

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 295

Representative Jordan

Cosponsors: Representatives Hall, Cross, Stoltzfus, Riedel, Vitale, McClain, Bird

A BILL

To enact section 101.03 of the Revised Code 1
regarding the constitutionality of federal 2
actions. 3

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

Section 1. That section 101.03 of the Revised Code be 4
enacted to read as follows: 5

Sec. 101.03. (A) As used in this section: 6

"Political subdivision" means a county, township, 7
municipal corporation, or other body corporate and politic that 8
is responsible for governmental activities in an area smaller 9
than the state. 10

"State" means the state of Ohio, including the general 11
assembly, the courts, the offices of all elected state officers, 12
and all departments, boards, offices, commissions, agencies, 13
colleges and universities, institutions, and other 14
instrumentalities of the state of Ohio. 15

(B) The general assembly may review any executive order 16
issued by the president of the United States, federal agency 17

rule, or federal congressional action to determine the 18
constitutionality of such order, rule, or action. Upon 19
recommendation from the general assembly, the attorney general 20
shall review such order, rule, or action by the federal 21
government to determine the constitutionality of the order, 22
rule, or action and whether the state should seek an exemption 23
from the application of the order, rule, or action or seek to 24
have the order, rule, or action declared unconstitutional. 25

(C) Should the attorney general decline to pursue action 26
based upon the determination of the general assembly, the 27
general assembly may declare the order, rule, or action 28
unconstitutional by a majority vote. 29

(D) Notwithstanding any other provision of law, the state, 30
any political subdivision of the state, or any person that 31
receives public funds shall not implement any order, rule, or 32
action that restricts a person's rights, or that the attorney 33
general or the general assembly by a majority vote determines to 34
be unconstitutional under division (B) or (C) of this section. 35