

As Introduced

136th General Assembly

Regular Session

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H. B. No. 969

Representatives Klopfenstein, Hiner

To amend sections 3709.03 and 3709.07 of the 1
Revised Code to make changes regarding the 2
composition of some local boards of health. 3

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

Section 1. That sections 3709.03 and 3709.07 of the 4
Revised Code be amended to read as follows: 5

Sec. 3709.03. (A) There is hereby created in each general 6
health district a district advisory council. A council shall 7
consist of the president of the board of county commissioners, 8
the chief executive of each municipal corporation not 9
constituting a city health district, and the chairperson of the 10
board of township trustees of each township. The board of county 11
commissioners, the legislative body of a municipal corporation, 12
and the board of township trustees of a township may select an 13
alternate from among themselves to serve if the president, the 14
chief executive, or the chairperson is unable to attend any 15
meeting of the district advisory council. When attending a 16
meeting on behalf of a council member, the alternate may vote on 17
any matter on which the member is authorized to vote. 18

The council shall organize by selecting a chair and 19
secretary from among its members. The council shall adopt bylaws 20

governing its meetings, the transaction of business, and voting 21
procedures. 22

The council shall meet annually in March at a place 23
determined by the chair and the health commissioner for the 24
purpose of electing the chair and the secretary, making 25
necessary appointments to the board of health, receiving and 26
considering the annual or special reports from the board of 27
health, and making recommendations to the board of health or to 28
the department of health in regard to matters for the betterment 29
of health and sanitation within the district or for needed 30
legislation. The secretary of the council shall notify the 31
district health commissioner and the director of health of the 32
proceedings of such meeting. 33

Special meetings of the council shall be held on the order 34
of any of the following: 35

(1) The director of health; 36

(2) The board of health; 37

(3) The lesser of five or a majority of district advisory 38
council members. 39

The district health commissioner shall attend all meetings 40
of the council. 41

(B) The district advisory council shall appoint five 42
members of the board of health, unless the board of health has 43
established a health district licensing council under section 44
3709.41 of the Revised Code, in which case, the district 45
advisory council shall appoint four members of the board of 46
health, and the health district licensing council shall appoint 47
one member of the board of health. At least one member of the 48
board of health shall be either a physician, physician 49

assistant, or certified nurse practitioner as defined in section 50
4723.01 of the Revised Code. Appointments shall be made with due 51
regard to equal representation of all parts of the district. 52

(C) If at an annual or special meeting at which a member 53
of the board of health is to be appointed fewer than a majority 54
of the members of the district council are present, the council, 55
by the majority vote of council members present, may organize an 56
executive committee to make the appointment. An executive 57
committee shall consist of five council members, including the 58
president of the board of county commissioners, the council 59
chair, the council secretary, and two additional council members 60
selected by majority affirmative vote of the council members 61
present at the meeting. The additional members selected shall 62
include one representative of municipal corporations in the 63
district that are not city health districts and one 64
representative of townships in the district. If an individual is 65
eligible for more than one position on the executive committee 66
due to holding a particular office, the individual shall fill 67
one position on the committee and the other position shall be 68
filled by a member selected by a majority affirmative vote of 69
the council members present at the meeting. A council member's 70
alternate for annual meetings may serve as the member's 71
alternate at meetings of the executive committee. 72

Not later than thirty days after an executive committee is 73
organized, the committee shall meet and the council chair shall 74
present to the committee the matter of appointing a member of 75
the board of health. The committee shall appoint the board 76
member by majority affirmative vote. In the case of a combined 77
health district, the executive committee shall appoint only 78
members of the board of health that are to be appointed by the 79
district advisory council, unless the contract for 80

administration of health affairs in the combined district 81
provides otherwise. If a majority affirmative vote is not 82
reached within thirty days after the executive committee is 83
organized, the director of health shall appoint the member of 84
the board of health under the authority conferred by section 85
3709.03 of the Revised Code. 86

If the council fails to meet or appoint a member of the 87
board of health as required by this section or section 3709.02 88
of the Revised Code, the director of health may appoint the 89
member. 90

Sec. 3709.07. Except as provided in section 3709.071 of 91
the Revised Code, when it is proposed that one or more city 92
health districts unite with a general health district in the 93
formation of a single district, the district advisory council of 94
the general health district shall meet and vote on the question 95
of union. It shall require a majority affirmative vote of the 96
members of the district advisory council to carry the question. 97
The legislative authority of each city constituting a city 98
health district shall likewise vote on the question. A majority 99
voting affirmatively shall be required for approval. When the 100
majority of the district advisory council and the legislative 101
authority have voted affirmatively, the chair of the council and 102
the chief executive of each city shall enter into a contract for 103
the administration of health affairs in the combined district. 104
Such contract shall state the proportion of the expenses of the 105
board of health or health department of the combined district t 106
o be paid by the city or cities and by the original general 107
health district. The contract may provide that the 108
administration of the combined district shall be taken over by 109
either the board of health or health department of one of the 110
cities, by the board of health of the general health district, 111

or by a combined board of health. Such contract shall prescribe 112
the date on which such change of administration shall be made. A 113
copy of such contract shall be filed with the director of 114
health. 115

The combined district shall constitute a general health 116
district, and the board of health or health department of the 117
city, the board of health of the original general health 118
district, or the combined board of health, as may be agreed in 119
the contract, shall have, within the combined district, all the 120
powers granted to, and perform all the duties required of, the 121
board of health of a general health district. 122

The district advisory council of the combined general 123
health district shall consist of the members of the district 124
advisory council of the original general health district and the 125
chief executive of each city constituting a city health 126
district, each member having one vote. 127

If the contract provides that the administration of the 128
combined district shall be taken over by a combined board of 129
health, rather than the board of health of the original health 130
district, the contract shall set forth the number of members of 131
such board, their terms of office, and the manner of appointment 132
or election of officers. One of the members of such combined 133
board of health shall be either a physician, physician 134
assistant, or certified nurse practitioner as defined in section 135
4723.01 of the Revised Code, and one member shall be an 136
individual appointed by the health district licensing council, 137
if such council is established under section 3709.41 of the 138
Revised Code. The contract may also provide for the 139
representation of areas by one or more members and shall, in 140
such event, specify the territory to be included in each such 141

area.	142
The appointment of any member of the combined board who is	143
designated by the provisions of the contract to represent a city	144
shall be made by the chief executive and approved by the	145
legislative authority of such city. If a member is designated by	146
the contract to represent more than one city, the member shall	147
be appointed by majority vote of the chief executives of all	148
cities included in any such area. Except for the member	149
appointed by the health district licensing council, if such	150
council is established, the appointment of all members of the	151
combined board who are designated to represent the balance of	152
the district shall be made by the district advisory council.	153
The service status of any person employed by a city or	154
general health district shall not be affected by the creation of	155
a combined district.	156
Section 2. That existing sections 3709.03 and 3709.07 of	157
the Revised Code are hereby repealed.	158