

**As Reported by the House State and Local Government Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. S. B. No. 22**

**Senators Johnson, McColley**

**Cosponsors: Senators Antani, Brenner, Cirino, Gavarone, Hoagland, Huffman, S.,  
Lang, Peterson, Reineke, Roegner, Romanchuk, Rulli, Schaffer, Blessing, Hackett,  
Hottinger, Huffman, M., Wilson Representatives Wiggam, John, Callender, Creech,  
Dean, Grendell, Stewart**

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**A BILL**

To amend sections 106.022, 111.15, 119.03, 2743.03, 1  
3701.13, 3701.14, 3707.01, 3707.26, 3715.74, and 2  
4935.03 and to enact sections 101.36, 103.65, 3  
103.651, 107.42, 107.43, 3707.11, 3707.54, 4  
3709.212, and 3709.50 of the Revised Code to 5  
establish legislative oversight of certain 6  
orders and rules issued by the executive branch, 7  
including by establishing the Ohio Health 8  
Oversight and Advisory Committee. 9

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

**Section 1.** That sections 106.022, 111.15, 119.03, 2743.03, 10  
3701.13, 3701.14, 3707.01, 3707.26, 3715.74, and 4935.03 be 11  
amended and sections 101.36, 103.65, 103.651, 107.42, 107.43, 12  
3707.11, 3707.54, 3709.212, and 3709.50 of the Revised Code be 13  
enacted to read as follows: 14

**Sec. 101.36.** (A) (1) If the department of health issues a 15  
special or standing order or rule for preventing the spread of 16

contagious or infectious disease under section 3701.13 of the 17  
Revised Code, the general assembly may rescind that special or 18  
standing order or rule, in whole or in part, by adopting a 19  
concurrent resolution. 20

(2) If the director of health takes an action to control 21  
and suppress the cause of disease or illness, including 22  
contagious, infectious, epidemic, pandemic, or endemic 23  
conditions, under section 3701.14 of the Revised Code, the 24  
general assembly may rescind that action, in whole or in part, 25  
by adopting a concurrent resolution. 26

(3) If the general assembly rescinds a special or standing 27  
order or rule or an action by the department of health, in whole 28  
or in part, pursuant to division (A)(1) or (2) of this section, 29  
the department shall not reissue that special or standing order 30  
or rule or rescinded portion thereof, issue a substantially 31  
similar special or standing order or rule or rescinded portion 32  
thereof, take that action or rescinded portion thereof or a 33  
substantially similar action or portion thereof again, or issue 34  
a restriction contained in the rescinded special or standing 35  
order or rule, rescinded action, or portion thereof, for a 36  
period of sixty calendar days following the adoption of a 37  
concurrent resolution by the general assembly. 38

(B) Within sixty calendar days of the general assembly 39  
rescinding a special or standing order or rule or action under 40  
division (A)(1) or (2) of this section, the governor, on behalf 41  
of the department of health or director of health, may submit a 42  
request to the general assembly to permit the department or 43  
director to issue a special or standing order or rule, or take 44  
an action, rescinded by the general assembly. Upon review, the 45  
general assembly may adopt a concurrent resolution authorizing 46

the department or director to issue that rescinded special or 47  
standing order or rule or take that rescinded action, in whole 48  
or in part. 49

(C) A special or standing order or rule issued, or action 50  
taken, by the department or director in violation of this 51  
section is invalid and has no legal effect. 52

**Sec. 103.65.** (A) There is hereby created the Ohio health 53  
oversight and advisory committee. The committee shall consist of 54  
the following members: 55

(1) Three members of the senate appointed by the president 56  
of the senate, two of whom are members of the majority party and 57  
one of whom is a member of the minority party; 58

(2) Three members of the house of representatives 59  
appointed by the speaker of the house of representatives, two of 60  
whom are members of the majority party and one of whom is a 61  
member of the minority party. 62

(B) The president and speaker shall make the initial 63  
appointments to the committee not later than fifteen calendar 64  
days after the effective date of this section. The president and 65  
speaker shall make subsequent appointments not later than 66  
fifteen calendar days after the commencement of the first 67  
regular session of each general assembly. Members of the 68  
committee shall serve on the committee until appointments are 69  
made in the first regular session of the following general 70  
assembly, until a member no longer serves as a member of the 71  
chamber from which the member was initially appointed, or until 72  
a member is removed by the speaker or president. No committee 73  
member shall be removed during the member's term during a state 74  
of emergency as defined in section 107.42 of the Revised Code, 75

unless an extraordinary circumstance exists that prevents a 76  
member from serving on the committee. A vacancy on the committee 77  
shall be filled in the same manner as the original appointment. 78

(C) In odd-numbered years, the president shall designate 79  
one committee member from the senate who is a member of the 80  
majority party as the committee chairperson, and the speaker 81  
shall designate one committee member from the house who is a 82  
member of the majority party as the committee vice-chairperson 83  
and one committee member from the house who is a member of the 84  
minority party as the committee ranking minority member. In 85  
even-numbered years, the speaker shall designate one committee 86  
member from the house who is a member of the majority party as 87  
the committee chairperson, and the president shall designate one 88  
committee member from the senate who is a member of the majority 89  
party as the committee vice-chairperson and one committee member 90  
from the senate who is a member of the minority party as the 91  
committee ranking minority member. 92

(D) In appointing members from the minority party, and in 93  
designating ranking minority members, the president and speaker 94  
shall consult with the minority leader of their respective 95  
houses. 96

(E) The Ohio health oversight and advisory committee shall 97  
meet at the call of the chairperson. 98

(F) The executive director and other employees of the 99  
joint medicaid oversight committee shall serve the Ohio health 100  
oversight and advisory committee to enable the committee to 101  
successfully and efficiently perform its duties. 102

**Sec. 103.651.** (A) As used in this section, "state of 103  
emergency" has the same meaning as in section 107.42 of the 104

<u>Revised Code.</u>	105
<u>(B) (1) The Ohio health oversight and advisory committee</u>	106
<u>has the power to do all of the following:</u>	107
<u>(a) Oversee actions taken by the governor, the department</u>	108
<u>of health, or any other agency during a state of emergency;</u>	109
<u>(b) Oversee the following actions taken by the department</u>	110
<u>or the director of health:</u>	111
<u>(i) Actions to prevent the spread of contagious or</u>	112
<u>infectious diseases under section 3701.13 of the Revised Code;</u>	113
<u>(ii) Actions to investigate or make inquiry and to take</u>	114
<u>prompt action to control and suppress the cause of disease or</u>	115
<u>illness including contagious, infectious, epidemic, pandemic, or</u>	116
<u>endemic conditions under section 3701.14 of the Revised Code;</u>	117
<u>(c) Consult with and provide advice to the governor, the</u>	118
<u>department, and other agencies regarding necessary and</u>	119
<u>appropriate action during a state of emergency.</u>	120
<u>(2) The committee chairperson, when authorized by the</u>	121
<u>committee, the president of the senate, and the speaker of the</u>	122
<u>house of representatives, may issue subpoenas and subpoenas</u>	123
<u>duces tecum to assist the committee in performing its duties. A</u>	124
<u>subpoena or subpoena duces tecum shall be issued, served, and</u>	125
<u>returned, and has consequences, as specified in sections 101.41</u>	126
<u>to 101.45 of the Revised Code.</u>	127
<b>Sec. 106.022.</b> If the joint committee on agency rule review	128
makes a finding with regard to a proposed rule under section	129
106.021 of the Revised Code, and also finds that it nevertheless	130
would be worthwhile to afford the agency an opportunity to	131
revise the proposed rule, the joint committee, as an alternative	132

to recommending the adoption of a concurrent resolution to 133  
invalidate the proposed rule, may authorize the agency to revise 134  
and refile the proposed rule and rule summary and fiscal 135  
analysis. The joint committee shall issue the authorization in 136  
writing. In the authorization, the joint committee shall explain 137  
the finding that, but for the authorization, would have resulted 138  
in a recommendation of invalidation, and shall explain why the 139  
joint committee has found it nevertheless to be worthwhile to 140  
afford the agency an opportunity to revise the proposed rule. 141  
The joint committee shall transmit the authorization 142  
electronically to the agency, the secretary of state, the 143  
director of the legislative service commission, and, if the 144  
proposed rule is to replace an emergency rule, the governor. 145

When the joint committee approves such an authorization, 146  
the running of the time within which a concurrent resolution 147  
invalidating the proposed rule may be adopted is tolled until 148  
the thirty-first day after the day on which the authorization 149  
was approved. If, during the tolling period, the agency revises 150  
and refiles the proposed rule, the time within which a 151  
concurrent resolution invalidating the proposed rule may be 152  
adopted resumes running and expires on the thirty-first day 153  
after the day the proposed rule was refiled. But if, during the 154  
tolling period, the agency neither withdraws nor revises and 155  
refiles the proposed rule, the time within which a concurrent 156  
resolution invalidating the proposed rule may be adopted resumes 157  
running and expires on the thirty-first day after the day the 158  
tolling period ended. 159

Upon receiving the authorization, the agency may revise 160  
the proposed rule and rule summary and fiscal analysis, and then 161  
refile the revised proposed rule and rule summary and fiscal 162  
analysis electronically with the joint committee. 163

If the joint committee makes any of the findings outlined 164  
in section 106.021 of the Revised Code with regard to the 165  
revised proposed rule and rule summary and fiscal analysis, the 166  
joint committee may recommend the adoption of a concurrent 167  
resolution to invalidate the proposed rule under section 106.021 168  
of the Revised Code. The joint committee may issue only one 169  
authorization with regard to the same proposed rule. 170

~~If~~ Except as provided in section 107.43 of the Revised 171  
Code, if the proposed rule that is the subject of an 172  
authorization is to replace an emergency rule, the governor may 173  
issue an order extending the emergency rule for an additional 174  
one hundred twenty days after the day on which the emergency 175  
rule otherwise would become invalid. The governor shall transmit 176  
the order electronically to the agency, the joint committee, and 177  
the director of the legislative service commission. 178

**Sec. 107.42.** (A) As used in this section: 179

"Declaration of a state of emergency" means any order, 180  
proclamation, or other action of the governor that creates a 181  
state of emergency. 182

"State of emergency" means the period of time between when 183  
the governor declares any emergency and the expiration of that 184  
emergency, including an air pollution emergency under section 185  
3704.032 of the Revised Code, an energy shortage emergency under 186  
section 4935.03 of the Revised Code, and an adulterated consumer 187  
product emergency under section 3715.74 of the Revised Code. 188

(B) A state of emergency declared by the governor shall 189  
exist for not more than ninety calendar days unless extended by 190  
the general assembly as provided in division (C) of this 191  
section. An amendment to a declaration of a state of emergency, 192

declaration of a substantially similar state of emergency, or 193  
reissuance of any part of an initial declaration of a state of 194  
emergency shall not be considered a new declaration of a state 195  
of emergency. 196

(C) The general assembly may extend a state of emergency 197  
for up to an additional sixty calendar days by adopting a 198  
concurrent resolution. The general assembly continuously may 199  
extend a state of emergency by adopting subsequent concurrent 200  
resolutions, but no extension may last longer than sixty 201  
calendar days. If the general assembly does not extend a state 202  
of emergency, the governor shall not issue a declaration of an 203  
identical or substantially similar state of emergency, or issue 204  
a declaration of a state of emergency with any part of the 205  
initial declaration of a state of emergency, for at least sixty 206  
calendar days following the expiration of the state of 207  
emergency, except as provided in division (E) of this section. 208

(D) (1) After a state of emergency declared by the governor 209  
has been in effect for thirty calendar days, the general 210  
assembly may terminate the state of emergency by adopting a 211  
concurrent resolution. A state of emergency terminated under 212  
this division is invalid and has no legal effect. 213

(2) If the general assembly terminates a state of 214  
emergency under this section, the governor shall not issue a 215  
declaration of an identical or substantially similar state of 216  
emergency, or issue a declaration of a state of emergency with 217  
any part of the initial declaration of the state of emergency, 218  
for at least sixty calendar days after the general assembly 219  
adopts the concurrent resolution, except as provided in division 220  
(E) of this section. 221

(E) Within sixty calendar days of a state of emergency 222



terminating by operation of law under division (B) of this 223  
section, or by action of the general assembly under division (D) 224  
(1) of this section, the governor may submit a request to the 225  
general assembly to authorize the governor to issue a 226  
declaration of an identical or substantially similar state of 227  
emergency, or issue a declaration of a state of emergency with 228  
any part of the initial declaration of the state of emergency. 229  
Upon review, the general assembly may adopt a concurrent 230  
resolution authorizing the request. 231

(F) A declaration of a state of emergency in violation of 232  
this section is invalid and has no legal effect. 233

**Sec. 107.43.** (A) As used in this section: 234

"Administrative department" means a department listed 235  
under section 121.02 of the Revised Code. 236

"Administrative department head" means a department head 237  
listed under section 121.03 of the Revised Code. 238

"Internal management rule" means any rule, regulation, or 239  
standard governing the day-to-day staff procedures and staff 240  
operations within an administrative department or state agency, 241  
or within the office of an administrative department head or 242  
statewide elected officer. 243

"Rule" means, unless the context dictates otherwise, any 244  
rule, regulation, or standard adopted, promulgated, and enforced 245  
by a statewide elected officer, administrative department, 246  
administrative department head, or state agency under the 247  
authority of the laws governing such officer, department, 248  
department head, or state agency. "Rule" does not include an 249  
internal management rule. 250

"State agency" means any organized body, office, agency, 251

commission, board, institution, or other entity established by 252  
the laws of the state for the exercise of any function of state 253  
government. "State agency" does not include a court. 254

"State of emergency" has the meaning defined in section 255  
107.42 of the Revised Code. 256

"Statewide elected officer" means the governor, lieutenant 257  
governor, secretary of state, auditor of state, attorney 258  
general, and treasurer of state. 259

(B) Beginning the day the governor declares a state of 260  
emergency, the governor and the department of health promptly 261  
shall report to the president of the senate and the speaker of 262  
the house of representatives every action the governor or 263  
department takes in response to the state of emergency, 264  
including actions by the department or director of health under 265  
sections 3701.13 and 3701.14 of the Revised Code. 266

(C) (1) If the governor declares a state of emergency, the 267  
general assembly may do any of the following by adopting a 268  
concurrent resolution: 269

(a) Rescind, in whole or in part, any order or rule issued 270  
or adopted by an administrative department, administrative 271  
department head, state agency, or statewide elected officer in 272  
response to a state of emergency, including an order to 273  
authorize an agency to adopt, amend, or rescind rules under 274  
division (G) of section 119.03 of the Revised Code. This 275  
division does not apply to an order issued to declare a state of 276  
emergency. 277

(b) Invalidate, in whole or in part, an emergency rule 278  
adopted or amended by an agency in response to the state of 279  
emergency and pursuant to an emergency order the governor issues 280

<u>under division (G) (1) of section 119.03 of the Revised Code;</u>	281
<u>(c) Authorize a rule rescinded by an agency under division</u>	282
<u>(G) (1) of section 119.03 of the Revised Code in response to the</u>	283
<u>state of emergency to be readopted, in whole or in part;</u>	284
<u>(d) Invalidate, in whole or in part, an emergency rule</u>	285
<u>adopted by an agency in response to the state of emergency</u>	286
<u>pursuant to division (B) (2) of section 111.15 of the Revised</u>	287
<u>Code.</u>	288
<u>(2) If the general assembly rescinds an order or rule, or</u>	289
<u>a portion thereof, the administrative department, administrative</u>	290
<u>department head, state agency, or statewide elected officer</u>	291
<u>shall not reissue that order or rule, the rescinded portion, a</u>	292
<u>substantially similar order, rule, or portion, or any</u>	293
<u>restriction contained in the rescinded order or rule or</u>	294
<u>rescinded portion, for a period of sixty calendar days following</u>	295
<u>the adoption of the concurrent resolution by the general</u>	296
<u>assembly, except as provided in division (C) (3) of this section.</u>	297
<u>(3) (a) Within sixty calendar days of the general assembly</u>	298
<u>rescinding an order or rule under division (C) (1) of this</u>	299
<u>section, the governor, on behalf of an administrative</u>	300
<u>department, an administrative department head, or a state</u>	301
<u>agency, may submit a request to the general assembly to</u>	302
<u>authorize an administrative department, an administrative</u>	303
<u>department head, or a state agency to reissue a rescinded order</u>	304
<u>or rule, rescinded portion thereof, a substantially similar</u>	305
<u>order, rule, or portion, or any restriction contained in the</u>	306
<u>rescinded order or rule or rescinded portion issued or adopted</u>	307
<u>by an administrative department, administrative department head,</u>	308
<u>or state agency. Upon review, the general assembly may adopt a</u>	309
<u>concurrent resolution authorizing the request, in whole or in</u>	310

part. 311

(b) Within sixty calendar days of the general assembly 312  
rescinding an order or rule under division (C)(1) of this 313  
section, a statewide elected officer may submit a request to the 314  
general assembly to reissue a rescinded order or rule, rescinded 315  
portion thereof, a substantially similar order, rule, or 316  
portion, or any restriction contained in the rescinded order or 317  
rule or rescinded portion issued or adopted by the statewide 318  
elected officer. Upon review, the general assembly may adopt a 319  
concurrent resolution authorizing the request, in whole or in 320  
part. 321

(D)(1) Notwithstanding any other provision of the Revised 322  
Code, a person who challenges an order or rule adopted by an 323  
administrative department, administrative department head, state 324  
agency, or statewide elected officer that is issued or adopted 325  
in response to a state of emergency, in a civil action for 326  
damages, declaratory judgment, injunctive relief, or other 327  
appropriate relief may do so in an appropriate court located in 328  
the county where the person's residence or business is located. 329

(2) If a person successfully challenges an order or rule 330  
adopted by an administrative department, administrative 331  
department head, state agency, or statewide elected officer that 332  
is issued or adopted in response to a state of emergency, the 333  
administrative department, administrative department head, state 334  
agency, or statewide elected officer shall pay the person's 335  
reasonable attorney's fees and court costs. 336

(E) An order or rule issued or adopted in violation of 337  
this section is invalid and has no legal effect. 338

**Sec. 111.15.** (A) As used in this section: 339

(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119. or division (C) (1) or (2) of section 5117.02 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.

(B) (1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B) (3) of this section is filed as follows:

(a) The rule shall be filed in electronic form with both the secretary of state and the director of the legislative service commission;

(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B) (1) (b) of this section does not apply to any rule to which division (D) of this section does not apply.

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 106.03 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B) (1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

Any rule that is required to be filed under division (B) (1) of this section is also subject to division (D) of this section if not exempted by that division.

If a rule incorporates a text or other material by reference, the agency shall comply with sections 121.71 to 121.75 of the Revised Code.

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form and in compliance with division (B) (3) of this

section, shall be filed in electronic form with the secretary of 398  
state, the director of the legislative service commission, and 399  
the joint committee on agency rule review. The emergency rule is 400  
effective immediately upon completion of the latest filing, 401  
except that if the agency in adopting the emergency rule 402  
designates an effective date, or date and time of day, that is 403  
later than the effective date and time provided for by division 404  
(B) (2) of this section, the emergency rule if filed as required 405  
by such division shall become effective at the later date, or 406  
later date and time of day, designated by the agency. 407

~~An~~ Except as provided in section 107.43 of the Revised 408  
Code, an emergency rule becomes invalid at the end of the one 409  
hundred twentieth day it is in effect. Prior to that date, the 410  
agency may file the emergency rule as a nonemergency rule in 411  
compliance with division (B) (1) of this section. The agency may 412  
not refile the emergency rule in compliance with division (B) (2) 413  
of this section so that, upon the emergency rule becoming 414  
invalid under such division, the emergency rule will continue in 415  
effect without interruption for another one hundred twenty-day 416  
period. 417

The adoption of an emergency rule under division (B) (2) of 418  
this section in response to a state of emergency, as defined 419  
under section 107.42 of the Revised Code, may be invalidated by 420  
the general assembly, in whole or in part, by adopting a 421  
concurrent resolution in accordance with section 107.43 of the 422  
Revised Code. 423

(3) An agency shall file a rule under division (B) (1) or 424  
(2) of this section in compliance with the following standards 425  
and procedures: 426

(a) The rule shall be numbered in accordance with the 427

numbering system devised by the director for the Ohio 428  
administrative code. 429

(b) The rule shall be prepared and submitted in compliance 430  
with the rules of the legislative service commission. 431

(c) The rule shall clearly state the date on which it is 432  
to be effective and the date on which it will expire, if known. 433

(d) Each rule that amends or rescinds another rule shall 434  
clearly refer to the rule that is amended or rescinded. Each 435  
amendment shall fully restate the rule as amended. 436

If the director of the legislative service commission or 437  
the director's designee gives an agency notice pursuant to 438  
section 103.05 of the Revised Code that a rule filed by the 439  
agency is not in compliance with the rules of the legislative 440  
service commission, the agency shall within thirty days after 441  
receipt of the notice conform the rule to the rules of the 442  
commission as directed in the notice. 443

(C) All rules filed pursuant to divisions (B) (1) (a) and 444  
(2) of this section shall be recorded by the secretary of state 445  
and the director under the title of the agency adopting the rule 446  
and shall be numbered according to the numbering system devised 447  
by the director. The secretary of state and the director shall 448  
preserve the rules in an accessible manner. Each such rule shall 449  
be a public record open to public inspection and may be 450  
transmitted to any law publishing company that wishes to 451  
reproduce it. 452

(D) At least sixty-five days before a board, commission, 453  
department, division, or bureau of the government of the state 454  
files a rule under division (B) (1) of this section, it shall 455  
file the full text of the proposed rule in electronic form with 456



the joint committee on agency rule review, and the proposed rule 457  
is subject to legislative review and invalidation under section 458  
106.021 of the Revised Code. If a state board, commission, 459  
department, division, or bureau makes a revision in a proposed 460  
rule after it is filed with the joint committee, the state 461  
board, commission, department, division, or bureau shall 462  
promptly file the full text of the proposed rule in its revised 463  
form in electronic form with the joint committee. A state board, 464  
commission, department, division, or bureau shall also file the 465  
rule summary and fiscal analysis prepared under section 106.024 466  
of the Revised Code in electronic form along with a proposed 467  
rule, and along with a proposed rule in revised form, that is 468  
filed under this division. If a proposed rule has an adverse 469  
impact on businesses, the state board, commission, department, 470  
division, or bureau also shall file the business impact 471  
analysis, any recommendations received from the common sense 472  
initiative office, and the associated memorandum of response, if 473  
any, in electronic form along with the proposed rule, or the 474  
proposed rule in revised form, that is filed under this 475  
division. 476

A proposed rule that is subject to legislative review 477  
under this division may not be adopted and filed in final form 478  
under division (B)(1) of this section unless the proposed rule 479  
has been filed with the joint committee on agency rule review 480  
under this division and the time for the joint committee to 481  
review the proposed rule has expired without recommendation of a 482  
concurrent resolution to invalidate the proposed rule. 483

As used in this division, "commission" includes the public 484  
utilities commission when adopting rules under a federal or 485  
state statute. 486

This division does not apply to any of the following:	487
(1) A proposed rule of an emergency nature;	488
(2) A rule proposed under section 1121.05, 1121.06,	489
1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341,	490
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised	491
Code;	492
(3) A rule proposed by an agency other than a board,	493
commission, department, division, or bureau of the government of	494
the state;	495
(4) A proposed internal management rule of a board,	496
commission, department, division, or bureau of the government of	497
the state;	498
(5) Any proposed rule that must be adopted verbatim by an	499
agency pursuant to federal law or rule, to become effective	500
within sixty days of adoption, in order to continue the	501
operation of a federally reimbursed program in this state, so	502
long as the proposed rule contains both of the following:	503
(a) A statement that it is proposed for the purpose of	504
complying with a federal law or rule;	505
(b) A citation to the federal law or rule that requires	506
verbatim compliance.	507
(6) An initial rule proposed by the director of health to	508
impose safety standards and quality-of-care standards with	509
respect to a health service specified in section 3702.11 of the	510
Revised Code, or an initial rule proposed by the director to	511
impose quality standards on a health care facility as defined in	512
section 3702.30 of the Revised Code, if section 3702.12 of the	513
Revised Code requires that the rule be adopted under this	514

section; 515

(7) A rule of the state lottery commission pertaining to 516  
instant game rules. 517

If a rule is exempt from legislative review under division 518  
(D) (5) of this section, and if the federal law or rule pursuant 519  
to which the rule was adopted expires, is repealed or rescinded, 520  
or otherwise terminates, the rule is thereafter subject to 521  
legislative review under division (D) of this section. 522

Whenever a state board, commission, department, division, 523  
or bureau files a proposed rule or a proposed rule in revised 524  
form under division (D) of this section, it shall also file the 525  
full text of the same proposed rule or proposed rule in revised 526  
form in electronic form with the secretary of state and the 527  
director of the legislative service commission. A state board, 528  
commission, department, division, or bureau shall file the rule 529  
summary and fiscal analysis prepared under section 106.024 of 530  
the Revised Code in electronic form along with a proposed rule 531  
or proposed rule in revised form that is filed with the 532  
secretary of state or the director of the legislative service 533  
commission. 534

**Sec. 119.03.** In the adoption, amendment, or rescission of 535  
any rule, an agency shall comply with the following procedure: 536

(A) Reasonable public notice shall be given in the 537  
register of Ohio at least thirty days prior to the date set for 538  
a hearing, in the form the agency determines. The agency shall 539  
file copies of the public notice under division (B) of this 540  
section. (The agency gives public notice in the register of Ohio 541  
when the public notice is published in the register under that 542  
division.) 543

The public notice shall include:	544
(1) A statement of the agency's intention to consider adopting, amending, or rescinding a rule;	545 546
(2) A synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates;	547 548 549
(3) A statement of the reason or purpose for adopting, amending, or rescinding the rule;	550 551
(4) The date, time, and place of a hearing on the proposed action, which shall be not earlier than the thirty-first nor later than the fortieth day after the proposed rule, amendment, or rescission is filed under division (B) of this section.	552 553 554 555
In addition to public notice given in the register of Ohio, the agency may give whatever other notice it reasonably considers necessary to ensure notice constructively is given to all persons who are subject to or affected by the proposed rule, amendment, or rescission.	556 557 558 559 560
The agency shall provide a copy of the public notice required under division (A) of this section to any person who requests it and pays a reasonable fee, not to exceed the cost of copying and mailing.	561 562 563 564
(B) The full text of the proposed rule, amendment, or rule to be rescinded, accompanied by the public notice required under division (A) of this section, shall be filed in electronic form with the secretary of state and with the director of the legislative service commission. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has prepared a public notice under division (A) of this section that applies to more than one	565 566 567 568 569 570 571 572

of the proposed rules, amendments, or rescissions, the agency 573  
shall file only one notice with the secretary of state and with 574  
the director for all of the proposed rules, amendments, or 575  
rescissions to which the notice applies.) The proposed rule, 576  
amendment, or rescission and public notice shall be filed as 577  
required by this division at least sixty-five days prior to the 578  
date on which the agency, in accordance with division (E) of 579  
this section, issues an order adopting the proposed rule, 580  
amendment, or rescission. 581

If the proposed rule, amendment, or rescission 582  
incorporates a text or other material by reference, the agency 583  
shall comply with sections 121.71 to 121.75 of the Revised Code. 584

The proposed rule, amendment, or rescission shall be 585  
available for at least thirty days prior to the date of the 586  
hearing at the office of the agency in printed or other legible 587  
form without charge to any person affected by the proposal. 588  
Failure to furnish such text to any person requesting it shall 589  
not invalidate any action of the agency in connection therewith. 590

If the agency files a revision in the text of the proposed 591  
rule, amendment, or rescission, it shall also promptly file the 592  
full text of the proposed rule, amendment, or rescission in its 593  
revised form in electronic form with the secretary of state and 594  
with the director of the legislative service commission. 595

The agency shall file the rule summary and fiscal analysis 596  
prepared under section 106.024 of the Revised Code in electronic 597  
form along with a proposed rule, amendment, or rescission or 598  
proposed rule, amendment, or rescission in revised form that is 599  
filed with the secretary of state or the director of the 600  
legislative service commission. 601

The agency shall file the hearing report relating to a 602  
proposed rule, amendment, or rescission in electronic form with 603  
the secretary of state and the director of the legislative 604  
service commission at the same time the agency files the hearing 605  
report with the joint committee on agency rule review. 606

The director of the legislative service commission shall 607  
publish in the register of Ohio the full text of the original 608  
and each revised version of a proposed rule, amendment, or 609  
rescission; the full text of a public notice; the full text of a 610  
rule summary and fiscal analysis; and the full text of a hearing 611  
report that is filed with the director under this division. 612

(C) When an agency files a proposed rule, amendment, or 613  
rescission under division (B) of this section, it also shall 614  
file in electronic form with the joint committee on agency rule 615  
review the full text of the proposed rule, amendment, or rule to 616  
be rescinded in the same form and the public notice required 617  
under division (A) of this section. (If in compliance with this 618  
division an agency files more than one proposed rule, amendment, 619  
or rescission at the same time, and has given a public notice 620  
under division (A) of this section that applies to more than one 621  
of the proposed rules, amendments, or rescissions, the agency 622  
shall file only one notice with the joint committee for all of 623  
the proposed rules, amendments, or rescissions to which the 624  
notice applies.) The proposed rule, amendment, or rescission is 625  
subject to legislative review and invalidation under sections 626  
106.02, 106.021, and 106.022 of the Revised Code. If the agency 627  
makes a revision in a proposed rule, amendment, or rescission 628  
after it is filed with the joint committee, the agency promptly 629  
shall file the full text of the proposed rule, amendment, or 630  
rescission in its revised form in electronic form with the joint 631  
committee. 632

An agency shall file the rule summary and fiscal analysis 633  
prepared under section 106.024 of the Revised Code in electronic 634  
form along with a proposed rule, amendment, or rescission, and 635  
along with a proposed rule, amendment, or rescission in revised 636  
form, that is filed under this division. 637

If a proposed rule, amendment, or rescission has an 638  
adverse impact on businesses, the agency also shall file the 639  
business impact analysis, any recommendations received from the 640  
common sense initiative office, and the agency's memorandum of 641  
response, if any, in electronic form along with the proposed 642  
rule, amendment, or rescission, or along with the proposed rule, 643  
amendment, or rescission in revised form, that is filed under 644  
this division. 645

The agency shall file the hearing report in electronic 646  
form with the joint committee before the joint committee holds 647  
its public hearing on the proposed rule, amendment, or 648  
rescission. The filing of a hearing report does not constitute a 649  
revision of the proposed rule, amendment, or rescission to which 650  
the hearing report relates. 651

If the proposed rule, amendment, or rescission requires 652  
liability insurance, a bond, or any other financial 653  
responsibility instrument as a condition of licensure, the 654  
agency shall conduct a diligent search to determine if the 655  
liability insurance, bond, or other financial responsibility 656  
instrument is readily available in the amounts required as a 657  
condition of licensure, and shall certify to the joint committee 658  
that the search was conducted. 659

A proposed rule, amendment, or rescission that is subject 660  
to legislative review under this division may not be adopted 661  
under division (E) of this section or filed in final form under 662

section 119.04 of the Revised Code unless the proposed rule, 663  
amendment, or rescission has been filed with the joint committee 664  
on agency rule review under this division and the time for 665  
legislative review of the proposed rule, amendment, or 666  
rescission has expired without adoption of a concurrent 667  
resolution to invalidate the proposed rule, amendment, or 668  
rescission. 669

This division does not apply to: 670

(1) An emergency rule, amendment, or rescission; 671

(2) A proposed rule, amendment, or rescission that must be 672  
adopted verbatim by an agency pursuant to federal law or rule, 673  
to become effective within sixty days of adoption, in order to 674  
continue the operation of a federally reimbursed program in this 675  
state, so long as the proposed rule contains both of the 676  
following: 677

(a) A statement that it is proposed for the purpose of 678  
complying with a federal law or rule; 679

(b) A citation to the federal law or rule that requires 680  
verbatim compliance. 681

(3) A proposed rule, amendment, or rescission that, as set 682  
forth in section 3719.41 of the Revised Code, must be adopted by 683  
the state board of pharmacy pursuant to federal law or rule, to 684  
become effective within sixty days of adoption, so long as the 685  
proposed rule contains a statement that it is proposed for the 686  
purpose of complying with federal law or rule. 687

If a rule or amendment is exempt from legislative review 688  
under division (C) (2) of this section, and if the federal law or 689  
rule pursuant to which the rule or amendment was adopted 690  
expires, is repealed or rescinded, or otherwise terminates, the 691



rule or amendment, or its rescission, is thereafter subject to 692  
legislative review under division (C) of this section. 693

(D) On the date and at the time and place designated in 694  
the notice, the agency shall conduct a public hearing at which 695  
any person affected by the proposed action of the agency may 696  
appear and be heard in person, by the person's attorney, or 697  
both, may present the person's position, arguments, or 698  
contentions, orally or in writing, offer and examine witnesses, 699  
and present evidence tending to show that the proposed rule, 700  
amendment, or rescission, if adopted or effectuated, will be 701  
unreasonable or unlawful. An agency may permit persons affected 702  
by the proposed rule, amendment, or rescission to present their 703  
positions, arguments, or contentions in writing, not only at the 704  
hearing, but also for a reasonable period before, after, or both 705  
before and after the hearing. A person who presents a position 706  
or arguments or contentions in writing before or after the 707  
hearing is not required to appear at the hearing. 708

At the hearing, the testimony shall be recorded. Such 709  
record shall be made at the expense of the agency. The agency is 710  
required to transcribe a record that is not sight readable only 711  
if a person requests transcription of all or part of the record 712  
and agrees to reimburse the agency for the costs of the 713  
transcription. An agency may require the person to pay in 714  
advance all or part of the cost of the transcription. 715

In any hearing under this section the agency may 716  
administer oaths or affirmations. 717

The agency shall consider the positions, arguments, or 718  
contentions presented at, or before or after, the hearing. The 719  
agency shall prepare a hearing summary of the positions, 720  
arguments, or contentions, and of the issues raised by the 721

positions, arguments, or contentions. The agency then shall 722  
prepare a hearing report explaining, with regard to each issue, 723  
how it is reflected in the rule, amendment, or rescission. If an 724  
issue is not reflected in the rule, amendment, or rescission, 725  
the hearing report shall explain why the issue is not reflected. 726  
The agency shall include the hearing summary in the hearing 727  
report as an appendix thereto. And, in the hearing report, the 728  
agency shall identify the proposed rule, amendment, or 729  
rescission to which the hearing report relates. 730

(E) After divisions (A), (B), (C), and (D) of this section 731  
have been complied with, and when the time for legislative 732  
review under sections 106.02, 106.022, and 106.023 of the 733  
Revised Code has expired without adoption of a concurrent 734  
resolution to invalidate the proposed rule, amendment, or 735  
rescission, the agency may issue an order adopting the proposed 736  
rule or the proposed amendment or rescission of the rule, 737  
consistent with the synopsis or general statement included in 738  
the public notice. At that time the agency shall designate the 739  
effective date of the rule, amendment, or rescission, which 740  
shall not be earlier than the tenth day after the rule, 741  
amendment, or rescission has been filed in its final form as 742  
provided in section 119.04 of the Revised Code. 743

(F) Prior to the effective date of a rule, amendment, or 744  
rescission, the agency shall make a reasonable effort to inform 745  
those affected by the rule, amendment, or rescission and to have 746  
available for distribution to those requesting it the full text 747  
of the rule as adopted or as amended. 748

(G) (1) If the governor, upon the request of an agency, 749  
determines that an emergency requires the immediate adoption, 750  
amendment, or rescission of a rule, the governor shall issue an 751

order, the text of which shall be filed in electronic form with 752  
the agency, the secretary of state, the director of the 753  
legislative service commission, and the joint committee on 754  
agency rule review, that the procedure prescribed by this 755  
section with respect to the adoption, amendment, or rescission 756  
of a specified rule is suspended. The agency may then adopt 757  
immediately the emergency rule, amendment, or rescission and it 758  
becomes effective on the date the rule, amendment, or 759  
rescission, in final form and in compliance with division (A) (2) 760  
of section 119.04 of the Revised Code, is filed in electronic 761  
form with the secretary of state, the director of the 762  
legislative service commission, and the joint committee on 763  
agency rule review. The director shall publish the full text of 764  
the emergency rule, amendment, or rescission in the register of 765  
Ohio. 766

Except as provided in division (G) (2) of this section, or 767  
section 107.43 of the Revised Code, the emergency rule, 768  
amendment, or rescission shall become invalid at the end of the 769  
one hundred twentieth day it is in effect. Prior to that date 770  
the agency may adopt the emergency rule, amendment, or 771  
rescission as a nonemergency rule, amendment, or rescission by 772  
complying with the procedure prescribed by this section for the 773  
adoption, amendment, and rescission of nonemergency rules. The 774  
agency shall not use the procedure of division (G) (1) of this 775  
section to readopt the emergency rule, amendment, or rescission 776  
so that, upon the emergency rule, amendment, or rescission 777  
becoming invalid under division (G) (1) of this section, the 778  
emergency rule, amendment, or rescission will continue in effect 779  
without interruption for another one-hundred-twenty-day period, 780  
except when section 106.02 of the Revised Code prevents the 781  
agency from adopting the emergency rule, amendment, or 782

rescission as a nonemergency rule, amendment, or rescission 783  
within the one-hundred-twenty-day period. 784

Division (G) (1) of this section does not apply to the 785  
adoption of any emergency rule, amendment, or rescission by the 786  
tax commissioner under division (C) (2) of section 5117.02 of the 787  
Revised Code. 788

(2) An emergency rule or amendment adding a substance to a 789  
controlled substance schedule shall become invalid at the end of 790  
the one hundred eightieth day it is in effect. Prior to that 791  
date, the state board of pharmacy may adopt the emergency rule 792  
or amendment as a nonemergency rule or amendment by complying 793  
with the procedure prescribed by this section for adoption and 794  
amendment of nonemergency rules. The board shall not use the 795  
procedure of division (G) (1) of this section to readopt the 796  
emergency rule or amendment so that, upon the emergency rule or 797  
amendment becoming invalid under division (G) (2) of this 798  
section, the emergency rule or amendment will continue in effect 799  
beyond the one-hundred-eighty-day period. 800

(3) The general assembly, by adopting a concurrent 801  
resolution, and in accordance with section 107.43 of the Revised 802  
Code, may do either of the following: 803

(a) Invalidate, in whole or in part, an emergency rule 804  
adopted or amended by an agency in response to a state of 805  
emergency, as defined under section 107.42 of the Revised Code, 806  
under division (G) (1) of this section; 807

(b) Authorize an agency to readopt, in whole or in part, a 808  
rule that was rescinded in response to a state of emergency 809  
under division (G) (1) of this section. 810

(H) Rules adopted by an authority within the department of 811

job and family services for the administration or enforcement of 812  
Chapter 4141. of the Revised Code or of the department of 813  
taxation shall be effective without a hearing as provided by 814  
this section if the statutes pertaining to such agency 815  
specifically give a right of appeal to the board of tax appeals 816  
or to a higher authority within the agency or to a court, and 817  
also give the appellant a right to a hearing on such appeal. 818  
This division does not apply to the adoption of any rule, 819  
amendment, or rescission by the tax commissioner under division 820  
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 821  
the right to file an action for declaratory judgment as provided 822  
in Chapter 2721. of the Revised Code from the decision of the 823  
board of tax appeals or of the higher authority within such 824  
agency. 825

**Sec. 2743.03.** (A) (1) There is hereby created a court of 826  
claims. ~~The~~ Except as provided under section 107.43 of the 827  
Revised Code, the court of claims is a court of record and has 828  
exclusive, original jurisdiction of all civil actions against 829  
the state permitted by the waiver of immunity contained in 830  
section 2743.02 of the Revised Code and exclusive jurisdiction 831  
of the causes of action of all parties in civil actions that are 832  
removed to the court of claims. The court shall have full equity 833  
powers in all actions within its jurisdiction and may entertain 834  
and determine all counterclaims, cross-claims, and third-party 835  
claims. 836

(2) If the claimant in a civil action as described in 837  
division (A) (1) of this section also files a claim for a 838  
declaratory judgment, injunctive relief, or other equitable 839  
relief against the state that arises out of the same 840  
circumstances that gave rise to the civil action described in 841  
division (A) (1) of this section, the court of claims has 842

exclusive, original jurisdiction to hear and determine that 843  
claim in that civil action. This division does not affect, and 844  
shall not be construed as affecting, the original jurisdiction 845  
of another court of this state to hear and determine a civil 846  
action in which the sole relief that the claimant seeks against 847  
the state is a declaratory judgment, injunctive relief, or other 848  
equitable relief. 849

(3) In addition to its exclusive, original jurisdiction as 850  
conferred by divisions (A) (1) and (2) of this section, the court 851  
of claims has exclusive, original jurisdiction as follows: 852

(a) As described in division (F) of section 2743.02, 853  
division (B) of section 3335.03, and division (C) of section 854  
5903.02 of the Revised Code; 855

(b) Under section 2743.75 of the Revised Code to hear 856  
complaints alleging a denial of access to public records in 857  
violation of division (B) of section 149.43 of the Revised Code, 858  
regardless of whether the public office or person responsible 859  
for public records is an office or employee of the state or of a 860  
political subdivision. 861

(B) The court of claims shall sit in Franklin county, its 862  
hearings shall be public, and it shall consist of incumbent 863  
justices or judges of the supreme court, courts of appeals, or 864  
courts of common pleas, or retired justices or judges eligible 865  
for active duty pursuant to division (C) of Section 6 of Article 866  
IV, Ohio Constitution, sitting by temporary assignment of the 867  
chief justice of the supreme court. The chief justice may direct 868  
the court to sit in any county for cases on removal upon a 869  
showing of substantial hardship and whenever justice dictates. 870

(C) (1) A civil action against the state shall be heard and 871

determined by a single judge. Upon application by the claimant 872  
or the state, the chief justice of the supreme court may assign 873  
a panel of three judges to hear and determine a civil action 874  
presenting novel or complex issues of law or fact. Concurrence 875  
of two members of the panel is necessary for any judgment or 876  
order. 877

(2) Whenever the chief justice of the supreme court 878  
believes an equitable resolution of a case will be expedited, 879  
the chief justice may appoint magistrates in accordance with 880  
Civil Rule 53 to hear the case. 881

(3) When any dispute under division (B) of section 153.12 882  
of the Revised Code is brought to the court of claims, upon 883  
request of either party to the dispute, the chief justice of the 884  
supreme court shall appoint a single referee or a panel of three 885  
referees. The referees need not be attorneys, but shall be 886  
persons knowledgeable about construction contract law, a member 887  
of the construction industry panel of the American arbitration 888  
association, or an individual or individuals deemed qualified by 889  
the chief justice to serve. No person shall serve as a referee 890  
if that person has been employed by an affected state agency or 891  
a contractor or subcontractor involved in the dispute at any 892  
time in the preceding five years. Proceedings governing referees 893  
shall be in accordance with Civil Rule 53, except as modified by 894  
this division. The referee or panel of referees shall submit its 895  
report, which shall include a recommendation and finding of 896  
fact, to the judge assigned to the case by the chief justice, 897  
within thirty days of the conclusion of the hearings. Referees 898  
appointed pursuant to this division shall be compensated on a 899  
per diem basis at the same rate as is paid to judges of the 900  
court and also shall be paid their expenses. If a single referee 901  
is appointed or a panel of three referees is appointed, then, 902

with respect to one referee of the panel, the compensation and 903  
expenses of the referee shall not be taxed as part of the costs 904  
in the case but shall be included in the budget of the court. If 905  
a panel of three referees is appointed, the compensation and 906  
expenses of the two remaining referees shall be taxed as costs 907  
of the case. 908

All costs of a case shall be apportioned among the 909  
parties. The court may not require that any party deposit with 910  
the court cash, bonds, or other security in excess of two 911  
hundred dollars to guarantee payment of costs without the prior 912  
approval in each case of the chief justice. 913

(4) An appeal from a decision of the attorney general 914  
pursuant to sections 2743.51 to 2743.72 of the Revised Code 915  
shall be heard and determined by the court of claims. 916

(D) The Rules of Civil Procedure shall govern practice and 917  
procedure in all actions in the court of claims, except insofar 918  
as inconsistent with this chapter. The supreme court may 919  
promulgate rules governing practice and procedure in actions in 920  
the court as provided in Section 5 of Article IV, Ohio 921  
Constitution. 922

(E) (1) A party who files a counterclaim against the state 923  
or makes the state a third-party defendant in an action 924  
commenced in any court, other than the court of claims, shall 925  
file a petition for removal in the court of claims. The petition 926  
shall state the basis for removal, be accompanied by a copy of 927  
all process, pleadings, and other papers served upon the 928  
petitioner, and shall be signed in accordance with Civil Rule 929  
11. A petition for removal based on a counterclaim shall be 930  
filed within twenty-eight days after service of the counterclaim 931  
of the petitioner. A petition for removal based on third-party 932



practice shall be filed within twenty-eight days after the 933  
filing of the third-party complaint of the petitioner. 934

(2) Within seven days after filing a petition for removal, 935  
the petitioner shall give written notice to the parties, and 936  
shall file a copy of the petition with the clerk of the court in 937  
which the action was brought originally. The filing effects the 938  
removal of the action to the court of claims, and the clerk of 939  
the court where the action was brought shall forward all papers 940  
in the case to the court of claims. The court of claims shall 941  
adjudicate all civil actions removed. The court may remand a 942  
civil action to the court in which it originated upon a finding 943  
that the removal petition does not justify removal, or upon a 944  
finding that the state is no longer a party. 945

(3) Bonds, undertakings, or security and injunctions, 946  
attachments, sequestrations, or other orders issued prior to 947  
removal remain in effect until dissolved or modified by the 948  
court of claims. 949

**Sec. 3701.13. (A) As used in this section:** 950

(1) "Isolation" means the separation of one or more 951  
individuals who have been medically diagnosed with a 952  
communicable or contagious disease from other individuals who 953  
have not been medically diagnosed with the disease. 954

(2) "Quarantine" means the separation or restriction of 955  
movement of one or more individuals who have come into direct 956  
contact with someone who has been medically diagnosed with a 957  
communicable or contagious disease. 958

(B) (1) The department of health shall have supervision of 959  
all matters relating to the preservation of the life and health 960  
of the people and have ~~ultimate~~ authority in matters of 961

quarantine and isolation, which it may declare and enforce, when 962  
neither exists, and modify, relax, or abolish, when either has 963  
been established. ~~The~~ The authority of the department of health 964  
under this section is superior to the authority of a board of 965  
health of a city or general health district or the authority 966  
having the duties of a board of health under section 3709.05 of 967  
the Revised Code. 968

(2) The department may approve methods of immunization 969  
against the diseases specified in section 3313.671 of the 970  
Revised Code for the purpose of carrying out the provisions of 971  
that section and take such actions as are necessary to encourage 972  
vaccination against those diseases. 973

~~The~~ (C) Subject to section 101.36 of the Revised Code, the 974  
department may make special or standing orders or rules ~~for~~ 975  
~~preventing the use of fluoroscopes for nonmedical purposes that~~ 976  
~~emit doses of radiation likely to be harmful to any person, for~~ 977  
preventing the spread of contagious or infectious diseases, ~~for~~ 978  
~~governing the receipt and conveyance of remains of deceased~~ 979  
~~persons, and for such other sanitary matters as are best~~ 980  
controlled by a general rule. 981

(D) In addition to the authority granted by division (C) 982  
(1) of this section, the department may make special or standing 983  
orders or rules for any of the following purposes: 984

(1) To prevent the use of fluoroscopes for nonmedical 985  
purposes that emit doses of radiation likely to be harmful to 986  
any person; 987

(2) To govern the receipt and conveyance of remains of 988  
deceased persons; 989

(3) To address such other sanitary matters as are best 990

controlled by a general rule. 991

(E) Whenever possible, the department shall work in 992  
cooperation with the health commissioner of a general or city 993  
health district. ~~The~~ 994

In any of the following circumstances, the department may 995  
make and enforce orders in local matters or reassign substantive 996  
authority for mandatory programs from a general or city health 997  
district to another general or city health district: when an 998  
emergency exists, ~~or~~ when the board of health of a general or 999  
city health district has neglected or refused to act with 1000  
sufficient promptness or efficiency, or when such board has not 1001  
been established as provided by sections 3709.02, 3709.03, 1002  
3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 of the Revised 1003  
Code. In such cases, the necessary expense incurred shall be 1004  
paid by the general health district or city for which the 1005  
services are rendered. 1006

The department of health may require general or city 1007  
health districts to enter into agreements for shared services 1008  
under section 9.482 of the Revised Code. The department shall 1009  
prepare and offer to boards of health a model contract and 1010  
memorandum of understanding that are easily adaptable for use by 1011  
boards of health when entering into shared services agreements. 1012  
The department also may offer financial and other technical 1013  
assistance to boards of health to encourage the sharing of 1014  
services. 1015

As a condition precedent to receiving funding from the 1016  
department of health, the director of health may require general 1017  
or city health districts to apply for accreditation by July 1, 1018  
2018, and be accredited by July 1, 2020, by an accreditation 1019  
body approved by the director. The director of health, by July 1020

1, 2016, shall conduct an evaluation of general and city health 1021  
district preparation for accreditation, including an evaluation 1022  
of each district's reported public health quality indicators as 1023  
provided for in section 3701.98 of the Revised Code. 1024

(F) The department may make evaluative studies of the 1025  
nutritional status of Ohio residents, and of the food and 1026  
nutrition-related programs operating within the state. Every 1027  
agency of the state, at the request of the department, shall 1028  
provide information and otherwise assist in the execution of 1029  
such studies. 1030

**Sec. 3701.14.** (A) ~~The~~ Subject to section 101.36 of the 1031  
Revised Code, the director of health shall investigate or make 1032  
inquiry as to the cause of disease or illness, including 1033  
contagious, infectious, epidemic, pandemic, or endemic 1034  
conditions, and take prompt action to control and suppress it. 1035  
The reports of births and deaths, the sanitary conditions and 1036  
effects of localities and employments, the personal and business 1037  
habits of the people that affect their health, and the relation 1038  
of the diseases of man and beast, shall be subjects of study by 1039  
the director. The director may make and execute orders necessary 1040  
to protect the people against diseases of lower animals, and 1041  
shall collect and preserve information in respect to such 1042  
matters and kindred subjects as may be useful in the discharge 1043  
of the director's duties, and for dissemination among the 1044  
people. When called upon by the state or local governments, or 1045  
the board of health of a general or city health district, the 1046  
director shall promptly investigate and report upon the water 1047  
supply, sewerage, disposal of excreta of any locality, and the 1048  
heating, plumbing, and ventilation of a public building. 1049

(B) Information obtained during an investigation or 1050

inquiry that the director currently is conducting pursuant to 1051  
division (A) of this section and that is not yet complete is 1052  
confidential during the course of that investigation or inquiry 1053  
and shall not be released except pursuant to division (D) or (J) 1054  
of this section or under one of the following conditions: 1055

(1) The confidential information is released pursuant to a 1056  
search warrant or subpoena issued by or at the request of a 1057  
grand jury or prosecutor, as defined in section 2935.01 of the 1058  
Revised Code. 1059

(2) The director has entered into a written agreement to 1060  
share or exchange the information with a person or government 1061  
entity, and that agreement requires the person or entity to 1062  
comply with the confidentiality requirements established under 1063  
this section. 1064

(3) The information is contained in a preliminary report 1065  
released by the director pursuant to division (G)(1) of this 1066  
section. 1067

(C) Division (B) of this section applies during any 1068  
investigation or inquiry the director makes pursuant to division 1069  
(A) of this section, notwithstanding any other provision of the 1070  
Revised Code that establishes the manner of maintaining 1071  
confidentiality or the release of information, except that the 1072  
confidentiality and release of protected health information 1073  
under section 3701.17 of the Revised Code is governed by that 1074  
section. 1075

(D) Nothing in this section bars the release of 1076  
information that is in summary, statistical, or aggregate form 1077  
and that does not identify a person. Information that is in 1078  
summary, statistical, or aggregate form and that does not 1079

identify a person is a public record under section 149.43 of the Revised Code.

(E) Nothing in this section authorizes the director to conduct an independent criminal investigation without the consent of each local law enforcement agency with jurisdiction to conduct the criminal investigation.

(F) Except for information released pursuant to division (G) or (J) of this section, any disclosure pursuant to this section shall be in writing and accompanied by a written statement that includes the following or substantially similar language: "This information has been disclosed to you from confidential records protected from disclosure by state law. If this information has been released to you in other than a summary, statistical, or aggregate form, you shall make no further disclosure of this information without the specific, written, and informed release of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is not sufficient for the release of information pursuant to this section."

(G) (1) If an investigation or inquiry the director currently is conducting pursuant to division (A) of this section is not completed within six months after the date of commencement, the director shall prepare and release a report containing preliminary findings. Every six months thereafter, the director shall prepare and release a supplementary preliminary report until such time as the investigation or inquiry is completed.

(2) Upon completion of an investigation or inquiry conducted pursuant to division (A) of this section, the director

shall prepare and release a final report containing the 1110  
director's findings. 1111

(H) No report prepared by the director pursuant to this 1112  
section shall contain protected health information, as defined 1113  
in section 3701.17 of the Revised Code. 1114

(I) The director shall adopt, in accordance with Chapter 1115  
119. of the Revised Code, rules establishing the manner in which 1116  
the reports prepared by the director pursuant to this section 1117  
are to be released. 1118

(J) The director shall release information obtained during 1119  
an investigation or inquiry that the director currently is 1120  
conducting pursuant to division (A) of this section and that is 1121  
not yet complete, if the director determines the release of the 1122  
information is necessary, based on an evaluation of relevant 1123  
information, to avert or mitigate a clear threat to an 1124  
individual or to the public health. Information released 1125  
pursuant to this division shall be limited to the release of the 1126  
information to those persons necessary to control, prevent, or 1127  
mitigate disease or illness. 1128

**Sec. 3707.01.** ~~The~~ (A) As used in this chapter, "isolation" 1129  
and "quarantine" have the same meanings as in section 3701.13 of 1130  
the Revised Code. 1131

(B) The board of health of a city or general health 1132  
district shall abate and remove all nuisances within its 1133  
jurisdiction. It may, by order, compel the owners, agents, 1134  
assignees, occupants, or tenants of any lot, property, building, 1135  
or structure to abate and remove any nuisance therein, and 1136  
prosecute such persons for neglect or refusal to obey such 1137  
orders. Except in cities having a building department, or 1138

otherwise exercising the power to regulate the erection of 1139  
buildings, the board may regulate the location, ~~constuction~~ 1140  
construction, and repair of water closets, privies, cesspools, 1141  
sinks, plumbing, and drains. In cities having such departments 1142  
or exercising such power, the legislative authority, by 1143  
ordinance, shall prescribe such rules and regulations as are 1144  
approved by the board and shall provide for their enforcement. 1145

The board may regulate the location, construction, and 1146  
repair of yards, pens, and stables, and the use, emptying, and 1147  
cleaning of such yards, pens, and stables and of water closets, 1148  
privies, cesspools, sinks, plumbing, drains, or other places 1149  
where offensive or dangerous substances or liquids are or may 1150  
accumulate. 1151

When a building, erection, excavation, premises, business, 1152  
pursuit, matter, or thing, or the sewerage, drainage, plumbing, 1153  
or ventilation thereof is, in the opinion of the board, in a 1154  
condition dangerous to life or health, and when a building or 1155  
structure is occupied or rented for living or business purposes 1156  
and sanitary plumbing and sewerage are feasible and necessary, 1157  
but neglected or refused, the board may declare it a public 1158  
nuisance and order it to be removed, abated, suspended, altered, 1159  
or otherwise improved or purified by the owner, agent, or other 1160  
person having control thereof or responsible for such condition, 1161  
and may prosecute ~~him~~ the owner, agent, or other person having 1162  
control thereof for the refusal or neglect to obey such order. 1163  
The board may, by its officers and employees, remove, abate, 1164  
suspend, alter, or otherwise improve or purify such nuisance and 1165  
certify the costs and expense thereof to the county auditor, to 1166  
be assessed against the property and thereby made a lien upon it 1167  
and collected as other taxes. 1168



Sec. 3707.11. A board of health of a city or general health district, or the authority having the duties of a board of health under section 3709.05 of the Revised Code, may only issue a quarantine or isolation order under this chapter that applies to individuals who have been medically diagnosed with the disease that is the subject of the order or individuals who have come in direct contact with someone who has been medically diagnosed with the disease that is the subject of the order. 1169  
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Sec. 3707.26. Semiannually, and more often, if in its judgment necessary, the board of health of a city or general health district shall inspect the sanitary condition of all schools and school buildings within its jurisdiction, and may disinfect any school building. ~~During an epidemic or threatened epidemic, or when~~ When a dangerous communicable disease is unusually prevalent and verified positive cases of the disease have been documented in a specific school building, the board may close ~~any that specific school and prohibit public gatherings building~~ for such time as is necessary to disinfect the building or otherwise bring that specific school building into sanitary condition. 1177  
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Sec. 3707.54. Notwithstanding sections 3707.01 to 3707.53 of the Revised Code, a board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code, or any person acting on the board's or authority's behalf, may issue an order or regulation that applies only to specific persons. Any order or regulation that applies to a class of persons in violation of this section is invalid and has no legal effect. As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code. 1189  
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Sec. 3709.212. Any order or regulation for the public health or for the prevention or restriction of disease issued by a board of health of a city or general health district under section 3709.20 or 3709.21 of the Revised Code may apply to only the following persons: 1199  
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(A) Those who have been medically diagnosed with the disease that is the subject of the order or regulation; 1204  
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(B) Those who have come in direct contact with someone who has been medically diagnosed with the disease that is the subject of the order or regulation; 1206  
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(C) Those that have had a documented incident in the building of the disease that is the subject of the order or regulation. 1209  
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As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code. 1212  
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Sec. 3709.50. Notwithstanding anything in this chapter, a board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code, or any person acting on the board's or authority's behalf, may issue an order or regulation that applies only to specific persons. Any order or regulation that applies to a class of persons in violation of this section is invalid and has no legal effect. As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code. 1214  
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**Sec. 3715.74.** (A) As used in this section: 1224

(1) "Adulterated" means adulterated as determined under section 3715.59 or 3715.63 of the Revised Code. 1225  
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(2) "Consumer product" means any food or drink that is 1227  
consumed by humans and any medicine, including a prescription 1228  
drug, that is consumed or used by humans. 1229

(3) "Retailer" means a place of business that offers 1230  
consumer products for sale to the general public. 1231

(B) (1) Except as provided in division (C) of this section, 1232  
if the governor has a reasonable basis to believe that one or 1233  
more units of a consumer product have been adulterated and that 1234  
further sale or use of the consumer product presents a threat to 1235  
the public health and safety, the governor may declare ~~a public~~ 1236  
~~health state of an adulterated consumer product~~ emergency and 1237  
make any of the following executive ~~public health state of~~ 1238  
~~adulterated consumer product~~ emergency orders: 1239

(a) That all units of the consumer product be removed from 1240  
public display by all retailers; 1241

(b) That no units of the consumer product be sold or 1242  
offered for sale during the ~~public health state of~~ adulterated 1243  
consumer product emergency; 1244

(c) That any retailer possessing units of the consumer 1245  
product segregate these units from other merchandise and hold 1246  
them or a portion of them for disposition by designated law 1247  
enforcement officers or officials of the department of 1248  
agriculture, the department of health, or the state board of 1249  
pharmacy; 1250

(d) Any other limitations, controls, or prohibitions that 1251  
the governor considers necessary regarding the manufacture, 1252  
importation, sale, or transportation of the consumer product. 1253

(2) The governor may amend or rescind any order issued 1254  
under division (B) (1) of this section. 1255

(C) If the particular type of consumer product referred to 1256  
in division (B) (1) of this section is one that falls within the 1257  
jurisdiction of the department of agriculture, the department of 1258  
health, or the state board of pharmacy, the governor shall not 1259  
declare a ~~public health state of~~ an adulterated consumer product 1260  
emergency pursuant to that division unless requested to do so by 1261  
the department or board that regulates the consumer product. If 1262  
the governor grants the request, the department or board that 1263  
made the request shall enforce the provisions of this section. 1264

(D) ~~A public health state of emergency declared under this~~ 1265  
~~section shall exist for not more than sixty days unless extended~~ 1266  
~~by the governor for an additional thirty day period, at which~~ 1267  
~~time the public health state of emergency shall end unless it is~~ 1268  
~~extended by a concurrent resolution adopted by both houses of~~ 1269  
~~the general assembly. An amendment to an executive public health~~ 1270  
~~state of emergency order shall not be considered a new order.~~ 1271

~~(E)~~ Any executive ~~public health state of~~ adulterated 1272  
consumer product emergency order or amended executive ~~public~~ 1273  
~~health state of~~ adulterated consumer product emergency order 1274  
issued under this section shall be disseminated promptly by 1275  
means that bring the order to the attention of the general 1276  
public. The governor promptly shall file the order with the 1277  
secretary of state, the department of agriculture, the 1278  
department of health, and the state board of pharmacy. 1279

~~(F)~~ ~~(E)~~ The state is not liable for removal, or for the 1280  
costs of removal, of consumer products from public display in 1281  
connection with an executive ~~public health state of~~ adulterated 1282  
consumer product emergency order issued under division (B) (1) (a) 1283  
of this section. Neither the state nor an agent of the state 1284  
acting pursuant to a ~~public health state of~~ an adulterated 1285

consumer product emergency is liable for any damages or loss 1286  
incurred because of any action pursuant to an executive ~~public~~ 1287  
~~health state of adulterated consumer product emergency~~ order of 1288  
that type. 1289

~~(G)~~ (F) No person shall knowingly violate an executive 1290  
~~public health state of adulterated consumer product emergency~~ 1291  
order issued by the governor under this section. Whoever 1292  
violates an executive ~~public health state of adulterated~~ 1293  
consumer product emergency order is subject to a fine of not 1294  
less than five hundred dollars. Each day a violation continues 1295  
is a separate offense. 1296

~~(H)~~ (G) The attorney general, at the direction of the 1297  
governor or upon request of the director of agriculture, the 1298  
director of health, the state board of pharmacy, or a 1299  
prosecuting attorney may commence an action in a court of common 1300  
pleas to enjoin a violation of an executive ~~public health state~~ 1301  
~~of adulterated consumer product emergency~~ order issued pursuant 1302  
to this section or to compel a person to perform a duty imposed 1303  
by an executive ~~public health state of adulterated consumer~~ 1304  
product emergency order. 1305

**Sec. 4935.03.** (A) The public utilities commission shall 1306  
adopt, and may amend or rescind, rules in accordance with 1307  
section 111.15 of the Revised Code, with the approval of the 1308  
governor, defining various foreseen types and levels of energy 1309  
emergency conditions for critical shortages or interruptions in 1310  
the supply of electric power, natural gas, coal, or individual 1311  
petroleum fuels and specifying appropriate measures to be taken 1312  
at each level or for each type of energy emergency as necessary 1313  
to protect the public health or safety or prevent unnecessary or 1314  
avoidable damage to property. The rules may prescribe different 1315

measures for each different type or level of declared energy 1316  
emergency, and for any type or level shall empower the governor 1317  
to: 1318

(1) Restrict the energy consumption of state and local 1319  
government offices and industrial and commercial establishments; 1320

(2) Restrict or curtail public or private transportation 1321  
or require or encourage the use of car pools or mass transit 1322  
systems; 1323

(3) Order, during a declared energy emergency, any 1324  
electric light, natural gas or gas, or pipeline company; any 1325  
supplier subject to certification under section 4928.08 or 1326  
4929.20 of the Revised Code; electric power or gas utility that 1327  
is owned by a municipal corporation or not for profit; coal 1328  
producer or supplier; electric power producer or marketer; or 1329  
petroleum fuel producer, refiner, wholesale distributor, or 1330  
retail dealer to sell electricity, gas, coal, or petroleum fuel 1331  
in order to alleviate hardship, or if possible to acquire or 1332  
produce emergency supplies to meet emergency needs; 1333

(4) Order, during a declared energy emergency, other 1334  
energy conservation or emergency energy production or 1335  
distribution measures to be taken in order to alleviate 1336  
hardship; 1337

(5) Mobilize emergency management, national guard, law 1338  
enforcement, or emergency medical services. 1339

The rules shall be designed to protect the public health 1340  
and safety and prevent unnecessary or avoidable damage to 1341  
property. They shall encourage the equitable distribution of 1342  
available electric power and fuel supplies among all geographic 1343  
regions in the state. 1344

(B) The governor may, after consultation with the 1345  
chairperson of the commission, declare an energy emergency by 1346  
filing with the secretary of state a written declaration of an 1347  
energy emergency at any time the governor finds that the health, 1348  
safety, or welfare of the residents of this state or of one or 1349  
more counties of this state is so imminently and substantially 1350  
threatened by an energy shortage that immediate action of state 1351  
government is necessary to prevent loss of life, protect the 1352  
public health or safety, and prevent unnecessary or avoidable 1353  
damage to property. The declaration shall state the counties, 1354  
utility service areas, or fuel market areas affected, or its 1355  
statewide effect, and what fuels or forms of energy are in 1356  
critically short supply. An energy emergency declaration goes 1357  
~~into immediate effect upon filing and continues in effect for~~ 1358  
~~the period prescribed in the declaration, but not more than~~ 1359  
~~thirty days. At the end of any thirty day or shorter energy~~ 1360  
~~emergency, the governor may issue another declaration extending~~ 1361  
~~the emergency. The general assembly may by concurrent resolution~~ 1362  
~~terminate any declaration of an energy emergency. The emergency~~ 1363  
~~is terminated at the time of filing of the concurrent resolution~~ 1364  
~~with the secretary of state.~~ When an energy emergency is 1365  
declared, the commission shall implement the measures which it 1366  
determines are appropriate for the type and level of emergency 1367  
in effect. 1368

(C) Energy emergency orders issued by the governor 1369  
pursuant to this section shall take effect immediately upon 1370  
issuance, and the person to whom the order is directed shall 1371  
initiate compliance measures immediately upon receiving the 1372  
order. During an energy emergency the attorney general or the 1373  
prosecuting attorney of the county where violation of a rule 1374  
adopted or order issued under this section occurs may bring an 1375

action for immediate injunction or other appropriate relief to 1376  
secure prompt compliance. The court may issue an ex parte 1377  
temporary order without notice which shall enforce the 1378  
prohibitions, restrictions, or actions that are necessary to 1379  
secure compliance with the rule or order. Compliance with rules 1380  
or orders issued under this section is a matter of statewide 1381  
concern. 1382

(D) During a declared energy emergency the governor may 1383  
use the services, equipment, supplies, and facilities of 1384  
existing departments, offices, and agencies of the state and of 1385  
the political subdivisions thereof to the maximum extent 1386  
practicable and necessary to meet the energy emergency, and the 1387  
officers and personnel of all such departments, offices, and 1388  
agencies shall cooperate with and extend such services and 1389  
facilities to the governor upon request. 1390

(E) During an energy emergency declared under this 1391  
section, no person shall violate any rule adopted or order 1392  
issued under this section. Whoever violates this division is 1393  
guilty of a minor misdemeanor on a first offense, and a 1394  
misdemeanor of the first degree upon subsequent offenses or if 1395  
the violation was purposely committed. 1396

**Section 2.** That existing sections 106.022, 111.15, 119.03, 1397  
2743.03, 3701.13, 3701.14, 3707.01, 3707.26, 3715.74, and 1398  
4935.03 of the Revised Code are hereby repealed. 1399

**Section 3.** (A) As used in this section: 1400

"Administrative department," "administrative department 1401  
head," "rule," "state agency," and "statewide elected officer" 1402  
have the meanings defined in section 107.43 of the Revised Code. 1403

"State of emergency" has the meaning defined in section 1404



107.42 of the Revised Code. 1405

(B) Any order or rule issued or adopted by an 1406  
administrative department, administrative department head, state 1407  
agency, or statewide elected officer in response to a state of 1408  
emergency; any emergency rule or amendment adopted by an agency 1409  
under division (G) (1) of section 119.03 of the Revised Code in 1410  
response to a state of emergency; any emergency rule adopted by 1411  
an agency under division (B) (2) of section 111.15 of the Revised 1412  
Code in response to a state of emergency; and any special or 1413  
standing order or rule issued by the Department of Health under 1414  
section 3701.13 of the Revised Code or action taken by the 1415  
Director of Health under section 3701.14 of the Revised Code, 1416  
that is in effect on the effective date of this section is 1417  
immediately subject to review by the Ohio Health Oversight and 1418  
Advisory Committee as provided under section 103.651 of the 1419  
Revised Code and rescission by the General Assembly, in whole or 1420  
in part, as provided under sections 101.36 and 107.43 of the 1421  
Revised Code. 1422

(C) An emergency declaration in effect on the effective 1423  
date of this section shall be subject to immediate termination 1424  
by the General Assembly through the adoption of a concurrent 1425  
resolution, and shall exist for not more than thirty calendar 1426  
days after the effective date of this section unless extended by 1427  
the General Assembly as provided in division (C) of section 1428  
107.42 of the Revised Code. If the General Assembly does not 1429  
extend the state of emergency, the Governor shall not declare an 1430  
identical or substantially similar state of emergency, or 1431  
declare a state of emergency with any part of the initial state 1432  
of emergency, for at least sixty calendar days following the 1433  
expiration of the state of emergency, unless authorized by the 1434  
General Assembly through the adoption of a concurrent 1435

resolution.	1436
<b>Section 4.</b> The items of law contained in this act, and	1437
their applications, are severable. If any item of law contained	1438
in this act, or if any application of any item of law contained	1439
in this act, is held invalid, the invalidity does not affect	1440
other items of law contained in this act and their applications	1441
that can be given effect without the invalid item of law or	1442
application.	1443
<b>Section 5.</b> Section 119.03 of the Revised Code is presented	1444
in this act as a composite of the section as amended by both	1445
S.B. 221 and S.B. 229 of the 132nd General Assembly. The General	1446
Assembly, applying the principle stated in division (B) of	1447
section 1.52 of the Revised Code that amendments are to be	1448
harmonized if reasonably capable of simultaneous operation,	1449
finds that the composite is the resulting version of the section	1450
in effect prior to the effective date of the section as	1451
presented in this act.	1452