

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 302**

**Senator Tavares**

**Cosponsors: Senators Sykes, Brown, Williams, Schiavoni, O'Brien**

---

**A BILL**

To amend sections 103.13, 106.031, 111.15, and 1  
119.03 and to enact sections 103.132, 103.133, 2  
127.181, and 3701.36 of the Revised Code to 3  
create the Health and Equity in All Policies 4  
Initiative and the Health and Equity Interagency 5  
Team. 6

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

**Section 1.** That sections 103.13, 106.031, 111.15, and 7  
119.03 be amended and sections 103.132, 103.133, 127.181, and 8  
3701.36 of the Revised Code be enacted to read as follows: 9

**Sec. 103.13.** The Ohio legislative service commission 10  
shall: 11

(A) Conduct research, make investigations, and secure 12  
information or data on any subject and make reports thereon to 13  
the general assembly; 14

(B) Ascertain facts and make reports concerning the state 15  
budget, the revenues and expenditures of the state, and of the 16  
organization and functions of the state, its departments, 17  
subdivisions, and agencies; 18

(C) Make surveys, investigations, and studies, and compile	19
data, information, and records on any question which may be	20
referred to it by either house of the general assembly or any	21
standing committee of the general assembly;	22
(D) Assist and cooperate with any interim legislative	23
committee or other agency created by the general assembly;	24
(E) Prepare or advise in the preparation of any bill or	25
resolution, when requested by any member of the general	26
assembly;	27
(F) Collect, classify, and index the documents of the	28
state which shall include executive and legislative documents	29
and departmental reports and keep on file all bills,	30
resolutions, and official journals printed by order of either	31
house of the general assembly;	32
(G) Provide members of the general assembly with impartial	33
and accurate information and reports concerning legislative	34
problems in accordance with rules prescribed by the commission;	35
(H) Annually collect the reports required by section	36
4743.01 of the Revised Code and prepare a report evaluating the	37
extent to which state boards and commissions which regulate	38
occupations are financially self-supporting. The report shall be	39
presented to the speaker and the minority leader of the house of	40
representatives, the president and the minority leader of the	41
senate, and the chairperson and ranking minority member of the	42
finance committees of both houses, on or before the thirty-first	43
day of December each year.	44
(I) Codify the rules of administrative agencies of the	45
state in accordance with the provisions of section 103.05 of the	46
Revised Code;	47

(J) Publish the register of Ohio under section 103.051 of the Revised Code; 48  
49

(K) Operate the electronic rule-filing system under section 103.0511 of the Revised Code; 50  
51

(L) Issue health impact statements concerning bills in accordance with the health and equity in all policies initiative review process described in section 103.132 of the Revised Code. 52  
53  
54

**Sec. 103.132.** (A) As used in this section and in section 103.133 of the Revised Code: 55  
56

(1) "Health" means the state of a natural person's physical, mental, and social well-being and is not limited to the absence of disease or infirmity. 57  
58  
59

(2) "Health equity" means the absence of avoidable or remediable differences in health outcomes among groups of people based on social, economic, geographic, or other demographic factors. 60  
61  
62  
63

(3) "The social determinants of health" include economic stability, neighborhood and physical environment, education, food security, community and social context, and access to health care. 64  
65  
66  
67

(B) The staff of the Ohio legislative service commission shall create and comply with a health and equity in all policies review process. The process shall require the staff to review each bill introduced in the general assembly on or after the effective date of this section and prepare a health impact statement concerning the bill not later than four weeks after the bill is introduced. The health impact statement shall analyze whether the bill might have a positive, negative, or neutral impact on any of the following: 68  
69  
70  
71  
72  
73  
74  
75  
76

<u>(1) The health of Ohioans;</u>	77
<u>(2) The accomplishment of health equity in this state;</u>	78
<u>(3) The health or health equity of specific populations or persons residing in specific geographic areas in this state;</u>	79 80
<u>(4) The social determinants of health for the most vulnerable populations in this state.</u>	81 82
<b><u>Sec. 103.133. (A) The health and equity in all policies initiative advisory board is created for the purpose of providing guidance and analysis and reporting the board's recommendations concerning the impact and effectiveness of the health and equity in all policies review process described in section 103.132 of the Revised Code.</u></b>	83 84 85 86 87 88
<u>(B) The advisory board shall consist of the following fifteen members:</u>	89 90
<u>(1) One representative of each of the following entities, who shall be appointed by the governor:</u>	91 92
<u>(a) The commission on minority health;</u>	93
<u>(b) The department of medicaid;</u>	94
<u>(c) The governor's office of Appalachian Ohio;</u>	95
<u>(d) The department of veterans services;</u>	96
<u>(e) The department of job and family services;</u>	97
<u>(f) The Ohio public transit association;</u>	98
<u>(g) The Ohio environmental council.</u>	99
<u>(2) One representative of each of the following entities, who shall be appointed by the senate president:</u>	100 101

<u>(a) The Ohio education association;</u>	102
<u>(b) The Kirwan institute for the study of race and ethnicity.</u>	103 104
<u>(3) One representative of each of the following entities, who shall be appointed by the minority leader of the senate:</u>	105 106
<u>(a) Ohio partners for affordable energy;</u>	107
<u>(b) Children's defense fund - Ohio.</u>	108
<u>(4) One representative of each of the following entities, who shall be appointed by the speaker of the house of representatives:</u>	109 110 111
<u>(a) The Ohio home builders association;</u>	112
<u>(b) The Ohio association of community health centers.</u>	113
<u>(5) One representative of each of the following entities, who shall be appointed by the minority leader of the house of representatives:</u>	114 115 116
<u>(a) The Ohio public health association;</u>	117
<u>(b) Children's hunger alliance.</u>	118
<u>(C) Members of the advisory board shall serve without compensation, but shall be reimbursed for the actual and necessary expenses incurred in the performance of the members' official duties.</u>	119 120 121 122
<u>(D) The advisory board shall select a chairperson by a majority vote and shall meet at least twice each year.</u>	123 124
<u>(E) Not later than the thirty-first day of December of each year, the advisory board shall issue an annual summary report concerning the health impact statements issued under</u>	125 126 127

section 103.132 of the Revised Code during that calendar year. 128  
In preparing the annual summary report, the advisory board shall 129  
select and review a sampling of health impact statements issued 130  
during the relevant period. The annual summary report shall 131  
include any recommendations of the advisory committee concerning 132  
the health and equity in all policies initiative review process, 133  
including any recommendations for changes to the review process 134  
that, in the opinion of the advisory board, would improve the 135  
impact of the health impact statements in accomplishing health 136  
and health equity goals in this state or among specific 137  
populations or in specific geographic areas in this state. The 138  
advisory board shall transmit copies of the annual summary 139  
report to the director of the Ohio legislative service 140  
commission, to the president and the minority leader of the 141  
senate, and to the speaker and the minority leader of the house 142  
of representatives. The advisory board also shall transmit a 143  
copy of the annual summary report to the director of health, who 144  
shall make it available to the public on the official web site 145  
of the department of health. 146

(F) Not later than the thirty-first day of December of 147  
each even-numbered year, the advisory board shall issue a 148  
biennial report that summarizes the activities of the staff of 149  
the Ohio legislative service commission under section 103.132 of 150  
the Revised Code during the preceding two calendar years, the 151  
manner in which those activities relate to the statewide health 152  
outcomes experienced during the preceding two calendar years, 153  
and the status of Ohio's major health indicators, as outlined in 154  
the state health improvement plan issued by the department of 155  
health or its successor document. The biennial report shall 156  
include the findings of the advisory board concerning the 157  
potential financial return on investment of the health and 158

equity in all policies review process with respect to the 159  
health-related policies or programs reviewed. The advisory board 160  
shall transmit copies of the biennial report to the director of 161  
the Ohio legislative service commission, to the president and 162  
the minority leader of the senate, and to the speaker and the 163  
minority leader of the house of representatives. The advisory 164  
board also shall transmit a copy of the biennial report to the 165  
director of health, who shall make it available to the public on 166  
the official web site of the department of health. 167

**Sec. 106.031.** If an agency, on the basis of its review of 168  
a rule under section 106.03 of the Revised Code, determines that 169  
the rule does not need to be amended or rescinded, proceedings 170  
shall be had as follows: 171

(A) (1) If, considering only the standard of review 172  
specified in division (A) (6) of section 106.03 of the Revised 173  
Code, the rule has an adverse impact on businesses, the agency 174  
shall prepare a business impact analysis that describes its 175  
review of the rule under that division and that explains why the 176  
regulatory intent of the rule justifies its adverse impact on 177  
businesses. If the rule does not have an adverse impact on 178  
businesses, the agency may proceed under division (B) of this 179  
section. 180

(2) The agency shall transmit a copy of the full text of 181  
the rule and the business impact analysis electronically to the 182  
common sense initiative office. The office shall make the rule 183  
and analysis available to the public on its web site under 184  
section 107.62 of the Revised Code. 185

(3) The agency shall consider any recommendations made by 186  
the office. 187

(4) Not earlier than the sixteenth business day after 188  
transmitting the rule and analysis to the office, the agency 189  
shall either (a) proceed under divisions (A) (5) and (B) of this 190  
section or (b) commence, under division (B) (1) of section 106.03 191  
of the Revised Code, the process of rescinding the rule or of 192  
amending the rule to incorporate into the rule features the 193  
recommendations suggest will eliminate or reduce the adverse 194  
impact the rule has on businesses. If the agency determines to 195  
amend or rescind the rule, the agency is not subject to the time 196  
limit specified in division (B) (1) of section 106.03 of the 197  
Revised Code. 198

(5) If the agency receives recommendations from the 199  
office, and determines not to amend or rescind the rule, the 200  
agency shall prepare a memorandum of response that explains why 201  
the rule is not being rescinded or why the recommendations are 202  
not being incorporated into the rule. 203

(B) The agency shall assign a new review date to the rule. 204  
The review date assigned shall be not later than five years 205  
after the immediately preceding review date pertaining to the 206  
rule. If the agency assigns a review date that exceeds the five- 207  
year maximum, the review date is five years after the 208  
immediately preceding review date. 209

(C) (1) The agency shall file all the following, in 210  
electronic form, with the joint committee on agency rule review, 211  
the secretary of state, and the director of the legislative 212  
service commission: a copy of the rule specifying its new review 213  
date, a complete and accurate rule summary ~~and~~, fiscal 214  
analysis, and health impact statement, and, if relevant, a 215  
business impact analysis of the rule, any recommendations 216  
received from the common sense initiative office, and any 217



memorandum of response. 218

(2) Subject to section 106.05 of the Revised Code, the 219  
joint committee does not have jurisdiction to review, and shall 220  
reject, the filing of a rule under division (C)(1) of this 221  
section if, at any time while the rule is in its possession, it 222  
discovers that the rule has an adverse impact on businesses and 223  
the agency has not complied with division (A) of this section. 224  
The joint committee shall electronically return a rule that is 225  
rejected to the agency, together with any documents that were 226  
part of the filing. Such a rejection does not preclude the 227  
agency from refiling the rule under division (C)(1) of this 228  
section after complying with division (A) of this section. When 229  
the filing of a rule is rejected under this division, it is as 230  
if the filing had not been made. 231

(D) The joint committee shall publish notice of the 232  
agency's determination not to amend or rescind the rule in the 233  
register of Ohio for four consecutive weeks after the rule is 234  
filed under division (C) of this section. 235

(E) During the ninety-day period after a rule is filed 236  
under division (C) of this section, but after the four-week 237  
notice period required by division (D) of this section has 238  
ended, the joint committee may recommend to the senate and house 239  
of representatives the adoption of a concurrent resolution 240  
invalidating the rule if the joint committee finds any of the 241  
following: 242

(1) The agency improperly applied the standards in 243  
division (A) of section 106.03 of the Revised Code in reviewing 244  
the rule and in determining that the rule did not need amendment 245  
or rescission. 246

(2) The rule has an adverse impact on businesses, and the agency has failed to demonstrate through a business impact analysis, recommendations from the common sense initiative office, and a memorandum of response that the regulatory intent of the rule justifies its adverse impact on businesses.

(3) If the rule incorporates a text or other material by reference, the agency failed to file, or to deposit or display, the text or other material incorporated by reference as required by section 121.73 or 121.74 of the Revised Code or the incorporation by reference fails to meet the standards stated in sections 121.72, 121.75, and 121.76 of the Revised Code.

If the agency fails to comply with section 106.03 or 106.031 of the Revised Code, the joint committee shall afford the agency an opportunity to appear before the joint committee to show cause why the agency has not complied with either or both of those sections. If the agency appears before the joint committee at the time scheduled for the agency to show cause, and fails to do so, the joint committee, by vote of a majority of its members present, may recommend the adoption of a concurrent resolution invalidating the rule for the agency's failure to show cause. Or if the agency fails to appear before the joint committee at the time scheduled for the agency to show cause, the joint committee, by vote of a majority of its members present, may recommend adoption of a concurrent resolution invalidating the rule for the agency's default.

When the joint committee recommends that a rule be invalidated, the recommendation does not suspend operation of the rule, and the rule remains operational pending action by the senate and house of representatives on the concurrent resolution embodying the recommendation. If the senate and house of

representatives adopt the concurrent resolution, the rule is 277  
invalid. If, however, the senate and house of representatives do 278  
not adopt the resolution, the rule continues in effect, and 279  
shall next be reviewed according to the new review date assigned 280  
to the rule. 281

**Sec. 111.15.** (A) As used in this section: 282

(1) "Rule" includes any rule, regulation, bylaw, or 283  
standard having a general and uniform operation adopted by an 284  
agency under the authority of the laws governing the agency; any 285  
appendix to a rule; and any internal management rule. "Rule" 286  
does not include any guideline adopted pursuant to section 287  
3301.0714 of the Revised Code, any order respecting the duties 288  
of employees, any finding, any determination of a question of 289  
law or fact in a matter presented to an agency, or any rule 290  
promulgated pursuant to Chapter 119. or division (C)(1) or (2) 291  
of section 5117.02 of the Revised Code. "Rule" includes any 292  
amendment or rescission of a rule. 293

(2) "Agency" means any governmental entity of the state 294  
and includes, but is not limited to, any board, department, 295  
division, commission, bureau, society, council, institution, 296  
state college or university, community college district, 297  
technical college district, or state community college. "Agency" 298  
does not include the general assembly, the controlling board, 299  
the adjutant general's department, or any court. 300

(3) "Internal management rule" means any rule, regulation, 301  
bylaw, or standard governing the day-to-day staff procedures and 302  
operations within an agency. 303

(B) (1) Any rule, other than a rule of an emergency nature, 304  
adopted by any agency pursuant to this section shall be 305

effective on the tenth day after the day on which the rule in 306  
final form and in compliance with division (B)(3) of this 307  
section is filed as follows: 308

(a) The rule shall be filed in electronic form with both 309  
the secretary of state and the director of the legislative 310  
service commission; 311

(b) The rule shall be filed in electronic form with the 312  
joint committee on agency rule review. Division (B)(1)(b) of 313  
this section does not apply to any rule to which division (D) of 314  
this section does not apply. 315

An agency that adopts or amends a rule that is subject to 316  
division (D) of this section shall assign a review date to the 317  
rule that is not later than five years after its effective date. 318  
If a review date assigned to a rule exceeds the five-year 319  
maximum, the review date for the rule is five years after its 320  
effective date. A rule with a review date is subject to review 321  
under section 106.03 of the Revised Code. This paragraph does 322  
not apply to a rule of a state college or university, community 323  
college district, technical college district, or state community 324  
college. 325

If an agency in adopting a rule designates an effective 326  
date that is later than the effective date provided for by 327  
division (B)(1) of this section, the rule if filed as required 328  
by such division shall become effective on the later date 329  
designated by the agency. 330

Any rule that is required to be filed under division (B) 331  
(1) of this section is also subject to division (D) of this 332  
section if not exempted by that division. 333

If a rule incorporates a text or other material by 334

reference, the agency shall comply with sections 121.71 to 335  
121.76 of the Revised Code. 336

(2) A rule of an emergency nature necessary for the 337  
immediate preservation of the public peace, health, or safety 338  
shall state the reasons for the necessity. The emergency rule, 339  
in final form and in compliance with division (B) (3) of this 340  
section, shall be filed in electronic form with the secretary of 341  
state, the director of the legislative service commission, and 342  
the joint committee on agency rule review. The emergency rule is 343  
effective immediately upon completion of the latest filing, 344  
except that if the agency in adopting the emergency rule 345  
designates an effective date, or date and time of day, that is 346  
later than the effective date and time provided for by division 347  
(B) (2) of this section, the emergency rule if filed as required 348  
by such division shall become effective at the later date, or 349  
later date and time of day, designated by the agency. 350

An emergency rule becomes invalid at the end of the one 351  
hundred twentieth day it is in effect. Prior to that date, the 352  
agency may file the emergency rule as a nonemergency rule in 353  
compliance with division (B) (1) of this section. The agency may 354  
not refile the emergency rule in compliance with division (B) (2) 355  
of this section so that, upon the emergency rule becoming 356  
invalid under such division, the emergency rule will continue in 357  
effect without interruption for another one hundred twenty-day 358  
period. 359

(3) An agency shall file a rule under division (B) (1) or 360  
(2) of this section in compliance with the following standards 361  
and procedures: 362

(a) The rule shall be numbered in accordance with the 363  
numbering system devised by the director for the Ohio 364

administrative code. 365

(b) The rule shall be prepared and submitted in compliance 366  
with the rules of the legislative service commission. 367

(c) The rule shall clearly state the date on which it is 368  
to be effective and the date on which it will expire, if known. 369

(d) Each rule that amends or rescinds another rule shall 370  
clearly refer to the rule that is amended or rescinded. Each 371  
amendment shall fully restate the rule as amended. 372

If the director of the legislative service commission or 373  
the director's designee gives an agency notice pursuant to 374  
section 103.05 of the Revised Code that a rule filed by the 375  
agency is not in compliance with the rules of the legislative 376  
service commission, the agency shall within thirty days after 377  
receipt of the notice conform the rule to the rules of the 378  
commission as directed in the notice. 379

(C) All rules filed pursuant to divisions (B) (1) (a) and 380  
(2) of this section shall be recorded by the secretary of state 381  
and the director under the title of the agency adopting the rule 382  
and shall be numbered according to the numbering system devised 383  
by the director. The secretary of state and the director shall 384  
preserve the rules in an accessible manner. Each such rule shall 385  
be a public record open to public inspection and may be 386  
transmitted to any law publishing company that wishes to 387  
reproduce it. 388

(D) At least sixty-five days before a board, commission, 389  
department, division, or bureau of the government of the state 390  
files a rule under division (B) (1) of this section, it shall 391  
file the full text of the proposed rule in electronic form with 392  
the joint committee on agency rule review, and the proposed rule 393

is subject to legislative review and invalidation under section 394  
106.021 of the Revised Code. If a state board, commission, 395  
department, division, or bureau makes a revision in a proposed 396  
rule after it is filed with the joint committee, the state 397  
board, commission, department, division, or bureau shall 398  
promptly file the full text of the proposed rule in its revised 399  
form in electronic form with the joint committee. A state board, 400  
commission, department, division, or bureau shall also file the 401  
rule summary ~~and~~, fiscal analysis, and health impact statement 402  
prepared under ~~section~~ sections 127.18 and 127.181 of the 403  
Revised Code in electronic form along with a proposed rule, and 404  
along with a proposed rule in revised form, that is filed under 405  
this division. If a proposed rule has an adverse impact on 406  
businesses, the state board, commission, department, division, 407  
or bureau also shall file the business impact analysis, any 408  
recommendations received from the common sense initiative 409  
office, and the associated memorandum of response, if any, in 410  
electronic form along with the proposed rule, or the proposed 411  
rule in revised form, that is filed under this division. 412

A proposed rule that is subject to legislative review 413  
under this division may not be adopted and filed in final form 414  
under division (B)(1) of this section unless the proposed rule 415  
has been filed with the joint committee on agency rule review 416  
under this division and the time for the joint committee to 417  
review the proposed rule has expired without recommendation of a 418  
concurrent resolution to invalidate the proposed rule. 419

As used in this division, "commission" includes the public 420  
utilities commission when adopting rules under a federal or 421  
state statute. 422

This division does not apply to any of the following: 423

(1) A proposed rule of an emergency nature;	424
(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;	425 426 427 428
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	429 430 431
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	432 433 434
(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:	435 436 437 438 439
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	440 441
(b) A citation to the federal law or rule that requires verbatim compliance.	442 443
(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a facility listed in division (A) (4) of section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;	444 445 446 447 448 449 450 451



(7) A rule of the state lottery commission pertaining to 452  
instant game rules. 453

If a rule is exempt from legislative review under division 454  
(D) (5) of this section, and if the federal law or rule pursuant 455  
to which the rule was adopted expires, is repealed or rescinded, 456  
or otherwise terminates, the rule is thereafter subject to 457  
legislative review under division (D) of this section. 458

Whenever a state board, commission, department, division, 459  
or bureau files a proposed rule or a proposed rule in revised 460  
form under division (D) of this section, it shall also file the 461  
full text of the same proposed rule or proposed rule in revised 462  
form in electronic form with the secretary of state and the 463  
director of the legislative service commission. A state board, 464  
commission, department, division, or bureau shall file the rule 465  
summary and fiscal analysis prepared under section 127.18 of the 466  
Revised Code in electronic form along with a proposed rule or 467  
proposed rule in revised form that is filed with the secretary 468  
of state or the director of the legislative service commission. 469

**Sec. 119.03.** In the adoption, amendment, or rescission of 470  
any rule, an agency shall comply with the following procedure: 471

(A) Reasonable public notice shall be given in the 472  
register of Ohio at least thirty days prior to the date set for 473  
a hearing, in the form the agency determines. The agency shall 474  
file copies of the public notice under division (B) of this 475  
section. (The agency gives public notice in the register of Ohio 476  
when the public notice is published in the register under that 477  
division.) 478

The public notice shall include: 479

(1) A statement of the agency's intention to consider 480

adopting, amending, or rescinding a rule; 481

(2) A synopsis of the proposed rule, amendment, or rule to 482  
be rescinded or a general statement of the subject matter to 483  
which the proposed rule, amendment, or rescission relates; 484

(3) A statement of the reason or purpose for adopting, 485  
amending, or rescinding the rule; 486

(4) The date, time, and place of a hearing on the proposed 487  
action, which shall be not earlier than the thirty-first nor 488  
later than the fortieth day after the proposed rule, amendment, 489  
or rescission is filed under division (B) of this section. 490

In addition to public notice given in the register of 491  
Ohio, the agency may give whatever other notice it reasonably 492  
considers necessary to ensure notice constructively is given to 493  
all persons who are subject to or affected by the proposed rule, 494  
amendment, or rescission. 495

The agency shall provide a copy of the public notice 496  
required under division (A) of this section to any person who 497  
requests it and pays a reasonable fee, not to exceed the cost of 498  
copying and mailing. 499

(B) The full text of the proposed rule, amendment, or rule 500  
to be rescinded, accompanied by the public notice required under 501  
division (A) of this section, shall be filed in electronic form 502  
with the secretary of state and with the director of the 503  
legislative service commission. (If in compliance with this 504  
division an agency files more than one proposed rule, amendment, 505  
or rescission at the same time, and has prepared a public notice 506  
under division (A) of this section that applies to more than one 507  
of the proposed rules, amendments, or rescissions, the agency 508  
shall file only one notice with the secretary of state and with 509

the director for all of the proposed rules, amendments, or 510  
rescissions to which the notice applies.) The proposed rule, 511  
amendment, or rescission and public notice shall be filed as 512  
required by this division at least sixty-five days prior to the 513  
date on which the agency, in accordance with division (E) of 514  
this section, issues an order adopting the proposed rule, 515  
amendment, or rescission. 516

If the proposed rule, amendment, or rescission 517  
incorporates a text or other material by reference, the agency 518  
shall comply with sections 121.71 to 121.76 of the Revised Code. 519

The proposed rule, amendment, or rescission shall be 520  
available for at least thirty days prior to the date of the 521  
hearing at the office of the agency in printed or other legible 522  
form without charge to any person affected by the proposal. 523  
Failure to furnish such text to any person requesting it shall 524  
not invalidate any action of the agency in connection therewith. 525

If the agency files a revision in the text of the proposed 526  
rule, amendment, or rescission, it shall also promptly file the 527  
full text of the proposed rule, amendment, or rescission in its 528  
revised form in electronic form with the secretary of state and 529  
with the director of the legislative service commission. 530

The agency shall file the rule summary ~~and~~, fiscal 531  
analysis, and health impact statement prepared under ~~section~~ 532  
sections 127.18 and 127.181 of the Revised Code in electronic 533  
form along with a proposed rule, amendment, or rescission or 534  
proposed rule, amendment, or rescission in revised form that is 535  
filed with the secretary of state or the director of the 536  
legislative service commission. 537

The agency shall file the hearing report relating to a 538

proposed rule, amendment, or rescission in electronic form with 539  
the secretary of state and the director of the legislative 540  
service commission at the same time the agency files the hearing 541  
report with the joint committee on agency rule review. 542

The director of the legislative service commission shall 543  
publish in the register of Ohio the full text of the original 544  
and each revised version of a proposed rule, amendment, or 545  
rescission; the full text of a public notice; the full text of a 546  
rule summary ~~and, fiscal analysis, or health impact statement;~~ 547  
and the full text of a hearing report that is filed with the 548  
director under this division. 549

(C) When an agency files a proposed rule, amendment, or 550  
rescission under division (B) of this section, it also shall 551  
file in electronic form with the joint committee on agency rule 552  
review the full text of the proposed rule, amendment, or rule to 553  
be rescinded in the same form and the public notice required 554  
under division (A) of this section. (If in compliance with this 555  
division an agency files more than one proposed rule, amendment, 556  
or rescission at the same time, and has given a public notice 557  
under division (A) of this section that applies to more than one 558  
of the proposed rules, amendments, or rescissions, the agency 559  
shall file only one notice with the joint committee for all of 560  
the proposed rules, amendments, or rescissions to which the 561  
notice applies.) The proposed rule, amendment, or rescission is 562  
subject to legislative review and invalidation under sections 563  
106.02, 106.021, and 106.022 of the Revised Code. If the agency 564  
makes a revision in a proposed rule, amendment, or rescission 565  
after it is filed with the joint committee, the agency promptly 566  
shall file the full text of the proposed rule, amendment, or 567  
rescission in its revised form in electronic form with the joint 568  
committee. 569

An agency shall file the rule summary ~~and, fiscal~~ 570  
analysis, and health impact statement prepared under ~~section~~ 571  
sections 127.18 and 127.181 of the Revised Code in electronic 572  
form along with a proposed rule, amendment, or rescission, and 573  
along with a proposed rule, amendment, or rescission in revised 574  
form, that is filed under this division. 575

If a proposed rule, amendment, or rescission has an 576  
adverse impact on businesses, the agency also shall file the 577  
business impact analysis, any recommendations received from the 578  
common sense initiative office, and the agency's memorandum of 579  
response, if any, in electronic form along with the proposed 580  
rule, amendment, or rescission, or along with the proposed rule, 581  
amendment, or rescission in revised form, that is filed under 582  
this division. 583

The agency shall file the hearing report in electronic 584  
form with the joint committee before the joint committee holds 585  
its public hearing on the proposed rule, amendment, or 586  
rescission. The filing of a hearing report does not constitute a 587  
revision of the proposed rule, amendment, or rescission to which 588  
the hearing report relates. 589

If the proposed rule, amendment, or rescission requires 590  
liability insurance, a bond, or any other financial 591  
responsibility instrument as a condition of licensure, the 592  
agency shall conduct a diligent search to determine if the 593  
liability insurance, bond, or other financial responsibility 594  
instrument is readily available in the amounts required as a 595  
condition of licensure, and shall certify to the joint committee 596  
that the search was conducted. 597

A proposed rule, amendment, or rescission that is subject 598  
to legislative review under this division may not be adopted 599

under division (E) of this section or filed in final form under 600  
section 119.04 of the Revised Code unless the proposed rule, 601  
amendment, or rescission has been filed with the joint committee 602  
on agency rule review under this division and the time for 603  
legislative review of the proposed rule, amendment, or 604  
rescission has expired without adoption of a concurrent 605  
resolution to invalidate the proposed rule, amendment, or 606  
rescission. 607

This division does not apply to: 608

(1) An emergency rule, amendment, or rescission; 609

(2) A proposed rule, amendment, or rescission that must be 610  
adopted verbatim by an agency pursuant to federal law or rule, 611  
to become effective within sixty days of adoption, in order to 612  
continue the operation of a federally reimbursed program in this 613  
state, so long as the proposed rule contains both of the 614  
following: 615

(a) A statement that it is proposed for the purpose of 616  
complying with a federal law or rule; 617

(b) A citation to the federal law or rule that requires 618  
verbatim compliance. 619

If a rule or amendment is exempt from legislative review 620  
under division (C) (2) of this section, and if the federal law or 621  
rule pursuant to which the rule or amendment was adopted 622  
expires, is repealed or rescinded, or otherwise terminates, the 623  
rule or amendment, or its rescission, is thereafter subject to 624  
legislative review under division (C) of this section. 625

(D) On the date and at the time and place designated in 626  
the notice, the agency shall conduct a public hearing at which 627  
any person affected by the proposed action of the agency may 628

appear and be heard in person, by the person's attorney, or 629  
both, may present the person's position, arguments, or 630  
contentions, orally or in writing, offer and examine witnesses, 631  
and present evidence tending to show that the proposed rule, 632  
amendment, or rescission, if adopted or effectuated, will be 633  
unreasonable or unlawful. An agency may permit persons affected 634  
by the proposed rule, amendment, or rescission to present their 635  
positions, arguments, or contentions in writing, not only at the 636  
hearing, but also for a reasonable period before, after, or both 637  
before and after the hearing. A person who presents a position 638  
or arguments or contentions in writing before or after the 639  
hearing is not required to appear at the hearing. 640

At the hearing, the testimony shall be recorded. Such 641  
record shall be made at the expense of the agency. The agency is 642  
required to transcribe a record that is not sight readable only 643  
if a person requests transcription of all or part of the record 644  
and agrees to reimburse the agency for the costs of the 645  
transcription. An agency may require the person to pay in 646  
advance all or part of the cost of the transcription. 647

In any hearing under this section the agency may 648  
administer oaths or affirmations. 649

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

The agency shall include the hearing summary in the hearing report as an appendix thereto. And, in the hearing report, the agency shall identify the proposed rule, amendment, or rescission to which the hearing report relates.

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

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

(G) If the governor, upon the request of an agency, determines that an emergency requires the immediate adoption, amendment, or rescission of a rule, the governor shall issue an order, the text of which shall be filed in electronic form with the agency, the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review, that the procedure prescribed by this section with respect to the adoption, amendment, or rescission



of a specified rule is suspended. The agency may then adopt 689  
immediately the emergency rule, amendment, or rescission and it 690  
becomes effective on the date the rule, amendment, or 691  
rescission, in final form and in compliance with division (A) (2) 692  
of section 119.04 of the Revised Code, is filed in electronic 693  
form with the secretary of state, the director of the 694  
legislative service commission, and the joint committee on 695  
agency rule review. The director shall publish the full text of 696  
the emergency rule, amendment, or rescission in the register of 697  
Ohio. 698

The emergency rule, amendment, or rescission shall become 699  
invalid at the end of the one hundred twentieth day it is in 700  
effect. Prior to that date the agency may adopt the emergency 701  
rule, amendment, or rescission as a nonemergency rule, 702  
amendment, or rescission by complying with the procedure 703  
prescribed by this section for the adoption, amendment, and 704  
rescission of nonemergency rules. The agency shall not use the 705  
procedure of this division to readopt the emergency rule, 706  
amendment, or rescission so that, upon the emergency rule, 707  
amendment, or rescission becoming invalid under this division, 708  
the emergency rule, amendment, or rescission will continue in 709  
effect without interruption for another one-hundred-twenty-day 710  
period, except when section 106.02 of the Revised Code prevents 711  
the agency from adopting the emergency rule, amendment, or 712  
rescission as a nonemergency rule, amendment, or rescission 713  
within the one-hundred-twenty-day period. 714

This division does not apply to the adoption of any 715  
emergency rule, amendment, or rescission by the tax commissioner 716  
under division (C) (2) of section 5117.02 of the Revised Code. 717

(H) Rules adopted by an authority within the department of 718

job and family services for the administration or enforcement of 719  
Chapter 4141. of the Revised Code or of the department of 720  
taxation shall be effective without a hearing as provided by 721  
this section if the statutes pertaining to such agency 722  
specifically give a right of appeal to the board of tax appeals 723  
or to a higher authority within the agency or to a court, and 724  
also give the appellant a right to a hearing on such appeal. 725  
This division does not apply to the adoption of any rule, 726  
amendment, or rescission by the tax commissioner under division 727  
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 728  
the right to file an action for declaratory judgment as provided 729  
in Chapter 2721. of the Revised Code from the decision of the 730  
board of tax appeals or of the higher authority within such 731  
agency. 732

**Sec. 127.181.** (A) As used in this section: 733

(1) "Agency" has the same meaning as in section 106.01 of 734  
the Revised Code. 735

(2) "Rule" includes the adoption, amendment, or rescission 736  
of a rule. 737

(3) "Proposed rule" means the original version of a 738  
proposed rule, and each revised version of the same proposed 739  
rule, that is filed with the joint committee on agency rule 740  
review under division (D) of section 111.15 or division (C) of 741  
section 119.03 of the Revised Code. 742

(4) "Health," "health equity," and "the social 743  
determinants of health" have the same meanings as in section 744  
103.132 of the Revised Code. 745

(B) An agency shall prepare, on a form prescribed by the 746  
joint committee on agency rule review, a complete and accurate 747

health impact statement concerning each proposed rule that it 748  
files under division (D) of section 111.15 or division (C) of 749  
section 119.03 of the Revised Code and concerning each unchanged 750  
rule that it files under division (C) of section 106.031 of the 751  
Revised Code. The health impact statement shall analyze whether 752  
the rule might have a positive, negative, or neutral impact on 753  
any of the following: 754

(1) The health of Ohioans; 755

(2) The accomplishment of health equity in this state; 756

(3) The health or health equity of specific populations or 757  
persons residing in specific geographic areas in this state; 758

(4) The social determinants of health for the most 759  
vulnerable populations in this state. 760

(C) The agency shall file the health impact statement in 761  
electronic form along with the proposed or unchanged rule. The 762  
joint committee on agency rule review shall not accept any 763  
proposed or unchanged rule for filing unless a copy of the 764  
health impact statement, completely and accurately prepared, is 765  
filed along with the rule. 766

**Sec. 3701.36.** (A) As used in this section: 767

(1) "Health," "health equity," and "the social 768  
determinants of health" have the same meanings as in section 769  
103.132 of the Revised Code. 770

(2) "State agency" means every organized body, office, 771  
agency, institution, or other entity established by the laws of 772  
this state for the exercise of any function of state government. 773

(B) The health and equity interagency team is created in 774  
the department of health for the purpose of ensuring 775

collaboration among all state agencies. The department of health shall administer the team, and each state agency shall appoint a liaison to the team. 776  
777  
778

(C) The team shall do all of the following: 779

(1) Work across the government of this state to coordinate resources and implement strategies to address health and health equity factors impacted by the social determinants of health; 780  
781  
782

(2) Create links between various policy areas; 783

(3) Build new partnerships to promote health and health equity; 784  
785

(4) Develop common metrics of success for health outcomes among disparate populations and for increased government efficiency. 786  
787  
788

(D) Not later than the thirty-first day of December of each year, the team shall submit a state health and health equity report to the health and equity in all policies initiative advisory board created in section 103.133 of the Revised Code. The team also shall transmit a copy of the report to the director of health, who shall make it available to the public on the official web site of the department of health. 789  
790  
791  
792  
793  
794  
795

**Section 2.** That existing sections 103.13, 106.031, 111.15, and 119.03 of the Revised Code are hereby repealed. 796  
797