



# Ohio Legislative Service Commission

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## Bill Analysis

Jeff Hobday

### **H.B. 462**

131st General Assembly  
(As Introduced)

**Reps.** Hagan and Sprague, Phillips

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### **BILL SUMMARY**

- Authorizes two or more municipal corporations to establish a joint police district.
  - Modifies the membership requirements for a joint police district board.
  - Authorizes a municipal corporation to create and participate in a joint fire district or join an existing joint fire district and to form and participate in a joint police district or join an existing joint police district.
  - Expands the solicitation offenses to apply to a person who agrees with another person to engage in sexual activity for hire.
  - Excludes from the "prescription exemption" to drug possession offenses any person who uses more of the drug than the maximum amount prescribed or who uses the drug contrary to the manner prescribed.
  - Provides immunity from civil liability to a peace officer who administers naloxone to a person who appears to be experiencing an opioid-related overdose.
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### **CONTENT AND OPERATION**

#### **Joint police districts and joint fire districts**

The bill permits the legislative authorities of two or more municipal corporations to decide by joint resolution to form a joint police district. Under current law, only contiguous townships or contiguous townships and municipal corporations may form

joint police districts. The bill removes the requirement that the political subdivisions directly neighbor each other.<sup>1</sup>

The bill changes the membership requirements for a joint police district board. Rather than requiring the participation of all trustees of each township in the district or all members of each municipal corporation's legislative authority or an odd number of the members of each as agreed to and established in the joint resolution forming the joint police district, the bill requires only the following members:<sup>2</sup>

(1) If the joint police district includes one or more townships, one representative from each board of township trustees forming the district;

(2) If the district includes one or more municipal corporations, one representative from the legislative authority of each municipal corporation in the district.

The bill also authorizes the legislative authority of a municipal corporation to create and participate in a joint fire district or join an existing joint fire district, and to form and participate in a joint police district or join an existing joint police district.<sup>3</sup>

## **Solicitation**

Existing law prohibits a person from doing any of the following:<sup>4</sup>

- Soliciting another who is 18 years of age or older to engage in sexual activity for hire;
- Soliciting another who is 16 or 17 years of age to engage in sexual activity for hire when the offender knows that the other person is 16 or 17 or is reckless in that regard;
- Soliciting another who is less than 16 years of age to engage in sexual activity for hire, whether or not the offender knows the age of the other person;
- Soliciting a person who is developmentally disabled to engage in sexual activity for hire when the offender knows or has reasonable cause to believe that the other person is developmentally disabled;

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<sup>1</sup> R.C. 505.482(A).

<sup>2</sup> R.C. 505.482(A)(1) and (2).

<sup>3</sup> R.C. 715.05(B).

<sup>4</sup> R.C. 2907.24(A).



- Soliciting another to engage in sexual activity for hire when the person soliciting knows he or she has tested positive for HIV.

The bill expands the solicitation offenses so that it is a crime not only to solicit another as described above, but to agree to engage with the other person in sexual activity for hire. The penalties remain the same as under current law for the solicitation offenses.<sup>5</sup>

### **Prescription exemption to drug offenses**

The bill modifies the prescription drug exemption to drug possession offenses. Under current law, a person who obtains a controlled substance by lawful prescription issued by a licensed health professional is not guilty of illegal drug possession. The bill provides that the exemption does not apply if the person has used, administered, or taken more of the controlled substance than the maximum prescribed amount per day or the maximum amount to be used within the prescription timeline, or the person has administered or taken the drug in a manner that was not prescribed by the health professional.<sup>6</sup>

### **Civil immunity for officers administering naloxone**

Under existing law, if a peace officer, acting in good faith, obtains naloxone from the officer's law enforcement agency and administers the naloxone to a person who is apparently experiencing an opioid-related overdose, the officer is not subject to criminal prosecution or administrative action for practicing medicine without certification. The bill provides, in addition, immunity from civil liability for any injury, death, or loss to person or property that allegedly arises from an officer's acts or omissions in obtaining and administering the naloxone.<sup>7</sup>

The bill does not eliminate, limit, or reduce any other immunity or defense that an entity or person may be entitled to under Chapter 2744. of the Revised Code, which relates to political subdivision tort liability, or under any other provision of the Revised Code or state common law.<sup>8</sup>

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<sup>5</sup> R.C. 2907.24(A) and (B).

<sup>6</sup> R.C. 2925.11(B)(4).

<sup>7</sup> R.C. 2925.61(D)(1).

<sup>8</sup> R.C. 2925.61(D)(2).



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## HISTORY

ACTION

DATE

Introduced

02-11-16

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