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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 618
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Becker

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SUMMARY

Contagious disease orders

- Specifies that orders issued by the Governor and Ohio Department of Health (ODH) for preventing the spread of contagious diseases are advisory only unless approved by the General Assembly.
- In the case of an order issued by ODH, also specifies that it cannot include a state of emergency declaration.
- Invalidates orders in effect on the bill's effective date and specifies that those orders are advisory only.

Additional limitations on ODH authority

- Requires the approval of the General Assembly before ODH may supervise matters relating to the life and health of the people or declare and enforce quarantine and isolation.

Actions taken by the Director of Health

- Prohibits the Director of Health from taking action to control or suppress a contagious disease or pandemic condition until the Director has the approval of the General Assembly.

Orders affecting the conduct of an election

- Specifies that the result of an enemy attack is the only circumstance in which an election may be postponed or canceled.
- Specifies that an election can only be conducted in a manner prescribed by the Revised Code.

- Prohibits the Department of Health, a board of a city health district, general health district, or combined health district from issuing any order or rule that affects the conduct of an election.

Miscellaneous

- Designates its provisions as the “Need Ohio Working (NOW) Act.”
- Declares an emergency.

DETAILED ANALYSIS

Contagious disease orders

Under H.B. 618, orders issued by the Governor and Ohio Department of Health (ODH) to prevent the spread of contagious or infectious diseases are advisory only – unless approved by the General Assembly.¹ In the case of an order issued by ODH, the bill prohibits the order from including a state of emergency declaration.²

While existing Ohio statutory law does not directly address the issuance of orders by the Governor to prevent the spread of contagious diseases, it does grant ODH and local boards of health authority to issue such orders.³ Current law, however, does not include any conditions on the exercise of that authority. The bill does not provide for local orders to be advisory only and does not require them to be approved by the General Assembly before taking effect.

Effect on existing orders

H.B. 618 includes provisions specifying that any order issued by the Director of Health for preventing the spread of contagious or infectious diseases in effect on the bill’s effective date has no legal effect. It also provides that any such order becomes advisory only as of the bill’s effective date.⁴

Additional limitations on ODH authority

The bill requires the approval of the General Assembly before ODH may (1) supervise matters relating to the preservation of the life and health of the people and (2) declare and enforce quarantine or isolation. This differs from existing law which states that ODH must have supervision of all matters relating to the preservation of the life and health of the people. Current law also grants ODH ultimate authority in matters of quarantine and isolation.⁵

¹ R.C. 107.22 and 3701.13(B)(2)(a).

² R.C. 3701.13(B)(2)(a).

³ R.C. 3701.13, 3709.20, and 3709.21.

⁴ Section 3.

⁵ R.C. 3701.13(A).

Actions taken by the Director of Health

Existing statutory law requires the Director of Health to investigate the cause of disease or illness, including contagious, infectious, epidemic, pandemic, or endemic conditions, and to take prompt action to control and suppress it.⁶ The bill, instead, prohibits the Director from taking action to control or suppress such a disease or condition until the Director has the approval of the General Assembly.⁷

Orders affecting the conduct of an election

Under continuing law, the Ohio Governor can postpone any state or local election, up to six months, in the event of an emergency that is the result of an enemy attack. The bill specifies the result of an enemy attack is the only circumstance in which a state or local election may be postponed or canceled and that an election can only be conducted in a manner prescribed by the Revised Code.

Additionally, the bill prohibits the Department of Health, a board of a city health district, general health district, or combined health district from issuing any order or rule that affects the conduct of an election. Under continuing law, as described above, the Department of Health can issue orders to prevent the spread of contagious or infection diseases, which, under the bill, are advisory only unless approved by the General Assembly. Similarly, under continuing law, a board of a city health district, general health district, or combined health district can issue orders and regulations as necessary for the public health, prevention of diseases, and the prevention, abatement, or restriction of nuisances.⁸

HISTORY

Action	Date
Introduced	05-06-20

H0618-I-133/ar

⁶ R.C. 3701.14.

⁷ R.C. 3701.14(A)(2).

⁸ R.C. 161.09, 3701.13, 3707.04, 3707.05, 3707.26, 3709.20, and 3709.21.