



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Wendy Zhan, Director

Office of Research
and Drafting

Legislative Budget
Office

R-133-5154

To: The Honorable Robert McColley
Ohio Senate

From: Kailey Henry, Research Analyst *KH*

Date: November 13, 2020

Subject: Comparison of S.B. 246 (As Introduced) and proposed Sub. S.B. 246 (I_133_1755-7)

You asked our office to compare the As Introduced version of S.B. 246 of the 133rd General Assembly to proposed Sub. S.B. 246 (I_133_1755-7). The following table summarizes the topics on which the two versions differ substantively. It does not list the topics on which the two bills are the same.

S.B. 246 (As Introduced)	Proposed Sub. S.B. 246 (I_133_1755-7)
Duration of out-of-state licensure or work experience	
<p>Requires an applicant for a license or government certification under the bill to meet one of the following requirements regarding length of licensure and work experience:</p> <ol style="list-style-type: none"> 1. Have held an out-of-state license or government certification in the same profession, occupation, or occupational activity as the license or government certification for which the applicant is applying for at least one year; 2. Hold a private certification and have at least two years of work experience in the same profession, occupation, or occupational activity; 3. Have at least three years of work experience in the same profession, 	<p>Requires an applicant to meet one of the following requirements regarding length of licensure and work experience:</p> <ol style="list-style-type: none"> 1. Have held an out-of-state license or government certification for at least one year immediately preceding the application date and been actively practicing for at least one of the five years immediately preceding the application date; 2. Have held a private certification for at least two years immediately preceding the application date and been actively practicing for at least two of the five years immediately preceding the application date; 3. Have been actively engaged in the same profession, occupation, or occupational

S.B. 246 (As Introduced)	Proposed Sub. S.B. 246 (I_133_1755-7)
<p>occupation, or occupational activity (<i>R.C. 9.79(B)(2), (C)(1), and (D)(1)</i>).</p> <p>No provision.</p>	<p>activity for at least three of the five years immediately preceding the application date.</p> <p>Allows a licensing authority to waive the above requirements. (<i>R.C. 9.79(B)(2), (C)(1), and (D)(1)</i>.)</p>
Criminal convictions	
<p>Requires that an applicant not be disqualified from obtaining a license or government certification because of a conviction, judicial finding of guilt, or plea of guilty to a disqualifying criminal offense specified on the list the licensing authority makes available pursuant to continuing law (<i>R.C. 9.79(B)(6)</i>).</p> <p>No provision.</p>	<p>Requires an applicant to have not been convicted of, found guilty pursuant to a judicial finding of, or plead guilty to a criminal offense for which a licensing authority may deny or that would otherwise disqualify the applicant for the license or certification under the applicable law governing the profession or occupation (<i>R.C. 9.79(B)(7)</i>).</p> <p>Allows a licensing authority to issue a restricted or limited license or government certification to an applicant who would otherwise be disqualified from obtaining it because of a disqualifying offense, as long as the limitation or restriction is related to the offense (<i>R.C. 9.79(H) and (O)</i>).</p>
Application fee	
<p>Requires an applicant to pay a fee to the licensing authority that is equal to the renewal fee required for license or government certification holders under the applicable law (<i>R.C. 9.79(B)(5)</i>).</p>	<p>Requires an applicant to pay a fee to the licensing authority and determined by the licensing authority that is equal to one of the following:</p> <ul style="list-style-type: none"> ▪ The renewal fee required for license or government certification holders under the applicable law; ▪ The initial licensure fee for applicants to be issued the license or government certification under the applicable law; ▪ The fee in effect before the bill's effective date for applicants who hold an out-of-state license or government certification to be issued the license or government certification under the applicable law (<i>R.C. 9.79(B)(6)</i>).

S.B. 246 (As Introduced)	Proposed Sub. S.B. 246 (I_133_1755-7)
Denial for disciplinary action	
No provision.	Allows a licensing authority to deny an applicant a license or government certification if the applicant was subject to discipline of any kind by an entity that regulates a license, out-of-state license, or government certification during the five-year period immediately preceding the application date (<i>R.C. 9.79(J)</i>).
Authority to refuse to issue, limit, or restrict	
No provision.	Allows a licensing authority to refuse to issue, limit, or restrict a license or government certification for a reason that is not related to minimum education, training, or experience requirements or an examination requirement if the law governing the applicable profession or occupation allows or requires the licensing authority to do so (<i>R.C. 9.79(I)</i>).
Pending complaints, allegations, or investigations	
Prohibits, if an applicant is the subject of a complaint, allegation, or investigation that relates to unprofessional conduct or an alleged crime pending before a court, administrative agency, or entity that regulates a license, out-of-state license, or government certification, a licensing authority from issuing or denying a license or government certification until the complaint, allegation, or investigation is resolved (<i>R.C. 9.79(E)</i>).	Same, but (1) adds complaints, allegations, or investigations that relate to a violation of a law regulating a profession, occupation, or occupational activity, and (2) requires any pending complaint, allegation, or investigation to be resolved to the licensing authority's satisfaction.
No provision.	Requires a licensing authority to provide an applicant with a written decision to issue or reject a license or government certification or take any other action within 60 days after a complaint, allegation, or investigation is resolved. (<i>R.C. 9.79(P)(2)</i> .)
Exempt licenses	
Exempts the following licenses from the bill: 1. Licenses subject to the continuing law	Exempts the following licenses from the bill: 1. Removes the exemption when the

S.B. 246 (As Introduced)	Proposed Sub. S.B. 246 (I_133_1755-7)
<p>moratorium on the issuance of new fireworks manufacturer and wholesaler licenses;</p> <p>2. Medical marijuana cultivator and retail dispensary licenses;</p> <p>3. Licenses issued pursuant to rules of the Supreme Court of Ohio governing admission to the practice of law;</p> <p>4. Commercial fishing licenses;</p> <p>5. Licenses issued under the Commercial Driver's Licensing Law;</p> <p>6. No provision;</p> <p>7. No provision;</p> <p>8. No provision (<i>R.C. 9.79(K)</i>).</p>	<p>continuing law moratorium is no longer in effect;</p> <p>2. Same, but adds medical marijuana processor and testing laboratory licenses;</p> <p>3. Same;</p> <p>4. Same;</p> <p>5. Same;</p> <p>6. Physician certificates to recommend treatment with medical marijuana;</p> <p>7. Money transmitter licenses;</p> <p>8. Lottery sales agent licenses (<i>R.C. 9.79(N)</i> with conforming changes throughout the bill).</p>
Military members and spouses	
No provision.	Specifies that the bill does not apply to a temporary license or certificate issued under continuing law to military members and their spouses who are licensed in another jurisdiction and are on military duty in Ohio.
No provision.	Prohibits an Ohio department, agency, or office from requiring military members or their spouses who meet the requirements of the continuing law governing that temporary licensure to apply for the license or certificate under the bill.
No provision.	Allows military members or their spouses to elect to apply for a license or certificate under the bill. (<i>R.C. 4743.041.</i>)

S.B. 246 (As Introduced)	Proposed Sub. S.B. 246 (I_133_1755-7)
National standard exception	
No provision.	Allows a licensing authority, for purposes of verifying licensure status in Ohio with an entity that licenses the same profession or occupation in another state, to require an applicant issued a license or government certification under the bill to satisfy a national standard to have that license or government certification verified as an Ohio license or government certification, if an applicant under Ohio law is required to satisfy the national standard to receive it and the licensing authority posts notice of that requirement on the licensing authority's website.
No provision.	Requires, if a licensing authority elects to require satisfaction of a national standard and the law governing the license or government certification in effect immediately before the bill's effective date required an applicant who holds an out-of-state license or government certification to satisfy a requirement that is less restrictive than certain requirements under the bill to receive the license or government certification, the licensing authority to apply the less restrictive requirement to an applicant who satisfied the national standard or the bill's requirements to an applicant who did not satisfy the national standard.
No provision.	Defines "national standard" as a standard declared by a national organization to be the preferred standard for licensure of a profession if the standard is required by at least 45 states, including Ohio, to receive a license or government certification for the respective profession or occupation, and includes both a uniform quantitative minimum education or experience requirement and a requirement to pass a national examination. <i>(R.C. 9.79(A) and (M).)</i>
Scope of practice	
Requires that an applicant's out-of-state license, if the applicant holds an out-of-state license for the same profession or occupation, or work	Allows an applicant issued a license or government certification under the bill to practice the applicable occupation or profession in Ohio only

S.B. 246 (As Introduced)	Proposed Sub. S.B. 246 (I_133_1755-7)
experience to be at the same practice level as the Ohio license or government certification for which the applicant is applying (<i>R.C. 9.79(B)(1)(a), (C), and (D)</i>).	within the scope and practice that is permitted under Ohio law and that does not exceed the individual's training (<i>R.C. 9.79(L)</i>).
Minimum licensure requirements	
Requires an applicant for a license or government certification who holds an out-of-state license or government certification to have satisfied minimum education, training, or experience requirements or passed an examination to receive the out-of-state license or government certification (<i>R.C. 9.79(B)(3)</i>).	Same, except does not require an applicant to have satisfied those requirements for an out-of-state license or government certification if the applicable law governing the Ohio license or government certification does not require the applicant to satisfy one of those requirements (<i>R.C. 9.79(B)(4)</i>).
Written decision of action on an application	
Requires a licensing authority to provide an applicant with a written decision to issue or reject a license or government certification within 60 days after receiving a complete application (<i>R.C. 9.79(M)</i>).	Adds that a licensing authority must provide a written decision to an applicant to take any other action under the bill (<i>R.C. 9.79(P)(1)</i>).
Substantially similar out-of-state license	
Requires a licensing authority to issue a license or government certification to an applicant who holds an out-of-state license to engage in the same profession or occupation as the Ohio license or government certification for which the applicant is applying and satisfies other requirements (<i>R.C. 9.79(B)(1)(a)</i>).	Same, except that the out-of-state license must be substantially similar to the Ohio license or government certification (<i>R.C. 9.79(B)(1)(a)</i>).
Good standing	
No provision.	Defines "good standing" as when an individual's out-of-state license, government certification, or private certification, as applicable, is not restricted or limited by the entity that regulates the out-of-state license or government or private certification (<i>R.C. 9.79(A)(11)</i>).