

OHIO

SENATE

JOURNAL

TUESDAY, MAY 12, 2020

ONE HUNDRED EIGHTIETH DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 12, 2020, 9:00 o'clock a.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Hottinger was selected to preside according to the rule.

The journal of the last legislative day was read and approved.

OFFERING OF RESOLUTIONS

Senator Peterson offered the following joint resolution:

S. J. R. No. 4-Senator Peterson.

Cosponsor: Senator Schuring.

Proposing to enact Section 18 of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide for the issuance of obligations to repay outstanding advances made by the federal government to the unemployment compensation program of the state.

The question being, "Shall the joint resolution, **S. J. R. No. 4**, be adopted?"

On the motion of Senator Craig, **S. J. R. No. 4**, was referred to the Committee on Rules and Reference.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Sub. S. B. No. 1 -Senators McColley, Roegner

Cosponsors: Senators Obhof, Brenner, Coley, Hackett, Hoagland, Hottinger, Huffman, S., Huffman, M., Lehner, Rulli, Peterson, Wilson, Terhar, Gavarone, Manning, Schaffer, Schuring, Uecker Representatives Wiggam, Becker, Hambley, Smith, T., Baldridge, Cross, Ghanbari, Green, Holmes, A., Jones, LaRe, McClain, Merrin, Plummer, Powell, Roemer, Seitz, Stein, Stoltzfus, Wilkin

To amend sections 101.35, 106.021, 106.03, 106.031, 121.95, and 3701.13 and to enact sections 101.354, 101.355, 101.36, 107.57, 121.031, 121.951, 121.952, and 121.953 of the Revised Code to require certain agencies to reduce the number of regulatory restrictions in their administrative rules, 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, and

to modify the Department's rulemaking authority.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Bradley J. Young,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. Sub. S. B. No. 55 -Senator Gavarone

Cosponsors: Senators Fedor, O'Brien, Coley, Brenner, Hackett, Hoagland, Huffman, S., McColley, Roegner, Rulli, Schaffer, Schuring, Terhar, Uecker, Wilson Representatives Butler, Cupp, Manning, D., Smith, T., Abrams, Baldrige, Carruthers, Cross, Ghanbari, Holmes, A., Jones, LaRe, Lipps, McClain, Merrin, Plummer, Roemer, Rogers, Seitz, Stein, Wiggam, Wilkin

To amend sections 2925.01, 2925.03, 3701.99, 3707.99, and 3709.99 of the Revised Code to enhance penalties for certain drug trafficking offenses committed in the vicinity of a substance addiction services provider, to modify penalties for violations of public health orders related to a pandemic, and to designate certain provisions as the "Relapse Reduction Act."

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 1 of the title, delete "and" and insert ","; after "2925.03" insert ", 3701.99, 3707.99, and 3709.99"

In line 5 of the title, after "provider" insert ", to modify penalties for violations of public health orders related to"; delete "a" and insert "a pandemic,"; delete "name the act's" and insert "designate certain"; after "provisions" insert "as"

In line 7, delete "and" and insert ","; after "2925.03" insert ", 3701.99, 3707.99, and 3709.99"

After line 1423, insert:

"Sec. 3701.99. (A) Whoever violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, division (D)(2) of section 3701.262, or sections 3701.46 to 3701.55 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 3701.82 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) ~~Whoever~~ Subject to division (D) of this section, whoever violates section 3701.352 or 3701.81 of the Revised Code is guilty of a misdemeanor of the second degree.

(D) Whoever violates any rule adopted or order issued by the director of health or department of health as described in section 3701.352 of the Revised Code that relates to a pandemic shall receive a warning on a first offense and on each subsequent offense shall be fined in an amount not to exceed the maximum amount specified in section 2929.28 of the Revised Code for a minor misdemeanor.

Sec. 3707.99. (A) Whoever violates section 3707.03 of the Revised Code, unless good and sufficient reason therefor is shown, is guilty of a minor misdemeanor.

(B) ~~Whoever~~ Subject to division (C) of this section, whoever violates division (B) of section 3707.06 or section 3707.48 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree.

(C) In the event the board of health of a city or general health district adopts a rule or issues an order under Chapter 3707. of the Revised Code that relates to a pandemic, whoever violates the rule or order shall receive a warning on a first offense and on each subsequent offense shall be fined in an amount not to exceed one hundred dollars.

Sec. 3709.99. (A) ~~Whoever~~ Except as provided in division (C) of this section, whoever violates section 3709.20, 3709.21, or 3709.22 of the Revised Code or any order or regulation of the board of health of a city or general health district adopted in pursuance of those sections, or whoever interferes with the execution of an order or regulation of that nature by a member of the board or person authorized by the board, shall be fined not more than one hundred dollars or imprisoned not more than ninety days, or both. No person shall be imprisoned for the first offense, and the prosecution shall always be for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a subsequent offense.

(B) Except in case of an emergency endangering the public health

caused by an epidemic, an infectious or a communicable disease, or a disaster emergency condition or event, no prosecution for a violation of any regulation or order adopted pursuant to section 3709.20, 3709.21, or 3709.22 of the Revised Code shall take place until twenty days after the board of health of a city or general health district has notified the person subject to the regulation or order of the specific violation alleged. Any person notified by the board of a violation of any regulation or order of that nature may file an action for declaratory judgment pursuant to Chapter 2721. of the Revised Code to have determined whether the regulation or order is unreasonable or unlawful. No prosecution of that nature shall be commenced when, within the twenty-day period described in this division, the violation has been corrected. No prosecution of that nature shall be commenced until a declaratory judgment of that nature has been given.

(C) In the event the board of health of a city or general health district adopts a rule or issues an order under section 3709.20, 3709.21, or 3709.22 of the Revised Code that relates to a pandemic, whoever violates the rule or order shall receive a warning for a first offense and for each subsequent offense shall be fined in an amount not to exceed one hundred dollars."

In line 1424, delete "and" and insert ","; after "2925.03" insert ", 3701.99, 3707.99, and 3709.99"

In line 1438, delete "This" and insert "Sections 2925.01 and 2925.03 of the Revised Code, as amended by this"; after "act" insert ","

Attest:

Bradley J. Young,
Clerk.

Said amendments were laid over under the rule.

On the motion of Senator Craig, the Senate adjourned until Wednesday, May 13, 2020 at 10:15 a.m with session convening at the call of the Chair.

Attest:

VINCENT L. KEERAN,
Clerk.