

I\_134\_0395-3

134th General Assembly  
Regular Session  
2021-2022

Sub. H. B. No. 103

---

**A BILL**

To amend sections 106.022, 111.15, and 119.03 and 1  
to enact section 106.07 of the Revised Code 2  
regarding the adoption and duration of emergency 3  
administrative rules. 4

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

**Section 1.** That sections 106.022, 111.15, and 119.03 be 5  
amended and section 106.07 of the Revised Code be enacted to 6  
read as follows: 7

**Sec. 106.022.** If the joint committee on agency rule review 8  
makes a finding with regard to a proposed rule under section 9  
106.021 of the Revised Code, and also finds that it nevertheless 10  
would be worthwhile to afford the agency an opportunity to 11  
revise the proposed rule, the joint committee, as an alternative 12  
to recommending the adoption of a concurrent resolution to 13  
invalidate the proposed rule, may authorize the agency to revise 14  
and refile the proposed rule and rule summary and fiscal 15  
analysis. The joint committee shall issue the authorization in 16  
writing. In the authorization, the joint committee shall explain 17  
the finding that, but for the authorization, would have resulted 18



ykgutfuxwqje8pwqmukxzz

in a recommendation of invalidation, and shall explain why the joint committee has found it nevertheless to be worthwhile to afford the agency an opportunity to revise the proposed rule. The joint committee shall transmit the authorization electronically to the agency, the secretary of state, the director of the legislative service commission, and, if the proposed rule is to replace an emergency rule, the governor.

When the joint committee approves such an authorization, the running of the time within which a concurrent resolution invalidating the proposed rule may be adopted is tolled until the thirty-first day after the day on which the authorization was approved. If, during the tolling period, the agency revises and refiles the proposed rule, the time within which a concurrent resolution invalidating the proposed rule may be adopted resumes running and expires on the thirty-first day after the day the proposed rule was refiled. But if, during the tolling period, the agency neither withdraws nor revises and refiles the proposed rule, the time within which a concurrent resolution invalidating the proposed rule may be adopted resumes running and expires on the thirty-first day after the day the tolling period ended.

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

If the joint committee makes any of the findings outlined in section 106.021 of the Revised Code with regard to the revised proposed rule and rule summary and fiscal analysis, the joint committee may recommend the adoption of a concurrent resolution to invalidate the proposed rule under section 106.021

of the Revised Code. The joint committee may issue only one 49  
authorization with regard to the same proposed rule. 50

~~If the proposed rule that is the subject of an 51  
authorization is to replace an emergency rule, the governor may 52  
issue an order extending the emergency rule for an additional 53  
one hundred twenty days after the day on which the emergency 54  
rule otherwise would become invalid. The governor shall transmit 55  
the order electronically to the agency, the joint committee, and 56  
the director of the legislative service commission. 57~~

Sec. 106.07. (A) With respect to an emergency rule adopted 58  
under division (B)(2) of section 111.15 or division (G)(1) of 59  
section 119.03 of the Revised Code, the joint committee on 60  
agency rule review may do either of the following: 61

(1) By a vote of the majority of its members, recommend to 62  
the senate and house of representatives the adoption of a 63  
concurrent resolution invalidating the emergency rule before it 64  
expires; 65

(2) On the written request of the agency that adopted the 66  
emergency rule, and by a vote of the majority of the joint 67  
committee's members, extend the duration of the rule by up to an 68  
additional sixty-five days. 69

(B) If the committee recommends the adoption of a 70  
concurrent resolution invalidating an emergency rule under 71  
division (A) of this section, the senate and house of 72  
representatives may adopt the resolution any time before the 73  
rule expires. If a resolution is adopted, the agency shall not 74  
use the procedures described in division (B)(2) of section 75  
111.15 or division (G)(1) of section 119.03 of the Revised Code 76  
to readopt the rule, the substance of the rule, or a restriction 77

contained in the rule. 78

(C) If an agency requests that an emergency rule be 79  
extended and the committee does not vote on the request before 80  
the rule expires, it is as though the committee voted against 81  
the request. 82

**Sec. 111.15.** (A) As used in this section: 83

(1) "Rule" includes any rule, regulation, bylaw, or 84  
standard having a general and uniform operation adopted by an 85  
agency under the authority of the laws governing the agency; any 86  
appendix to a rule; and any internal management rule. "Rule" 87  
does not include any guideline adopted pursuant to section 88  
3301.0714 of the Revised Code, any order respecting the duties 89  
of employees, any finding, any determination of a question of 90  
law or fact in a matter presented to an agency, or any rule 91  
promulgated pursuant to Chapter 119. or division (C)(1) or (2) 92  
of section 5117.02 of the Revised Code. "Rule" includes any 93  
amendment or rescission of a rule. 94

(2) "Agency" means any governmental entity of the state 95  
and includes, but is not limited to, any board, department, 96  
division, commission, bureau, society, council, institution, 97  
state college or university, community college district, 98  
technical college district, or state community college. "Agency" 99  
does not include the general assembly, the controlling board, 100  
the adjutant general's department, or any court. 101

(3) "Internal management rule" means any rule, regulation, 102  
bylaw, or standard governing the day-to-day staff procedures and 103  
operations within an agency. 104

(B)(1) Any rule, other than a rule of an emergency nature, 105  
adopted by any agency pursuant to this section shall be 106

effective on the tenth day after the day on which the rule in 107  
final form and in compliance with division (B)(3) of this 108  
section is filed as follows: 109

(a) The rule shall be filed in electronic form with both 110  
the secretary of state and the director of the legislative 111  
service commission; 112

(b) The rule shall be filed in electronic form with the 113  
joint committee on agency rule review. Division (B)(1)(b) of 114  
this section does not apply to any rule to which division (D) of 115  
this section does not apply. 116

An agency that adopts or amends a rule that is subject to 117  
division (D) of this section shall assign a review date to the 118  
rule that is not later than five years after its effective date. 119  
If a review date assigned to a rule exceeds the five-year 120  
maximum, the review date for the rule is five years after its 121  
effective date. A rule with a review date is subject to review 122  
under section 106.03 of the Revised Code. This paragraph does 123  
not apply to a rule of a state college or university, community 124  
college district, technical college district, or state community 125  
college. 126

If an agency in adopting a rule designates an effective 127  
date that is later than the effective date provided for by 128  
division (B)(1) of this section, the rule if filed as required 129  
by such division shall become effective on the later date 130  
designated by the agency. 131

Any rule that is required to be filed under division (B) 132  
(1) of this section is also subject to division (D) of this 133  
section if not exempted by that division. 134

If a rule incorporates a text or other material by 135

reference, the agency shall comply with sections 121.71 to 136  
121.75 of the Revised Code. 137

(2) A rule of an emergency nature necessary for the 138  
immediate preservation of the public peace, health, or safety 139  
shall state the reasons for the necessity. The emergency rule, 140  
in final form and in compliance with division (B) (3) of this 141  
section, shall be filed in electronic form with the secretary of 142  
state, the director of the legislative service commission, and 143  
the joint committee on agency rule review. The emergency rule is 144  
effective immediately upon completion of the latest filing, 145  
except that if the agency in adopting the emergency rule 146  
designates an effective date, or date and time of day, that is 147  
later than the effective date and time provided for by division 148  
(B) (2) of this section, the emergency rule if filed as required 149  
by such division shall become effective at the later date, or 150  
later date and time of day, designated by the agency. 151

An Except as provided in section 106.07 of the Revised 152  
Code, an emergency rule becomes invalid at the end of the ~~one~~ 153  
~~hundred twentieth-thirtieth~~ calendar day it is in effect. Prior 154  
to that date, the agency may file the emergency rule as a 155  
nonemergency rule in compliance with division (B) (1) of this 156  
section. The agency ~~may~~ shall not refile ~~do any of the~~ 157  
following: 158

(a) Refile the emergency rule in compliance with division 159  
(B) (2) of this section so that, upon the emergency rule becoming 160  
invalid under such division, the emergency rule will continue in 161  
effect without interruption for another ~~one hundred twenty day~~ 162  
thirty-calendar-day period; 163

(b) File a new emergency rule that contains the substance 164  
of the previous emergency rule adopted in compliance with 165

division (B) (2) of this section so that, on the previous 166  
emergency rule becoming invalid under that division, the 167  
substance of the previous emergency rule will continue in effect 168  
without interruption for another thirty-calendar-day period; 169

(c) File a new emergency rule that contains a restriction 170  
contained in the previous emergency rule adopted in compliance 171  
with division (B) (2) of this section so that, on the previous 172  
emergency rule becoming invalid under that division, the 173  
restriction from the previous emergency rule will continue in 174  
effect without interruption for another thirty-calendar-day 175  
period. 176

(3) An agency shall file a rule under division (B) (1) or 177  
(2) of this section in compliance with the following standards 178  
and procedures: 179

(a) The rule shall be numbered in accordance with the 180  
numbering system devised by the director for the Ohio 181  
administrative code. 182

(b) The rule shall be prepared and submitted in compliance 183  
with the rules of the legislative service commission. 184

(c) The rule shall clearly state the date on which it is 185  
to be effective and the date on which it will expire, if known. 186

(d) Each rule that amends or rescinds another rule shall 187  
clearly refer to the rule that is amended or rescinded. Each 188  
amendment shall fully restate the rule as amended. 189

If the director of the legislative service commission or 190  
the director's designee gives an agency notice pursuant to 191  
section 103.05 of the Revised Code that a rule filed by the 192  
agency is not in compliance with the rules of the legislative 193  
service commission, the agency shall within thirty days after 194

receipt of the notice conform the rule to the rules of the 195  
commission as directed in the notice. 196

(C) All rules filed pursuant to divisions (B)(1)(a) and 197  
(2) of this section shall be recorded by the secretary of state 198  
and the director under the title of the agency adopting the rule 199  
and shall be numbered according to the numbering system devised 200  
by the director. The secretary of state and the director shall 201  
preserve the rules in an accessible manner. Each such rule shall 202  
be a public record open to public inspection and may be 203  
transmitted to any law publishing company that wishes to 204  
reproduce it. 205

(D) At least sixty-five days before a board, commission, 206  
department, division, or bureau of the government of the state 207  
files a rule under division (B)(1) of this section, it shall 208  
file the full text of the proposed rule in electronic form with 209  
the joint committee on agency rule review, and the proposed rule 210  
is subject to legislative review and invalidation under section 211  
106.021 of the Revised Code. If a state board, commission, 212  
department, division, or bureau makes a revision in a proposed 213  
rule after it is filed with the joint committee, the state 214  
board, commission, department, division, or bureau shall 215  
promptly file the full text of the proposed rule in its revised 216  
form in electronic form with the joint committee. A state board, 217  
commission, department, division, or bureau shall also file the 218  
rule summary and fiscal analysis prepared under section 106.024 219  
of the Revised Code in electronic form along with a proposed 220  
rule, and along with a proposed rule in revised form, that is 221  
filed under this division. If a proposed rule has an adverse 222  
impact on businesses, the state board, commission, department, 223  
division, or bureau also shall file the business impact 224  
analysis, any recommendations received from the common sense 225



initiative office, and the associated memorandum of response, if 226  
any, in electronic form along with the proposed rule, or the 227  
proposed rule in revised form, that is filed under this 228  
division. 229

A proposed rule that is subject to legislative review 230  
under this division may not be adopted and filed in final form 231  
under division (B)(1) of this section unless the proposed rule 232  
has been filed with the joint committee on agency rule review 233  
under this division and the time for the joint committee to 234  
review the proposed rule has expired without recommendation of a 235  
concurrent resolution to invalidate the proposed rule. 236

As used in this division, "commission" includes the public 237  
utilities commission when adopting rules under a federal or 238  
state statute. 239

This division does not apply to any of the following: 240

(1) A proposed rule of an emergency nature; 241

(2) A rule proposed under section 1121.05, 1121.06, 242  
1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 243  
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 244  
Code; 245

(3) A rule proposed by an agency other than a board, 246  
commission, department, division, or bureau of the government of 247  
the state; 248

(4) A proposed internal management rule of a board, 249  
commission, department, division, or bureau of the government of 250  
the state; 251

(5) Any proposed rule that must be adopted verbatim by an 252  
agency pursuant to federal law or rule, to become effective 253

within sixty days of adoption, in order to continue the 254  
operation of a federally reimbursed program in this state, so 255  
long as the proposed rule contains both of the following: 256

(a) A statement that it is proposed for the purpose of 257  
complying with a federal law or rule; 258

(b) A citation to the federal law or rule that requires 259  
verbatim compliance. 260

(6) An initial rule proposed by the director of health to 261  
impose safety standards and quality-of-care standards with 262  
respect to a health service specified in section 3702.11 of the 263  
Revised Code, or an initial rule proposed by the director to 264  
impose quality standards on a health care facility as defined in 265  
section 3702.30 of the Revised Code, if section 3702.12 of the 266  
Revised Code requires that the rule be adopted under this 267  
section; 268

(7) A rule of the state lottery commission pertaining to 269  
instant game rules. 270

If a rule is exempt from legislative review under division 271  
(D) (5) of this section, and if the federal law or rule pursuant 272  
to which the rule was adopted expires, is repealed or rescinded, 273  
or otherwise terminates, the rule is thereafter subject to 274  
legislative review under division (D) of this section. 275

Whenever a state board, commission, department, division, 276  
or bureau files a proposed rule or a proposed rule in revised 277  
form under division (D) of this section, it shall also file the 278  
full text of the same proposed rule or proposed rule in revised 279  
form in electronic form with the secretary of state and the 280  
director of the legislative service commission. A state board, 281  
commission, department, division, or bureau shall file the rule 282

summary and fiscal analysis prepared under section 106.024 of 283  
the Revised Code in electronic form along with a proposed rule 284  
or proposed rule in revised form that is filed with the 285  
secretary of state or the director of the legislative service 286  
commission. 287

**Sec. 119.03.** In the adoption, amendment, or rescission of 288  
any rule, an agency shall comply with the following procedure: 289

(A) Reasonable public notice shall be given in the 290  
register of Ohio at least thirty days prior to the date set for 291  
a hearing, in the form the agency determines. The agency shall 292  
file copies of the public notice under division (B) of this 293  
section. (The agency gives public notice in the register of Ohio 294  
when the public notice is published in the register under that 295  
division.) 296

The public notice shall include: 297

(1) A statement of the agency's intention to consider 298  
adopting, amending, or rescinding a rule; 299

(2) A synopsis of the proposed rule, amendment, or rule to 300  
be rescinded or a general statement of the subject matter to 301  
which the proposed rule, amendment, or rescission relates; 302

(3) A statement of the reason or purpose for adopting, 303  
amending, or rescinding the rule; 304

(4) The date, time, and place of a hearing on the proposed 305  
action, which shall be not earlier than the thirty-first nor 306  
later than the fortieth day after the proposed rule, amendment, 307  
or rescission is filed under division (B) of this section. 308

In addition to public notice given in the register of 309  
Ohio, the agency may give whatever other notice it reasonably 310

considers necessary to ensure notice constructively is given to 311  
all persons who are subject to or affected by the proposed rule, 312  
amendment, or rescission. 313

The agency shall provide a copy of the public notice 314  
required under division (A) of this section to any person who 315  
requests it and pays a reasonable fee, not to exceed the cost of 316  
copying and mailing. 317

(B) The full text of the proposed rule, amendment, or rule 318  
to be rescinded, accompanied by the public notice required under 319  
division (A) of this section, shall be filed in electronic form 320  
with the secretary of state and with the director of the 321  
legislative service commission. (If in compliance with this 322  
division an agency files more than one proposed rule, amendment, 323  
or rescission at the same time, and has prepared a public notice 324  
under division (A) of this section that applies to more than one 325  
of the proposed rules, amendments, or rescissions, the agency 326  
shall file only one notice with the secretary of state and with 327  
the director for all of the proposed rules, amendments, or 328  
rescissions to which the notice applies.) The proposed rule, 329  
amendment, or rescission and public notice shall be filed as 330  
required by this division at least sixty-five days prior to the 331  
date on which the agency, in accordance with division (E) of 332  
this section, issues an order adopting the proposed rule, 333  
amendment, or rescission. 334

If the proposed rule, amendment, or rescission 335  
incorporates a text or other material by reference, the agency 336  
shall comply with sections 121.71 to 121.75 of the Revised Code. 337

The proposed rule, amendment, or rescission shall be 338  
available for at least thirty days prior to the date of the 339  
hearing at the office of the agency in printed or other legible 340

form without charge to any person affected by the proposal. 341  
Failure to furnish such text to any person requesting it shall 342  
not invalidate any action of the agency in connection therewith. 343

If the agency files a revision in the text of the proposed 344  
rule, amendment, or rescission, it shall also promptly file the 345  
full text of the proposed rule, amendment, or rescission in its 346  
revised form in electronic form with the secretary of state and 347  
with the director of the legislative service commission. 348

The agency shall file the rule summary and fiscal analysis 349  
prepared under section 106.024 of the Revised Code in electronic 350  
form along with a proposed rule, amendment, or rescission or 351  
proposed rule, amendment, or rescission in revised form that is 352  
filed with the secretary of state or the director of the 353  
legislative service commission. 354

The agency shall file the hearing report relating to a 355  
proposed rule, amendment, or rescission in electronic form with 356  
the secretary of state and the director of the legislative 357  
service commission at the same time the agency files the hearing 358  
report with the joint committee on agency rule review. 359

The director of the legislative service commission shall 360  
publish in the register of Ohio the full text of the original 361  
and each revised version of a proposed rule, amendment, or 362  
rescission; the full text of a public notice; the full text of a 363  
rule summary and fiscal analysis; and the full text of a hearing 364  
report that is filed with the director under this division. 365

(C) When an agency files a proposed rule, amendment, or 366  
rescission under division (B) of this section, it also shall 367  
file in electronic form with the joint committee on agency rule 368  
review the full text of the proposed rule, amendment, or rule to 369

be rescinded in the same form and the public notice required 370  
under division (A) of this section. (If in compliance with this 371  
division an agency files more than one proposed rule, amendment, 372  
or rescission at the same time, and has given a public notice 373  
under division (A) of this section that applies to more than one 374  
of the proposed rules, amendments, or rescissions, the agency 375  
shall file only one notice with the joint committee for all of 376  
the proposed rules, amendments, or rescissions to which the 377  
notice applies.) The proposed rule, amendment, or rescission is 378  
subject to legislative review and invalidation under sections 379  
106.02, 106.021, and 106.022 of the Revised Code. If the agency 380  
makes a revision in a proposed rule, amendment, or rescission 381  
after it is filed with the joint committee, the agency promptly 382  
shall file the full text of the proposed rule, amendment, or 383  
rescission in its revised form in electronic form with the joint 384  
committee. 385

An agency shall file the rule summary and fiscal analysis 386  
prepared under section 106.024 of the Revised Code in electronic 387  
form along with a proposed rule, amendment, or rescission, and 388  
along with a proposed rule, amendment, or rescission in revised 389  
form, that is filed under this division. 390

If a proposed rule, amendment, or rescission has an 391  
adverse impact on businesses, the agency also shall file the 392  
business impact analysis, any recommendations received from the 393  
common sense initiative office, and the agency's memorandum of 394  
response, if any, in electronic form along with the proposed 395  
rule, amendment, or rescission, or along with the proposed rule, 396  
amendment, or rescission in revised form, that is filed under 397  
this division. 398

The agency shall file the hearing report in electronic 399

form with the joint committee before the joint committee holds 400  
its public hearing on the proposed rule, amendment, or 401  
rescission. The filing of a hearing report does not constitute a 402  
revision of the proposed rule, amendment, or rescission to which 403  
the hearing report relates. 404

If the proposed rule, amendment, or rescission requires 405  
liability insurance, a bond, or any other financial 406  
responsibility instrument as a condition of licensure, the 407  
agency shall conduct a diligent search to determine if the 408  
liability insurance, bond, or other financial responsibility 409  
instrument is readily available in the amounts required as a 410  
condition of licensure, and shall certify to the joint committee 411  
that the search was conducted. 412

A proposed rule, amendment, or rescission that is subject 413  
to legislative review under this division may not be adopted 414  
under division (E) of this section or filed in final form under 415  
section 119.04 of the Revised Code unless the proposed rule, 416  
amendment, or rescission has been filed with the joint committee 417  
on agency rule review under this division and the time for 418  
legislative review of the proposed rule, amendment, or 419  
rescission has expired without adoption of a concurrent 420  
resolution to invalidate the proposed rule, amendment, or 421  
rescission. 422

This division does not apply to: 423

(1) An emergency rule, amendment, or rescission; 424

(2) A proposed rule, amendment, or rescission that must be 425  
adopted verbatim by an agency pursuant to federal law or rule, 426  
to become effective within sixty days of adoption, in order to 427  
continue the operation of a federally reimbursed program in this 428

state, so long as the proposed rule contains both of the 429  
following: 430

(a) A statement that it is proposed for the purpose of 431  
complying with a federal law or rule; 432

(b) A citation to the federal law or rule that requires 433  
verbatim compliance. 434

(3) A proposed rule, amendment, or rescission that, as set 435  
forth in section 3719.41 of the Revised Code, must be adopted by 436  
the state board of pharmacy pursuant to federal law or rule, to 437  
become effective within sixty days of adoption, so long as the 438  
proposed rule contains a statement that it is proposed for the 439  
purpose of complying with federal law or rule. 440

If a rule or amendment is exempt from legislative review 441  
under division (C) (2) of this section, and if the federal law or 442  
rule pursuant to which the rule or amendment was adopted 443  
expires, is repealed or rescinded, or otherwise terminates, the 444  
rule or amendment, or its rescission, is thereafter subject to 445  
legislative review under division (C) of this section. 446

(D) On the date and at the time and place designated in 447  
the notice, the agency shall conduct a public hearing at which 448  
any person affected by the proposed action of the agency may 449  
appear and be heard in person, by the person's attorney, or 450  
both, may present the person's position, arguments, or 451  
contentions, orally or in writing, offer and examine witnesses, 452  
and present evidence tending to show that the proposed rule, 453  
amendment, or rescission, if adopted or effectuated, will be 454  
unreasonable or unlawful. An agency may permit persons affected 455  
by the proposed rule, amendment, or rescission to present their 456  
positions, arguments, or contentions in writing, not only at the 457



hearing, but also for a reasonable period before, after, or both 458  
before and after the hearing. A person who presents a position 459  
or arguments or contentions in writing before or after the 460  
hearing is not required to appear at the hearing. 461

At the hearing, the testimony shall be recorded. Such 462  
record shall be made at the expense of the agency. The agency is 463  
required to transcribe a record that is not sight readable only 464  
if a person requests transcription of all or part of the record 465  
and agrees to reimburse the agency for the costs of the 466  
transcription. An agency may require the person to pay in 467  
advance all or part of the cost of the transcription. 468

In any hearing under this section the agency may 469  
administer oaths or affirmations. 470

The agency shall consider the positions, arguments, or 471  
contentions presented at, or before or after, the hearing. The 472  
agency shall prepare a hearing summary of the positions, 473  
arguments, or contentions, and of the issues raised by the 474  
positions, arguments, or contentions. The agency then shall 475  
prepare a hearing report explaining, with regard to each issue, 476  
how it is reflected in the rule, amendment, or rescission. If an 477  
issue is not reflected in the rule, amendment, or rescission, 478  
the hearing report shall explain why the issue is not reflected. 479  
The agency shall include the hearing summary in the hearing 480  
report as an appendix thereto. And, in the hearing report, the 481  
agency shall identify the proposed rule, amendment, or 482  
rescission to which the hearing report relates. 483

(E) After divisions (A), (B), (C), and (D) of this section 484  
have been complied with, and when the time for legislative 485  
review under sections 106.02, 106.022, and 106.023 of the 486  
Revised Code has expired without adoption of a concurrent 487

resolution to invalidate the proposed rule, amendment, or 488  
rescission, the agency may issue an order adopting the proposed 489  
rule or the proposed amendment or rescission of the rule, 490  
consistent with the synopsis or general statement included in 491  
the public notice. At that time the agency shall designate the 492  
effective date of the rule, amendment, or rescission, which 493  
shall not be earlier than the tenth day after the rule, 494  
amendment, or rescission has been filed in its final form as 495  
provided in section 119.04 of the Revised Code. 496

(F) Prior to the effective date of a rule, amendment, or 497  
rescission, the agency shall make a reasonable effort to inform 498  
those affected by the rule, amendment, or rescission and to have 499  
available for distribution to those requesting it the full text 500  
of the rule as adopted or as amended. 501

(G) (1) If the governor, upon the request of an agency, 502  
determines that an emergency requires the immediate adoption, 503  
amendment, or rescission of a rule, the governor shall issue an 504  
order, the text of which shall be filed in electronic form with 505  
the agency, the secretary of state, the director of the 506  
legislative service commission, and the joint committee on 507  
agency rule review, that the procedure prescribed by this 508  
section with respect to the adoption, amendment, or rescission 509  
of a specified rule is suspended. The agency may then adopt 510  
immediately the emergency rule, amendment, or rescission and it 511  
becomes effective on the date the rule, amendment, or 512  
rescission, in final form and in compliance with division (A) (2) 513  
of section 119.04 of the Revised Code, is filed in electronic 514  
form with the secretary of state, the director of the 515  
legislative service commission, and the joint committee on 516  
agency rule review. The director shall publish the full text of 517  
the emergency rule, amendment, or rescission in the register of 518

Ohio. 519

Except as provided in division (G) (2) of this section and 520  
section 106.07 of the Revised Code, the emergency rule, 521  
amendment, or rescission shall become invalid at the end of the 522  
~~one hundred twentieth thirtieth~~ calendar day it is in effect. 523  
Prior to that date the agency may adopt the emergency rule, 524  
amendment, or rescission as a nonemergency rule, amendment, or 525  
rescission by complying with the procedure prescribed by this 526  
section for the adoption, amendment, and rescission of 527  
nonemergency rules. The agency shall not use the procedure of 528  
division (G) (1) of this section to ~~readopt~~ do any of the 529  
following: 530

(a) Readopt the emergency rule, amendment, or rescission 531  
so that, upon the emergency rule, amendment, or rescission 532  
becoming invalid under division (G) (1) of this section, the 533  
emergency rule, amendment, or rescission will continue in effect 534  
without interruption for another ~~one hundred twenty day thirty-~~ 535  
~~calendar-day period,~~ except when section 106.02 of the Revised- 536  
~~Code prevents the agency from adopting the emergency rule,~~ 537  
~~amendment, or rescission as a nonemergency rule, amendment, or~~ 538  
~~rescission within the one hundred twenty day period;~~ 539

(b) Adopt a new emergency rule, amendment, or rescission 540  
that contains the substance of the prior emergency rule, 541  
amendment, or rescission so that, on the emergency rule, 542  
amendment, or rescission becoming invalid under division (G) (1) 543  
of this section, the substance of the emergency rule, amendment, 544  
or rescission will continue in effect without interruption for 545  
another thirty-calendar-day period; 546

(c) Adopt a new emergency rule, amendment, or rescission 547  
that contains a restriction contained in the prior emergency 548

rule, amendment, or rescission so that, on the emergency rule, 549  
amendment, or rescission becoming invalid under division (G) (1) 550  
of this section, the restriction contained in the emergency 551  
rule, amendment, or rescission will continue in effect without 552  
interruption for another thirty-calendar-day period. 553

Division (G) (1) of this section does not apply to the 554  
adoption of any emergency rule, amendment, or rescission by the 555  
tax commissioner under division (C) (2) of section 5117.02 of the 556  
Revised Code. 557

(2) An emergency rule or amendment adding a substance to a 558  
controlled substance schedule shall become invalid at the end of 559  
the one hundred eightieth day it is in effect. Prior to that 560  
date, the state board of pharmacy may adopt the emergency rule 561  
or amendment as a nonemergency rule or amendment by complying 562  
with the procedure prescribed by this section for adoption and 563  
amendment of nonemergency rules. The board shall not use the 564  
procedure of division (G) (1) of this section to readopt the 565  
emergency rule or amendment so that, upon the emergency rule or 566  
amendment becoming invalid under division (G) (2) of this 567  
section, the emergency rule or amendment will continue in effect 568  
beyond the one-hundred-eighty-day period. 569

(H) Rules adopted by an authority within the department of 570  
job and family services for the administration or enforcement of 571  
Chapter 4141. of the Revised Code or of the department of 572  
taxation shall be effective without a hearing as provided by 573  
this section if the statutes pertaining to such agency 574  
specifically give a right of appeal to the board of tax appeals 575  
or to a higher authority within the agency or to a court, and 576  
also give the appellant a right to a hearing on such appeal. 577  
This division does not apply to the adoption of any rule, 578

amendment, or rescission by the tax commissioner under division 579  
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 580  
the right to file an action for declaratory judgment as provided 581  
in Chapter 2721. of the Revised Code from the decision of the 582  
board of tax appeals or of the higher authority within such 583  
agency. 584

**Section 2.** That existing sections 106.022, 111.15, and 585  
119.03 of the Revised Code are hereby repealed. 586

**Section 3.** Section 119.03 of the Revised Code is presented 587  
in this act as a composite of the section as amended by both 588  
S.B. 221 and S.B. 229 of the 132nd General Assembly. The General 589  
Assembly, applying the principle stated in division (B) of 590  
section 1.52 of the Revised Code that amendments are to be 591  
harmonized if reasonably capable of simultaneous operation, 592  
finds that the composite is the resulting version of the section 593  
in effect prior to the effective date of the section as 594  
presented in this act. 595