

As Introduced

134th General Assembly

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H. B. No. 269

Representative Galonski

Cosponsors: Representatives Kelly, Leland, Miller, A., Liston, Brown, Brent, Skindell, Howse, Lepore-Hagan, Boyd, Crawley, Denson, Robinson, Weinstein, Blackshear, Smith, M., Russo, Sheehy, Lightbody

A BILL

To amend the versions of sections 106.022, 111.15, 119.03, 2743.03, 3701.13, 3701.14, 3707.01, 3707.26, 3715.74, and 4935.03 scheduled to take effect on June 23, 2021, to repeal the versions of sections 101.36, 103.65, 103.651, 107.42, 107.43, 3707.11, 3707.54, 3709.212, and 3709.50 of the Revised Code scheduled to take effect on June 23, 2021, and to repeal the version of Section 3 of S.B. 22 of the 134th General Assembly scheduled to take effect on June 23, 2021, to repeal the changes made by S.B. 22 of the 134th General Assembly to the laws governing legislative oversight of certain orders and rules issued by the executive branch, including the establishment of the Ohio Health Oversight and Advisory Committee, and to declare an emergency.

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

Section 1. That the versions of sections 106.022, 111.15, 119.03, 2743.03, 3701.13, 3701.14, 3707.01, 3707.26, 3715.74, and 4935.03 of the Revised Code scheduled to take effect on June 23, 2021, be amended to read as follows:

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

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

tolling period, the agency neither withdraws nor revises and 49
refiles the proposed rule, the time within which a concurrent 50
resolution invalidating the proposed rule may be adopted resumes 51
running and expires on the thirty-first day after the day the 52
tolling period ended. 53

Upon receiving the authorization, the agency may revise 54
the proposed rule and rule summary and fiscal analysis, and then 55
refile the revised proposed rule and rule summary and fiscal 56
analysis electronically with the joint committee. 57

If the joint committee makes any of the findings outlined 58
in section 106.021 of the Revised Code with regard to the 59
revised proposed rule and rule summary and fiscal analysis, the 60
joint committee may recommend the adoption of a concurrent 61
resolution to invalidate the proposed rule under section 106.021 62
of the Revised Code. The joint committee may issue only one 63
authorization with regard to the same proposed rule. 64

~~Except as provided in section 107.43 of the Revised Code,~~ 65
~~if~~If the proposed rule that is the subject of an authorization 66
is to replace an emergency rule, the governor may issue an order 67
extending the emergency rule for an additional one hundred 68
twenty days after the day on which the emergency rule otherwise 69
would become invalid. The governor shall transmit the order 70
electronically to the agency, the joint committee, and the 71
director of the legislative service commission. 72

Sec. 111.15. (A) As used in this section: 73

(1) "Rule" includes any rule, regulation, bylaw, or 74
standard having a general and uniform operation adopted by an 75
agency under the authority of the laws governing the agency; any 76
appendix to a rule; and any internal management rule. "Rule" 77

does not include any guideline adopted pursuant to section 78
3301.0714 of the Revised Code, any order respecting the duties 79
of employees, any finding, any determination of a question of 80
law or fact in a matter presented to an agency, or any rule 81
promulgated pursuant to Chapter 119. or division (C)(1) or (2) 82
of section 5117.02 of the Revised Code. "Rule" includes any 83
amendment or rescission of a rule. 84

(2) "Agency" means any governmental entity of the state 85
and includes, but is not limited to, any board, department, 86
division, commission, bureau, society, council, institution, 87
state college or university, community college district, 88
technical college district, or state community college. "Agency" 89
does not include the general assembly, the controlling board, 90
the adjutant general's department, or any court. 91

(3) "Internal management rule" means any rule, regulation, 92
bylaw, or standard governing the day-to-day staff procedures and 93
operations within an agency. 94

(B)(1) Any rule, other than a rule of an emergency nature, 95
adopted by any agency pursuant to this section shall be 96
effective on the tenth day after the day on which the rule in 97
final form and in compliance with division (B)(3) of this 98
section is filed as follows: 99

(a) The rule shall be filed in electronic form with both 100
the secretary of state and the director of the legislative 101
service commission; 102

(b) The rule shall be filed in electronic form with the 103
joint committee on agency rule review. Division (B)(1)(b) of 104
this section does not apply to any rule to which division (D) of 105
this section does not apply. 106

An agency that adopts or amends a rule that is subject to 107
division (D) of this section shall assign a review date to the 108
rule that is not later than five years after its effective date. 109
If a review date assigned to a rule exceeds the five-year 110
maximum, the review date for the rule is five years after its 111
effective date. A rule with a review date is subject to review 112
under section 106.03 of the Revised Code. This paragraph does 113
not apply to a rule of a state college or university, community 114
college district, technical college district, or state community 115
college. 116

If an agency in adopting a rule designates an effective 117
date that is later than the effective date provided for by 118
division (B)(1) of this section, the rule if filed as required 119
by such division shall become effective on the later date 120
designated by the agency. 121

Any rule that is required to be filed under division (B) 122
(1) of this section is also subject to division (D) of this 123
section if not exempted by that division. 124

If a rule incorporates a text or other material by 125
reference, the agency shall comply with sections 121.71 to 126
121.75 of the Revised Code. 127

(2) A rule of an emergency nature necessary for the 128
immediate preservation of the public peace, health, or safety 129
shall state the reasons for the necessity. The emergency rule, 130
in final form and in compliance with division (B)(3) of this 131
section, shall be filed in electronic form with the secretary of 132
state, the director of the legislative service commission, and 133
the joint committee on agency rule review. The emergency rule is 134
effective immediately upon completion of the latest filing, 135
except that if the agency in adopting the emergency rule 136

designates an effective date, or date and time of day, that is 137
later than the effective date and time provided for by division 138
(B) (2) of this section, the emergency rule if filed as required 139
by such division shall become effective at the later date, or 140
later date and time of day, designated by the agency. 141

~~Except as provided in section 107.43 of the Revised Code,~~ 142
~~an~~An emergency rule becomes invalid at the end of the one 143
hundred twentieth day it is in effect. Prior to that date, the 144
agency may file the emergency rule as a nonemergency rule in 145
compliance with division (B) (1) of this section. The agency may 146
not refile the emergency rule in compliance with division (B) (2) 147
of this section so that, upon the emergency rule becoming 148
invalid under such division, the emergency rule will continue in 149
effect without interruption for another one hundred twenty-day 150
period. 151

~~The adoption of an emergency rule under division (B) (2) of~~ 152
~~this section in response to a state of emergency, as defined~~ 153
~~under section 107.42 of the Revised Code, may be invalidated by~~ 154
~~the general assembly, in whole or in part, by adopting a~~ 155
~~concurrent resolution in accordance with section 107.43 of the~~ 156
~~Revised Code.~~ 157

(3) An agency shall file a rule under division (B) (1) or 158
(2) of this section in compliance with the following standards 159
and procedures: 160

(a) The rule shall be numbered in accordance with the 161
numbering system devised by the director for the Ohio 162
administrative code. 163

(b) The rule shall be prepared and submitted in compliance 164
with the rules of the legislative service commission. 165

(c) The rule shall clearly state the date on which it is 166
to be effective and the date on which it will expire, if known. 167

(d) Each rule that amends or rescinds another rule shall 168
clearly refer to the rule that is amended or rescinded. Each 169
amendment shall fully restate the rule as amended. 170

If the director of the legislative service commission or 171
the director's designee gives an agency notice pursuant to 172
section 103.05 of the Revised Code that a rule filed by the 173
agency is not in compliance with the rules of the legislative 174
service commission, the agency shall within thirty days after 175
receipt of the notice conform the rule to the rules of the 176
commission as directed in the notice. 177

(C) All rules filed pursuant to divisions (B) (1) (a) and 178
(2) of this section shall be recorded by the secretary of state 179
and the director under the title of the agency adopting the rule 180
and shall be numbered according to the numbering system devised 181
by the director. The secretary of state and the director shall 182
preserve the rules in an accessible manner. Each such rule shall 183
be a public record open to public inspection and may be 184
transmitted to any law publishing company that wishes to 185
reproduce it. 186

(D) At least sixty-five days before a board, commission, 187
department, division, or bureau of the government of the state 188
files a rule under division (B) (1) of this section, it shall 189
file the full text of the proposed rule in electronic form with 190
the joint committee on agency rule review, and the proposed rule 191
is subject to legislative review and invalidation under section 192
106.021 of the Revised Code. If a state board, commission, 193
department, division, or bureau makes a revision in a proposed 194
rule after it is filed with the joint committee, the state 195

board, commission, department, division, or bureau shall 196
promptly file the full text of the proposed rule in its revised 197
form in electronic form with the joint committee. A state board, 198
commission, department, division, or bureau shall also file the 199
rule summary and fiscal analysis prepared under section 106.024 200
of the Revised Code in electronic form along with a proposed 201
rule, and along with a proposed rule in revised form, that is 202
filed under this division. If a proposed rule has an adverse 203
impact on businesses, the state board, commission, department, 204
division, or bureau also shall file the business impact 205
analysis, any recommendations received from the common sense 206
initiative office, and the associated memorandum of response, if 207
any, in electronic form along with the proposed rule, or the 208
proposed rule in revised form, that is filed under this 209
division. 210

A proposed rule that is subject to legislative review 211
under this division may not be adopted and filed in final form 212
under division (B) (1) of this section unless the proposed rule 213
has been filed with the joint committee on agency rule review 214
under this division and the time for the joint committee to 215
review the proposed rule has expired without recommendation of a 216
concurrent resolution to invalidate the proposed rule. 217

As used in this division, "commission" includes the public 218
utilities commission when adopting rules under a federal or 219
state statute. 220

This division does not apply to any of the following: 221

(1) A proposed rule of an emergency nature; 222

(2) A rule proposed under section 1121.05, 1121.06, 223
1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 224

| | |
|--|--|
| 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code; | 225 226 |
| (3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state; | 227 228 229 |
| (4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state; | 230 231 232 |
| (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: | 233 234 235 236 237 |
| (a) A statement that it is proposed for the purpose of complying with a federal law or rule; | 238 239 |
| (b) A citation to the federal law or rule that requires verbatim compliance. | 240 241 |
| (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 health care facility as defined in section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section; | 242 243 244 245 246 247 248 249 |
| (7) A rule of the state lottery commission pertaining to instant game rules. | 250 251 |
| If a rule is exempt from legislative review under division | 252 |

(D) (5) of this section, and if the federal law or rule pursuant 253
to which the rule was adopted expires, is repealed or rescinded, 254
or otherwise terminates, the rule is thereafter subject to 255
legislative review under division (D) of this section. 256

Whenever a state board, commission, department, division, 257
or bureau files a proposed rule or a proposed rule in revised 258
form under division (D) of this section, it shall also file the 259
full text of the same proposed rule or proposed rule in revised 260
form in electronic form with the secretary of state and the 261
director of the legislative service commission. A state board, 262
commission, department, division, or bureau shall file the rule 263
summary and fiscal analysis prepared under section 106.024 of 264
the Revised Code in electronic form along with a proposed rule 265
or proposed rule in revised form that is filed with the 266
secretary of state or the director of the legislative service 267
commission. 268

Sec. 119.03. In the adoption, amendment, or rescission of 269
any rule, an agency shall comply with the following procedure: 270

(A) Reasonable public notice shall be given in the 271
register of Ohio at least thirty days prior to the date set for 272
a hearing, in the form the agency determines. The agency shall 273
file copies of the public notice under division (B) of this 274
section. (The agency gives public notice in the register of Ohio 275
when the public notice is published in the register under that 276
division.) 277

The public notice shall include: 278

(1) A statement of the agency's intention to consider 279
adopting, amending, or rescinding a rule; 280

(2) A synopsis of the proposed rule, amendment, or rule to 281

be rescinded or a general statement of the subject matter to 282
which the proposed rule, amendment, or rescission relates; 283

(3) A statement of the reason or purpose for adopting, 284
amending, or rescinding the rule; 285

(4) The date, time, and place of a hearing on the proposed 286
action, which shall be not earlier than the thirty-first nor 287
later than the fortieth day after the proposed rule, amendment, 288
or rescission is filed under division (B) of this section. 289

In addition to public notice given in the register of 290
Ohio, the agency may give whatever other notice it reasonably 291
considers necessary to ensure notice constructively is given to 292
all persons who are subject to or affected by the proposed rule, 293
amendment, or rescission. 294

The agency shall provide a copy of the public notice 295
required under division (A) of this section to any person who 296
requests it and pays a reasonable fee, not to exceed the cost of 297
copying and mailing. 298

(B) The full text of the proposed rule, amendment, or rule 299
to be rescinded, accompanied by the public notice required under 300
division (A) of this section, shall be filed in electronic form 301
with the secretary of state and with the director of the 302
legislative service commission. (If in compliance with this 303
division an agency files more than one proposed rule, amendment, 304
or rescission at the same time, and has prepared a public notice 305
under division (A) of this section that applies to more than one 306
of the proposed rules, amendments, or rescissions, the agency 307
shall file only one notice with the secretary of state and with 308
the director for all of the proposed rules, amendments, or 309
rescissions to which the notice applies.) The proposed rule, 310

amendment, or rescission and public notice shall be filed as 311
required by this division at least sixty-five days prior to the 312
date on which the agency, in accordance with division (E) of 313
this section, issues an order adopting the proposed rule, 314
amendment, or rescission. 315

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

The proposed rule, amendment, or rescission shall be 319
available for at least thirty days prior to the date of the 320
hearing at the office of the agency in printed or other legible 321
form without charge to any person affected by the proposal. 322
Failure to furnish such text to any person requesting it shall 323
not invalidate any action of the agency in connection therewith. 324

If the agency files a revision in the text of the proposed 325
rule, amendment, or rescission, it shall also promptly file the 326
full text of the proposed rule, amendment, or rescission in its 327
revised form in electronic form with the secretary of state and 328
with the director of the legislative service commission. 329

The agency shall file the rule summary and fiscal analysis 330
prepared under section 106.024 of the Revised Code in electronic 331
form along with a proposed rule, amendment, or rescission or 332
proposed rule, amendment, or rescission in revised form that is 333
filed with the secretary of state or the director of the 334
legislative service commission. 335

The agency shall file the hearing report relating to a 336
proposed rule, amendment, or rescission in electronic form with 337
the secretary of state and the director of the legislative 338
service commission at the same time the agency files the hearing 339

report with the joint committee on agency rule review. 340

The director of the legislative service commission shall 341
publish in the register of Ohio the full text of the original 342
and each revised version of a proposed rule, amendment, or 343
rescission; the full text of a public notice; the full text of a 344
rule summary and fiscal analysis; and the full text of a hearing 345
report that is filed with the director under this division. 346

(C) When an agency files a proposed rule, amendment, or 347
rescission under division (B) of this section, it also shall 348
file in electronic form with the joint committee on agency rule 349
review the full text of the proposed rule, amendment, or rule to 350
be rescinded in the same form and the public notice required 351
under division (A) of this section. (If in compliance with this 352
division an agency files more than one proposed rule, amendment, 353
or rescission at the same time, and has given a public notice 354
under division (A) of this section that applies to more than one 355
of the proposed rules, amendments, or rescissions, the agency 356
shall file only one notice with the joint committee for all of 357
the proposed rules, amendments, or rescissions to which the 358
notice applies.) The proposed rule, amendment, or rescission is 359
subject to legislative review and invalidation under sections 360
106.02, 106.021, and 106.022 of the Revised Code. If the agency 361
makes a revision in a proposed rule, amendment, or rescission 362
after it is filed with the joint committee, the agency promptly 363
shall file the full text of the proposed rule, amendment, or 364
rescission in its revised form in electronic form with the joint 365
committee. 366

An agency shall file the rule summary and fiscal analysis 367
prepared under section 106.024 of the Revised Code in electronic 368
form along with a proposed rule, amendment, or rescission, and 369

along with a proposed rule, amendment, or rescission in revised 370
form, that is filed under this division. 371

If a proposed rule, amendment, or rescission has an 372
adverse impact on businesses, the agency also shall file the 373
business impact analysis, any recommendations received from the 374
common sense initiative office, and the agency's memorandum of 375
response, if any, in electronic form along with the proposed 376
rule, amendment, or rescission, or along with the proposed rule, 377
amendment, or rescission in revised form, that is filed under 378
this division. 379

The agency shall file the hearing report in electronic 380
form with the joint committee before the joint committee holds 381
its public hearing on the proposed rule, amendment, or 382
rescission. The filing of a hearing report does not constitute a 383
revision of the proposed rule, amendment, or rescission to which 384
the hearing report relates. 385

If the proposed rule, amendment, or rescission requires 386
liability insurance, a bond, or any other financial 387
responsibility instrument as a condition of licensure, the 388
agency shall conduct a diligent search to determine if the 389
liability insurance, bond, or other financial responsibility 390
instrument is readily available in the amounts required as a 391
condition of licensure, and shall certify to the joint committee 392
that the search was conducted. 393

A proposed rule, amendment, or rescission that is subject 394
to legislative review under this division may not be adopted 395
under division (E) of this section or filed in final form under 396
section 119.04 of the Revised Code unless the proposed rule, 397
amendment, or rescission has been filed with the joint committee 398
on agency rule review under this division and the time for 399

legislative review of the proposed rule, amendment, or 400
rescission has expired without adoption of a concurrent 401
resolution to invalidate the proposed rule, amendment, or 402
rescission. 403

This division does not apply to: 404

(1) An emergency rule, amendment, or rescission; 405

(2) A proposed rule, amendment, or rescission that must be 406
adopted verbatim by an agency pursuant to federal law or rule, 407
to become effective within sixty days of adoption, in order to 408
continue the operation of a federally reimbursed program in this 409
state, so long as the proposed rule contains both of the 410
following: 411

(a) A statement that it is proposed for the purpose of 412
complying with a federal law or rule; 413

(b) A citation to the federal law or rule that requires 414
verbatim compliance. 415

(3) A proposed rule, amendment, or rescission that, as set 416
forth in section 3719.41 of the Revised Code, must be adopted by 417
the state board of pharmacy pursuant to federal law or rule, to 418
become effective within sixty days of adoption, so long as the 419
proposed rule contains a statement that it is proposed for the 420
purpose of complying with federal law or rule. 421

If a rule or amendment is exempt from legislative review 422
under division (C) (2) of this section, and if the federal law or 423
rule pursuant to which the rule or amendment was adopted 424
expires, is repealed or rescinded, or otherwise terminates, the 425
rule or amendment, or its rescission, is thereafter subject to 426
legislative review under division (C) of this section. 427

(D) On the date and at the time and place designated in 428
the notice, the agency shall conduct a public hearing at which 429
any person affected by the proposed action of the agency may 430
appear and be heard in person, by the person's attorney, or 431
both, may present the person's position, arguments, or 432
contentions, orally or in writing, offer and examine witnesses, 433
and present evidence tending to show that the proposed rule, 434
amendment, or rescission, if adopted or effectuated, will be 435
unreasonable or unlawful. An agency may permit persons affected 436
by the proposed rule, amendment, or rescission to present their 437
positions, arguments, or contentions in writing, not only at the 438
hearing, but also for a reasonable period before, after, or both 439
before and after the hearing. A person who presents a position 440
or arguments or contentions in writing before or after the 441
hearing is not required to appear at the hearing. 442

At the hearing, the testimony shall be recorded. Such 443
record shall be made at the expense of the agency. The agency is 444
required to transcribe a record that is not sight readable only 445
if a person requests transcription of all or part of the record 446
and agrees to reimburse the agency for the costs of the 447
transcription. An agency may require the person to pay in 448
advance all or part of the cost of the transcription. 449

In any hearing under this section the agency may 450
administer oaths or affirmations. 451

The agency shall consider the positions, arguments, or 452
contentions presented at, or before or after, the hearing. The 453
agency shall prepare a hearing summary of the positions, 454
arguments, or contentions, and of the issues raised by the 455
positions, arguments, or contentions. The agency then shall 456
prepare a hearing report explaining, with regard to each issue, 457

how it is reflected in the rule, amendment, or rescission. If an 458
issue is not reflected in the rule, amendment, or rescission, 459
the hearing report shall explain why the issue is not reflected. 460
The agency shall include the hearing summary in the hearing 461
report as an appendix thereto. And, in the hearing report, the 462
agency shall identify the proposed rule, amendment, or 463
rescission to which the hearing report relates. 464

(E) After divisions (A), (B), (C), and (D) of this section 465
have been complied with, and when the time for legislative 466
review under sections 106.02, 106.022, and 106.023 of the 467
Revised Code has expired without adoption of a concurrent 468
resolution to invalidate the proposed rule, amendment, or 469
rescission, the agency may issue an order adopting the proposed 470
rule or the proposed amendment or rescission of the rule, 471
consistent with the synopsis or general statement included in 472
the public notice. At that time the agency shall designate the 473
effective date of the rule, amendment, or rescission, which 474
shall not be earlier than the tenth day after the rule, 475
amendment, or rescission has been filed in its final form as 476
provided in section 119.04 of the Revised Code. 477

(F) Prior to the effective date of a rule, amendment, or 478
rescission, the agency shall make a reasonable effort to inform 479
those affected by the rule, amendment, or rescission and to have 480
available for distribution to those requesting it the full text 481
of the rule as adopted or as amended. 482

(G) (1) If the governor, upon the request of an agency, 483
determines that an emergency requires the immediate adoption, 484
amendment, or rescission of a rule, the governor shall issue an 485
order, the text of which shall be filed in electronic form with 486
the agency, the secretary of state, the director of the 487

legislative service commission, and the joint committee on 488
agency rule review, that the procedure prescribed by this 489
section with respect to the adoption, amendment, or rescission 490
of a specified rule is suspended. The agency may then adopt 491
immediately the emergency rule, amendment, or rescission and it 492
becomes effective on the date the rule, amendment, or 493
rescission, in final form and in compliance with division (A) (2) 494
of section 119.04 of the Revised Code, is filed in electronic 495
form with the secretary of state, the director of the 496
legislative service commission, and the joint committee on 497
agency rule review. The director shall publish the full text of 498
the emergency rule, amendment, or rescission in the register of 499
Ohio. 500

Except as provided in division (G) (2) of this section, ~~or~~ 501
~~section 107.43 of the Revised Code,~~ the emergency rule, 502
amendment, or rescission shall become invalid at the end of the 503
one hundred twentieth day it is in effect. Prior to that date 504
the agency may adopt the emergency rule, amendment, or 505
rescission as a nonemergency rule, amendment, or rescission by 506
complying with the procedure prescribed by this section for the 507
adoption, amendment, and rescission of nonemergency rules. The 508
agency shall not use the procedure of division (G) (1) of this 509
section to readopt the emergency rule, amendment, or rescission 510
so that, upon the emergency rule, amendment, or rescission 511
becoming invalid under division (G) (1) of this section, the 512
emergency rule, amendment, or rescission will continue in effect 513
without interruption for another one-hundred-twenty-day period, 514
except when section 106.02 of the Revised Code prevents the 515
agency from adopting the emergency rule, amendment, or 516
rescission as a nonemergency rule, amendment, or rescission 517
within the one-hundred-twenty-day period. 518

Division (G) (1) of this section does not apply to the 519
adoption of any emergency rule, amendment, or rescission by the 520
tax commissioner under division (C) (2) of section 5117.02 of the 521
Revised Code. 522

(2) An emergency rule or amendment adding a substance to a 523
controlled substance schedule shall become invalid at the end of 524
the one hundred eightieth day it is in effect. Prior to that 525
date, the state board of pharmacy may adopt the emergency rule 526
or amendment as a nonemergency rule or amendment by complying 527
with the procedure prescribed by this section for adoption and 528
amendment of nonemergency rules. The board shall not use the 529
procedure of division (G) (1) of this section to readopt the 530
emergency rule or amendment so that, upon the emergency rule or 531
amendment becoming invalid under division (G) (2) of this 532
section, the emergency rule or amendment will continue in effect 533
beyond the one-hundred-eighty-day period. 534

~~(3) The general assembly, by adopting a concurrent 535
resolution, and in accordance with section 107.43 of the Revised 536
Code, may do either of the following: 537~~

~~(a) Invalidate, in whole or in part, an emergency rule 538
adopted or amended by an agency in response to a state of 539
emergency, as defined under section 107.42 of the Revised Code, 540
under division (G) (1) of this section; 541~~

~~(b) Authorize an agency to readopt, in whole or in part, a 542
rule that was rescinded in response to a state of emergency 543
under division (G) (1) of this section. 544~~

(H) Rules adopted by an authority within the department of 545
job and family services for the administration or enforcement of 546
Chapter 4141. of the Revised Code or of the department of 547

taxation shall be effective without a hearing as provided by 548
this section if the statutes pertaining to such agency 549
specifically give a right of appeal to the board of tax appeals 550
or to a higher authority within the agency or to a court, and 551
also give the appellant a right to a hearing on such appeal. 552
This division does not apply to the adoption of any rule, 553
amendment, or rescission by the tax commissioner under division 554
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 555
the right to file an action for declaratory judgment as provided 556
in Chapter 2721. of the Revised Code from the decision of the 557
board of tax appeals or of the higher authority within such 558
agency. 559

Sec. 2743.03. (A) (1) There is hereby created a court of 560
claims. ~~Except as provided under section 107.43 of the Revised~~ 561
~~Code, the~~ The court of claims is a court of record and has 562
exclusive, original jurisdiction of all civil actions against 563
the state permitted by the waiver of immunity contained in 564
section 2743.02 of the Revised Code and exclusive jurisdiction 565
of the causes of action of all parties in civil actions that are 566
removed to the court of claims. The court shall have full equity 567
powers in all actions within its jurisdiction and may entertain 568
and determine all counterclaims, cross-claims, and third-party 569
claims. 570

(2) If the claimant in a civil action as described in 571
division (A) (1) of this section also files a claim for a 572
declaratory judgment, injunctive relief, or other equitable 573
relief against the state that arises out of the same 574
circumstances that gave rise to the civil action described in 575
division (A) (1) of this section, the court of claims has 576
exclusive, original jurisdiction to hear and determine that 577
claim in that civil action. This division does not affect, and 578

shall not be construed as affecting, the original jurisdiction 579
of another court of this state to hear and determine a civil 580
action in which the sole relief that the claimant seeks against 581
the state is a declaratory judgment, injunctive relief, or other 582
equitable relief. 583

(3) In addition to its exclusive, original jurisdiction as 584
conferred by divisions (A) (1) and (2) of this section, the court 585
of claims has exclusive, original jurisdiction as follows: 586

(a) As described in division (F) of section 2743.02, 587
division (B) of section 3335.03, and division (C) of section 588
5903.02 of the Revised Code; 589

(b) Under section 2743.75 of the Revised Code to hear 590
complaints alleging a denial of access to public records in 591
violation of division (B) of section 149.43 of the Revised Code, 592
regardless of whether the public office or person responsible 593
for public records is an office or employee of the state or of a 594
political subdivision. 595

(B) The court of claims shall sit in Franklin county, its 596
hearings shall be public, and it shall consist of incumbent 597
justices or judges of the supreme court, courts of appeals, or 598
courts of common pleas, or retired justices or judges eligible 599
for active duty pursuant to division (C) of Section 6 of Article 600
IV, Ohio Constitution, sitting by temporary assignment of the 601
chief justice of the supreme court. The chief justice may direct 602
the court to sit in any county for cases on removal upon a 603
showing of substantial hardship and whenever justice dictates. 604

(C) (1) A civil action against the state shall be heard and 605
determined by a single judge. Upon application by the claimant 606
or the state, the chief justice of the supreme court may assign 607

a panel of three judges to hear and determine a civil action 608
presenting novel or complex issues of law or fact. Concurrence 609
of two members of the panel is necessary for any judgment or 610
order. 611

(2) Whenever the chief justice of the supreme court 612
believes an equitable resolution of a case will be expedited, 613
the chief justice may appoint magistrates in accordance with 614
Civil Rule 53 to hear the case. 615

(3) When any dispute under division (B) of section 153.12 616
of the Revised Code is brought to the court of claims, upon 617
request of either party to the dispute, the chief justice of the 618
supreme court shall appoint a single referee or a panel of three 619
referees. The referees need not be attorneys, but shall be 620
persons knowledgeable about construction contract law, a member 621
of the construction industry panel of the American arbitration 622
association, or an individual or individuals deemed qualified by 623
the chief justice to serve. No person shall serve as a referee 624
if that person has been employed by an affected state agency or 625
a contractor or subcontractor involved in the dispute at any 626
time in the preceding five years. Proceedings governing referees 627
shall be in accordance with Civil Rule 53, except as modified by 628
this division. The referee or panel of referees shall submit its 629
report, which shall include a recommendation and finding of 630
fact, to the judge assigned to the case by the chief justice, 631
within thirty days of the conclusion of the hearings. Referees 632
appointed pursuant to this division shall be compensated on a 633
per diem basis at the same rate as is paid to judges of the 634
court and also shall be paid their expenses. If a single referee 635
is appointed or a panel of three referees is appointed, then, 636
with respect to one referee of the panel, the compensation and 637
expenses of the referee shall not be taxed as part of the costs 638

in the case but shall be included in the budget of the court. If 639
a panel of three referees is appointed, the compensation and 640
expenses of the two remaining referees shall be taxed as costs 641
of the case. 642

All costs of a case shall be apportioned among the 643
parties. The court may not require that any party deposit with 644
the court cash, bonds, or other security in excess of two 645
hundred dollars to guarantee payment of costs without the prior 646
approval in each case of the chief justice. 647

(4) An appeal from a decision of the attorney general 648
pursuant to sections 2743.51 to 2743.72 of the Revised Code 649
shall be heard and determined by the court of claims. 650

(D) The Rules of Civil Procedure shall govern practice and 651
procedure in all actions in the court of claims, except insofar 652
as inconsistent with this chapter. The supreme court may 653
promulgate rules governing practice and procedure in actions in 654
the court as provided in Section 5 of Article IV, Ohio 655
Constitution. 656

(E) (1) A party who files a counterclaim against the state 657
or makes the state a third-party defendant in an action 658
commenced in any court, other than the court of claims, shall 659
file a petition for removal in the court of claims. The petition 660
shall state the basis for removal, be accompanied by a copy of 661
all process, pleadings, and other papers served upon the 662
petitioner, and shall be signed in accordance with Civil Rule 663
11. A petition for removal based on a counterclaim shall be 664
filed within twenty-eight days after service of the counterclaim 665
of the petitioner. A petition for removal based on third-party 666
practice shall be filed within twenty-eight days after the 667
filing of the third-party complaint of the petitioner. 668

(2) Within seven days after filing a petition for removal, 669
the petitioner shall give written notice to the parties, and 670
shall file a copy of the petition with the clerk of the court in 671
which the action was brought originally. The filing effects the 672
removal of the action to the court of claims, and the clerk of 673
the court where the action was brought shall forward all papers 674
in the case to the court of claims. The court of claims shall 675
adjudicate all civil actions removed. The court may remand a 676
civil action to the court in which it originated upon a finding 677
that the removal petition does not justify removal, or upon a 678
finding that the state is no longer a party. 679

(3) Bonds, undertakings, or security and injunctions, 680
attachments, sequestrations, or other orders issued prior to 681
removal remain in effect until dissolved or modified by the 682
court of claims. 683

Sec. 3701.13. (A) ~~As used in this section:~~ 684

~~(1) "Isolation" means the separation of one or more 685
individuals who have been medically diagnosed with a 686
communicable or contagious disease from other individuals who 687
have not been medically diagnosed with the disease. 688~~

~~(2) "Quarantine" means the separation or restriction of 689
movement of one or more individuals who have come into direct 690
contact with someone who has been medically diagnosed with a 691
communicable or contagious disease. 692~~

~~(B)~~ (1) The department of health shall have supervision of 693
all matters relating to the preservation of the life and health 694
of the people and have ultimate authority in matters of 695
quarantine and isolation, which it may declare and enforce, when 696
neither exists, and modify, relax, or abolish, when either has 697

been established. ~~The authority of the department of health-~~ 698
~~under this section is superior to the authority of a board of~~ 699
~~health of a city or general health district or the authority~~ 700
~~having the duties of a board of health under section 3709.05 of~~ 701
~~the Revised Code.~~ 702

(2) The department may approve methods of immunization 703
against the diseases specified in section 3313.671 of the 704
Revised Code for the purpose of carrying out the provisions of 705
that section and take such actions as are necessary to encourage 706
vaccination against those diseases. 707

~~(C) Subject to section 101.36 of the Revised Code, the (B)~~ 708
The department may make special or standing orders or rules for 709
preventing the spread of contagious or infectious diseases. 710

~~(D) (C)~~ In addition to the authority granted by division 711
~~(C) (1) (B)~~ of this section, the department may make special or 712
standing orders or rules for any of the following purposes: 713

(1) To prevent the use of fluoroscopes for nonmedical 714
purposes that emit doses of radiation likely to be harmful to 715
any person; 716

(2) To govern the receipt and conveyance of remains of 717
deceased persons; 718

(3) To address such other sanitary matters as are best 719
controlled by a general rule. 720

~~(E) (D)~~ Whenever possible, the department shall work in 721
cooperation with the health commissioner of a general or city 722
health district. 723

In any of the following circumstances, the department may 724
make and enforce orders in local matters or reassign substantive 725

authority for mandatory programs from a general or city health 726
district to another general or city health district: when an 727
emergency exists, when the board of health of a general or city 728
health district has neglected or refused to act with sufficient 729
promptness or efficiency, or when such board has not been 730
established as provided by sections 3709.02, 3709.03, 3709.05, 731
3709.06, 3709.11, 3709.12, and 3709.14 of the Revised Code. In 732
such cases, the necessary expense incurred shall be paid by the 733
general health district or city for which the services are 734
rendered. 735

The department of health may require general or city 736
health districts to enter into agreements for shared services 737
under section 9.482 of the Revised Code. The department shall 738
prepare and offer to boards of health a model contract and 739
memorandum of understanding that are easily adaptable for use by 740
boards of health when entering into shared services agreements. 741
The department also may offer financial and other technical 742
assistance to boards of health to encourage the sharing of 743
services. 744

As a condition precedent to receiving funding from the 745
department of health, the director of health may require general 746
or city health districts to apply for accreditation by July 1, 747
2018, and be accredited by July 1, 2020, by an accreditation 748
body approved by the director. The director of health, by July 749
1, 2016, shall conduct an evaluation of general and city health 750
district preparation for accreditation, including an evaluation 751
of each district's reported public health quality indicators as 752
provided for in section 3701.98 of the Revised Code. 753

~~(F)~~ (E) The department may make evaluative studies of the 754
nutritional status of Ohio residents, and of the food and 755

nutrition-related programs operating within the state. Every 756
agency of the state, at the request of the department, shall 757
provide information and otherwise assist in the execution of 758
such studies. 759

Sec. 3701.14. (A) ~~Subject to section 101.36 of the Revised~~ 760
~~Code, the~~ The director of health shall investigate or make 761
inquiry as to the cause of disease or illness, including 762
contagious, infectious, epidemic, pandemic, or endemic 763
conditions, and take prompt action to control and suppress it. 764
The reports of births and deaths, the sanitary conditions and 765
effects of localities and employments, the personal and business 766
habits of the people that affect their health, and the relation 767
of the diseases of man and beast, shall be subjects of study by 768
the director. The director may make and execute orders necessary 769
to protect the people against diseases of lower animals, and 770
shall collect and preserve information in respect to such 771
matters and kindred subjects as may be useful in the discharge 772
of the director's duties, and for dissemination among the 773
people. When called upon by the state or local governments, or 774
the board of health of a general or city health district, the 775
director shall promptly investigate and report upon the water 776
supply, sewerage, disposal of excreta of any locality, and the 777
heating, plumbing, and ventilation of a public building. 778

(B) Information obtained during an investigation or 779
inquiry that the director currently is conducting pursuant to 780
division (A) of this section and that is not yet complete is 781
confidential during the course of that investigation or inquiry 782
and shall not be released except pursuant to division (D) or (J) 783
of this section or under one of the following conditions: 784

(1) The confidential information is released pursuant to a 785

search warrant or subpoena issued by or at the request of a 786
grand jury or prosecutor, as defined in section 2935.01 of the 787
Revised Code. 788

(2) The director has entered into a written agreement to 789
share or exchange the information with a person or government 790
entity, and that agreement requires the person or entity to 791
comply with the confidentiality requirements established under 792
this section. 793

(3) The information is contained in a preliminary report 794
released by the director pursuant to division (G)(1) of this 795
section. 796

(C) Division (B) of this section applies during any 797
investigation or inquiry the director makes pursuant to division 798
(A) of this section, notwithstanding any other provision of the 799
Revised Code that establishes the manner of maintaining 800
confidentiality or the release of information, except that the 801
confidentiality and release of protected health information 802
under section 3701.17 of the Revised Code is governed by that 803
section. 804

(D) Nothing in this section bars the release of 805
information that is in summary, statistical, or aggregate form 806
and that does not identify a person. Information that is in 807
summary, statistical, or aggregate form and that does not 808
identify a person is a public record under section 149.43 of the 809
Revised Code. 810

(E) Nothing in this section authorizes the director to 811
conduct an independent criminal investigation without the 812
consent of each local law enforcement agency with jurisdiction 813
to conduct the criminal investigation. 814

(F) Except for information released pursuant to division 815
(G) or (J) of this section, any disclosure pursuant to this 816
section shall be in writing and accompanied by a written 817
statement that includes the following or substantially similar 818
language: "This information has been disclosed to you from 819
confidential records protected from disclosure by state law. If 820
this information has been released to you in other than a 821
summary, statistical, or aggregate form, you shall make no 822
further disclosure of this information without the specific, 823
written, and informed release of the person to whom it pertains, 824
or as otherwise permitted by state law. A general authorization 825
for the release of medical or other information is not 826
sufficient for the release of information pursuant to this 827
section." 828

(G) (1) If an investigation or inquiry the director 829
currently is conducting pursuant to division (A) of this section 830
is not completed within six months after the date of 831
commencement, the director shall prepare and release a report 832
containing preliminary findings. Every six months thereafter, 833
the director shall prepare and release a supplementary 834
preliminary report until such time as the investigation or 835
inquiry is completed. 836

(2) Upon completion of an investigation or inquiry 837
conducted pursuant to division (A) of this section, the director 838
shall prepare and release a final report containing the 839
director's findings. 840

(H) No report prepared by the director pursuant to this 841
section shall contain protected health information, as defined 842
in section 3701.17 of the Revised Code. 843

(I) The director shall adopt, in accordance with Chapter 844

119. of the Revised Code, rules establishing the manner in which 845
the reports prepared by the director pursuant to this section 846
are to be released. 847

(J) The director shall release information obtained during 848
an investigation or inquiry that the director currently is 849
conducting pursuant to division (A) of this section and that is 850
not yet complete, if the director determines the release of the 851
information is necessary, based on an evaluation of relevant 852
information, to avert or mitigate a clear threat to an 853
individual or to the public health. Information released 854
pursuant to this division shall be limited to the release of the 855
information to those persons necessary to control, prevent, or 856
mitigate disease or illness. 857

Sec. 3707.01. ~~(A) As used in this chapter, "isolation" and 858
"quarantine" have the same meanings as in section 3701.13 of the 859
Revised Code.~~ 860

~~(B)~~The board of health of a city or general health 861
district shall abate and remove all nuisances within its 862
jurisdiction. It may, by order, compel the owners, agents, 863
assignees, occupants, or tenants of any lot, property, building, 864
or structure to abate and remove any nuisance therein, and 865
prosecute such persons for neglect or refusal to obey such 866
orders. Except in cities having a building department, or 867
otherwise exercising the power to regulate the erection of 868
buildings, the board may regulate the location, construction, 869
and repair of water closets, privies, cesspools, sinks, 870
plumbing, and drains. In cities having such departments or 871
exercising such power, the legislative authority, by ordinance, 872
shall prescribe such rules and regulations as are approved by 873
the board and shall provide for their enforcement. 874

The board may regulate the location, construction, and 875
repair of yards, pens, and stables, and the use, emptying, and 876
cleaning of such yards, pens, and stables and of water closets, 877
privies, cesspools, sinks, plumbing, drains, or other places 878
where offensive or dangerous substances or liquids are or may 879
accumulate. 880

When a building, erection, excavation, premises, business, 881
pursuit, matter, or thing, or the sewerage, drainage, plumbing, 882
or ventilation thereof is, in the opinion of the board, in a 883
condition dangerous to life or health, and when a building or 884
structure is occupied or rented for living or business purposes 885
and sanitary plumbing and sewerage are feasible and necessary, 886
but neglected or refused, the board may declare it a public 887
nuisance and order it to be removed, abated, suspended, altered, 888
or otherwise improved or purified by the owner, agent, or other 889
person having control thereof or responsible for such condition, 890
and may prosecute the owner, agent, or other person having 891
control thereof for the refusal or neglect to obey such order. 892
The board may, by its officers and employees, remove, abate, 893
suspend, alter, or otherwise improve or purify such nuisance and 894
certify the costs and expense thereof to the county auditor, to 895
be assessed against the property and thereby made a lien upon it 896
and collected as other taxes. 897

Sec. 3707.26. Semiannually, and more often, if in its 898
judgment necessary, the board of health of a city or general 899
health district shall inspect the sanitary condition of all 900
schools and school buildings within its jurisdiction, and may 901
disinfect any school building. ~~When~~ During an epidemic or 902
threatened epidemic, or when a dangerous communicable disease is 903
unusually prevalent ~~and verified positive cases of the disease~~ 904
~~have been documented in a specific school building,~~ the board 905

may close ~~that specific~~ any school building and prohibit public 906
gatherings for such time as is necessary ~~to disinfect the~~ 907
~~building or otherwise bring that specific school building into~~ 908
~~sanitary condition.~~ 909

Sec. 3715.74. (A) As used in this section: 910

(1) "Adulterated" means adulterated as determined under 911
section 3715.59 or 3715.63 of the Revised Code. 912

(2) "Consumer product" means any food or drink that is 913
consumed by humans and any medicine, including a prescription 914
drug, that is consumed or used by humans. 915

(3) "Retailer" means a place of business that offers 916
consumer products for sale to the general public. 917

(B) (1) Except as provided in division (C) of this section, 918
if the governor has a reasonable basis to believe that one or 919
more units of a consumer product have been adulterated and that 920
further sale or use of the consumer product presents a threat to 921
the public health and safety, the governor may declare ~~an~~ 922
~~adulterated consumer product a public health state of~~ emergency 923
and make any of the following executive ~~adulterated consumer~~ 924
~~product public health state of~~ emergency orders: 925

(a) That all units of the consumer product be removed from 926
public display by all retailers; 927

(b) That no units of the consumer product be sold or 928
offered for sale during the ~~adulterated consumer product public~~ 929
health state of emergency; 930

(c) That any retailer possessing units of the consumer 931
product segregate these units from other merchandise and hold 932
them or a portion of them for disposition by designated law 933

enforcement officers or officials of the department of 934
agriculture, the department of health, or the state board of 935
pharmacy; 936

(d) Any other limitations, controls, or prohibitions that 937
the governor considers necessary regarding the manufacture, 938
importation, sale, or transportation of the consumer product. 939

(2) The governor may amend or rescind any order issued 940
under division (B) (1) of this section. 941

(C) If the particular type of consumer product referred to 942
in division (B) (1) of this section is one that falls within the 943
jurisdiction of the department of agriculture, the department of 944
health, or the state board of pharmacy, the governor shall not 945
declare ~~an adulterated consumer product~~ a public health state of 946
emergency pursuant to that division unless requested to do so by 947
the department or board that regulates the consumer product. If 948
the governor grants the request, the department or board that 949
made the request shall enforce the provisions of this section. 950

(D) A public health state of emergency declared under this 951
section shall exist for not more than sixty days unless extended 952
by the governor for an additional thirty-day period, at which 953
time the public health state of emergency shall end unless it is 954
extended by a concurrent resolution adopted by both houses of 955
the general assembly. An amendment to an executive public health 956
state of emergency order shall not be considered a new order. 957

(E) Any executive ~~adulterated consumer product~~ public 958
health state of emergency order or amended executive ~~adulterated~~ 959
~~consumer product~~ public health state of emergency order issued 960
under this section shall be disseminated promptly by means that 961
bring the order to the attention of the general public. The 962

governor promptly shall file the order with the secretary of 963
state, the department of agriculture, the department of health, 964
and the state board of pharmacy. 965

~~(E)~~ (F) The state is not liable for removal, or for the 966
costs of removal, of consumer products from public display in 967
connection with an executive ~~adulterated consumer product~~ public 968
health state of emergency order issued under division (B) (1) (a) 969
of this section. Neither the state nor an agent of the state 970
acting pursuant to ~~an adulterated consumer product~~ a public 971
health state of emergency is liable for any damages or loss 972
incurred because of any action pursuant to an executive 973
~~adulterated consumer product~~ public health state of emergency 974
order of that type. 975

~~(F)~~ (G) No person shall knowingly violate an executive 976
~~adulterated consumer product~~ public health state of emergency 977
order issued by the governor under this section. Whoever 978
violates an executive ~~adulterated consumer product~~ public health 979
state of emergency order is subject to a fine of not less than 980
five hundred dollars. Each day a violation continues is a 981
separate offense. 982

~~(G)~~ (H) The attorney general, at the direction of the 983
governor or upon request of the director of agriculture, the 984
director of health, the state board of pharmacy, or a 985
prosecuting attorney may commence an action in a court of common 986
pleas to enjoin a violation of an executive ~~adulterated consumer~~ 987
~~product~~ public health state of emergency order issued pursuant 988
to this section or to compel a person to perform a duty imposed 989
by an executive ~~adulterated consumer product~~ public health state 990
of emergency order. 991

Sec. 4935.03. (A) The public utilities commission shall 992

| | |
|--|------|
| adopt, and may amend or rescind, rules in accordance with | 993 |
| section 111.15 of the Revised Code, with the approval of the | 994 |
| governor, defining various foreseen types and levels of energy | 995 |
| emergency conditions for critical shortages or interruptions in | 996 |
| the supply of electric power, natural gas, coal, or individual | 997 |
| petroleum fuels and specifying appropriate measures to be taken | 998 |
| at each level or for each type of energy emergency as necessary | 999 |
| to protect the public health or safety or prevent unnecessary or | 1000 |
| avoidable damage to property. The rules may prescribe different | 1001 |
| measures for each different type or level of declared energy | 1002 |
| emergency, and for any type or level shall empower the governor | 1003 |
| to: | 1004 |
| (1) Restrict the energy consumption of state and local | 1005 |
| government offices and industrial and commercial establishments; | 1006 |
| (2) Restrict or curtail public or private transportation | 1007 |
| or require or encourage the use of car pools or mass transit | 1008 |
| systems; | 1009 |
| (3) Order, during a declared energy emergency, any | 1010 |
| electric light, natural gas or gas, or pipeline company; any | 1011 |
| supplier subject to certification under section 4928.08 or | 1012 |
| 4929.20 of the Revised Code; electric power or gas utility that | 1013 |
| is owned by a municipal corporation or not for profit; coal | 1014 |
| producer or supplier; electric power producer or marketer; or | 1015 |
| petroleum fuel producer, refiner, wholesale distributor, or | 1016 |
| retail dealer to sell electricity, gas, coal, or petroleum fuel | 1017 |
| in order to alleviate hardship, or if possible to acquire or | 1018 |
| produce emergency supplies to meet emergency needs; | 1019 |
| (4) Order, during a declared energy emergency, other | 1020 |
| energy conservation or emergency energy production or | 1021 |
| distribution measures to be taken in order to alleviate | 1022 |

hardship; 1023

(5) Mobilize emergency management, national guard, law 1024
enforcement, or emergency medical services. 1025

The rules shall be designed to protect the public health 1026
and safety and prevent unnecessary or avoidable damage to 1027
property. They shall encourage the equitable distribution of 1028
available electric power and fuel supplies among all geographic 1029
regions in the state. 1030

(B) The governor may, after consultation with the 1031
chairperson of the commission, declare an energy emergency by 1032
filing with the secretary of state a written declaration of an 1033
energy emergency at any time the governor finds that the health, 1034
safety, or welfare of the residents of this state or of one or 1035
more counties of this state is so imminently and substantially 1036
threatened by an energy shortage that immediate action of state 1037
government is necessary to prevent loss of life, protect the 1038
public health or safety, and prevent unnecessary or avoidable 1039
damage to property. The declaration shall state the counties, 1040
utility service areas, or fuel market areas affected, or its 1041
statewide effect, and what fuels or forms of energy are in 1042
critically short supply. An energy emergency ~~declaration~~ goes 1043
into immediate effect upon filing and continues in effect for 1044
the period prescribed in the declaration, but not more than 1045
thirty days. At the end of any thirty-day or shorter energy 1046
emergency, the governor may issue another declaration extending 1047
the emergency. The general assembly may by concurrent resolution 1048
terminate any declaration of an energy emergency. The emergency 1049
is terminated at the time of filing of the concurrent resolution 1050
with the secretary of state. When an energy emergency is 1051
declared, the commission shall implement the measures which it 1052

determines are appropriate for the type and level of emergency 1053
in effect. 1054

(C) Energy emergency orders issued by the governor 1055
pursuant to this section shall take effect immediately upon 1056
issuance, and the person to whom the order is directed shall 1057
initiate compliance measures immediately upon receiving the 1058
order. During an energy emergency the attorney general or the 1059
prosecuting attorney of the county where violation of a rule 1060
adopted or order issued under this section occurs may bring an 1061
action for immediate injunction or other appropriate relief to 1062
secure prompt compliance. The court may issue an ex parte 1063
temporary order without notice which shall enforce the 1064
prohibitions, restrictions, or actions that are necessary to 1065
secure compliance with the rule or order. Compliance with rules 1066
or orders issued under this section is a matter of statewide 1067
concern. 1068

(D) During a declared energy emergency the governor may 1069
use the services, equipment, supplies, and facilities of 1070
existing departments, offices, and agencies of the state and of 1071
the political subdivisions thereof to the maximum extent 1072
practicable and necessary to meet the energy emergency, and the 1073
officers and personnel of all such departments, offices, and 1074
agencies shall cooperate with and extend such services and 1075
facilities to the governor upon request. 1076

(E) During an energy emergency declared under this 1077
section, no person shall violate any rule adopted or order 1078
issued under this section. Whoever violates this division is 1079
guilty of a minor misdemeanor on a first offense, and a 1080
misdemeanor of the first degree upon subsequent offenses or if 1081
the violation was purposely committed. 1082

Section 2. That the existing versions of sections 106.022, 1083
111.15, 119.03, 2743.03, 3701.13, 3701.14, 3707.01, 3707.26, 1084
3715.74, and 4935.03 of the Revised Code scheduled to take 1085
effect on June 23, 2021, are hereby repealed. 1086

Section 3. That the versions of sections 101.36, 103.65, 1087
103.651, 107.42, 107.43, 3707.11, 3707.54, 3709.212, and 3709.50 1088
of the Revised Code scheduled to take effect on June 23, 2021, 1089
are hereby repealed. 1090

Section 4. That the version of Section 3 of S.B. 22 of the 1091
134th General Assembly scheduled to take effect on June 23, 1092
2021, is hereby repealed. 1093

Section 5. (A) The purpose of this act is to repeal all 1094
provisions of S.B. 22 of the 134th General Assembly, before they 1095
take effect, by doing the following: 1096

(1) Reinserting any language that S.B. 22 of the 134th 1097
General Assembly deleted from individual sections of the Revised 1098
Code; 1099

(2) Striking through, and thereby repealing, any language 1100
that S.B. 22 of the 134th General Assembly added to individual 1101
sections of the Revised Code; 1102

(3) Repealing outright all Revised Code sections and one 1103
substantive uncodified section of law that were enacted by S.B. 1104
22 of the 134th General Assembly. 1105

(B) Notwithstanding divisions (A) (1) and (2) of this 1106
section, the act retains the formatting and gender-neutral 1107
amendments made by S.B. 22 of the 134th General Assembly to 1108
sections 3701.13 and 3707.01 of the Revised Code, which 1109
amendments are nonsubstantive. 1110

Section 6. This act is hereby declared to be an emergency 1111
measure necessary for the immediate preservation of the public 1112
peace, health, and safety. The reason for such necessity is to 1113
prevent the provisions of S.B. 22 from taking effect on June 23, 1114
2021. Therefore, this act shall go into immediate effect. 1115