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134th General Assembly

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Sub. H. B. No. 265

Representatives Manning, Patton

Cosponsors: Representatives Manchester, Skindell, LaRe, Bird, Abrams, Baldridge, Blackshear, Boyd, Brent, Brown, Carfagna, Carruthers, Creech, Crossman, Cutrona, Denson, Edwards, Fraizer, Galonski, Ghanbari, Ginter, Hicks-Hudson, Holmes, Howse, Ingram, Jarrells, John, Jones, Kick, Koehler, Lampton, Lanese, Lightbody, Liston, Loychik, Miller, A., Miller, J., Miranda, O'Brien, Oelslager, Pavliga, Plummer, Ray, Richardson, Riedel, Roemer, Russo, Schmidt, Smith, K., Smith, M., Stein, Troy, Upchurch, Weinstein, West, White, Young, T.

A BILL

To amend sections 1923.02, 2950.034, 5103.13, 1
5103.131, 5321.03, and 5321.051; to amend, for 2
the purpose of adopting a new section number as 3
indicated in parentheses, section 5103.132 4
(5103.6016); and to enact sections 5103.60, 5
5103.602, 5103.603, 5103.608, 5103.609, 6
5103.6010, 5103.6011, 5103.6012, 5103.6015, 7
5103.6017, 5103.6018, 5103.61, 5103.611, 8
5103.612, 5103.614, 5103.615, and 5103.617 of 9
the Revised Code regarding children's crisis 10
care facilities and residential infant care 11
centers. 12

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

Section 1. That sections 1923.02, 2950.034, 5103.13, 13
5103.131, 5321.03, and 5321.051 be amended; section 5103.132 14

(5103.6016) be amended for the purpose of adopting a new section 15
number as indicated in parentheses; and sections 5103.60, 16
5103.602, 5103.603, 5103.608, 5103.609, 5103.6010, 5103.6011, 17
5103.6012, 5103.6015, 5103.6017, 5103.6018, 5103.61, 5103.611, 18
5103.612, 5103.614, 5103.615, and 5103.617 of the Revised Code 19
be enacted to read as follows: 20

Sec. 1923.02. (A) Proceedings under this chapter may be 21
had as follows: 22

(1) Against tenants or manufactured home park residents 23
holding over their terms; 24

(2) Against tenants or manufactured home park residents in 25
possession under an oral tenancy, who are in default in the 26
payment of rent as provided in division (B) of this section; 27

(3) In sales of real estate, on executions, orders, or 28
other judicial process, when the judgment debtor was in 29
possession at the time of the rendition of the judgment or 30
decree, by virtue of which the sale was made; 31

(4) In sales by executors, administrators, or guardians, 32
and on partition, when any of the parties to the complaint were 33
in possession at the commencement of the action, after the 34
sales, so made on execution or otherwise, have been examined by 35
the proper court and adjudged legal; 36

(5) When the defendant is an occupier of lands or 37
tenements, without color of title, and the complainant has the 38
right of possession to them; 39

(6) In any other case of the unlawful and forcible 40
detention of lands or tenements. For purposes of this division, 41
in addition to any other type of unlawful and forcible detention 42
of lands or tenements, such a detention may be determined to 43

exist when both of the following apply: 44

(a) A tenant fails to vacate residential premises within 45
three days after both of the following occur: 46

(i) The tenant's landlord has actual knowledge of or has 47
reasonable cause to believe that the tenant, any person in the 48
tenant's household, or any person on the premises with the 49
consent of the tenant previously has or presently is engaged in 50
a violation of Chapter 2925. or 3719. of the Revised Code, or of 51
a municipal ordinance that is substantially similar to any 52
section in either of those chapters, which involves a controlled 53
substance and which occurred in, is occurring in, or otherwise 54
was or is connected with the premises, whether or not the tenant 55
or other person has been charged with, has pleaded guilty to or 56
been convicted of, or has been determined to be a delinquent 57
child for an act that, if committed by an adult, would be a 58
violation as described in this division. For purposes of this 59
division, a landlord has "actual knowledge of or has reasonable 60
cause to believe" that a tenant, any person in the tenant's 61
household, or any person on the premises with the consent of the 62
tenant previously has or presently is engaged in a violation as 63
described in this division if a search warrant was issued 64
pursuant to Criminal Rule 41 or Chapter 2933. of the Revised 65
Code; the affidavit presented to obtain the warrant named or 66
described the tenant or person as the individual to be searched 67
and particularly described the tenant's premises as the place to 68
be searched, named or described one or more controlled 69
substances to be searched for and seized, stated substantially 70
the offense under Chapter 2925. or 3719. of the Revised Code or 71
the substantially similar municipal ordinance that occurred in, 72
is occurring in, or otherwise was or is connected with the 73
tenant's premises, and states the factual basis for the 74

affiant's belief that the controlled substances are located on 75
the tenant's premises; the warrant was properly executed by a 76
law enforcement officer and any controlled substance described 77
in the affidavit was found by that officer during the search and 78
seizure; and, subsequent to the search and seizure, the landlord 79
was informed by that or another law enforcement officer of the 80
fact that the tenant or person has or presently is engaged in a 81
violation as described in this division and it occurred in, is 82
occurring in, or otherwise was or is connected with the tenant's 83
premises. 84

(ii) The landlord gives the tenant the notice required by 85
division (C) of section 5321.17 of the Revised Code. 86

(b) The court determines, by a preponderance of the 87
evidence, that the tenant, any person in the tenant's household, 88
or any person on the premises with the consent of the tenant 89
previously has or presently is engaged in a violation as 90
described in division (A) (6) (a) (i) of this section. 91

(7) In cases arising out of Chapter 5313. of the Revised 92
Code. In those cases, the court has the authority to declare a 93
forfeiture of the vendee's rights under a land installment 94
contract and to grant any other claims arising out of the 95
contract. 96

(8) Against tenants who have breached an obligation that 97
is imposed by section 5321.05 of the Revised Code, other than 98
the obligation specified in division (A) (9) of that section, and 99
that materially affects health and safety. Prior to the 100
commencement of an action under this division, notice shall be 101
given to the tenant and compliance secured with section 5321.11 102
of the Revised Code. 103

(9) Against tenants who have breached an obligation 104
imposed upon them by a written rental agreement; 105

(10) Against manufactured home park residents who have 106
defaulted in the payment of rent or breached the terms of a 107
rental agreement with a park operator. Nothing in this division 108
precludes the commencement of an action under division (A) (12) 109
of this section when the additional circumstances described in 110
that division apply. 111

(11) Against manufactured home park residents who have 112
committed two material violations of the rules of the 113
manufactured home park, of the division of industrial compliance 114
of the department of commerce, or of applicable state and local 115
health and safety codes and who have been notified of the 116
violations in compliance with section 4781.45 of the Revised 117
Code; 118

(12) Against a manufactured home park resident, or the 119
estate of a manufactured home park resident, who as a result of 120
death or otherwise has been absent from the manufactured home 121
park for a period of thirty consecutive days prior to the 122
commencement of an action under this division and whose 123
manufactured home or mobile home, or recreational vehicle that 124
is parked in the manufactured home park, has been left 125
unoccupied for that thirty-day period, without notice to the 126
park operator and without payment of rent due under the rental 127
agreement with the park operator; 128

(13) Against occupants of self-service storage facilities, 129
as defined in division (A) of section 5322.01 of the Revised 130
Code, who have breached the terms of a rental agreement or 131
violated section 5322.04 of the Revised Code; 132

(14) Against any resident or occupant who, pursuant to a
rental agreement, resides in or occupies residential premises
located within one thousand feet of any school premises ~~or,~~
preschool or child day-care center premises, children's crisis
care facility premises, or residential infant care center
premises and to whom both of the following apply:

(a) The resident's or occupant's name appears on the state
registry of sex offenders and child-victim offenders maintained
under section 2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim
offenders indicates that the resident or occupant was convicted
of or pleaded guilty to a sexually oriented offense or a child-
victim oriented offense in a criminal prosecution and was not
sentenced to a serious youthful offender dispositional sentence
for that offense.

(15) Against any tenant who permits any person to occupy
residential premises located within one thousand feet of any
school premises ~~or,~~ preschool or child day-care center premises,
children's crisis care facility premises, or residential infant
care center premises if both of the following apply to the
person:

(a) The person's name appears on the state registry of sex
offenders and child-victim offenders maintained under section
2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim
offenders indicates that the person was convicted of or pleaded
guilty to a sexually oriented offense or a child-victim oriented
offense in a criminal prosecution and was not sentenced to a
serious youthful offender dispositional sentence for that

offense. 162

(B) If a tenant or manufactured home park resident holding 163
under an oral tenancy is in default in the payment of rent, the 164
tenant or resident forfeits the right of occupancy, and the 165
landlord may, at the landlord's option, terminate the tenancy by 166
notifying the tenant or resident, as provided in section 1923.04 167
of the Revised Code, to leave the premises, for the restitution 168
of which an action may then be brought under this chapter. 169

(C) (1) If a tenant or any other person with the tenant's 170
permission resides in or occupies residential premises that are 171
located within one thousand feet of any school premises, 172
children's crisis care facility premises, or residential infant 173
care center premises and is a resident or occupant of the type 174
described in division (A) (14) of this section or a person of the 175
type described in division (A) (15) of this section, the landlord 176
for those residential premises, upon discovery that the tenant 177
or other person is a resident, occupant, or person of that 178
nature, may terminate the rental agreement or tenancy for those 179
residential premises by notifying the tenant and all other 180
occupants, as provided in section 1923.04 of the Revised Code, 181
to leave the premises. 182

(2) If a landlord is authorized to terminate a rental 183
agreement or tenancy pursuant to division (C) (1) of this section 184
but does not so terminate the rental agreement or tenancy, the 185
landlord is not liable in a tort or other civil action in 186
damages for any injury, death, or loss to person or property 187
that allegedly result from that decision. 188

(D) This chapter does not apply to a student tenant as 189
defined by division (H) of section 5321.01 of the Revised Code 190
when the college or university proceeds to terminate a rental 191

agreement pursuant to section 5321.031 of the Revised Code. 192

(E) As used in this section, "children's crisis care 193
facility premises" and "residential infant care center premises" 194
have the same meanings as in section 2950.034 of the Revised 195
Code. 196

Sec. 2950.034. (A) No person who has been convicted of, is 197
convicted of, has pleaded guilty to, or pleads guilty to a 198
sexually oriented offense or a child-victim oriented offense 199
shall establish a residence or occupy residential premises 200
within one thousand feet of any school premises~~or,~~ preschool or 201
child day-care center premises, children's crisis care facility 202
premises, or residential infant care center premises. 203

(B) If a person to whom division (A) of this section 204
applies violates division (A) of this section by establishing a 205
residence or occupying residential premises within one thousand 206
feet of any school premises~~or,~~ preschool or child day-care 207
center premises, children's crisis care facility premises, or 208
residential infant care center premises, an owner or lessee of 209
real property that is located within one thousand feet of those 210
school premises~~or,~~ preschool or child day-care center premises, 211
children's crisis care facility premises, or residential infant 212
care center premises, or the prosecuting attorney, village 213
solicitor, city or township director of law, similar chief legal 214
officer of a municipal corporation or township, or official 215
designated as a prosecutor in a municipal corporation that has 216
jurisdiction over the place at which the person establishes the 217
residence or occupies the residential premises in question, has 218
a cause of action for injunctive relief against the person. The 219
plaintiff shall not be required to prove irreparable harm in 220
order to obtain the relief. 221

(C) As used in this section:	222
(1) "Child day-care center" has the same meaning as in section 5104.01 of the Revised Code.	223 224
(2) <u>"Children's crisis care facility" has the same meaning as in section 5103.13 of the Revised Code.</u>	225 226
(3) <u>"Children's crisis care facility premises" means both of the following:</u>	227 228
<u>(a) The parcel of real property on which any children's crisis care facility is situated;</u>	229 230
<u>(b) Any grounds, play areas, and other facilities of a children's crisis care facility that are regularly used by the children served by the facility.</u>	231 232 233
(4) "Preschool" means any public or private institution or center that provides early childhood instructional or educational services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child day-care setting. "Preschool" does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children described in this division.	234 235 236 237 238 239 240 241 242 243
(3) -(5) "Preschool or child day-care center premises" means all of the following:	244 245
(a) Any building in which any preschool or child day-care center activities are conducted if the building has signage that indicates that the building houses a preschool or child day-care center, is clearly visible and discernable without obstruction,	246 247 248 249

and meets any local zoning ordinances which may apply; 250

(b) The parcel of real property on which a preschool or 251
child day-care center is situated if the parcel of real property 252
has signage that indicates that a preschool or child day-care 253
center is situated on the parcel, is clearly visible and 254
discernable without obstruction, and meets any local zoning 255
ordinances which may apply; 256

(c) Any grounds, play areas, and other facilities of a 257
preschool or child day-care center that are regularly used by 258
the children served by the preschool or child day-care center if 259
the grounds, play areas, or other facilities have signage that 260
indicates that they are regularly used by children served by the 261
preschool or child day-care center, is clearly visible and 262
discernable without obstruction, and meets any local zoning 263
ordinances which may apply. 264

(6) "Residential infant care center" has the same meaning 265
as in section 5103.60 of the Revised Code. 266

(7) "Residential infant care center premises" means both 267
of the following: 268

(a) The parcel of real property on which any residential 269
infant care center is situated; 270

(b) Any grounds, play areas, and other facilities of a 271
residential infant care center that are regularly used by the 272
children served by the center. 273

Sec. 5103.13. (A) As used in this section and section 274
5103.131 of the Revised Code: 275

(1) (a) "Children's crisis care facility" means a facility 276
that has as its primary purpose the provision of residential and 277

other care to either or both of the following: 278

(i) One or more preteens voluntarily placed in the 279
facility by the preteen's parent or other caretaker who is 280
facing a crisis that causes the parent or other caretaker to 281
seek temporary care for the preteen and referral for support 282
services; 283

(ii) One or more preteens placed in the facility by a 284
public children services agency or private child placing agency 285
that has legal custody or permanent custody of the preteen and 286
determines that an emergency situation exists necessitating the 287
preteen's placement in the facility rather than an institution 288
certified under section 5103.03 of the Revised Code or 289
elsewhere. 290

(b) "Children's crisis care facility" does not include 291
~~either any~~ of the following: 292

(i) Any organization, society, association, school, 293
agency, child guidance center, detention or rehabilitation 294
facility, or children's clinic licensed, regulated, approved, 295
operated under the direction of, or otherwise certified by the 296
department of education, a local board of education, the 297
department of youth services, the department of mental health 298
and addiction services, or the department of developmental 299
disabilities; 300

(ii) Any individual who provides care for only a single- 301
family group, placed there by their parents or other relative 302
having custody; 303

(iii) Any residential infant care center, as an entity 304
deemed a residential infant care center under section 5103.602 305
of the Revised Code shall no longer be licensed as a children's 306

crisis care center. 307

(2) "Legal custody" and "permanent custody" have the same 308
meanings as in section 2151.011 of the Revised Code. 309

(3) "Pediatric medical service" means medical service 310
required to be provided by, or with oversight from, a licensed 311
medical professional, including prescribing medication, 312
administering rectal or intravenous medication, and outpatient 313
laboratory service, and providing for sick visits, on-site well 314
child exams, and children assisted by medical technology. 315

(4) "Preteen" means an individual under thirteen years of 316
age. 317

(B) No person shall operate a children's crisis care 318
facility or hold a children's crisis care facility out as a 319
certified children's crisis care facility unless there is a 320
valid children's crisis care facility certificate issued under 321
this section for the facility. 322

(C) (1) A person seeking to operate a children's crisis 323
care facility shall apply to the director of job and family 324
services to obtain a certificate for the facility. 325

(2) (a) The director shall certify the person's children's 326
crisis care facility if the facility meets all of the 327
certification standards established in rules adopted under 328
division ~~(F)~~ (H) of this section and the person complies with 329
all of the rules governing the certification of children's 330
crisis care facilities adopted under that division. The issuance 331
of a children's crisis care facility certificate does not exempt 332
the facility from a requirement to obtain another certificate or 333
license mandated by law. 334

(b) The director shall not issue a waiver to a person for 335

compliance with any of the requirements imposed under this 336
section or any of the rules adopted under division (H) of this 337
section. 338

(D)~~(1)~~ No certified children's crisis care facility shall 339
do any of the following: 340

~~(a)~~ (1) Provide residential care to a preteen for more 341
than one hundred twenty days in a calendar year; 342

~~(b)~~ Subject to division (D) (1) (c) of this section and 343
~~except as provided in division (D) (2) of this section, provide~~ 344
(2) Provide residential care to a preteen for more than sixty 345
ninety consecutive days, which shall include the aggregate of 346
days spent at different facility locations if a preteen is 347
transferred in accordance with division (E) (4) of this section; 348

~~(e)~~ (3) Provide residential care to a preteen for more 349
than fourteen consecutive days if a public children services 350
agency or private child placing agency placed the preteen in the 351
facility; 352

~~(d)~~ (4) Fail to comply with section 2151.86 of the Revised 353
Code. 354

~~(2) A certified children's crisis care facility may~~ 355
~~provide residential care to a preteen for up to ninety~~ 356
~~consecutive days, other than a preteen placed in the facility by~~ 357
~~a public children services agency or private child placing~~ 358
~~agency, if any of the following are the case:—~~ 359

~~(a) The preteen's parent or other caretaker is enrolled in~~ 360
~~an alcohol and drug addiction service or a community mental~~ 361
~~health service certified under section 5119.36 of the Revised~~ 362
~~Code;—~~ 363

~~(b) The preteen's parent or other caretaker is an~~ 364
~~inpatient in a hospital;—~~ 365

~~(c) The preteen's parent or other caretaker is~~ 366
~~incarcerated;—~~ 367

~~(d) A physician has diagnosed the preteen's parent or~~ 368
~~other caretaker as medically incapacitated.—~~ 369

(E) A certified children's crisis care facility shall do 370
the following: 371

(1) Employ a licensed social worker, a licensed 372
independent social worker, a licensed professional counselor, or 373
a licensed professional clinical counselor; 374

(2) Require, if pediatric medical service is provided at 375
the facility, the following for the provision of pediatric 376
medical service: 377

(a) Medical service to be provided by a qualified, 378
licensed, and insured medical professional; 379

(b) All staff, volunteers, and interns to comply with the 380
privacy requirements of the "Health Insurance Portability and 381
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 382
2021, 42 U.S.C. 1320d et seq., as amended; 383

(c) If a preteen is admitted by the preteen's parent or 384
caretaker and if the preteen requires ongoing medical care 385
following discharge from the facility, a medical professional or 386
licensed social worker to make the medical professional's or 387
social worker's best effort to ensure the parent or caretaker is 388
competent to provide the ongoing care; 389

(d) The facility to have a dedicated and private enclosed 390
space for the purpose of a medical professional to receive and 391

treat patients and that contains a sink or tub, medical exam 392
table, medical record system, and pediatric medical equipment. 393

(3) Require, if a preteen is admitted by the preteen's 394
parent or caretaker, the facility's licensed social worker, 395
licensed independent social worker, licensed professional 396
counselor, or licensed professional clinical counselor to make 397
their best efforts to ensure the parent or caretaker is 398
competent in the basic parenting skills needed to care for the 399
preteen; 400

(4) Require only a transfer summary for the transfer of a 401
preteen from one certified children's crisis care facility 402
location to another, if the facility has more than one location; 403

(5) Require the facility to have a dedicated and private 404
enclosed space for the purpose of completing required admission 405
paperwork and medical forms; 406

(6) Require the facility to develop a visitation plan, 407
which shall occur during awake hours and not include overnight 408
visits, for the parent or caretaker with the parent's or 409
caretaker's preteen while residential care is being provided. 410

(F) A certified children's crisis care facility may do the 411
following: 412

(1) Count administrative staff, interns, and volunteers 413
toward required child staff ratios in an emergency situation for 414
up to three hours if the administrative staff, interns, or 415
volunteers meet the following requirements: 416

(a) Completed training in the mission of the children's 417
crisis care facility; 418

(b) Completed training pursuant to rule 5101:2-9-03 of the 419

Administrative Code; 420

(c) Are supervised by facility staff. 421

(2) Use volunteers and contracted transportation 422
providers, on whom criminal records checks have been conducted 423
in accordance with section 2151.86 of the Revised Code, to 424
transport preteens, if such use is necessary for the facility to 425
maintain required child staff ratios. 426

(G) The director of job and family services may suspend or 427
revoke a children's crisis care facility's certificate pursuant 428
to Chapter 119. of the Revised Code if the facility violates 429
~~division (D) of or fails to comply with any of the requirements~~ 430
under this section or ceases to meet any of the certification 431
standards established in rules adopted under division ~~(F)~~ (H) of 432
this section or the facility's operator ceases to comply with 433
any of the rules governing the certification of children's 434
crisis care facilities adopted under that division. 435

~~(F)~~ (H) Not later than ninety days after September 21, 436
2006, the director of job and family services shall adopt rules 437
pursuant to Chapter 119. of the Revised Code for the 438
certification of children's crisis care facilities. The rules 439
shall specify that a certificate shall not be issued to an 440
applicant if the conditions at the children's crisis care 441
facility would jeopardize the health or safety of the preteens 442
placed in the facility. 443

Sec. 5103.131. The department of job and family services 444
may apply to the United States secretary of health and human 445
services for a federal grant under the "Child Abuse Prevention 446
and Treatment Act," 42 U.S.C. 5116, and the "Family First 447
Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741, to 448

assist children's crisis care facilities certified under section 449
5103.13 of the Revised Code in providing temporary residential 450
and other care to preteens. 451

Sec. 5103.60. As used in sections 5103.602 to 5103.6018 of 452
the Revised Code: 453

(A) "Infant" means a child who is less than one year of 454
age. 455

(B) "Residential infant care center" means a facility that 456
has as its primary purpose the provision of residential services 457
for infants affected by addiction and the preservation of 458
families through infant foster care diversion practices and 459
programs. 460

Sec. 5103.602. (A) A person seeking to operate a 461
residential infant care center after the effective date of this 462
section shall apply to the director of job and family services 463
to obtain a certificate for the facility. 464

(B) A person who, on the effective date of this section, 465
is operating a children's crisis care facility that has as its 466
primary purpose the provision of residential services for 467
infants affected by addiction and the preservation of families 468
through infant foster care diversion practices and programs 469
shall be deemed a residential infant care center by the director 470
if the center is in compliance with the requirements and rules 471
described under division (B) of section 5103.603 of the Revised 472
Code. 473

Sec. 5103.603. The director of job and family services 474
shall issue a certificate to a person to operate a residential 475
infant care center as follows: 476

(A) Pursuant to division (A) of section 5103.602 of the 477

Revised Code if the center complies with all of the requirements 478
under sections 5103.608 to 5103.6012 of the Revised Code and, if 479
applicable, all of the rules adopted under section 5103.6018 of 480
the Revised Code; 481

(B) (1) Pursuant to division (B) of section 5103.602 of the 482
Revised Code if the center is in compliance with all of the 483
requirements under sections 5103.608 to 5103.6012 of the Revised 484
Code and rules adopted under division (H) of section 5103.13 of 485
the Revised Code, except the rules described in division (B) of 486
section 5103.6011 of the Revised Code, on the effective date of 487
this section. 488

(2) If the director of job and family services adopts 489
rules under section 5103.6018 of the Revised Code, a center 490
issued a certificate under division (B) (1) of this section shall 491
comply with those rules rather than the rules adopted under 492
division (H) of section 5103.13 of the Revised Code. 493

Sec. 5103.608. An infant is eligible to be placed in a 494
residential infant care center if one of the following applies: 495

(A) The infant was born drug exposed and requires 496
additional care. 497

(B) The infant's parent or caretaker requires additional 498
education and support services regarding care for the infant. 499

(C) A public children services agency or private child 500
placing agency requires additional time to determine placement 501
of the infant. 502

Sec. 5103.609. (A) A residential infant care center may 503
provide residential care for up to ninety consecutive days to an 504
infant placed by any of the following with legal custody of the 505
infant: 506

<u>(1) A parent, guardian, or legal custodian;</u>	507
<u>(2) A public children services agency;</u>	508
<u>(3) A private child placing agency.</u>	509
<u>(B) As used in this section, "legal custody" has the same</u>	510
<u>meaning as in section 2151.011 of the Revised Code.</u>	511
<u>Sec. 5103.6010. A residential infant care center shall do</u>	512
<u>the following:</u>	513
<u>(A) If using medication to treat infants, hold a terminal</u>	514
<u>distributor of dangerous drugs license issued by the state board</u>	515
<u>of pharmacy under section 4729.54 of the Revised Code.</u>	516
<u>(B) Comply, except as otherwise provided in this section</u>	517
<u>and section 5103.6011 of the Revised Code, with all requirements</u>	518
<u>under rule 5101:2-9-02 of the Administrative Code;</u>	519
<u>(C) Develop a plan of safe care in accordance with the</u>	520
<u>"Comprehensive Addiction and Recovery Act of 2016," Pub. L. No.</u>	521
<u>114-198, for an infant born drug exposed as follows:</u>	522
<u>(1) Assist with the health and substance use disorder</u>	523
<u>treatment needs of the infant and affected family or caregiver;</u>	524
<u>(2) Develop and implement a program to monitor, support,</u>	525
<u>and connect affected families or caregivers through the</u>	526
<u>provision of and referral to appropriate services for the infant</u>	527
<u>and affected family or caregiver.</u>	528
<u>(D) Develop and implement a program for parents and</u>	529
<u>caregivers that, either individually or in a group setting, does</u>	530
<u>both of the following:</u>	531
<u>(1) Teaches parenting skills, bonding, and caring for the</u>	532
<u>infant's special needs;</u>	533

<u>(2) Allows for the program to be completed prior to the</u>	534
<u>infant's discharge.</u>	535
<u>(E) Require both of the following:</u>	536
<u>(1) Child-care staff, volunteers, and interns in positions</u>	537
<u>responsible for the daily direct care or supervision of children</u>	538
<u>to be at least eighteen years old and have a high school diploma</u>	539
<u>or certificate of high school equivalence;</u>	540
<u>(2) Volunteers and interns who are under twenty-one years</u>	541
<u>of age to be supervised.</u>	542
<u>(F) Request a criminal records check with respect to</u>	543
<u>volunteers and interns in accordance with section 2151.86 of the</u>	544
<u>Revised Code;</u>	545
<u>(G) Employ registered nurses, patient care assistants, or</u>	546
<u>licensed professional nurses to meet required child-to-staff</u>	547
<u>ratios;</u>	548
<u>(H) Require the center's licensed social worker, licensed</u>	549
<u>independent social worker, licensed professional counselor, or</u>	550
<u>licensed professional clinical counselor to do the following:</u>	551
<u>(1) Provide wraparound services to affected family and</u>	552
<u>caregivers;</u>	553
<u>(2) Coordinate and cooperate with any transferring</u>	554
<u>hospital, public children services agency, and private child</u>	555
<u>placing agency;</u>	556
<u>(3) Refer affected families or caregivers to appropriate</u>	557
<u>community agencies and services for support and aftercare;</u>	558
<u>(4) Follow up with affected families and caregivers</u>	559
<u>following the infant's discharge.</u>	560

(I) (1) Encourage employee-supervised dyad care and permit 561
one of the infant's parents or caregivers to room-in with the 562
infant for bonding and education; 563

(2) Provide the following for dyad care and rooming-in: 564

(a) A single bed and all necessary bed sheets, pillow 565
cases, pillows, and blankets; 566

(b) All meals and snacks, which shall be provided in a 567
designated family kitchen area if the center has such an area; 568

(c) A minimum of one private shower and toilet for the use 569
of the parents or caregivers who are rooming-in. 570

(3) Notify the parent or caregiver that the center's rules 571
and policies shall be followed or rooming-in may be restricted 572
or canceled. 573

(J) Have one bathing room for every six infants that 574
includes a minimum of one hip level bathtub with hot and cold 575
water, one changing station, and a door with a full-length glass 576
window for safety and observation; 577

(K) Meet the child-to-staff ratio of at least one awake 578
child-care staff on duty at all times for every one to five 579
infants; 580

(L) Use cribs and other infant sleep products that meet 581
the United States consumer product safety commission's safety 582
standards for safe sleep; 583

(M) Follow the department of health's safe sleep education 584
program recommendations established under section 3701.66 of the 585
Revised Code. 586

Sec. 5103.6011. (A) A residential infant care center shall 587

not be required to do the following: 588

(1) Provide toilets or potty chairs for infants. 589

(2) Comply with the following rules: 590

(a) Division (E) of rule 5101:2-5-09 of the Administrative 591
 Code. 592

(b) Divisions (N) and (P) to (R) of rule 5101:2-9-03 of 593
 the Administrative Code. 594

(c) Rule 5101:2-9-19 of the Administrative Code. 595

(d) Divisions (A) to (H) of rule 5101:2-9-20 of the 596
 Administrative Code. 597

(e) Rules 5101:2-9-21 and 5101:2-9-22 of the 598
 Administrative Code. 599

(f) Divisions (D) to (F) of rule 5101:2-9-26 of the 600
 Administrative Code. 601

(g) Divisions (B), (D), (F), (G), (J), (K), (M) to (Q), 602
 and (S) of rule 5101:2-9-28 of the Administrative Code. 603

(h) Rules 5101:2-9-29, 5101:2-9-38, and 5101:2-9-40 of the 604
 Administrative Code. 605

(3) Require registered nurses and licensed professional 606
 nurses employed by the center to comply with the requirements 607
 under division (M) (3) of rule 5101:2-9-02 and divisions (J) to 608
 (L) of rule 5101:2-9-03 of the Administrative Code. 609

(B) The provisions of this section do not apply on and 610
 after the date the department of job and family services adopts 611
 rules under section 5103.6018 of the Revised Code. 612

Sec. 5103.6012. A residential infant care center shall not 613

count volunteers or interns to meet child-to-staff ratios, 614
except for in emergency situations, including an extremely ill 615
staff member. 616

Sec. 5103.6015. The department of job and family services 617
may apply to the United States secretary of health and human 618
services for a federal grant under the "Child Abuse Prevention 619
and Treatment Act," 42 U.S.C. 5116, and the "Family First 620
Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741 to 621
assist residential infant care centers certified under section 622
5103.603 of the Revised Code in providing temporary residential 623
and other care to infants. 624

Sec. ~~5103.132~~ 5103.6016. (A) As used in this section, 625
"firearm" has the same meaning as in section 2923.11 of the 626
Revised Code. 627

(B) ~~A children's crisis care facility that has as its~~ 628
~~primary purpose the provision of residential and other care to~~ 629
~~infants who are born drug exposed and residential infant care~~ 630
~~center~~ that regularly maintains on its premises schedule II 631
controlled substances, as defined in section 3719.01 of the 632
Revised Code, may do both of the following: 633

(1) Maintain firearms at the facility; 634

(2) Permit security personnel to bear firearms while on 635
the grounds of the facility. 636

Sec. 5103.6017. The director of job and family services 637
may suspend or revoke a residential infant care center's 638
certificate pursuant to Chapter 119. of the Revised Code if the 639
center violates or fails to comply with any of the requirements 640
under sections 5103.608 to 5103.6012 of the Revised Code and, as 641
applicable, the rules adopted under section 5103.6018 of the 642

Revised Code or division (H) of section 5103.13 of the Revised 643
Code. 644

Sec. 5103.6018. The director of job and family services 645
shall adopt rules pursuant to Chapter 119. of the Revised Code 646
for the certification of residential infant care centers. 647

Sec. 5103.61. As used in sections 5103.61 to 5103.617 of 648
the Revised Code, "family preservation center" means a certified 649
children's crisis care facility or residential infant care 650
center that has as its primary purpose the preservation of 651
families through preteen foster care diversion practices and 652
programs. 653

Sec. 5103.611. A person who holds an active license to 654
operate a children's crisis care facility under section 5103.13 655
of the Revised Code or a residential infant care center under 656
section 5103.602 of the Revised Code may apply to the director 657
of job and family services to obtain a certificate as a family 658
preservation center under this section. 659

Sec. 5103.612. (A) The director of job and family services 660
shall certify the person's family preservation center if the 661
center complies with all of the requirements imposed under 662
section 5103.614 of the Revised Code and all of the rules 663
adopted under section 5103.617 of the Revised Code. 664

(B) The director shall not issue a waiver to a person of 665
compliance with any of the requirements imposed under this 666
section or any of the rules adopted under section 5103.617 of 667
the Revised Code. 668

Sec. 5103.614. A certified family preservation center 669
shall do the following: 670

(A) Obtain and maintain accreditation under the commission 671

on accreditation of rehabilitation facilities, the joint 672
commission on accreditation of healthcare organizations, or the 673
council on accreditation for children and family services; 674

(B) Obtain and maintain certification by the Ohio 675
department of mental health and addiction services; 676

(C) Provide family preservation programs informed by 677
evidence-based or promising practices, including all of the 678
following: 679

(1) Family case management; 680

(2) Service referral and linkage; 681

(3) Parent education; 682

(4) Trauma screening and healing-centered interventions. 683

Sec. 5103.615. The director of job and family services may 684
suspend or revoke a family preservation center's certificate 685
pursuant to Chapter 119. of the Revised Code if the center 686
violates or fails to comply with section 5103.614 of the Revised 687
Code or any of the rules adopted under section 5103.617 of the 688
Revised Code. 689

Sec. 5103.617. Not later than ninety days after the 690
effective date of this section, the director of job and family 691
services shall adopt rules pursuant to Chapter 119. of the 692
Revised Code for the certification of family preservation 693
centers. 694

Sec. 5321.03. (A) Notwithstanding section 5321.02 of the 695
Revised Code, a landlord may bring an action under Chapter 1923. 696
of the Revised Code for possession of the premises if: 697

(1) The tenant is in default in the payment of rent; 698

(2) The violation of the applicable building, housing, 699
health, or safety code that the tenant complained of was 700
primarily caused by any act or lack of reasonable care by the 701
tenant, or by any other person in the tenant's household, or by 702
anyone on the premises with the consent of the tenant; 703

(3) Compliance with the applicable building, housing, 704
health, or safety code would require alteration, remodeling, or 705
demolition of the premises which would effectively deprive the 706
tenant of the use of the dwelling unit; 707

(4) A tenant is holding over the tenant's term. 708

(5) The residential premises are located within one 709
thousand feet of any school premises~~or~~, preschool or child day- 710
care center premises, children's crisis care facility premises, 711
or residential infant care center premises, and both of the 712
following apply regarding the tenant or other occupant who 713
resides in or occupies the premises: 714

(a) The tenant's or other occupant's name appears on the 715
state registry of sex offenders and child-victim offenders 716
maintained under section 2950.13 of the Revised Code. 717

(b) The state registry of sex offenders and child-victim 718
offenders indicates that the tenant or other occupant was 719
convicted of or pleaded guilty to a sexually oriented offense or 720
a child-victim oriented offense in a criminal prosecution and 721
was not sentenced to a serious youthful offender dispositional 722
sentence for that offense. 723

(B) The maintenance of an action by the landlord under 724
this section does not prevent the tenant from recovering damages 725
for any violation by the landlord of the rental agreement or of 726
section 5321.04 of the Revised Code. 727

(C) This section does not apply to a dwelling unit 728
occupied by a student tenant. 729

(D) As used in this section, "children's crisis care 730
facility premises" and "residential infant care center premises" 731
have the same meanings as in section 2950.034 of the Revised 732
Code. 733

Sec. 5321.051. (A) (1) No tenant of any residential 734
premises located within one thousand feet of any school premises 735
~~or, preschool~~ or child day-care center premises, children's 736
crisis care facility premises, or residential infant care center 737
premises shall allow any person to occupy those residential 738
premises if both of the following apply regarding the person: 739

(a) The person's name appears on the state registry of sex 740
offenders and child-victim offenders maintained under section 741
2950.13 of the Revised Code. 742

(b) The state registry of sex offenders and child-victim 743
offenders indicates that the person was convicted of or pleaded 744
guilty to either a sexually oriented offense that is not a 745
registration-exempt sexually oriented offense or a child-victim 746
oriented offense in a criminal prosecution and was not sentenced 747
to a serious youthful offender dispositional sentence for that 748
offense. 749

(2) If a tenant allows occupancy in violation of this 750
section or a person establishes a residence or occupies 751
residential premises in violation of section 2950.034 of the 752
Revised Code, the landlord for the residential premises that are 753
the subject of the rental agreement or other tenancy may 754
terminate the rental agreement or other tenancy of the tenant 755
and all other occupants. 756

(B) If a landlord is authorized to terminate a rental 757
agreement or other tenancy pursuant to division (A) of this 758
section but does not so terminate the rental agreement or other 759
tenancy, the landlord is not liable in a tort or other civil 760
action in damages for any injury, death, or loss to person or 761
property that allegedly results from that decision. 762

(C) As used in this section, "children's crisis care 763
facility premises" and "residential infant care center premises" 764
have the same meanings as in section 2950.034 of the Revised 765
Code. 766

Section 2. That existing sections 1923.02, 2950.034, 767
5103.13, 5103.131, 5103.132, 5321.03, and 5321.051 of the 768
Revised Code are hereby repealed. 769