure of 3531  
Chapter 4745. of the Revised Code. No license shall be granted 3532  
to any person not a resident of or the principal office of which 3533  
is not located in the municipal corporation or county designated 3534  
in such license, unless, and until such applicant shall, in 3535  
writing and in due form, to be first approved by and filed with 3536  
the division, appoint an agent, a resident of the state, and 3537  
city or county where the office is to be located, upon whom all 3538  
judicial and other process, or legal notice, directed to the 3539  
applicant may be served; and in case of the death, removal from 3540  
the state, or any legal disability or any disqualification of 3541  
any agent, service of process or notice may be made upon the 3542  
superintendent. 3543

(E) The division may, pursuant to Chapter 119. of the 3544  
Revised Code, upon notice to the licensee and after giving the 3545  
licensee reasonable opportunity to be heard, revoke or suspend 3546  
any license, if the licensee or the licensee's officers, agents, 3547  
or employees violate this chapter. Whenever, for any cause, the 3548  
license is revoked or suspended, the division shall not issue 3549  
another license to the licensee nor to the ~~husband or wife~~ 3550

spouse of the licensee, nor to any copartnership or corporation 3551  
of which the licensee is an officer, nor to any person employed 3552  
by the licensee, until the expiration of at least one year from 3553  
the date of revocation of the license. 3554

(F) In conducting an investigation to determine whether an 3555  
applicant satisfies the requirements for licensure under this 3556  
section, the superintendent may request that the superintendent 3557  
of the bureau of criminal identification and investigation 3558  
investigate and determine whether the bureau has procured any 3559  
information pursuant to section 109.57 of the Revised Code 3560  
pertaining to the applicant. 3561

If the superintendent of financial institutions determines 3562  
that conducting an investigation to determine whether an 3563  
applicant satisfies the requirements for licensure under this 3564  
section will require procuring information outside the state, 3565  
then, in addition to the fee established under division (C) of 3566  
this section, the superintendent may require the applicant to 3567  
pay any of the actual expenses incurred by the division to 3568  
conduct such an investigation, provided that the superintendent 3569  
shall assess the applicant a total no greater than one thousand 3570  
dollars for such expenses. The superintendent may require the 3571  
applicant to pay in advance of the investigation, sufficient 3572  
funds to cover the estimated cost of the actual expenses. If the 3573  
superintendent requires the applicant to pay investigation 3574  
expenses, the superintendent shall provide to the applicant an 3575  
itemized statement of the actual expenses incurred by the 3576  
division to conduct the investigation. 3577

(G) (1) Except as otherwise provided in division (G) (2) of 3578  
this section a precious metals dealer licensed under this 3579  
section shall maintain a net worth of at least ten thousand 3580

dollars, computed as required under division (B) (1) of this 3581  
section, for as long as the licensee holds a valid precious 3582  
metals dealer's license issued pursuant to this section. 3583

(2) A licensee who obtains a surety bond under division 3584  
(B) (2) of this section is exempt from the requirement of 3585  
division (G) (1) of this section, but shall maintain the bond for 3586  
at least two years after the date on which the licensee ceases 3587  
to conduct business in this state. 3588

**Sec. 4737.07.** No person shall operate and maintain a junk 3589  
yard outside of a municipality, except in zoned or unzoned 3590  
industrial areas adjacent to the interstate or primary systems, 3591  
without first obtaining a license to do so from the county 3592  
auditor of the county in which such junk yard is located or in 3593  
which such junk yard is to be established. A person who was 3594  
operating or maintaining a junk yard prior to January 1, 1964 is 3595  
entitled to be issued a license or renewal thereof upon payment 3596  
of the fee provided for in this section. Any person operating or 3597  
maintaining a junk yard within one thousand feet of the nearest 3598  
edge of the right of way of a state or county road or within 3599  
three hundred feet of the nearest edge of the right of way of a 3600  
township road, prior to January 1, 1964, shall within one year 3601  
thereafter erect the required fence or make suitable plantings 3602  
if such junk yard is not obscured by natural objects or a fence. 3603  
If, after January 1, 1964, a junk yard is established within one 3604  
thousand feet of the nearest edge of the right of way of a state 3605  
or county highway or within three hundred feet of the nearest 3606  
edge of the right of way of a township road, it shall be so 3607  
located that the view thereof from such road is obscured by 3608  
natural objects or a fence. If the yard is so obscured, the 3609  
person operating or maintaining it shall be issued a license. 3610

If it is not practical or economically feasible by reason 3611  
of topography, as determined by the sheriff or, if the sheriff 3612  
so designates, a ~~policeman~~ police officer or constable of the 3613  
township where the junk yard is located, to obscure the view of 3614  
a junk yard established on or before January 1, 1970, from any 3615  
state or county highway or township road which is not part of 3616  
the interstate or primary system, the sheriff or township 3617  
~~policeman~~ police officer or constable shall require suitable 3618  
plantings, or a practical and appropriate barrier not less than 3619  
six feet nor more than ten feet in height, to partially obscure 3620  
the view of such junk yard from such state or county highway or 3621  
township road. 3622

No person shall operate and maintain a junk yard adjacent 3623  
to the interstate or primary systems within a municipality, 3624  
except in zoned or unzoned industrial areas without first 3625  
obtaining a license to do so from the chief executive officer of 3626  
the municipality in which such junk yard is located or in which 3627  
such junk yard is to be established. Any person operating or 3628  
maintaining a junk yard within one thousand feet of the nearest 3629  
edge of the right of way of an interstate or primary highway 3630  
within a municipality, except in a zoned or unzoned industrial 3631  
area, prior to November 18, 1969, shall within one year 3632  
thereafter erect the required fence or make suitable plantings 3633  
if such junk yard is not screened by natural objects or a fence. 3634  
This exception does not prohibit the regulation or prohibition 3635  
of junk yards in zoned or unzoned industrial areas by municipal 3636  
corporations. If a junk yard is established after November 18, 3637  
1969, within one thousand feet of the nearest edge of the right 3638  
of way of an interstate or primary highway, it shall be so 3639  
located that the view thereof from such highway is obscured by 3640  
natural objects or a fence. If the yard is so obscured, the 3641

person operating or maintaining it shall be issued a license 3642  
under this section. Nothing contained in this section shall be 3643  
construed to relieve any person of ~~his~~ the duty to comply with 3644  
the provisions of ordinances enacted by municipal corporations 3645  
regulating or prohibiting junk yards, including requirements to 3646  
obtain a license under municipal ordinances. The requirement to 3647  
obtain a license from the municipality under this section shall 3648  
be in addition to regulations imposed and licenses required 3649  
under municipal ordinances. No license shall be issued unless 3650  
such yard accords with the provisions of this section. 3651

The fee for a license issued under this section is twenty- 3652  
five dollars, except that the fee for municipal licenses issued 3653  
under this section shall be reduced by the amount paid by the 3654  
licensee for any similar licenses issued pursuant to ordinances 3655  
of such municipality. All licenses issued under this section 3656  
shall expire on the first day of January following the date of 3657  
issue. A license may be renewed from year to year upon paying 3658  
the chief executive officer of the municipality or the auditor 3659  
of the county in which the junk yard is located the sum of ten 3660  
dollars for each such renewal. 3661

All fees paid under this section shall be for the use of 3662  
the county or municipality which issues the license or renewal 3663  
thereof. 3664

Any license or renewal thereof issued under this section 3665  
may be revoked by the chief executive officer of the 3666  
municipality or the county auditor of the county in which the 3667  
licensee's junk yard is located, after reasonable notice and 3668  
opportunity to be heard, for any violation of sections 4737.01 3669  
to 4737.12 of the Revised Code, by the licensee or by any of ~~his~~ 3670  
the licensee's officers, agents, or employees. Whenever a 3671

license has been revoked under this section, the chief executive 3672  
officer of the municipality or the county auditor shall not 3673  
issue another license to such licensee, to the ~~husband or wife~~ 3674  
spouse of such licensee, or to any partnership or corporation of 3675  
which ~~he~~ the licensee is an officer or member, until such 3676  
licensee complies with sections 4737.05 to 4737.12 of the 3677  
Revised Code. 3678

**Sec. 5103.16.** (A) Except as otherwise provided in this 3679  
section, no child shall be placed or accepted for placement 3680  
under any written or oral agreement or understanding that 3681  
transfers or surrenders the legal rights, powers, or duties of 3682  
the legal parent, parents, or guardian of the child into the 3683  
temporary or permanent custody of any association or institution 3684  
that is not certified by the department of job and family 3685  
services under section 5103.03 of the Revised Code, without the 3686  
written consent of the office in the department that oversees 3687  
the interstate compact for placement of children established 3688  
under section 5103.20 of the Revised Code or the interstate 3689  
compact on the placement of children established under section 3690  
5103.23 of the Revised Code, as applicable, or by a commitment 3691  
of a juvenile court, or by a commitment of a probate court as 3692  
provided in this section. A child may be placed temporarily 3693  
without written consent or court commitment with persons related 3694  
by blood or marriage or in a legally licensed boarding home. 3695

(B) (1) Associations and institutions certified under 3696  
section 5103.03 of the Revised Code for the purpose of placing 3697  
children in free foster homes or for legal adoption shall keep a 3698  
record of the temporary and permanent surrenders of children. 3699  
This record shall be available for separate statistics, which 3700  
shall include a copy of an official birth record and all 3701  
information concerning the social, mental, and medical history 3702

of the children that will aid in an intelligent disposition of 3703  
the children in case that becomes necessary because the parents 3704  
or guardians fail or are unable to reassume custody. 3705

(2) No child placed on a temporary surrender with an 3706  
association or institution shall be placed permanently in a 3707  
foster home or for legal adoption. All surrendered children who 3708  
are placed permanently in foster homes or for adoption shall 3709  
have been permanently surrendered, and a copy of the permanent 3710  
surrender shall be a part of the separate record kept by the 3711  
association or institution. 3712

(C) Any agreement or understanding to transfer or 3713  
surrender the legal rights, powers, or duties of the legal 3714  
parent or parents and place a child with a person seeking to 3715  
adopt the child under this section shall be construed to contain 3716  
a promise by the person seeking to adopt the child to pay the 3717  
expenses listed in divisions (C) (1), (2), and (4) of section 3718  
3107.055 of the Revised Code and, if the person seeking to adopt 3719  
the child refuses to accept placement of the child, to pay the 3720  
temporary costs of routine maintenance and medical care for the 3721  
child in a hospital, foster home, or other appropriate place for 3722  
up to thirty days or until other custody is established for the 3723  
child, as provided by law, whichever is less. 3724

(D) No child shall be placed or received for adoption or 3725  
with intent to adopt unless placement is made by a public 3726  
children services agency, an institution or association that is 3727  
certified by the department of job and family services under 3728  
section 5103.03 of the Revised Code to place children for 3729  
adoption, or custodians in another state or foreign country, or 3730  
unless all of the following criteria are met: 3731

(1) Prior to the placement and receiving of the child, the 3732



parent or parents of the child personally have applied to, and 3733  
appeared before, the probate court of the county in which the 3734  
parent or parents reside, or in which the person seeking to 3735  
adopt the child resides, for approval of the proposed placement 3736  
specified in the application and have signed and filed with the 3737  
court a written statement showing that the parent or parents are 3738  
aware of their right to contest the decree of adoption subject 3739  
to the limitations of section 3107.16 of the Revised Code; 3740

(2) The court ordered an independent home study of the 3741  
proposed placement to be conducted as provided in section 3742  
3107.031 of the Revised Code, and after completion of the home 3743  
study, the court determined that the proposed placement is in 3744  
the best interest of the child; 3745

(3) The court has approved of record the proposed 3746  
placement. 3747

In determining whether a custodian has authority to place 3748  
children for adoption under the laws of a foreign country, the 3749  
probate court shall determine whether the child has been 3750  
released for adoption pursuant to the laws of the country in 3751  
which the child resides, and if the release is in a form that 3752  
satisfies the requirements of the immigration and naturalization 3753  
service of the United States department of justice for purposes 3754  
of immigration to this country pursuant to section 101(b)(1)(F) 3755  
of the "Immigration and Nationality Act," 75 Stat. 650 (1961), 8 3756  
U.S.C. 1101 (b)(1)(F), as amended or reenacted. 3757

If the parent or parents of the child are deceased or have 3758  
abandoned the child, as determined under division (A) of section 3759  
3107.07 of the Revised Code, the application for approval of the 3760  
proposed adoptive placement may be brought by the relative 3761  
seeking to adopt the child, or by the department, board, or 3762

organization not otherwise having legal authority to place the 3763  
orphaned or abandoned child for adoption, but having legal 3764  
custody of the orphaned or abandoned child, in the probate court 3765  
of the county in which the child is a resident, or in which the 3766  
department, board, or organization is located, or where the 3767  
person or persons with whom the child is to be placed reside. 3768  
Unless the parent, parents, or guardian of the person of the 3769  
child personally have appeared before the court and applied for 3770  
approval of the placement, notice of the hearing on the 3771  
application shall be served on the parent, parents, or guardian. 3772

The consent to placement, surrender, or adoption executed 3773  
by a minor parent before a judge of the probate court or an 3774  
authorized deputy or referee of the court, whether executed 3775  
within or outside the confines of the court, is as valid as 3776  
though executed by an adult. A consent given as above before an 3777  
employee of a children services agency that is licensed as 3778  
provided by law, is equally effective, if the consent also is 3779  
accompanied by an affidavit executed by the witnessing employee 3780  
or employees to the effect that the legal rights of the parents 3781  
have been fully explained to the parents, prior to the execution 3782  
of any consent, and that the action was done after the birth of 3783  
the child. 3784

If the court approves a placement, the prospective 3785  
adoptive parent with whom the child is placed has care, custody, 3786  
and control of the child pending further order of the court. 3787

(E) (1) This section does not apply to an adoption by a 3788  
stepparent, a grandparent, a grandparent's ~~husband or wife~~ 3789  
spouse, a legal custodian, or a guardian. 3790

(2) As used in division (E) (1) of this section: 3791

(a) "Legal custodian" means a person who has been granted 3792  
the legal custody of a child by a court of competent 3793  
jurisdiction. 3794

(b) "Legal custody" has the same meaning as in section 3795  
2151.011 of the Revised Code or in any other substantially 3796  
equivalent statute. 3797

**Sec. 5123.01.** As used in this chapter: 3798

(A) "Chief medical officer" means the licensed physician 3799  
appointed by the managing officer of an institution for persons 3800  
with intellectual disabilities with the approval of the director 3801  
of developmental disabilities to provide medical treatment for 3802  
residents of the institution. 3803

(B) "Chief program director" means a person with special 3804  
training and experience in the diagnosis and management of 3805  
persons with developmental disabilities, certified according to 3806  
division (C) of this section in at least one of the designated 3807  
fields, and appointed by the managing officer of an institution 3808  
for persons with intellectual disabilities with the approval of 3809  
the director to provide habilitation and care for residents of 3810  
the institution. 3811

(C) "Comprehensive evaluation" means a study, including a 3812  
sequence of observations and examinations, of a person leading 3813  
to conclusions and recommendations formulated jointly, with 3814  
dissenting opinions if any, by a group of persons with special 3815  
training and experience in the diagnosis and management of 3816  
persons with developmental disabilities, which group shall 3817  
include individuals who are professionally qualified in the 3818  
fields of medicine, psychology, and social work, together with 3819  
such other specialists as the individual case may require. 3820

(D) "Education" means the process of formal training and 3821  
instruction to facilitate the intellectual and emotional 3822  
development of residents. 3823

(E) "Habilitation" means the process by which the staff of 3824  
the institution assists the resident in acquiring and 3825  
maintaining those life skills that enable the resident to cope 3826  
more effectively with the demands of the resident's own person 3827  
and of the resident's environment and in raising the level of 3828  
the resident's physical, mental, social, and vocational 3829  
efficiency. Habilitation includes but is not limited to programs 3830  
of formal, structured education and training. 3831

(F) "Health officer" means any public health physician, 3832  
public health nurse, or other person authorized or designated by 3833  
a city or general health district. 3834

(G) "Home and community-based services" means medicaid- 3835  
funded home and community-based services specified in division 3836  
(A) (1) of section 5166.20 of the Revised Code provided under the 3837  
medicaid waiver components the department of developmental 3838  
disabilities administers pursuant to section 5166.21 of the 3839  
Revised Code. Except as provided in section 5123.0412 of the 3840  
Revised Code, home and community-based services provided under 3841  
the medicaid waiver component known as the transitions 3842  
developmental disabilities waiver are to be considered to be 3843  
home and community-based services for the purposes of this 3844  
chapter, and Chapters 5124. and 5126. of the Revised Code, only 3845  
to the extent, if any, provided by the contract required by 3846  
section 5166.21 of the Revised Code regarding the waiver. 3847

(H) "ICF/IID" has the same meaning as in section 5124.01 3848  
of the Revised Code. 3849

(I) "Indigent person" means a person who is unable, 3850  
without substantial financial hardship, to provide for the 3851  
payment of an attorney and for other necessary expenses of legal 3852  
representation, including expert testimony. 3853

(J) "Institution" means a public or private facility, or a 3854  
part of a public or private facility, that is licensed by the 3855  
appropriate state department and is equipped to provide 3856  
residential habilitation, care, and treatment for persons with 3857  
intellectual disabilities. 3858

(K) "Licensed physician" means a person who holds a valid 3859  
certificate issued under Chapter 4731. of the Revised Code 3860  
authorizing the person to practice medicine and surgery or 3861  
osteopathic medicine and surgery, or a medical officer of the 3862  
government of the United States while in the performance of the 3863  
officer's official duties. 3864

(L) "Managing officer" means a person who is appointed by 3865  
the director of developmental disabilities to be in executive 3866  
control of an institution under the jurisdiction of the 3867  
department of developmental disabilities. 3868

(M) "Medicaid case management services" means case 3869  
management services provided to an individual with a 3870  
developmental disability that the state medicaid plan requires. 3871

(N) "Intellectual disability" means a disability 3872  
characterized by having significantly subaverage general 3873  
intellectual functioning existing concurrently with deficiencies 3874  
in adaptive behavior, manifested during the developmental 3875  
period. 3876

(O) "Person with an intellectual disability subject to 3877  
institutionalization by court order" means a person eighteen 3878

years of age or older with at least a moderate level of 3879  
intellectual disability and in relation to whom, because of the 3880  
person's disability, either of the following conditions exists: 3881

(1) The person represents a very substantial risk of 3882  
physical impairment or injury to self as manifested by evidence 3883  
that the person is unable to provide for and is not providing 3884  
for the person's most basic physical needs and that provision 3885  
for those needs is not available in the community; 3886

(2) The person needs and is susceptible to significant 3887  
habilitation in an institution. 3888

(P) "Moderate level of intellectual disability" means the 3889  
condition in which a person, following a comprehensive 3890  
evaluation, is found to have at least moderate deficits in 3891  
overall intellectual functioning, as indicated by a full-scale 3892  
intelligence quotient test score of fifty-five or below, and at 3893  
least moderate deficits in adaptive behavior, as determined in 3894  
accordance with the criteria established in the fifth edition of 3895  
the diagnostic and statistical manual of mental disorders 3896  
published by the American psychiatric association. 3897

(Q) "Developmental disability" means a severe, chronic 3898  
disability that is characterized by all of the following: 3899

(1) It is attributable to a mental or physical impairment 3900  
or a combination of mental and physical impairments, other than 3901  
a mental or physical impairment solely caused by mental illness, 3902  
as defined in division (A) of section 5122.01 of the Revised 3903  
Code. 3904

(2) It is manifested before age twenty-two. 3905

(3) It is likely to continue indefinitely. 3906

- (4) It results in one of the following: 3907
- (a) In the case of a person under three years of age, at 3908  
least one developmental delay, as defined in rules adopted under 3909  
section 5123.011 of the Revised Code, or a diagnosed physical or 3910  
mental condition that has a high probability of resulting in a 3911  
developmental delay, as defined in those rules; 3912
- (b) In the case of a person at least three years of age 3913  
but under six years of age, at least two developmental delays, 3914  
as defined in rules adopted under section 5123.011 of the 3915  
Revised Code; 3916
- (c) In the case of a person six years of age or older, a 3917  
substantial functional limitation in at least three of the 3918  
following areas of major life activity, as appropriate for the 3919  
person's age: self-care, receptive and expressive language, 3920  
learning, mobility, self-direction, capacity for independent 3921  
living, and, if the person is at least sixteen years of age, 3922  
capacity for economic self-sufficiency. 3923
- (5) It causes the person to need a combination and 3924  
sequence of special, interdisciplinary, or other type of care, 3925  
treatment, or provision of services for an extended period of 3926  
time that is individually planned and coordinated for the 3927  
person. 3928
- "Developmental disability" includes intellectual 3929  
disability. 3930
- (R) "State institution" means an institution that is tax- 3931  
supported and under the jurisdiction of the department of 3932  
developmental disabilities. 3933
- (S) "Residence" and "legal residence" have the same 3934  
meaning as "legal settlement," which is acquired by residing in 3935

Ohio for a period of one year without receiving general 3936  
assistance prior to July 17, 1995, under former Chapter 5113. of 3937  
the Revised Code, without receiving financial assistance prior 3938  
to December 31, 2017, under former Chapter 5115. of the Revised 3939  
Code, or assistance from a private agency that maintains records 3940  
of assistance given. A person having a legal settlement in the 3941  
state shall be considered as having legal settlement in the 3942  
assistance area in which the person resides. No adult person 3943  
coming into this state and having a spouse or minor children 3944  
residing in another state shall obtain a legal settlement in 3945  
this state as long as the spouse or minor children are receiving 3946  
public assistance, care, or support at the expense of the other 3947  
state or its subdivisions. For the purpose of determining the 3948  
legal settlement of a person who is living in a public or 3949  
private institution or in a home subject to licensing by the 3950  
department of job and family services, the department of mental 3951  
health and addiction services, or the department of 3952  
developmental disabilities, the residence of the person shall be 3953  
considered as though the person were residing in the county in 3954  
which the person was living prior to the person's entrance into 3955  
the institution or home. Settlement once acquired shall continue 3956  
until a person has been continuously absent from Ohio for a 3957  
period of one year or has acquired a legal residence in another 3958  
state. A ~~woman~~person who marries a ~~man~~another person with a 3959  
legal settlement in any county immediately acquires the 3960  
settlement of ~~her husband~~the spouse. The legal settlement of a 3961  
minor is that of the parents, surviving parent, sole parent, 3962  
parent who is designated the residential parent and legal 3963  
custodian by a court, other adult having permanent custody 3964  
awarded by a court, or guardian of the person of the minor, 3965  
provided that: 3966



(1) A minor ~~female~~ who marries shall be considered to have 3967  
the legal settlement of ~~her husband~~ the minor's spouse and, in 3968  
the case of death of ~~her husband~~ the minor's spouse or divorce, 3969  
~~she~~ the minor shall not thereby lose ~~her~~ the minor's legal 3970  
settlement obtained by the marriage. 3971

(2) A minor ~~male~~ who marries, establishes a home, and who 3972  
has resided in this state for one year without receiving general 3973  
assistance prior to July 17, 1995, under former Chapter 5113. of 3974  
the Revised Code or assistance from a private agency that 3975  
maintains records of assistance given shall be considered to 3976  
have obtained a legal settlement in this state. 3977

(3) The legal settlement of a child under eighteen years 3978  
of age who is in the care or custody of a public or private 3979  
child caring agency shall not change if the legal settlement of 3980  
the parent changes until after the child has been in the home of 3981  
the parent for a period of one year. 3982

No person, adult or minor, may establish a legal 3983  
settlement in this state for the purpose of gaining admission to 3984  
any state institution. 3985

(T) (1) "Resident" means, subject to division (T) (2) of 3986  
this section, a person who is admitted either voluntarily or 3987  
involuntarily to an institution or other facility pursuant to 3988  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 3989  
Code subsequent to a finding of not guilty by reason of insanity 3990  
or incompetence to stand trial or under this chapter who is 3991  
under observation or receiving habilitation and care in an 3992  
institution. 3993

(2) "Resident" does not include a person admitted to an 3994  
institution or other facility under section 2945.39, 2945.40, 3995

2945.401, or 2945.402 of the Revised Code to the extent that the 3996  
reference in this chapter to resident, or the context in which 3997  
the reference occurs, is in conflict with any provision of 3998  
sections 2945.37 to 2945.402 of the Revised Code. 3999

(U) "Respondent" means the person whose detention, 4000  
commitment, or continued commitment is being sought in any 4001  
proceeding under this chapter. 4002

(V) "Working day" and "court day" mean Monday, Tuesday, 4003  
Wednesday, Thursday, and Friday, except when such day is a legal 4004  
holiday. 4005

(W) "Prosecutor" means the prosecuting attorney, village 4006  
solicitor, city director of law, or similar chief legal officer 4007  
who prosecuted a criminal case in which a person was found not 4008  
guilty by reason of insanity, who would have had the authority 4009  
to prosecute a criminal case against a person if the person had 4010  
not been found incompetent to stand trial, or who prosecuted a 4011  
case in which a person was found guilty. 4012

(X) "Court" means the probate division of the court of 4013  
common pleas. 4014

(Y) "Supported living" and "residential services" have the 4015  
same meanings as in section 5126.01 of the Revised Code. 4016

**Sec. 5302.05.** A deed in substance following the form set 4017  
forth in this section, when duly executed in accordance with 4018  
Chapter 5301. of the Revised Code, has the force and effect of a 4019  
deed in fee simple to the grantee, the grantee's heirs, assigns, 4020  
and successors, to the grantee's and the grantee's heirs', 4021  
assigns', and successors' own use, with covenants on the part of 4022  
the grantor with the grantee, the grantee's heirs, assigns, and 4023  
successors, that, at the time of the delivery of that deed the 4024

grantor was lawfully seized in fee simple of the granted 4025  
premises, that the granted premises were free from all 4026  
encumbrances, that the grantor had good right to sell and convey 4027  
the same to the grantee and the grantee's heirs, assigns, and 4028  
successors, and that the grantor does warrant and will defend 4029  
the same to the grantee and the grantee's heirs, assigns, and 4030  
successors, forever, against the lawful claims and demands of 4031  
all persons. 4032

"GENERAL WARRANTY DEED 4033

..... (marital status), of ..... 4034  
County, ..... for valuable consideration paid, 4035  
grant(s), with general warranty covenants, to ....., 4036  
whose tax-mailing address is ....., the following 4037  
real property: 4038

(description of land or interest therein and encumbrances, 4039  
reservations, and exceptions, if any) 4040

Prior Instrument Reference: Volume ....., Page ..... 4041  
....., ~~wife (husband)~~ spouse of the grantor, releases 4042  
all rights of dower therein. 4043

Executed this ..... day of ..... 4044

..... 4045

(Signature of Grantor) 4046

(Execution in accordance with Chapter 5301. of the Revised 4047  
Code) " 4048

**Sec. 5302.07.** A deed in substance following the form set 4049  
forth in this section, when duly executed in accordance with 4050  
Chapter 5301. of the Revised Code, has the force and effect of a 4051  
deed in fee simple to the grantee, the grantee's heirs, assigns, 4052

and successors, to the grantee's and the grantee's heirs', 4053  
assigns', and successors' own use, with covenants on the part of 4054  
the grantor with the grantee, the grantee's heirs, assigns, and 4055  
successors, that, at the time of the delivery of that deed the 4056  
premises were free from all encumbrances made by the grantor, 4057  
and that the grantor does warrant and will defend the same to 4058  
the grantee and the grantee's heirs, assigns, and successors, 4059  
forever, against the lawful claims and demands of all persons 4060  
claiming by, through, or under the grantor, but against none 4061  
other. 4062

"LIMITED WARRANTY DEED 4063

..... (marital status), of ..... 4064  
County, ..... for valuable consideration paid, grant(s), 4065  
with limited warranty covenants, to ....., whose tax- 4066  
mailing address is ....., the following real property: 4067

(description of land or interest therein and encumbrances, 4068  
reservations, and exceptions, if any) 4069

Prior Instrument Reference: Volume ....., Page ..... 4070  
....., ~~wife (husband)~~ spouse of said grantor, releases to 4071  
said grantee all rights of dower therein. 4072

Executed this ..... day of ..... 4073  
..... 4074  
(Signature of Grantor) 4075

(Execution in accordance with Chapter 5301. of the Revised 4076  
Code) " 4077

**Sec. 5302.11.** A deed in substance following the form set 4078  
forth in this section, when duly executed in accordance with 4079  
Chapter 5301. of the Revised Code, has the force and effect of a 4080

deed in fee simple to the grantee, the grantee's heirs, assigns, 4081  
and successors, and to the grantee's and the grantee's heirs', 4082  
assigns', and successors' own use, but without covenants of any 4083  
kind on the part of the grantor. 4084

"QUIT-CLAIM DEED 4085

..... (marital status), of ..... 4086  
County, ..... for valuable consideration paid, 4087  
grant(s) to ....., whose tax-mailing address 4088  
is ....., the following real property: 4089

(description of land or interest therein and encumbrances, 4090  
reservations, and exceptions, if any) 4091

Prior Instrument Reference: Volume ....., Page ..... 4092

....., ~~wife (husband)~~ spouse of the grantor, 4093  
releases all rights of dower therein. 4094

Executed this ..... day of ..... 4095

..... 4096

(Signature of Grantor) 4097

(Execution in accordance with Chapter 5301. of the Revised 4098  
Code) " 4099

**Sec. 5302.12.** A mortgage in substance following the form 4100  
set forth in this section, when duly executed in accordance with 4101  
Chapter 5301. of the Revised Code, has the force and effect of a 4102  
mortgage to the use of the mortgagee and the mortgagee's heirs, 4103  
assigns, and successors, with mortgage covenants and upon the 4104  
statutory condition, as defined in sections 5302.13 and 5302.14 4105  
of the Revised Code, to secure the payment of the money or the 4106  
performance of any obligation specified in the mortgage. The 4107  
parties may insert in the mortgage any other lawful agreement or 4108  
condition. 4109

"MORTGAGE 4110

....., ..... (marital status), 4111

of ..... (current mailing address), for ..... 4112

Dollars paid, grant(s), with mortgage covenants, 4113

to ....., of ..... (current mailing 4114

address), the following real property: 4115

(Description of land or interest in land and encumbrances, 4116

reservations, and exceptions, if any.) 4117

(A reference to the last recorded instrument through which 4118

the mortgagor claims title. The omission of the reference shall 4119

not affect the validity of the mortgage.) 4120

This mortgage is given, upon the statutory condition, to 4121

secure the payment of ..... dollars with interest as 4122

provided in a note of the same date. 4123

"Statutory condition" is defined in section 5302.14 of the 4124

Revised Code and provides generally that, if the mortgagor pays 4125

the principal and interest secured by this mortgage, performs 4126

the other obligations secured by this mortgage and the 4127

conditions of any prior mortgage, pays all the taxes and 4128

assessments, maintains insurance against fire and other hazards, 4129

and does not commit or suffer waste, then this mortgage shall be 4130

void. 4131

....., ~~wife (husband)~~ spouse of the 4132

mortgagor, releases to the mortgagee all rights of dower in the 4133

described real property. 4134

Executed this ..... day of ..... 4135

..... 4136

(Signature of Mortgagor) 4137

(Execution in accordance with Chapter 5301. of the Revised Code) " 4138  
4139

**Sec. 5302.17.** A deed conveying any interest in real 4140  
property to two or more persons, and in substance following the 4141  
form set forth in this section, when duly executed in accordance 4142  
with Chapter 5301. of the Revised Code, creates a survivorship 4143  
tenancy in the grantees, and upon the death of any of the 4144  
grantees, vests the interest of the decedent in the survivor, 4145  
survivors, or the survivor's or survivors' separate heirs and 4146  
assigns. 4147

"SURVIVORSHIP DEED 4148

..... (marital status), of ..... 4149  
County, ..... for valuable consideration 4150  
paid, grant(s), (covenants, if any), 4151  
to ..... (marital status) 4152  
and ..... (marital status), for their joint lives, 4153  
remainder to the survivor of them, whose tax-mailing addresses 4154  
are ....., the following real property: 4155

(description of land or interest therein and encumbrances, 4156  
reservations, and exceptions, if any) 4157

Prior Instrument Reference: ..... 4158

....., ~~wife (husband)~~ spouse of the grantor, 4159  
releases all rights of dower therein. 4160

Executed this ..... day of ..... 4161  
..... 4162  
(Signature of Grantor) 4163

(Execution in accordance with Chapter 5301. of the Revised Code) " 4164  
4165

Any persons who are the sole owners of real property, 4166  
prior to April 4, 1985, as tenants with a right of survivorship 4167  
under the common or statutory law of this state or as tenants in 4168  
common may create in themselves and in any other person or 4169  
persons a survivorship tenancy in the real property by executing 4170  
a deed as provided in this section conveying their entire, 4171  
separate interests in the real property to themselves and to the 4172  
other person or persons. 4173

Except as otherwise provided in this section, when a 4174  
person holding real property as a survivorship tenant dies, the 4175  
transfer of the interest of the decedent may be recorded by 4176  
presenting to the county auditor and filing with the county 4177  
recorder either a certificate of transfer as provided in section 4178  
2113.61 of the Revised Code, or an affidavit accompanied by a 4179  
certified copy of a death certificate. The affidavit shall 4180  
recite the names of the other survivorship tenant or tenants, 4181  
the address of the other survivorship tenant or tenants, the 4182  
date of death of the decedent, and a description of the real 4183  
property. The county recorder shall record any certificate or 4184  
affidavit so filed in the official records. When a person 4185  
holding real property as a survivorship tenant dies and the 4186  
title to the property is registered pursuant to Chapter 5309. of 4187  
the Revised Code, the procedure for the transfer of the interest 4188  
of the decedent shall be pursuant to section 5309.081 of the 4189  
Revised Code. 4190

**Sec. 5302.20.** (A) Except as provided in section 5302.21 of 4191  
the Revised Code, if any interest in real property is conveyed 4192  
or devised to two or more persons for their joint lives and then 4193  
to the survivor or survivors of them, those persons hold title 4194  
as survivorship tenants, and the joint interest created is a 4195  
survivorship tenancy. Any deed or will containing language that 4196



shows a clear intent to create a survivorship tenancy shall be 4197  
liberally construed to do so. The use of the word "or" between 4198  
the names of two or more grantees or devisees does not by itself 4199  
create a survivorship tenancy but shall be construed and 4200  
interpreted as if the word "and" had been used between the 4201  
names. 4202

(B) If two or more persons hold an interest in the title 4203  
to real property as survivorship tenants, each survivorship 4204  
tenant holds an equal share of the title during their joint 4205  
lives unless otherwise provided in the instrument creating the 4206  
survivorship tenancy. Upon the death of any of them, the title 4207  
of the decedent vests proportionately in the surviving tenants 4208  
as survivorship tenants. This is the case until only one 4209  
survivorship tenant remains alive, at which time the survivor is 4210  
fully vested with title to the real property as the sole title 4211  
holder. If the last two or more survivorship tenants die under 4212  
such circumstances that the survivor cannot be determined, title 4213  
passes as if those last survivors had been tenants in common. 4214

(C) A survivorship tenancy has the following 4215  
characteristics or ramifications: 4216

(1) Unless otherwise provided in the instrument creating 4217  
the survivorship tenancy, each of the survivorship tenants has 4218  
an equal right to share in the use, occupancy, and profits, and 4219  
each of the survivorship tenants is subject to a proportionate 4220  
share of the costs related to the ownership and use of the real 4221  
property subject to the survivorship tenancy. 4222

(2) A conveyance from all of the survivorship tenants to 4223  
any other person or from all but one of the survivorship tenants 4224  
to the remaining survivorship tenant terminates the survivorship 4225  
tenancy and vests title in the grantee. A conveyance from any 4226

survivorship tenant, or from any number of survivorship tenants 4227  
that is from less than all of them, to a person who is not a 4228  
survivorship tenant vests the title of the grantor or grantors 4229  
in the grantee, conditioned on the survivorship of the grantor 4230  
or grantors of the conveyance, and does not alter the interest 4231  
in the title of any of the other survivorship tenants who do not 4232  
join in the conveyance. 4233

(3) A fee simple title, leasehold interest, or land 4234  
contract vendee's interest in real property or any fractional 4235  
interest in any of these interests may be subjected to a 4236  
survivorship tenancy. 4237

(4) A creditor of a survivorship tenant may enforce a lien 4238  
against the interest of one or more survivorship tenants by an 4239  
action to marshall liens against the interest of the debtor or 4240  
debtors. Every person with an interest in or lien against the 4241  
interest of the debtor or debtors shall be made a party to the 4242  
action. Upon a determination by the court that a party or cross- 4243  
claimant has a valid lien against the interest of a survivorship 4244  
tenant, the title to the real property ceases to be a 4245  
survivorship tenancy and becomes a tenancy in common. Each 4246  
tenant in common of that nature then holds an undivided share in 4247  
the title. The interest of each tenant in common of that nature 4248  
shall be equal unless otherwise provided in the instrument 4249  
creating the survivorship tenancy. The court then may order the 4250  
sale of the fractional interest of the lien debtor or debtors as 4251  
on execution, and the proceeds of the sale shall be applied to 4252  
pay the lien creditors in the order of their priority. 4253

(5) If the entire title to a parcel of real property is 4254  
held by two survivorship tenants who are married to each other 4255  
and the marriage is terminated by divorce, annulment, or 4256

dissolution of marriage, the title, except as provided in this 4257  
division, immediately ceases to be a survivorship tenancy and 4258  
becomes a tenancy in common. Each tenant in common of that 4259  
nature holds an undivided interest in common in the title to the 4260  
real property, unless the judgment of divorce, annulment, or 4261  
dissolution of marriage expressly states that the survivorship 4262  
tenancy shall continue after termination of the marriage. The 4263  
interest of each tenant in common of that nature shall be equal 4264  
unless otherwise provided in the instrument creating the 4265  
survivorship tenancy or in the judgment of divorce, annulment, 4266  
or dissolution of marriage. 4267

If a survivorship tenancy includes one or more 4268  
survivorship tenants in addition to ~~a husband and wife~~ spouses 4269  
whose marriage is terminated by divorce, annulment, or 4270  
dissolution of marriage, the survivorship tenancy is not 4271  
affected by the divorce, annulment, or dissolution of ~~marriage~~ 4272  
marriage unless the court alters the interest of the 4273  
survivorship tenants whose marriage has been terminated. 4274

**Sec. 5302.21.** (A) Sections 5302.17 to 5302.20 of the 4275  
Revised Code do not affect deeds that were executed and recorded 4276  
prior to the effective date of this section and that created a 4277  
tenancy by the entireties in ~~a husband and wife~~ both spouses 4278  
pursuant to section 5302.17 of the Revised Code as it existed 4279  
prior to the effective date of this section. If spouses covered 4280  
by such deeds are tenants by the entireties on the day prior to 4281  
the effective date of this section, such deeds continue to be 4282  
valid on and after such effective date, and, unless they choose 4283  
to do so, the spouses do not have to prepare a deed, as 4284  
described in section 5302.17 of the Revised Code as effective on 4285  
the effective date of this section, creating in themselves a 4286  
survivorship tenancy. 4287

(B) Sections 5302.17 to 5302.20 of the Revised Code do not 4288  
affect conveyances or devises of real property to two or more 4289  
persons for their joint lives and then to the survivor or 4290  
survivors of them, that occurred prior to the effective date of 4291  
this section and that did not involve tenancies by the 4292  
entireties. These conveyances and devises, if they are valid on 4293  
the effective date of this section, continue to be valid on and 4294  
after that date. Unless persons so holding property choose to do 4295  
so, they do not have to prepare a deed, as described in section 4296  
5302.17 of the Revised Code as effective on the effective date 4297  
of this section, creating in themselves a survivorship tenancy. 4298

**Sec. 5309.80.** Every deed or other voluntary instrument 4299  
which is presented for registration, and every instrument or 4300  
paper filed with the county recorder by any person or officer 4301  
under sections 5309.02 to 5310.21, ~~inclusive,~~ of the Revised 4302  
Code, or any amendment thereof, for the purpose of acquiring or 4303  
affecting in any way an involuntary interest in, or lien or 4304  
charge upon registered land, shall contain or have indorsed upon 4305  
it the full name, county of residence, and post-office address 4306  
of the grantee or other person who acquires, or claims, or is 4307  
seeking to acquire or claim, an interest under such instrument, 4308  
or to affect thereby some estate or interest in, or lien or 4309  
charge upon said registered land. Every deed shall state whether 4310  
the grantor and also the grantee are married or unmarried, and 4311  
if married, the name in full of the ~~husband or wife~~ spouse. 4312

Any change in the residence or post-office address of any 4313  
such person shall, by sworn statement of the party or ~~his~~ the 4314  
party's authorized agent or attorney, immediately be filed with 4315  
the recorder, who shall indorse such sworn change on the 4316  
original instrument and on the record thereof if recorded. The 4317  
names, residences, and addresses of all such persons, and all 4318

sworn changes thereof, shall also be entered on all certificates 4319  
of title in the register. 4320

**Sec. 5309.85.** Registered land, and ownership therein, 4321  
except as otherwise provided in sections 5309.02 to 5310.21,~~—~~ 4322  
~~inclusive,~~ of the Revised Code, shall in all respects be subject 4323  
to the same burdens and incidents which attach by law to 4324  
unregistered land. Such sections shall not relieve registered 4325  
land or the owners thereof from any rights incident to the 4326  
relation of ~~husband or wife~~ spouses, or from liability to 4327  
attachment or mesne process or levy, on execution, or from 4328  
liability to any lien of any description established by law on 4329  
land and the buildings thereon, or the interest of the owner in 4330  
such land or buildings, or change the laws of descent, or the 4331  
rights of partition between co-tenants, or the rights to take 4332  
such land or buildings by eminent domain, or relieve such land 4333  
from liability to be recovered by an assignee in insolvency 4334  
under the laws relative to preferences, or change or affect in 4335  
any way any other rights or liabilities created by law and 4336  
applicable to unregistered land, except as otherwise expressly 4337  
provided in sections 5309.02 to 5310.21,~~—inclusive,~~ of the 4338  
Revised Code. 4339

**Sec. 5711.14.** A corporation which owns or controls at 4340  
least fifty-one ~~percent~~ per cent of the common stock of another 4341  
corporation may, under uniform regulations prescribed by the tax 4342  
commissioner, make a consolidated return for the purpose of 4343  
sections 5711.01 to 5711.36,~~—inclusive,~~ of the Revised Code. In 4344  
such case all the taxable property mentioned in section 5709.01 4345  
of the Revised Code, belonging to the corporation making the 4346  
return and to each of its subsidiaries shall be listed and 4347  
assessed in the name of the separate owners thereof; but the 4348  
parent corporation making such return shall not be required to 4349

list any of its investments in the stocks, securities, and other 4350  
obligations of its subsidiaries, and in computing the amount of 4351  
taxable credits inter-company accounts shall be eliminated. The 4352  
commissioner may adopt regulations to govern the use of 4353  
consolidated returns authorized by this section, but a 4354  
corporation which avails itself of the option permitted or 4355  
authorized by this section shall thereafter continue to file 4356  
consolidated returns until the parent corporation notifies the 4357  
commissioner in writing, on or before the twentieth day of April 4358  
of the year in which the return is due, that it does not intend 4359  
to file a consolidated return for such year. 4360

~~A husband and wife~~ Spouses living together may, under 4361  
uniform regulations prescribed by the commissioner, make a joint 4362  
return for the purpose of sections 5711.01 to 5711.36, ~~—~~ 4363  
~~inclusive,~~ of the Revised Code. In such case investments of 4364  
either spouse in the obligations of the other shall not be 4365  
required to be listed therein, and in computing the amount of 4366  
taxable credits such obligations shall be eliminated. 4367

**Sec. 5731.10.** (A) The value of the gross estate shall 4368  
include the value of all property, to the extent of the interest 4369  
therein held by the decedent and any person jointly, so that 4370  
upon the death of one of them, the survivor has or the survivors 4371  
have a right to the immediate ownership or possession or 4372  
enjoyment of the whole property, except such part thereof as may 4373  
be shown to have originally belonged to such other person or 4374  
persons and never to have been received or acquired by the 4375  
latter from the decedent for less than an adequate and full 4376  
consideration in money or money's worth. 4377

(B) When the ~~person~~ persons holding property jointly are ~~a~~ 4378  
~~husband and wife~~ spouses, the amount includible in the gross 4379

estate shall be one-half the value of said property. When the 4380  
property has been acquired by gift, bequest, devise, or 4381  
inheritance by the decedent and any other person or persons as 4382  
joint owners and their interests are not otherwise specified or 4383  
fixed by law, the amount includible in the gross estate shall be 4384  
the value of a fractional part of said property determined by 4385  
dividing the value of the property by the number of joint 4386  
owners. 4387

**Sec. 5747.05.** As used in this section, "income tax" 4388  
includes both a tax on net income and a tax measured by net 4389  
income. 4390

The following credits shall be allowed against the 4391  
aggregate income tax liability imposed by section 5747.02 of the 4392  
Revised Code on individuals and estates: 4393

(A) (1) The amount of tax otherwise due under section 4394  
5747.02 of the Revised Code on such portion of the combined 4395  
adjusted gross income and business income of any nonresident 4396  
taxpayer that is not allocable or apportionable to this state 4397  
pursuant to sections 5747.20 to 5747.23 of the Revised Code. The 4398  
credit provided under this division shall not exceed the total 4399  
tax due under section 5747.02 of the Revised Code. 4400

(2) The tax commissioner may enter into an agreement with 4401  
the taxing authorities of any state or of the District of 4402  
Columbia that imposes an income tax to provide that compensation 4403  
paid in this state to a nonresident taxpayer shall not be 4404  
subject to the tax levied in section 5747.02 of the Revised Code 4405  
so long as compensation paid in such other state or in the 4406  
District of Columbia to a resident taxpayer shall likewise not 4407  
be subject to the income tax of such other state or of the 4408  
District of Columbia. 4409

(B) The lesser of division (B) (1) or (2) of this section: 4410

(1) The aggregate amount of tax otherwise due under 4411  
section 5747.02 of the Revised Code on such portion of the 4412  
combined adjusted gross income and business income of a resident 4413  
taxpayer that in another state or in the District of Columbia is 4414  
subjected to an income tax. The credit provided under division 4415  
(B) (1) of this section shall not exceed the total tax due under 4416  
section 5747.02 of the Revised Code. 4417

(2) The amount of income tax liability to another state or 4418  
the District of Columbia on the portion of the combined adjusted 4419  
gross income and business income of a resident taxpayer that in 4420  
another state or in the District of Columbia is subjected to an 4421  
income tax. The credit provided under division (B) (2) of this 4422  
section shall not exceed the total amount of tax otherwise due 4423  
under section 5747.02 of the Revised Code. 4424

(3) If the credit provided under division (B) of this 4425  
section is affected by a change in either the portion of the 4426  
combined adjusted gross income and business income of a resident 4427  
taxpayer subjected to an income tax in another state or the 4428  
District of Columbia or the amount of income tax liability that 4429  
has been paid to another state or the District of Columbia, the 4430  
taxpayer shall report the change to the tax commissioner within 4431  
sixty days of the change in such form as the commissioner 4432  
requires. 4433

(a) In the case of an underpayment, the report shall be 4434  
accompanied by payment of any additional tax due as a result of 4435  
the reduction in credit together with interest on the additional 4436  
tax and is a return subject to assessment under section 5747.13 4437  
of the Revised Code solely for the purpose of assessing any 4438  
additional tax due under this division, together with any 4439



applicable penalty and interest. It shall not reopen the 4440  
computation of the taxpayer's tax liability under this chapter 4441  
from a previously filed return no longer subject to assessment 4442  
except to the extent that such liability is affected by an 4443  
adjustment to the credit allowed by division (B) of this 4444  
section. 4445

(b) In the case of an overpayment, an application for 4446  
refund may be filed under this division within the sixty-day 4447  
period prescribed for filing the report even if it is beyond the 4448  
period prescribed in section 5747.11 of the Revised Code if it 4449  
otherwise conforms to the requirements of such section. An 4450  
application filed under this division shall only claim refund of 4451  
overpayments resulting from an adjustment to the credit allowed 4452  
by division (B) of this section unless it is also filed within 4453  
the time prescribed in section 5747.11 of the Revised Code. It 4454  
shall not reopen the computation of the taxpayer's tax liability 4455  
except to the extent that such liability is affected by an 4456  
adjustment to the credit allowed by division (B) of this 4457  
section. 4458

(4) No credit shall be allowed under division (B) of this 4459  
section: 4460

(a) For income tax paid or accrued to another state or to 4461  
the District of Columbia if the taxpayer, when computing federal 4462  
adjusted gross income, has directly or indirectly deducted, or 4463  
was required to directly or indirectly deduct, the amount of 4464  
that income tax; 4465

(b) For compensation that is not subject to the income tax 4466  
of another state or the District of Columbia as the result of an 4467  
agreement entered into by the tax commissioner under division 4468  
(A) (3) of this section; or 4469

(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid.

(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits.

(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code.

(E) (1) On a joint return filed by ~~a husband and wife~~ both spouses, each of whom had adjusted gross income of at least five hundred dollars, exclusive of interest, dividends and distributions, royalties, rent, and capital gains, a credit equal to the lesser of six hundred fifty dollars or the percentage shown in column B that corresponds with the taxpayer's adjusted gross income, less exemptions for the taxable year, of the total amount of tax due after allowing for any other credit that precedes this credit as required under section 5747.98 of the Revised Code:

A. B.

IF THE ADJUSTED GROSS INCOME,            THE CREDIT FOR THE TAXABLE	4500
LESS EXEMPTIONS, FOR THE            YEAR IS:	4501
TAX YEAR IS:	4502
\$25,000 or less    20%	4503
More than \$25,000 but not more    15%	4504
than \$50,000	4505
More than \$50,000 but not more    10%	4506
than \$75,000	4507
More than \$75,000            5%	4508
(2) The credit shall be claimed in the order required	4509
under section 5747.98 of the Revised Code.	4510
(F) No claim for credit under this section shall be	4511
allowed unless the claimant furnishes such supporting	4512
information as the tax commissioner prescribes by rules.	4513
<b>Sec. 5747.08.</b> An annual return with respect to the tax	4514
imposed by section 5747.02 of the Revised Code and each tax	4515
imposed under Chapter 5748. of the Revised Code shall be made by	4516
every taxpayer for any taxable year for which the taxpayer is	4517
liable for the tax imposed by that section or under that	4518
chapter, unless the total credits allowed under division (E) of	4519
section 5747.05 and divisions (F) and (G) of section 5747.055 of	4520
the Revised Code for the year are equal to or exceed the tax	4521
imposed by section 5747.02 of the Revised Code, in which case no	4522
return shall be required unless the taxpayer is liable for a tax	4523
imposed pursuant to Chapter 5748. of the Revised Code.	4524
(A) If an individual is deceased, any return or notice	4525
required of that individual under this chapter shall be made and	4526
filed by that decedent's executor, administrator, or other	4527
person charged with the property of that decedent.	4528

(B) If an individual is unable to make a return or notice 4529  
required by this chapter, the return or notice required of that 4530  
individual shall be made and filed by the individual's duly 4531  
authorized agent, guardian, conservator, fiduciary, or other 4532  
person charged with the care of the person or property of that 4533  
individual. 4534

(C) Returns or notices required of an estate or a trust 4535  
shall be made and filed by the fiduciary of the estate or trust. 4536

(D) (1) (a) Except as otherwise provided in division (D) (1) 4537  
(b) of this section, any pass-through entity may file a single 4538  
return on behalf of one or more of the entity's investors other 4539  
than an investor that is a person subject to the tax imposed 4540  
under section 5733.06 of the Revised Code. The single return 4541  
shall set forth the name, address, and social security number or 4542  
other identifying number of each of those pass-through entity 4543  
investors and shall indicate the distributive share of each of 4544  
those pass-through entity investor's income taxable in this 4545  
state in accordance with sections 5747.20 to 5747.231 of the 4546  
Revised Code. Such pass-through entity investors for whom the 4547  
pass-through entity elects to file a single return are not 4548  
entitled to the exemption or credit provided for by sections 4549  
5747.02 and 5747.022 of the Revised Code; shall calculate the 4550  
tax before business credits at the highest rate of tax set forth 4551  
in section 5747.02 of the Revised Code for the taxable year for 4552  
which the return is filed; and are entitled to only their 4553  
distributive share of the business credits as defined in 4554  
division (D) (2) of this section. A single check drawn by the 4555  
pass-through entity shall accompany the return in full payment 4556  
of the tax due, as shown on the single return, for such 4557  
investors, other than investors who are persons subject to the 4558  
tax imposed under section 5733.06 of the Revised Code. 4559

(b) (i) A pass-through entity shall not include in such a 4560  
single return any investor that is a trust to the extent that 4561  
any direct or indirect current, future, or contingent 4562  
beneficiary of the trust is a person subject to the tax imposed 4563  
under section 5733.06 of the Revised Code. 4564

(ii) A pass-through entity shall not include in such a 4565  
single return any investor that is itself a pass-through entity 4566  
to the extent that any direct or indirect investor in the second 4567  
pass-through entity is a person subject to the tax imposed under 4568  
section 5733.06 of the Revised Code. 4569

(c) Nothing in division (D) of this section precludes the 4570  
tax commissioner from requiring such investors to file the 4571  
return and make the payment of taxes and related interest, 4572  
penalty, and interest penalty required by this section or 4573  
section 5747.02, 5747.09, or 5747.15 of the Revised Code. 4574  
Nothing in division (D) of this section precludes such an 4575  
investor from filing the annual return under this section, 4576  
utilizing the refundable credit equal to the investor's 4577  
proportionate share of the tax paid by the pass-through entity 4578  
on behalf of the investor under division (I) of this section, 4579  
and making the payment of taxes imposed under section 5747.02 of 4580  
the Revised Code. Nothing in division (D) of this section shall 4581  
be construed to provide to such an investor or pass-through 4582  
entity any additional deduction or credit, other than the credit 4583  
provided by division (I) of this section, solely on account of 4584  
the entity's filing a return in accordance with this section. 4585  
Such a pass-through entity also shall make the filing and 4586  
payment of estimated taxes on behalf of the pass-through entity 4587  
investors other than an investor that is a person subject to the 4588  
tax imposed under section 5733.06 of the Revised Code. 4589

(2) For the purposes of this section, "business credits"	4590
means the credits listed in section 5747.98 of the Revised Code	4591
excluding the following credits:	4592
(a) The retirement income credit under division (B) of	4593
section 5747.055 of the Revised Code;	4594
(b) The senior citizen credit under division (F) of	4595
section 5747.055 of the Revised Code;	4596
(c) The lump sum distribution credit under division (G) of	4597
section 5747.055 of the Revised Code;	4598
(d) The dependent care credit under section 5747.054 of	4599
the Revised Code;	4600
(e) The lump sum retirement income credit under division	4601
(C) of section 5747.055 of the Revised Code;	4602
(f) The lump sum retirement income credit under division	4603
(D) of section 5747.055 of the Revised Code;	4604
(g) The lump sum retirement income credit under division	4605
(E) of section 5747.055 of the Revised Code;	4606
(h) The credit for displaced workers who pay for job	4607
training under section 5747.27 of the Revised Code;	4608
(i) The twenty-dollar personal exemption credit under	4609
section 5747.022 of the Revised Code;	4610
(j) The joint filing credit under division (E) of section	4611
5747.05 of the Revised Code;	4612
(k) The nonresident credit under division (A) of section	4613
5747.05 of the Revised Code;	4614
(l) The credit for a resident's out-of-state income under	4615
division (B) of section 5747.05 of the Revised Code;	4616

(m) The earned income tax credit under section 5747.71 of 4617  
the Revised Code. 4618

(3) The election provided for under division (D) of this 4619  
section applies only to the taxable year for which the election 4620  
is made by the pass-through entity. Unless the tax commissioner 4621  
provides otherwise, this election, once made, is binding and 4622  
irrevocable for the taxable year for which the election is made. 4623  
Nothing in this division shall be construed to provide for any 4624  
deduction or credit that would not be allowable if a nonresident 4625  
pass-through entity investor were to file an annual return. 4626

(4) If a pass-through entity makes the election provided 4627  
for under division (D) of this section, the pass-through entity 4628  
shall be liable for any additional taxes, interest, interest 4629  
penalty, or penalties imposed by this chapter if the tax 4630  
commissioner finds that the single return does not reflect the 4631  
correct tax due by the pass-through entity investors covered by 4632  
that return. Nothing in this division shall be construed to 4633  
limit or alter the liability, if any, imposed on pass-through 4634  
entity investors for unpaid or underpaid taxes, interest, 4635  
interest penalty, or penalties as a result of the pass-through 4636  
entity's making the election provided for under division (D) of 4637  
this section. For the purposes of division (D) of this section, 4638  
"correct tax due" means the tax that would have been paid by the 4639  
pass-through entity had the single return been filed in a manner 4640  
reflecting the commissioner's findings. Nothing in division (D) 4641  
of this section shall be construed to make or hold a pass- 4642  
through entity liable for tax attributable to a pass-through 4643  
entity investor's income from a source other than the pass- 4644  
through entity electing to file the single return. 4645

(E) If ~~a husband and wife~~ spouses file a joint federal 4646

income tax return for a taxable year, they shall file a joint 4647  
return under this section for that taxable year, and their 4648  
liabilities are joint and several, but, if the federal income 4649  
tax liability of either spouse is determined on a separate 4650  
federal income tax return, they shall file separate returns 4651  
under this section. 4652

If either spouse is not required to file a federal income 4653  
tax return and either or both are required to file a return 4654  
pursuant to this chapter, they may elect to file separate or 4655  
joint returns, and, pursuant to that election, their liabilities 4656  
are separate or joint and several. If ~~a husband and wife~~ spouses 4657  
file separate returns pursuant to this chapter, each must claim 4658  
the taxpayer's own exemption, but not both, as authorized under 4659  
section 5747.02 of the Revised Code on the taxpayer's own 4660  
return. 4661

(F) Each return or notice required to be filed under this 4662  
section shall contain the signature of the taxpayer or the 4663  
taxpayer's duly authorized agent and of the person who prepared 4664  
the return for the taxpayer, and shall include the taxpayer's 4665  
social security number. Each return shall be verified by a 4666  
declaration under the penalties of perjury. The tax commissioner 4667  
shall prescribe the form that the signature and declaration 4668  
shall take. 4669

(G) Each return or notice required to be filed under this 4670  
section shall be made and filed as required by section 5747.04 4671  
of the Revised Code, on or before the fifteenth day of April of 4672  
each year, on forms that the tax commissioner shall prescribe, 4673  
together with remittance made payable to the treasurer of state 4674  
in the combined amount of the state and all school district 4675  
income taxes shown to be due on the form. 4676



Upon good cause shown, the commissioner may extend the 4677  
period for filing any notice or return required to be filed 4678  
under this section and may adopt rules relating to extensions. 4679  
If the extension results in an extension of time for the payment 4680  
of any state or school district income tax liability with 4681  
respect to which the return is filed, the taxpayer shall pay at 4682  
the time the tax liability is paid an amount of interest 4683  
computed at the rate per annum prescribed by section 5703.47 of 4684  
the Revised Code on that liability from the time that payment is 4685  
due without extension to the time of actual payment. Except as 4686  
provided in section 5747.132 of the Revised Code, in addition to 4687  
all other interest charges and penalties, all taxes imposed 4688  
under this chapter or Chapter 5748. of the Revised Code and 4689  
remaining unpaid after they become due, except combined amounts 4690  
due of one dollar or less, bear interest at the rate per annum 4691  
prescribed by section 5703.47 of the Revised Code until paid or 4692  
until the day an assessment is issued under section 5747.13 of 4693  
the Revised Code, whichever occurs first. 4694

If the commissioner considers it necessary in order to 4695  
ensure the payment of the tax imposed by section 5747.02 of the 4696  
Revised Code or any tax imposed under Chapter 5748. of the 4697  
Revised Code, the commissioner may require returns and payments 4698  
to be made otherwise than as provided in this section. 4699

To the extent that any provision in this division 4700  
conflicts with any provision in section 5747.026 of the Revised 4701  
Code, the provision in that section prevails. 4702

(H) The amounts withheld by an employer pursuant to 4703  
section 5747.06 of the Revised Code, a casino operator pursuant 4704  
to section 5747.063 of the Revised Code, or a lottery sales 4705  
agent pursuant to section 5747.064 of the Revised Code shall be 4706

allowed to the recipient of the compensation casino winnings, or 4707  
lottery prize award as credits against payment of the 4708  
appropriate taxes imposed on the recipient by section 5747.02 4709  
and under Chapter 5748. of the Revised Code. 4710

(I) If a pass-through entity elects to file a single 4711  
return under division (D) of this section and if any investor is 4712  
required to file the annual return and make the payment of taxes 4713  
required by this chapter on account of the investor's other 4714  
income that is not included in a single return filed by a pass- 4715  
through entity or any other investor elects to file the annual 4716  
return, the investor is entitled to a refundable credit equal to 4717  
the investor's proportionate share of the tax paid by the pass- 4718  
through entity on behalf of the investor. The investor shall 4719  
claim the credit for the investor's taxable year in which or 4720  
with which ends the taxable year of the pass-through entity. 4721  
Nothing in this chapter shall be construed to allow any credit 4722  
provided in this chapter to be claimed more than once. For the 4723  
purpose of computing any interest, penalty, or interest penalty, 4724  
the investor shall be deemed to have paid the refundable credit 4725  
provided by this division on the day that the pass-through 4726  
entity paid the estimated tax or the tax giving rise to the 4727  
credit. 4728

(J) The tax commissioner shall ensure that each return 4729  
required to be filed under this section includes a box that the 4730  
taxpayer may check to authorize a paid tax preparer who prepared 4731  
the return to communicate with the department of taxation about 4732  
matters pertaining to the return. The return or instructions 4733  
accompanying the return shall indicate that by checking the box 4734  
the taxpayer authorizes the department of taxation to contact 4735  
the preparer concerning questions that arise during the 4736  
processing of the return and authorizes the preparer only to 4737

provide the department with information that is missing from the 4738  
return, to contact the department for information about the 4739  
processing of the return or the status of the taxpayer's refund 4740  
or payments, and to respond to notices about mathematical 4741  
errors, offsets, or return preparation that the taxpayer has 4742  
received from the department and has shown to the preparer. 4743

(K) The tax commissioner shall permit individual taxpayers 4744  
to instruct the department of taxation to cause any refund of 4745  
overpaid taxes to be deposited directly into a checking account, 4746  
savings account, or an individual retirement account or 4747  
individual retirement annuity, or preexisting college savings 4748  
plan or program account offered by the Ohio tuition trust 4749  
authority under Chapter 3334. of the Revised Code, as designated 4750  
by the taxpayer, when the taxpayer files the annual return 4751  
required by this section electronically. 4752

(L) The tax commissioner may adopt rules to administer 4753  
this section. 4754

**Sec. 5747.081.** An individual whose state income tax 4755  
liability for a tax year is one dollar or more may designate 4756  
that one dollar be paid into the Ohio political party fund to be 4757  
divided among qualifying political parties. If ~~a husband and~~ 4758  
~~wife spouses~~ who file a joint tax return have a tax liability of 4759  
two dollars or more, each spouse may designate that one dollar 4760  
be paid into the fund. The tax commissioner shall provide, on 4761  
the face of the individual income tax return form, a place where 4762  
a taxpayer may make the designation authorized in this section. 4763  
The tax commissioner shall include language informing the 4764  
taxpayer of the purpose of the designation and indicating that a 4765  
designation will not increase or decrease the taxpayer's tax 4766  
liability. 4767

**Section 2.** That existing sections 307.47, 319.54, 323.04, 4768  
323.05, 1313.17, 1313.29, 1313.30, 1313.33, 1313.34, 1313.35, 4769  
1319.06, 1321.31, 1707.03, 1707.06, 1707.14, 2103.05, 2103.06, 4770  
2103.08, 2105.06, 2111.08, 2121.03, 2307.09, 2307.10, 2317.02, 4771  
2719.06, 2907.26, 2921.22, 2933.54, 2945.42, 3101.01, 3101.08, 4772  
3101.13, 3101.14, 3103.01, 3103.04, 3103.05, 3103.06, 3103.08, 4773  
3105.01, 3105.17, 3105.31, 3105.32, 3107.03, 3109.03, 3109.56, 4774  
3111.92, 3111.93, 3111.94, 3111.95, 3111.96, 3111.97, 3113.08, 4775  
3115.316, 3127.40, 3701.791, 3705.09, 3911.08, 3923.03, 3937.30, 4776  
4112.02, 4141.30, 4728.03, 4737.07, 5103.16, 5123.01, 5302.05, 4777  
5302.07, 5302.11, 5302.12, 5302.17, 5302.20, 5302.21, 5309.80, 4778  
5309.85, 5711.14, 5731.10, 5747.05, 5747.08, and 5747.081 of the 4779  
Revised Code are hereby repealed. 4780

**Section 3.** Section 2921.22 of the Revised Code is 4781  
presented in this act as a composite of the section as amended 4782  
by both Sub. H.B. 216 and Sub. S.B. 319 of the 131st General 4783  
Assembly. The General Assembly, applying the principle stated in 4784  
division (B) of section 1.52 of the Revised Code that amendments 4785  
are to be harmonized if reasonably capable of simultaneous 4786  
operation, finds that the composite is the resulting version of 4787  
the section in effect prior to the effective date of the section 4788  
as presented in this act. 4789