

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**H. B. No. 617**

**Representative Jordan**

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**A BILL**

To amend section 3701.13 of the Revised Code to  
establish certain time frames and legislative  
approval procedures as conditions governing the  
authority of the Department of Health to issue  
statewide shelter-in-place or stay-at-home  
orders for preventing the spread of contagious  
or infectious diseases, to invalidate existing  
statewide shelter-in-place or stay-at-home  
orders issued by the Department, and to declare  
an emergency.

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

**Section 1.** That section 3701.13 of the Revised Code be  
amended to read as follows:

**Sec. 3701.13.** (A) The department of health shall have  
supervision of all matters relating to the preservation of the  
life and health of the people and have ultimate authority in  
matters of quarantine and isolation, which it may declare and  
enforce, when neither exists, and modify, relax, or abolish,  
when either has been established. ~~The~~

The department may approve methods of immunization against

the diseases specified in section 3313.671 of the Revised Code 20  
for the purpose of carrying out the provisions of that section 21  
and take such actions as are necessary to encourage vaccination 22  
against those diseases. 23

~~The (B) (1) Subject to division (B) (2) of this section, the 24  
department may make special or standing orders or rules for 25  
preventing the use of fluoroscopes for nonmedical purposes that 26  
emit doses of radiation likely to be harmful to any person, for 27  
preventing the spread of contagious or infectious diseases, for 28  
governing. 29~~

(2) In the case of a special or standing order or rule 30  
made for preventing the spread of contagious or infectious 31  
diseases that applies statewide and requires individuals to 32  
shelter-in-place or stay-at-home, all of the following apply: 33

(a) The order or rule shall be valid for not more than one 34  
fourteen-day period, unless extended in accordance with the 35  
requirements of division (B) (2) (b) or (c) of this section. 36

(b) On the conclusion of the fourteen-day period described 37  
in division (B) (2) (a) of this section, the department may extend 38  
the order or rule, but only on the approval of the general 39  
assembly. If the general assembly approves the extension, the 40  
order or rule shall be valid for not more than a second 41  
fourteen-day period, unless extended in accordance with the 42  
requirements of division (B) (2) (c) of this section. 43

(c) On the conclusion of the second fourteen-day period 44  
described in division (B) (2) (b) of this section, the department 45  
may extend the order or rule, but only on the approval of the 46  
general assembly. If the general assembly approves the 47  
extension, the order or rule shall be valid for not more than a 48

third fourteen-day period. 49

(d) On the conclusion of the third fourteen-day period 50  
described in division (B) (2) (c) of this section, the department 51  
shall not extend the order or rule. 52

(e) If the general assembly does not approve an extension 53  
as described in division (B) (2) (b) or (c) of this section, the 54  
department shall not make a new order or rule until at least 55  
thirty days have passed from the date the most recent order or 56  
rule became invalid. 57

(C) In addition to the authority granted by division (B) 58  
(1) of this section, the department may make special or standing 59  
orders or rules for any of the following purposes: 60

(1) To prevent the use of fluoroscopes for nonmedical 61  
purposes that emit doses of radiation likely to be harmful to 62  
any person; 63

(2) To govern the receipt and conveyance of remains of 64  
deceased persons, ~~and for;~~ 65

(3) To address such other sanitary matters as are best 66  
controlled by a general rule. ~~Whenever~~ 67

(D) Whenever possible, the department shall work in 68  
cooperation with the health commissioner of a general or city 69  
health district. ~~The~~ 70

In any of the following circumstances, the department may 71  
make and enforce orders in local matters or reassign substantive 72  
authority for mandatory programs from a general or city health 73  
district to another general or city health district; when an 74  
emergency exists, ~~or~~ when the board of health of a general or 75  
city health district has neglected or refused to act with 76

sufficient promptness or efficiency, or when such board has not 77  
been established as provided by sections 3709.02, 3709.03, 78  
3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 of the Revised 79  
Code. In such cases, the necessary expense incurred shall be 80  
paid by the general health district or city for which the 81  
services are rendered. 82

The department of health may require general or city 83  
health districts to enter into agreements for shared services 84  
under section 9.482 of the Revised Code. The department shall 85  
prepare and offer to boards of health a model contract and 86  
memorandum of understanding that are easily adaptable for use by 87  
boards of health when entering into shared services agreements. 88  
The department also may offer financial and other technical 89  
assistance to boards of health to encourage the sharing of 90  
services. 91

As a condition precedent to receiving funding from the 92  
department of health, the director of health may require general 93  
or city health districts to apply for accreditation by July 1, 94  
2018, and be accredited by July 1, 2020, by an accreditation 95  
body approved by the director. The director of health, by July 96  
1, 2016, shall conduct an evaluation of general and city health 97  
district preparation for accreditation, including an evaluation 98  
of each district's reported public health quality indicators as 99  
provided for in section 3701.98 of the Revised Code. 100

(E) The department may make evaluative studies of the 101  
nutritional status of Ohio residents, and of the food and 102  
nutrition-related programs operating within the state. Every 103  
agency of the state, at the request of the department, shall 104  
provide information and otherwise assist in the execution of 105  
such studies. 106

**Section 2.** That existing section 3701.13 of the Revised Code is hereby repealed. 107  
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**Section 3.** Any special or standing order or rule made by the Department of Health for preventing the spread of contagious or infectious diseases that applies statewide, requires individuals to shelter-in-place or stay-at-home, and was not scheduled to expire until after the effective date of this act shall no longer be valid as of the effective date of this act. The General Assembly may extend such order or rule in the same manner provided for the extension of an order or rule under division (B)(2) of section 3701.13 of the Revised Code, as amended by this act, but only if the General Assembly approves the extension on the same date as the effective date of this act. 109  
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**Section 4.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that a statewide shelter-in-place or stay-at-home order or rule for preventing the spread of contagious or infectious diseases that remains in effect for more than forty-two days risks the economic well-being of Ohio's citizens and businesses. Therefore, this act shall go into immediate effect. 121  
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