

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 748**

**Representatives Manchester, Jones**

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**A BILL**

To amend section 3701.13 of the Revised Code to 1  
prohibit the Department of Health from issuing a 2  
special or standing order or rule that 3  
supersedes a decision made by a school district. 4

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

**Section 1.** That section 3701.13 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 3701.13.** ~~The~~ (A) (1) The department of health shall 7  
have supervision of all matters relating to the preservation of 8  
the life and health of the people and have ultimate authority in 9  
matters of quarantine and isolation, which it may declare and 10  
enforce, when neither exists, and modify, relax, or abolish, 11  
when either has been established. ~~The~~ 12

(2) The department may approve methods of immunization 13  
against the diseases specified in section 3313.671 of the 14  
Revised Code for the purpose of carrying out the provisions of 15  
that section and take such actions as are necessary to encourage 16  
vaccination against those diseases. 17

~~The~~ (B) (1) Subject to division (B) (2) of this section, the 18  
department may make special or standing orders or rules for 19

~~preventing the use of fluoroscopes for nonmedical purposes that~~ 20  
~~emit doses of radiation likely to be harmful to any person, for~~ 21  
~~preventing the spread of contagious or infectious diseases, for~~ 22  
~~governing.~~ 23

(2) During an emergency caused by an epidemic of a 24  
contagious or infectious disease, the department shall not make 25  
a special or standing order or rule for preventing the spread of 26  
contagious or infectious diseases that supersedes a decision 27  
made by a city, local, or exempted village school district, 28  
another public school as defined in section 3301.0711 of the 29  
Revised Code, a chartered nonpublic school, a nonchartered 30  
nonpublic school, or a joint vocational school district. If an 31  
order or rule conflicts with such a decision, it shall have no 32  
effect to the extent of the conflict. 33

(C) In addition to the authority granted by division (B) 34  
(1) of this section, the department may make special or standing 35  
orders or rules for any of the following purposes: 36

(1) To prevent the use of fluoroscopes for nonmedical 37  
purposes that emit doses of radiation likely to be harmful to 38  
any person; 39

(2) To govern the receipt and conveyance of remains of 40  
deceased persons, and for such; 41

(3) To address such other sanitary matters as are best 42  
controlled by a general rule. ~~Whenever~~ 43

(D) Whenever possible, the department shall work in 44  
cooperation with the health commissioner of a general or city 45  
health district. ~~The~~ 46

In any of the following circumstances, the department may 47  
make and enforce orders in local matters or reassign substantive 48

authority for mandatory programs from a general or city health 49  
district to another general or city health district; when an 50  
emergency exists, ~~or~~ when the board of health of a general or 51  
city health district has neglected or refused to act with 52  
sufficient promptness or efficiency, or when such board has not 53  
been established as provided by sections 3709.02, 3709.03, 54  
3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 of the Revised 55  
Code. In such cases, the necessary expense incurred shall be 56  
paid by the general health district or city for which the 57  
services are rendered. 58

The department of health may require general or city 59  
health districts to enter into agreements for shared services 60  
under section 9.482 of the Revised Code. The department shall 61  
prepare and offer to boards of health a model contract and 62  
memorandum of understanding that are easily adaptable for use by 63  
boards of health when entering into shared services agreements. 64  
The department also may offer financial and other technical 65  
assistance to boards of health to encourage the sharing of 66  
services. 67

As a condition precedent to receiving funding from the 68  
department of health, the director of health may require general 69  
or city health districts to apply for accreditation by July 1, 70  
2018, and be accredited by July 1, 2020, by an accreditation 71  
body approved by the director. The director of health, by July 72  
1, 2016, shall conduct an evaluation of general and city health 73  
district preparation for accreditation, including an evaluation 74  
of each district's reported public health quality indicators as 75  
provided for in section 3701.98 of the Revised Code. 76

(E) The department may make evaluative studies of the 77  
nutritional status of Ohio residents, and of the food and 78

nutrition-related programs operating within the state. Every 79  
agency of the state, at the request of the department, shall 80  
provide information and otherwise assist in the execution of 81  
such studies. 82

**Section 2.** That existing section 3701.13 of the Revised 83  
Code is hereby repealed. 84