

IN THE SUPREME COURT OF OHIO

State ex rel.

The Ohio General Assembly
Statehouse
Columbus, Ohio 43215,

Bill Harris, President of the Ohio Senate
Statehouse
Room #201, Second Floor
Columbus, Ohio 43215,

Jon Husted, Speaker of the Ohio House of Representatives
77 South High Street 13th Floor
Columbus, Ohio 43215,

Relators,

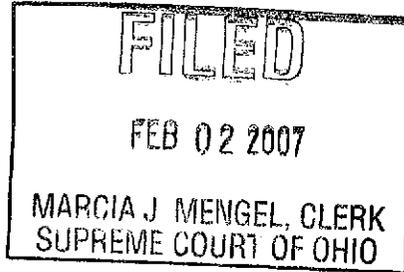
v.

Jennifer Brunner
Secretary of State of Ohio
180 East Broad Street
Columbus, Ohio 43215

Respondent.

07-0209

Original Action in Mandamus



COMPLAINT FOR A WRIT OF MANDAMUS

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Counsel for Respondent

1. Article II, Section 1 of the Ohio Constitution vests the legislative power of the State of Ohio in the Ohio General Assembly. Under Section 7 of Article II, the Ohio General Assembly consists of a House of Representatives and a Senate. Under Section 7, the Speaker is the presiding officer of the House, and the President is the presiding officer of the Senate.

2. Relator Bill Harris is, and was in 2006, the Senator from Ohio's 19th Senate District, President of the Ohio Senate, and a member of the Legislative Service Commission of Ohio. Relator Harris voted for Amended Substitute Senate Bill No. 117 in the Ohio Senate in 2006. Relator Harris is suing as a citizen of the State of Ohio and in his official capacity as President of the Ohio Senate, as the Ohio Senator from the 19th Senate District, and as a member of the Legislative Service Commission of Ohio. Relator Harris also brings this suit on behalf of the Ohio General Assembly in his capacity as an authorized and duly elected representative thereof.

3. Relator Jon Husted is, and was in 2006, the Representative from Ohio's 37th House District, Speaker of the Ohio House of Representatives, and a member of the Legislative Service Commission of Ohio. Relator Husted voted for Amended Substitute Senate Bill No. 117 in the Ohio House of Representatives in 2006. Relator Husted is suing as a citizen of the State of Ohio and in his official capacity as Speaker of the Ohio House of Representatives, as the Ohio Representative from the 37th House District, and as a member of the Legislative Service Commission of Ohio. Relator Husted also brings this suit on behalf of the Ohio General Assembly in his capacity as an authorized and duly elected representative thereof.

4. Respondent Jennifer Brunner is the Secretary of the State of Ohio for a four year term of office that commenced on January 8, 2007. R.C. 111.01. Respondent Brunner is being sued in her official capacity.

5. Under Article III, Section 1 of the Ohio Constitution, the Ohio Secretary of State is a member of the Executive Department of the State of Ohio. Under R.C. 111.08, the Ohio Secretary of State “shall have charge of and safely keep the laws and resolutions passed by the general assembly. ”

6. Pursuant to Chapter 149 of the Revised Code, the Secretary of State is required by law to ensure the distribution, compilation and publication of all laws passed by the General Assembly. This chapter sets out with specificity the duties of the Secretary of State to distribute, compile and publish laws that have been filed with her office.

7. The Ohio Secretary of State is not vested with any jurisdiction to determine the validity of enactment or the constitutionality of any law. Her duties are merely ministerial, not discretionary, and mandamus will lie to compel her to perform the official duties of accepting and filing laws. *Marcolin v. Smith Secy. Of State* (1922), 105 Ohio St. 570; *State ex rel. Pressley v. Indus. Comm.* (1967), 11 Ohio St.2d 141; and *Maloney v. Rhodes*, (1976), 45 Ohio St.2d 319.

8. The Ohio Secretary of State also has the ministerial responsibility of determining the timeframe during which referendum petitions challenging legislation passed by the Ohio General Assembly must be filed with the Ohio Secretary of State under the terms of Section 1c of Article II of the Ohio Constitution. With certain exceptions inapplicable to the present situation, Section 1c of Article II of the Ohio Constitution provides, “No law passed by the general assembly shall go into effect until ninety days after it shall have been filed by the governor in the office of the secretary of state. . . . ”

9. Under Article III, Section 1 of the Ohio Constitution, the Governor of Ohio is a member of the Executive Department of the State of Ohio. The Governor has a duty to

review and take certain actions on laws presented to him by the General Assembly, and to file those laws, in most instances, with the Secretary of State. Article II, Sections 1c and 16, Ohio Constitution; R.C. 107.10(A).

10. On October 26, 2005, the Ohio Senate passed Substitute Senate Bill No. 117, and the Clerk of the Ohio Senate signed that engrossed Bill. An accurate copy of Substitute Senate Bill No. 117 and the Senate Clerk's signature is attached to this Complaint as **Exhibit A**.

11. On December 14, 2006, the Ohio House of Representatives passed Amended Substitute Senate Bill No. 117, and the Clerk of the Ohio House of Representatives signed that engrossed Bill. An accurate copy of Amended Substitute Senate Bill No. 117 and the House Clerk's signature is attached to this Complaint as **Exhibit B**.

12. On December 14, 2006, the Ohio Senate concurred in Amended Substitute Senate Bill No. 117, and the Clerk of the Ohio Senate signed that engrossed Bill. An accurate copy of Amended Substitute Senate Bill No. 117 and the Senate Clerk's signature is attached to this Complaint as **Exhibit B**.

13. The Bill was enrolled and signed by the President of the Senate and the Speaker of the House. The enrolled Bill is attached as **Exhibit C**.

14. On Thursday, December 21, 2006, the Ohio House of Representatives adjourned sine die. A copy of the Ohio House of Representatives Journal is attached as **Exhibit D**.

15. On Tuesday, December 26, 2006, the Ohio Senate, and thus the Ohio General Assembly, adjourned sine die. A copy of the Ohio Senate Journal is attached as **Exhibit E**.

16. On December 27, 2006, Governor Taft was presented with Amended Substitute Senate Bill No. 117 in accordance with Article II, Section 15 of the Ohio Constitution. A copy of the receipt is attached as **Exhibit F**.

17. Section 16 of Article II of the Ohio Constitution provides that if the Ohio General Assembly passes legislation and adjourns and the Governor does not sign the legislation, the legislation “becomes law unless, within ten days after such adjournment, it is filed by him, with his objections in writing, in the office of the secretary of state. The governor shall file with the secretary of state every bill not returned by him to the house of origin that becomes law without his signature.”

18. On January 5, 2007, ten days had passed since the final adjournment of the Ohio General Assembly on December 26, 2006, i.e., December 27, 28, 29, 30 and 31 and January 1, 2, 3, 4 and 5.

19. Governor Taft had Amended Substitute Senate Bill No. 117 delivered for filing with the office of Ohio Secretary of State Kenneth Blackwell. Governor Taft neither vetoed nor signed the bill. The legislation was accepted and filed by Secretary of State Blackwell on January 5, 2007, as evidenced by the dated signature of Alicia Harrison, a representative of Secretary of State Blackwell, in the paper Journal maintained by the Secretary of State. Copies of the paper Journal are attached to this Complaint as **Exhibit G**. Secretary of State Blackwell signed the filed bill, as had Relators Harris and Husted, as evidenced by attached **Exhibit C**.

20. On January 5, 2007, Governor Taft issued a press release stating, “I have decided to allow Amended Substitute Senate Bill 117 become law without my signature.” An accurate copy of the Governor’s press release is attached to this Complaint as **Exhibit H**.

21. On January 8, 2007, the first day of Respondent Brunner's term, Respondent Brunner's paper Journal documents that Respondent Brunner "returned" Amended Substitute Senate Bill No. 117, which had already been filed in the Secretary of State's Office, to Governor Strickland. Copies of the paper Journal are attached to this Complaint as **Exhibit G**.

22. On January 8, 2007, Respondent Brunner also sent a letter to Governor Strickland incorrectly stating, inter alia, "Nothing in law prohibits the Secretary of State from returning to the governor an act that has been filed with the office without signature, but which has not yet become law. Therefore, I am returning herewith Am. Sub. S.B. No. 117 to you,..." Additionally, in her January 8, 2007 letter, Respondent Brunner admitted that when the General Assembly adjourns, without the Governor either signing or vetoing a bill, "the bill becomes law unless the governor, within ten days of the adjournment, files it with his objections in writing in the office of the Secretary of State." A complete copy of Respondent Brunner's letter is attached to this Complaint as **Exhibit I**.

23. Respondent Brunner's paper Journal documents that on January 8, 2007, the first day of his term, Governor Strickland received Amended Substitute Senate Bill No. 117 from Respondent Brunner, signed a purported veto message for Amended Substitute Senate Bill No. 117, and returned Amended Substitute Senate Bill No. 117 to Respondent Brunner. **Exhibit G**. An accurate copy of the purported veto message, without the attached bill, is attached to this Complaint as **Exhibit J**.

24. Respondent Brunner maintains an electronic Journal that appears to document transactions related to bills passed by each session of the General Assembly. However, Respondent Brunner's electronic Journal is significantly different than her paper Journal. The electronic Journal does not document that the enrolled version of Amended

Substitute Senate Bill No. 117 was filed with the office of Secretary of State Kenneth Blackwell on January 5, 2007. In fact, the electronic Journal merely reflects that Amended Substitute Senate Bill No. 117 was filed with the Secretary of State on January 8, 2007. An accurate copy of the electronic Journal, as of February 1, 2007, is attached to this Complaint as **Exhibit K**.

25. In violation of her duty as the chief election officer of the State of Ohio, Respondent Brunner has failed to note in the electronic Journal the actual date on which Amended Substitute Senate Bill No. 117 was filed and the effective date by which referendum petitions must be filed with the Secretary of State in order to challenge the passage of Amended Substitute Senate Bill No. 117. Instead of noting the effective date in the column in the electronic Journal for Effective Date, Respondent Brunner incorrectly noted that Amended Substitute Senate Bill No. 117 had been vetoed.

26. Respondent Brunner failed to carry out the Secretary of State's constitutional and statutory duties to maintain, preserve and keep safe Amended Substitute Senate Bill No. 117 as filed by Governor Taft on January 5, 2007.

27. Respondent Brunner has also failed to carry out the Secretary of State's ministerial duty to provide accurate records to the Director of the Legislative Service Commission, an arm of the Ohio General Assembly, with respect to Amended Substitute Senate Bill No. 117 so that the Director can carry out his responsibilities to codify the laws of the State under R.C. 103.131. She has further failed to carry out the Secretary of State's duties to compile, publish and distribute Amended Substitute Senate Bill No. 117 as set forth in Chapter 149 of the Revised Code.

28. Relators the Ohio General Assembly, Husted, and Harris are requesting this Court to enforce Relators' clear legal right to have the Secretary of State (a) assign a date by

which any referendum petitions challenging Amended Substitute Senate Bill No. 117 must be presented to the Secretary of State; (b) make accurate records regarding Amended Substitute Senate Bill No. 117 available to the Legislative Service Commission so that it can fulfill its codification duties as required by law; and (c) compile, publish and distribute Amended Substitute Senate Bill No. 117 as required under Chapter 149 of the Revised Code.

29. Relators state that they have no adequate remedy at law and that relief cannot otherwise be obtained except through this Complaint for a Writ of Mandamus.

WHEREFORE, Relators the Ohio General Assembly, Husted, and Harris pray that this Court issue a peremptory writ of mandamus against Respondent Brunner, compelling her to:

- (a) change the entry in both the paper and electronic Journals she keeps to reflect the fact that Amended Substitute Senate Bill No. 117 was not vetoed and was filed with the Secretary of State on January 5, 2007;
- (b) set forth in both the paper and electronic Journals she keeps that any referendum petitions challenging Amended Substitute Senate Bill No. 117 must be filed with the Secretary of State within 90 days of the filing of Amended Substitute Senate Bill No. 117 on January 5, 2007;
- (c) maintain and preserve Amended Substitute Senate Bill No. 117, as filed by Governor Taft on January 5, 2007, and make accurate records available to the Legislative Service Commission so that it can fulfill its codification duties; and
- (d) fulfill each of the duties and obligations imposed by Chapter 149 of the Revised Code with respect to Amended Substitute Senate Bill No. 117.

In the event that the Court requires further evidence to determine the issue presented, Relators pray that the Court issue an alternative writ.

Relators further pray that the Court award Relators their reasonable expenses, including attorneys' fees and costs, incurred in the enforcement of their rights.



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Counsel for Relators, the Ohio General Assembly;

Bill Harris, President of the Ohio Senate; and

Jon Husted, Speaker of the Ohio House of Representatives

AFFIDAVIT

STATE OF OHIO :
 : ss
COUNTY OF FRANKLIN :

Relator Husted, being duly cautioned and sworn, deposes and says that he has read the foregoing Complaint for a Writ in Mandamus and the statements contained in the Complaint, which are specifically incorporated by reference as if completely rewritten in this Affidavit, are true based on my personal knowledge.

J. L. Husted

Sworn to and subscribed in my presence this 1st day of February, 2007.

Richard D. Schuster

RICHARD D. SCHUSTER, Attorney-At-Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R. C.

A

126th General Assembly
Regular Session
2005-2006

Sub. S. B. No. 117

Senators Mallory, Dann, Fedor, Jacobson, Miller, Schuler, Amstutz,
urz, Armbruster, Brady, Clancy, Fingerhut, Goodman, Hagan, Jordan,
Mumper, Niehaus, Padgett, Schuring, Wachtmann, Wilson, Harris,
Spada, Cates

A BILL

To amend section 2307.60 of the Revised Code to provide that a final judgment, entered after a trial or upon a plea of guilty in certain criminal actions generally precludes the offender from denying any fact essential to sustain that judgment when entered in evidence in a civil proceeding that is based on the criminal act.

SENATE

PASSED Oct 26 2005

ATTEST: Dan Battista
Clerk.

As Passed by the Senate

126th General Assembly
Regular Session
2005-2006

Sub. S. B. No. 117

Senators Mallory, Dann, Fedor, Jacobson, Miller, Schuler, Amstutz, Zurz,
Armbruster, Brady, Clancy, Fingerhut, Goodman, Hagan, Jordan, Mumper,
Niehaus, Padgett, Schuring, Wachtmann, Wilson, Harris, Spada, Cates

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To amend section 2307.60 of the Revised Code to 1
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judgment when entered in evidence in a civil 6
proceeding that is based on the criminal act. 7

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

Section 1. That section 2307.60 of the Revised Code be 8
amended to read as follows: 9

Sec. 2307.60. (A) (1) Anyone injured in person or property by 10
a criminal act has, and may recover full damages in, a civil 11
action unless specifically excepted by law, may recover the costs 12
of maintaining the civil action and attorney's fees if authorized 13
by any provision of the Rules of Civil Procedure or another 14
section of the Revised Code or under the common law of this state, 15
and may recover punitive or exemplary damages if authorized by 16
section 2315.21 or another section of the Revised Code. ~~No record~~ 17
~~of a conviction, unless obtained by confession in open court,~~ 18

~~shall be used as evidence in a civil action brought pursuant to
division (A) of this section.~~ 19
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(2) A final judgment of a trial court that has not been 21
reversed on appeal or otherwise set aside, nullified, or vacated, 22
entered after a trial or upon a plea of guilty, but not upon a 23
plea of no contest or the equivalent plea from another 24
jurisdiction, that adjudges an offender guilty of a crime 25
punishable by death or imprisonment in excess of one year, when 26
entered as evidence in any subsequent civil proceeding based on 27
the criminal act, shall preclude the offender from denying in the 28
subsequent civil proceeding any fact essential to sustaining that 29
judgment, unless the offender can demonstrate that extraordinary 30
circumstances prevented the offender from having a full and fair 31
opportunity to litigate the issue in the criminal proceeding or 32
other extraordinary circumstances justify affording the offender 33
an opportunity to relitigate the issue. The offender may introduce 34
evidence of the offender's pending appeal of the final judgment of 35
the trial court, if applicable, and the court may consider that 36
evidence in determining the liability of the offender. 37

(B) (1) As used in division (B) of this section, "tort action" 38
means a civil action for damages for injury, death, or loss to 39
person or property other than a civil action for damages for a 40
breach of contract or another agreement between persons. "Tort 41
action" includes, but is not limited to, a product liability 42
claim, as defined in section 2307.71 of the Revised Code, and an 43
asbestos claim, as defined in section 2307.91 of the Revised Code, 44
an action for wrongful death under Chapter 2125. of the Revised 45
Code, and an action based on derivative claims for relief. 46

(2) Recovery on a claim for relief in a tort action is barred 47
to any person or the person's legal representative if the person 48
has been convicted of or has pleaded guilty to a felony, or to a 49
misdemeanor that is an offense of violence, arising out of 50

criminal conduct that was a proximate cause of the injury or loss 51
for which relief is claimed in the action. 52

(3) Division (B) of this section does not apply to civil 53
claims based upon alleged intentionally tortious conduct, alleged 54
violations of the United States Constitution, or alleged 55
violations of statutes of the United States pertaining to civil 56
rights. 57

Section 2. That existing section 2307.60 of the Revised Code 58
is hereby repealed. 59

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Senators (Sponsor Removed by Request), Schuler, Amstutz, Clancy,
Goodman, Jordan, Mumper, Niehaus, Schuring, Wachtmann, Harris
Representatives Aslanides, Blasdel, Blessing, Bupp, Buehrer, Coley,
Collier, Flowers, Gibbs, Hood, Raussen, Schaffer, Schneider, Seitz,
Setzer, White, D., Wolpert

A BILL

To amend sections 1345.09, 2307.60, 2307.71, 2307.73, and 2317.02 of the Revised Code to specify the nature of damages that may be recovered in certain actions based on unfair or deceptive sales practices, to provide that a final judgment, entered after a trial or upon a plea of guilty in certain criminal actions generally precludes the offender from denying any fact essential to sustain that judgment when entered in evidence in a civil proceeding that is based on the criminal act, to make an exception to the attorney-client privilege for communications related to an attorney's aiding or furthering an ongoing or future commission of bad faith by a client that is an insurance company, to prohibit the use of enterprise theories of liability against manufacturers in product liability claims, and to include public nuisance claims under the definition of product liability claims.

HOUSE OF REPRESENTATIVES

PASSED *December 14, 2006*

ATTEST:

Laura P. Clemens

CLERK

CONCURRED IN HOUSE AMENDMENTS

Dec 14, 2006

ATTEST: *Dan Bator*
Clerk.

As Passed by the House

126th General Assembly

Regular Session

2005-2006

Am. Sub. S. B. No. 117

**Senators Mallory, Dann, Fedor, Jacobson, Miller, R., Schuler, Amstutz, Zurz,
Armbruster, Brady, Clancy, Fingerhut, Goodman, Hagan, Jordan, Mumper,
Niehaus, Padgett, Schuring, Wachtmann, Wilson, Harris, Spada, Cates
Representatives Aslanides, Blasdel, Blessing, Bulp, Buehrer, Coley, Collier,
Flowers, Gibbs, Hood, Raussen, Schaffer, Schneider, Seitz, Setzer, White, D.,
Wolpert**

A B I L L

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and 2317.02 of the Revised Code to specify the 2
nature of damages that may be recovered in certain 3
actions based on unfair or deceptive sales 4
practices, to provide that a final judgment, 5
entered after a trial or upon a plea of guilty in 6
certain criminal actions generally precludes the 7
offender from denying any fact essential to 8
sustain that judgment when entered in evidence in 9
a civil proceeding that is based on the criminal 10
act, to make an exception to the attorney-client 11
privilege for communications related to an 12
attorney's aiding or furthering an ongoing or 13
future commission of bad faith by a client that is 14
an insurance company, to prohibit the use of 15
enterprise theories of liability against 16
manufacturers in product liability claims, and to 17
include public nuisance claims under the 18
definition of product liability claims. 19

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

Section 1. That sections 1345.09, 2307.60, 2307.71, 2307.73, 20
and 2317.02 of the Revised Code be amended to read as follows: 21

Sec. 1345.09. For a violation of Chapter 1345. of the Revised 22
Code, a consumer has a cause of action and is entitled to relief 23
as follows: 24

(A) Where the violation was an act prohibited by section 25
1345.02, 1345.03, or 1345.031 of the Revised Code, the consumer 26
may, in an individual action, rescind the transaction or recover 27
the consumer's actual economic damages plus an amount not 28
exceeding five thousand dollars in noneconomic damages. 29

(B) Where the violation was an act or practice declared to be 30
deceptive or unconscionable by rule adopted under division (B)(2) 31
of section 1345.05 of the Revised Code before the consumer 32
transaction on which the action is based, or an act or practice 33
determined by a court of this state to violate section 1345.02, 34
1345.03, or 1345.031 of the Revised Code and committed after the 35
decision containing the determination has been made available for 36
public inspection under division (A)(3) of section 1345.05 of the 37
Revised Code, the consumer may rescind the transaction or recover, 38
but not in a class action, three times the amount of the 39
consumer's actual economic damages or two hundred dollars, 40
whichever is greater, plus an amount not exceeding five thousand 41
dollars in noneconomic damages or recover damages or other 42
appropriate relief in a class action under Civil Rule 23, as 43
amended. 44

(C)(1) Except as otherwise provided in division (C)(2) of 45
this section, in any action for rescission, revocation of the 46
consumer transaction must occur within a reasonable time after the 47

consumer discovers or should have discovered the ground for it and 48
before any substantial change in condition of the subject of the 49
consumer transaction. 50

(2) If a consumer transaction between a loan officer, 51
mortgage broker, or nonbank mortgage lender and a customer is in 52
connection with a residential mortgage, revocation of the consumer 53
transaction in an action for rescission is only available to a 54
consumer in an individual action, and shall occur for no reason 55
other than one or more of the reasons set forth in the "Truth in 56
Lending Act," 82 Stat. 146 (1968), 15 U.S.C. 1635, not later than 57
the time limit within which the right of rescission under section 58
125(F) of the "Truth in Lending Act" expires. 59

(D) Any consumer may seek a declaratory judgment, an 60
injunction, or other appropriate relief against an act or practice 61
that violates this chapter. 62

(E) When a consumer commences an individual action for a 63
declaratory judgment or an injunction or a class action under this 64
section, the clerk of court shall immediately mail a copy of the 65
complaint to the attorney general. Upon timely application, the 66
attorney general may be permitted to intervene in any private 67
action or appeal pending under this section. When a judgment under 68
this section becomes final, the clerk of court shall mail a copy 69
of the judgment including supporting opinions to the attorney 70
general for inclusion in the public file maintained under division 71
(A)(3) of section 1345.05 of the Revised Code. 72

(F) The court may award to the prevailing party a reasonable 73
attorney's fee limited to the work reasonably performed, if either 74
of the following apply: 75

(1) The consumer complaining of the act or practice that 76
violated this chapter has brought or maintained an action that is 77
groundless, and the consumer filed or maintained the action in bad 78

faith;

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(2) The supplier has knowingly committed an act or practice
that violates this chapter.

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(G) As used in this section, "actual economic damages" means
damages for direct, incidental, or consequential pecuniary losses
resulting from a violation of Chapter 1345, of the Revised Code
and does not include damages for noneconomic loss as defined in
section 2315.18 of the Revised Code.

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(H) Nothing in this section shall preclude a consumer from
also proceeding with a cause of action under any other theory of
law.

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Sec. 2307.60. (A) (1) Anyone injured in person or property by
a criminal act has, and may recover full damages in, a civil
action unless specifically excepted by law, may recover the costs
of maintaining the civil action and attorney's fees if authorized
by any provision of the Rules of Civil Procedure or another
section of the Revised Code or under the common law of this state,
and may recover punitive or exemplary damages if authorized by
section 2315.21 or another section of the Revised Code. ~~No record
of a conviction, unless obtained by confession in open court,
shall be used as evidence in a civil action brought pursuant to
division (A) of this section.~~

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(2) A final judgment of a trial court that has not been
reversed on appeal or otherwise set aside, nullified, or vacated,
entered after a trial or upon a plea of guilty, but not upon a
plea of no contest or the equivalent plea from another
jurisdiction, that adjudges an offender guilty of an offense of
violence punishable by death or imprisonment in excess of one
year, when entered as evidence in any subsequent civil proceeding
based on the criminal act, shall preclude the offender from

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denying in the subsequent civil proceeding any fact essential to 109
sustaining that judgment, unless the offender can demonstrate that 110
extraordinary circumstances prevented the offender from having a 111
full and fair opportunity to litigate the issue in the criminal 112
proceeding or other extraordinary circumstances justify affording 113
the offender an opportunity to relitigate the issue. The offender 114
may introduce evidence of the offender's pending appeal of the 115
final judgment of the trial court, if applicable, and the court 116
may consider that evidence in determining the liability of the 117
offender. 118

(B)(1) As used in division (B) of this section, "tort action" 119
means a civil action for damages for injury, death, or loss to 120
person or property other than a civil action for damages for a 121
breach of contract or another agreement between persons. "Tort 122
action" includes, but is not limited to, a product liability 123
claim, as defined in section 2307.71 of the Revised Code, and an 124
asbestos claim, as defined in section 2307.91 of the Revised Code, 125
an action for wrongful death under Chapter 2125. of the Revised 126
Code, and an action based on derivative claims for relief. 127

(2) Recovery on a claim for relief in a tort action is barred 128
to any person or the person's legal representative if the person 129
has been convicted of or has pleaded guilty to a felony, or to a 130
misdemeanor that is an offense of violence, arising out of 131
criminal conduct that was a proximate cause of the injury or loss 132
for which relief is claimed in the action. 133

(3) Division (B) of this section does not apply to civil 134
claims based upon alleged intentionally tortious conduct, alleged 135
violations of the United States Constitution, or alleged 136
violations of statutes of the United States pertaining to civil 137
rights. 138

Sec. 2307.71. (A) As used in sections 2307.71 to 2307.80 of 139

the Revised Code:	140
(1) "Claimant" means either of the following:	141
(a) A person who asserts a product liability claim or on whose behalf such a claim is asserted;	142 143
(b) If a product liability claim is asserted on behalf of the surviving spouse, children, parents, or other next of kin of a decedent or on behalf of the estate of a decedent, whether as a claim in a wrongful death action under Chapter 2125. of the Revised Code or as a survivorship claim, whichever of the following is appropriate:	144 145 146 147 148 149
(i) The decedent, if the reference is to the person who allegedly sustained harm or economic loss for which, or in connection with which, compensatory damages or punitive or exemplary damages are sought to be recovered;	150 151 152 153
(ii) The personal representative of the decedent or the estate of the decedent, if the reference is to the person who is asserting or has asserted the product liability claim.	154 155 156
(2) "Economic loss" means direct, incidental, or consequential pecuniary loss, including, but not limited to, damage to the product in question, and nonphysical damage to property other than that product. Harm is not "economic loss."	157 158 159 160
(3) "Environment" means <u>only</u> navigable waters, surface water, ground water, drinking water supplies, land surface, subsurface strata, and air.	161 162 163
(4) "Ethical drug" means a prescription drug that is prescribed or dispensed by a physician or any other person who is legally authorized to prescribe or dispense a prescription drug.	164 165 166
(5) "Ethical medical device" means a medical device that is prescribed, dispensed, or implanted by a physician or any other person who is legally authorized to prescribe, dispense, or	167 168 169

implant a medical device and that is regulated under the "Federal	170
Food, Drug, and Cosmetic Act," 52 Stat. 1040, 21 U.S.C. 301-392,	171
as amended.	172
(6) "Foreseeable risk" means a risk of harm that satisfies	173
both of the following:	174
(a) It is associated with an intended or reasonably	175
foreseeable use, modification, or alteration of a product in	176
question.	177
(b) It is a risk that the manufacturer in question should	178
recognize while exercising both of the following:	179
(i) The attention, perception, memory, knowledge, and	180
intelligence that a reasonable manufacturer should possess;	181
(ii) Any superior attention, perception, memory, knowledge,	182
or intelligence that the manufacturer in question possesses.	183
(7) "Harm" means death, physical injury to person, serious	184
emotional distress, or physical damage to property other than the	185
product in question. Economic loss is not "harm."	186
(8) "Hazardous or toxic substances" include, but are not	187
limited to, hazardous waste as defined in section 3734.01 of the	188
Revised Code, hazardous waste as specified in the rules of the	189
director of environmental protection pursuant to division (A) of	190
section 3734.12 of the Revised Code, hazardous substances as	191
defined in section 3716.01 of the Revised Code, and hazardous	192
substances, pollutants, and contaminants as defined in or by	193
regulations adopted pursuant to the "Comprehensive Environmental	194
Response, Compensation, and Liability Act of 1980," 94 Stat. 2767,	195
42 U.S.C. 9601, as amended.	196
(9) "Manufacturer" means a person engaged in a business to	197
design, formulate, produce, create, make, construct, assemble, or	198
rebuild a product or a component of a product.	199

(10) "Person" has the same meaning as in division (C) of section 1.59 of the Revised Code and also includes governmental entities.	200 201 202
(11) "Physician" means a person who is licensed to practice medicine and surgery or osteopathic medicine and surgery by the state medical board.	203 204 205
(12)(a) "Product" means, subject to division (A)(12)(b) of this section, any object, substance, mixture, or raw material that constitutes tangible personal property and that satisfies all of the following:	206 207 208 209
(i) It is capable of delivery itself, or as an assembled whole in a mixed or combined state, or as a component or ingredient.	210 211 212
(ii) It is produced, manufactured, or supplied for introduction into trade or commerce.	213 214
(iii) It is intended for sale or lease to persons for commercial or personal use.	215 216
(b) "Product" does not include human tissue, blood, or organs.	217 218
(13) "Product liability claim" means a claim <u>or cause of action</u> that is asserted in a civil action pursuant to sections 2307.71 to 2307.80 of the Revised Code and that seeks to recover compensatory damages from a manufacturer or supplier for death, physical injury to person, emotional distress, or physical damage to property other than the product in question, that allegedly arose from any of the following:	219 220 221 222 223 224 225
(a) The design, formulation, production, construction, creation, assembly, rebuilding, testing, or marketing of that product;	226 227 228
(b) Any warning or instruction, or lack of warning or	229

instruction, associated with that product;	230
(c) Any failure of that product to conform to any relevant representation or warranty.	231 232
<u>"Product liability claim" also includes any public nuisance claim or cause of action at common law in which it is alleged that the design, manufacture, supply, marketing, distribution, promotion, advertising, labeling, or sale of a product unreasonably interferes with a right common to the general public.</u>	233 234 235 236 237
(14) "Representation" means an express representation of a material fact concerning the character, quality, or safety of a product.	238 239 240
(15) (a) "Supplier" means, subject to division (A) (15) (b) of this section, either of the following:	241 242
(i) A person that, in the course of a business conducted for the purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise participates in the placing of a product in the stream of commerce;	243 244 245 246
(ii) A person that, in the course of a business conducted for the purpose, installs, repairs, or maintains any aspect of a product that allegedly causes harm.	247 248 249
(b) "Supplier" does not include any of the following:	250
(i) A manufacturer;	251
(ii) A seller of real property;	252
(iii) A provider of professional services who, incidental to a professional transaction the essence of which is the furnishing of judgment, skill, or services, sells or uses a product;	253 254 255
(iv) Any person who acts only in a financial capacity with respect to the sale of a product, or who leases a product under a lease arrangement in which the selection, possession, maintenance,	256 257 258

and operation of the product are controlled by a person other than 259
the lessor. 260

(16) "Unavoidably unsafe" means that, in the state of 261
technical, scientific, and medical knowledge at the time a product 262
in question left the control of its manufacturer, an aspect of 263
that product was incapable of being made safe. 264

(B) Sections 2307.71 to 2307.80 of the Revised Code are 265
intended to abrogate all common law product liability claims or 266
causes of action. 267

Sec. 2307.73. (A) A manufacturer is subject to liability for 268
compensatory damages based on a product liability claim only if 269
the claimant establishes, by a preponderance of the evidence, ~~both~~ 270
all of the following: 271

(1) Subject to division (B) of this section, the 272
manufacturer's product in question was defective in manufacture or 273
construction as described in section 2307.74 of the Revised Code, 274
was defective in design or formulation as described in section 275
2307.75 of the Revised Code, was defective due to inadequate 276
warning or instruction as described in section 2307.76 of the 277
Revised Code, or was defective because it did not conform to a 278
representation made by its manufacturer as described in section 279
2307.77 of the Revised Code; 280

(2) A defective aspect of the manufacturer's product in 281
question as described in division (A)(1) of this section was a 282
proximate cause of harm for which the claimant seeks to recover 283
compensatory damages; 284

(3) The manufacturer designed, formulated, produced, 285
constructed, created, assembled, or rebuilt the actual product 286
that was the cause of harm for which the claimant seeks to recover 287
compensatory damages. 288

(B) If a claimant is unable because ~~a~~ the manufacturer's 289
product in question was destroyed to establish by direct evidence 290
that the manufacturer's product in question was defective or if a 291
claimant otherwise is unable to establish by direct evidence that 292
~~a~~ the manufacturer's product in question was defective, then, 293
consistent with the Rules of Evidence, it shall be sufficient for 294
the claimant to present circumstantial or other competent evidence 295
that establishes, by a preponderance of the evidence, that the 296
manufacturer's product in question was defective in any one of the 297
four respects specified in division (A)(1) of this section. 298

(C) Proof that a manufacturer designed, formulated, produced, 299
constructed, created, assembled, or rebuilt the type of product in 300
question is not proof that the manufacturer designed, formulated, 301
produced, constructed, created, assembled, or rebuilt the actual 302
defective product in the product liability claim. A manufacturer 303
may not be held liable in a product liability action based on 304
market share, enterprise, or industrywide liability. 305

Sec. 2317.02. The following persons shall not testify in 306
certain respects: 307

(A)(1) An attorney, concerning a communication made to the 308
attorney by a client in that relation or the attorney's advice to 309
a client, except that the attorney may testify by express consent 310
of the client or, if the client is deceased, by the express 311
consent of the surviving spouse or the executor or administrator 312
of the estate of the deceased client. However, if the client 313
voluntarily testifies or is deemed by section 2151.421 of the 314
Revised Code to have waived any testimonial privilege under this 315
division, the attorney may be compelled to testify on the same 316
subject. 317

The testimonial privilege established under this division 318
does not apply concerning a communication between a client who has 319

since died and the deceased client's attorney if the communication 320
is relevant to a dispute between parties who claim through that 321
deceased client, regardless of whether the claims are by testate 322
or intestate succession or by inter vivos transaction, and the 323
dispute addresses the competency of the deceased client when the 324
deceased client executed a document that is the basis of the 325
dispute or whether the deceased client was a victim of fraud, 326
undue influence, or duress when the deceased client executed a 327
document that is the basis of the dispute. 328

(2) An attorney, concerning a communication made to the 329
attorney by a client in that relationship or the attorney's advice 330
to a client, except that if the client is an insurance company, 331
the attorney may be compelled to testify, subject to an in camera 332
inspection by a court, about communications made by the client to 333
the attorney or by the attorney to the client that are related to 334
the attorney's aiding or furthering an ongoing or future 335
commission of bad faith by the client, if the party seeking 336
disclosure of the communications has made a prima facie showing of 337
bad faith, fraud, or criminal misconduct by the client. 338

(B)(1) A physician or a dentist concerning a communication 339
made to the physician or dentist by a patient in that relation or 340
the physician's or dentist's advice to a patient, except as 341
otherwise provided in this division, division (B)(2), and division 342
(B)(3) of this section, and except that, if the patient is deemed 343
by section 2151.421 of the Revised Code to have waived any 344
testimonial privilege under this division, the physician may be 345
compelled to testify on the same subject. 346

The testimonial privilege established under this division 347
does not apply, and a physician or dentist may testify or may be 348
compelled to testify, in any of the following circumstances: 349

(a) In any civil action, in accordance with the discovery 350

provisions of the Rules of Civil Procedure in connection with a 351
civil action, or in connection with a claim under Chapter 4123. of 352
the Revised Code, under any of the following circumstances: 353

(i) If the patient or the guardian or other legal 354
representative of the patient gives express consent; 355

(ii) If the patient is deceased, the spouse of the patient or 356
the executor or administrator of the patient's estate gives 357
express consent; 358

(iii) If a medical claim, dental claim, chiropractic claim, 359
or optometric claim, as defined in section 2305.113 of the Revised 360
Code, an action for wrongful death, any other type of civil 361
action, or a claim under Chapter 4123. of the Revised Code is 362
filed by the patient, the personal representative of the estate of 363
the patient if deceased, or the patient's guardian or other legal 364
representative. 365

(b) In any civil action concerning court-ordered treatment or 366
services received by a patient, if the court-ordered treatment or 367
services were ordered as part of a case plan journalized under 368
section 2151.412 of the Revised Code or the court-ordered 369
treatment or services are necessary or relevant to dependency, 370
neglect, or abuse or temporary or permanent custody proceedings 371
under Chapter 2151. of the Revised Code. 372

(c) In any criminal action concerning any test or the results 373
of any test that determines the presence or concentration of 374
alcohol, a drug of abuse, a combination of them, a controlled 375
substance, or a metabolite of a controlled substance in the 376
patient's whole blood, blood serum or plasma, breath, urine, or 377
other bodily substance at any time relevant to the criminal 378
offense in question. 379

(d) In any criminal action against a physician or dentist. In 380
such an action, the testimonial privilege established under this 381

division does not prohibit the admission into evidence, in 382
accordance with the Rules of Evidence, of a patient's medical or 383
dental records or other communications between a patient and the 384
physician or dentist that are related to the action and obtained 385
by subpoena, search warrant, or other lawful means. A court that 386
permits or compels a physician or dentist to testify in such an 387
action or permits the introduction into evidence of patient 388
records or other communications in such an action shall require 389
that appropriate measures be taken to ensure that the 390
confidentiality of any patient named or otherwise identified in 391
the records is maintained. Measures to ensure confidentiality that 392
may be taken by the court include sealing its records or deleting 393
specific information from its records. 394

(e)(i) If the communication was between a patient who has 395
since died and the deceased patient's physician or dentist, the 396
communication is relevant to a dispute between parties who claim 397
through that deceased patient, regardless of whether the claims 398
are by testate or intestate succession or by inter vivos 399
transaction, and the dispute addresses the competency of the 400
deceased patient when the deceased patient executed a document 401
that is the basis of the dispute or whether the deceased patient 402
was a victim of fraud, undue influence, or duress when the 403
deceased patient executed a document that is the basis of the 404
dispute. 405

(ii) If neither the spouse of a patient nor the executor or 406
administrator of that patient's estate gives consent under 407
division (B)(1)(a)(ii) of this section, testimony or the 408
disclosure of the patient's medical records by a physician, 409
dentist, or other health care provider under division (B)(1)(e)(i) 410
of this section is a permitted use or disclosure of protected 411
health information, as defined in 45 C.F.R. 160.103, and an 412
authorization or opportunity to be heard shall not be required. 413

(iii) Division (B)(1)(e)(i) of this section does not require 414
a mental health professional to disclose psychotherapy notes, as 415
defined in 45 C.F.R. 164.501. 416

(iv) An interested person who objects to testimony or 417
disclosure under division (B)(1)(e)(i) of this section may seek a 418
protective order pursuant to Civil Rule 26. 419

(v) A person to whom protected health information is 420
disclosed under division (B)(1)(e)(i) of this section shall not 421
use or disclose the protected health information for any purpose 422
other than the litigation or proceeding for which the information 423
was requested and shall return the protected health information to 424
the covered entity or destroy the protected health information, 425
including all copies made, at the conclusion of the litigation or 426
proceeding. 427

(2)(a) If any law enforcement officer submits a written 428
statement to a health care provider that states that an official 429
criminal investigation has begun regarding a specified person or 430
that a criminal action or proceeding has been commenced against a 431
specified person, that requests the provider to supply to the 432
officer copies of any records the provider possesses that pertain 433
to any test or the results of any test administered to the 434
specified person to determine the presence or concentration of 435
alcohol, a drug of abuse, a combination of them, a controlled 436
substance, or a metabolite of a controlled substance in the 437
person's whole blood, blood serum or plasma, breath, or urine at 438
any time relevant to the criminal offense in question, and that 439
conforms to section 2317.022 of the Revised Code, the provider, 440
except to the extent specifically prohibited by any law of this 441
state or of the United States, shall supply to the officer a copy 442
of any of the requested records the provider possesses. If the 443
health care provider does not possess any of the requested 444
records, the provider shall give the officer a written statement 445

that indicates that the provider does not possess any of the
requested records.

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(b) If a health care provider possesses any records of the
type described in division (B)(2)(a) of this section regarding the
person in question at any time relevant to the criminal offense in
question, in lieu of personally testifying as to the results of
the test in question, the custodian of the records may submit a
certified copy of the records, 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 records 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 to which the records pertain, the person
under whose supervision the test was administered, the custodian
of the records, the person who made the records, or the person
under whose supervision the records were made.

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(3)(a) If the testimonial privilege described in division
(B)(1) of this section does not apply as provided in division
(B)(1)(a)(iii) of this section, a physician or dentist may be
compelled to testify or to submit to discovery under the Rules of
Civil Procedure only as to a communication made to the physician
or dentist by the patient in question in that relation, or the
physician's or dentist's advice to the patient in question, that
related causally or historically to physical or mental injuries
that are relevant to issues in the medical claim, dental claim,
chiropractic claim, or optometric claim, action for wrongful
death, other civil action, or claim under Chapter 4123. of the
Revised Code.

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(b) If the testimonial privilege described in division (B)(1)
of this section does not apply to a physician or dentist as

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provided in division (B)(1)(c) of this section, the physician or 478
dentist, in lieu of personally testifying as to the results of the 479
test in question, may submit a certified copy of those results, 480
and, upon its submission, the certified copy is qualified as 481
authentic evidence and may be admitted as evidence in accordance 482
with the Rules of Evidence. Division (A) of section 2317.422 of 483
the Revised Code does not apply to any certified copy of results 484
submitted in accordance with this division. Nothing in this 485
division shall be construed to limit the right of any party to 486
call as a witness the person who administered the test in 487
question, the person under whose supervision the test was 488
administered, the custodian of the results of the test, the person 489
who compiled the results, or the person under whose supervision 490
the results were compiled. 491

(4) The testimonial privilege described in division (B)(1) of 492
this section is not waived when a communication is made by a 493
physician to a pharmacist or when there is communication between a 494
patient and a pharmacist in furtherance of the physician-patient 495
relation. 496

(5)(a) As used in divisions (B)(1) to (4) of this section, 497
"communication" means acquiring, recording, or transmitting any 498
information, in any manner, concerning any facts, opinions, or 499
statements necessary to enable a physician or dentist to diagnose, 500
treat, prescribe, or act for a patient. A "communication" may 501
include, but is not limited to, any medical or dental, office, or 502
hospital communication such as a record, chart, letter, 503
memorandum, laboratory test and results, x-ray, photograph, 504
financial statement, diagnosis, or prognosis. 505

(b) As used in division (B)(2) of this section, "health care 506
provider" means a hospital, ambulatory care facility, long-term 507
care facility, pharmacy, emergency facility, or health care 508
practitioner. 509

(c) As used in division (B)(5)(b) of this section:	510
(i) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. "Ambulatory health care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice.	511 512 513 514 515 516 517 518 519 520
(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	521 522 523
(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code.	524 525
(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	526 527
(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; an adult care facility, as defined in section 3722.01 of the Revised Code; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.	528 529 530 531 532 533 534 535 536
(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.	537 538
(d) As used in divisions (B)(1) and (B) (2) of this section,	539

"drug of abuse" has the same meaning as in section 4506.01 of the Revised Code. 540
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(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 542
apply to doctors of medicine, doctors of osteopathic medicine, 543
doctors of podiatry, and dentists. 544

(7) Nothing in divisions (B)(1) to (6) of this section 545
affects, or shall be construed as affecting, the immunity from 546
civil liability conferred by section 307.628 of the Revised Code 547
or the immunity from civil liability conferred by section 2305.33 548
of the Revised Code upon physicians who report an employee's use 549
of a drug of abuse, or a condition of an employee other than one 550
involving the use of a drug of abuse, to the employer of the 551
employee in accordance with division (B) of that section. As used 552
in division (B)(7) of this section, "employee," "employer," and 553
"physician" have the same meanings as in section 2305.33 of the 554
Revised Code. 555

(C)(1) A cleric, when the cleric remains accountable to the 556
authority of that cleric's church, denomination, or sect, 557
concerning a confession made, or any information confidentially 558
communicated, to the cleric for a religious counseling purpose in 559
the cleric's professional character. The cleric may testify by 560
express consent of the person making the communication, except 561
when the disclosure of the information is in violation of a sacred 562
trust and except that, if the person voluntarily testifies or is 563
deemed by division (A)(4)(c) of section 2151.421 of the Revised 564
Code to have waived any testimonial privilege under this division, 565
the cleric may be compelled to testify on the same subject except 566
when disclosure of the information is in violation of a sacred 567
trust. 568

(2) As used in division (C) of this section: 569

(a) "Cleric" means a member of the clergy, rabbi, priest, 570

Christian eeience <u>Science</u> practitioner, or regularly ordained,	571
accredited, or licensed minister of an established and legally	572
cognizable church, denomination, or sect.	573
(b) "Sacred trust" means a confession or confidential	574
communication made to a cleric in the cleric's ecclesiastical	575
capacity in the course of discipline enjoined by the church to	576
which the cleric belongs, including, but not limited to, the	577
Catholic Church, if both of the following apply:	578
(i) The confession or confidential communication was made	579
directly to the cleric.	580
(ii) The confession or confidential communication was made in	581
the manner and context that places the cleric specifically and	582
strictly under a level of confidentiality that is considered	583
inviolable by canon law or church doctrine.	584
(D) Husband or wife, concerning any communication made by one	585
to the other, or an act done by either in the presence of the	586
other, during coverture, unless the communication was made, or act	587
done, in the known presence or hearing of a third person competent	588
to be a witness; and such rule is the same if the marital relation	589
has ceased to exist;	590
(E) A person who assigns a claim or interest, concerning any	591
matter in respect to which the person would not, if a party, be	592
permitted to testify;	593
(F) A person who, if a party, would be restricted under	594
section 2317.03 of the Revised Code, when the property or thing is	595
sold or transferred by an executor, administrator, guardian,	596
trustee, heir, devisee, or legatee, shall be restricted in the	597
same manner in any action or proceeding concerning the property or	598
thing.	599
(G)(1) A school guidance counselor who holds a valid educator	600

license from the state board of education as provided for in 601
section 3319.22 of the Revised Code, a person licensed under 602
Chapter 4757. of the Revised Code as a professional clinical 603
counselor, professional counselor, social worker, independent 604
social worker, marriage and family therapist or independent 605
marriage and family therapist, or registered under Chapter 4757. 606
of the Revised Code as a social work assistant concerning a 607
confidential communication received from a client in that relation 608
or the person's advice to a client unless any of the following 609
applies: 610

(a) The communication or advice indicates clear and present 611
danger to the client or other persons. For the purposes of this 612
division, cases in which there are indications of present or past 613
child abuse or neglect of the client constitute a clear and 614
present danger. 615

(b) The client gives express consent to the testimony. 616

(c) If the client is deceased, the surviving spouse or the 617
executor or administrator of the estate of the deceased client 618
gives express consent. 619

(d) The client voluntarily testifies, in which case the 620
school guidance counselor or person licensed or registered under 621
Chapter 4757. of the Revised Code may be compelled to testify on 622
the same subject. 623

(e) The court in camera determines that the information 624
communicated by the client is not germane to the counselor-client, 625
marriage and family therapist-client, or social worker-client 626
relationship. 627

(f) A court, in an action brought against a school, its 628
administration, or any of its personnel by the client, rules after 629
an in-camera inspection that the testimony of the school guidance 630
counselor is relevant to that action. 631

(g) The testimony is sought in a civil action and concerns 632
court-ordered treatment or services received by a patient as part 633
of a case plan journalized under section 2151.412 of the Revised 634
Code or the court-ordered treatment or services are necessary or 635
relevant to dependency, neglect, or abuse or temporary or 636
permanent custody proceedings under Chapter 2151. of the Revised 637
Code. 638

(2) Nothing in division (G)(1) of this section shall relieve 639
a school guidance counselor or a person licensed or registered 640
under Chapter 4757. of the Revised Code from the requirement to 641
report information concerning child abuse or neglect under section 642
2151.421 of the Revised Code. 643

(H) A mediator acting under a mediation order issued under 644
division (A) of section 3109.052 of the Revised Code or otherwise 645
issued in any proceeding for divorce, dissolution, legal 646
separation, annulment, or the allocation of parental rights and 647
responsibilities for the care of children, in any action or 648
proceeding, other than a criminal, delinquency, child abuse, child 649
neglect, or dependent child action or proceeding, that is brought 650
by or against either parent who takes part in mediation in 651
accordance with the order and that pertains to the mediation 652
process, to any information discussed or presented in the 653
mediation process, to the allocation of parental rights and 654
responsibilities for the care of the parents' children, or to the 655
awarding of parenting time rights in relation to their children; 656

(I) A communications assistant, acting within the scope of 657
the communication assistant's authority, when providing 658
telecommunications relay service pursuant to section 4931.35 of 659
the Revised Code or Title II of the "Communications Act of 1934," 660
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 661
made through a telecommunications relay service. Nothing in this 662
section shall limit the obligation of a communications assistant 663

to divulge information or testify when mandated by federal law or 664
regulation or pursuant to subpoena in a criminal proceeding. 665

Nothing in this section shall limit any immunity or privilege 666
granted under federal law or regulation. 667

(J)(1) A chiropractor in a civil proceeding concerning a 668
communication made to the chiropractor by a patient in that 669
relation or the chiropractor's advice to a patient, except as 670
otherwise provided in this division. The testimonial privilege 671
established under this division does not apply, and a chiropractor 672
may testify or may be compelled to testify, in any civil action, 673
in accordance with the discovery provisions of the Rules of Civil 674
Procedure in connection with a civil action, or in connection with 675
a claim under Chapter 4123. of the Revised Code, under any of the 676
following circumstances: 677

(a) If the patient or the guardian or other legal 678
representative of the patient gives express consent. 679

(b) If the patient is deceased, the spouse of the patient or 680
the executor or administrator of the patient's estate gives 681
express consent. 682

(c) If a medical claim, dental claim, chiropractic claim, or 683
optometric claim, as defined in section 2305.113 of the Revised 684
Code, an action for wrongful death, any other type of civil 685
action, or a claim under Chapter 4123. of the Revised Code is 686
filed by the patient, the personal representative of the estate of 687
the patient if deceased, or the patient's guardian or other legal 688
representative. 689

(2) If the testimonial privilege described in division (J)(1) 690
of this section does not apply as provided in division (J)(1)(c) 691
of this section, a chiropractor may be compelled to testify or to 692
submit to discovery under the Rules of Civil Procedure only as to 693
a communication made to the chiropractor by the patient in 694

question in that relation, or the chiropractor's advice to the 695
patient in question, that related causally or historically to 696
physical or mental injuries that are relevant to issues in the 697
medical claim, dental claim, chiropractic claim, or optometric 698
claim, action for wrongful death, other civil action, or claim 699
under Chapter 4123. of the Revised Code. 700

(3) The testimonial privilege established under this division 701
does not apply, and a chiropractor may testify or be compelled to 702
testify, in any criminal action or administrative proceeding. 703

(4) As used in this division, "communication" means 704
acquiring, recording, or transmitting any information, in any 705
manner, concerning any facts, opinions, or statements necessary to 706
enable a chiropractor to diagnose, treat, or act for a patient. A 707
communication may include, but is not limited to, any 708
chiropractic, office, or hospital communication such as a record, 709
chart, letter, memorandum, laboratory test and results, x-ray, 710
photograph, financial statement, diagnosis, or prognosis. 711

(K)(1) Except as provided under division (K)(2) of this 712
section, a critical incident stress management team member 713
concerning a communication received from an individual who 714
receives crisis response services from the team member, or the 715
team member's advice to the individual, during a debriefing 716
session. 717

(2) The testimonial privilege established under division 718
(K)(1) of this section does not apply if any of the following are 719
true: 720

(a) The communication or advice indicates clear and present 721
danger to the individual who receives crisis response services or 722
to other persons. For purposes of this division, cases in which 723
there are indications of present or past child abuse or neglect of 724
the individual constitute a clear and present danger. 725

(b) The individual who received crisis response services	726
gives express consent to the testimony.	727
(c) If the individual who received crisis response services	728
is deceased, the surviving spouse or the executor or administrator	729
of the estate of the deceased individual gives express consent.	730
(d) The individual who received crisis response services	731
voluntarily testifies, in which case the team member may be	732
compelled to testify on the same subject.	733
(e) The court in camera determines that the information	734
communicated by the individual who received crisis response	735
services is not germane to the relationship between the individual	736
and the team member.	737
(f) The communication or advice pertains or is related to any	738
criminal act.	739
(3) As used in division (K) of this section:	740
(a) "Crisis response services" means consultation, risk	741
assessment, referral, and on-site crisis intervention services	742
provided by a critical incident stress management team to	743
individuals affected by crisis or disaster.	744
(b) "Critical incident stress management team member" or	745
"team member" means an individual specially trained to provide	746
crisis response services as a member of an organized community or	747
local crisis response team that holds membership in the Ohio	748
critical incident stress management network.	749
(c) "Debriefing session" means a session at which crisis	750
response services are rendered by a critical incident stress	751
management team member during or after a crisis or disaster.	752
(L)(1) Subject to division (L)(2) of this section and except	753
as provided in division (L)(3) of this section, an employee	754
assistance professional, concerning a communication made to the	755

employee assistance professional by a client in the employee 756
assistance professional's official capacity as an employee 757
assistance professional. 758

(2) Division (L)(1) of this section applies to an employee 759
assistance professional who meets either or both of the following 760
requirements: 761

(a) Is certified by the employee assistance certification 762
commission to engage in the employee assistance profession; 763

(b) Has education, training, and experience in all of the 764
following: 765

(i) Providing workplace-based services designed to address 766
employer and employee productivity issues; 767

(ii) Providing assistance to employees and employees' 768
dependents in identifying and finding the means to resolve 769
personal problems that affect the employees or the employees' 770
performance; 771

(iii) Identifying and resolving productivity problems 772
associated with an employee's concerns about any of the following 773
matters: health, marriage, family, finances, substance abuse or 774
other addiction, workplace, law, and emotional issues; 775

(iv) Selecting and evaluating available community resources; 776

(v) Making appropriate referrals; 777

(vi) Local and national employee assistance agreements; 778

(vii) Client confidentiality. 779

(3) Division (L)(1) of this section does not apply to any of 780
the following: 781

(a) A criminal action or proceeding involving an offense 782
under sections 2903.01 to 2903.06 of the Revised Code if the 783
employee assistance professional's disclosure or testimony relates 784

directly to the facts or immediate circumstances of the offense;	785
(b) A communication made by a client to an employee	786
assistance professional that reveals the contemplation or	787
commission of a crime or serious, harmful act;	788
(c) A communication that is made by a client who is an	789
unemancipated minor or an adult adjudicated to be incompetent and	790
indicates that the client was the victim of a crime or abuse;	791
(d) A civil proceeding to determine an individual's mental	792
competency or a criminal action in which a plea of not guilty by	793
reason of insanity is entered;	794
(e) A civil or criminal malpractice action brought against	795
the employee assistance professional;	796
(f) When the employee assistance professional has the express	797
consent of the client or, if the client is deceased or disabled,	798
the client's legal representative;	799
(g) When the testimonial privilege otherwise provided by	800
division (L)(1) of this section is abrogated under law.	801
Section 2. That existing sections 1345.09, 2307.60, 2307.71,	802
2307.73, and 2317.02 of the Revised Code are hereby repealed.	803
Section 3. The General Assembly declares its intent that the	804
amendments made by this act to sections 2307.71 and 2307.73 of the	805
Revised Code are not intended to be substantive but are intended	806
to clarify the General Assembly's original intent in enacting the	807
Ohio Product Liability Act, sections 2307.71 to 2307.80 of the	808
Revised Code, as initially expressed in Section 3 of Am. Sub. S.B.	809
80 of the 125th General Assembly, to abrogate all common law	810
product liability causes of action including common law public	811
nuisance causes of action, regardless of how the claim is	812
described, styled, captioned, characterized, or designated,	813

including claims against a manufacturer or supplier for a public 814
nuisance allegedly caused by a manufacturer's or supplier's 815
product. 816

Section 4. The General Assembly declares its intent that the 817
amendments made by this act to section 2307.73 of the Revised Code 818
are intended to clarify that section 2307.73 of the Revised Code 819
is intended to follow the Ohio Supreme Court's holdings in 820
Sutowski v. Eli Lilly & Co. (1998), 82 Ohio St.3d 347, and in 821
Horton v. Harwick Chemical Corp. (1995), 73 Ohio St. 3d 679, that 822
a plaintiff in a product liability claim must identify the 823
particular manufacturer of the product that allegedly caused the 824
plaintiff's harm in order to maintain the claim. 825

Section 5. Section 1345.09 of the Revised Code, as amended by 826
this act, shall take effect on July 1, 2007, and shall apply to 827
actions commenced on or after that date and, to the extent 828
permitted under the constitutions of this state and of the United 829
States, to cases pending on that date. 830

Section 6. The General Assembly declares that the 831
attorney-client privilege is a substantial right and that it is 832
the public policy of Ohio that all communications between an 833
attorney and a client in that relation are worthy of the 834
protection of privilege, and further that where it is alleged that 835
the attorney aided or furthered an ongoing or future commission of 836
insurance bad faith by the client, that the party seeking waiver 837
of the privilege must make a prima facie showing that the 838
privilege should be waived and the court should conduct an in 839
camera inspection of disputed communications. The common law 840
established in *Boone v. Vanliner Ins. Co.* (2001), 91 Ohio St.3d 841
209, *Moskovitz v. Mt. Sinai Med. Ctr.* (1994), 69 Ohio St.3d 638, 842
and *Peyko v. Frederick* (1986), 25 Ohio St.3d 164, is modified 843

accordingly to provide for judicial review regarding the 844
privilege. 845

Section 7. Section 2317.02 of the Revised Code is presented 846
in this act as a composite of the section as amended by Sub. H.B. 847
144, Sub. S.B. 8, and Am. Sub. S.B. 17 of the 126th General 848
Assembly. The General Assembly, applying the principle stated in 849
division (B) of section 1.52 of the Revised Code that amendments 850
are to be harmonized if reasonably capable of simultaneous 851
operation, finds that the composite is the resulting version of 852
the section in effect prior to the effective date of the section 853
as presented in this act. 854

C

AN ACT

To amend sections 1345.09, 2307.60, 2307.71, 2307.73, and 2317.02 of the Revised Code to specify the nature of damages that may be recovered in certain actions based on unfair or deceptive sales practices, to provide that a final judgment, entered after a trial or upon a plea of guilty in certain criminal actions generally precludes the offender from denying any fact essential to sustain that judgment when entered in evidence in a civil proceeding that is based on the criminal act, to make an exception to the attorney-client privilege for communications related to an attorney's aiding or furthering an ongoing or future commission of bad faith by a client that is an insurance company, to prohibit the use of enterprise theories of liability against manufacturers in product liability claims, and to include public nuisance claims under the definition of product liability claims.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1345.09, 2307.60, 2307.71, 2307.73, and 2317.02 of the Revised Code be amended to read as follows:

Sec. 1345.09. For a violation of Chapter 1345. of the Revised Code, a consumer has a cause of action and is entitled to relief as follows:

(A) Where the violation was an act prohibited by section 1345.02, 1345.03, or 1345.031 of the Revised Code, the consumer may, in an individual action, rescind the transaction or recover the consumer's actual economic damages plus an amount not exceeding five thousand dollars in noneconomic damages.

(B) Where the violation was an act or practice declared to be deceptive or unconscionable by rule adopted under division (B)(2) of section 1345.05 of the Revised Code before the consumer transaction on which the action is

based, or an act or practice determined by a court of this state to violate section 1345.02, 1345.03, or 1345.031 of the Revised Code and committed after the decision containing the determination has been made available for public inspection under division (A)(3) of section 1345.05 of the Revised Code, the consumer may rescind the transaction or recover, but not in a class action, three times the amount of the consumer's actual economic damages or two hundred dollars, whichever is greater, plus an amount not exceeding five thousand dollars in noneconomic damages or recover damages or other appropriate relief in a class action under Civil Rule 23, as amended.

(C)(1) Except as otherwise provided in division (C)(2) of this section, in any action for rescission, revocation of the consumer transaction must occur within a reasonable time after the consumer discovers or should have discovered the ground for it and before any substantial change in condition of the subject of the consumer transaction.

(2) If a consumer transaction between a loan officer, mortgage broker, or nonbank mortgage lender and a customer is in connection with a residential mortgage, revocation of the consumer transaction in an action for rescission is only available to a consumer in an individual action, and shall occur for no reason other than one or more of the reasons set forth in the "Truth in Lending Act," 82 Stat. 146 (1968), 15 U.S.C. 1635, not later than the time limit within which the right of rescission under section 125(f) of the "Truth in Lending Act" expires.

(D) Any consumer may seek a declaratory judgment, an injunction, or other appropriate relief against an act or practice that violates this chapter.

(E) When a consumer commences an individual action for a declaratory judgment or an injunction or a class action under this section, the clerk of court shall immediately mail a copy of the complaint to the attorney general. Upon timely application, the attorney general may be permitted to intervene in any private action or appeal pending under this section. When a judgment under this section becomes final, the clerk of court shall mail a copy of the judgment including supporting opinions to the attorney general for inclusion in the public file maintained under division (A)(3) of section 1345.05 of the Revised Code.

(F) The court may award to the prevailing party a reasonable attorney's fee limited to the work reasonably performed, if either of the following apply:

(1) The consumer complaining of the act or practice that violated this chapter has brought or maintained an action that is groundless, and the consumer filed or maintained the action in bad faith;

(2) The supplier has knowingly committed an act or practice that

violates this chapter.

(G) As used in this section, "actual economic damages" means damages for direct, incidental, or consequential pecuniary losses resulting from a violation of Chapter 1345, of the Revised Code and does not include damages for noneconomic loss as defined in section 2315.18 of the Revised Code.

(H) Nothing in this section shall preclude a consumer from also proceeding with a cause of action under any other theory of law.

Sec. 2307.60. (A)(1) Anyone injured in person or property by a criminal act has, and may recover full damages in, a civil action unless specifically excepted by law, may recover the costs of maintaining the civil action and attorney's fees if authorized by any provision of the Rules of Civil Procedure or another section of the Revised Code or under the common law of this state, and may recover punitive or exemplary damages if authorized by section 2315.21 or another section of the Revised Code. ~~No record of a conviction, unless obtained by confession in open court, shall be used as evidence in a civil action brought pursuant to division (A) of this section.~~

(2) A final judgment of a trial court that has not been reversed on appeal or otherwise set aside, nullified, or vacated, entered after a trial or upon a plea of guilty, but not upon a plea of no contest or the equivalent plea from another jurisdiction, that adjudges an offender guilty of an offense of violence punishable by death or imprisonment in excess of one year, when entered as evidence in any subsequent civil proceeding based on the criminal act, shall preclude the offender from denying in the subsequent civil proceeding any fact essential to sustaining that judgment, unless the offender can demonstrate that extraordinary circumstances prevented the offender from having a full and fair opportunity to litigate the issue in the criminal proceeding or other extraordinary circumstances justify affording the offender an opportunity to relitigate the issue. The offender may introduce evidence of the offender's pending appeal of the final judgment of the trial court, if applicable, and the court may consider that evidence in determining the liability of the offender.

(B)(1) As used in division (B) of this section, "tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons. "Tort action" includes, but is not limited to, a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, an action for wrongful death under Chapter 2125. of the Revised Code, and an action based on derivative claims for relief.

(2) Recovery on a claim for relief in a tort action is barred to any person or the person's legal representative if the person has been convicted of or has pleaded guilty to a felony, or to a misdemeanor that is an offense of violence, arising out of criminal conduct that was a proximate cause of the injury or loss for which relief is claimed in the action.

(3) Division (B) of this section does not apply to civil claims based upon alleged intentionally tortious conduct, alleged violations of the United States Constitution, or alleged violations of statutes of the United States pertaining to civil rights.

Sec. 2307.71. (A) As used in sections 2307.71 to 2307.80 of the Revised Code:

(1) "Claimant" means either of the following:

(a) A person who asserts a product liability claim or on whose behalf such a claim is asserted;

(b) If a product liability claim is asserted on behalf of the surviving spouse, children, parents, or other next of kin of a decedent or on behalf of the estate of a decedent, whether as a claim in a wrongful death action under Chapter 2125. of the Revised Code or as a survivorship claim, whichever of the following is appropriate:

(i) The decedent, if the reference is to the person who allegedly sustained harm or economic loss for which, or in connection with which, compensatory damages or punitive or exemplary damages are sought to be recovered;

(ii) The personal representative of the decedent or the estate of the decedent, if the reference is to the person who is asserting or has asserted the product liability claim.

(2) "Economic loss" means direct, incidental, or consequential pecuniary loss, including, but not limited to, damage to the product in question, and nonphysical damage to property other than that product. Harm is not "economic loss."

(3) "Environment" means only navigable waters, surface water, ground water, drinking water supplies, land surface, subsurface strata, and air.

(4) "Ethical drug" means a prescription drug that is prescribed or dispensed by a physician or any other person who is legally authorized to prescribe or dispense a prescription drug.

(5) "Ethical medical device" means a medical device that is prescribed, dispensed, or implanted by a physician or any other person who is legally authorized to prescribe, dispense, or implant a medical device and that is regulated under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040, 21 U.S.C. 301-392, as amended.

(6) "Foreseeable risk" means a risk of harm that satisfies both of the following:

(a) It is associated with an intended or reasonably foreseeable use, modification, or alteration of a product in question.

(b) It is a risk that the manufacturer in question should recognize while exercising both of the following:

(i) The attention, perception, memory, knowledge, and intelligence that a reasonable manufacturer should possess;

(ii) Any superior attention, perception, memory, knowledge, or intelligence that the manufacturer in question possesses.

(7) "Harm" means death, physical injury to person, serious emotional distress, or physical damage to property other than the product in question. Economic loss is not "harm."

(8) "Hazardous or toxic substances" include, but are not limited to, hazardous waste as defined in section 3734.01 of the Revised Code, hazardous waste as specified in the rules of the director of environmental protection pursuant to division (A) of section 3734.12 of the Revised Code, hazardous substances as defined in section 3716.01 of the Revised Code, and hazardous substances, pollutants, and contaminants as defined in or by regulations adopted pursuant to the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601, as amended.

(9) "Manufacturer" means a person engaged in a business to design, formulate, produce, create, make, construct, assemble, or rebuild a product or a component of a product.

(10) "Person" has the same meaning as in division (C) of section 1.59 of the Revised Code and also includes governmental entities.

(11) "Physician" means a person who is licensed to practice medicine and surgery or osteopathic medicine and surgery by the state medical board.

(12)(a) "Product" means, subject to division (A)(12)(b) of this section, any object, substance, mixture, or raw material that constitutes tangible personal property and that satisfies all of the following:

(i) It is capable of delivery itself, or as an assembled whole in a mixed or combined state, or as a component or ingredient.

(ii) It is produced, manufactured, or supplied for introduction into trade or commerce.

(iii) It is intended for sale or lease to persons for commercial or personal use.

(b) "Product" does not include human tissue, blood, or organs.

(13) "Product liability claim" means a claim or cause of action that is

asserted in a civil action pursuant to sections 2307.71 to 2307.80 of the Revised Code and that seeks to recover compensatory damages from a manufacturer or supplier for death, physical injury to person, emotional distress, or physical damage to property other than the product in question, that allegedly arose from any of the following:

(a) The design, formulation, production, construction, creation, assembly, rebuilding, testing, or marketing of that product;

(b) Any warning or instruction, or lack of warning or instruction, associated with that product;

(c) Any failure of that product to conform to any relevant representation or warranty.

"Product liability claim" also includes any public nuisance claim or cause of action at common law in which it is alleged that the design, manufacture, supply, marketing, distribution, promotion, advertising, labeling, or sale of a product unreasonably interferes with a right common to the general public.

(14) "Representation" means an express representation of a material fact concerning the character, quality, or safety of a product.

(15)(a) "Supplier" means, subject to division (A)(15)(b) of this section, either of the following:

(i) A person that, in the course of a business conducted for the purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise participates in the placing of a product in the stream of commerce;

(ii) A person that, in the course of a business conducted for the purpose, installs, repairs, or maintains any aspect of a product that allegedly causes harm.

(b) "Supplier" does not include any of the following:

(i) A manufacturer;

(ii) A seller of real property;

(iii) A provider of professional services who, incidental to a professional transaction the essence of which is the furnishing of judgment, skill, or services, sells or uses a product;

(iv) Any person who acts only in a financial capacity with respect to the sale of a product, or who leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor.

(16) "Unavoidably unsafe" means that, in the state of technical, scientific, and medical knowledge at the time a product in question left the control of its manufacturer, an aspect of that product was incapable of being made safe.

(B) Sections 2307.71 to 2307.80 of the Revised Code are intended to abrogate all common law product liability claims or causes of action.

Sec. 2307.73. (A) A manufacturer is subject to liability for compensatory damages based on a product liability claim only if the claimant establishes, by a preponderance of the evidence, ~~both~~ all of the following:

(1) Subject to division (B) of this section, the manufacturer's product in question was defective in manufacture or construction as described in section 2307.74 of the Revised Code, was defective in design or formulation as described in section 2307.75 of the Revised Code, was defective due to inadequate warning or instruction as described in section 2307.76 of the Revised Code, or was defective because it did not conform to a representation made by its manufacturer as described in section 2307.77 of the Revised Code;

(2) A defective aspect of the manufacturer's product in question as described in division (A)(1) of this section was a proximate cause of harm for which the claimant seeks to recover compensatory damages;

(3) The manufacturer designed, formulated, produced, constructed, created, assembled, or rebuilt the actual product that was the cause of harm for which the claimant seeks to recover compensatory damages.

(B) If a claimant is unable because a the manufacturer's product in question was destroyed to establish by direct evidence that the manufacturer's product in question was defective or if a claimant otherwise is unable to establish by direct evidence that a the manufacturer's product in question was defective, then, consistent with the Rules of Evidence, it shall be sufficient for the claimant to present circumstantial or other competent evidence that establishes, by a preponderance of the evidence, that the manufacturer's product in question was defective in any one of the four respects specified in division (A)(1) of this section.

(C) Proof that a manufacturer designed, formulated, produced, constructed, created, assembled, or rebuilt the type of product in question is not proof that the manufacturer designed, formulated, produced, constructed, created, assembled, or rebuilt the actual defective product in the product liability claim. A manufacturer may not be held liable in a product liability action based on market share, enterprise, or industrywide liability.

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

(A)(1) An attorney, concerning a communication made to the attorney by a client in that relation or the attorney's advice to a client, except that the attorney may testify by express consent of the client or, if the client is deceased, by the express consent of the surviving spouse or the executor or

administrator of the estate of the deceased client. However, if the client voluntarily testifies or is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the attorney may be compelled to testify on the same subject.

The testimonial privilege established under this division does not apply concerning a communication between a client who has since died and the deceased client's attorney if the communication is relevant to a dispute between parties who claim through that deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction, and the dispute addresses the competency of the deceased client when the deceased client executed a document that is the basis of the dispute or whether the deceased client was a victim of fraud, undue influence, or duress when the deceased client executed a document that is the basis of the dispute.

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

(B)(1) A physician or a dentist concerning a communication made to the physician or dentist by a patient in that relation or the physician's or dentist's advice to a patient, except as otherwise provided in this division, division (B)(2), and division (B)(3) of this section, and except that, if the patient is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the physician may be compelled to testify on the same subject.

The testimonial privilege established under this division does not apply, and a physician or dentist may testify or may be compelled to testify, in any of the following circumstances:

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

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

(ii) If the patient is deceased, the spouse of the patient or the executor or

administrator of the patient's estate gives express consent;

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

(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered 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.

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

(d) In any criminal action against a physician or dentist. In such an action, the testimonial privilege established under this division does not prohibit the admission into evidence, in accordance with the Rules of Evidence, of a patient's medical or dental records or other communications between a patient and the physician or dentist that are related to the action and obtained by subpoena, search warrant, or other lawful means. A court that permits or compels a physician or dentist to testify in such an action or permits the introduction into evidence of patient records or other communications in such an action shall require that appropriate measures be taken to ensure that the confidentiality of any patient named or otherwise identified in the records is maintained. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(e)(i) If the communication was between a patient who has since died and the deceased patient's physician or dentist, the communication is relevant to a dispute between parties who claim through that deceased patient, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction, and the dispute addresses the competency of the deceased patient when the deceased patient executed a document that is the basis of the dispute or whether the deceased patient was a victim of fraud, undue influence, or duress when the deceased patient

executed a document that is the basis of the dispute.

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

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

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

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

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

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

testifying as to the results of the test in question, the custodian of the records may submit a certified copy of the records, 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 records 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 to which the records pertain, the person under whose supervision the test was administered, the custodian of the records, the person who made the records, or the person under whose supervision the records were made.

(3)(a) If the testimonial privilege described in division (B)(1) of this section does not apply as provided in division (B)(1)(a)(iii) of this section, a physician or dentist may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the physician or dentist by the patient in question in that relation, or the physician's or dentist's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code.

(b) If the testimonial privilege described in division (B)(1) of this section does not apply to a physician or dentist as provided in division (B)(1)(c) of this section, the physician 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 to a pharmacist or when there is communication between a patient and a pharmacist in furtherance of the physician-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 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.

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

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

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

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

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

(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; an adult care facility, as defined in section 3722.01 of the Revised Code; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.

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

(d) As used in divisions (B)(1) and ~~(B)(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, 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 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.

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

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

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

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

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

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

(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;

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

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

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

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

(b) The client gives express consent to the testimony.

(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.

(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.

(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.

(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.

(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.

(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.

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

(I) A communications assistant, acting within the scope of the communication assistant's authority, when providing telecommunications relay service pursuant to section 4931.35 of the Revised Code or Title II of the "Communications Act of 1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication made through a telecommunications relay service. Nothing in this section shall limit the obligation of a communications assistant to divulge information or testify when mandated by federal law or regulation or pursuant to subpoena in a criminal proceeding.

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

(J)(1) A chiropractor in a civil proceeding concerning a communication made to the chiropractor by a patient in that relation or the chiropractor's advice to a patient, except as otherwise provided in this division. The testimonial privilege established under this division does not apply, and a chiropractor may testify or may be compelled to testify, in any civil action, in accordance with the discovery provisions of the Rules of Civil Procedure in connection with a civil action, or in connection with a claim under Chapter 4123. of the Revised Code, under any of the following circumstances:

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

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

(c) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter

4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative.

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

(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding.

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

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

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

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

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

(c) If the individual who received crisis response services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual gives express consent.

(d) The individual who received crisis response services voluntarily

testifies, in which case the team member may be compelled to testify on the same subject.

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

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

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

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

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

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

(L)(1) Subject to division (L)(2) of this section and except as provided in division (L)(3) of this section, an employee assistance professional, concerning a communication made to the employee assistance professional by a client in the employee assistance professional's official capacity as an employee assistance professional.

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

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

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

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

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

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

(iv) Selecting and evaluating available community resources;

(v) Making appropriate referrals;

- (vi) Local and national employee assistance agreements;
- (vii) Client confidentiality.

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

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

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

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

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

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

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

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

SECTION 2. That existing sections 1345.09, 2307.60, 2307.71, 2307.73, and 2317.02 of the Revised Code are hereby repealed.

SECTION 3. The General Assembly declares its intent that the amendments made by this act to sections 2307.71 and 2307.73 of the Revised Code are not intended to be substantive but are intended to clarify the General Assembly's original intent in enacting the Ohio Product Liability Act, sections 2307.71 to 2307.80 of the Revised Code, as initially expressed in Section 3 of Am. Sub. S.B. 80 of the 125th General Assembly, to abrogate all common law product liability causes of action including common law public nuisance causes of action, regardless of how the claim is described, styled, captioned, characterized, or designated, including claims against a manufacturer or supplier for a public nuisance allegedly caused by a manufacturer's or supplier's product.

SECTION 4. The General Assembly declares its intent that the amendments made by this act to section 2307.73 of the Revised Code are intended to clarify that section 2307.73 of the Revised Code is intended to follow the Ohio Supreme Court's holdings in *Sutowski v. Eli Lilly & Co.* (1998), 82 Ohio St.3d 347, and in *Horton v. Harwick Chemical Corp.* (1995), 73 Ohio St. 3d 679, that a plaintiff in a product liability claim must identify the particular manufacturer of the product that allegedly caused the plaintiff's harm in order to maintain the claim.

SECTION 5. Section 1345.09 of the Revised Code, as amended by this act, shall take effect on July 1, 2007, and shall apply to actions commenced on or after that date and, to the extent permitted under the constitutions of this state and of the United States, to cases pending on that date.

SECTION 6. The General Assembly declares that the attorney-client privilege is a substantial right and that it is the public policy of Ohio that all communications between an attorney and a client in that relation are worthy of the protection of privilege, and further that where it is alleged that the attorney aided or furthered an ongoing or future commission of insurance bad faith by the client, that the party seeking waiver of the privilege must make a prima facie showing that the privilege should be waived and the court should conduct an in camera inspection of disputed communications. The common law established in *Boone v. Vanliner Ins. Co.* (2001), 91 Ohio St.3d 209, *Moskovitz v. Mt. Sinai Med. Ctr.* (1994), 69 Ohio St.3d 638, and *Peyko v. Frederick* (1986), 25 Ohio St.3d 164, is modified accordingly to provide for judicial review regarding the privilege.

SECTION 7. Section 2317.02 of the Revised Code is presented in this act as a composite of the section as amended by Sub. H.B. 144, Sub. S.B. 8, and Am. Sub. S.B. 17 of the 126th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.



Speaker _____ of the House of Representatives.



President _____ of the Senate.

Passed December 14, 2006

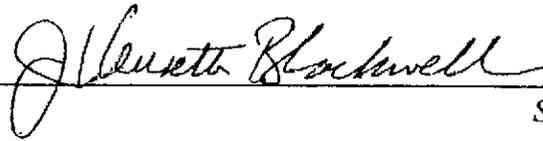
Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 5th day of January, A. D. 2007.



Secretary of State.

File No. 199 Effective Date _____

AN ACT

To amend sections 1345.09, 2307.60, 2307.71, 2307.73, and 2317.02 of the Revised Code to specify the nature of damages that may be recovered in certain actions based on unfair or deceptive sales practices, to provide that a final judgment, entered after a trial or upon a plea of guilty in certain criminal actions generally precludes the offender from denying any fact essential to sustain that judgment when entered in evidence in a civil proceeding that is based on the criminal act, to make an exception to the attorney-client privilege for communications related to an attorney's aiding or furthering an ongoing or future commission of bad faith by a client that is an insurance company, to prohibit the use of enterprise theories of liability against manufacturers in product liability claims, and to include public nuisance claims under the definition of product liability claims.

Introduced by

Senators (Sponsor Removed by Request), Schuler, Amstutz, Clancy, Goodman, Jordan, Mumper, Niehaus, Schuring, Wachtmann, Harris
Representatives Aslanides, Blasdel, Blessing, Bubb, Buehrer, Coley, Collier, Flowers, Gibbs, Hood, Raussen, Schaffer, Schneider, Seitz, Setzer, White, D., Woipert

Passed by the Senate.

October 26, 2005

Passed by the House of Representatives.

December 14, 2006

Filed in the office of the Secretary of State at Columbus, Ohio, on the

5th day of January, A. D. 2007

Jill K. Rowland
Secretary of State.

(Concurred in House amendments
December 14, 2006).

D

CERTIFICATION
CLERK OF THE OHIO HOUSE

Attached hereto is a true and accurate copy of the original Journal of the Ohio House of Representatives of December 21, 2006, indicating that date as the day on which the House adjourned sine die for the 126th General Assembly.

The Ohio House Clerk prepares and maintains the Ohio House Journal in the ordinary and regular course of business of the Ohio House of Representatives pursuant to Article II, Section 9 of the Ohio Constitution, Sections 101.54 through 101.543 of the Ohio Revised Code and Rule 22 of the Rules of the Ohio House of Representatives.



Laura Clemens
Clerk of the Ohio House

2.1.07

Date

OHIO
House
of
Representatives
JOURNAL

THURSDAY, DECEMBER 21, 2006

TWO HUNDRED FORTY-FOURTH DAY
Hall of the House of Representatives, Columbus, Ohio
Thursday, December 21, 2006 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative McGregor, J. was selected to preside under the Rule.

The journal of yesterday was read and approved.

MOTIONS AND RESOLUTIONS

Representative Blasdel moved that the following House Resolutions be read by title only and brought up for immediate adoption:

H.R. No. 292 - Speaker Husted, Representatives Beatty, Aslanides, Barrett, Blasdel, Blessing, Bocchieri, Book, Brinkman, Brown, Bulp, Buehrer, Calvert, Carano, Carmichael, Cassell, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, C. Evans, D. Evans, Faber Fende, Fessler, Flowers, Foley, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Healy, Hood, Hoops, Hughes, Key, Kilbane, Koziura, Latta, Law, Luckie, Martin, Mason, J. McGregor, R. McGregor, Mitchell, Oelslager, Otterman, S. Patton, T. Patton, Perry, Peterson, Raga, Raussen, Redfern, Reidelbach, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Uecker, Ujvagi, Wagner, Wagoner, Webster, D. White, J. White, Widener, Widowfield, Willamowski, Williams, Wolpert, Woodard, Yates, Yuko

HONORING TOM MANUEL ON HIS OUTSTANDING SERVICE TO THE STATE OF OHIO.

H.R. No. 293 - Representatives Hughes, Core, Flowers, McGregor, J., Peterson, Reidelbach, Smith, G., Wolpert
HONORING BRADY QUINN AS RECIPIENT OF THE 2006 MAXWELL COLLEGE FOOTBALL PLAYER OF THE YEAR AWARD.

H.R. No. 294 - Representative Flowers, Speaker Husted, Representatives Beatty, Aslanides, Barrett, Blasdel, Blessing, Bocchieri, Book, Brinkman, Brown, Bulp, Buehrer, Calvert, Carano, Carmichael, Cassell, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, C. Evans, D. Evans, Faber Fende, Fessler, Foley, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Healy, Hood, Hoops, Hughes, Key, Kilbane, Koziura, Latta, Law, Luckie, Martin, Mason, J. McGregor, R. McGregor, Mitchell, Oelslager, Otterman, S. Patton, T. Patton, Perry, Peterson, Raga, Raussen, Redfern, Reidelbach, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer,

Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Uecker, Ujvagi, Wagner, Wagoner, Webster, D. White, J. White, Widener, Widowfield, Willamowski, Williams, Wolpert, Woodard, Yates, Yuko
IN MEMORY OF CAPTAIN SHAWN ENGLISH.

H.R. No. 295 - Representative Collier
HONORING THE MOUNT VERNON NAZARENE UNIVERSITY
WOMEN'S SOCCER TEAM AS THE 2006 NATIONAL CHRISTIAN
COLLEGE ATHLETIC ASSOCIATION CHAMPION.

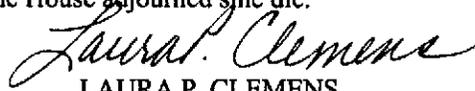
The motion was agreed to without objection.
The question being, "Shall the resolutions be adopted?"
The resolutions were adopted.

Representative Blasdel moved that the reading of the Governor's veto messages be dispensed with and that said veto messages be printed in the appendix of the House Journal.

The motion was agreed to without objection.

On motion of Representative Blasdel, the House adjourned sine die.

Attest:


LAURA P. CLEMENS,
Clerk.

E



Ohio Senate
Statehouse
Columbus, Ohio 43215
(614) 466-4900
Fax (614) 466-8261

David A. Battocletti
Senate Clerk

CERTIFICATION
CLERK OF THE OHIO SENATE

Attached hereto are true and accurate copies of the original Ohio Senate Journal related to the day the Senate adjourned sine die for the 126th General Assembly.

The Ohio Senate Clerk prepares and maintains the Ohio Senate Journal in the ordinary and regular course of business of the Ohio Senate pursuant to Article II, Section 9 of the Ohio Constitution, Sections 101.54 through 101.543 of the Revised Code and Rule 100 of the Senate Rules.

A handwritten signature in cursive script that reads "David A. Battocletti".

David A. Battocletti
Clerk of the Ohio Senate

1-31-07

Date

OHIO

SENATE

JOURNAL

TUESDAY, DECEMBER 26, 2006

TWO HUNDRED FORTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, December 26, 2006, 9:30 a.m.

The Senate met pursuant to adjournment.

The journal of the last legislative day was read and approved.

OFFERING OF RESOLUTIONS

Senator Harris offered the following resolution:

S. R. No. 278-Senator Harris.

Honoring Jon Allison for his service to the State of Ohio.

The question being, "Shall the resolution, **S. R. No. 278**, be adopted?"

So the resolution was adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

S. B. No. 277 - Senator Jacobson- et al.

Sub. S. B. No. 126 - Senator Wachtmann- et al.

Sub. S. B. No. 281 - Senator Stivers- et al.

Sub. S. B. No. 279 - Senator Stivers- et al.

Sub. S. B. No. 393 - Senator Mumper- et al.

Am. Sub. S. B. No. 260 - Senator Austria- et al.

Am. Sub. S. B. No. 311 - Senator Gardner- et al.

Sub. H. B. No. 9 - Representative Oelslager - et al.

Sub. H. B. No. 141 - Representative Willamowski - et al.

Am. Sub. H. B. No. 276 - Representative Stewart, J. - et al.

Sub. H. B. No. 454 - Representative Coley - et al.

Am. Sub. H. B. No. 461 - Representative Wolpert - et al.

Sub. H. B. No. 551 - Representative Latta - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bills.

MESSAGE FROM THE PRESIDENT

December 8, 2006

The Honorable Bill Harris
Ohio Senate President
Ohio Statehouse 2nd Floor
Columbus, OH 43215

Senate President Harris:

I am writing today to offer my official resignation from the Ohio Senate effective December 31, 2006. I have been elected to represent the 4th Congressional District of Ohio in the United States Congress and will be sworn in on January 4, 2007.

It has truly been an honor and a pleasure to represent the families and taxpayers of the 12th Senate District.

Sincerely,
/s/ JIM JORDAN
Jim Jordan
Ohio State Senator

MESSAGE FROM THE PRESIDENT

December 26, 2006

Senator Jim Jordan
Senate Building
Columbus, Ohio 43215

Dear Senator Jordan:

In accordance with Section 101.25 of the Ohio Revised Code, I hereby acknowledge receipt of your letter of resignation from the Ohio Senate effective Sunday, December 31, 2006.

It has certainly been a pleasure working with you during your time with the Senate. I look forward to working with you in your capacity as a member of the United States Congress.

Good luck!

Sincerely,
/s/ BILL HARRIS
Bill Harris
State Senator
19th District

MESSAGE FROM THE PRESIDENT

December 18, 2006

President Bill Harris
Ohio Senate
Statehouse
Room 201, Second Floor Columbus, Ohio 43215

Dear President Harris:

I would like to offer my official resignation from the Ohio Senate effective December 31, 2006. It has been an honor to serve the people of the 32nd district. I have been recently elected as Ohio's next Attorney General, and will sworn in on January 8, 2007. I look forward to continued service to Ohio in my new role.

Sincerely,
/s/ MARC DANN
Marc Dann

MESSAGE FROM THE PRESIDENT

December 26, 2006

Senator Marc Dann
Senate Building
Columbus, Ohio 43215

Dear Senator Dann:

In accordance with Section 101.25 of the Ohio Revised Code, I hereby acknowledge receipt of your letter of resignation from the Ohio Senate effective Sunday, December 31, 2006.

It has certainly been a pleasure working with you during your time with the Senate. I look forward to working with you in your capacity as Attorney General for the State of Ohio.

Good luck!

Sincerely,
/s/ BILL HARRIS
Bill Harris
State Senator
19th District

MESSAGE FROM THE PRESIDENT

December 19, 2006

Senator Bill Harris, President
Ohio Senate
The Statehouse
Columbus, OH 43215

Dear President Harris,

I am hereby tendering my resignation effective December 31, 2006.

Sincerely,
/s/ Charlie Wilson
Charlie Wilson, State Senator
30th Senate District

MESSAGE FROM THE PRESIDENT

December 26, 2006

Senator Charles Wilson
Senate Building
Columbus, Ohio 43215

Dear Senator Wilson:

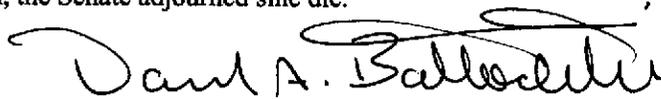
In accordance with Section 101.25 of the Ohio Revised Code, I hereby acknowledge receipt of your letter of resignation from the Ohio Senate effective Sunday, December 31, 2006.

It has certainly been a pleasure working with you during your time with the Senate. I look forward to working with you in your capacity as a member of the United States Congress.

Good luck!

Sincerely,
/s/ BILL HARRIS
Bill Harris
State Senator
19th District

On the motion of Senator Jacobson, the Senate adjourned sine die.



Attest:

DAVID A. BATTOCLETTI,

Clerk.

F



Ohio Senate
Statehouse
Columbus, Ohio 43215
(614) 466-4900
Fax (614) 466-8261

David A. Battocletti
Senate Clerk

CERTIFICATION
CLERK OF THE OHIO SENATE

Attached hereto are true and accurate copies of the original Governor's Receipt of Bills related to Senate Bill 117 of the 126th General Assembly.

The Ohio Senate Clerk maintains the Governor's Receipt of Bills in the ordinary and regular course of business of the Ohio Senate pursuant to Article II, Section 15 of the Ohio Constitution and Rule 100 of the Senate Rules.

A handwritten signature in black ink, reading "David A. Battocletti".

David A. Battocletti
Clerk of the Ohio Senate

1-31-07
Date

EXECUTIVE DEPARTMENT

OFFICE OF THE GOVERNOR

Received from the Clerk of the Senate the following bills certified to as having been passed by both houses of the General Assembly:

	Author
S. B. No. 126	Sen.
S. B. No. 279	Sen.
S. B. No. 281	Sen.
S. B. No. 393	Sen.
S. B. No. 277	Sen.
S. B. No. 260	Sen.
S. B. No. 311	Sen.
S. B. No. 117	Sen.
S. B. No. 137	Sen.
S. B. No. 116	Sen.



EXECUTIVE CLERK

Date Dec 27, 2006

EXECUTIVE DEPARTMENT

OFFICE OF THE GOVERNOR

Received from the Clerk of the Senate the following bills certified to as having been passed by both houses of the General Assembly:

	Author
S. B. No. 305	Sen.
S. B. No. 245	Sen.
S. B. No. 171	Sen.
S. B. No.	Sen.



EXECUTIVE CLERK

Date Dec 27, 18 / 2002

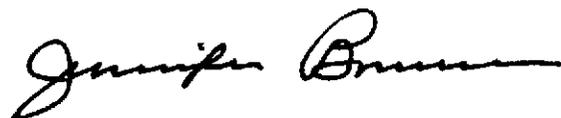
G

United States of America
State of Ohio
Office of the Secretary of State

*I, **JENNIFER BRUNNER**, Secretary of*

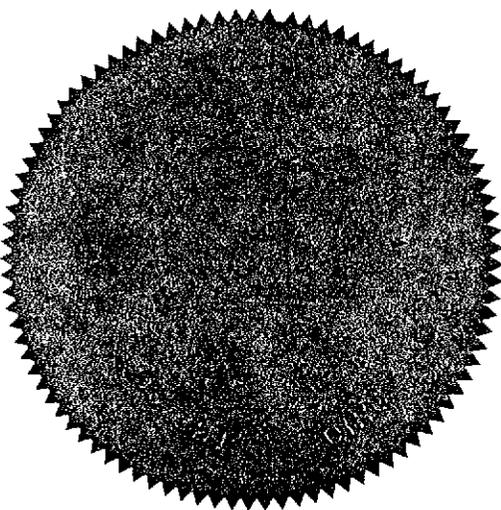
State, do hereby certify that I am the duly elected, qualified and acting Secretary of State of the State of Ohio, and I further certify that attached hereto are true and accurate copies of all the entries in the "Governor's Office Bill Record" Book from December 26, 2006, commencing with File #171 of the 126th General Assembly to the present time, to wit: 3:45 p.m. on February 1, 2007.

*IN TESTIMONY WHEREOF, I have hereunto
subscribed my name and affixed the official
Seal of the Secretary of State of Ohio, at
Columbus, Ohio, this 1st day of
February, 2007.*



Jennifer Brunner
Secretary of State

C 153299



NUMBER OF B.L.	AUTHOR	PRESENTED TO GOVERNOR	ACTION TAKEN BY GOVERNOR	DELIVERED TO SECY. OF STATE	BY WHOM RECEIVED	REMARKS
178 Sb H.B. 149	Reps. C. B. Foy, DeLoach, J. B. Foy, Latta, McMillen, Roberts, Chandler, DeLoach, Gilman, Sells, Girth, Collins, Schaffer, Williams, Rogers, Burnett, Peterson, Bunker, Casper, Tomlin, Curb, Doherty, DeLoach, DeLoach, Evans, D., Fisher, Finkle, Danvers, Garrison, Healy, Hughes, Leon, Martin, Patten, McGeorge, R., Patten, T., DeLoach, Riedelbach, Riedelbach, Sanger, Schlichter, Schneider, Senger, Seaton, Smith, G., Stewart, J., Tinkler, Wagner, Wilkins, Walcott, Yates, Yoke, Sears, Amodeo, Astine, Lake, Clancy, Conklin, Fryer, G. Conner, Goodell, Birch, Keenan, Miller, O., Mumpster, Michaels, Padgett, Roberts, Schuring, Strauch, Tamm, Wagner, Pennington, Wilson, Ficker	12-27-06	1-2-07	1-3-07	<i>Lynd Garrison</i>	<i>eff. 04/04/07</i>
179 Sb Sb 245	Reps. Cates, Clancy, Munster, Padgett, Schuring, Sells, Eder, Zirk, Amodeo, Longmire, Fryer, Burns, Holloman, Keenan, C. Miller, Andrews, Schuler, Spada, Ammerman, Carey, Austria, Bays, Latta, D. Evans, Gatto, Nealy, Blossing, Campbell, Conner, DeLoach, Donnelly, Anderson, C. Evans, Fisher, Fisher, Patten, Lewis, DeLoach, S. McGowan, Thomas, T. Fisher, Keenan, Riedelbach, Schneider, Selzer, G. Smith, S. Wilkins, Williams, Yoke, Mason	12-27-06	1-2-07	1-3-07	<i>Lynd Garrison</i>	<i>eff. 04/04/07</i>
180 HB 571	Reps. Hughes, Collier, C. Evans, D. Evans, Gardner, Latta, Girth, Mason, Yoke, Key, Sears, Amodeo, Astine	12-27-06	1-2-07	1-4-07	<i>Lynd Garrison</i>	<i>eff. 04/05/07</i>

eff. 04/15/67

Hughes, Lany Martin,
 Mason, Rebecca R.,
 Nelson, T., DeLoach,
 Reichbach, Richard,
 Sawyer, Schlichter,
 Schneider, Seaver,
 Setzer, Smith, B.,
 Stewart, J., Trahan,
 Wagner, Wilkins,
 Walcott, Yates, Yoka
 Zapp, Amelko, Astina,
 Lake, Chesley, Conklin,
 Fingerhut, Gordon,
 Gustafson, Harris, Kennedy,
 Miller, D., Pumper,
 Michaels, Polyzak,
 Roberts, Schmitt,
 Strain, Tuma, Wagner,
 Pennington, Wilson,
 Feder

506
 158245

FURS, Gates, Clancy,
 Hamner, Robert,
 Schmitt, John,
 Feder, Zure, Arnold,
 Coughlin, Fingerhut,
 Farris, Hoffinger, Keenan,
 Z.M. Lee, Andrews,
 Schuler, Spada,
 Ambrose, Carey,
 Austria, Ragsdale,
 D'Evers, Gatto,
 Healy, Blossing,
 Greenhouse, Gribbs,
 DeBora, Lamerick,
 Ambrose, C. Howard,
 Falar, Foster, Flavis,
 Gandy, Jackson,
 J. McGowan, O'Hara,
 J. Robert, Rauson,
 Kuchel, Schmitt,
 Setzer, G. Smith,
 S. J. Williams,
 Yule, Mason

12-27-06

1-2-07

1-3-07

Lyndquist

eff. 04/04/67

148 511

Rees, Hughes, Collier,
 C. Basso, D. Evans,
 Widener, Latta, Gilla,
 Mason, Yule, Key,
 Kertz, Allen, Borley,
 Deaky, Beck, Brown,
 Eulop, Bauhr,
 Lavigne, Chandler,
 Lomb, Daniels,
 De Rose, Dole,
 Bennett, Dierhaus,
 Feder, Fode,
 Garrison, Gribbs

12-27-06

1-2-07

1-4-07

Lyndquist

eff. 04/15/67

NUMBER OF BILL	AUTHOR	PRESENTED TO GOVERNOR	ACTION TAKEN BY GOVERNOR	DELIVERED TO SECT. OF STATE	BY WHOM RECEIVED
HB 571 cont.	Hartness, Harwood, Hoops, Law, MacGregor, Sherman, Sullivan, T. Cook, Terry, Reed, Kiedelbach, Schroeder, Schlichter, Schneider, Slaver, Spack, G. Smith, D. Stewart, J. Stuber, Whitcomb, Wagner, Sens. Clancy, Zurz, Kamy, Stivers, Coles				
181 Am. Sub. HA 694	Rep. D'Wine, Slaver, Trakas, Peterson, R. MacGregor, John, Wilster, Bob, Flowers, William, C. Evans, Klonides, Coley, D. Evans, Hagan, Hayes, Law, T. Fisher, Kiedelbach, Schaffer, Seaver, Wagner, J. White, Wollner, Woodruff, Sen. JACKSON	12-27-06	1-2-07	1-3-07	<i>[Signature]</i>
182 Am. Sub. SB 171	Sen. Campbell, Zurz, Rep. Skisling, Socler, Coley, Combs, DeRose, Evans, Hayes, Ken, Locke, J. MacGregor, Sherman, Williams	12-27-06	1-2-07	1-3-07	<i>[Signature]</i> eff. 01/01
183 Sub. SB 305	Rep. Stivers, Kamy, Whitcomb, Rep. J. MacGregor, Cook, Combs, Sherman, C. Evans, Flowers, T. Fisher, Schaffer, Wagner, Yoko	12-27-06	1-2-07	1-3-07	<i>[Signature]</i> eff. 01/01
184 Am. Sub. HB 690	Rep. Slaver, Whitman, Combs, Evans, Flowers, Clancy, Hoop, Martin, Kiedelbach, Schneider, Setzer	12-27-06	1-2-07	1-3-07	<i>[Signature]</i> eff. 01/01

		Madron, Wagner Sens, Chancy, Zarz Kearny, Shivers, Cole					
181	Am. Sub. 118 694	Mrs. DeWitt, Albert, Tobias, Peterson, R. McCreary, John, Webster, Bob, Flowers, Malley, C. Evans, Leonard, Coley, D. Evans, Hagan, Hughes, Law, T. Patten, Reidelbach, Schaffer, Seaver, Wagner, White, Wildner, Woodward, Ed. Johnson	12-27-06	1-2-07	1-3-07	John Quinn	
182	Am. Sub. SB 171	Eric, Caplan, Zarz, Bob, Bissini, Section, Coley, Conley, DePina, Evans, Hughes, Ken, Lohse, T. Patten, Sherman, Williams	12-27-06	1-2-07	1-3-07	John Quinn	eff. 01/02/07
183	Sub SB 307	Sens, Shivers, Goodman, Dunn, Curry, Wachtman, Mrs. J. McCreary, Scott, Conley, Dinnick, C. Evans, Flowers, F. Patten, Schaffer, Wagner, Yoko	12-27-06	1-2-07	1-3-07	John Quinn	eff. 01/04/07
184	Am. Sub. 118 690	Mrs. Sette, Winkman, Conley, DeWitt, Flowers, Gibbs, Hood, Martin, Reidelbach, Schneider, Setzer, Webster, Sens, Coley, Shivers, Harris, Wachtman, Radonski, Spitzer, Sens, Caprine, Gopal, Harris, Chancy, Hunter, Johnson, Coley, Gerbman, Nelson, Mrs. Webster, Blossom, Danks, D. Evans, Martin, Schuchke, Setzer	12-27-06	1-2-07	1-3-07	John Quinn	eff. 01/03/07

Public Legal Book, Inc.

REMARKS

eff. 01/02/07

eff. 01/04/07

eff. 04/04/07

NUMBER OF BILL	AUTHOR	PRESENTED TO GOVERNOR	ACTION TAKEN BY GOVERNOR	DELIVERED TO SECY. OF STATE	BY WHOM RECEIVED	REMARKS
Sub HB 551	Rep. Lath, Fode, Sizer, Wolcott, Law, J. McCreary, D. Evans, Seitz, HUGHES, B. K. Vico, Williamsonski, Saunders, Schaffer, Abraham, Combs, C. Evans, O'Shaughnessy, K. Helbach, Wolcott, Buchner, T. Patton, Brady, Evans, Charles, Collier, Daniels, DeRose, DDA, Donahoe, FLORENCE, GARRISON, Gibbs, Gribb, Hooper, Hutchell, Hanabusa, Hoops, Kozlura, Martin, Mason, C. McCreary, Perry, R. Patton, Seaver, S. Smith, D. Stewart, T. Stewart, Stratton, Becker, Sullivan, Williams, Lois, SENS, Cates, Gardner, Hoffinger, Padgett	12-27-06	1-2-07	1-4-07	<i>[Signature]</i>	eff. 04/05/07
107 PA HB 282	Rep. Fowers, T. Patton, J. Stewart, Schuchter, Fende, Allen, Williamsonski, Wagner, McCreary, Miller, Schmidt, Yako, Kearns, S. Walker, C. Evans, Gribb, Becker, Winters, Kana, Paoli, Stubbell, Bennett, Cannon, Blesed, Martin, Barrow, Strubborn, Fisher, Perry, Collice, D. EVANS, Hughes, Jelsch, Hanabusa, Jakes, Chandler, Buchner, Wolcott, Williams, Cates, Sullivan, Brown, D. Stewart, S. Stewart, S. Smith, Patton, Key, Law, Hanford	12-27-06	1-4-07	1-4-07	<i>[Signature]</i>	eff. 04/05/07

off. 01/02/07

off. 01/04/07

off. 01/04/07

off. 01/03/07

MA HB
282

K. Bellach, Webster,
 Buchner, T. Patton,
 Dally, Edna,
 Chandler, Collier,
 Daniels De Rose,
 Dean, Donald,
 Flowers, Garrison,
 Gibbs, Gill, Hoan,
 Hantwell, Hantwell,
 Hoops, Koriura,
 Martha, McGill,
 McGeorge, Perry,
 Delabard, Spawz,
 J. Smith, D. Stewart,
 J. Stewart,
 Stratton, Becker,
 Lillian, Williams,
 Kates, SENS, Cates,
 Gardner, Hoffinger,
 Padgett,
 Kees, Fluors,
 T. Patton, J. Stewart,
 Schlicher, F. M.,
 Allen, William, M.,
 Wingo, M.,
 Miller, Schmidt,
 Vako, Kearns,
 Schaller, C. H.,
 Gibb, Getzer, Wiers,
 Raab, Esch,
 Schell, E. M.,
 Carano, Blesed,
 Martin, Easton,
 Strubben, Faber,
 Perry, Gilke,
 D. Evans, Hughes,
 Kellogg, Harvold,
 Jones, Chandler,
 Quahren, Wolpert,
 Williams, Russell,
 Lyvaan, Brown,
 D. Stewart,
 S. Stewart,
 S. Smith, Patton,
 Key, Law, Harford,
 Sayre, Wacker,
 Book, Cornthuel,
 Orr, De Greet,
 Distel, Dolan,
 Dornische, Fessler,
 Gibbs, Hoan,
 Healy, Kibode,
 Lath, R. K.,
 Mitchell, O'Brien,
 Peterson, Reed

12-27-06

1-4-07

1-4-07

Ind. Gen.

off. 04/05/07

DeWitt Legal Book, Inc.

NUMBER OF BILL	AUTHOR	PRESENTED TO GOVERNOR	ACTION TAKEN BY GOVERNOR	DELIVERED TO SECY. OF STATE	BY WHOM RECEIVED	REMARKS
Am HB 282 Cont	DeLoach, Sartz, G. Smith, Taylor, Frakas, White, W. D. Ball, Woodard, Eaddy, Sear, Lyles, Stendell, Ambrose, Schwering, Mumper, D. Miller, Fedor, Kearny, Austria, Carey, Blacy, Durr, Gardner, Prattman, Hagan, Harris, Jordan, E. Miller, Ridgell, Schuler, Wadtmann, Niehaus, Prentiss, Zuk					
188 Sub HB 401	Kops Law, Flowers, Coley, Hester, E. Brown, Bobb, D. Evans, Key, Perry, Spore, P. C. Smith, Root, Braun, DeLoach, Distel, Dixon, Dornence, Diehals, Fendi, Hoops, Harwood, Hughes, Kozzys, Mouton, J. McCreary, O'Herman, Trotter, Reed, Reidelbach, Schaffer, Sizer, G. Smith, D. Starn, W. Wagner, W. Barber, Williams, Yuka, F. D. S. Gals, Stendell, Ambrose, Niehaus, Mumper, D. Miller, Fedor, Kearny, Austria, Roberts, Shivers	12-27-06	1-4-07	1-4-07	W. D. Ball	encl. 64, 65, 167
189 Sub SB 281	Sear, Sear, Stendell, Mumper, Prattman, Austria, Eaddy, Zuk, Coley, Hester, Starn, E. Brown, Curran, Cassill, Combs, DeLoach, Distel, Dornence, D. Evans, C. Evans, Hoops, O'Herman, Trotter	12-27-06	1-4-07	1-4-07	W. D. Ball	encl. 61, 64, 167

		Larry Gardner, Bradford, Hagan, Harris, Jordan, K. Miller, Ketch, Schuler, Wachtman, Nichols, Prentiss, 7 or 7					
188	Sub HB 401	Kapa Law, Flowers, Kelly, Becker, Stroden, Bots, D. Evans, Key, Amy Spore, Blessing Book, Brown, DeLoe, Diab, Dikar, Domnick, Drehaus, Frank, Hagan, Hancock, Hedges, Kozlowski, Anstett, J. McCreary, Otterman, T. Patton, Reed, Riedelbach, Schaefer, Setzer, G. Smith, D. Stuck, Wagner, Winderer, Watsons, Yuko Zens, Cals, Grendel, Ambruster, Sheehan, Mumpser, D. Miller, Fodor, Karty, Huetter, Roberts, Shivers	12-27-06	1-4-07	1-4-07	Handwritten signature	eff. 04/05/07
189	Sub SB 351	Zens Strous, Bennett, Ammer, Bradford, Anstett, Frank, Zens, Kelly, Becker, Setzer, Blessing, Curran, Cassin, Lamb, DeLoe, Diab, Domnick, D. Evans, C. Evans, Hagan, Otterman, T. Patton, Yuko	12-27-06	1-4-07	1-4-07	Handwritten signature	eff. 01/04/07
190	Sub HB 351	Kelly, Becker, Kearns, Hagan, J. McCreary, J. Martin, Scholander, Collins, Wampler, Babo, Law, Brown, Williams, Mason, Hagan, J. Stuart, Harrell, Barrett	12-27-06	1-4-07	1-5-07	Handwritten signature	eff. 01/04/07

		Chandler, Collier, Lemms, De Borse, Belline, Damerick, L. Evans, Grib, Harwood, Kaelin, O'Slager, T. Patton, Setzer, Waugh, Wegner, Webster, Williams, Weiss, Schuring, Keenan, Fager, D. Miller, Mumpert, Auerhaus, Cates, Fryer, Hunt, Gardner, Hagan, Harris, Roberts, Spada, Wilson, Zurz, Harris					
193	Am Sub HG 272	Kees, Schneider, Evans, Ridelbach, Robbins, Barz, Bussing, Babo, Alvert, Chandler, Coley, Collier, Lemms, Daniels, De Borse, Damerick, C. Evans, Flowers, Harwood, Key, Madis, Thurman, T. Patton, Wessler, Seitz, Setzer, G. Smith, Williams, Yike, Spade-Horn, Brostie, Flory, Gardner, Mumpert, Andrews, Robert, Schuring, Zurz, Harris, Spada	12-27-06	1-4-07	1-5-07	undigresser	04, 06, 07
194	Sub HG 458	Coley, Woodner, Barz, Harwood, Brown, Bobr, Hill, Anagnostis, Baccien, Dicker, De Borse, Deban, Damerick, Evans, Fende, Hughes, J. McGree, T. Patton, Ridelbach, Schlichter, Seitz, Seitz, G. Smith, Seitz, Coley, Keamy, Spada		1-4-07	1-5-07	undigresser	04, 06, 07
195	Am. Sub HG 423	Kees, Seitz, Ridelbach, Seitz, S. McGree, Peterson, Brown, Allen, Schlichter	12-27-06	1-4-07	1-5-07	undigresser	04, 06, 07

H

NEWS RELEASE



Governor Bob Taft

**TAFT TO ALLOW SB 117 TO GO INTO LAW WITHOUT
SIGNATURE**

COLUMBUS (January 5, 2007) - Governor Bob Taft today released the following statement regarding his decision to allow Amended Substitute Senate Bill 117 to become law without his signature:

"I have decided to allow Amended Substitute Senate Bill 117 become law without my signature. While there are many provisions in this bill that I endorse, there is one that I cannot support. Because the Ohio Constitution precludes me from exercising a line item veto, I feel my only course is to not sign the bill.

"I support the General Assembly's determination to prevent insurance companies from attempting to hide behind attorney-client privilege in instances where that privilege has been abused to aide or further the commission of bad faith, fraud, or criminal misconduct by the insurance company. Such a measure certainly protects our insurance consumers in situations where they are at their most vulnerable.

"I also support changes made by the General Assembly to recognize that causes of action based upon the design, manufacture, and supply of products are best addressed under Ohio's products liability law and should not be treated as public nuisance claims. Liability should attach in such cases only where it can be proven that a specific manufacturer is responsible for the product.

"Had the foregoing been the only provisions in SB 117, I would have readily signed it. However, I cannot agree with the General Assembly's amendment to the Consumer Sales Practices Act (CSPA) which limits damage awards for noneconomic harm to the very small amount of \$5,000. Even though consumers, including victims of predatory lending, will still have a private right of action under the CSPA, and actions may still be brought at the initiative of the Attorney General, SB 117's amendment weakens the Act with respect to predatory lending and all other consumer transactions. It encourages potential offenders to engage in a cost-benefit analysis and build the low level of potential damages into their business plans. This limit is unjustifiably low given the limits on noneconomic damages that I signed into law when the General Assembly enacted comprehensive lawsuit reform in 2004. Similar limits (up to \$350,000 per person or \$500,000 per occurrence) will afford predictability under the CSPA while providing a more significant deterrent for those who would otherwise prey upon vulnerable consumers.

"I encourage the General Assembly to revisit this issue in its current session."

###

Media Contact: Mark Rickel, Governor's Press Secretary, at (614) 644-0957.

[Back to News Releases](#)

I



JENNIFER BRUNNER
OHIO SECRETARY OF STATE

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Fax: 1-614-644-0649
www.sos.state.oh.us



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January 8, 2007

The Honorable Ted Strickland
Governor, State of Ohio
Statehouse
Columbus, OH 43215

Re: Request for return of Amended Substitute Senate Bill No. 117 (126th General Assembly) filed with Secretary of State January 5, 2007

Dear Governor Strickland:

This is in response to your request, received today, that I return to you Amended Substitute Senate Bill No. 117, which was adopted by the 126th General Assembly in the post-election session late last year, presented to former Governor Taft on December 27, 2006, and filed by the former governor with the Secretary of State's office on Friday, January 5, 2007, the last business day of his term in office.

The language of Section 16, Article II of the Constitution of Ohio provides that the governor has three options with regard to bills sent to the governor for signature. (1) The governor may sign if he or she approves the bill, in which case the governor signs and files the law with the Secretary of State; (2) the governor may veto the bill if the governor disapproves the bill, in which case the governor returns it with his or her objections to the house of the General Assembly in which it originated; or (3) the governor may refuse to sign or veto the bill, in which case at the end of ten days after the bill has been presented to the governor, it becomes law. However, if the General Assembly adjourns within the ten-day period, the bill becomes law unless the governor, within ten days of the adjournment, files it with his objections in writing in the office of the Secretary of State.

Governor Taft, neither having signed the bill or filed a veto message with Am. Sub. S.B. No. 117 by the last business day of his term, January 5, 2007, sent the bill to the Secretary of State's office. Under the terms of the Constitution of Ohio the governor has a ten-day period to make a determination on a bill before it becomes law without his or her signature. Nothing in law prohibits the Secretary of State from returning to the governor an act that has been filed with the office without signature, but which has not yet become law.

Therefore, I am returning herewith Am. Sub. S.B. No. 117 to you, in accordance with your request, to allow you to determine within the Constitutional ten-day period which option you determine best in regard to the final disposition of Am. Sub. S.B. No. 117.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Brunner".

Jennifer Brunner

(Enclosure - Am. S.B. No. 117)

J



State of Ohio
Office of the Governor

Veto Message

**STATEMENT OF THE REASONS FOR THE VETO OF AMENDED
SUBSTITUTE SENATE BILL 117 from the 126th GENERAL ASSEMBLY
January 8, 2007**

Under Article II, Section 16 of the Ohio Constitution, the Governor may veto any bill. I am vetoing Amended Substitute Senate Bill 117 for the following reasons.

Amended Substitute Senate Bill 117 greatly weakens current protections provided to consumers in the State of Ohio. This effort to amend the Consumer Sales Practices Act and arbitrarily limit awards to victims for noneconomic damages to only \$5,000 does not allow consumers defrauded by companies to seek appropriate justice.

While weakening protections for consumers, at the same time the bill strengthens protections for companies that may have been responsible for products that have harmed and even continue to harm children and others in Ohio. This prevents citizens from being able to seek justice on behalf of their citizens.

I will not allow this legislation in its current form, which drastically undermines current consumer protections, to go into effect during my administration.

I have signed this veto message on January 8, 2007 in Columbus, Ohio.


Ted Strickland, Governor

This will acknowledge the receipt of a copy of this veto message of Amended Substitute Senate Bill 117 that was disapproved by Governor Ted Strickland on January 8, 2007.

Name and Title of Officer

Date and Time of Receipt



K

JOURNAL
126TH GENERAL ASSEMBLY 2005-2006

Filed	File No.	Description	Bill No.	Effective Date
2/4/2005	1	TO MAKE CAPITAL AND OTHER APPROPRIATIONS, TO CHANGE THE NAME OF THE MEDICAL COLLEGE OF OHIO	AM SUB HB 16	05/06/05; CERTAIN PROVISIONS EFFECTIVE ON OTHER DATES
3/7/2005	2	REGARDING AN ELECTION BY A RETIRANT OF ONE OF THE STATE'S PUBLIC RETIREMENT SYSTEMS	AM HB 10	06/06/05; CERTAIN PROVISIONS EFFECTIVE ON OTHER DATES
3/22/2005	3	TO ALLOW THE INDUSTRIAL COMMISSION TO MAKE CONTRACTS CONCERNING TELECOMMUNICATIONS AND COMPUTER SERVICES	HB 65	06/21/05; CERTAIN PROVISIONS EFFECTIVE ON OTHER DATES
3/22/2005	4	TO TRANSFER THE PUBLIC EMPLOYEES RISK REDUCTION PROGRAM	AM HB 67	06/21/05; CERTAIN PROVISIONS EFFECTIVE ON OTHER DATES
3/30/2005	5	TO ENACT AS A SEPARATE ACT THE PROVISION OF LAW EXEMPTING EMPLOYEES OF THE OHIO SCHOOL FACILITIES COMMISSION	SUB SB 56	3/29/05; CERTAIN PROVISIONS EFFECTIVE ON OTHER DATES
3/30/2005	6	TO MAKE APPROPRIATIONS FOR PROGRAMS RELATED TO TRANSPORTATION AND PUBLIC SAFETY	AM SUB HB 68	03/29/05; CERTAIN SECTIONS EFFECTIVE ON OTHER DATES
3/30/2005	7	TO PERMIT THE LEVY BY A BOARD OF COUNTY COMMISSIONERS OF A SALES AND USE TAX	AM HB 13	3/30/2005
4/13/2005	8	TO CLARIFY THE APPLICATION OF THE STATE'S CRIMINAL JURISDICTION STATUTE TO OFFENSES COMMITTED IN A JURISDICTION	SUB SB 20	7/13/2005
4/29/2005	9	TO ESTABLISH POLITICAL CONTRIBUTING ENTITIES FOR THE PURPOSE OF CAMPAIGN FINANCE LAW	AM SB SUB 115	04/26/05
5/5/2005	10	TO ALLOW A STATE OFFICER OR EMPLOYEE WHO IN A CIVIL ACTION IS ALLEGED TO LACK IMMUNITY FROM PERSONAL LIABILITY TO PARTICIPATE IN PROCEEDINGS TO DETERMINE WHETHER THE OFFICER OR EMPLOYEE IS ENTITLED TO PERSONAL IMMUNITY	SUB HB 25	08/04/05; SECTION 2743.02 EFFECTIVE ON OTHER DATES

Filed	File No.	Description	Bill No.	Effective Date
5/5/2005	11	RELATIVE TO THE APPOINTMENT AND COMMISSIONING OF AMUSEMENT PARK POLICE OFFICERS AND TO THE TRAINING OF THOSE OFFICERS	SUB HB 58	05/03/05
5/5/2005	12	TO EXCLUDE PERSONS WHO SELL REAL OR PERSONAL PROPERTY BY MEANS OF INTERNET FROM HAVING TO OBTAIN A LICENSE UNDER AUCTIONEERS LAW	SUB SB 99	05/06/05; CERTAIN PROVISIONS EFFECTIVE ON OTHER DATES
5/13/2005	13	TO ESTABLISH THE PARTNERSHIP FOR CONTINUED LEARNING TO MAKE RECOMMENDATIONS FOR FACILITATING COLLABORATION AMONG PROVIDERS OF PRESCHOOL THROUGH POSTSECONDARY EDUCATION AND FOR MAINTAINING A HIGH-QUALITY WORKFORCE IN OHIO	AM SB 6	08/12/05
5/20/2005	14	REGARDING THE COMPOUNDING OF DRUGS BY PHARMACISTS	SUB SB 18	08/19/05
5/20/2005	15	TO PERMIT SCHOOL DISTRICTS AND NONPUBLIC SCHOOLS TO COUNT TIME THAT SCHOOLS ARE IN SESSION BEYOND THE REQUIRED MINIMUM NUMBER OF HOURS	AM SB 71	05/18/05
5/20/2005	16	RELATING TO THE USE OF AUTHORIZED COMMUNICATIONS EQUIPMENT, INCLUDING ELECTRONIC OR TELEPHONIC TRANSMISSIONS	HB 42	08/19/05
5/27/2005	17	TO REQUIRE A PERSON WHO IS CHARGED WITH AN OFFENSE OF VIOLENCE INVOLVING A VICTIM WHO IS A FAMILY OR HOUSEHOLD MEMBER AND TO WHOM ANY OF A LIST OF SPECIFIED CIRCUMSTANCES APPLIES TO APPEAR BEFORE THE COURT BEFORE THE COURT SETS BAIL FOR THAT PERSON	SUB HB 29	08/26/05
6/3/2005	18	TO PHASE IN DESTINATION-BASED SOURCING OF SALES FOR SMALL BUSINESSES	AM SUB SB 26	06/02/05
6/6/2005	19	TO GRANT TO ALL MEMBERS OF THE NATIONAL GUARD AND RESERVE COMPONENTS OF THE UNITED STATES ARMED FORCES WHO HAVE BEEN CALLED TO ACTIVE DUTY AN EXTENSION OF TIME IN WHICH TO FILE INCOME TAX RETURNS	SUB HB 2	06/02/05

Filed	File No.	Description	Bill No.	Effective Date
6/6/2005	20	TO CONFORM STATE LAW TO FEDERAL REQUIREMENTS IN THE ESTABLISHMENT OF CIVIL AND CRIMINAL PENALTIES FOR MANIPULATING PAYROLL AND BUSINESS TRANSFER INFORMATION TO OBTAIN LOWER CONTRIBUTION RATES	AM SB 81	09/05/05
6/6/2005	21	TO REVISE THE LAW GOVERNING COUNTY BOARDS OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES	AM SUB SB 10	09/05/05
6/17/2005	22	TO INCREASE THE PENALTY FOR IDENTIFY FRAUD IN CERTAIN CIRCUMSTANCES INCLUDING WHEN IT IS COMMITTED AGAINST AN ELDERLY PERSON OR ADULT	SUB HB 48	09/16/05
6/17/2005	23	TO REQUIRE ANY PLACE OF PUBLIC ACCOMMODATION TO ALLOW A MOTHER TO BREAST-FEED WITHIN THE PLACE OF PUBLIC ACCOMMODATION	SB 41	09/16/05
6/17/2005	24	TO CREATE THE OHIO INCIDENT-BASED REPORTING SYSTEM IN THE OFFICE OF CRIMINAL JUSTICE SERVICES	SUB HB 4	09/16/05
6/27/2005	25	TO MODIFY DUTIES AND LIABILITIES OF SKI AREA OPERATORS AND SKIERS	AM SUB SB 61	09/26/05
6/27/2005	26	TO EXEMPT TEN STATE GOVERNMENTAL ENTITIES FROM THE OPERATION OF THE REVIEW LAW	SUB SB 124	06/27/05
6/27/2005	27	TO EXPAND AND MODIFY THE PENALTY FOR THE OFFENSE OF PUBLIC INDECENCY	SUB HB 50	09/26/05
6/30/2005	28	BUDGET BILL	AM SUB HB 66	06/30/05; CERTAIN SECTIONS EFFECTIVE ON OTHER DATES
7/1/2005	29	TO DESIGNATE SEPTEMBER AS "LEUKEMIA, LYMPHOMA, AND MYELOMA AWARENESS MONTH"	HB 36	09/30/05
7/22/2005	30	TO SPECIFY THAT A SEARCH WARRANT MUST BE RETURNED PROMPTLY	SUB HB 34	10/21/05
7/22/2005	31	TO PERMIT THE ELECTORS OF A STATUTORY VILLAGE TO VOTE ON A QUESTION TO AUTHORIZE THE MAYOR TO APPOINT THE VILLAGE SOLICITOR WITH THE ADVICE AND CONSENT OF THE VILLAGE'S LEGISLATIVE AUTHORITY	AM SUB HB 76	10/21/05
7/22/2005	32	TO REQUIRE A DEPOSITORY INSTITUTION MAINTAINING AN INTEREST-BEARING TRUST ACCOUNT (IOLTA)	HB 185	10/21/05

Filed	File No.	Description	Bill No.	Effective Date
8/5/2005	33	TO REVISE STATE TELECOMMUNICATIONS POLICY	AM SUB HB 218	11/04/05
8/17/2005	34	TO AUTHORIZE THE GREEN COUNTY PROSECUTING ATTORNEY TO PROSECUTE STATE LAW VIOLATION CASES	AM SUB SB 147	11/15/05; CERTAIN PROVISIONS EFFECTIVE ON OTHER DATES
8/17/2005	35	TO PERMIT THE SALE OF GROUP LIFE INSURANCE TO SPECIFIED GROUPS	SUB HB 193	11/16/05
8/24/2005	36	TO REQUIRE THE DEPARTMENT OF REHABILITATION AND CORRECTION TO ESTABLISH AND OPERATE AN INTERNET DATABASE THAT CONTAINS SPECIFIED OFFENSE, SENTENCE, AND RELEASE INFORMATION FOR EACH INMATE IN THE CUSTODY OF THE DEPARTMENT	AM SUB HB 15	11/23/05
9/20/2005	37	TO REPLACE THE NAME "TOWNSHIP CLERK" WITH THE NAME "TOWNSHIP FISCAL OFFICER" AND TO REQUIRE A TOWNSHIP ZONING REFERENDUM TO BE VOTED UPON AT A SPECIAL ELECTION TO BE HELD ON THE DAY OF THE NEXT PRIMARY OR GENERAL ELECTION	SUB SB 107	12/20/05
9/20/2005	38	TO ADD ONE ADDITIONAL JUDGE FOR THE GENERAL DIVISION OF THE BUTLER COUNTY COURT OF COMMON PLEAS TO BE ELECTED IN 2006	AM SB 128	12/20/05
9/20/2005	39	TO PERMIT THE PROSECUTING ATTORNEY, WITH THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS, TO BE THE LEGAL ADVISER TO A JOINT FIRE DISTRICT	SUB HB 33	12/20/05
10/28/2005	40	TO PERMIT A BOARD OF ELECTIONS, IN CONJUNCTION WITH A BOARD OF EDUCATION, THE GOVERNING AUTHORITY OF A COMMUNITY SCHOOL	SUB HB 234	01/27/06
10/28/2005	41	TO MAKE THE TESTIMONIAL PRIVILEGE AGAINST DISCLOSURE OF CERTAIN COMMUNICATIONS APPLICABLE TO CRITICAL INCIDENT STRESS MANAGEMENT (CISM) TEAM MEMBERS	SUB SB 19	01/27/06
11/18/2005	42	TO AUTHORIZE THE LIQUOR CONTROL COMMISSION TO ISSUE AN ORDER ALLOWING A PERMIT HOLDER TO PAY A FORFEITURE RATHER THAN HAVE THE HOLDER'S PERMIT REVOKED	SUB HB 140	02/17/06

Filed	File No.	Description	Bill No.	Effective Date
11/8/2005	43	TO REQUIRE A STATE AGENCY, AN AGENCY OF A POLITICAL SUBDIVISION, OR A PERSON, INCLUDING A BUSINESS ENTITY THAT DOES BUSINESS IN OHIO	SUB HB 104	02/17/06
11/18/2005	44	TO ESTABLISH UNTIL DECEMBER 31, 2006, A MORATORIUM ON THE USE OF EMINENT DOMAIN BY ANY ENTITY OF THE STATE GOVERNMENT OR ANY POLITICAL SUBDIVISION OF THE STATE TO TAKE... DECLARE AN EMERGENCY	AM SUB SB 167	11/16/05
11/28/2005	45	TO AUTHORIZE THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION TO ESTABLISH A SCHEDULE OF FEES TO BE TAXED AS COSTS IN A CIVIL, CRIMINAL, OR TRAFFIC PROCEEDING IN A MUNICIPAL COURT	AM HB 226	02/27/06
11/28/2005	46	TO EXTEND THE JOB TRAINING TAX CREDIT FOR AN ADDITIONAL YEAR... DECLARE AN EMERGENCY	AM SB 190	11/22/05
12/20/2005	47	TO REQUIRE THE DIRECTOR OF HEALTH TO ESTABLISH THE SCHOOL HEALTH AND SAFETY NETWORK TO COORDINATE SCHOOL INSPECTIONS	AM SUB HB 203	03/21/06
12/28/2005	48	TO CREATE "ONE NATION UNDER GOD" LICENSE PLATES	SB 55	03/29/06
12/28/2005	49	TO MODIFY THE OHIO REAL ESTATE APPRAISER LAW WITH RESPECT TO THE TEMPORARY REGISTRATION OF APPRAISERS LICENSED OR CERTIFIED IN ANOTHER STATE	AM SB 144	03/29/06
12/28/2005	50	TO GRANT HIGH SCHOOL DIPLOMAS TO CERTAIN VETERANS OF THE VIETNAM CONFLICT	SUB HB 11	03/29/06
12/28/2005	51	TO AUTHORIZE A SOLID WASTE MANAGEMENT DISTRICT TO EXEMPT AUTOMOTIVE SHREDDER RESIDUE FROM THE DISTRICT'S GENERATIO FEE	AM HB 100	03/29/06
12/28/2005	52	TO ALLOW MANUFACTURERS AND WHOLESALE DISTRIBUTORS OF ALCOHOL TO PROVIDE TO OTHER MANUFACTURERS OR WHOLESALE DISTRIBUTORS TRAVEL, LODGING, FOOD, AND BEVERAGES	SUB HB 209	03/29/06
12/28/2005	53	TO PERMIT A SURVIVING SPOUSE TO TAKE A MOTORCYCLE AS ONE OF THE TWO AUTOMOBILES THE SURVIVING SPOUSE MAY RECEIVE OUTSIDE OF PROBATE	SUB HB 246	03/29/06

Filed	File No.	Description	Bill No.	Effective Date
12/28/2005	54	TO REVISE THE STATUTES GOVERNING CONSTRUCTION AND DEMOLITION DEBRIS FACILITIES AND... TO DECLARE AN EMERGENCY	AM SUB HB 397	12/22/05
1/9/2006	55	TO IMPLEMENT CERTAIN PROVISIONS OF ARTICLE VIII, SECTION 2p OF THE OHIO CONSTITUTION REGARDING THE ISSUANCE OF OBLIGATIONS TO SUPPORT RESEARCH AND DEVELOPMENT OF CERTAIN SITES AND FACILITIES AND TO MAKE AN APPROPRIATION	AM SUB SB 236	01/04/06
1/9/2006	56	TO EXEMPT THE DIVISION OF WILDLIFE FROM MAKING PAYMENTS INTO THE DEPARTMENT OF NATURAL RESOURCES' CENTRAL SUPPORT INDIRECT FUND	HB 367	04/10/06
1/13/2006	57	TO PROHIBIT THE CLAIMING AND PAYMENT OF A LOTTERY PRIZE AWARD WITH A VALUE IN EXCESS OF \$599 UNTIL THE BENEFICIAL OWNER'S NAME, ADDRESS, AND SOCIAL SECURITY NUMBER ARE DISCLOSED TO THE STATE LOTTERY COMMISSION	AM SUB HB 122	04/14/06
1/13/2006	58	TO AUTHORIZE CONVEYANCES DURING A FIVE YEAR PERIOD OF CERTAIN PARCELS OF REAL ESTATE HELD FOR THE USE AND BENEFIT OF YOUNGSTOWN STATE UNIVERSITY... TO DECLARE AN EMERGENCY	SUB HB 139	01/10/06
1/13/2006	59	TO MAKE CHANGES IN THE CREDIT UNION LAW RELATING TO GENERAL POWERS AND SERVICES OFFERED	SUB HB 81	04/14/06
1/13/2006	60	REGARDING THE PROVISION OF HOSPICE CARE IN RESIDENTIAL CARE FACILITIES AND THE ADDITION OF FOUR LEGISLATORS AND NON-VOTING MEMBERS OF THE MEDICAIDE ADMINISTRATIVE STUDY COUNCIL	AM SUB SB 87	04/14/06
1/13/2006	61	TO ESTABLISH REQUIREMENTS FOR STATE AND LOCAL COMPLIANCE WITH FEDERAL HOMELAND SECURITY AUTHORITIES AND LAWS PERTAINING TO TERRORISM AND HOMELAND SECURITY	AM SUB SB 9	04/14/06
1/13/2006	62	TO DESIGNATE DECEMBER 1 AS "ROSA PARKS DAY"	HB 421	04/14/06
1/30/2006	63	TO ADOPT STANDARDS THAT REQUIRE THE CURRICULA OF TEACHER PREPARATION PROGRAMS TO ALIGN WITH THE STATE ACADEMIC CONTENT STANDARDS	AM SUB HB 107	05/01/06

Filed	File No.	Description	Bill No.	Effective Date
1/30/2006	64	GENERALLY PROHIBIT POLITICAL SUBDIVISIONS FROM IMPOSING RESIDENCY REQUIREMENTS ON CERTAIN EMPLOYEES	SUB SB 82	05/01/06
1/31/2006	65	TO REVISE THE ELECTION LAW AND TO TERMINATE CERTAIN PROVISIONS OF THIS ACT ON JANUARY 1, 2009	AM SUB HB 3	5/2/2006; CERTAIN SECTIONS EFFECTIVE ON OTHER DATES
2/3/2006	66	TO ALLOW EMPLOYEES OF A CITY DIRECTOR OF LAW TO SERVE ON A BOARD OF EDUCATION FOR WHICH THE CITY DIRECTOR OF LAW IS NOT THE LEGAL ADVISER, AND... TO DECLARE AN EMERGENCY	AM HB 455	02/02/06
2/10/2006	67	TO ALLOW A DENTAL HYGENIST UNDER THE SUPERVISION OF A DENTIST TO ADMINISTER LOCAL ANESTHESIA TO A PATIENT	AM SUB HB 143	05/12/06
2/15/2006	68	TO GOVERN PSEUDOEPHEDRINE SALES IN OHIO	AM SUB SB 53	05/17/06
2/15/2006	69	TO CREATE THE LOCAL GOVERNMENT PUBLIC NOTICE TASK FORCE TO STUDY LOCAL GOVERNMENT PUBLICNOTICE REQUIREMENTS AND TO ISSUE A REPORT	SUB HB 101	05/17/06
2/15/2006	70	TO REVISE THE PYMATUNING LAKE COMPACT	HB 157	05/17/06
2/15/2006	71	TO ENACT SECTION 3109.043 OF THE REVISED CODE RELATIVE TO PATERNITY SECTIONS AND INTEREST ON CHILD SUPPORT ARREARAGES	SUB HB 136	05/17/06
2/15/2006	72	TO ALLOW CERTAIN VICTOMS OF A VEHICLE, STREETCAR, TRACKLESS TROLLEY, ACUATIC DEVICE, OR AIRCRAFT ACCIDENT TO RECEIVE THE RIGHTS OF A VICTIM UNDER THE VICTIM'S RIGHTS LAW	AM SUB HB 108	05/17/06
2/15/2006	73	TO PROVIDE FOR THE ISSUANCE OF APPRENTICE HUNTING LICENSES AND APPRENTICE FUR TAKER PERMITS	HB 296	05/17/06
2/15/2006	74	TO REVISE THE LAWS REGARDING THE PRACTICE OF PHYSICIAN ASSISTANTS, INCLUDING THE ESTABLISHMENT OF PHYSICIAN-DELEGATED PRESCRIPTIVE AUTHORITY	SUB SB 154	05/17/06
3/7/2006	75	TO DESIGNATE MARCH AS "MULTIPLE SCLEROSIS AWARENESS MONTH"	HB 379	06/06/06

Filed	File No.	Description	Bill No.	Effective Date
3/16/2006	76	TO AMEND SECTION 2907.08 OF THE REVISED CODE TO CLARIFY THAT THE PROHIBITIONS IT SETS FORTH THAT REFER TO CONDUCT INVOLVING THE PHOTOGRAPHING OF ANOTHER ALSO APPLY TO CONDUCT INVOLVING THE VIDEOTAPING, FILMING, OR OTHER RECORDING OF ANOTHER	HB 310	06/15/06
3/16/2006	77	TO REQUIRE NURSING HOMES AND OTHER HOMES FOR THE ELDERLY TO OFFER RESIDENTS VACCINATIONS AGAINST INFLUENZA AND PNEUMONIA AND TO REQUIRE HOSPITALS TO OFFER CERTAIN PATIENTS VACCINATIONS AGAINST INFLUENZA AND PNEUMONIA	SUB HB 257	06/15/06
3/16/2006	78	TO MAKE CHANGES TO THE AGRICULTURAL SEED LAW	SUB SB 189	06/15/06
3/16/2006	79	TO ESTABLISH A 35-MILE PER HOUR SPEED LIMIT FOR HIGHWAYS OUTSIDE MUNICIPAL CORPORATIONS WITHIN ISLAND JURISDICTIONS	SB 184	06/15/06
3/16/2006	80	TO PROHIBIT THE SALE OF A GIFT CARD THAT HAS AN EXPIRATION DATE THAT IS LESS THAN TWO YEARS AFTER THE DATE THE GIFT CARD IS ISSUED	SUB SB 33	06/15/06
3/16/2006	81	TO WAIVE THE PHYSICIAN-PATIENT AND ATTORNEY-CLIENT PRIVILEGES IN PROBATE CASES UNDER CERTAIN CIRCUMSTANCES	SUB HB 144	06/15/06
3/16/2006	82	TO CLARIFY THE PARENTAGE OF CHILDREN BORN AS A RESULT OF EMBRYO DONATION	AM HB 102	06/15/06
3/16/2006	83	TO PROVIDE FOR THE ESTABLISHMENT OF THE STATE HIGHWAY PARTOL RETIREMENT SYSTEM DEFERRED RETIREMENT OPTION PLAN	AM SB 206	06/15/06
3/31/2006	84	TO REVISE THE STATUTE GOVERNING THE VESTING OF ABANDONED MINERAL RIGHTS	SUB HB 288	06/30/06
3/31/2006	85	TO LIMIT THE ROLE OF CLERKS OF COURT IN THE PROCEDURES REGARDING THE FILING BY PRIVATE PERSONS OF AFFIDAVITS ALLEGING THAT A PERSON COMMITTED A CRIMINAL OFFENSE	AM HB 214	06/30/06
3/31/2006	86	TO CHANGE THE PROFESSIONAL TITLE "INDUSTRIAL HYGENIST IN TRAINING" TO "CERTIFIED ASSOCIATE INDUSTRIAL HYGENIST"	AM HB 82	06/30/06
3/31/2006	87	TO MAKE VARIOUS CHANGES TO THE WORKERS' COMPENSATION LAW AND THE STATE MINIMUM WAGE	AM SUB SB 7	06/30/06

Filed	File No.	Description	Bill No.	Effective Date
3/31/2006	88	BUDGET BILL	AM SUB HB 530	03/30/06; CERTAIN SECTIONS EFFECTIVE ON OTHER DATES
3/31/2006	89	TO COMBINE UNIVERSITY OF TOLEDO AND THE MEDICAL UNIVERSITY OF OHIO AT TOLEDO	SUB HB 478	6/30/2006; CERTAIN SECTIONS EFFECTIVE ON OTHER DATES
4/4/2006	90	TO LIMIT RETAIL ELECTRIC SERVICE AUTOMATIC GOVERNMENTAL AGGREGATION AND TO CREATE A "DO NOT AGGREGATE" LIST	AM HB 85	07/04/06
4/4/2006	91	TO REDUCE PLEDGING REQUIREMENTS BY PUBLIC DEPOSITORIES SECURING REPAYMENT OF PUBLIC MONEY	SUB HB 313	07/04/06
4/4/2006	92	TO REVISE THE DEFINITION OF "AIR QUALITY FACILITY" UNDER THE AIR QUALITY DEVELOPMENT AUTHORITY LAW	SUB HB 440	04/04/06
4/20/2006	93	TO AUTHORIZE JOINT COUNTY JUVENILE DETENTION FACILITY DISTRICTS TO ENTER INTO AGREEMENTS WITH THE SEVERAL BOARDS OF COUNTY COMMISSIONERS PROVIDING FOR THE FINANCING OF JUVENILE DETENTION FACILITY IMPROVEMENTS	SB 125	07/20/06
4/20/2006	94	TO AUTHORIZE A COUNTY RECORDER TO USE ELECTRONIC OR MAGNETIC MEDIUMS FOR RECORDING FEDERAL TAX AND OTHER FEDERAL LIENS AND TO REQUEST THE DISPOSAL OF PAPER VERSIONS OF THOSE RECORDED DOCUMENTS	SUB SB 148	07/20/06
4/20/2006	95	TO PROHIBIT A PERSON FROM KNOWINGLY DISCHARGING A LASER INTO THE COCKPIT OF AN AIRCRAFT AND TO EXPAND DEFINITIONS RELATED TO TERRORISM	SUB HB 231	07/20/06
4/20/2006	96	TO PROVIDE A PROCEDURE FOR A PROBATE COURT TO TREAT A DOCUMENT AS A WILL NOTWITHSTANDING ITS NONCOMPLIANCE WITH THE STATUTORY FORMALITIES FOR EXECUTING WILLS	AM HB 265	07/20/06

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5/4/2006	97	TO REQUIRE A MEMBER OF THE CLERGY, RABBI, PRIEST, CHRISTIAN SCIENCE PRACTITIONER, MINISTER, OR ANY PERSON OR LAYPERSON, OTHER THAN A VOLUNTEER, ACTING AS A LEADER, OFFICIAL, DELEGATE, OR OTHER DESIGNATED FUNCTION ON BEHALF OF ANY CHURCH, RELIGIOUS SOCIETY, OR FAITH TO REPORT THE ABUSE OR NEGLECT OF A CHILD THAT IS KNOWN OR REASONABLY BELIEVED TO HAVE COMMITTED BY ANY OTHER MEMBER OF THE CLERGY	AM SUB SB 17	08/03/06
5/4/2006	98	TO MAKE CHANGES IN THE AIR POLLUTION CONTROL LAW REGARDING THE COSTS OF COMPLIANCE WITH RULES, PERMITS TO INSTALL, AIR QUALITY MONITORING, AND BEST AVAILABLE TECHNOLOGY	AM SUB SB 265	08/03/06
5/4/2006	99	RELATIVE TO THE SENTENCES IMPOSED ON REPEAT VIOLENT OFFENDERS, TO THE APPEAL OF REPEAT VIOLENT OFFENDER SENTENCES, TO THE PENALTY FOR SEXUAL BATTERN AND GROSS SEXUAL IMPOSITION WHEN THE VICTIM OF THE OFFENSE IS UNDER 13 YEARS OF AGE	AM SUB HB 95	08/03/06
5/4/2006	100	TO CREATE THE OFFENSE OF CRIMINAL TRESPASS ON A PLACE OF PUBLIC AMUSEMENT AND TO CLARIFY THE ELEMENT OF "TRESPASS" IN THE OFFENSES OF AGGRAVATED BURGLARY, BURGLARY, AND BREAKING AND ENTERING	SUB HB 96	08/03/06
5/4/2006	101	TO ALLOW THE BOARD OF TRUSTEES OF A LAW LIBRARY ASSOCIATION TO ELECT TO ASSUME RESPONSIBILITY FOR PAYING THE ENTIRE COMPENSATION OF THE LIBRARIAN AND ALL ASSISTANT LIBRARIANS	SUB HB 363	08/03/06
5/18/2006	102	TO GRANT TOWNSHIPS FULL AUTHORITY TO EXERCISE ALL POWERS OF LOCAL SELF-GOVERNMENT REGARDING THE OPERATION OF ADULT ENTERTAINMENT ESTABLISHMENTS	AM SUB HB 23	08/17/06

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5/18/2006	103	TO PROHIBIT THE OPERATION OF A VEHICLE OR VESSEL IF A STATUTORILY SPECIFIED CONCENTRATION OF AMPHETAMINE, COCAINE, COCAINE METABOLITE, HEROIN, HEROIN METABOLITE (6-MONOACETYL MORPHINE) L.S.D, MARIHUANA, MARIHUANA METABOLITE, METHAMPETAMINE, OR PHENCYCLIDINE IS PRESENT IN THE OPERTOR'S BLOOD OR URINE	SUB SB 8	08/17/06
5/18/2006	104	TO PERMIT POLITICAL SUBDIVISIONS TO OFFER AND MAKE CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNTS FOR EMPLOYEES	AM SUB HB 46	08/17/06
5/18/2006	105	TO MAKE CHANGES TO THE CORONER'S LAW AND ASSOCIATED PROVISIONS OF THE DEATH AND FETAL DEATH CERTIFICATE LAW	AM SUB HB 235	08/17/06
5/18/2006	106	TO EXEMPT CERTAIN FREESTANDING BIRTHING CENTERS FROM THE REQUIREMENT THAT A CENTER OBTAIN A HEALTH CARE FACILITY LICENSE FROM THE DIRECTOR OF HEALTH	SUB HB 287	08/17/06
5/18/2006	107	REGARDING THE DUTIES OF THE OHIO FAMILY AND CHILDREN FIRST CABINET COUNCIL AND COUNTY FAMILY AND CHILDREN FIRST COUNCILS.	SUB HB 289	08/17/06
5/22/2006	108	TO ADOPT THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT	SB 268	08/21/06
5/23/2006	109	TO ENSURE HANDICAPPED PARKING AT POLLING PLACES, TO REQUIRE THE DIRECTOR OF A BOARD OF ELECTIONS TO SIGN A STATEMENT VERIFYING THE AVAILABILITY OF THAT PARKING BEFORE EACH ELECTION	SUB HB 312	08/22/06
6/5/2006	110	TO PROHIBIT PROTEST ACTIVITIES WITHIN 300 FEET OF THE SITE OF A FUNERAL SERVICE	AM HB 484	09/04/06
6/5/2006	111	TO PROVIDE COLLEGE TUITION WAIVERS TO SPOUSES AND QUALIFYING FORMER SPOUSES OF MEMBERS OF THE UNITED STATES ARMED FORCES KILLED IN THE LINE OF DUTY IN A COMBAT ZONE AFTER MAY 7, 1975	SUB HB 576	09/04/06
6/6/2006	112	AS SUBSEQUENTLY AMENDED, TO PROVIDE FOR THE DISTRIBUTION OF MONEY RECEIVED BY THE STATE PURSUANT TO THE TABACCO MASTER SETTLEMENT AGREEMENT BY MAKING APPROPRIATIONS FOR THE BIENNIUM	SUB SB 321	06/05/2006; CERTAIN SECTIONS EFFECTIVE ON OTHER DATES

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6/8/2006	113	TO DESIGNATE THE NEWARK EARTHWORKS AS THE OFFICIAL PREHISTORIC MONUMENT OF THE STATE	SB 271	09/07/06
6/22/2006	114	TO REVISE CERTAIN LAWS AS THEY RELATE TO BICYCLE OPERATION	HB 389	09/21/06
6/22/2006	115	TO MODIFY THE APPLICATION OF THE CONSUMER SALES PRACTICES ACT AND THE CONSUMER CREDIT MORTGAGE LOAN LAW	AM SUB SB 185	09/21/06
6/22/2006	116	TO ALLOW A DENTAL ASSISTANT TO APPLY PIT AND FISSURE SEALANTS	SUB HB 311	09/21/06
6/22/2006	117	TO REMOVE THE PROHIBITION AGAINST A MINOR BEING IN A PUBLIC DANCE HALL UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN	HB 368	09/21/06
6/22/2006	118	TO MAKE CHANGES IN VARIOUS LAWS PERTAINING TO TOWNSHIPS, TO PERMIT WRITTEN DISTRIBUTION OF RECORDS, IN LIEU OF READING THE PREVIOUS PROCEEDINGS' RECORD, AT A SESSION OF THE BOARD OF COUNTY COMMISSIONERS, AND TO PERMIT TOWNSHIPS AND MUNICIPAL CORPORATIONS TO DIRECTLY FORM FIRE AND AMBULANCE DISTRICTS	AM SUB HB 385	09/21/06
6/22/2006	119	TO REVISE THE LAWS GOVERNING LIQUOR CONTROL	SUB SB 131	09/21/06
6/22/2006	120	TO EXEMPT FROM THE USE TAX ITEMS HELD BY A PERSON, BUT NOT FOR THAT PERSON'S OWN USE	AM SUB SB 269	09/21/06
6/22/2006	121	TO REVISE THE LAW GOVERNING CHILD WELFARE AND OTHER LAWS REGARDING THE DEPARTMENT OF JOB AND FAMILY SERVICES	AM SUB SB 238	09/21/06
6/29/2006	122	TO ESTABLISH THE EDUCATIONAL REGIONAL SERVICE SYSTEM AND THE EMIS ADVISORY BOARD... TO MAKE AN APPROPRIATION	SUB HB 115	09/28/06; CERTAIN SECTIONS EFFECTIVE ON OTHER DATES
6/29/2006	123	TO DESIGNATE SEPTEMBER 22 AS "EMANCIPATION DAY"	AM HB 393	09/28/06
6/29/2006	124	TO REDUCE THE TIME PERIOD FOR DESIGNATION DELINQUENT VACANT LANDS SUBJECT TO JUDICIAL FORECLOSURE	SUB HB 294	09/28/06
6/29/2006	125	TO REVISE AND EXPAND THE APPLICATION OF LAWS GOVERNING SCHOOL SAFETY PLANS AND SCHOOL SAFETY DRILLS	SUB HB 422	09/28/06

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6/29/2006	126	TO ABOLISH THE CHILDREN'S SAFETY PROGRAM KNOWN AS THE BLOCK PARENT PROGRAM IN THE STATE BOARD OF EDUCATION	SUB HB 374	09/28/06
6/29/2006	127	TO PROHIBIT A PERSON FROM CHANGING, ALTERING, REMOVING, OR OBLITERATING THE NAME OF THE MANUFACTURER, MODEL, MANUFACTURER'S SERIAL NUMBER, OR ANY OTHER MARK OF IDENTIFICATION ON A FIREARM	SUB HB 279	09/28/06
6/29/2006	128	TO ADOPT AN OHIO TRUST CODE TO MODIFY TRUST COMPANY COLLECTIVE INVESTMENT FUND REQUIREMENTS, AND TO REMOVE AN INVESTMENT LIMITATION IN THE TRUST COMPANY FIDUCIARY LAW	SUB HB 416	09/28/06
6/29/2006	129	TO DESIGNATE A PORTION OF STATE ROUTE 423 WITHIN MARION COUNTY THE "DEPUTY BRANDY WINFIELD MEMORIAL HIGHWAY"	SB 227	09/28/06
6/29/2006	130	TO PLACE A TIME LIMIT ON THE COLLECTION OF CERTAIN FINALIZED BUT OUTSTANDING TAX LIABILITIES	SUB HB 390	09/28/06
7/13/2006	131	TO CREATE DIESEL EMISSIONS REDUCTION GRANT AND REVOLVING LOAN PROGRAMS... TO MAKE AN APPROPRIATION	SUB HB 245	07/06/06
7/13/2006	132	TO REVISE THE PROCEDURE BY WHICH A JUVENILE COURT MAY SEAL RECORDS OF ALLEGED AND ADJUDICATED DELINQUENT AND UNRULY CHILDREN AND ADJUDICATED JUVENILE TRAFFIC OFFENDERS.... TO DECLARE AN EMERGENCY	AM SUB HB 137	07/11/06
7/13/2006	133	TO IMPOSE NEW REQUIREMENTS ON LICENSED JUNK YARD OWNERS	AM SUB HB 150	10/12/06
7/13/2006	134	TO REVISE THE LAW GOVERNING COMMUNITY-BASED CORRECTIONAL FACILITIES AND DISTRICT COMMUNITY-BASED CORRECTIONAL FACILITIES	AM SUB HB 162	10/12/06
7/13/2006	135	TO AUTHORIZE A COURT SENTENCING A DRUG ABUSE OFFENDER OR IMPOSING DISPOSITION ON A DELINQUENT CHILD FOR SUCH AN OFFENSE TO REQUIRE THE OFFENDER OR CHILD TO REIMBURSE INVOLVED LAW ENFORCEMENT AGENCIES FOR THE COSTS OF TESTS THAT DETERMINE THAT A SUBSTANCE INVOLVED IN THE OFFENSE CONTAINED A CONTROLLED SUBSTANCE	HB 163	10/12/06

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7/13/2006	136	TO REQUIRE SCHOOL DISTRICTS AND COMMUNITY SCHOOLS THAT RECEIVE DONATED COPIES OF THE MOTTOES OF THE UNITED STATES OF AMERICA OR THE STATE OF OHIO TO DISPLAY THE MOTTOES IN SCHOOL BUILDINGS	SUB HB 184	10/12/06
7/13/2006	137	TO ESTABLISH AN AUTISM AWARENESS LICENSE PLATE AND TO PROVIDE THAT MONEY FROM THE CONTRIBUTIONS FOR THE LICENSE PLATES TO BE USED TO PAY FOR PROGRAMS AND AWARENESS EFFORTS OF THE AUTISM SOCIETY OF OHIO	SUB HB 298	10/12/06
7/13/2006	138	TO AUTHORIZE AND SPECIFY APPLICABLE PROVISIONS TO CONVERSIONS OF BUSINESS ENTITIES BY CORPORATIONS, LIMITED LIABILITY COMPANIES, AND GENERAL, LIMITED LIABILITY AND LIMITED PARTNERSHIPS	AM SUB HB 301	10/12/06
7/13/2006	139	REGARDING THE ASSIGNMENT OF THE RIGHT TO DIRECT THE DISPOSITION OF AND ADULT'S REMAINS AFTER DEATH AND TO MAKE ARRANGEMENTS AND PURCHASE GOODS AND SERVICES RELATED TO AN ADULT'S FUNERAL, CREMATION, BURIAL, OR OTHER MANNER OF FINAL DISPOSITION	SUB HB 426	10/12/06
7/13/2006	140	TO REQUIRE WARRANTY REIMBURSEMENT INSURANCE POLICIES FOR VEHICLE PROTECTION PRODUCT WARRANTIES AND REIMBURSEMENT INSURANCE POLICIES FOR CERTAIN CONSUMER GOODS SERVICE CONTRACTS	SUB HB 442	10/12/06
7/13/2006	141	TO REVISE THE VETERINARY PRACTICE LAW AND TO CREATE THE VETERINARIAN LOAN REPAYMENT PROGRAM	SUB HB 458	10/12/06
7/13/2006	142	TO ELIMINATE THE FORMER TWO-YEAR WINDOW FOR APPLICATIONS UNDER A PROGRAM FOR POST-CONVICTION DNA TESTING AND INSTEAD ALLOW AN ELIGIBLE INMATE TO REQUEST POST-CONVICTION DNA TESTING AT ANY TIME IF SPECIFIED CRITERIA ARE MET... TO DECLARE AN EMERGENCY	SUB SB 262	07/11/06
8/14/2006	143	CONCERNING THE SUBMISSION OF INFORMATION BY HOSPITALS ABOUT THEIR PERFORMANCE IN MEETING CERTAIN MEASURES AND THEIR CHARGES FOR SERVICE	SUB HB 197	11/13/06

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10/19/2006	144	CONCERNING THE AUTHORITY OF THE STATE BOARD OF EMERGENCY MEDICAL SERVICES TO SUSPEND CERTIFICATES TO PRACTICE EMERGENCY MEDICAL SERVICES	AM SUB HB 375	01/18/07
10/19/2006	145	TO CHANGE THE STATUS OF THE JUDGE OF THE MARYSVILLE MUNICIPAL COURT FROM PART-TIME TO FULL-TIME	SUB HB 336	01/18/07
12/13/2006	146	REVISE THE LAWS REGARDING LICENSES TO CARRY A CONCEALED HANDGUN	SUB HB 347	03/14/07
12/22/2006	147	WITH RESPECT TO USE OF EPINEPHRINE MEDICATION IN SCHOOL DISTRICTS, COMMUNITY SCHOOLS, AND CHARTERED NONPUBLIC SCHOOLS	SUB SB 164	03/23/07
12/22/2006	148	TO STATUTORILY RECOGNIZE THE DIVISION OF UNCLAIMED FUNDS AND THE OFFICE OF SUPERINTENDENT OF UNCLAIMED FUNDS IN THE DEPARTMENT OF COMMERCE	AM SUB SB 223	3/23/2007; CERTAIN SECTIONS EFFECTIVE ON OTHER DATES
12/22/2006	149	TO REGULATE DISCOUNT MEDICAL PLAN ORGANIZATIONS CONCERNING PROVIDER AGREEMENTS AND MARKETING, DISCLOSURE, CANCELLATION, AND REFUND REQUIREMENTS	SUB SB 5	03/23/07
12/22/2006	150	TO REQUIRE THE PROBATE COURT, UPON APPLICATION BY AN AFFECTED BENEFICIARY, TO DETERMINE THE FAIRNESS OF AN AGREEMENT REQUIRING A FIDUCIARY OR BENEFICIARY TO PAY A PERCENTAGE OF AN INHERITANCE OR A DOLLAR AMOUNT TO ANY PERSON OTHER THAN THE BENEFICIARY	SUB HB 83	03/23/07
12/28/2006	151	TO REVISE THE PUBLIC RECORDS LAW, TO CREATE A LIBRARY RECORDS COMMISSION IN EACH PUBLIC LIBRARY AND A SPECIAL TAXING DISTRICT	SUB HB 9	03/29/07; CERTAIN SECTIONS EFFECTIVE ON OTHER DATES
12/28/2006	152	TO MAKE CAPITAL AND OTHER APPROPRIATIONS AND TO PROVIDE AUTHORIZATION AND CONDITIONS FOR THE OPERATION OF STATE PROGRAMS	AM SUB HB 699	03/29/2007; CERTAIN SECTIONS EFFECTIVE ON OTHER DATES
12/28/2006	153	TO MAKE CHANGES TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM WITH RESPECT TO CONCENTRATED ANIMAL FEEDING FACILITIES	SUB SB 393	03/29/07

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12/29/2006	154	TO REVISE THE LAWS O THE EMPLOYMENT OF SCHOOL DISTRICT AND EDUCATIONAL SERVICE CENTER TREASURERS	AM HB 671	03/30/07
12/29/2006	155	TO CREATE THE NATIONAL STATUARY COLLECTION STUDY COMMITTEE TO RECOMMEND AN INDIVIDUAL TO REPLACE GOVERNOR WILLIAM ALLEN AS ONE OF OHIO'S REPRESENTATIVES I THE NATIONAL STATUARY COLLECTION IN THE UNITED STATES CAPITOL	SB 277	03/30/07
12/29/2006	156	TO EXEMPT THE OHIO INSURANCE GUARANTY ASSOCIATION FROM BEING OBLIGATED TO PAY MORE THAN A SINGLE THREE HUNDRED THOUSAND DOLLAR CLAIM FOR INJURY OR DEATH TO ANY ONE PERSON AND A CLAIM OF AN INSURED WHOSE NET WORTH EXCEEDS FIFTY MILLION DOLLARS AND TO EXEMPT CERTAIN RECIPROCAL INSURERS FROM PARTICIPATION IN THE OHIO INSURANCE GUARANTY ASSOCIATION	SUB SB 279	03/30/07
12/29/2006	157	TO PROHIBIT A STATE AGENCY FROM AWARDING A PUBLIC IMPROVEMENT CONTRACT UNLESS ITS TERMS REQUIRE THE CONTRACTORS AND SUBCONTRACTORS TO PARTICIPATE IN A SPECIFIED DRUG-FREE WORKPLACE PROGRAM	SUB HB 80	03/30/07
12/29/2006	158	TO GIVE PAROLE OFFICERS, PROSECUTING ATTORNEYS IN MOST CASES, ASSISTANT PROSECUTING ATTORNEYS, AND CERTAIN CORRECTIONAL AND YOUTH SERVICES EMPLOYEES THE SAME OPTIONS AS PEACE OFFICERS	SUB HB 141	03/30/07
12/29/2006	159	TO PERMIT A MEMBER OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM, STATE TEACHERS RETIREMENT SYSTEM, SCHOOL EMPLOYEES RETIREMENT SYSTEM, OR STATE HIGHWAY PATROL RETIREMENT SYSTEM TO PURCHASE MILITARY SERVICE CREDIT FOR DUTY IN THE OHIO NATIONAL GUARD	SUB HB 71	03/30/07
12/29/2006	160	TO REQUIRE THAT INFORMATION ABOUT SPECIFIED PROFESSIONAL MISCONDUCT OR CHILD ABUSE OR NEGLECT COMMITTED BY A PERSON LICENSED BY THE STATE BOARD OF EDUCATION BE SUBMITTED TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION	AM SUB HB 79	03/30/07

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12/29/2006	161	TO CREATE "DONATE LIFE" LICENSE PLATES	HB 236	03/30/07
12/29/2006	162	TO AUTHORIZE BOARDS OF COUNTY COMMISSIONERS TO ESTABLISH PROPERTY TAX PAYMENT LINKED DEPOSIT PROGRAMS TO ASSIST SENIOR CITIZENS	SUB HB 293	03/30/07
12/29/2006	163	TO CREATE THE FUEL PRODUCTION TASK FORCE TO STUDY OPPORTUNITIES FOR AND BARRIERS TO INCREASING FUEL PRODUCTION IN THIS STATE	SUB HB 371	03/30/07
12/29/2006	164	TO INCREASE THE PENALTY FOR A FAILURE TO MAKE A MANDATORY REPORT OF ABUSE OR NEGLECT OF A CHILD FROM A MISDEMEANOR OF THE FOURTH DEGREE TO A MISDEMEANOR OF THE FIRST DEGREE	SUB SB 137	03/30/07
12/29/2006	165	TO PROHIBIT, SUBJECT TO CERTAIN EXCEPTIONS, DISCRIMINATION IN GROUP HEALTH CARE POLICIES	AM SUB SB 116	03/30/07
12/29/2006	166	TO PROHIBIT PAROLE OFFICERS OF THE ADULT PAROLE AUTHORITY FROM BEING REQUIRED TO USE PRIVATE VEHICLES FOR CERTAIN PURPOSES DURING THE COURSE OF THEIR EMPLOYMENT	SUB HB 285	03/30/07
12/29/2006	167	TO IMPLEMENT RECOMMENDATIONS OF THE CIVIL SERVICE REVIEW COMMISSION AND TO MAKE OTHER CHANGES TO THE CIVIL SERVICE LAWS	SUB HB 187	03/30/07
12/29/2006	168	WITH RESPECT TO SCHOOL POLICIES PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING; TO EXPAND IN-SERVICE TRAINING IN CHILD ABUSE PREVENTION	AM SUB HB 276	03/30/07
12/29/2006	169	TO SPECIFY THAT AN OWNER, PART OWNER, OR LESSEE OF REAL PROPERTY, WITH RESPECT TO A HOME CONSTRUCTION CONTRACT, MUST RECORD A NOTICE OF COMMENCEMENT	SUB HB 487	03/30/07
12/29/2006	170	TO ADOPT THE CRIMINAL SENTENCING COMMISSION'S RECOMMENDATIONS REGARDING REVISION OF THE FORFEITURE LAWS	SUB HB 241	07/01/07
12/29/2006	171	TO MODIFY THE LAWS GOVERNING COUNTY HOSPITALS AND LICENSED PRACTICAL NURSE DUTIES	SUB SB 126	03/30/07
1/3/2007	172	TO CHANGE THE PENALTIES AND CONDITIONS WHEN A PERSON IS CONVICTED OF RAPE OR ATTEMPTED RAPE AND THE VICTIM IS LESS THAN 13... TO DECLARE AN EMERGENCY	AM SUB SB 260	01/02/07

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1/3/2007	173	TO INCREASE THE PRISON TERM FOR AGGRAVATED VEHICULAR HOMICIDE WHEN THE OFFENDER HAS AT LEAST THREE PRIOR CONVICTIONS OF OVI, OVJAC, OR THE OVI-TYPE OFFENSE	AM SUB HB 461	04/04/07
1/3/2007	174	TO AUTHORIZE THE STATE RACING COMMISSION TO ENTER INTO THE NATIONAL RACING COMPACT	SUB HB 546	04/04/07
1/3/2007	175	TO INCREASE THE AMOUNT OF TIME AN INDIVIDUAL MAY SPEND IN OHIO BEFORE BEING PRESUMED TO BE A RESIDENT FOR INCOME TAX PURPOSES	SUB HB 73	04/04/07
1/3/2007	176	TO PROHIBIT A PERSON, WITH INTENT TO HARAS, ANNOY, THREATEN, OR ALARM A LAW ENFORCEMENT OFFICER	SUB HB 259	04/04/07
1/4/2007	177	TO DECLARE THAT IT IS THE PUBLIC POLICY OF THE STATE TO PREFER CHILDBIRTH OVER ABORTION	SUB HB 239	04/05/07
1/3/2007	178	TO AUTHORIZE REFUNDABLE TAX CREDITS FOR REHABILITATING HISTORIC BUILDINGS	SUB HB 149	04/04/07
1/3/2007	179	TO GENERALLY INCREASE THE PENALTIES FOR PUBLIC INDECENCY WHEN THE VICTIM IS A MINOR AND THE OFFENDER HAS A PREVIOUS PUBLIC	SUB SB 245	04/04/07
1/4/2007	180	RELATIVE TO MISSING PERSONS IN OHIO	HB 571	04/05/07
1/3/2007	181	TO LIMIT SOLICITATIONS OF AND POLITICAL CONTRIBUTIONS BY OWNERS AND CERTAIN FAMILY MEMBERS OF OWNERS OF BUSINESSES	SUB HB 694	TO BE ANNOUNCED
1/3/2007	182	TO CREATE THE CARROLL COUNTY MUNICIPAL COURT AND ABOLISH THE CARROLL COUNTY COUNTY COURT ON JANUARY 1, 2007... TO DECLARE AN EMERGENCY	AM SUB SB 171	01/02/07
1/3/2007	183	TO MODIFY REQUIREMENTS APPLIED TO DIFFERING TYPES OF HOTELS	SUB SB 305	04/04/07
1/3/2007	184	TO APPLY CERTAIN RECORD-KEEPING PROVISIONS ONLY TO EMPLOYEES SUBJECT TO OHIO'S OVERTIME LAW	AM SUB HB 690	04/04/07
1/3/2007	185	TO ESTABLISH THE OHIO CORE CIRRICULUM	AM SUB SB 311	01/03/07
1/4/2007	186	TO PROHIBIT A PERSON FROM MAKING A FALSE REPORT THAT RESULTS IN THE IMPLEMENTATION OF A STATEWIDE EMERGENCY ALERT PROGRAM	SUB HB 551	04/05/07
1/4/2007	187	DESIGNATING SEPTEMBER 11 AS "OHIO PUBLIC SAFETY EMPLOYEE DAY."	AM HB 282	04/05/07

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1/4/2007	188	TO PROVIDE FOR THE ADOPTION OF RULES GOVERNING FIREFIGHTER TRAINING	SUB HB 401	04/05/07
1/4/2007	189	TO MANDATE UP TO 24 HOURS A YEAR OF CONTINUING PROFESSIONAL TRAINING FOR PEACE OFFICERS AND STATE HIGHWAY PARTOL TROOPERS... AND TO MAKE AN APPROPRIATION	SUB SB 281	01/04/07
1/5/2007	190	CONSERVATION STANDARDS RELATING TO FACILITY CONSTRUCTION AND LEASING... AND TO MAKE AN APPROPRIATION	SUB HB 251	01/04/07
1/5/2007	191	ON JULY 1, 2007, TO ELIMINATE THE PRESCRIPTION DRUG COMPONENT OF THE GOLDEN BUCKEYE CARD PROGRAM AND TO TRANSFER THE OHIO'S BEST Rx PROGRAM TO THE DEPARTMENT OF AGING	AM SUB HB 468	04/06/07
1/5/2007	192	TO PLACE CERTAIN RESTRICTIONS ON THE OPERATION OF MOTOR VEHICLES BY PROBATIONARY LICENSE HOLDERS AND TEMPORARY INSTRUCTION PERMIT HOLDERS WHO ARE LES THAN 18 YEARS OF AGE	SUB HB 343	04/06/07
1/5/2007	193	REGARDING THE STATE RETIREMENT SYSTEMS	AM SUB HB 272	04/06/07
1/5/2007	194	TO MODIFY THE FINANCIAL INSTITUTIONS LAW WITH RESPECT TO DEBT SUSPENSION AND CANCELLATION CONTRACTS	SUB HB 454	04/06/07
1/5/2007	195	TO MAKE CHANGES TO THE OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHELTIC TRAINERS LICENSING LAWS	AM SUB HB 403	04/06/07
1/5/2007	196	TO REVISE THE STATUTES GOVERNING THE DEPARTMENT OF NATURAL RESOURCES	SUB HB 443	04/06/07
1/5/2007	197	TO ESTABLISH CONDITIONS FOR THE USE OF A TRAFFIC LAW PHOTO-MONITORING DEVICE TO DETECT CERTAIN TRAFFIC LAW VIOLATIONS	SUB HB 56	VETOED
1/8/2007	198	TO SPECIFY THE NATURE OF DAMAGES THAT MAY BE RECOVERED IN CERTAIN ACTIONS BASED ON UNFAIR OR DECEPTIVE SALES PRACTICES	AM SUB SB 117	VETOED

