

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 463

Representative Stephens



A BILL

To amend sections 3701.57, 3707.34, 3709.012, 1
3709.02, 3709.03, 3709.07, 3709.071, 3709.08, 2
3709.09, 3709.10, 3709.19, 3709.28, 3709.35, 3
3709.41, 3717.25, and 3717.45 and to repeal 4
section 3709.04 of the Revised Code to eliminate 5
district advisory councils for general health 6
districts, and transfer their duties and 7
responsibilities to boards of county 8
commissioners. 9

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

Section 1. That sections 3701.57, 3707.34, 3709.012, 10
3709.02, 3709.03, 3709.07, 3709.071, 3709.08, 3709.09, 3709.10, 11
3709.19, 3709.28, 3709.35, 3709.41, 3717.25, and 3717.45 of the 12
Revised Code be amended to read as follows: 13

Sec. 3701.57. All prosecutions and proceedings by the 14
department of health for the violation of sections 3701.01 to 15
3701.56, 3705.01 to 3705.29, 3707.06, 3709.01 to ~~3709.04~~3709.03, 16
3709.07 to 3709.11, 3709.13, 3709.17, 3709.18, and 3709.21 to 17
3709.36 of the Revised Code, or for the violation of any of the 18
orders or rules of the department, shall be instituted by the 19

director of health. Except as provided in division (C) of 20
section 3701.571 of the Revised Code, all fines or judgments the 21
department collects shall be paid into the state treasury to the 22
credit of the general revenue fund. 23

The director of health, the board of health of a general 24
or city health district, or any person charged with enforcing 25
the rules of the department of health as provided in section 26
3701.56 of the Revised Code may petition the court of common 27
pleas for injunctive or other appropriate relief requiring any 28
person violating a rule adopted by or any order issued by the 29
director of health under this chapter to comply with such rule 30
or order. The court of common pleas of the county in which the 31
offense is alleged to be occurring may grant such injunctive or 32
other appropriate relief as the equities of the case require. 33

Sec. 3707.34. (A) The health commissioner appointed by a 34
board of health of a general or city health district may act on 35
behalf of the board in administering the provision of sections 36
3707.04 to 3707.32 of the Revised Code regarding quarantine and 37
isolation if the commissioner acts pursuant to a policy the 38
board adopts as described in division (B) of this section and 39
either of the following applies: 40

(1) Circumstances render a meeting of the board 41
impractical or impossible. 42

(2) Delaying action until a meeting of the board 43
compromises the public health. 44

(B) Each board of health shall adopt a policy, subject to 45
the approval of the ~~district advisory council~~ board of county 46
commissioners of the county in which a general health district 47
is located, or the city council for city health districts ~~not~~ 48

~~governed by an advisory council~~, specifying the actions that a 49
health commissioner may take pursuant to this section. Any 50
action a health commissioner takes in accordance with the 51
~~board's~~ board of health's policy is deemed an action taken by 52
the board of health unless the board votes to nullify the 53
commissioner's action. 54

Sec. 3709.012. (A) Except as provided in division (F) of 55
this section, not later than the date that is eighteen months 56
after the official announcement of the result of a federal 57
decennial census taken in a particular census year, including 58
the 2020 census, a city with a population less than fifty 59
thousand that is represented by a board of health of a city 60
health district shall complete a study examining the efficiency 61
and effectiveness of the city health district merging with the 62
general health district of the county in which the city is 63
located. As part of the study, the city shall compare the 64
merger's efficiency and effectiveness with that of remaining as 65
a separate health district. 66

(B) The director of health shall develop criteria to be 67
used by the city described in division (A) of this section in 68
determining whether such a merger is advisable. The criteria may 69
include accreditation standards promulgated by the public health 70
accreditation board. 71

(C) The director of health shall provide technical and 72
financial assistance to each city described in division (A) of 73
this section and shall oversee any efficiency and effectiveness 74
study conducted. 75

(D) If, based on the criteria described in division (B) of 76
this section, the study indicates that a merger would be 77
efficient and effective, then the chief executive of the city 78

shall enter into a contract with the ~~district advisory council-~~ 79
board of county commissioners of the county in which the general 80
health district is located that includes the city for the 81
administration of health affairs in the former city health 82
district and the merged general health district. 83

(E) If a merger is required by this section, the merger 84
shall be completed not later than thirty months after the 85
official announcement of the result of a federal decennial 86
census, unless either of the following, as applicable, acts for 87
good cause to delay implementation of the merger: 88

(1) In the case of a general health district consisting of 89
a single county, the ~~district advisory council board of county~~ 90
commissioners of the county in which the general health district 91
is located; 92

(2) In the case of a general health district consisting of 93
more than one county as a result of a union of general health 94
districts under section 3709.10 of the Revised Code, the 95
~~district advisory council board of county commissioners~~ 96
representing the county within the district where a majority of 97
the population to be served by the merged general health 98
district resides. 99

(F) This section does not apply to a city with a 100
population less than fifty thousand whose city health district 101
meets either of the following conditions regarding accreditation 102
by an accreditation body approved by the director of health: 103

(1) The district has received accreditation and maintains 104
its accreditation. 105

(2) The district is in the process of applying for 106
accreditation on ~~the effective date of this section~~ September 107

30, 2021, receives accreditation not later than December 31, 108
2025, and maintains its accreditation. 109

Sec. 3709.02. (A) In each general health district there 110
shall be a board of health consisting of five members to be 111
appointed as provided in sections 3709.03 and 3709.41 of the 112
Revised Code. The term of office of the members shall be five 113
years from the date of appointment, except that of those first 114
appointed one shall serve for five years, one for four years, 115
one for three years, one for two years, and one for one year, 116
and thereafter one shall be appointed each year. This paragraph 117
does not apply to a combined board of health created under 118
section 3709.07 of the Revised Code. 119

(B) Each member of the board shall be paid a sum not to 120
exceed eighty dollars a day for the member's attendance at each 121
meeting of the board. No member shall receive compensation for 122
attendance at more than eighteen meetings in any year. 123

(C) Each member of the board shall receive travel expenses 124
at rates established by the director of budget and management 125
pursuant to section 126.31 of the Revised Code to cover the 126
actual and necessary travel expenses incurred for travel to and 127
from meetings that take place outside the county in which the 128
member resides, except that any member may receive travel 129
expenses for registration for any conference that takes place 130
inside the county in which the member resides. 131

(D) A vacancy in the membership of the board shall be 132
filled in the same manner as an original appointment and shall 133
be for the unexpired term. When a vacancy occurs in a position 134
to be filled by the ~~district advisory council~~board of county 135
commissioners, the ~~council~~board of county commissioners shall 136
hold a special meeting pursuant to section 3709.03 of the 137

Revised Code for the purpose of appointing a member to fill the 138
vacancy. 139

(E) A majority of the members of the board constitutes a 140
quorum. 141

Sec. 3709.03. (A) ~~There is hereby created in each general~~ 142
~~health district a district advisory council. A council shall~~ 143
~~consist of the president of the board of county commissioners,~~ 144
~~the chief executive of each municipal corporation not~~ 145
~~constituting a city health district, and the chairperson of the~~ 146
~~board of township trustees of each township. The board of county~~ 147
~~commissioners, the legislative body of a municipal corporation,~~ 148
~~and the board of township trustees of a township may select an~~ 149
~~alternate from among themselves to serve if the president, the~~ 150
~~chief executive, or the chairperson is unable to attend any~~ 151
~~meeting of the district advisory council. When attending a~~ 152
~~meeting on behalf of a council member, the alternate may vote on~~ 153
~~any matter on which the member is authorized to vote.~~ 154

~~The council shall organize by selecting a chair and~~ 155
~~secretary from among its members. The council shall adopt bylaws~~ 156
~~governing its meetings, the transaction of business, and voting~~ 157
~~procedures.~~ 158

~~The council shall meet annually in March at a place~~ 159
~~determined by the chair and the health commissioner for the~~ 160
~~purpose of electing the chair and the secretary, making~~ 161
~~necessary appointments to the board of health, receiving and~~ 162
~~considering the annual or special reports from the board of~~ 163
~~health, and making recommendations to the board of health or to~~ 164
~~the department of health in regard to matters for the betterment~~ 165
~~of health and sanitation within the general health district or~~ 166
~~for needed legislation. The secretary-clerk of the council-board~~ 167

of county commissioners shall notify the district health 168
commissioner and the director of health of the proceedings of 169
such meeting. 170

~~Special meetings of the council shall be held on the order~~ 171
~~of any of the following:~~ 172

~~(1) The director of health;~~ 173

~~(2) The board of health;~~ 174

~~(3) The lesser of five or a majority of district advisory~~ 175
~~council members.~~ 176

The district health commissioner shall attend all meetings 177
of the ~~council~~board of county commissioners described in this 178
division. 179

(B) The ~~district advisory council~~board of county 180
commissioners of the county in which a general health district 181
is located shall appoint five members of the board of health,~~—~~ 182
~~unless of the general health district, and if the board of~~ 183
health has established a health district licensing council under 184
section 3709.41 of the Revised Code, ~~in which case, the district~~ 185
~~advisory council shall appoint four members of the board of~~ 186
~~health, and the health district licensing council shall appoint~~ 187
~~one member~~two additional members of the board of health. ~~At—~~ 188

The five members of the board of health appointed by the 189
board of county commissioners shall consist of the following: 190

(1) At least one member of the board of health shall be a 191
physician; 192

(2) At least one person representing the board of county 193
commissioners; 194

(3) At least one person representing the boards of 195

township trustees of the townships located in the general health district; 196
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(4) At least one person representing the municipal corporations in the general health district that do not constitute a city health district; 198
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(5) At least one person that represents school districts located in the general health district. 201
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Appointments shall be made with due regard to equal representation of all parts of the district. 203
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~~(C) If at an annual or special meeting at which a member of the board of health is to be appointed fewer than a majority of the members of the district council are present, the council, by the majority vote of council members present, may organize an executive committee to make the appointment. An executive committee shall consist of five council members, including the president of the board of county commissioners, the council chair, the council secretary, and two additional council members selected by majority affirmative vote of the council members present at the meeting. The additional members selected shall include one representative of municipal corporations in the district that are not city health districts and one representative of townships in the district. If an individual is eligible for more than one position on the executive committee due to holding a particular office, the individual shall fill one position on the committee and the other position shall be filled by a member selected by a majority affirmative vote of the council members present at the meeting. A council member's alternate for annual meetings may serve as the member's alternate at meetings of the executive committee.~~ 205
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~~Not later than thirty days after an executive committee is~~ 225
~~organized, the committee shall meet and the council chair shall~~ 226
~~present to the committee the matter of appointing a member of~~ 227
~~the board of health. The committee board of county commissioners~~ 228
shall appoint members of the board member of health by majority 229
affirmative vote, and the board of county commissioners may 230
remove members of the board of health by majority affirmative 231
vote. In the case of a combined health district, the ~~executive-~~ 232
~~committee shall appoint only members of the board of health that-~~ 233
~~are to be appointed by the district advisory council, boards of~~ 234
~~county commissioners of each general health district that is~~ 235
~~part of the combined health district shall only appoint members~~ 236
~~of the board of health when the boards of county commissioners~~ 237
~~meet in joint session, unless the contract for administration of~~ 238
health affairs in the combined district provides otherwise. ~~If a-~~ 239
~~majority affirmative vote is not reached within thirty days-~~ 240
~~after the executive committee is organized, the director of-~~ 241
~~health shall appoint the member of the board of health under the-~~ 242
~~authority conferred by section 3709.03 of the Revised Code.~~ 243

If the ~~council~~ board of county commissioners fails to meet 244
or appoint a member of the board of health as required by this 245
section or section 3709.02 of the Revised Code, the director of 246
health may appoint the member. 247

Sec. 3709.07. (A) Except as provided in section 3709.071 248
of the Revised Code, when it is proposed that one or more city 249
health districts unite with a general health district in the 250
formation of a single district, the ~~district advisory council-~~ 251
board of county commissioners of the county in which the general 252
health district is located shall meet and vote on the question 253
of union. It shall require a majority affirmative vote of the 254
members of the ~~district advisory council~~ board of county 255

commissioners to carry the question. The legislative authority 256
of each city constituting a city health district shall likewise 257
vote on the question. A majority voting affirmatively shall be 258
required for approval. When the majority of the ~~district-~~ 259
~~advisory council~~ board of county commissioners and the 260
legislative authority have voted affirmatively, the chair of the 261
~~council~~ board and the chief executive of each city shall enter 262
into a contract for the administration of health affairs in the 263
combined district. Such contract shall state the proportion of 264
the expenses of the board of health or health department of the 265
combined district ~~to~~ to be paid by the city or cities and by 266
the original general health district. The contract may provide 267
that the administration of the combined district shall be taken 268
over by either the board of health or health department of one 269
of the cities, by the board of health of the general health 270
district, or by a combined board of health. Such contract shall 271
prescribe the date on which such change of administration shall 272
be made. A copy of such contract shall be filed with the 273
director of health. 274

The combined district shall constitute a general health 275
district, and the board of health or health department of the 276
city, the board of health of the original general health 277
district, or the combined board of health, as may be agreed in 278
the contract, shall have, within the combined district, all the 279
powers granted to, and perform all the duties required of, the 280
board of health of a general health district. 281

~~The district advisory council of the combined general-~~ 282
~~health district shall consist of the members of the district-~~ 283
~~advisory council of the original general health district and the-~~ 284
~~chief executive of each city constituting a city health-~~ 285
~~district, each member having one vote.~~ 286

(B) If the contract provides that the administration of the combined district shall be taken over by a combined board of health, rather than the board of health of the original health district, the contract shall set forth the number of members of such board, their terms of office, and the manner of appointment or election of officers. ~~One of the~~ The members of such combined board of health shall ~~be a~~ include the following:

(1) At least one physician;

(2) At least one person representing the board of county commissioners;

(3) At least one person representing the boards of township trustees of the townships located in the combined health district;

(4) At least one person representing the municipal corporations in the combined health district that do not constitute a city health district;

(5) At least one person that represents school districts located in the general health district; and ~~one member~~

(6) Two members shall be ~~an individual~~ individuals appointed by the health district licensing council, if such council is established under section 3709.41 of the Revised Code.

The contract may also provide for the representation of areas by one or more members and shall, in such event, specify the territory to be included in each such area.

The contract may also provide that the appointment of any member of the combined board who is designated by the provisions of the contract to represent a city shall be made by the chief

executive and approved by the legislative authority of such 315
city. ~~If a member is designated by the contract to represent~~ 316
~~more than one city, the member shall be appointed by majority~~ 317
~~vote of the chief executives of all cities included in any such~~ 318
area. Except for the member appointed by the health district 319
licensing council, if such council is established, the 320
appointment of all members of the combined board who are 321
designated to represent the balance of the district shall be 322
made by the district advisory council. 323

(C) The service status of any person employed by a city or 324
general health district shall not be affected by the creation of 325
a combined district. 326

Sec. 3709.071. If at least three per cent of the qualified 327
electors residing within each of one or more city health 328
districts and a general health district sign a petition for 329
union into a single general health district, an election shall 330
be held as provided in this section to determine whether a 331
single general health district shall be formed. The petition for 332
union may specify regarding the board of health of the new 333
district: 334

(A) The qualifications for membership, consistent with the 335
requirements listed for a combined board of health in division 336
(B) of section 3709.07 of the Revised Code; 337

(B) The term of office; 338

(C) The number of members or a method by which the number 339
may be determined from time to time; 340

(D) The method of appointment. 341

Such petition shall be filed with the boards of county 342
commissioners of the respective counties affected, subject to 343

approval of the director of health, and such boards shall 344
promptly certify the text of the proposal to the boards of 345
election for the purpose of having the proposal placed on the 346
ballot at the next general election occurring more than ninety 347
days after the filing of the petition with the boards of 348
election. The election procedures provided in Chapter 3505. of 349
the Revised Code for questions and issues shall be followed. If 350
a majority of the electors voting on the proposal in each of the 351
health districts affected vote in favor thereof, the union of 352
such districts into a single general health district shall be 353
established on the second succeeding January 1. 354

When the establishment of a combined health district has 355
been approved by the electors of a general health district and 356
one or more city health districts, the chairperson of the 357
~~district advisory council board of county commissioners~~ and the 358
chief executive of each city uniting with the general health 359
district shall enter into a contract for the administration of 360
health affairs in the combined district. Such contract shall 361
conform to the provisions of section 3709.07 of the Revised Code 362
regarding the contract for the administration of health affairs 363
in a combined district, except that the date of the change of 364
administration shall be as provided in this section and except 365
for the specifications as to the board of health of the new 366
district contained in the petition and submitted to the electors 367
in the proposal to establish such district. 368

Sec. 3709.08. (A) A board of health of a city or general 369
health district or the authority having the duties of a board of 370
health under section 3709.05 of the Revised Code may enter into 371
a contract to provide some or all public health services for a 372
board of health of another city or general health district. 373

(B) Each contract entered under division (A) of this section shall do all of the following:	374 375
(1) State the amount of money or the proportion of expenses to be paid by the board of health or authority having the duties of a board of health for such services and how it is to be paid;	376 377 378 379
(2) Specify the amount and character of the public health services to be provided;	380 381
(3) State the date on which the provision of services is to begin;	382 383
(4) State the length of time the contract is to be in effect.	384 385
(C) Except as provided in division (D) of this section, no contract entered into under division (A) of this section shall be in effect until both of the following are the case:	386 387 388
(1) The director of health determines that the board of health or authority having the duties of a board of health that is to provide the services is organized and equipped to provide the services. After such a determination is made, the board of health or authority having the duties of a board of health providing the services shall have, within the health district receiving the services, all the powers and shall perform all the duties required of the board of health or the authority having the duties of a board of health.	389 390 391 392 393 394 395 396 397
(2) One of the following, as applicable, is the case:	398
(a) If the contract is with a city constituting a city health district, the chief executive of that city, with the approval of the majority of the members of the legislative	399 400 401

authority of that city, approves the contract. 402

(b) If the contract is with the board of health of a 403
general health district, the chairperson of the ~~district~~ 404
~~advisory council~~ board of county commissioners of the county in 405
which the general health district is located, with the approval 406
of a majority of the members of the ~~district advisory~~ 407
~~council~~ board of county commissioners, approves the contract. 408

(c) If the contract is with an authority having the duties 409
of a board of health under section 3709.05 of the Revised Code, 410
the majority of the members of the authority's governing body 411
approves the contract. 412

(D) A contract entered into under division (A) of this 413
section that is for not all but for only one or some public 414
health services provided by a board of health or the authority 415
having the duties of a board of health shall neither require a 416
determination by the director of health described in division 417
(C) (1) of this section nor an approval by the persons described 418
in division (C) (2) (a), (b), or (c), as applicable, to be 419
effective. 420

Sec. 3709.09. (A) The board of health of a city or general 421
health district may, by rule, establish a uniform system of fees 422
to pay the costs of any services provided by the board. 423

The fee for issuance of a certified copy of a vital record 424
or a certification of birth shall not be less than the fee 425
prescribed for the same service under division (A) (1) of section 426
3705.24 of the Revised Code and shall include the fees required 427
by division (B) of section 3705.24 and section 3109.14 of the 428
Revised Code. 429

Fees for services provided by the board for purposes 430

specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 431
3730.03, and 3749.04 of the Revised Code shall be established in 432
accordance with rules adopted under division (B) of this 433
section. The ~~district advisory council~~board of county 434
commissioners, in the case of a general health district, and the 435
legislative authority of the city, in the case of a city health 436
district, may disapprove any fee established by the board of 437
health under this division, and any such fee, as disapproved, 438
shall not be charged by the board of health. 439

(B) The director of health shall adopt rules under section 440
111.15 of the Revised Code that establish fee categories and a 441
uniform methodology for use in calculating the costs of services 442
provided for purposes specified in sections 3701.344, 3711.10, 443
3718.06, 3729.07, 3730.03, and 3749.04 of the Revised Code. In 444
adopting the rules, the director shall consider recommendations 445
it receives from advisory boards established either by statute 446
or the director for entities subject to the fees. 447

(C) Except when a board of health establishes a fee by 448
adopting a rule as an emergency measure, the board of health 449
shall hold a public hearing regarding each proposed fee for a 450
service provided by the board for a purpose specified in section 451
3701.344, 3711.10, 3718.06, 3729.07, 3730.03, or 3749.04 of the 452
Revised Code. If a public hearing is held, at least twenty days 453
prior to the public hearing the board shall give written notice 454
of the hearing to each entity affected by the proposed fee. The 455
notice shall be mailed to the last known address of each entity 456
and shall specify the date, time, and place of the hearing and 457
the amount of the proposed fee. 458

(D) If payment of a fee established under this section is 459
not received by the day on which payment is due, the board of 460

health shall assess a penalty. The amount of the penalty shall 461
be equal to twenty-five per cent of the applicable fee. 462

(E) All rules adopted by a board of health under this 463
section shall be adopted, recorded, and certified as are 464
ordinances of municipal corporations and the record thereof 465
shall be given in all courts the same effect as is given such 466
ordinances, but the advertisements of such rules shall be by 467
publication in one newspaper of general circulation within the 468
health district. Publication shall be made once a week for two 469
consecutive weeks or as provided in section 7.16 of the Revised 470
Code, and such rules shall take effect and be in force ten days 471
from the date of the first publication. 472

Sec. 3709.10. When it is proposed that two or more general 473
health districts unite in the formation of one general health 474
district, the ~~district advisory council~~ board of county 475
commissioners of each county in which a general health district 476
is located shall meet and vote on the question of union. An 477
affirmative majority vote of ~~the district advisory council~~ each 478
board of county commissioners shall be required for approval. 479
When the ~~district advisory councils~~ boards have voted 480
affirmatively on the question, they shall meet in joint session 481
and shall elect a board of health for the combined districts. 482
Each original general health district shall be entitled to at 483
least one member on the board of health of the combined 484
districts. 485

When such union is completed, the district shall 486
constitute a general health district and shall be governed in 487
the manner provided for general health districts. When two or 488
more general health districts unite to form one district, the 489
office of the board of health shall be located at the county 490

seat of the county selected by the joint board of ~~district-~~ 491
~~advisory councils~~county commissioners. 492

When two or more general health districts have been 493
combined into a single district, the county auditor of the 494
county selected by the joint board of ~~district advisory councils-~~ 495
county commissioners as the location of the central office of 496
the board of health shall be the auditor of such district and 497
the county treasurer of such county shall be the custodian of 498
the health funds of such district. When the budget of such 499
combined general health district is a matter for consideration, 500
the members of the budget commissions of the counties 501
constituting the district shall sit as a joint board for 502
considering and acting on such budget. 503

Sec. 3709.19. The secretary of the board of health of a 504
city or general health district shall keep a complete and 505
accurate record of the proceedings of the board together with a 506
record of diseases reported to the health commissioner. The 507
records shall be kept as required by the director of health. 508

In each general health district, the health commissioner 509
shall prepare a quarterly report detailing the board's 510
activities during the preceding three months. The secretary 511
shall provide a complete and accurate copy of the record of 512
proceedings of the board of health to the health commissioner 513
for the purpose of preparing the report. The quarterly reports 514
shall be submitted to the ~~district advisory council~~ board of 515
county commissioners of the county in which the general health 516
district is located on or before the first day of January, 517
April, July, and October of each year. 518

On leaving office, the secretary shall turn over to the 519
succeeding secretary all books, records, papers, and other 520

matter belonging to the board of health. 521

Each board of health or person performing the duties of 522
the board of health shall procure suitable books, blanks, and 523
other things necessary to the transaction of its business. The 524
forms shall be used as the director of health prescribes. 525

Sec. 3709.28. (A) If a general health district will 526
receive any part of its revenue for a fiscal year from an 527
appropriation apportioned among the townships and municipal 528
corporations composing the district, the board of health of the 529
district shall adopt an itemized appropriation measure under 530
this section for that fiscal year on or before the first day of 531
April of the immediately preceding fiscal year. If a general 532
health district will not receive any part of its revenue for a 533
fiscal year from an appropriation apportioned among the 534
townships and municipal corporations composing the district, the 535
board of health of the district shall adopt an annual 536
appropriation measure for that fiscal year under this section or 537
sections 5705.38, 5705.39, and 5705.40 of the Revised Code. 538

(B) An appropriation measure adopted under this section 539
shall set forth the amounts for the current expenses of the 540
district for the ensuing fiscal year. The appropriation measure, 541
together with an estimate in itemized form, of the several 542
sources of revenue available to the district, including the 543
amount due from the state for the next fiscal year as provided 544
in section 3709.32 of the Revised Code and the amount which the 545
board anticipates will be collected in fees or from any tax 546
levied for the benefit of the district under this chapter or 547
Chapter 5705. of the Revised Code during the fiscal year, shall 548
be submitted to the board of county commissioners of the county 549
in which the general health district is located, which may 550

approve or adjust the measure. The measure then shall be 551
certified to the county auditor and by the county auditor 552
submitted to the county budget commission, which may reduce the 553
appropriation to be apportioned among the townships and 554
municipal corporations composing the district in accordance with 555
division (C) of this section. 556

(C) The aggregate appropriation, as fixed by the 557
commission, less the amounts available to the general health 558
district from all sources of revenue certified for the ensuing 559
fiscal year, including any amounts in the district health fund 560
from the previous appropriation, and after considering and 561
allowing for funds needed to fund ongoing operations in the 562
ensuing fiscal year, shall be apportioned by the county auditor 563
among the townships and municipal corporations composing the 564
health district on the basis of taxable valuations in such 565
townships and municipal corporations. The auditor, when making 566
the auditor's semiannual apportionment of funds, shall retain at 567
each semiannual apportionment one-half of the amount apportioned 568
to each township and municipal corporation. Such moneys shall be 569
placed in a separate fund to be known as the "district health 570
fund." Unless otherwise required by a provision of the Revised 571
Code or a rule adopted pursuant thereto, all other sources of 572
revenue of the district shall be placed in the district health 573
fund, provided that the revenue is used and maintained in 574
accordance with the purpose for which the revenue was received. 575

(D) When a general health district is composed of 576
townships and municipal corporations in two or more counties, 577
the county auditor making the original apportionment shall 578
certify to the auditor of each county concerned the amount 579
apportioned to each township and municipal corporation in such 580
county. Each auditor shall withhold from the semiannual 581

apportionment to each such township or municipal corporation the 582
amount certified, and shall pay the amounts withheld to the 583
custodian of the funds of the health district concerned, to be 584
credited to the district health fund. In making the 585
apportionment under this paragraph for each year from 2002 586
through 2016, the county auditor shall add to the taxable 587
valuation of each township and municipal corporation the tax 588
value loss determined for each township and municipal 589
corporation under divisions (D) and (E) of section 5727.84 of 590
the Revised Code multiplied by the percentage used for that year 591
in determining replacement payments under division (A) (1) of 592
section 5727.86 of the Revised Code. The tax commissioner shall 593
certify to the county auditor the tax value loss for each 594
township and municipal corporation for which the auditor must 595
make an apportionment. 596

(E) Subject to the aggregate amount as has been 597
apportioned among the townships and municipalities and as may 598
become available from the several sources of revenue, the board 599
of health may, by resolution, transfer funds from one item in 600
their appropriation to another item, reduce or increase any 601
item, create new items, and make additional appropriations or 602
reduce the total appropriation. Any such action shall forthwith 603
be certified by the secretary of the board of health to the 604
auditor for submission to and approval by the budget commission. 605

(F) When any general health district has been united with 606
or has contracted with a city health district located therein, 607
the chief executive of the city shall, annually, on or before 608
the first day of June, certify to the county auditor the total 609
amount due for the ensuing fiscal year from the municipal 610
corporations and townships in the district as provided in the 611
contract between such city and the ~~district advisory council~~ 612

board of county commissioners of the county in which the 613
original general health district is located. After approval by 614
the county budget commission, the county auditor shall thereupon 615
apportion the amount certified to the townships and municipal 616
corporations, and shall withhold the sums apportioned as 617
provided in this section. 618

Sec. 3709.35. If the director of health charges that the 619
health commissioner or a member of the board of health of a 620
health district is guilty of misfeasance, malfeasance, or 621
nonfeasance or has failed to perform any or all of the duties 622
required by sections 3701.10, 3701.29, 3701.81, 3707.08, 623
3707.14, 3707.16, 3707.47, and 3709.01 to 3709.36 of the Revised 624
Code, the director shall notify the commissioner or board member 625
as to the time and place at which such charges will be heard. If 626
the director, after hearing, finds the commissioner or board 627
member guilty of the charge, it may remove such commissioner or 628
member from office. 629

If ~~the lesser of three or one-fifth~~ a majority of the 630
members of a ~~district advisory council~~ board of county 631
commissioners of the county in which a general health district 632
is located have reason to believe a member of the board of 633
health of a general health district is guilty of misfeasance, 634
malfeasance, or nonfeasance or has failed to perform any or all 635
of the duties required by sections 3701.10, 3701.29, 3701.81, 636
3707.14, 3707.16, 3707.47, and 3709.01 to 3709.36 of the Revised 637
Code, the ~~district advisory council members~~ board of county 638
commissioners shall prefer a charge against the board of health 639
member before the ~~district advisory council~~ board of county 640
commissioners and shall notify the board of health member as to 641
the time and place at which such charges will be heard. If a 642
majority of the ~~council~~ board of county commissioners, after 643

hearing, finds the board of health member guilty of the charge, 644
it may remove the member from office. 645

When any member of the board of health of a general or 646
city health district is removed from office, the ~~district-~~ 647
~~advisory council-~~ board of county commissioners or the chief 648
executive of the city, upon notice of such removal, shall within 649
thirty days after receipt of such notice fill the vacancy in 650
accordance with section 3709.03 or 3709.05 of the Revised Code. 651

Sec. 3709.41. (A) The board of health of each city and of 652
each general health district may establish a health district 653
licensing council, to be appointed by the entity that has 654
responsibility for appointing the board of health in the health 655
district. The members of the council shall consist of one 656
representative of each business activity for which the board of 657
health operates a licensing program. To be appointed and remain 658
a member, an individual shall be a resident of the health 659
district for which the council was created. 660

The appointing authority shall make initial appointments 661
to the council not later than thirty days after the board of 662
health establishes the council. Of the initial appointments to 663
the council, one-third of the members, rounded to the nearest 664
whole number, shall serve for a term ending three years after 665
the date of appointment; one-third, rounded to the nearest whole 666
number, shall serve for a term ending four years after the date 667
of appointment; and the remaining members shall serve for a term 668
ending five years after the date of appointment. Thereafter, 669
terms of office shall be five years, with each term ending on 670
the same day of the same month as did the term that it succeeds. 671

Each member shall hold office from the date of the 672
member's appointment until the end of the term for which the 673

member was appointed. Members may be reappointed. 674

Vacancies shall be filled in the manner provided for 675
original appointments. Any member appointed to fill a vacancy 676
occurring prior to the expiration of the term for which the 677
member's predecessor was appointed shall hold office as a member 678
for the remainder of that term. A member shall continue in 679
office subsequent to the expiration date of the member's term 680
until the member's successor takes office or until a period of 681
sixty days has elapsed, whichever occurs first. 682

Members shall serve without compensation, except to the 683
extent that serving on the council is part of their regular 684
duties of employment. 685

(B) Each health district licensing council shall organize 686
by selecting from among its members a chairperson, a secretary, 687
and any other officers it considers necessary. Each council 688
shall adopt bylaws for the regulation of its affairs and the 689
conduct of its business. 690

Each council shall meet at least annually or at more 691
frequent intervals if specified in its bylaws. In addition to 692
the mandatory meetings, a council shall meet at the call of the 693
chairperson or the request of a majority of the council members. 694

(C) Pursuant to sections 3709.03, 3709.05, and 3709.07 of 695
the Revised Code, the health district licensing council, if 696
established by the board of health, shall appoint ~~one member two~~ 697
members of the board of health. The council shall appoint ~~one~~ 698
two of its members to serve as ~~an~~ alternate board of health 699
~~member members~~ if for any reason one or more of the original 700
~~member is members are~~ required to abstain from voting on a 701
particular issue being considered by the board of health. While 702

serving on behalf of the original member, the alternate member 703
has the same powers and duties as the original member. 704

Sec. 3717.25. (A) A licensor may charge fees for issuing 705
and renewing retail food establishment licenses. Any licensing 706
fee charged shall be used solely for the administration and 707
enforcement of the provisions of this chapter and the rules 708
adopted under it applicable to retail food establishments. 709

Any licensing fee charged under this section shall be 710
based on the licensor's costs of regulating retail food 711
establishments, as determined according to the uniform 712
methodologies established under section 3717.07 of the Revised 713
Code. If the licensor is a board of health, a fee may be 714
disapproved by the ~~district advisory council~~ board of county 715
commissioners of the county in which a general health district 716
is located in the case of a general health district, or the 717
legislative authority of the city in the case of a city health 718
district. A disapproved fee shall not be charged by the board of 719
health. 720

Except when a licensing fee is established as an emergency 721
measure, the licensor shall hold a public hearing regarding the 722
proposed fee. At least twenty days prior to holding a public 723
hearing, the licensor shall give written notice of the hearing 724
to each person or government entity holding a retail food 725
establishment license that may be affected by the proposed fee. 726
The notice shall be mailed to the last known address of the 727
licensee and shall specify the date, time, and place of the 728
hearing and the amount of the proposed fee. On request, the 729
licensor shall provide the completed uniform methodology used in 730
the calculation of the licensor's costs and the proposed fee. 731

(B) In addition to licensing fees, a licensor may charge 732

fees for any of the following:	733
(1) Review of facility layout and equipment specifications	734
pertaining to retail food establishments, other than mobile and	735
temporary retail food establishments;	736
(2) Any necessary collection and bacteriological	737
examination of samples from retail food establishments or	738
similar services specified in rules adopted under this chapter	739
by the director of agriculture;	740
(3) Attendance at a course of study offered by the	741
licensor in food protection as it pertains to retail food	742
establishments, if the course is approved under section 3717.09	743
of the Revised Code.	744
(C) (1) The director may determine by rule an amount to be	745
collected from applicants for retail food establishment licenses	746
for use by the director in administering and enforcing the	747
provisions of this chapter and the rules adopted under it	748
applicable to retail food establishments. Licensors shall	749
collect the amount prior to issuing an applicant's new or	750
renewed license. If a licensing fee is charged under this	751
section, the licensor shall collect the amount at the same time	752
the fee is collected. Licensors are not required to provide	753
notice or hold public hearings regarding amounts to be	754
collected.	755
(2) A licensor shall certify the amount collected under	756
division (C) (1) of this section and transmit the amount to the	757
treasurer of state according to the following schedule:	758
(a) For amounts received by the licensor on or after the	759
first day of January but not later than the thirty-first day of	760
March, transmit the amounts not later than the fifteenth day of	761

May; 762

(b) For amounts received by the licensor on or after the 763
first day of April but not later than the thirtieth day of June, 764
transmit the amounts not later than the fifteenth day of August; 765

(c) For amounts received by the licensor on or after the 766
first day of July but not later than the thirtieth day of 767
September, transmit the amounts not later than the fifteenth day 768
of November; 769

(d) For amounts received by the licensor on or after the 770
first day of October but not later than the thirty-first day of 771
December, transmit the amounts not later than the fifteenth day 772
of February of the following year. 773

(3) All amounts received under division (C) (2) of this 774
section shall be deposited into the food safety fund created in 775
section 915.24 of the Revised Code. The director shall use the 776
amounts solely for the administration and enforcement of the 777
provisions of this chapter and the rules adopted under it 778
applicable to retail food establishments. 779

(4) When adopting rules regarding the amounts collected 780
under division (C) (1) of this section, the director shall make 781
available during the rule making process the current and 782
projected expenses of administering and enforcing the provisions 783
of this chapter and the rules adopted under it applicable to 784
retail food establishments and the total of all amounts that 785
have been deposited in the food safety fund pursuant to division 786
(C) (3) of this section. 787

Sec. 3717.45. (A) A licensor may charge fees for issuing 788
and renewing food service operation licenses. Any licensing fee 789
charged shall be used solely for the administration and 790

enforcement of the provisions of this chapter and the rules 791
adopted under it applicable to food service operations. 792

Any licensing fee charged under this section shall be 793
based on the licensor's costs of regulating food service 794
operations, as determined according to the uniform methodologies 795
established under section 3717.07 of the Revised Code. If the 796
licensor is a board of health, a fee may be disapproved by the 797
~~district advisory council~~ board of county commissioners of the 798
county in which a general health district is located in the case 799
of a general health district, or the legislative authority of 800
the city in the case of a city health district. A disapproved 801
fee shall not be charged by the board of health. 802

Except when a licensing fee is established as an emergency 803
measure, the licensor shall hold a public hearing regarding the 804
proposed fee. At least twenty days prior to holding a public 805
hearing, the licensor shall give written notice of the hearing 806
to each person or government entity holding a food service 807
operation license that may be affected by the proposed fee. The 808
notice shall be mailed to the last known address of the licensee 809
and shall specify the date, time, and place of the hearing and 810
the amount of the proposed fee. On request, the licensor shall 811
provide the completed uniform methodology used in the 812
calculation of the licensor's costs and the proposed fee. 813

(B) In addition to licensing fees, a licensor may charge 814
fees for the following: 815

(1) Review of facility layout and equipment specifications 816
pertaining to food service operations, other than mobile and 817
temporary food service operations, or similar reviews conducted 818
for vending machine locations; 819

(2) Any necessary collection and bacteriological examination of samples from food service operations, or similar services specified in rules adopted under this chapter by the director of health;

(3) Attendance at a course of study offered by the licensor in food protection as it pertains to food service operations, if the course is approved under section 3717.09 of the Revised Code.

(C) (1) The director may determine by rule an amount to be collected from applicants for food service operation licenses for use in administering and enforcing the provisions of this chapter and the rules adopted under it applicable to food service operations. Licensors shall collect the amount prior to issuing an applicant's new or renewed license. If a licensing fee is charged under this section, the licensor shall collect the amount at the same time the fee is collected. Licensors are not required to provide notice or hold public hearings regarding amounts to be collected.

(2) A licensor shall certify the amount collected under division (C) (1) of this section and transmit the amount to the treasurer of state according to the following schedule:

(a) For amounts received by the licensor on or after the first day of January but not later than the thirty-first day of March, transmit the amounts not later than the fifteenth day of May;

(b) For amounts received by the licensor on or after the first day of April but not later than the thirtieth day of June, transmit the amounts not later than the fifteenth day of August;

(c) For amounts received by the licensor on or after the

first day of July but not later than the thirtieth day of 849
September, transmit the amounts not later than the fifteenth day 850
of November; 851

(d) For amounts received by the licensor on or after the 852
first day of October but not later than the thirty-first day of 853
December, transmit the amounts not later than the fifteenth day 854
of February of the following year. 855

(3) All amounts received under division (C)(2) of this 856
section shall be deposited into the general operations fund 857
created in section 3701.83 of the Revised Code. The director 858
shall use the amounts solely for the administration and 859
enforcement of the provisions of this chapter and the rules 860
adopted under it applicable to food service operations. 861

Section 2. That existing sections 3701.57, 3707.34, 862
3709.012, 3709.02, 3709.03, 3709.07, 3709.071, 3709.08, 3709.09, 863
3709.10, 3709.19, 3709.28, 3709.35, 3709.41, 3717.25, and 864
3717.45 of the Revised Code are hereby repealed. 865

Section 3. That section 3709.04 of the Revised Code is 866
hereby repealed. 867

Section 4. A member of a board of health who is a member 868
on the effective date of the amendment of section 3709.03 of the 869
Revised Code by this act may finish the member's term of office, 870
and is not subject to removal by a board of county commissioners 871
under the provisions of section 3709.03 of the Revised Code as 872
amended by this act. 873