As Introduced

136th General Assembly
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2025-2026

H. B. No. 1038

Representative King

Cosponsors: Representatives Barhorst, Gross, Ferguson, Newman, Lear, Mullins, Robb Blasdel, Miller, K., Creech, Demetriou, Salvo, Hall, T.

To amend section 101.36 of the Revised Code to make changes concerning the authority of the General Assembly to rescind actions and orders of the Director of Health.

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

Section 1. That section 101.36 of the Revised Code be amended to read as follows:

Sec. 101.36. (A)(1) If the department of health issues a special or standing order or rule ~~for preventing the spread of contagious or infectious disease~~ under section 3701.13 of the Revised Code, the general assembly may rescind that special or standing order or rule, in whole or in part, by adopting a concurrent resolution.

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

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to division (A)(1) or (2) of this section, the department shall not reissue that special or standing order or rule or rescinded portion thereof, issue a substantially similar special or standing order or rule or rescinded portion thereof, take that action or rescinded portion thereof or a substantially similar action or portion thereof again, or issue a restriction contained in the rescinded special or standing order or rule, rescinded action, or portion thereof, for a period of sixty calendar days following the adoption of a concurrent resolution by the general assembly.

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general assembly to permit the department or director to issue a special or standing order or rule, or take an action, rescinded by the general assembly.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

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

Section 2. That existing section 101.36 of the Revised Code is hereby repealed.