

As Reported by the Senate Health, Human Services and Medicaid
Committee

133rd General Assembly

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Sub. H. B. No. 412

Representatives Clites, Ginter

Cosponsors: Representatives Blair, Boggs, Boyd, Crawley, Crossman, Galonski, Hambley, Miller, A., Miller, J., Smith, K., Lepore-Hagan, Lipps, Liston, Miranda, O'Brien, Patterson, Romanchuk, Russo, Scherer, Sobecki, Strahorn, Upchurch, Weinstein, West, Baldrige, Brent, Brown, Butler, Carfagna, Carruthers, Cross, Cupp, Dean, Denson, DeVitis, Edwards, Fraizer, Ghanbari, Greenspan, Grendell, Hicks-Hudson, Holmes, A., Hoops, Howse, Ingram, Jones, Jordan, Kelly, Kick, Koehler, Lanese, Leland, Lightbody, Manning, D., Manning, G., Oelslager, Patton, Perales, Plummer, Reineke, Richardson, Robinson, Roemer, Rogers, Sheehy, Skindell, Stein, Sweeney, Sykes, Wilkin

Senators Kunze, Schuring

A BILL

To amend section 3750.04 and to enact sections 1
103.60 and 3701.051 of the Revised Code to 2
establish the Rare Disease Advisory Council, to 3
authorize the Emergency Response Commission to 4
exempt a local emergency planning committee from 5
conducting certain annual exercises, and to 6
declare an emergency. 7

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

Section 1. That section 3750.04 be amended and sections 8
103.60 and 3701.051 of the Revised Code be enacted to read as 9
follows: 10

Sec. 103.60. (A) As used in this section, "rare disease" 11

means a disease or condition that affects fewer than 200,000 12
people living in the United States. 13

(B) There is hereby created the rare disease advisory 14
council. The purpose of the council is to advise the general 15
assembly regarding research, diagnosis, and treatment efforts 16
related to rare diseases across the state. 17

(C) The council shall consist of the following twenty-five 18
members: 19

(1) The following members appointed by the governor: 20

(a) One individual who is a medical researcher with 21
experience researching rare diseases; 22

(b) One individual who represents an academic research 23
institution in this state that receives funding for rare disease 24
research; 25

(c) One individual authorized under Chapter 4731. of the 26
Revised Code to practice medicine and surgery or osteopathic 27
medicine and surgery who has experience researching, diagnosing, 28
and treating rare diseases; 29

(d) One individual authorized under Chapter 4723. of the 30
Revised Code to practice nursing as a registered nurse who has 31
experience providing nursing care to patients with rare 32
diseases; 33

(e) One individual authorized under Chapter 4778. of the 34
Revised Code to practice as a genetic counselor who is currently 35
practicing at a children's hospital; 36

(f) Three members of the public who are living with a rare 37
disease or represent an individual living with a rare disease; 38

<u>(g) One representative of a national organization</u>	39
<u>representing patients with a rare disease;</u>	40
<u>(h) One representative of a rare disease foundation</u>	41
<u>operating in this state;</u>	42
<u>(i) Two representatives of the department of health, one</u>	43
<u>of whom is a representative of the children with medical</u>	44
<u>handicaps program;</u>	45
<u>(j) One representative of the department of medicaid;</u>	46
<u>(k) One representative of the department of insurance;</u>	47
<u>(l) One representative of the commission on minority</u>	48
<u>health;</u>	49
<u>(m) One representative of the Ohio hospital association;</u>	50
<u>(n) One representative of Ohio health insurers;</u>	51
<u>(o) One representative of bioOhio;</u>	52
<u>(p) One representative of the association of Ohio health</u>	53
<u>commissioners;</u>	54
<u>(q) One representative of the pharmaceutical research and</u>	55
<u>manufacturers of America.</u>	56
<u>(2) Two members of the senate, one from the majority party</u>	57
<u>and one from the minority party, both appointed by the president</u>	58
<u>of the senate;</u>	59
<u>(3) Two members of the house of representatives, one from</u>	60
<u>the majority party and one from the minority party, both</u>	61
<u>appointed by the speaker of the house of representatives;</u>	62
<u>(4) The governor or the governor's designee.</u>	63
<u>(D) (1) Not later than thirty days after the effective date</u>	64

of this section, initial appointments shall be made to the 65
council. Thereafter, appointments shall be made every two years, 66
not later than thirty days after the commencement of the first 67
regular session of each general assembly. 68

(2) Each member shall serve on the council until 69
appointments are made following the commencement of the next 70
general assembly. Members may be reappointed; however, no member 71
shall serve more than four consecutive terms on the council. 72

(E) Prior to the expiration of each term, the council 73
shall prepare and submit a report to the general assembly 74
detailing the following: 75

(1) The coordination of statewide efforts for studying the 76
incidence of rare diseases in this state; 77

(2) The council's findings and recommendations regarding 78
rare disease research and care in this state; 79

(3) Efforts to promote collaboration among rare disease 80
organizations, clinicians, academic research institutions, and 81
the general assembly to better understand the incidence of rare 82
diseases in this state. 83

(F) The council shall annually select from among its 84
members a chairperson or co-chairpersons. 85

(G) The council shall meet at the call of the chairperson, 86
but not less than quarterly. A majority of the members of the 87
council shall constitute a quorum. The chairperson shall provide 88
members with at least five days written notice of all meetings. 89

(H) Members shall serve without compensation except to the 90
extent that serving on the council is considered part of the 91
member's regular duties of employment. The council shall 92

reimburse each member for actual and necessary expenses incurred 93
in the performance of the member's official duties. 94

Sec. 3701.051. (A) As used in this section, "rare disease" 95
has the same meaning as in section 103.60 of the Revised Code. 96

(B) Not later than three years after the effective date of 97
this section, the director of health shall publish a report 98
detailing the incidence of rare diseases in this state, with 99
subsequent reports published every two years thereafter. To the 100
extent possible, the reports shall include data regarding 101
individuals who have been diagnosed with a rare disease 102
disaggregated by gender, race, ethnicity, socioeconomic status, 103
and type of insurance coverage. 104

Sec. 3750.04. (A) Within ninety days after the effective 105
date of this section, the local emergency planning committee of 106
each emergency planning district shall prepare and submit to the 107
emergency response commission a chemical emergency response and 108
preparedness plan for the district. The district's plan shall 109
contain all of the following: 110

(1) An identification of each facility within the district 111
that meets either of the following qualifications: 112

(a) Has an extremely hazardous substance present at the 113
facility in an amount that exceeds the threshold planning 114
quantity for the substance established in rules adopted under 115
division (B) (1) (a) or (C) (5) of section 3750.02 of the Revised 116
Code; 117

(b) Is required to participate in the emergency planning 118
process by an order issued under division (A) of section 3750.05 119
of the Revised Code. 120

(2) An identification of all facilities within the 121

district that are contributing or subjected to additional risk	122
due to their proximity to facilities identified under division	123
(A) (1) of this section;	124
(3) An identification of routes likely to be used for the	125
transportation of extremely hazardous substances to and from	126
each facility identified under division (A) (1) of this section;	127
(4) The methods and procedures to be followed by owners	128
and operators of facilities identified under division (A) (1) of	129
this section and by local emergency response and medical	130
personnel to respond to releases of extremely hazardous	131
substances;	132
(5) The designation of a community emergency coordinator	133
for the district, identification of the facility emergency	134
coordinator for each facility identified under division (A) (1)	135
of this section, and identification of the heads of the	136
emergency response organizations for designated areas or	137
political subdivisions within the district;	138
(6) An identification of procedures for reliable,	139
effective, and timely notification and communication among	140
emergency responders within the district and to the public in	141
the event of a release of an extremely hazardous substance from	142
a facility identified under division (A) (1) of this section;	143
(7) The development of methods for determining the	144
occurrence of a release of an extremely hazardous substance from	145
each facility identified under division (A) (1) of this section	146
and for identifying the geographic area or population likely to	147
be affected by such a release;	148
(8) A composite statement of specialized equipment,	149
facilities, personnel, and emergency response organizations	150

available within the district to respond to releases of	151
extremely hazardous substances;	152
(9) The development of evacuation plans including, but not	153
limited to, provisions for a precautionary evacuation and for	154
alternative traffic routes in the event of a release of an	155
extremely hazardous substance from a facility identified under	156
division (A) (1) of this section;	157
(10) A plan for mutual aid to other emergency planning	158
districts and for the allocation of emergency response	159
facilities, equipment, and personnel for responding to releases	160
of extremely hazardous substances;	161
(11) A plan for the development or provision of training	162
programs, seminars, and other forms of educational programs for	163
the personnel of facilities identified under division (A) (1) of	164
this section, emergency response personnel of political	165
subdivisions within the district, and medical personnel;	166
(12) The development of methods and schedules for	167
exercising the plan;	168
(13) Such other information as the commission requires by	169
rules adopted under division (B) (2) (a) of section 3750.02.	170
The committee shall base its plan on information obtained	171
from the commission, the environmental protection agency,	172
emergency management agencies of the state and political	173
subdivisions within the district, and facilities identified	174
under division (A) (1) of this section.	175
(B) The committee annually shall submit the plan to the	176
commission not later than the seventeenth day of October for	177
review and concurrence. The commission shall review the plan to	178
ensure that it complies with division (A) of this section and	179

rules adopted under divisions (B) (2) (a) and (b) of section 180
3750.02 of the Revised Code, and to ensure that it is 181
coordinated with the plans of adjoining districts. The 182
commission shall endeavor to review each such plan and provide 183
notice of concurrence with the plan or of recommendations for 184
modifications to it within sixty days after its submission to 185
the commission. The commission may assign the highest priority 186
for review to plans applying to geographic areas having the 187
greatest number of facilities that pose the greatest risk of 188
harm to the public health or safety or to the environment. 189

If the commission finds that the plan submitted by a 190
committee complies with division (A) of this section and rules 191
adopted under divisions (B) (2) (a) and (b) of section 3750.02 of 192
the Revised Code and is coordinated with the plans of adjoining 193
districts, the commission shall, within sixty days after 194
submission of the plan, issue an order in accordance with 195
section 3750.18 of the Revised Code concurring with the plan. If 196
the commission finds that the plan submitted by a committee does 197
not comply with division (A) of this section and rules adopted 198
under divisions (B) (2) (a) and (b) of section 3750.02 of the 199
Revised Code or is not coordinated with the plans of adjoining 200
districts, the commission shall, by issuance of such an order 201
within that sixty-day period, refuse to concur with the plan and 202
direct the committee to submit a modified plan that complies 203
with those requirements within a reasonable time, not exceeding 204
sixty days, after issuance of the order. 205

(C) ~~Each~~ Except as provided in division (D) of this 206
section, the committee shall conduct an exercise of its plan at 207
least annually. The committee shall notify the commission at 208
least thirty days before each such exercise, and the commission 209
shall observe each such exercise. The commission shall review 210

each such exercise in accordance with the rules adopted under 211
division (B) (2) (b) of section 3750.02 of the Revised Code and 212
shall either concur with the conduct of the exercise or direct 213
the committee to make modifications in the exercise of the plan 214
in accordance with those rules. 215

If the commission finds that the committee's exercise of 216
its plan complies with the criteria established in rules adopted 217
under division (B) (2) (b) of section 3750.02 of the Revised Code, 218
the commission shall issue an order in accordance with section 219
3750.18 of the Revised Code concurring with the conduct of the 220
exercise. If the commission finds that the committee's exercise 221
of its plan does not comply with those criteria, the commission 222
shall, by issuance of such an order, refuse to concur with the 223
conduct of the exercise and direct the committee to make 224
modifications in the exercise of the plan that comply with those 225
rules. 226

Each committee shall annually, or more frequently if 227
changed circumstances in the district or at any facility in the 228
district so require, review the plan of the district. The review 229
shall include, without limitation, an evaluation of the need for 230
funds, personnel, training, equipment, and facilities to 231
develop, revise, implement, and exercise the plan and 232
recommendations and requests to the commission regarding any 233
additional funds that may be needed for those purposes and the 234
means for providing them. 235

(D) The commission, by order, may exempt a committee from 236
conducting an exercise of its plan if, in the determination of 237
the commission, conducting an exercise is likely to have an 238
adverse effect on the public health or safety or the environment 239
of its emergency planning district. Such an exemption shall not 240

<u>last for more than one year.</u>	241
Section 2. That existing section 3750.04 of the Revised Code is hereby repealed.	242 243
Section 3. Section 3750.04 of the Revised Code, as amended by 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 immediate action is crucial to protecting public health during the ongoing COVID-19 pandemic. Therefore, the act shall go into immediate effect.	244 245 246 247 248 249 250