A BILL

To amend sections 101.35 and 3701.13 and to enact section 101.36 of the Revised Code to rescind certain orders of the Director of Health regarding COVID-19, to require the approval of the Joint Committee on Agency Rule Review for Department of Health orders to be effective for more than fourteen days, to require statewide Department of Health orders to include the Governor's signature, to modify the Department's rulemaking authority, to allow in-person high school graduation ceremonies, and to declare an emergency.

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

Section 1. (A) The portion of the Director of Health's order under section 3701.13 of the Revised Code "Director's Order that Reopens Businesses, with Exceptions, and Continues a Stay Healthy and Safe at Home Order" issued on April 30, 2020, requiring Ohioans to stay at home is rescinded. The portion of the Director of Health's order under section 3701.13 of the
Revised Code "Director's Order that Reopens Businesses, with Exceptions, and Continues a Stay Healthy and Safe at Home Order" issued on April 30, 2020, requiring certain businesses to close or remain closed is rescinded. All businesses, nonprofits, and other organizations shall be permitted to open on the effective date of this section. Nothing in this section requires a business, nonprofit corporation, or other organization to open.

(B) The portions of the Director of Health's order under section 3701.13 of the Revised Code "Director's Order that Reopens Businesses, with Exceptions, and Continues a Stay Healthy and Safe at Home Order" issued on April 30, 2020, not addressed in division (A) of this section, and any other order of the Director of Health issued under section 3701.13 of the Revised Code on or after April 29, 2020, cease to be effective fourteen days after the effective date of this section, unless the Joint Committee on Agency Rule Review approves extensions of the orders under section 101.36 of the Revised Code, as enacted by this act.

(C) The Governor or any director, officer, or employee of an executive agency shall not make any order doing any of the following:

1. Prohibiting in-person high school graduation ceremonies;
2. Restricting the number of high school graduates, school faculty, or administrators who may attend;
3. Limiting the number of attendees to less than four per graduate;
4. Limiting when or what time of the day the graduation ceremonies must occur;
(5) Limiting the duration of the ceremonies;

(6) Limiting where or in what type of room or facility the graduation ceremony may be conducted;

(7) Requiring the graduates, attendees, school faculty, or administrators to exercise social distancing at a physical distance that exceeds the federal social distancing guidelines;

(8) Apply social distancing restrictions against members of the same household.

Nothing in this section shall require a school district to conduct an in-person graduation ceremony or prevent a school district from limiting the number of graduates, attendees, school faculty, or administrators who may attend.

Division (C) of this section applies during calendar year 2020.

(D) As used in this section, "executive agency" means the office of Governor, a department created under section 121.02 of the Revised Code, or any other state agency, department, board, or commission controlled or directed by the Governor or otherwise subject to the Governor's authority. "Executive agency" does not include any court.

Section 2. That sections 101.35 and 3701.13 be amended and section 101.36 of the Revised Code be enacted to read as follows:

Sec. 101.35. There is hereby created in the general assembly the joint committee on agency rule review. The committee shall consist of five members of the house of representatives and five members of the senate. Within fifteen days after the commencement of the first regular session of each
general assembly, the speaker of the house of representatives shall appoint the members of the committee from the house of representatives, and the president of the senate shall appoint the members of the committee from the senate. Not more than three of the members from each house shall be of the same political party. In the first regular session of a general assembly, the chairperson of the committee shall be appointed by the speaker of the house from among the house members of the committee, and the vice-chairperson shall be appointed by the president of the senate from among the senate members of the committee. In the second regular session of a general assembly, the chairperson shall be appointed by the president of the senate from among the senate members of the committee, and the vice-chairperson shall be appointed by the speaker of the house from among the house members of the committee. The chairperson, vice-chairperson, and members of the committee shall serve until their respective successors are appointed or until they are no longer members of the general assembly. When a vacancy occurs among the officers or members of the committee, it shall be filled in the same manner as the original appointment.

Notwithstanding section 101.26 of the Revised Code, the members, when engaged in their duties as members of the committee on days when there is not a voting session of the member's house of the general assembly, shall be paid at the per diem rate of one hundred fifty dollars, and their necessary traveling expenses, which shall be paid from the funds appropriated for the payment of expenses of legislative committees.

The committee has the same powers as other standing or select committees of the general assembly. Six
members constitute a quorum. The concurrence of six members is required for the recommendation of a concurrent resolution invalidating a proposed rule under section 106.021 of the Revised Code. The concurrence of seven members is required for the recommendation of a concurrent resolution invalidating an existing rule under section 106.031 of the Revised Code.

When a member of the committee is absent, the president or speaker, as the case may be, may designate a substitute from the same house and political party as the absent member. The substitute shall serve on the committee in the member's absence, and is entitled to perform the duties of a member of the committee. For serving on the committee, the substitute shall be paid the same per diem and necessary traveling expenses as the substitute would be entitled to receive if the substitute were a member of the committee.

The president or speaker shall inform the executive director of the committee of a substitution. If the executive director learns of a substitution sufficiently in advance of the meeting of the committee the substitute is to attend, the executive director shall publish notice of the substitution on the internet, make reasonable effort to inform of the substitution persons who are known to the executive director to be interested in rules that are scheduled for review at the meeting, and inform of the substitution persons who inquire of the executive director concerning the meeting.

The committee may meet during periods in which the general assembly has adjourned.

At meetings of the committee, the committee may request an agency, as defined in section 106.01 of the Revised Code, to provide information relative to the agency's implementation of
its statutory authority.

A member of the committee, and the executive director and staff of the committee, are entitled in their official capacities to attend, but not in their official capacities to participate in, a public hearing conducted by an agency on a proposed rule.

The executive director serves at the pleasure of the president and speaker by mutual consensus. The executive director may employ such technical, professional, and clerical employees as are necessary to carry out the powers and administrative duties of the committee.

Sec. 101.36. (A) The director of health may apply to the joint committee on agency rule review to approve the extension of an order beyond the fourteen-day period described in section 3701.13 of the Revised Code.

(B) Notwithstanding any contrary provision of section 101.35 of the Revised Code, a majority vote of the joint committee, including the affirmative vote of at least three members of the house of representatives and at least three members of the senate, is required to approve the extension of an order under this section. The joint committee shall determine the period of the extension, if any. In making its determination, the joint committee shall consider information submitted to the joint committee by a board of health regarding the impact of an extension on the board of health's jurisdiction.

(C) Any citizen of this state shall have standing to seek a court order that the director of health comply with division (C) of section 3701.13 of the Revised Code. Such a citizen shall
not be required to prove that irreparable harm will result if
the court does not issue the order.

(D) As used in this section, "board of health" means the
board of health of a city or general health district or the
authority having the duties of a board of health under section
3709.05 of the Revised Code.

Sec. 3701.13. The—

(A)(1) Subject to division (C) of this
section, the department of health shall have supervision of all
matters relating to the preservation of the life and health of
the people and have ultimate authority in matters of quarantine
and isolation, which it may declare and enforce, when neither
exists, and modify, relax, or abolish, when either has been
established. The—

(2) The department may approve methods of immunization
against the diseases specified in section 3313.671 of the
Revised Code for the purpose of carrying out the provisions of
that section and take such actions as are necessary to encourage
vaccination against those diseases.

(B)(1) Subject to division (C) of this section, the
department may make special or standing orders or rules for
preventing any of the following:

(a) For preventing the use of fluoroscopes for nonmedical
purposes that emit doses of radiation likely to be harmful to
any person.

(b) For preventing the spread of contagious or infectious
diseases.

(c) For governing the receipt and conveyance of remains of
deceased persons.
(d) For such other sanitary matters as are best controlled by a general rule. Whenever possible, the department shall work in cooperation with the health commissioner of a general or city health district. The department may make and enforce orders in local matters or reassign substantive authority for mandatory programs from a general or city health district to another general or city health district when an emergency exists, or when the board of health of a general or city health district has neglected or refused to act with sufficient promptness or efficiency, or when such board has not been established as provided by sections 3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 of the Revised Code. In such cases, the necessary expense incurred shall be paid by the general health district or city for which the services are rendered.

(C)(1) No order of the department shall be effective for a period exceeding fourteen days, except with the approval of the joint committee on agency rule review, as described in section 101.36 of the Revised Code. For purposes of this division, an order is considered to be effective for a period exceeding fourteen days if the order includes an effective period that exceeds fourteen days or if the substance of the order is contained in multiple subsequently issued orders whose combined effective period exceeds fourteen days.

(2) The department may adopt rules under this section only in accordance with Chapter 119. of the Revised Code, and the department shall not adopt an emergency rule, make an emergency amendment to a rule, or rescind a rule on an emergency basis under this section, as described in that chapter.
(3) An order of the department that applies statewide is not effective unless signed by the governor.

(4) Neither this division nor section 101.36 of the Revised Code confer upon the department or the governor any authority beyond the authority of the department or governor under the Ohio Constitution or another provision of the Revised Code.

(D) The department of health may require general or city health districts to enter into agreements for shared services under section 9.482 of the Revised Code. The department shall prepare and offer to boards of health a model contract and memorandum of understanding that are easily adaptable for use by boards of health when entering into shared services agreements. The department also may offer financial and other technical assistance to boards of health to encourage the sharing of services.

(E) As a condition precedent to receiving funding from the department of health, the director of health may require general or city health districts to apply for accreditation by July 1, 2018, and be accredited by July 1, 2020, by an accreditation body approved by the director. The director of health, by July 1, 2016, shall conduct an evaluation of general and city health district preparation for accreditation, including an evaluation of each district's reported public health quality indicators as provided for in section 3701.98 of the Revised Code.

(F) The department may make evaluative studies of the nutritional status of Ohio residents, and of the food and nutrition-related programs operating within the state. Every agency of the state, at the request of the department, shall provide information and otherwise assist in the execution of
such studies.

Section 3. That existing sections 101.35 and 3701.13 of the Revised Code are hereby repealed.

Section 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that an order to prevent the spread of contagious or infectious diseases in effect for a prolonged time period harms the economic well-being of Ohio's citizens and businesses. Therefore, this act shall go into immediate effect.