



Ohio Revised Code

Section 5145.163 Prison industries enhancement certification program.

Effective: September 26, 2025

Legislation: House Bill 81 - 136th General Assembly

(A) As used in this section:

(1) "Customer model enterprise" means an enterprise conducted under a federal prison industries enhancement certification program in which a private party participates in the enterprise only as a purchaser of goods and services.

(2) "Employer model enterprise" means an enterprise conducted under a federal prison industries enhancement certification program in which a private party participates in the enterprise as an operator of the enterprise.

(3) "Injury" and "occupational disease" have the same meanings as in section 4123.01 of the Revised Code if sustained or contracted in the course of, and arising out of, participation in authorized work activity in the federal prison industries enhancement certification program.

(4) "Incarcerated worker" means any person who is committed to the custody of the department of rehabilitation and correction and who is participating in an Ohio penal industries program that is under the federal prison industries enhancement certification program.

(5) "Federal prison industries enhancement certification program" means the program authorized pursuant to 18 U.S.C. 1761.

(6) "Injured incarcerated worker" means an individual to which division (G) of this section applies.

(7) "Compensation" means compensation as provided in sections 4123.56 to 4123.58 of the Revised Code.

(B) No private party shall participate in an employer model enterprise in this state unless the private party is approved by the director of rehabilitation and correction in accordance with division (C) of



this section.

(C) The director may approve a private party to participate in an employer model enterprise only if the private party meets the following requirements:

(1) The private party carries liability insurance in an amount the director determines to be sufficient.

(2) The private party does not have an unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code.

(D) The department shall treat an incarcerated worker, regardless of whether the incarcerated worker works in a customer model enterprise or an employer model enterprise, as an employee of the department for the purpose of workers' compensation coverage in accordance with Chapters 4121. and 4123. of the Revised Code.

(E) Except as provided in division (D) of this section, incarcerated workers are not employees of the department.

(F)(1) An incarcerated worker who is injured or who contracts an occupational disease in the course of and arising out of participation in authorized work activity in the federal prison industries enhancement certification program may request the department file a claim with the bureau of workers' compensation under Chapters 4121. and 4123. of the Revised Code within the timeframe provided for in section 4123.84 or 4123.85 of the Revised Code.

(2) The dependent of an incarcerated worker who is killed or dies as the result of an injury or occupational disease contracted in the course of and arising out of participation in authorized work activity in the federal prison industries enhancement certification program may request the department file a claim with the bureau under Chapters 4121. and 4123. of the Revised Code within the timeframe provided for in section 4123.84 or 4123.85 of the Revised Code. A party may use the appeals process under Chapters 4121. and 4123. of the Revised Code regarding applications filed under division (F)(2) of this section.

(G) Notwithstanding any provision of Chapter 4121. or 4123. of the Revised Code to the contrary, if



the department determines that an incarcerated worker was injured or contracted an occupational disease in the course of and arising out of participation in authorized work activity in the federal prison industries enhancement certification program, whether by external accidental means or accidental in character or result, both of the following apply to the individual while that individual is in the custody of the department:

(1) The individual may receive medical treatment for the injury or occupational disease.

(2) The individual is barred from filing for compensation with the department or the bureau.

(H) While an injured incarcerated worker is in the custody of the department, medical recommendations pertaining to, and medical treatment for, the injured incarcerated worker shall be provided exclusively through the department's network of providers.

(I) Claim allowance determinations made by the department shall be limited to initial claim allowances and requests for additional conditions. An injured incarcerated worker may appeal the department's claim allowance determination or medical treatment determination by requesting a review by the department's chief medical officer. In the event of a further appeal, the injured incarcerated worker may receive a medical evaluation from a medical practitioner affiliated within the department's network of third-party medical contractors located in Franklin county.

(J) Except for appeals regarding determinations under division (I) of this section, and notwithstanding any provision of Chapter 4121. or 4123. of the Revised Code to the contrary, an injured incarcerated worker is barred from appealing a determination made under this section while incarcerated.

(K) After an injured incarcerated worker is released from incarceration, all of the following apply:

(1) A party may use the appeals process under Chapters 4121. and 4123. of the Revised Code regarding any application filed by an injured incarcerated worker.

(2) The released individual may receive medical treatment consistent with Chapters 4121. and 4123. of the Revised Code.



(3) The released individual may seek compensation through the bureau consistent with Chapters 4121. and 4123. of the Revised Code.

(L) Except for medical treatment as allowed under division (G) of this section, in accordance with division (J) of section 4123.54 of the Revised Code, compensation or medical benefits are not payable to or on behalf of an injured incarcerated worker during the period of confinement of the injured incarcerated worker in any correctional institution. If an injured incarcerated worker is reimprisoned within the custody of the department, compensation shall be suspended during the injured incarcerated worker's imprisonment but may resume on the worker's release from imprisonment. The department may pay for medical benefits in accordance with division (G) of this section.

(M) After an injured incarcerated worker is released from the department's custody, regardless of whether the worker worked in a customer model enterprise or an employer model enterprise, all claim costs, other than medical costs paid by the department while the worker was in the department's custody, shall be paid by the department in accordance with the requirements of Chapters 4121. and 4123. of the Revised Code.

(N) An incarcerated worker shall voluntarily consent to participate in a federal prison industries enhancement certification program prior to commencing participation in the program. Such consent disclaims the worker's ability to choose a medical provider while the worker is imprisoned and subjects the worker to the requirements of this section.