

As Reported by the House State and Local Government Committee

133rd General Assembly

Regular Session

2019-2020

Sub. S. B. No. 1

Senators McColley, Roegner

Cosponsors: Senators Obhof, Brenner, Coley, Hackett, Hoagland, Hottinger, Huffman, S., Huffman, M., Lehner, Rulli, Peterson, Wilson, Terhar, Gavarone, Manning, Schaffer, Schuring, Uecker Representatives Wiggam, Becker, Hambley, Smith, T.

A BILL

To amend sections 101.35, 106.021, 106.03, 106.031, 1
121.95, and 3701.13 and to enact sections 2
101.354, 101.355, 101.36, 107.57, 121.031, 3
121.951, 121.952, and 121.953 of the Revised 4
Code to require certain agencies to reduce the 5
number of regulatory restrictions in their 6
administrative rules, to require the approval of 7
the Joint Committee on Agency Rule Review for 8
Department of Health orders to be effective for 9
more than fourteen days, and to modify the 10
Department's rulemaking authority. 11

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

Section 1. That sections 101.35, 106.021, 106.03, 106.031, 12
121.95, and 3701.13 be amended and sections 101.354, 101.355, 13
101.36, 107.57, 121.031, 121.951, 121.952, and 121.953 of the 14
Revised Code be enacted to read as follows: 15

Sec. 101.35. There is hereby created in the general 16

assembly the joint committee on agency rule review. The 17
committee shall consist of five members of the house of 18
representatives and five members of the senate. Within fifteen 19
days after the commencement of the first regular session of each 20
general assembly, the speaker of the house of representatives 21
shall appoint the members of the committee from the house of 22
representatives, and the president of the senate shall appoint 23
the members of the committee from the senate. Not more than 24
three of the members from each house shall be of the same 25
political party. In the first regular session of a general 26
assembly, the chairperson of the committee shall be appointed by 27
the speaker of the house from among the house members of the 28
committee, and the vice-chairperson shall be appointed by the 29
president of the senate from among the senate members of the 30
committee. In the second regular session of a general assembly, 31
the chairperson shall be appointed by the president of the 32
senate from among the senate members of the committee, and the 33
vice-chairperson shall be appointed by the speaker of the house 34
from among the house members of the committee. The chairperson, 35
vice-chairperson, and members of the committee shall serve until 36
their respective successors are appointed or until they are no 37
longer members of the general assembly. When a vacancy occurs 38
among the officers or members of the committee, it shall be 39
filled in the same manner as the original appointment. 40

Notwithstanding section 101.26 of the Revised Code, the 41
members, when engaged in their duties as members of the 42
committee on days when there is not a voting session of the 43
member's house of the general assembly, shall be paid at the per 44
diem rate of one hundred fifty dollars, and their necessary 45
traveling expenses, which shall be paid from the funds 46
appropriated for the payment of expenses of legislative 47

committees. 48

~~The~~ Except as otherwise provided in section 101.36 of the 49
Revised Code, the committee has the same powers as other 50
standing or select committees of the general assembly. Six 51
members constitute a quorum. The concurrence of six members is 52
required for the recommendation of a concurrent resolution 53
invalidating a proposed rule under section 106.021 of the 54
Revised Code. The concurrence of seven members is required for 55
the recommendation of a concurrent resolution invalidating an 56
existing rule under section 106.031 of the Revised Code. 57

When a member of the committee is absent, the president or 58
speaker, as the case may be, may designate a substitute from the 59
same house and political party as the absent member. The 60
substitute shall serve on the committee in the member's absence, 61
and is entitled to perform the duties of a member of the 62
committee. For serving on the committee, the substitute shall be 63
paid the same per diem and necessary traveling expenses as the 64
substitute would be entitled to receive if the substitute were a 65
member of the committee. 66

The president or speaker shall inform the executive 67
director of the committee of a substitution. If the executive 68
director learns of a substitution sufficiently in advance of the 69
meeting of the committee the substitute is to attend, the 70
executive director shall publish notice of the substitution on 71
the internet, make reasonable effort to inform of the 72
substitution persons who are known to the executive director to 73
be interested in rules that are scheduled for review at the 74
meeting, and inform of the substitution persons who inquire of 75
the executive director concerning the meeting. 76

The committee may meet during periods in which the general 77

assembly has adjourned. 78

At meetings of the committee, the committee may request an 79
agency, as defined in section 106.01 of the Revised Code, to 80
provide information relative to the agency's implementation of 81
its statutory authority. 82

A member of the committee, and the executive director and 83
staff of the committee, are entitled in their official 84
capacities to attend, but not in their official capacities to 85
participate in, a public hearing conducted by an agency on a 86
proposed rule. 87

The executive director serves at the pleasure of the 88
president and speaker by mutual consensus. The executive 89
director may employ such technical, professional, and clerical 90
employees as are necessary to carry out the powers and 91
administrative duties of the committee. 92

Sec. 101.354. (A) The joint committee on agency rule 93
review shall advise and assist state agencies in preparing base 94
and revised inventories of regulatory restrictions and shall 95
advise and assist state agencies in achieving specified 96
percentage reductions in regulatory restrictions in the 97
Administrative Code in accordance with sections 121.95, 121.951, 98
121.952, and 121.953 of the Revised Code. 99

(B) Beginning in 2020, not later than the fifteenth day of 100
June of each year, the executive director of the joint committee 101
shall prepare an historical report aggregating the reports 102
received from state agencies for the preceding year. In the 103
report, the executive director also shall describe the work of 104
the joint committee over the preceding year with respect to 105
reduction of regulatory restrictions and shall indicate, out of 106

the total number of regulatory restrictions inventoried by state 107
agencies, the percentage by which state agencies have reduced 108
those regulatory restrictions. The report also shall provide 109
recommendations for statutory changes, where appropriate, 110
brought to the attention of the joint committee as contributing 111
to the adoption of regulatory restrictions. The executive 112
director shall submit the report to the members of the joint 113
committee, which shall publish the report on its web site and 114
transmit copies of the report electronically to the speaker of 115
the house of representatives and the president of the senate. 116

Sec. 101.355. The joint committee on agency rule review, 117
in consultation with legislative information systems, shall do 118
both of the following: 119

(A) Create and maintain a system that state agencies shall 120
use to enter regulatory restriction data, create required 121
inventories, and transmit copies of inventories, reports, and 122
any other documents to the joint committee and the speaker of 123
the house of representatives and the president of the senate 124
under sections 121.95, 121.951, and 121.953 of the Revised Code, 125
and that will assist the joint committee in aggregating reports 126
and performing other prescribed duties under sections 101.354, 127
121.95, 121.951, 121.952, and 121.953 of the Revised Code; 128

(B) Establish, maintain, and improve the cut red tape 129
system, which shall include a web site and shall allow members 130
of the public to request information about regulatory 131
restrictions and to communicate with the joint committee about 132
regulatory restrictions. 133

Sec. 101.36. (A) The director of health may apply to the 134
joint committee on agency rule review to approve the extension 135
of an order beyond the fourteen-day period described in section 136

3701.13 of the Revised Code. 137

(B) Notwithstanding any contrary provision of section 101.35 of the Revised Code, a majority vote of the joint committee, including the affirmative vote of at least three members of the house of representatives and at least three members of the senate, is required to approve the extension of an order under this section. The joint committee shall determine the period of the extension, if any. 138
139
140
141
142
143
144

(C) Any citizen of this state shall have standing to seek a court order that the director of health comply with this section or division (C) of section 3701.13 of the Revised Code. Such a citizen shall not be required to prove that irreparable harm will result if the court does not issue the order. 145
146
147
148
149

Sec. 106.021. If, upon reviewing a proposed rule or revised proposed rule, the joint committee on agency rule review makes any of the following findings with regard to the proposed rule or revised proposed rule, the joint committee may recommend to the senate and house of representatives the adoption of a concurrent resolution to invalidate the proposed rule or revised proposed rule or a part thereof: 150
151
152
153
154
155
156

(A) The proposed rule or revised proposed rule exceeds the scope of its statutory authority. 157
158

(B) The proposed rule or revised proposed rule conflicts with the legislative intent of the statute under which it was proposed. 159
160
161

(C) The proposed rule or revised proposed rule conflicts with another proposed or existing rule. 162
163

(D) The proposed rule or revised proposed rule incorporates a text or other material by reference and: 164
165

(1) The accompanying citation is not such as reasonably 166
would enable a reasonable person to whom the proposed rule or 167
revised proposed rule applies readily and without charge to find 168
and inspect the incorporated text or other material; 169

(2) The accompanying citation is not such as reasonably 170
would enable the joint committee readily and without charge to 171
find and inspect the incorporated text or other material, and 172
the agency did not file or otherwise make the incorporated text 173
or other material available without charge to the joint 174
committee; or 175

(3) The agency has treated the proposed rule or revised 176
proposed rule in whole or in part as exempt from sections 121.71 177
to 121.74 of the Revised Code on grounds the incorporated text 178
or other material has one or more of the characteristics 179
described in division (B) of section 121.75 of the Revised Code, 180
but the incorporated text or other material actually does not 181
have any of those characteristics. 182

(E) The agency has failed to prepare a complete and 183
accurate rule summary and fiscal analysis of the proposed rule 184
or revised proposed rule as required by section 106.024 of the 185
Revised Code. 186

(F) The agency has failed to demonstrate through the 187
business impact analysis, recommendations from the common sense 188
initiative office, and the memorandum of response that the 189
regulatory intent of the proposed rule or revised proposed rule 190
justifies its adverse impact on businesses in this state. 191

(G) The agency has failed to justify the proposed 192
adoption, amendment, or rescission of a rule containing a 193
regulatory restriction. 194

Sec. 106.03. Prior to the review date of an existing rule,	195
the agency that adopted the rule shall do both of the following:	196
(A) Review the rule to determine all <u>whether the rule</u>	197
<u>should be amended or rescinded, including for the purpose of</u>	198
<u>accomplishing the reductions in regulatory restrictions required</u>	199
<u>by section 121.951 of the Revised Code, because it does any of</u>	200
<u>the following, or otherwise for the purpose of reducing</u>	201
<u>regulatory restrictions:</u>	202
(1) Whether the rule should be continued without	203
amendment, be amended, or be rescinded, taking into	204
consideration <u>Exceeds or conflicts with the purpose, scope, and</u>	205
<u>or intent of the statute under which the rule was adopted;</u>	206
(2) Whether the rule needs amendment or rescission to give	207
more <u>Provides inadequate flexibility at the local level;</u>	208
(3) Whether the rule needs amendment or rescission to	209
eliminate unnecessary paperwork <u>Creates a compliance or</u>	210
<u>oversight burden for the state agency, or for any person or</u>	211
<u>entity, that is greater than the burden that would be created if</u>	212
<u>the agency accomplished the intended purpose of the restriction</u>	213
<u>by other means;</u>	214
(4) Whether the rule incorporates <u>Is no longer useful or</u>	215
<u>beneficial;</u>	216
(5) <u>Incorporates</u> a text or other material by reference	217
and, if so:	218
(a) Whether the <u>The</u> citation accompanying the	219
incorporation by reference is such as reasonably <u>not</u>	220
<u>reasonably</u> enable a reasonable person to whom the rule applies	221
readily and without charge to find and inspect the incorporated	222
text or other material;	223

(b) ~~Whether the~~ The citation accompanying the 224
incorporation by reference is such as ~~reasonably~~ would not 225
reasonably enable the joint committee on agency rule review 226
readily and without charge to find and inspect the incorporated 227
text or other material; ~~and~~ or 228

(c) If the rule has been exempted in whole or in part from 229
sections 121.71 to 121.74 of the Revised Code on grounds the 230
incorporated text or other material has one or more of the 231
characteristics described in division (B) of section 121.75 of 232
the Revised Code, ~~whether~~ the incorporated text or other 233
material does not actually ~~has~~ have any of those 234
characteristics. 235

~~(5) Whether the rule duplicates~~ 236

(6) Duplicates, overlaps with, or conflicts with ~~other~~ 237
~~rules;~~ 238

~~(6) Whether the rule has~~ another state or federal law or 239
rule. A rule duplicates, overlaps with, or conflicts with 240
another law or rule if it imposes a duty or liability on a 241
person or entity that the other law or rule also imposes on that 242
person or entity, in whole or in part, or imposes a duty or 243
liability that may require a person or entity to violate the 244
other law or rule in whole or in part. If the rule duplicates, 245
overlaps with, or conflicts with a rule adopted by another state 246
agency, the two agencies shall determine which agency shall 247
amend or rescind its rule and shall develop and execute a plan 248
to work together to achieve the required oversight. 249

(7) Has an adverse impact on businesses, as determined 250
under section 107.52 of the Revised Code; 251

~~(7) Whether the rule contains~~ (8) Has an adverse impact on 252

<u>any other person or entity;</u>	253
<u>(9) Contains</u> words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive; and	254 255 256
(8) Whether the rule requires <u>(10) Requires</u> liability insurance, a bond, or any other financial responsibility instrument as a condition of licensure;	257 258 259
<u>(11) Imposes a more severe duty or liability than restrictions in neighboring states in order to accomplish the same goal.</u>	260 261 262
In making its review, the agency shall consider the continued need for the rule, the nature of any complaints or comments received concerning the rule, and any relevant factors that have changed in the subject matter area affected by the rule.	263 264 265 266 267
(B) On the basis of its review of the existing rule, the agency shall determine whether the existing rule needs to be amended or rescinded.	268 269 270
(1) If the existing rule needs to be amended or rescinded, the agency, on or before the review date of the existing rule, shall commence the process of amending or rescinding the existing rule in accordance with its review of the rule.	271 272 273 274
(2) If the existing rule does not need to be amended or rescinded, proceedings shall be had under section 106.031 of the Revised Code.	275 276 277
Upon the request of the agency that adopted an existing rule, the joint committee on agency rule review may extend the review date of the rule to a date that is not later than one	278 279 280

hundred eighty days after the review date assigned to the rule 281
by the agency. Not more than two such extensions may be allowed. 282

Sec. 106.031. If an agency, on the basis of its review of 283
a rule under section 106.03 of the Revised Code, determines that 284
the rule does not need to be amended or rescinded, proceedings 285
shall be had as follows: 286

(A) (1) If, considering only the standard of review 287
specified in division (A) ~~(6)~~ (7) of section 106.03 of the 288
Revised Code, the rule has an adverse impact on businesses, the 289
agency shall prepare a business impact analysis that describes 290
its review of the rule under that division and that explains why 291
the regulatory intent of the rule justifies its adverse impact 292
on businesses. If the rule does not have an adverse impact on 293
businesses, the agency may proceed under division (B) of this 294
section. 295

(2) The agency shall transmit a copy of the full text of 296
the rule and the business impact analysis electronically to the 297
common sense initiative office. The office shall make the rule 298
and analysis available to the public on its web site under 299
section 107.62 of the Revised Code. 300

(3) The agency shall consider any recommendations made by 301
the office. 302

(4) Not earlier than the sixteenth business day after 303
transmitting the rule and analysis to the office, the agency 304
shall either (a) proceed under divisions (A) (5) and (B) of this 305
section or (b) commence, under division (B) (1) of section 106.03 306
of the Revised Code, the process of rescinding the rule or of 307
amending the rule to incorporate into the rule features the 308
recommendations suggest will eliminate or reduce the adverse 309

impact the rule has on businesses. If the agency determines to 310
amend or rescind the rule, the agency is not subject to the time 311
limit specified in division (B) (1) of section 106.03 of the 312
Revised Code. 313

(5) If the agency receives recommendations from the 314
office, and determines not to amend or rescind the rule, the 315
agency shall prepare a memorandum of response that explains why 316
the rule is not being rescinded or why the recommendations are 317
not being incorporated into the rule. 318

(B) The agency shall assign a new review date to the rule. 319
The review date assigned shall be not later than five years 320
after the immediately preceding review date pertaining to the 321
rule. If the agency assigns a review date that exceeds the five- 322
year maximum, the review date is five years after the 323
immediately preceding review date. The immediately preceding 324
review date includes the date of the review of a rule under 325
section 106.032 of the Revised Code. 326

(C) (1) The agency shall file all the following, in 327
electronic form, with the joint committee on agency rule review, 328
the secretary of state, and the director of the legislative 329
service commission: a copy of the rule specifying its new review 330
date, a complete and accurate rule summary and fiscal analysis, 331
and, if relevant, a business impact analysis of the rule, any 332
recommendations received from the common sense initiative 333
office, and any memorandum of response. 334

(2) Subject to section 106.05 of the Revised Code, the 335
joint committee does not have jurisdiction to review, and shall 336
reject, the filing of a rule under division (C) (1) of this 337
section if, at any time while the rule is in its possession, it 338
discovers that the rule has an adverse impact on businesses and 339

the agency has not complied with division (A) of this section. 340
The joint committee shall electronically return a rule that is 341
rejected to the agency, together with any documents that were 342
part of the filing. Such a rejection does not preclude the 343
agency from refileing the rule under division (C)(1) of this 344
section after complying with division (A) of this section. When 345
the filing of a rule is rejected under this division, it is as 346
if the filing had not been made. 347

(D) The joint committee shall publish notice of the 348
agency's determination not to amend or rescind the rule in the 349
register of Ohio for four consecutive weeks after the rule is 350
filed under division (C) of this section. 351

(E) During the ninety-day period after a rule is filed 352
under division (C) of this section, but after the four-week 353
notice period required by division (D) of this section has 354
ended, the joint committee may recommend to the senate and house 355
of representatives the adoption of a concurrent resolution 356
invalidating the rule if the joint committee finds any of the 357
following: 358

(1) The agency improperly applied the standards in 359
division (A) of section 106.03 of the Revised Code in reviewing 360
the rule and in determining that the rule did not need amendment 361
or rescission. 362

(2) The rule has an adverse impact on businesses, and the 363
agency has failed to demonstrate through a business impact 364
analysis, recommendations from the common sense initiative 365
office, and a memorandum of response that the regulatory intent 366
of the rule justifies its adverse impact on businesses. 367

(3) If the rule incorporates a text or other material by 368

reference, any of the following applies: 369

(a) The citation accompanying the incorporation by 370
reference is not such as reasonably would enable a reasonable 371
person to whom the rule applies readily and without charge to 372
find and inspect the incorporated text or other material; 373

(b) The citation accompanying the incorporation by 374
reference is not such as reasonably would enable the joint 375
committee readily and without charge to find and inspect the 376
incorporated text or other material; or 377

(c) The rule has been exempted in whole or in part from 378
sections 121.71 to 121.74 of the Revised Code on grounds the 379
incorporated text or other material has one or more of the 380
characteristics described in division (B) of section 121.75 of 381
the Revised Code, but the incorporated text or other material 382
actually does not have any of those characteristics. 383

(4) The agency has failed to justify the retention of a 384
rule containing a regulatory restriction. 385

If the agency fails to comply with section 106.03 or 386
106.031 of the Revised Code, the joint committee shall afford 387
the agency an opportunity to appear before the joint committee 388
to show cause why the agency has not complied with either or 389
both of those sections. If the agency appears before the joint 390
committee at the time scheduled for the agency to show cause, 391
and fails to do so, the joint committee, by vote of a majority 392
of its members present, may recommend the adoption of a 393
concurrent resolution invalidating the rule for the agency's 394
failure to show cause. Or if the agency fails to appear before 395
the joint committee at the time scheduled for the agency to show 396
cause, the joint committee, by vote of a majority of its members 397

present, may recommend adoption of a concurrent resolution 398
invalidating the rule for the agency's default. 399

When the joint committee recommends that a rule be 400
invalidated, the recommendation does not suspend operation of 401
the rule, and the rule remains operational pending action by the 402
senate and house of representatives on the concurrent resolution 403
embodying the recommendation. If the senate and house of 404
representatives adopt the concurrent resolution, the rule is 405
invalid. If, however, the senate and house of representatives do 406
not adopt the resolution, the rule continues in effect, and 407
shall next be reviewed according to the new review date assigned 408
to the rule. 409

Sec. 107.57. (A) In the course of evaluating draft rules 410
and business impact analyses under sections 107.51 to 107.55 of 411
the Revised Code, or at any other time, the common sense 412
initiative office may review any rules containing regulatory 413
restrictions that a state agency is required to include in its 414
inventory of regulatory restrictions under section 121.95 of the 415
Revised Code. If the common sense initiative office determines, 416
based on the criteria described in division (A) of section 417
106.03 of the Revised Code, that a state agency should eliminate 418
a regulatory restriction, the common sense initiative office 419
shall notify the state agency that it is required to eliminate 420
that regulatory restriction, and the state agency shall 421
eliminate it. 422

(B) If a state agency objects to the elimination of a 423
regulatory restriction that the common sense initiative office 424
has determined should be eliminated under division (A) of this 425
section, the state agency may appeal that decision to the joint 426
committee on agency rule review. If the joint committee also 427

determines, based on the criteria described in division (A) of 428
section 106.03 of the Revised Code, that the state agency should 429
eliminate the regulatory restriction, the state agency shall 430
eliminate it. 431

(C) As used in this section, "state agency" has the same 432
meaning as in section 121.95 of the Revised Code. 433

Sec. 121.031. The administrative department head of an 434
administrative department created under section 121.02 of the 435
Revised Code or an administrative department head appointed 436
under section 121.03 of the Revised Code may direct an otherwise 437
independent official or state agency that is organized under the 438
administrative department or administrative department head as 439
necessary to achieve reductions in regulatory restrictions in 440
rules in compliance with sections 121.95, 121.951, 121.952, and 441
121.953 of the Revised Code. 442

Sec. 121.95. (A) As used in ~~this section~~sections 121.95, 443
121.951, 121.952, and 121.953 of the Revised Code, "state 444
agency" means an administrative department created under section 445
121.02 of the Revised Code, an administrative department head 446
appointed under section 121.03 of the Revised Code, and a state 447
agency organized under an administrative department or 448
administrative department head. "State agency" also includes the 449
department of education, the state lottery commission, the Ohio 450
casino control commission, the state racing commission, and the 451
public utilities commission of Ohio. Rules adopted by an 452
otherwise independent official or entity organized under a state 453
agency shall be attributed to the agency under which the 454
official or entity is organized for the purposes of ~~this~~ 455
~~section~~sections 121.95, 121.951, 121.952, and 121.953 of the 456
Revised Code. 457

(B) Not later than December 31, 2019, a state agency shall 458
review its existing rules to identify rules having one or more 459
regulatory restrictions that require or prohibit an action and 460
prepare a base inventory of the regulatory restrictions in its 461
existing rules. Rules that include the words "shall," "must," 462
"require," "shall not," "may not," and "prohibit" shall be 463
considered to contain regulatory restrictions. 464

(C) In the base inventory, the state agency shall indicate 465
all of the following concerning each regulatory restriction: 466

(1) A description of the regulatory restriction; 467

(2) The rule number of the rule in which the regulatory 468
restriction appears; 469

(3) The statute under which the regulatory restriction was 470
adopted; 471

(4) Whether state or federal law expressly and 472
specifically requires the agency to adopt the regulatory 473
restriction or the agency adopted the regulatory restriction 474
under the agency's general authority; 475

(5) Whether removing the regulatory restriction would 476
require a change to state or federal law, provided that removing 477
a regulatory restriction adopted under a law granting the agency 478
general authority shall be presumed not to require a change to 479
state or federal law; 480

(6) Any other information the joint committee on agency 481
rule review considers necessary. 482

(D) The state agency shall compute and state the total 483
number of regulatory restrictions indicated in the base 484
inventory, shall post the base inventory on its web site, and 485

shall electronically transmit a copy of the inventory to the 486
joint committee. The joint committee shall review the base 487
inventory, then transmit it electronically to the speaker of the 488
house of representatives and the president of the senate. 489

(E) The following types of rules or regulatory 490
restrictions are not required to be included in a state agency's 491
inventory of regulatory restrictions: 492

(1) An internal management rule; 493

(2) An emergency rule; 494

(3) A rule that state or federal law requires the state 495
agency to adopt verbatim; 496

(4) A regulatory restriction contained in materials or 497
documents incorporated by reference into a rule pursuant to 498
sections 121.71 to 121.75 of the Revised Code; 499

(5) A rule adopted pursuant to section 1347.15 of the 500
Revised Code; 501

(6) A rule concerning instant lottery games; 502

(7) Any other rule that is not subject to review under 503
Chapter 106. of the Revised Code. 504

(F) Beginning on the effective date of this section and 505
ending on June 30, 2023, a state agency may not adopt a new 506
regulatory restriction unless it simultaneously removes two or 507
more other existing regulatory restrictions. The state agency 508
may not satisfy this section by merging two or more existing 509
regulatory restrictions into a single surviving regulatory 510
restriction. 511

Sec. 121.951. (A) (1) Using the criteria listed in division 512

(A) of section 106.03 of the Revised Code, a state agency shall 513
amend or rescind rules identified in its base inventory of 514
regulatory restrictions as necessary to reduce the total number 515
of regulatory restrictions by thirty per cent, according to the 516
following schedule: 517

(a) A ten per cent reduction not later than December 31, 518
2020; 519

(b) A twenty per cent reduction not later than December 520
31, 2021; and 521

(c) The thirty per cent reduction not later than December 522
31, 2022. 523

When a state agency has achieved a reduction of any 524
percentage in regulatory restrictions, whether or not as 525
specified in this section, the state agency may not adopt or 526
maintain regulatory restrictions that would negate the 527
reduction. 528

(2) Beginning July 1, 2023, if a state agency has not 529
achieved a specified percentage reduction according to the 530
schedule, the state agency may not adopt a new regulatory 531
restriction unless it simultaneously removes two or more other 532
existing regulatory restrictions, until the specified thirty per 533
cent reduction has been achieved. The state agency may not 534
fulfill this requirement by merging two or more existing 535
regulatory restrictions into a single surviving regulatory 536
restriction. 537

(3) A state agency is encouraged to continue to reduce 538
regulatory restrictions after it has achieved the specified 539
thirty per cent reduction. 540

(B) (1) Not later than March 15, 2021, and annually 541

thereafter, a state agency shall prepare an historical report of 542
its progress in reducing regulatory restrictions over the 543
preceding year under divisions (A) (1) and (2) of this section. 544
The state agency shall explain in the report how it applied the 545
criteria described in division (A) of section 106.03 of the 546
Revised Code to its determinations as to which regulatory 547
restrictions to amend or rescind. The state agency shall include 548
a revised inventory of regulatory restrictions with the report. 549

(2) In the revised inventory, in addition to the 550
information required by section 121.95 of the Revised Code, the 551
state agency shall compute the percentage net reduction in 552
regulatory restrictions by subtracting the current number of 553
regulatory restrictions from the number of regulatory 554
restrictions identified in the base inventory and then dividing 555
the resulting number by the number of regulatory restrictions in 556
the base inventory. 557

(3) The state agency shall transmit the report 558
electronically to the joint committee on agency rule review. The 559
joint committee shall review the report and shall transmit it 560
electronically to the speaker of the house of representatives 561
and the president of the senate. The state agency shall continue 562
preparing and transmitting annual reports until it has reported 563
that it has achieved the required reduction in regulatory 564
restrictions. 565

Sec. 121.952. If a state agency fails to reduce regulatory 566
restrictions by a required percentage within one hundred twenty 567
days after a reduction deadline in section 121.951 of the 568
Revised Code, the joint committee on agency rule review shall 569
afford the state agency an opportunity to appear before the 570
joint committee to show cause why the agency's required 571

reduction in regulatory restrictions should be lessened. If the 572
joint committee determines that the state agency has shown 573
cause, the joint committee shall determine a lessened required 574
reduction in regulatory restrictions for that agency and shall 575
submit a written report to the speaker of the house of 576
representatives and the president of the senate, indicating the 577
lessened required reduction in regulatory restrictions for that 578
agency and the reason the joint committee determined that 579
lessened required reduction. 580

Sec. 121.953. Effective January 1, 2023, the number of 581
regulatory restrictions in this state shall not exceed a number 582
of regulatory restrictions determined by the joint committee on 583
agency rule review in accordance with this section. The joint 584
committee shall determine that number by calculating, for each 585
agency, the number of regulatory restrictions identified by the 586
agency in the base inventory prepared under section 121.95 of 587
the Revised Code, minus the number of regulatory restrictions 588
that represents the percentage reduction the state agency is 589
required to achieve not later than January 1, 2023, and then 590
totaling the resulting numbers for all state agencies. A state 591
agency shall contact the joint committee before submitting a 592
proposed rule containing a regulatory restriction, and the joint 593
committee shall determine whether adopting the regulatory 594
restriction would cause the state to exceed the number of 595
regulatory restrictions permitted under this section. A state 596
agency may not adopt a rule if by adopting the rule the state 597
agency would cause the number of regulatory restrictions to 598
exceed the state limit as determined by the joint committee. 599

Sec. 3701.13. The ~~(A)~~ (1) Subject to division (C) of this 600
section, the department of health shall have supervision of all 601
matters relating to the preservation of the life and health of 602

the people and have ultimate authority in matters of quarantine 603
and isolation, which it may declare and enforce, when neither 604
exists, and modify, relax, or abolish, when either has been 605
established. ~~The~~ 606

(2) The department may approve methods of immunization 607
against the diseases specified in section 3313.671 of the 608
Revised Code for the purpose of carrying out the provisions of 609
that section and take such actions as are necessary to encourage 610
vaccination against those diseases. 611

~~The~~ (B) (1) Subject to division (C) of this section, the 612
department may make special or standing orders or rules for 613
preventing any of the following: 614

(a) For preventing the use of fluoroscopes for nonmedical 615
purposes that emit doses of radiation likely to be harmful to 616
any person, ~~for;~~ 617

(b) For preventing the spread of contagious or infectious 618
diseases, ~~for;~~ 619

(c) For governing the receipt and conveyance of remains of 620
deceased persons, ~~and for;~~ 621

(d) For such other sanitary matters as are best controlled 622
by a general rule. ~~Whenever~~ 623

(2) Whenever possible, the department shall work in 624
cooperation with the health commissioner of a general or city 625
health district. ~~The~~ Subject to division (C) of this section, 626
the department may make and enforce orders in local matters or 627
reassign substantive authority for mandatory programs from a 628
general or city health district to another general or city 629
health district when an emergency exists, or when the board of 630
health of a general or city health district has neglected or 631

refused to act with sufficient promptness or efficiency, or when 632
such board has not been established as provided by sections 633
3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 634
3709.14 of the Revised Code. In such cases, the necessary 635
expense incurred shall be paid by the general health district or 636
city for which the services are rendered. 637

(C) (1) No order of the department shall be effective for a 638
period exceeding fourteen days, except with the approval of the 639
joint committee on agency rule review, as described in section 640
101.36 of the Revised Code. For purposes of this division, an 641
order is considered to be effective for a period exceeding 642
fourteen days if the order includes an effective period that 643
exceeds fourteen days or if the substance of the order is 644
contained in multiple subsequently issued orders whose combined 645
effective period exceeds fourteen days. 646

(2) The department may adopt rules under this section only 647
in accordance with Chapter 119. of the Revised Code, and the 648
department shall not adopt an emergency rule, make an emergency 649
amendment to a rule, or rescind a rule on an emergency basis 650
under this section, as described in that chapter. 651

(D) The department of health may require general or city 652
health districts to enter into agreements for shared services 653
under section 9.482 of the Revised Code. The department shall 654
prepare and offer to boards of health a model contract and 655
memorandum of understanding that are easily adaptable for use by 656
boards of health when entering into shared services agreements. 657
The department also may offer financial and other technical 658
assistance to boards of health to encourage the sharing of 659
services. 660

(E) As a condition precedent to receiving funding from the 661

department of health, the director of health may require general 662
or city health districts to apply for accreditation by July 1, 663
2018, and be accredited by July 1, 2020, by an accreditation 664
body approved by the director. The director of health, by July 665
1, 2016, shall conduct an evaluation of general and city health 666
district preparation for accreditation, including an evaluation 667
of each district's reported public health quality indicators as 668
provided for in section 3701.98 of the Revised Code. 669

(F) The department may make evaluative studies of the 670
nutritional status of Ohio residents, and of the food and 671
nutrition-related programs operating within the state. Every 672
agency of the state, at the request of the department, shall 673
provide information and otherwise assist in the execution of 674
such studies. 675

Section 2. That existing sections 101.35, 106.021, 106.03, 676
106.031, 121.95, and 3701.13 of the Revised Code are hereby 677
repealed. 678

Section 3. Any order of the Director of Health issued 679
under section 3701.13 of the Revised Code on or after April 29, 680
2020, shall cease to be effective fourteen days after the 681
effective date of this section, unless the Joint Committee on 682
Agency Rule Review approves extensions of the orders under 683
section 101.36 of the Revised Code, as enacted by this act. 684