

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 267

Representative Jordan

Cosponsors: Representatives Gross, Powell, Riedel, Stoltzfus, Merrin

A BILL

To amend section 3701.13 and to enact sections 1
101.361 and 107.44 of the Revised Code to limit 2
the duration of public health orders and to 3
allow the General Assembly to act via concurrent 4
resolution in response to a public health 5
emergency if the Governor or Department of 6
Health does not. 7

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

Section 1. That section 3701.13 be amended and sections 8
101.361 and 107.44 of the Revised Code be enacted to read as 9
follows: 10

Sec. 101.361. (A) As used in this section, "public health 11
state of emergency" has the same meaning as in section 107.44 of 12
the Revised Code. 13

(B) A special or standing order or rule for preventing the 14
spread of contagious or infectious disease issued by the 15
department of health under section 3701.13 of the Revised Code 16
in response to a public health state of emergency, shall exist 17
for not more than fourteen days, unless extended by the general 18

assembly as provided in division (B)(2) of this section. 19

(2) The general assembly may extend a special or standing order or rule for up to fourteen additional days by adopting a concurrent resolution. The general assembly continuously may extend a special or standing order or rule by adopting subsequent concurrent resolutions, but no extension may last longer than fourteen days. If the general assembly does not extend a special or standing order or rule, the department shall not reissue an identical or substantially similar order or rule, or any restriction contained in the order or rule, for a period of sixty days after the order or rule expires. 20
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(C) The general assembly may submit a written request, upon vote of a majority of the members of each house, to the department asking the department to issue a special or standing order or rule in response to a public health state of emergency. If the department does not issue the requested special or standing order or rule within ten days after receiving the request, the general assembly may adopt a concurrent resolution to prescribe the content of the requested special or standing order or rule. A concurrent resolution adopted under this division shall exist for not more than fourteen days. 30
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Sec. 107.44. (A) As used in this section: 40

"Administrative department head" means a department head listed under section 121.03 of the Revised Code. 41
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"Public health state of emergency" means an emergency for which the governor has declared an emergency in response to a threat to the preservation of the life and health of the people of this state, including an air pollution emergency under section 3704.032 of the Revised Code, an energy shortage 43
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emergency under section 4935.03 of the Revised Code, and an 48
adulterated consumer product emergency under section 3715.74 of 49
the Revised Code. 50

(B)(1) A statewide order issued by, or at the direction 51
of, the governor, the lieutenant governor, or an administrative 52
department head, in response to a public health state of 53
emergency, shall exist for not more than fourteen days, unless 54
extended by the general assembly as provided in division (B)(2) 55
of this section. This division does not apply to an order issued 56
to declare a public health state of emergency. 57

(2) The general assembly may extend an order for up to 58
fourteen additional days by adopting a concurrent resolution. 59
The general assembly continuously may extend an order by 60
adopting subsequent concurrent resolutions, but no extension may 61
last longer than fourteen days. If the general assembly does not 62
extend an order, the governor, lieutenant governor, or 63
administrative department head shall not reissue an identical or 64
substantially similar order, or any restriction contained in the 65
order, for a period of sixty days after the order expires. 66

(C) The general assembly may submit a written request, 67
upon vote of a majority of the members of each house, to the 68
governor asking the governor to issue a statewide order in 69
response to a public health state of emergency. If the governor 70
does not issue the requested order within ten days after 71
receiving the request, the general assembly may adopt a 72
concurrent resolution to prescribe the content of the requested 73
order. A concurrent resolution adopted under this division shall 74
exist for not more than fourteen days. 75

Sec. 3701.13. (A) As used in this section: 76

(1) "Isolation" means the separation of one or more 77
individuals who have been medically diagnosed with a 78
communicable or contagious disease from other individuals who 79
have not been medically diagnosed with the disease. 80

(2) "Quarantine" means the separation or restriction of 81
movement of one or more individuals who have come into direct 82
contact with someone who has been medically diagnosed with a 83
communicable or contagious disease. 84

(B) (1) The department of health shall have supervision of 85
all matters relating to the preservation of the life and health 86
of the people and have authority in matters of quarantine and 87
isolation, which it may declare and enforce, when neither 88
exists, and modify, relax, or abolish, when either has been 89
established. The authority of the department of health under 90
this section is superior to the authority of a board of health 91
of a city or general health district or the authority having the 92
duties of a board of health under section 3709.05 of the Revised 93
Code. 94

(2) The department may approve methods of immunization 95
against the diseases specified in section 3313.671 of the 96
Revised Code for the purpose of carrying out the provisions of 97
that section and take such actions as are necessary to encourage 98
vaccination against those diseases. 99

(C) Subject to ~~section~~ sections 101.36 and 101.361 of the 100
Revised Code, the department may make special or standing orders 101
or rules for preventing the spread of contagious or infectious 102
diseases. Except as provided in section 101.361 of the Revised 103
Code, such an order or rule, when issued in response to a public 104
health state of emergency as defined in section 107.44 of the 105
Revised Code, shall exist for not more than fourteen days. 106

(D) In addition to the authority granted by division ~~(C)~~ 107
~~(1)~~ (C) of this section, the department may make special or 108
standing orders or rules for any of the following purposes: 109

(1) To prevent the use of fluoroscopes for nonmedical 110
purposes that emit doses of radiation likely to be harmful to 111
any person; 112

(2) To govern the receipt and conveyance of remains of 113
deceased persons; 114

(3) To address such other sanitary matters as are best 115
controlled by a general rule. 116

(E) Whenever possible, the department shall work in 117
cooperation with the health commissioner of a general or city 118
health district. 119

In any of the following circumstances, the department may 120
make and enforce orders in local matters or reassign substantive 121
authority for mandatory programs from a general or city health 122
district to another general or city health district: when an 123
emergency exists, when the board of health of a general or city 124
health district has neglected or refused to act with sufficient 125
promptness or efficiency, or when such board has not been 126
established as provided by sections 3709.02, 3709.03, 3709.05, 127
3709.06, 3709.11, 3709.12, and 3709.14 of the Revised Code. In 128
such cases, the necessary expense incurred shall be paid by the 129
general health district or city for which the services are 130
rendered. 131

The department of health may require general or city 132
health districts to enter into agreements for shared services 133
under section 9.482 of the Revised Code. The department shall 134
prepare and offer to boards of health a model contract and 135

memorandum of understanding that are easily adaptable for use by 136
boards of health when entering into shared services agreements. 137
The department also may offer financial and other technical 138
assistance to boards of health to encourage the sharing of 139
services. 140

As a condition precedent to receiving funding from the 141
department of health, the director of health may require general 142
or city health districts to apply for accreditation by July 1, 143
2018, and be accredited by July 1, 2020, by an accreditation 144
body approved by the director. The director of health, by July 145
1, 2016, shall conduct an evaluation of general and city health 146
district preparation for accreditation, including an evaluation 147
of each district's reported public health quality indicators as 148
provided for in section 3701.98 of the Revised Code. 149

(F) The department may make evaluative studies of the 150
nutritional status of Ohio residents, and of the food and 151
nutrition-related programs operating within the state. Every 152
agency of the state, at the request of the department, shall 153
provide information and otherwise assist in the execution of 154
such studies. 155

Section 2. That existing section 3701.13 of the Revised 156
Code is hereby repealed. 157