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134th General Assembly
Regular Session
2021-2022

Sub. H. B. No. 90

A BILL

To amend sections 106.022, 111.15, 119.03, 2743.03, 1
3701.13, 3715.74, and 4935.03 and to enact 2
sections 103.65, 103.651, 107.42, 107.43, 3
121.84, 3707.11, and 3709.212 of the Revised 4
Code to establish legislative oversight of 5
executive orders and rules, and certain state 6
and local public health orders, including by 7
establishing the Ohio Health Oversight and 8
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, 3715.74, and 4935.03 be amended and sections 103.65, 11
103.651, 107.42, 107.43, 121.84, 3707.11, and 3709.212 of the 12
Revised Code be enacted to read as follows: 13

Sec. 103.65. (A) There is hereby created the Ohio health 14
oversight and advisory committee. The committee shall consist of 15
the following members: 16

(1) Five members of the senate appointed by the president 17



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of the senate, three of whom are members of the majority party 18
and two of whom are members of the minority party; 19

(2) Five members of the house of representatives appointed 20
by the speaker of the house of representatives, three of whom 21
are members of the majority party and two of whom are members of 22
the minority party. 23

(B) The president and speaker shall make the initial 24
appointments to the committee not later than fifteen days after 25
the effective date of this section. The president and speaker 26
shall make subsequent appointments not later than fifteen days 27
after the commencement of the first regular session of each 28
general assembly. Committee members may be reappointed. Members 29
of the committee shall serve on the committee until appointments 30
are made in the first regular session of the following general 31
assembly, unless a member is removed by the speaker or 32
president, respectively. A vacancy on the committee shall be 33
filled in the same manner as the original appointment. 34

(C) In odd-numbered years, the president shall designate 35
one committee member from the senate who is a member of the 36
majority party as the committee chairperson, and the speaker 37
shall designate one committee member from the house who is a 38
member of the minority party as the committee ranking minority 39
member. In even-numbered years, the speaker shall designate one 40
committee member from the house who is a member of the majority 41
party as the committee chairperson, and the president shall 42
designate one committee member from the senate who is a member 43
of the minority party as the committee ranking minority member. 44

(D) In appointing members from the minority party, and in 45
designating ranking minority members, the president and speaker 46
shall consult with the minority leader of their respective 47

houses. 48

(E) The Ohio health oversight and advisory committee shall 49
meet at the call of the chairperson. 50

(F) The executive director and other employees of the 51
joint medicaid oversight committee shall serve the Ohio health 52
oversight and advisory committee to enable the committee to 53
successfully and efficiently perform its duties. 54

Sec. 103.651. (A) As used in this section, "public health 55
state of emergency" has the same meaning as in section 107.42 of 56
the Revised Code. 57

(B) (1) The Ohio health oversight and advisory committee 58
has the power to do all of the following: 59

(a) Oversee actions taken by the governor or the 60
department of health during a public health state of emergency; 61

(b) Oversee actions taken by the department or a board of 62
health of a city or general health district or the authority 63
having the duties of a board of health under section 3709.05 of 64
the Revised Code during a public health state of emergency; 65

(c) Consult with and provide advice to the governor and 66
the department regarding necessary and appropriate action during 67
a public health state of emergency. 68

(2) The committee chairperson, when authorized by the 69
committee, the president of the senate, and the speaker of the 70
house of representatives, may issue subpoenas and subpoenas 71
duces tecum to assist the committee in performing its duties. A 72
subpoena or subpoena duces tecum shall be issued, served, and 73
returned, and has consequences, as specified in sections 101.41 74
to 101.45 of the Revised Code. 75

(C) (1) (a) Beginning on the eleventh day of a public health state of emergency, the Ohio health oversight and advisory committee may, by a vote of the majority of its members, rescind an executive order issued by the governor in response to the public health state of emergency, including an executive order to declare an emergency and any order to authorize an agency to adopt, amend, or rescind rules under division (G) of section 119.03 of the Revised Code. 76
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(b) The governor may submit a request to the general assembly to reissue an order or declaration rescinded by the committee, or a restriction contained in an order or declaration rescinded by the committee. If the governor's request indicates sufficient evidence to prove there has been significant unforeseen change in circumstances to justify overcoming the rescission, the general assembly may adopt a concurrent resolution authorizing the governor to reissue a rescinded order or declaration, or a restriction contained in a rescinded order or declaration. 84
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(2) Following the issuance of an executive order by the governor authorizing an agency to adopt, amend, or rescind rules under division (G) of section 119.03 of the Revised Code in response to a public health state of emergency, the committee may, at any time by a vote of the majority of its members, do either of the following: 94
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(a) Invalidate an emergency rule adopted or amended by an agency; 100
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(b) Authorize a rule rescinded by an agency to be reinstated. 102
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(3) Following the adoption of an emergency rule by an 104

agency under division (B) (2) of section 111.15 of the Revised 105
Code in response to a public health state of emergency, the 106
committee may, at any time by a vote of the majority of its 107
members, invalidate that rule. 108

(D) The committee may, at any time, by a vote of the 109
majority of its members, rescind any order, rule, or regulation 110
related to a public health state of emergency issued by the 111
department of health or a board of health of a city or general 112
health district or the authority having the duties of a board of 113
health under section 3709.05 of the Revised Code. 114

(E) (1) (a) Except as provided in division (E) (1) (b) of this 115
section, if the committee rescinds an order, rule, or regulation 116
or invalidates an emergency rule pursuant to this section, the 117
governor, the department, or agency shall not reissue that 118
order, rule, or regulation or readopt that invalidated emergency 119
rule, or any restriction contained in that order, rule, or 120
regulation, for a period of ninety calendar days following the 121
committee's vote to rescind. 122

(b) The governor may submit a request to the general 123
assembly to reissue an order or rule rescinded by the committee, 124
or a restriction contained in an order or rule rescinded by the 125
committee. If the governor's request indicates sufficient 126
evidence to prove there has been a significant unforeseen change 127
in circumstances to justify overcoming the rescission, the 128
general assembly may adopt a concurrent resolution authorizing 129
the governor, department, board, or authority to reissue a 130
rescinded order or declaration or a restriction contained in a 131
rescinded order or rule. 132

(2) An executive order issued by the governor, an order, 133
rule, or regulation issued by the department or a board of 134

health of a city or general health district or the authority 135
having the duties of a board of health under section 3709.05 of 136
the Revised Code, or an emergency rule adopted, amended, or 137
rescinded by an agency in violation of division (E)(1) of this 138
section is invalid and has no legal effect. 139

Sec. 106.022. If the joint committee on agency rule review 140
makes a finding with regard to a proposed rule under section 141
106.021 of the Revised Code, and also finds that it nevertheless 142
would be worthwhile to afford the agency an opportunity to 143
revise the proposed rule, the joint committee, as an alternative 144
to recommending the adoption of a concurrent resolution to 145
invalidate the proposed rule, may authorize the agency to revise 146
and refile the proposed rule and rule summary and fiscal 147
analysis. The joint committee shall issue the authorization in 148
writing. In the authorization, the joint committee shall explain 149
the finding that, but for the authorization, would have resulted 150
in a recommendation of invalidation, and shall explain why the 151
joint committee has found it nevertheless to be worthwhile to 152
afford the agency an opportunity to revise the proposed rule. 153
The joint committee shall transmit the authorization 154
electronically to the agency, the secretary of state, the 155
director of the legislative service commission, and, if the 156
proposed rule is to replace an emergency rule, the governor. 157

When the joint committee approves such an authorization, 158
the running of the time within which a concurrent resolution 159
invalidating the proposed rule may be adopted is tolled until 160
the thirty-first day after the day on which the authorization 161
was approved. If, during the tolling period, the agency revises 162
and refiles the proposed rule, the time within which a 163
concurrent resolution invalidating the proposed rule may be 164
adopted resumes running and expires on the thirty-first day 165

after the day the proposed rule was refiled. But if, during the 166
tolling period, the agency neither withdraws nor revises and 167
refiles the proposed rule, the time within which a concurrent 168
resolution invalidating the proposed rule may be adopted resumes 169
running and expires on the thirty-first day after the day the 170
tolling period ended. 171

Upon receiving the authorization, the agency may revise 172
the proposed rule and rule summary and fiscal analysis, and then 173
refile the revised proposed rule and rule summary and fiscal 174
analysis electronically with the joint committee. 175

If the joint committee makes any of the findings outlined 176
in section 106.021 of the Revised Code with regard to the 177
revised proposed rule and rule summary and fiscal analysis, the 178
joint committee may recommend the adoption of a concurrent 179
resolution to invalidate the proposed rule under section 106.021 180
of the Revised Code. The joint committee may issue only one 181
authorization with regard to the same proposed rule. 182

~~If Except as provided in sections 103.651 and 107.43 of~~ 183
~~the Revised Code, if~~ the proposed rule that is the subject of an 184
authorization is to replace an emergency rule, the governor may 185
issue an order extending the emergency rule for an additional 186
one hundred twenty days after the day on which the emergency 187
rule otherwise would become invalid. The governor shall transmit 188
the order electronically to the agency, the joint committee, and 189
the director of the legislative service commission. 190

Sec. 107.42. (A) As used in this section, "public health 191
state of emergency" means an emergency for which the governor 192
has declared an emergency in response to a threat to the 193
preservation of the life and health of the people of this state, 194
including an air pollution emergency under section 3704.032 of 195

the Revised Code, an energy shortage emergency under section 196
4935.03 of the Revised Code, and an adulterated consumer product 197
emergency under section 3715.74 of the Revised Code. 198

(B) Beginning the day the governor declares a public 199
health state of emergency, the governor shall report to the 200
president of the senate and the speaker of the house of 201
representatives every action the governor takes in response to 202
the public health state of emergency. 203

(C) An executive order issued by the governor in response 204
to a public health state of emergency, except an executive order 205
to declare a public health state of emergency, shall exist for 206
not more than thirty calendar days unless the general assembly 207
extends the executive order by adopting a concurrent resolution. 208

Sec. 107.43. (A) A state of emergency declared by the 209
governor, including a public health state of emergency as 210
defined under section 107.42 of the Revised Code, shall exist 211
for not more than thirty calendar days unless extended by the 212
general assembly as provided in division (B) of this section. An 213
amendment to a state of emergency declaration shall not be 214
considered a new declaration. 215

(B) The general assembly may extend a state of emergency 216
by adopting a concurrent resolution. The general assembly 217
continuously may extend a state of emergency by adopting 218
subsequent concurrent resolutions, but no extension may last 219
longer than sixty calendar days. If the general assembly does 220
not extend a state of emergency, the governor shall not reissue 221
that declaration, or any restriction contained in that 222
declaration, for a period of ninety calendar days after the 223
state of emergency ends. 224

(C) (1) The general assembly may rescind, by adopting a 225
concurrent resolution, any executive order issued by the 226
governor or any emergency declaration issued by the governor, 227
whether issued via executive order or otherwise. If the general 228
assembly rescinds an executive order or emergency declaration, 229
the governor shall not reissue that order or declaration, or any 230
restriction contained in that order or declaration, for a period 231
of ninety calendar days following the adoption of the concurrent 232
resolution by the general assembly, except as provided in 233
division (C) (2) of this section. 234

(2) The governor may submit a request to the general 235
assembly to reissue a rescinded order or declaration related to 236
a public health state of emergency, or a restriction contained 237
in a rescinded order or declaration related to a public health 238
state of emergency. If the governor's request indicates 239
sufficient evidence to prove there has been a significant 240
unforeseen change in circumstances to justify overcoming the 241
rescission, the general assembly may adopt a concurrent 242
resolution authorizing the governor to reissue a rescinded order 243
or declaration or a restriction contained in a rescinded order 244
or declaration. 245

(D) The general assembly may do either of the following by 246
adopting a concurrent resolution: 247

(1) Invalidate an emergency rule adopted or amended by an 248
agency under division (B) (2) of section 111.15 or division (G) 249
of section 119.03 of the Revised Code; 250

(2) Authorize a rule rescinded by an agency under division 251
(G) of section 119.03 of the Revised Code to be reinstated. 252

If the general assembly invalidates an emergency rule or 253

authorizes a rule to be reinstated under division (D) of this 254
section, an agency shall not readopt or rescind that invalidated 255
or reinstated rule, or any restriction contained in that rule, 256
for a period of ninety calendar days following the adoption of 257
the concurrent resolution by the general assembly. 258

(E) An executive order issued by the governor, or any 259
emergency declaration issued by the governor, whether issued via 260
executive order or otherwise, or a rule adopted, amended, or 261
rescinded by an agency in violation of this section is invalid 262
and has no legal effect. 263

Sec. 111.15. (A) As used in this section: 264

(1) "Rule" includes any rule, regulation, bylaw, or 265
standard having a general and uniform operation adopted by an 266
agency under the authority of the laws governing the agency; any 267
appendix to a rule; and any internal management rule. "Rule" 268
does not include any guideline adopted pursuant to section 269
3301.0714 of the Revised Code, any order respecting the duties 270
of employees, any finding, any determination of a question of 271
law or fact in a matter presented to an agency, or any rule 272
promulgated pursuant to Chapter 119. or division (C)(1) or (2) 273
of section 5117.02 of the Revised Code. "Rule" includes any 274
amendment or rescission of a rule. 275

(2) "Agency" means any governmental entity of the state 276
and includes, but is not limited to, any board, department, 277
division, commission, bureau, society, council, institution, 278
state college or university, community college district, 279
technical college district, or state community college. "Agency" 280
does not include the general assembly, the controlling board, 281
the adjutant general's department, or any court. 282

(3) "Internal management rule" means any rule, regulation, 283
bylaw, or standard governing the day-to-day staff procedures and 284
operations within an agency. 285

(B)(1) Any rule, other than a rule of an emergency nature, 286
adopted by any agency pursuant to this section shall be 287
effective on the tenth day after the day on which the rule in 288
final form and in compliance with division (B)(3) of this 289
section is filed as follows: 290

(a) The rule shall be filed in electronic form with both 291
the secretary of state and the director of the legislative 292
service commission; 293

(b) The rule shall be filed in electronic form with the 294
joint committee on agency rule review. Division (B)(1)(b) of 295
this section does not apply to any rule to which division (D) of 296
this section does not apply. 297

An agency that adopts or amends a rule that is subject to 298
division (D) of this section shall assign a review date to the 299
rule that is not later than five years after its effective date. 300
If a review date assigned to a rule exceeds the five-year 301
maximum, the review date for the rule is five years after its 302
effective date. A rule with a review date is subject to review 303
under section 106.03 of the Revised Code. This paragraph does 304
not apply to a rule of a state college or university, community 305
college district, technical college district, or state community 306
college. 307

If an agency in adopting a rule designates an effective 308
date that is later than the effective date provided for by 309
division (B)(1) of this section, the rule if filed as required 310
by such division shall become effective on the later date 311

designated by the agency. 312

Any rule that is required to be filed under division (B) 313
(1) of this section is also subject to division (D) of this 314
section if not exempted by that division. 315

If a rule incorporates a text or other material by 316
reference, the agency shall comply with sections 121.71 to 317
121.75 of the Revised Code. 318

(2) A rule of an emergency nature necessary for the 319
immediate preservation of the public peace, health, or safety 320
shall state the reasons for the necessity. The emergency rule, 321
in final form and in compliance with division (B) (3) of this 322
section, shall be filed in electronic form with the secretary of 323
state, the director of the legislative service commission, and 324
the joint committee on agency rule review. The emergency rule is 325
effective immediately upon completion of the latest filing, 326
except that if the agency in adopting the emergency rule 327
designates an effective date, or date and time of day, that is 328
later than the effective date and time provided for by division 329
(B) (2) of this section, the emergency rule if filed as required 330
by such division shall become effective at the later date, or 331
later date and time of day, designated by the agency. 332

An emergency rule becomes invalid at the end of the one 333
hundred twentieth day it is in effect. Prior to that date, the 334
agency may file the emergency rule as a nonemergency rule in 335
compliance with division (B) (1) of this section. The agency may 336
not refile the emergency rule in compliance with division (B) (2) 337
of this section so that, upon the emergency rule becoming 338
invalid under such division, the emergency rule will continue in 339
effect without interruption for another one hundred twenty-day 340
period. 341

An emergency rule adopted under division (B) (2) of this 342
section in response to a public health state of emergency, as 343
defined under section 107.42 of the Revised Code, shall exist 344
for not more than thirty calendar days unless the general 345
assembly extends the emergency rule by adopting a concurrent 346
resolution. An emergency rule adopted in response to a public 347
health state of emergency may be rescinded by the Ohio health 348
oversight and advisory committee in accordance with section 349
103.651 of the Revised Code or the general assembly in 350
accordance with section 107.43 of the Revised Code. 351

(3) An agency shall file a rule under division (B) (1) or 352
(2) of this section in compliance with the following standards 353
and procedures: 354

(a) The rule shall be numbered in accordance with the 355
numbering system devised by the director for the Ohio 356
administrative code. 357

(b) The rule shall be prepared and submitted in compliance 358
with the rules of the legislative service commission. 359

(c) The rule shall clearly state the date on which it is 360
to be effective and the date on which it will expire, if known. 361

(d) Each rule that amends or rescinds another rule shall 362
clearly refer to the rule that is amended or rescinded. Each 363
amendment shall fully restate the rule as amended. 364

If the director of the legislative service commission or 365
the director's designee gives an agency notice pursuant to 366
section 103.05 of the Revised Code that a rule filed by the 367
agency is not in compliance with the rules of the legislative 368
service commission, the agency shall within thirty days after 369
receipt of the notice conform the rule to the rules of the 370

commission as directed in the notice. 371

(C) All rules filed pursuant to divisions (B) (1) (a) and 372
(2) of this section shall be recorded by the secretary of state 373
and the director under the title of the agency adopting the rule 374
and shall be numbered according to the numbering system devised 375
by the director. The secretary of state and the director shall 376
preserve the rules in an accessible manner. Each such rule shall 377
be a public record open to public inspection and may be 378
transmitted to any law publishing company that wishes to 379
reproduce it. 380

(D) At least sixty-five days before a board, commission, 381
department, division, or bureau of the government of the state 382
files a rule under division (B) (1) of this section, it shall 383
file the full text of the proposed rule in electronic form with 384
the joint committee on agency rule review, and the proposed rule 385
is subject to legislative review and invalidation under section 386
106.021 of the Revised Code. If a state board, commission, 387
department, division, or bureau makes a revision in a proposed 388
rule after it is filed with the joint committee, the state 389
board, commission, department, division, or bureau shall 390
promptly file the full text of the proposed rule in its revised 391
form in electronic form with the joint committee. A state board, 392
commission, department, division, or bureau shall also file the 393
rule summary and fiscal analysis prepared under section 106.024 394
of the Revised Code in electronic form along with a proposed 395
rule, and along with a proposed rule in revised form, that is 396
filed under this division. If a proposed rule has an adverse 397
impact on businesses, the state board, commission, department, 398
division, or bureau also shall file the business impact 399
analysis, any recommendations received from the common sense 400
initiative office, and the associated memorandum of response, if 401

any, in electronic form along with the proposed rule, or the 402
proposed rule in revised form, that is filed under this 403
division. 404

A proposed rule that is subject to legislative review 405
under this division may not be adopted and filed in final form 406
under division (B)(1) of this section unless the proposed rule 407
has been filed with the joint committee on agency rule review 408
under this division and the time for the joint committee to 409
review the proposed rule has expired without recommendation of a 410
concurrent resolution to invalidate the proposed rule. 411

As used in this division, "commission" includes the public 412
utilities commission when adopting rules under a federal or 413
state statute. 414

This division does not apply to any of the following: 415

(1) A proposed rule of an emergency nature; 416

(2) A rule proposed under section 1121.05, 1121.06, 417
1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 418
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 419
Code; 420

(3) A rule proposed by an agency other than a board, 421
commission, department, division, or bureau of the government of 422
the state; 423

(4) A proposed internal management rule of a board, 424
commission, department, division, or bureau of the government of 425
the state; 426

(5) Any proposed rule that must be adopted verbatim by an 427
agency pursuant to federal law or rule, to become effective 428
within sixty days of adoption, in order to continue the 429

operation of a federally reimbursed program in this state, so 430
long as the proposed rule contains both of the following: 431

(a) A statement that it is proposed for the purpose of 432
complying with a federal law or rule; 433

(b) A citation to the federal law or rule that requires 434
verbatim compliance. 435

(6) An initial rule proposed by the director of health to 436
impose safety standards and quality-of-care standards with 437
respect to a health service specified in section 3702.11 of the 438
Revised Code, or an initial rule proposed by the director to 439
impose quality standards on a health care facility as defined in 440
section 3702.30 of the Revised Code, if section 3702.12 of the 441
Revised Code requires that the rule be adopted under this 442
section; 443

(7) A rule of the state lottery commission pertaining to 444
instant game rules. 445

If a rule is exempt from legislative review under division 446
(D) (5) of this section, and if the federal law or rule pursuant 447
to which the rule was adopted expires, is repealed or rescinded, 448
or otherwise terminates, the rule is thereafter subject to 449
legislative review under division (D) of this section. 450

Whenever a state board, commission, department, division, 451
or bureau files a proposed rule or a proposed rule in revised 452
form under division (D) of this section, it shall also file the 453
full text of the same proposed rule or proposed rule in revised 454
form in electronic form with the secretary of state and the 455
director of the legislative service commission. A state board, 456
commission, department, division, or bureau shall file the rule 457
summary and fiscal analysis prepared under section 106.024 of 458

the Revised Code in electronic form along with a proposed rule 459
or proposed rule in revised form that is filed with the 460
secretary of state or the director of the legislative service 461
commission. 462

Sec. 119.03. In the adoption, amendment, or rescission of 463
any rule, an agency shall comply with the following procedure: 464

(A) Reasonable public notice shall be given in the 465
register of Ohio at least thirty days prior to the date set for 466
a hearing, in the form the agency determines. The agency shall 467
file copies of the public notice under division (B) of this 468
section. (The agency gives public notice in the register of Ohio 469
when the public notice is published in the register under that 470
division.) 471

The public notice shall include: 472

(1) A statement of the agency's intention to consider 473
adopting, amending, or rescinding a rule; 474

(2) A synopsis of the proposed rule, amendment, or rule to 475
be rescinded or a general statement of the subject matter to 476
which the proposed rule, amendment, or rescission relates; 477

(3) A statement of the reason or purpose for adopting, 478
amending, or rescinding the rule; 479

(4) The date, time, and place of a hearing on the proposed 480
action, which shall be not earlier than the thirty-first nor 481
later than the fortieth day after the proposed rule, amendment, 482
or rescission is filed under division (B) of this section. 483

In addition to public notice given in the register of 484
Ohio, the agency may give whatever other notice it reasonably 485
considers necessary to ensure notice constructively is given to 486

all persons who are subject to or affected by the proposed rule, 487
amendment, or rescission. 488

The agency shall provide a copy of the public notice 489
required under division (A) of this section to any person who 490
requests it and pays a reasonable fee, not to exceed the cost of 491
copying and mailing. 492

(B) The full text of the proposed rule, amendment, or rule 493
to be rescinded, accompanied by the public notice required under 494
division (A) of this section, shall be filed in electronic form 495
with the secretary of state and with the director of the 496
legislative service commission. (If in compliance with this 497
division an agency files more than one proposed rule, amendment, 498
or rescission at the same time, and has prepared a public notice 499
under division (A) of this section that applies to more than one 500
of the proposed rules, amendments, or rescissions, the agency 501
shall file only one notice with the secretary of state and with 502
the director for all of the proposed rules, amendments, or 503
rescissions to which the notice applies.) The proposed rule, 504
amendment, or rescission and public notice shall be filed as 505
required by this division at least sixty-five days prior to the 506
date on which the agency, in accordance with division (E) of 507
this section, issues an order adopting the proposed rule, 508
amendment, or rescission. 509

If the proposed rule, amendment, or rescission 510
incorporates a text or other material by reference, the agency 511
shall comply with sections 121.71 to 121.75 of the Revised Code. 512

The proposed rule, amendment, or rescission shall be 513
available for at least thirty days prior to the date of the 514
hearing at the office of the agency in printed or other legible 515
form without charge to any person affected by the proposal. 516

Failure to furnish such text to any person requesting it shall 517
not invalidate any action of the agency in connection therewith. 518

If the agency files a revision in the text of the proposed 519
rule, amendment, or rescission, it shall also promptly file the 520
full text of the proposed rule, amendment, or rescission in its 521
revised form in electronic form with the secretary of state and 522
with the director of the legislative service commission. 523

The agency shall file the rule summary and fiscal analysis 524
prepared under section 106.024 of the Revised Code in electronic 525
form along with a proposed rule, amendment, or rescission or 526
proposed rule, amendment, or rescission in revised form that is 527
filed with the secretary of state or the director of the 528
legislative service commission. 529

The agency shall file the hearing report relating to a 530
proposed rule, amendment, or rescission in electronic form with 531
the secretary of state and the director of the legislative 532
service commission at the same time the agency files the hearing 533
report with the joint committee on agency rule review. 534

The director of the legislative service commission shall 535
publish in the register of Ohio the full text of the original 536
and each revised version of a proposed rule, amendment, or 537
rescission; the full text of a public notice; the full text of a 538
rule summary and fiscal analysis; and the full text of a hearing 539
report that is filed with the director under this division. 540

(C) When an agency files a proposed rule, amendment, or 541
rescission under division (B) of this section, it also shall 542
file in electronic form with the joint committee on agency rule 543
review the full text of the proposed rule, amendment, or rule to 544
be rescinded in the same form and the public notice required 545

under division (A) of this section. (If in compliance with this 546
division an agency files more than one proposed rule, amendment, 547
or rescission at the same time, and has given a public notice 548
under division (A) of this section that applies to more than one 549
of the proposed rules, amendments, or rescissions, the agency 550
shall file only one notice with the joint committee for all of 551
the proposed rules, amendments, or rescissions to which the 552
notice applies.) The proposed rule, amendment, or rescission is 553
subject to legislative review and invalidation under sections 554
106.02, 106.021, and 106.022 of the Revised Code. If the agency 555
makes a revision in a proposed rule, amendment, or rescission 556
after it is filed with the joint committee, the agency promptly 557
shall file the full text of the proposed rule, amendment, or 558
rescission in its revised form in electronic form with the joint 559
committee. 560

An agency shall file the rule summary and fiscal analysis 561
prepared under section 106.024 of the Revised Code in electronic 562
form along with a proposed rule, amendment, or rescission, and 563
along with a proposed rule, amendment, or rescission in revised 564
form, that is filed under this division. 565

If a proposed rule, amendment, or rescission has an 566
adverse impact on businesses, the agency also shall file the 567
business impact analysis, any recommendations received from the 568
common sense initiative office, and the agency's memorandum of 569
response, if any, in electronic form along with the proposed 570
rule, amendment, or rescission, or along with the proposed rule, 571
amendment, or rescission in revised form, that is filed under 572
this division. 573

The agency shall file the hearing report in electronic 574
form with the joint committee before the joint committee holds 575

its public hearing on the proposed rule, amendment, or 576
rescission. The filing of a hearing report does not constitute a 577
revision of the proposed rule, amendment, or rescission to which 578
the hearing report relates. 579

If the proposed rule, amendment, or rescission requires 580
liability insurance, a bond, or any other financial 581
responsibility instrument as a condition of licensure, the 582
agency shall conduct a diligent search to determine if the 583
liability insurance, bond, or other financial responsibility 584
instrument is readily available in the amounts required as a 585
condition of licensure, and shall certify to the joint committee 586
that the search was conducted. 587

A proposed rule, amendment, or rescission that is subject 588
to legislative review under this division may not be adopted 589
under division (E) of this section or filed in final form under 590
section 119.04 of the Revised Code unless the proposed rule, 591
amendment, or rescission has been filed with the joint committee 592
on agency rule review under this division and the time for 593
legislative review of the proposed rule, amendment, or 594
rescission has expired without adoption of a concurrent 595
resolution to invalidate the proposed rule, amendment, or 596
rescission. 597

This division does not apply to: 598

(1) An emergency rule, amendment, or rescission; 599

(2) A proposed rule, amendment, or rescission that must be 600
adopted verbatim by an agency pursuant to federal law or rule, 601
to become effective within sixty days of adoption, in order to 602
continue the operation of a federally reimbursed program in this 603
state, so long as the proposed rule contains both of the 604

following: 605

(a) A statement that it is proposed for the purpose of 606
complying with a federal law or rule; 607

(b) A citation to the federal law or rule that requires 608
verbatim compliance. 609

(3) A proposed rule, amendment, or rescission that, as set 610
forth in section 3719.41 of the Revised Code, must be adopted by 611
the state board of pharmacy pursuant to federal law or rule, to 612
become effective within sixty days of adoption, so long as the 613
proposed rule contains a statement that it is proposed for the 614
purpose of complying with federal law or rule. 615

If a rule or amendment is exempt from legislative review 616
under division (C) (2) of this section, and if the federal law or 617
rule pursuant to which the rule or amendment was adopted 618
expires, is repealed or rescinded, or otherwise terminates, the 619
rule or amendment, or its rescission, is thereafter subject to 620
legislative review under division (C) of this section. 621

(D) On the date and at the time and place designated in 622
the notice, the agency shall conduct a public hearing at which 623
any person affected by the proposed action of the agency may 624
appear and be heard in person, by the person's attorney, or 625
both, may present the person's position, arguments, or 626
contentions, orally or in writing, offer and examine witnesses, 627
and present evidence tending to show that the proposed rule, 628
amendment, or rescission, if adopted or effectuated, will be 629
unreasonable or unlawful. An agency may permit persons affected 630
by the proposed rule, amendment, or rescission to present their 631
positions, arguments, or contentions in writing, not only at the 632
hearing, but also for a reasonable period before, after, or both 633

before and after the hearing. A person who presents a position 634
or arguments or contentions in writing before or after the 635
hearing is not required to appear at the hearing. 636

At the hearing, the testimony shall be recorded. Such 637
record shall be made at the expense of the agency. The agency is 638
required to transcribe a record that is not sight readable only 639
if a person requests transcription of all or part of the record 640
and agrees to reimburse the agency for the costs of the 641
transcription. An agency may require the person to pay in 642
advance all or part of the cost of the transcription. 643

In any hearing under this section the agency may 644
administer oaths or affirmations. 645

The agency shall consider the positions, arguments, or 646
contentions presented at, or before or after, the hearing. The 647
agency shall prepare a hearing summary of the positions, 648
arguments, or contentions, and of the issues raised by the 649
positions, arguments, or contentions. The agency then shall 650
prepare a hearing report explaining, with regard to each issue, 651
how it is reflected in the rule, amendment, or rescission. If an 652
issue is not reflected in the rule, amendment, or rescission, 653
the hearing report shall explain why the issue is not reflected. 654
The agency shall include the hearing summary in the hearing 655
report as an appendix thereto. And, in the hearing report, the 656
agency shall identify the proposed rule, amendment, or 657
rescission to which the hearing report relates. 658

(E) After divisions (A), (B), (C), and (D) of this section 659
have been complied with, and when the time for legislative 660
review under sections 106.02, 106.022, and 106.023 of the 661
Revised Code has expired without adoption of a concurrent 662
resolution to invalidate the proposed rule, amendment, or 663

rescission, the agency may issue an order adopting the proposed 664
rule or the proposed amendment or rescission of the rule, 665
consistent with the synopsis or general statement included in 666
the public notice. At that time the agency shall designate the 667
effective date of the rule, amendment, or rescission, which 668
shall not be earlier than the tenth day after the rule, 669
amendment, or rescission has been filed in its final form as 670
provided in section 119.04 of the Revised Code. 671

(F) Prior to the effective date of a rule, amendment, or 672
rescission, the agency shall make a reasonable effort to inform 673
those affected by the rule, amendment, or rescission and to have 674
available for distribution to those requesting it the full text 675
of the rule as adopted or as amended. 676

(G) (1) If the governor, upon the request of an agency, 677
determines that an emergency requires the immediate adoption, 678
amendment, or rescission of a rule, the governor shall issue an 679
order, the text of which shall be filed in electronic form with 680
the agency, the secretary of state, the director of the 681
legislative service commission, and the joint committee on 682
agency rule review, that the procedure prescribed by this 683
section with respect to the adoption, amendment, or rescission 684
of a specified rule is suspended. The agency may then adopt 685
immediately the emergency rule, amendment, or rescission and it 686
becomes effective on the date the rule, amendment, or 687
rescission, in final form and in compliance with division (A) (2) 688
of section 119.04 of the Revised Code, is filed in electronic 689
form with the secretary of state, the director of the 690
legislative service commission, and the joint committee on 691
agency rule review. The director shall publish the full text of 692
the emergency rule, amendment, or rescission in the register of 693
Ohio. 694

Except as provided in division (G) (2) or (3) of this 695
section, the emergency rule, amendment, or rescission shall 696
become invalid at the end of the one hundred twentieth day it is 697
in effect. Prior to that date the agency may adopt the emergency 698
rule, amendment, or rescission as a nonemergency rule, 699
amendment, or rescission by complying with the procedure 700
prescribed by this section for the adoption, amendment, and 701
rescission of nonemergency rules. The agency shall not use the 702
procedure of division (G) (1) of this section to readopt the 703
emergency rule, amendment, or rescission so that, upon the 704
emergency rule, amendment, or rescission becoming invalid under 705
division (G) (1) of this section, the emergency rule, amendment, 706
or rescission will continue in effect without interruption for 707
another one-hundred-twenty-day period, except when section 708
106.02 of the Revised Code prevents the agency from adopting the 709
emergency rule, amendment, or rescission as a nonemergency rule, 710
amendment, or rescission within the one-hundred-twenty-day 711
period. 712

Division (G) (1) of this section does not apply to the 713
adoption of any emergency rule, amendment, or rescission by the 714
tax commissioner under division (C) (2) of section 5117.02 of the 715
Revised Code. 716

(2) An emergency rule or amendment adding a substance to a 717
controlled substance schedule shall become invalid at the end of 718
the one hundred eightieth day it is in effect. Prior to that 719
date, the state board of pharmacy may adopt the emergency rule 720
or amendment as a nonemergency rule or amendment by complying 721
with the procedure prescribed by this section for adoption and 722
amendment of nonemergency rules. The board shall not use the 723
procedure of division (G) (1) of this section to readopt the 724
emergency rule or amendment so that, upon the emergency rule or 725

amendment becoming invalid under division (G) (2) of this 726
section, the emergency rule or amendment will continue in effect 727
beyond the one-hundred-eighty-day period. 728

(3) A rule adopted, amended, or rescinded under division 729
(G) (1) of this section in response to a public health state of 730
emergency, as defined in section 107.42 of the Revised Code, 731
shall exist for not more than thirty calendar days unless the 732
general assembly extends the adoption, amendment, or rescission 733
by adopting a concurrent resolution. 734

(4) The Ohio health oversight and advisory committee, in 735
accordance with section 103.651 of the Revised Code, and the 736
general assembly, in accordance with section 107.43 of the 737
Revised Code, may do either of the following: 738

(a) Invalidate an emergency rule adopted or amended by an 739
agency under division (G) (1) of this section; 740

(b) Authorize a rule rescinded by an agency under division 741
(G) (1) of this section to be reinstated. 742

(H) Rules adopted by an authority within the department of 743
job and family services for the administration or enforcement of 744
Chapter 4141. of the Revised Code or of the department of 745
taxation shall be effective without a hearing as provided by 746
this section if the statutes pertaining to such agency 747
specifically give a right of appeal to the board of tax appeals 748
or to a higher authority within the agency or to a court, and 749
also give the appellant a right to a hearing on such appeal. 750
This division does not apply to the adoption of any rule, 751
amendment, or rescission by the tax commissioner under division 752
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 753
the right to file an action for declaratory judgment as provided 754

in Chapter 2721. of the Revised Code from the decision of the 755
board of tax appeals or of the higher authority within such 756
agency. 757

Sec. 121.84. (A) For purposes of this section: 758

"Administrative department" means a department listed 759
under section 121.02 of the Revised Code. 760

"Administrative department head" means a department head 761
listed under section 121.03 of the Revised Code. 762

"Internal management rule" means any rule, regulation, or 763
standard governing the day-to-day staff procedures and staff 764
operations within an agency. 765

"Public health state of emergency" has the meaning defined 766
in section 107.42 of the Revised Code. 767

"Rule" means any rule, regulation, or standard adopted, 768
promulgated, and enforced by a department or department head 769
under the authority of the laws governing such department or 770
department head. "Rule" does not include an internal management 771
rule. 772

"State agency" means any organized body, office, agency, 773
commission, board, institution, or other entity established by 774
the laws of the state for the exercise of any function of state 775
government. "State agency" does not include a court. 776

"Statewide elected officer" means the governor, lieutenant 777
governor, secretary of state, auditor of state, attorney 778
general, and treasurer of state. 779

(B) (1) The general assembly may rescind, by adopting a 780
concurrent resolution, any order or rule issued or adopted by an 781
administrative department, administrative department head, state 782

agency, or statewide elected officer. 783

(2) If the general assembly rescinds an order or rule, the 784
administrative department, administrative department head, state 785
agency, or statewide elected officer shall not reissue that 786
order or rule, or any restriction contained in that order or 787
rule, for a period of ninety calendar days following the 788
adoption of the concurrent resolution by the general assembly, 789
except as provided in division (B)(3) of this section. 790

(3)(a) The governor may submit a request to the general 791
assembly to reissue a rescinded order or rule issued or adopted 792
by an administrative department, an administrative department 793
head, or a state agency in response to a public health state of 794
emergency, or a restriction contained in a rescinded order or 795
rule issued or adopted in response to a public health state of 796
emergency. If the governor's request indicates sufficient 797
evidence to prove there has been a significant unforeseen change 798
in circumstances to justify overcoming the rescission, the 799
general assembly may adopt a concurrent resolution authorizing 800
the governor, administrative department, administrative 801
department head, or state agency to reissue a rescinded order or 802
rule, or a restriction contained in a rescinded order or rule. 803

(b) A statewide elected officer may submit a request to 804
the general assembly to reissue a rescinded order or rule issued 805
or adopted by the statewide elected officer in response to a 806
public health state of emergency, or a restriction contained in 807
a rescinded order or rule issued or adopted in response to a 808
public health state of emergency. If the statewide elected 809
officer's request indicates sufficient evidence to prove there 810
has been a significant unforeseen change in circumstances to 811
justify overcoming the rescission, the general assembly may 812

adopt a concurrent resolution authorizing the statewide elected officer to reissue a rescinded order or rule, or a restriction contained in a rescinded order or rule. 813
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(4) An order or rule issued or adopted in violation of this section is invalid and has no legal effect. 816
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(C) Notwithstanding any other provision of the Revised Code, a person who challenges an order or rule adopted by an administrative department, administrative department head, state agency, or statewide elected officer that is issued or adopted in response to a public health state of emergency, in a civil action for damages, declaratory judgment, injunctive relief, or other appropriate relief may do so in an appropriate court located in the county where the person's residence or business is located. 818
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(D) If a person successfully challenges an order or rule adopted by an administrative department, administrative department head, state agency, or statewide elected officer that is issued or adopted in response to a public health state of emergency, the administrative department, administrative department head, state agency, or statewide elected officer shall pay the person's reasonable attorney's fees and court costs. 827
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(E) Any order or rule issued or adopted by an administrative department, administrative department head, state agency, or statewide elected officer in response to a public health state of emergency shall exist for not more than thirty calendar days, unless the general assembly extends the order or rule by adopting a concurrent resolution. 835
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Sec. 2743.03. (A) (1) There is hereby created a court of 841

claims. ~~The~~ Except as provided under section 121.84 of the 842
Revised Code, the court of claims is a court of record and has 843
exclusive, original jurisdiction of all civil actions against 844
the state permitted by the waiver of immunity contained in 845
section 2743.02 of the Revised Code and exclusive jurisdiction 846
of the causes of action of all parties in civil actions that are 847
removed to the court of claims. The court shall have full equity 848
powers in all actions within its jurisdiction and may entertain 849
and determine all counterclaims, cross-claims, and third-party 850
claims. 851

(2) If the claimant in a civil action as described in 852
division (A)(1) of this section also files a claim for a 853
declaratory judgment, injunctive relief, or other equitable 854
relief against the state that arises out of the same 855
circumstances that gave rise to the civil action described in 856
division (A)(1) of this section, the court of claims has 857
exclusive, original jurisdiction to hear and determine that 858
claim in that civil action. This division does not affect, and 859
shall not be construed as affecting, the original jurisdiction 860
of another court of this state to hear and determine a civil 861
action in which the sole relief that the claimant seeks against 862
the state is a declaratory judgment, injunctive relief, or other 863
equitable relief. 864

(3) In addition to its exclusive, original jurisdiction as 865
conferred by divisions (A)(1) and (2) of this section, the court 866
of claims has exclusive, original jurisdiction as follows: 867

(a) As described in division (F) of section 2743.02, 868
division (B) of section 3335.03, and division (C) of section 869
5903.02 of the Revised Code; 870

(b) Under section 2743.75 of the Revised Code to hear 871

complaints alleging a denial of access to public records in 872
violation of division (B) of section 149.43 of the Revised Code, 873
regardless of whether the public office or person responsible 874
for public records is an office or employee of the state or of a 875
political subdivision. 876

(B) The court of claims shall sit in Franklin county, its 877
hearings shall be public, and it shall consist of incumbent 878
justices or judges of the supreme court, courts of appeals, or 879
courts of common pleas, or retired justices or judges eligible 880
for active duty pursuant to division (C) of Section 6 of Article 881
IV, Ohio Constitution, sitting by temporary assignment of the 882
chief justice of the supreme court. The chief justice may direct 883
the court to sit in any county for cases on removal upon a 884
showing of substantial hardship and whenever justice dictates. 885

(C) (1) A civil action against the state shall be heard and 886
determined by a single judge. Upon application by the claimant 887
or the state, the chief justice of the supreme court may assign 888
a panel of three judges to hear and determine a civil action 889
presenting novel or complex issues of law or fact. Concurrence 890
of two members of the panel is necessary for any judgment or 891
order. 892

(2) Whenever the chief justice of the supreme court 893
believes an equitable resolution of a case will be expedited, 894
the chief justice may appoint magistrates in accordance with 895
Civil Rule 53 to hear the case. 896

(3) When any dispute under division (B) of section 153.12 897
of the Revised Code is brought to the court of claims, upon 898
request of either party to the dispute, the chief justice of the 899
supreme court shall appoint a single referee or a panel of three 900
referees. The referees need not be attorneys, but shall be 901

persons knowledgeable about construction contract law, a member 902
of the construction industry panel of the American arbitration 903
association, or an individual or individuals deemed qualified by 904
the chief justice to serve. No person shall serve as a referee 905
if that person has been employed by an affected state agency or 906
a contractor or subcontractor involved in the dispute at any 907
time in the preceding five years. Proceedings governing referees 908
shall be in accordance with Civil Rule 53, except as modified by 909
this division. The referee or panel of referees shall submit its 910
report, which shall include a recommendation and finding of 911
fact, to the judge assigned to the case by the chief justice, 912
within thirty days of the conclusion of the hearings. Referees 913
appointed pursuant to this division shall be compensated on a 914
per diem basis at the same rate as is paid to judges of the 915
court and also shall be paid their expenses. If a single referee 916
is appointed or a panel of three referees is appointed, then, 917
with respect to one referee of the panel, the compensation and 918
expenses of the referee shall not be taxed as part of the costs 919
in the case but shall be included in the budget of the court. If 920
a panel of three referees is appointed, the compensation and 921
expenses of the two remaining referees shall be taxed as costs 922
of the case. 923

All costs of a case shall be apportioned among the 924
parties. The court may not require that any party deposit with 925
the court cash, bonds, or other security in excess of two 926
hundred dollars to guarantee payment of costs without the prior 927
approval in each case of the chief justice. 928

(4) An appeal from a decision of the attorney general 929
pursuant to sections 2743.51 to 2743.72 of the Revised Code 930
shall be heard and determined by the court of claims. 931

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

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

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

(3) Bonds, undertakings, or security and injunctions,

attachments, sequestrations, or other orders issued prior to 962
removal remain in effect until dissolved or modified by the 963
court of claims. 964

Sec. 3701.13. (A) As used in this section: 965

(1) "Isolation" means the separation of one or more 966
individuals who has been medically diagnosed with a communicable 967
or contagious disease from other individuals who have not been 968
medically diagnosed with the disease. 969

(2) "Quarantine" means the separation or restriction of 970
movement of one or more individuals who have come into direct 971
contact with someone who has been medically diagnosed with a 972
communicable or contagious disease. 973

(B)(1) The department of health shall have supervision of 974
all matters relating to the preservation of the life and health 975
of the people and have ~~ultimate~~ authority in matters of 976
quarantine and isolation, which it may declare and enforce, when 977
neither exists, and modify, relax, or abolish, when either has 978
been established. ~~The~~ 979

(2) ~~The~~ department may approve methods of immunization 980
against the diseases specified in section 3313.671 of the 981
Revised Code for the purpose of carrying out the provisions of 982
that section and take such actions as are necessary to encourage 983
vaccination against those diseases. 984

~~The~~ (C)(1) Subject to section 103.651 of the Revised Code 985
and divisions (C)(2) and (3) of this section, the department may 986
make special or standing orders or rules ~~for preventing the use~~ 987
~~of fluoroscopes for nonmedical purposes that emit doses of~~ 988
~~radiation likely to be harmful to any person,~~ for preventing the 989
spread of contagious or infectious diseases, ~~for governing the~~ 990

~~receipt and conveyance of remains of deceased persons, and for~~ 991
~~such other sanitary matters as are best controlled by a general~~ 992
~~rule. A special or standing order or rule for preventing the~~ 993
~~spread of contagious or infectious diseases issued under this~~ 994
~~section, or any other order issued by the department in response~~ 995
~~to a public health state of emergency as defined in section~~ 996
~~107.42 of the Revised Code, shall exist for not more than thirty~~ 997
~~calendar days unless the general assembly extends the special or~~ 998
~~standing order or rule by adopting a concurrent resolution.~~ 999

(2) The general assembly may rescind a special or standing 1000
order or rule issued under division (C) (1) of this section or 1001
any other order issued by the department in response to a public 1002
health state of emergency by adopting a concurrent resolution. 1003

(3) (a) Except as provided in division (C) (3) (b) of this 1004
section, if a special or standing order or rule issued under 1005
division (C) (1) of this section or any other order issued by the 1006
department in response to a public health state of emergency is 1007
rescinded by the general assembly under division (C) (2) of this 1008
section, the department shall not reissue that order or rule, or 1009
any restriction contained in that order or rule, for a period of 1010
ninety calendar days following the adoption of the concurrent 1011
resolution by the general assembly. 1012

(b) The governor may submit a request to the general 1013
assembly to reissue a rescinded order or rule issued or adopted 1014
in response to a public health state of emergency, or a 1015
restriction contained in a rescinded order or rule issued or 1016
adopted in response to a public health state of emergency. If 1017
the governor's request indicates sufficient evidence to prove 1018
there has been a significant unforeseen change in circumstances 1019
to justify overcoming the rescission, the general assembly may 1020

adopt a concurrent resolution authorizing the department to 1021
reissue a rescinded order or rule, or a restriction contained in 1022
a rescinded order or rule. 1023

(4) A special or standing order or rule or other rule 1024
issued by the department in violation of division (C) (3) of this 1025
section is invalid and has no legal effect. 1026

(5) Beginning the day the governor declares a public 1027
health state of emergency as defined under section 107.42 of the 1028
Revised Code, the department shall report to the president of 1029
the senate and the speaker of the house of representatives every 1030
action the department takes under this section in response to 1031
the public health state of emergency. 1032

(D) In addition to the authority granted by division (C) 1033
(1) of this section, the department may make special or standing 1034
orders or rules for any of the following purposes: 1035

(1) To prevent the use of fluoroscopes for nonmedical 1036
purposes that emit doses of radiation likely to be harmful to 1037
any person; 1038

(2) To govern the receipt and conveyance of remains of 1039
deceased persons; 1040

(3) To address such other sanitary matters as are best 1041
controlled by a general rule. 1042

(E) Whenever possible, the department shall work in 1043
cooperation with the health commissioner of a general or city 1044
health district. ~~The~~ 1045

In any of the following circumstances, the department may 1046
make and enforce orders in local matters or reassign substantive 1047
authority for mandatory programs from a general or city health 1048

district to another general or city health district; when an 1049
emergency exists, ~~or~~ when the board of health of a general or 1050
city health district has neglected or refused to act with 1051
sufficient promptness or efficiency, or when such board has not 1052
been established as provided by sections 3709.02, 3709.03, 1053
3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 of the Revised 1054
Code. In such cases, the necessary expense incurred shall be 1055
paid by the general health district or city for which the 1056
services are rendered. 1057

The department of health may require general or city 1058
health districts to enter into agreements for shared services 1059
under section 9.482 of the Revised Code. The department shall 1060
prepare and offer to boards of health a model contract and 1061
memorandum of understanding that are easily adaptable for use by 1062
boards of health when entering into shared services agreements. 1063
The department also may offer financial and other technical 1064
assistance to boards of health to encourage the sharing of 1065
services. 1066

As a condition precedent to receiving funding from the 1067
department of health, the director of health may require general 1068
or city health districts to apply for accreditation by July 1, 1069
2018, and be accredited by July 1, 2020, by an accreditation 1070
body approved by the director. The director of health, by July 1071
1, 2016, shall conduct an evaluation of general and city health 1072
district preparation for accreditation, including an evaluation 1073
of each district's reported public health quality indicators as 1074
provided for in section 3701.98 of the Revised Code. 1075

(F) The department may make evaluative studies of the 1076
nutritional status of Ohio residents, and of the food and 1077
nutrition-related programs operating within the state. Every 1078

agency of the state, at the request of the department, shall 1079
provide information and otherwise assist in the execution of 1080
such studies. 1081

Sec. 3707.11. Any action taken by a board of health of a 1082
city or general health district or the authority having the 1083
duties of a board of health under section 3709.05 of the Revised 1084
Code during a public health state of emergency, as defined in 1085
section 107.42 of the Revised Code, is subject to review by the 1086
Ohio health oversight and advisory committee in accordance with 1087
section 103.651 of the Revised Code. 1088

Sec. 3709.212. (A) As used in this section: 1089

(1) "Board of health" means the board of health of a city 1090
or general health district or the authority having the duties of 1091
a board of health under section 3709.05 of the Revised Code. 1092

(2) "Public health state of emergency" has the same 1093
meaning as in section 107.42 of the Revised Code. 1094

(B) (1) An order or regulation issued by a board of health 1095
in response to a public health state of emergency shall exist 1096
for not more than thirty calendar days unless the general 1097
assembly extends the order or regulation by adopting a 1098
concurrent resolution. 1099

(2) The general assembly may rescind an order or 1100
regulation issued by a board of health in response to a public 1101
health state of emergency by adopting a concurrent resolution. 1102

(C) (1) If an order or regulation is rescinded by the 1103
general assembly under division (B) of this section, the board 1104
of health shall not reissue that order or regulation, or any 1105
restriction contained in that order or regulation, for a period 1106
of ninety calendar days following the adoption of the concurrent 1107

resolution by the general assembly. 1108

(2) The governor may submit a request to the general 1109
assembly to reissue a rescinded order or regulation, or a 1110
restriction contained in a rescinded order or regulation. If the 1111
governor's request indicates sufficient evidence to prove there 1112
has been a significant unforeseen change in circumstances to 1113
justify overcoming the rescission, the general assembly may 1114
adopt a concurrent resolution authorizing the board of health to 1115
reissue the rescinded order or regulation, or a restriction 1116
contained in a rescinded order or regulation. 1117

(D) An order or regulation issued by a board of health in 1118
violation of division (C) (1) of this section is invalid and has 1119
no legal effect. 1120

Sec. 3715.74. (A) As used in this section: 1121

(1) "Adulterated" means adulterated as determined under 1122
section 3715.59 or 3715.63 of the Revised Code. 1123

(2) "Consumer product" means any food or drink that is 1124
consumed by humans and any medicine, including a prescription 1125
drug, that is consumed or used by humans. 1126

(3) "Retailer" means a place of business that offers 1127
consumer products for sale to the general public. 1128

(B) (1) Except as provided in division (C) of this section, 1129
if the governor has a reasonable basis to believe that one or 1130
more units of a consumer product have been adulterated and that 1131
further sale or use of the consumer product presents a threat to 1132
the public health and safety, the governor may declare ~~a public~~ 1133
~~health state of an adulterated consumer product~~ emergency and 1134
make any of the following executive ~~public health state of~~ 1135
~~adulterated consumer product~~ emergency orders: 1136

(a) That all units of the consumer product be removed from 1137
public display by all retailers; 1138

(b) That no units of the consumer product be sold or 1139
offered for sale during the ~~public health state of~~ adulterated 1140
consumer product emergency; 1141

(c) That any retailer possessing units of the consumer 1142
product segregate these units from other merchandise and hold 1143
them or a portion of them for disposition by designated law 1144
enforcement officers or officials of the department of 1145
agriculture, the department of health, or the state board of 1146
pharmacy; 1147

(d) Any other limitations, controls, or prohibitions that 1148
the governor considers necessary regarding the manufacture, 1149
importation, sale, or transportation of the consumer product. 1150

(2) The governor may amend or rescind any order issued 1151
under division (B) (1) of this section. 1152

(C) If the particular type of consumer product referred to 1153
in division (B) (1) of this section is one that falls within the 1154
jurisdiction of the department of agriculture, the department of 1155
health, or the state board of pharmacy, the governor shall not 1156
declare a ~~public health state of~~ an adulterated consumer product 1157
emergency pursuant to that division unless requested to do so by 1158
the department or board that regulates the consumer product. If 1159
the governor grants the request, the department or board that 1160
made the request shall enforce the provisions of this section. 1161

(D) ~~A public health state of emergency declared under this~~ 1162
~~section shall exist for not more than sixty days unless extended~~ 1163
~~by the governor for an additional thirty day period, at which~~ 1164
~~time the public health state of emergency shall end unless it is~~ 1165

~~extended by a concurrent resolution adopted by both houses of
the general assembly. An amendment to an executive public health
state of emergency order shall not be considered a new order.~~ 1166
1167
1168

~~(E)~~ Any executive ~~public health state of adulterated~~
consumer product emergency order or amended executive ~~public~~
~~health state of adulterated consumer product emergency order~~ 1169
1170
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issued under this section shall be disseminated promptly by 1172
means that bring the order to the attention of the general 1173
public. The governor promptly shall file the order with the 1174
secretary of state, the department of agriculture, the 1175
department of health, and the state board of pharmacy. 1176

~~(F)~~ ~~(E)~~ The state is not liable for removal, or for the 1177
costs of removal, of consumer products from public display in 1178
connection with an executive ~~public health state of adulterated~~
consumer product emergency order issued under division (B) (1) (a) 1179
of this section. Neither the state nor an agent of the state 1180
acting pursuant to a ~~public health state of an adulterated~~
consumer product emergency is liable for any damages or loss 1181
incurred because of any action pursuant to an executive ~~public~~
~~health state of adulterated consumer product emergency order~~ of 1182
that type. 1183
1184
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~~(G)~~ ~~(F)~~ No person shall knowingly violate an executive 1187
~~public health state of adulterated consumer product emergency~~ 1188
order issued by the governor under this section. Whoever 1189
violates an executive ~~public health state of adulterated~~
consumer product emergency order is subject to a fine of not 1190
less than five hundred dollars. Each day a violation continues 1191
is a separate offense. 1192
1193

~~(H)~~ ~~(G)~~ The attorney general, at the direction of the 1194
governor or upon request of the director of agriculture, the 1195

director of health, the state board of pharmacy, or a 1196
prosecuting attorney may commence an action in a court of common 1197
pleas to enjoin a violation of an executive ~~public health state~~ 1198
~~of adulterated consumer product~~ emergency order issued pursuant 1199
to this section or to compel a person to perform a duty imposed 1200
by an executive ~~public health state of adulterated consumer~~ 1201
~~product~~ emergency order. 1202

Sec. 4935.03. (A) The public utilities commission shall 1203
adopt, and may amend or rescind, rules in accordance with 1204
section 111.15 of the Revised Code, with the approval of the 1205
governor, defining various foreseen types and levels of energy 1206
emergency conditions for critical shortages or interruptions in 1207
the supply of electric power, natural gas, coal, or individual 1208
petroleum fuels and specifying appropriate measures to be taken 1209
at each level or for each type of energy emergency as necessary 1210
to protect the public health or safety or prevent unnecessary or 1211
avoidable damage to property. The rules may prescribe different 1212
measures for each different type or level of declared energy 1213
emergency, and for any type or level shall empower the governor 1214
to: 1215

(1) Restrict the energy consumption of state and local 1216
government offices and industrial and commercial establishments; 1217

(2) Restrict or curtail public or private transportation 1218
or require or encourage the use of car pools or mass transit 1219
systems; 1220

(3) Order, during a declared energy emergency, any 1221
electric light, natural gas or gas, or pipeline company; any 1222
supplier subject to certification under section 4928.08 or 1223
4929.20 of the Revised Code; electric power or gas utility that 1224
is owned by a municipal corporation or not for profit; coal 1225

producer or supplier; electric power producer or marketer; or 1226
petroleum fuel producer, refiner, wholesale distributor, or 1227
retail dealer to sell electricity, gas, coal, or petroleum fuel 1228
in order to alleviate hardship, or if possible to acquire or 1229
produce emergency supplies to meet emergency needs; 1230

(4) Order, during a declared energy emergency, other 1231
energy conservation or emergency energy production or 1232
distribution measures to be taken in order to alleviate 1233
hardship; 1234

(5) Mobilize emergency management, national guard, law 1235
enforcement, or emergency medical services. 1236

The rules shall be designed to protect the public health 1237
and safety and prevent unnecessary or avoidable damage to 1238
property. They shall encourage the equitable distribution of 1239
available electric power and fuel supplies among all geographic 1240
regions in the state. 1241

(B) The governor may, after consultation with the 1242
chairperson of the commission, declare an energy emergency by 1243
filing with the secretary of state a written declaration of an 1244
energy emergency at any time the governor finds that the health, 1245
safety, or welfare of the residents of this state or of one or 1246
more counties of this state is so imminently and substantially 1247
threatened by an energy shortage that immediate action of state 1248
government is necessary to prevent loss of life, protect the 1249
public health or safety, and prevent unnecessary or avoidable 1250
damage to property. The declaration shall state the counties, 1251
utility service areas, or fuel market areas affected, or its 1252
statewide effect, and what fuels or forms of energy are in 1253
critically short supply. An energy emergency declaration goes 1254
into immediate effect upon filing ~~and continues in effect for~~ 1255

~~the period prescribed in the declaration, but not more than~~ 1256
~~thirty days. At the end of any thirty day or shorter energy~~ 1257
~~emergency, the governor may issue another declaration extending~~ 1258
~~the emergency. The general assembly may by concurrent resolution~~ 1259
~~terminate any declaration of an energy emergency. The emergency~~ 1260
~~is terminated at the time of filing of the concurrent resolution~~ 1261
~~with the secretary of state. When an energy emergency is~~ 1262
declared, the commission shall implement the measures which it 1263
determines are appropriate for the type and level of emergency 1264
in effect. 1265

(C) Energy emergency orders issued by the governor 1266
pursuant to this section shall take effect immediately upon 1267
issuance, and the person to whom the order is directed shall 1268
initiate compliance measures immediately upon receiving the 1269
order. During an energy emergency the attorney general or the 1270
prosecuting attorney of the county where violation of a rule 1271
adopted or order issued under this section occurs may bring an 1272
action for immediate injunction or other appropriate relief to 1273
secure prompt compliance. The court may issue an ex parte 1274
temporary order without notice which shall enforce the 1275
prohibitions, restrictions, or actions that are necessary to 1276
secure compliance with the rule or order. Compliance with rules 1277
or orders issued under this section is a matter of statewide 1278
concern. 1279

(D) During a declared energy emergency the governor may 1280
use the services, equipment, supplies, and facilities of 1281
existing departments, offices, and agencies of the state and of 1282
the political subdivisions thereof to the maximum extent 1283
practicable and necessary to meet the energy emergency, and the 1284
officers and personnel of all such departments, offices, and 1285
agencies shall cooperate with and extend such services and 1286

facilities to the governor upon request. 1287

(E) During an energy emergency declared under this 1288
section, no person shall violate any rule adopted or order 1289
issued under this section. Whoever violates this division is 1290
guilty of a minor misdemeanor on a first offense, and a 1291
misdemeanor of the first degree upon subsequent offenses or if 1292
the violation was purposely committed. 1293

Section 2. That existing sections 106.022, 111.15, 119.03, 1294
2743.03, 3701.13, 3715.74, and 4935.03 of the Revised Code are 1295
hereby repealed. 1296

Section 3. (A) As used in this section: 1297

"Administrative department," "administrative department 1298
head," "state agency" and "statewide elected officer" have the 1299
meanings defined in section 121.84 of the Revised Code. 1300

"Public health state of emergency" has the meaning defined 1301
in section 107.42 of the Revised Code. 1302

(B) Any executive order issued by the Governor; any 1303
emergency declaration issued by the Governor, whether issued via 1304
executive order or otherwise; any order or rule issued or 1305
adopted by an administrative department, administrative 1306
department head, state agency, or elected statewide officer; and 1307
any order, rule, or regulation issued by the Department of 1308
Health or a board of health of a city or general health district 1309
or the authority having the duties of a board of health under 1310
section 3709.05 of the Revised Code in response to a public 1311
health state of emergency, that is in effect on the effective 1312
date of this section is subject to review and rescission by the 1313
Ohio Health Oversight and Advisory Committee under section 1314
103.651 of the Revised Code and by the General Assembly under 1315

sections 107.43, 121.84, 3701.13, and 3709.212 of the Revised Code. 1316
1317

(C) Any of the following, if in effect on the effective date of this section and if issued in response to a public health state of emergency, terminates thirty calendar days after the effective date of this section, unless extended by the General Assembly by adopting a concurrent resolution: 1318
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(1) An executive order issued by the Governor, except an executive order to declare a public health state of emergency; 1323
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(2) Any order, rule, or regulation issued by the Department of Health or 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; 1325
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(3) Any rule adopted, amended, or rescinded by an agency under division (B)(2) of section 111.15 or division (G) of section 119.03 of the Revised Code in response to a public health state of emergency; 1329
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(4) Any order or rule, as defined in section 121.84 of the Revised Code, issued or adopted by an administrative department, administrative department head, state agency, or a statewide elected officer. 1333
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Section 4. The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application. 1337
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Section 5. Section 119.03 of the Revised Code is presented 1344

in this act as a composite of the section as amended by both 1345
S.B. 221 and S.B. 229 of the 132nd General Assembly. The General 1346
Assembly, applying the principle stated in division (B) of 1347
section 1.52 of the Revised Code that amendments are to be 1348
harmonized if reasonably capable of simultaneous operation, 1349
finds that the composite is the resulting version of the section 1350
in effect prior to the effective date of the section as 1351
presented in this act. 1352