

**As Passed by the Senate**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 201**

**Representative Stephens**

**Cosponsors: Representatives Abrams, Baldrige, Carruthers, Cross, Cutrona, Edwards, Ginter, Gross, Fraizer, Johnson, Patton, Riedel, Schmidt, Seitz, Stewart, Swearingen, Wiggam, Wilkin, Click, Hillyer, Bird, Callender, Carfagna, Ghanbari, Grendell, Holmes, Householder, Jones, Jordan, Loychik, McClain, Merrin, Plummer, Richardson, Stein, White, Speaker Cupp**

**Senators Hoagland, Brenner, Blessing, Cirino, Gavarone, Hackett, Hottinger, Huffman, S., Johnson, Lang, McColley, O'Brien, Reineke, Rulli, Schaffer, Schuring, Wilson**

---

**A BILL**

To enact sections 4933.40, 4933.41, and 4933.42 of  
the Revised Code to prevent local governments  
from limiting use of natural gas and propane.

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

**Section 1.** That sections 4933.40, 4933.41, and 4933.42 of  
the Revised Code be enacted to read as follows:

**Sec. 4933.40.** As used in sections 4933.41 to 4933.42 of  
the Revised Code:

(A) "Political subdivision" means a township, county, or  
municipal corporation.

(B) "Competitive retail natural gas service," "natural gas  
company," "distribution service," and "retail natural gas  
service" have the same meanings as in section 4929.01 of the

Revised Code. 13

(C) "Energy dealer" has the same meaning as in section 14  
5117.01 of the Revised Code. 15

(D) "Propane" has the same meaning as in section 936.01 of 16  
the Revised Code. 17

**Sec. 4933.41.** (A) (1) Every person seeking to obtain 18  
distribution service or retail natural gas service has the right 19  
to obtain any available distribution service or retail natural 20  
gas service from a natural gas company with capacity to provide 21  
service to the person in that location or any available 22  
competitive retail natural gas service from any competitive 23  
retail natural gas service supplier certified to provide that 24  
service to that person in that location. Nothing in this section 25  
shall be construed to require a natural gas company to obtain or 26  
continue any exemption under section 4929.04 of the Revised 27  
Code. 28

(2) Every person seeking to obtain propane has the right 29  
to obtain propane from any energy dealer willing to provide 30  
propane to that customer in that location. 31

(B) (1) Division (A) (1) of this section is limited by 32  
Chapters 4905., 4929., and 4933. of the Revised Code, any 33  
regulations enacted by the public utilities commission 34  
thereunder, and any tariffs approved by the public utilities 35  
commission, and subject to Sections 4 and 6 of Article XVIII, 36  
Ohio Constitution. 37

(2) Division (A) (2) of this section is limited by Chapter 38  
936. of the Revised Code and any regulations enacted by the 39  
director of the department of agriculture thereunder, and 40  
subject to Sections 4 and 6 of Article XVIII, Ohio Constitution. 41

(C) No legislative or executive authority of any political subdivision shall enact any ordinance or resolution or promulgate or impose any building code, contractual provision, or other requirement that limits, prohibits, or prevents residential, commercial, or industrial consumers within their boundaries from using the following: 42  
43  
44  
45  
46  
47

(1) Distribution service or retail natural gas service that would otherwise be available to those consumers under Title 49 and regulations promulgated thereunder; 48  
49  
50

(2) Propane. 51

(D) Except as set forth in division (C) of this section, nothing in section 4933.41 of the Revised Code is intended to inhibit or restrict a municipality's right and ability to enter into and administer franchise agreements pursuant to Sections 4 and 6 of Article XVIII, Ohio Constitution, and sections 4939.01 to 4939.09 of the Revised Code. 52  
53  
54  
55  
56  
57

(E) Nothing in this section shall be construed either to limit a natural gas company's ability to provide service to new customers or to require free extensions of service. 58  
59  
60

(F) Nothing in this section shall be construed to prevent or limit a municipal corporation from exercising its authority pursuant to sections 4928.20 to 4928.28 of the Revised Code. 61  
62  
63

**Sec. 4933.42.** Section 4933.41 of the Revised Code promotes the public policy of the state to do the following: 64  
65

(A) Increase utilization of the state's indigenous energy resources as provided in section 1551.18 of the Revised Code. 66  
67

(B) Promote the availability of natural gas services and goods as provided in section 4929.02 of the Revised Code. 68  
69

(C) Encourage the utilization of propane.

70