

As Passed by the House

134th General Assembly

Regular Session

2021-2022

Sub. S. B. No. 22

Senators Johnson, McColley

Cosponsors: Senators Antani, Brenner, Cirino, Gavarone, Hoagland, Huffman, S., Lang, Peterson, Reineke, Roegner, Romanchuk, Rulli, Schaffer, Blessing, Hackett, Hottinger, Huffman, M., Wilson Representatives Wiggam, John, Callender, Creech, Dean, Grendell, Stewart, Abrams, Baldridge, Carruthers, Click, Cross, Cutrona, Edwards, Fraizer, Ghanbari, Ginter, Gross, Hall, Hillyer, Holmes, Hoops, Householder, Johnson, Jones, Jordan, Kick, Koehler, Lipps, Manchester, McClain, Merrin, Plummer, Riedel, Seitz, Stein, Stoltzfus, Swearingen, Young, T., Speaker Cupp

A BILL

To amend sections 106.022, 111.15, 119.03, 2743.03, 1
3701.13, 3701.14, 3707.01, 3707.26, 3715.74, and 2
4935.03 and to enact sections 101.36, 103.65, 3
103.651, 107.42, 107.43, 3707.11, 3707.54, 4
3709.212, and 3709.50 of the Revised Code to 5
establish legislative oversight of certain 6
orders and rules issued by the executive branch, 7
including by establishing the Ohio Health 8
Oversight and Advisory Committee. 9

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

Section 1. That sections 106.022, 111.15, 119.03, 2743.03, 10
3701.13, 3701.14, 3707.01, 3707.26, 3715.74, and 4935.03 be 11
amended and sections 101.36, 103.65, 103.651, 107.42, 107.43, 12
3707.11, 3707.54, 3709.212, and 3709.50 of the Revised Code be 13
enacted to read as follows: 14

Sec. 101.36. (A) (1) If the department of health issues a special or standing order or rule for preventing the spread of contagious or infectious disease under section 3701.13 of the Revised Code, the general assembly may rescind that special or standing order or rule, in whole or in part, by adopting a concurrent resolution. 15
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(2) If the director of health takes an action to control and suppress the cause of disease or illness, including contagious, infectious, epidemic, pandemic, or endemic conditions, under section 3701.14 of the Revised Code, the general assembly may rescind that action, in whole or in part, by adopting a concurrent resolution. 21
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(3) If the general assembly rescinds a special or standing order or rule or an action by the department of health, in whole or in part, pursuant to division (A) (1) or (2) of this section, the department shall not reissue that special or standing order or rule or rescinded portion thereof, issue a substantially similar special or standing order or rule or rescinded portion thereof, take that action or rescinded portion thereof or a substantially similar action or portion thereof again, or issue a restriction contained in the rescinded special or standing order or rule, rescinded action, or portion thereof, for a period of sixty calendar days following the adoption of a concurrent resolution by the general assembly. 27
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(B) Within sixty calendar days of the general assembly rescinding a special or standing order or rule or action under division (A) (1) or (2) of this section, the governor, on behalf of the department of health or director of health, may submit a request to the general assembly to permit the department or director to issue a special or standing order or rule, or take 39
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an action, rescinded by the general assembly. Upon review, the 45
general assembly may adopt a concurrent resolution authorizing 46
the department or director to issue that rescinded special or 47
standing order or rule or take that rescinded action, in whole 48
or in part. 49

(C) A special or standing order or rule issued, or action 50
taken, by the department or director in violation of this 51
section is invalid and has no legal effect. 52

Sec. 103.65. (A) There is hereby created the Ohio health 53
oversight and advisory committee. The committee shall consist of 54
the following members: 55

(1) Three members of the senate appointed by the president 56
of the senate, two of whom are members of the majority party and 57
one of whom is a member of the minority party; 58

(2) Three members of the house of representatives 59
appointed by the speaker of the house of representatives, two of 60
whom are members of the majority party and one of whom is a 61
member of the minority party. 62

(B) The president and speaker shall make the initial 63
appointments to the committee not later than fifteen calendar 64
days after the effective date of this section. The president and 65
speaker shall make subsequent appointments not later than 66
fifteen calendar days after the commencement of the first 67
regular session of each general assembly. Members of the 68
committee shall serve on the committee until appointments are 69
made in the first regular session of the following general 70
assembly, until a member no longer serves as a member of the 71
chamber from which the member was initially appointed, or until 72
a member is removed by the speaker or president. No committee 73

member shall be removed during the member's term during a state 74
of emergency as defined in section 107.42 of the Revised Code, 75
unless an extraordinary circumstance exists that prevents a 76
member from serving on the committee. A vacancy on the committee 77
shall be filled in the same manner as the original appointment. 78

(C) In odd-numbered years, the president shall designate 79
one committee member from the senate who is a member of the 80
majority party as the committee chairperson, and the speaker 81
shall designate one committee member from the house who is a 82
member of the majority party as the committee vice-chairperson 83
and one committee member from the house who is a member of the 84
minority party as the committee ranking minority member. In 85
even-numbered years, the speaker shall designate one committee 86
member from the house who is a member of the majority party as 87
the committee chairperson, and the president shall designate one 88
committee member from the senate who is a member of the majority 89
party as the committee vice-chairperson and one committee member 90
from the senate who is a member of the minority party as the 91
committee ranking minority member. 92

(D) In appointing members from the minority party, and in 93
designating ranking minority members, the president and speaker 94
shall consult with the minority leader of their respective 95
houses. 96

(E) The Ohio health oversight and advisory committee shall 97
meet at the call of the chairperson. 98

(F) The executive director and other employees of the 99
joint medicaid oversight committee shall serve the Ohio health 100
oversight and advisory committee to enable the committee to 101
successfully and efficiently perform its duties. 102

Sec. 103.651. (A) As used in this section, "state of emergency" has the same meaning as in section 107.42 of the Revised Code. 103
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(B)(1) The Ohio health oversight and advisory committee has the power to do all of the following: 106
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(a) Oversee actions taken by the governor, the department of health, or any other agency during a state of emergency; 108
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(b) Oversee the following actions taken by the department or the director of health: 110
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(i) Actions to prevent the spread of contagious or infectious diseases under section 3701.13 of the Revised Code; 112
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(ii) Actions to investigate or make inquiry and to take prompt action to control and suppress the cause of disease or illness including contagious, infectious, epidemic, pandemic, or endemic conditions under section 3701.14 of the Revised Code; 114
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(c) Consult with and provide advice to the governor, the department, and other agencies regarding necessary and appropriate action during a state of emergency. 118
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(2) The committee chairperson, when authorized by the committee, the president of the senate, and the speaker of the house of representatives, may issue subpoenas and subpoenas duces tecum to assist the committee in performing its duties. A subpoena or subpoena duces tecum shall be issued, served, and returned, and has consequences, as specified in sections 101.41 to 101.45 of the Revised Code. 121
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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 128
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would be worthwhile to afford the agency an opportunity to 131
revise the proposed rule, the joint committee, as an alternative 132
to recommending the adoption of a concurrent resolution to 133
invalidate the proposed rule, may authorize the agency to revise 134
and refile the proposed rule and rule summary and fiscal 135
analysis. The joint committee shall issue the authorization in 136
writing. In the authorization, the joint committee shall explain 137
the finding that, but for the authorization, would have resulted 138
in a recommendation of invalidation, and shall explain why the 139
joint committee has found it nevertheless to be worthwhile to 140
afford the agency an opportunity to revise the proposed rule. 141
The joint committee shall transmit the authorization 142
electronically to the agency, the secretary of state, the 143
director of the legislative service commission, and, if the 144
proposed rule is to replace an emergency rule, the governor. 145

When the joint committee approves such an authorization, 146
the running of the time within which a concurrent resolution 147
invalidating the proposed rule may be adopted is tolled until 148
the thirty-first day after the day on which the authorization 149
was approved. If, during the tolling period, the agency revises 150
and refiles the proposed rule, the time within which a 151
concurrent resolution invalidating the proposed rule may be 152
adopted resumes running and expires on the thirty-first day 153
after the day the proposed rule was refiled. But if, during the 154
tolling period, the agency neither withdraws nor revises and 155
refiles the proposed rule, the time within which a concurrent 156
resolution invalidating the proposed rule may be adopted resumes 157
running and expires on the thirty-first day after the day the 158
tolling period ended. 159

Upon receiving the authorization, the agency may revise 160
the proposed rule and rule summary and fiscal analysis, and then 161

refile the revised proposed rule and rule summary and fiscal 162
analysis electronically with the joint committee. 163

If the joint committee makes any of the findings outlined 164
in section 106.021 of the Revised Code with regard to the 165
revised proposed rule and rule summary and fiscal analysis, the 166
joint committee may recommend the adoption of a concurrent 167
resolution to invalidate the proposed rule under section 106.021 168
of the Revised Code. The joint committee may issue only one 169
authorization with regard to the same proposed rule. 170

~~If~~ Except as provided in section 107.43 of the Revised 171
Code, if the proposed rule that is the subject of an 172
authorization is to replace an emergency rule, the governor may 173
issue an order extending the emergency rule for an additional 174
one hundred twenty days after the day on which the emergency 175
rule otherwise would become invalid. The governor shall transmit 176
the order electronically to the agency, the joint committee, and 177
the director of the legislative service commission. 178

Sec. 107.42. (A) As used in this section: 179

"Declaration of a state of emergency" means any order, 180
proclamation, or other action of the governor that creates a 181
state of emergency. 182

"State of emergency" means the period of time between when 183
the governor declares any emergency and the expiration of that 184
emergency, including an air pollution emergency under section 185
3704.032 of the Revised Code, an energy shortage emergency under 186
section 4935.03 of the Revised Code, and an adulterated consumer 187
product emergency under section 3715.74 of the Revised Code. 188

(B) A state of emergency declared by the governor shall 189
exist for not more than ninety calendar days unless extended by 190

the general assembly as provided in division (C) of this 191
section. An amendment to a declaration of a state of emergency, 192
declaration of a substantially similar state of emergency, or 193
reissuance of any part of an initial declaration of a state of 194
emergency shall not be considered a new declaration of a state 195
of emergency. 196

(C) The general assembly may extend a state of emergency 197
for up to an additional sixty calendar days by adopting a 198
concurrent resolution. The general assembly continuously may 199
extend a state of emergency by adopting subsequent concurrent 200
resolutions, but no extension may last longer than sixty 201
calendar days. If the general assembly does not extend a state 202
of emergency, the governor shall not issue a declaration of an 203
identical or substantially similar state of emergency, or issue 204
a declaration of a state of emergency with any part of the 205
initial declaration of a state of emergency, for at least sixty 206
calendar days following the expiration of the state of 207
emergency, except as provided in division (E) of this section. 208

(D) (1) After a state of emergency declared by the governor 209
has been in effect for thirty calendar days, the general 210
assembly may terminate the state of emergency by adopting a 211
concurrent resolution. A state of emergency terminated under 212
this division is invalid and has no legal effect. 213

(2) If the general assembly terminates a state of 214
emergency under this section, the governor shall not issue a 215
declaration of an identical or substantially similar state of 216
emergency, or issue a declaration of a state of emergency with 217
any part of the initial declaration of the state of emergency, 218
for at least sixty calendar days after the general assembly 219
adopts the concurrent resolution, except as provided in division 220

<u>(E) of this section.</u>	221
<u>(E) Within sixty calendar days of a state of emergency</u>	222
<u>terminating by operation of law under division (B) of this</u>	223
<u>section, or by action of the general assembly under division (D)</u>	224
<u>(1) of this section, the governor may submit a request to the</u>	225
<u>general assembly to authorize the governor to issue a</u>	226
<u>declaration of an identical or substantially similar state of</u>	227
<u>emergency, or issue a declaration of a state of emergency with</u>	228
<u>any part of the initial declaration of the state of emergency.</u>	229
<u>Upon review, the general assembly may adopt a concurrent</u>	230
<u>resolution authorizing the request.</u>	231
<u>(F) A declaration of a state of emergency in violation of</u>	232
<u>this section is invalid and has no legal effect.</u>	233
<u>Sec. 107.43. (A) As used in this section:</u>	234
<u>"Administrative department" means a department listed</u>	235
<u>under section 121.02 of the Revised Code.</u>	236
<u>"Administrative department head" means a department head</u>	237
<u>listed under section 121.03 of the Revised Code.</u>	238
<u>"Internal management rule" means any rule, regulation, or</u>	239
<u>standard governing the day-to-day staff procedures and staff</u>	240
<u>operations within an administrative department or state agency,</u>	241
<u>or within the office of an administrative department head or</u>	242
<u>statewide elected officer.</u>	243
<u>"Rule" means, unless the context dictates otherwise, any</u>	244
<u>rule, regulation, or standard adopted, promulgated, and enforced</u>	245
<u>by a statewide elected officer, administrative department,</u>	246
<u>administrative department head, or state agency under the</u>	247
<u>authority of the laws governing such officer, department,</u>	248
<u>department head, or state agency. "Rule" does not include an</u>	249

<u>internal management rule.</u>	250
<u>"State agency" means any organized body, office, agency,</u>	251
<u>commission, board, institution, or other entity established by</u>	252
<u>the laws of the state for the exercise of any function of state</u>	253
<u>government. "State agency" does not include a court.</u>	254
<u>"State of emergency" has the meaning defined in section</u>	255
<u>107.42 of the Revised Code.</u>	256
<u>"Statewide elected officer" means the governor, lieutenant</u>	257
<u>governor, secretary of state, auditor of state, attorney</u>	258
<u>general, and treasurer of state.</u>	259
<u>(B) Beginning the day the governor declares a state of</u>	260
<u>emergency, the governor and the department of health promptly</u>	261
<u>shall report to the president of the senate and the speaker of</u>	262
<u>the house of representatives every action the governor or</u>	263
<u>department takes in response to the state of emergency,</u>	264
<u>including actions by the department or director of health under</u>	265
<u>sections 3701.13 and 3701.14 of the Revised Code.</u>	266
<u>(C) (1) If the governor declares a state of emergency, the</u>	267
<u>general assembly may do any of the following by adopting a</u>	268
<u>concurrent resolution:</u>	269
<u>(a) Rescind, in whole or in part, any order or rule issued</u>	270
<u>or adopted by an administrative department, administrative</u>	271
<u>department head, state agency, or statewide elected officer in</u>	272
<u>response to a state of emergency, including an order to</u>	273
<u>authorize an agency to adopt, amend, or rescind rules under</u>	274
<u>division (G) of section 119.03 of the Revised Code. This</u>	275
<u>division does not apply to an order issued to declare a state of</u>	276
<u>emergency.</u>	277
<u>(b) Invalidate, in whole or in part, an emergency rule</u>	278

adopted or amended by an agency in response to the state of 279
emergency and pursuant to an emergency order the governor issues 280
under division (G) (1) of section 119.03 of the Revised Code; 281

(c) Authorize a rule rescinded by an agency under division 282
(G) (1) of section 119.03 of the Revised Code in response to the 283
state of emergency to be readopted, in whole or in part; 284

(d) Invalidate, in whole or in part, an emergency rule 285
adopted by an agency in response to the state of emergency 286
pursuant to division (B) (2) of section 111.15 of the Revised 287
Code. 288

(2) If the general assembly rescinds an order or rule, or 289
a portion thereof, the administrative department, administrative 290
department head, state agency, or statewide elected officer 291
shall not reissue that order or rule, the rescinded portion, a 292
substantially similar order, rule, or portion, or any 293
restriction contained in the rescinded order or rule or 294
rescinded portion, for a period of sixty calendar days following 295
the adoption of the concurrent resolution by the general 296
assembly, except as provided in division (C) (3) of this section. 297

(3) (a) Within sixty calendar days of the general assembly 298
rescinding an order or rule under division (C) (1) of this 299
section, the governor, on behalf of an administrative 300
department, an administrative department head, or a state 301
agency, may submit a request to the general assembly to 302
authorize an administrative department, an administrative 303
department head, or a state agency to reissue a rescinded order 304
or rule, rescinded portion thereof, a substantially similar 305
order, rule, or portion, or any restriction contained in the 306
rescinded order or rule or rescinded portion issued or adopted 307
by an administrative department, administrative department head, 308

or state agency. Upon review, the general assembly may adopt a 309
concurrent resolution authorizing the request, in whole or in 310
part. 311

(b) Within sixty calendar days of the general assembly 312
rescinding an order or rule under division (C)(1) of this 313
section, a statewide elected officer may submit a request to the 314
general assembly to reissue a rescinded order or rule, rescinded 315
portion thereof, a substantially similar order, rule, or 316
portion, or any restriction contained in the rescinded order or 317
rule or rescinded portion issued or adopted by the statewide 318
elected officer. Upon review, the general assembly may adopt a 319
concurrent resolution authorizing the request, in whole or in 320
part. 321

(D) (1) Notwithstanding any other provision of the Revised 322
Code, a person who challenges an order or rule adopted by an 323
administrative department, administrative department head, state 324
agency, or statewide elected officer that is issued or adopted 325
in response to a state of emergency, in a civil action for 326
damages, declaratory judgment, injunctive relief, or other 327
appropriate relief may do so in an appropriate court located in 328
the county where the person's residence or business is located. 329

(2) If a person successfully challenges an order or rule 330
adopted by an administrative department, administrative 331
department head, state agency, or statewide elected officer that 332
is issued or adopted in response to a state of emergency, the 333
administrative department, administrative department head, state 334
agency, or statewide elected officer shall pay the person's 335
reasonable attorney's fees and court costs. 336

(E) An order or rule issued or adopted in violation of 337
this section is invalid and has no legal effect. 338

Sec. 111.15. (A) As used in this section:	339
(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119. or division (C) (1) or (2) of section 5117.02 of the Revised Code. "Rule" includes any amendment or rescission of a rule.	340 341 342 343 344 345 346 347 348 349 350
(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.	351 352 353 354 355 356 357
(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.	358 359 360
(B) (1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B) (3) of this section is filed as follows:	361 362 363 364 365
(a) The rule shall be filed in electronic form with both the secretary of state and the director of the legislative	366 367

service commission; 368

(b) The rule shall be filed in electronic form with the 369
joint committee on agency rule review. Division (B) (1) (b) of 370
this section does not apply to any rule to which division (D) of 371
this section does not apply. 372

An agency that adopts or amends a rule that is subject to 373
division (D) of this section shall assign a review date to the 374
rule that is not later than five years after its effective date. 375
If a review date assigned to a rule exceeds the five-year 376
maximum, the review date for the rule is five years after its 377
effective date. A rule with a review date is subject to review 378
under section 106.03 of the Revised Code. This paragraph does 379
not apply to a rule of a state college or university, community 380
college district, technical college district, or state community 381
college. 382

If an agency in adopting a rule designates an effective 383
date that is later than the effective date provided for by 384
division (B) (1) of this section, the rule if filed as required 385
by such division shall become effective on the later date 386
designated by the agency. 387

Any rule that is required to be filed under division (B) 388
(1) of this section is also subject to division (D) of this 389
section if not exempted by that division. 390

If a rule incorporates a text or other material by 391
reference, the agency shall comply with sections 121.71 to 392
121.75 of the Revised Code. 393

(2) A rule of an emergency nature necessary for the 394
immediate preservation of the public peace, health, or safety 395
shall state the reasons for the necessity. The emergency rule, 396

in final form and in compliance with division (B) (3) of this 397
section, shall be filed in electronic form with the secretary of 398
state, the director of the legislative service commission, and 399
the joint committee on agency rule review. The emergency rule is 400
effective immediately upon completion of the latest filing, 401
except that if the agency in adopting the emergency rule 402
designates an effective date, or date and time of day, that is 403
later than the effective date and time provided for by division 404
(B) (2) of this section, the emergency rule if filed as required 405
by such division shall become effective at the later date, or 406
later date and time of day, designated by the agency. 407

An Except as provided in section 107.43 of the Revised 408
Code, an emergency rule becomes invalid at the end of the one 409
hundred twentieth day it is in effect. Prior to that date, the 410
agency may file the emergency rule as a nonemergency rule in 411
compliance with division (B) (1) of this section. The agency may 412
not refile the emergency rule in compliance with division (B) (2) 413
of this section so that, upon the emergency rule becoming 414
invalid under such division, the emergency rule will continue in 415
effect without interruption for another one hundred twenty-day 416
period. 417

The adoption of an emergency rule under division (B) (2) of 418
this section in response to a state of emergency, as defined 419
under section 107.42 of the Revised Code, may be invalidated by 420
the general assembly, in whole or in part, by adopting a 421
concurrent resolution in accordance with section 107.43 of the 422
Revised Code. 423

(3) An agency shall file a rule under division (B) (1) or 424
(2) of this section in compliance with the following standards 425
and procedures: 426

(a) The rule shall be numbered in accordance with the 427
numbering system devised by the director for the Ohio 428
administrative code. 429

(b) The rule shall be prepared and submitted in compliance 430
with the rules of the legislative service commission. 431

(c) The rule shall clearly state the date on which it is 432
to be effective and the date on which it will expire, if known. 433

(d) Each rule that amends or rescinds another rule shall 434
clearly refer to the rule that is amended or rescinded. Each 435
amendment shall fully restate the rule as amended. 436

If the director of the legislative service commission or 437
the director's designee gives an agency notice pursuant to 438
section 103.05 of the Revised Code that a rule filed by the 439
agency is not in compliance with the rules of the legislative 440
service commission, the agency shall within thirty days after 441
receipt of the notice conform the rule to the rules of the 442
commission as directed in the notice. 443

(C) All rules filed pursuant to divisions (B) (1) (a) and 444
(2) of this section shall be recorded by the secretary of state 445
and the director under the title of the agency adopting the rule 446
and shall be numbered according to the numbering system devised 447
by the director. The secretary of state and the director shall 448
preserve the rules in an accessible manner. Each such rule shall 449
be a public record open to public inspection and may be 450
transmitted to any law publishing company that wishes to 451
reproduce it. 452

(D) At least sixty-five days before a board, commission, 453
department, division, or bureau of the government of the state 454
files a rule under division (B) (1) of this section, it shall 455

file the full text of the proposed rule in electronic form with 456
the joint committee on agency rule review, and the proposed rule 457
is subject to legislative review and invalidation under section 458
106.021 of the Revised Code. If a state board, commission, 459
department, division, or bureau makes a revision in a proposed 460
rule after it is filed with the joint committee, the state 461
board, commission, department, division, or bureau shall 462
promptly file the full text of the proposed rule in its revised 463
form in electronic form with the joint committee. A state board, 464
commission, department, division, or bureau shall also file the 465
rule summary and fiscal analysis prepared under section 106.024 466
of the Revised Code in electronic form along with a proposed 467
rule, and along with a proposed rule in revised form, that is 468
filed under this division. If a proposed rule has an adverse 469
impact on businesses, the state board, commission, department, 470
division, or bureau also shall file the business impact 471
analysis, any recommendations received from the common sense 472
initiative office, and the associated memorandum of response, if 473
any, in electronic form along with the proposed rule, or the 474
proposed rule in revised form, that is filed under this 475
division. 476

A proposed rule that is subject to legislative review 477
under this division may not be adopted and filed in final form 478
under division (B) (1) of this section unless the proposed rule 479
has been filed with the joint committee on agency rule review 480
under this division and the time for the joint committee to 481
review the proposed rule has expired without recommendation of a 482
concurrent resolution to invalidate the proposed rule. 483

As used in this division, "commission" includes the public 484
utilities commission when adopting rules under a federal or 485
state statute. 486

This division does not apply to any of the following:	487
(1) A proposed rule of an emergency nature;	488
(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;	489 490 491 492
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	493 494 495
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	496 497 498
(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:	499 500 501 502 503
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	504 505
(b) A citation to the federal law or rule that requires verbatim compliance.	506 507
(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	508 509 510 511 512 513 514

section; 515

(7) A rule of the state lottery commission pertaining to 516
instant game rules. 517

If a rule is exempt from legislative review under division 518
(D) (5) of this section, and if the federal law or rule pursuant 519
to which the rule was adopted expires, is repealed or rescinded, 520
or otherwise terminates, the rule is thereafter subject to 521
legislative review under division (D) of this section. 522

Whenever a state board, commission, department, division, 523
or bureau files a proposed rule or a proposed rule in revised 524
form under division (D) of this section, it shall also file the 525
full text of the same proposed rule or proposed rule in revised 526
form in electronic form with the secretary of state and the 527
director of the legislative service commission. A state board, 528
commission, department, division, or bureau shall file the rule 529
summary and fiscal analysis prepared under section 106.024 of 530
the Revised Code in electronic form along with a proposed rule 531
or proposed rule in revised form that is filed with the 532
secretary of state or the director of the legislative service 533
commission. 534

Sec. 119.03. In the adoption, amendment, or rescission of 535
any rule, an agency shall comply with the following procedure: 536

(A) Reasonable public notice shall be given in the 537
register of Ohio at least thirty days prior to the date set for 538
a hearing, in the form the agency determines. The agency shall 539
file copies of the public notice under division (B) of this 540
section. (The agency gives public notice in the register of Ohio 541
when the public notice is published in the register under that 542
division.) 543

The public notice shall include:	544
(1) A statement of the agency's intention to consider adopting, amending, or rescinding a rule;	545 546
(2) A synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates;	547 548 549
(3) A statement of the reason or purpose for adopting, amending, or rescinding the rule;	550 551
(4) The date, time, and place of a hearing on the proposed action, which shall be not earlier than the thirty-first nor later than the fortieth day after the proposed rule, amendment, or rescission is filed under division (B) of this section.	552 553 554 555
In addition to public notice given in the register of Ohio, the agency may give whatever other notice it reasonably considers necessary to ensure notice constructively is given to all persons who are subject to or affected by the proposed rule, amendment, or rescission.	556 557 558 559 560
The agency shall provide a copy of the public notice required under division (A) of this section to any person who requests it and pays a reasonable fee, not to exceed the cost of copying and mailing.	561 562 563 564
(B) The full text of the proposed rule, amendment, or rule to be rescinded, accompanied by the public notice required under division (A) of this section, shall be filed in electronic form with the secretary of state and with the director of the legislative service commission. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has prepared a public notice under division (A) of this section that applies to more than one	565 566 567 568 569 570 571 572

of the proposed rules, amendments, or rescissions, the agency 573
shall file only one notice with the secretary of state and with 574
the director for all of the proposed rules, amendments, or 575
rescissions to which the notice applies.) The proposed rule, 576
amendment, or rescission and public notice shall be filed as 577
required by this division at least sixty-five days prior to the 578
date on which the agency, in accordance with division (E) of 579
this section, issues an order adopting the proposed rule, 580
amendment, or rescission. 581

If the proposed rule, amendment, or rescission 582
incorporates a text or other material by reference, the agency 583
shall comply with sections 121.71 to 121.75 of the Revised Code. 584

The proposed rule, amendment, or rescission shall be 585
available for at least thirty days prior to the date of the 586
hearing at the office of the agency in printed or other legible 587
form without charge to any person affected by the proposal. 588
Failure to furnish such text to any person requesting it shall 589
not invalidate any action of the agency in connection therewith. 590

If the agency files a revision in the text of the proposed 591
rule, amendment, or rescission, it shall also promptly file the 592
full text of the proposed rule, amendment, or rescission in its 593
revised form in electronic form with the secretary of state and 594
with the director of the legislative service commission. 595

The agency shall file the rule summary and fiscal analysis 596
prepared under section 106.024 of the Revised Code in electronic 597
form along with a proposed rule, amendment, or rescission or 598
proposed rule, amendment, or rescission in revised form that is 599
filed with the secretary of state or the director of the 600
legislative service commission. 601

The agency shall file the hearing report relating to a 602
proposed rule, amendment, or rescission in electronic form with 603
the secretary of state and the director of the legislative 604
service commission at the same time the agency files the hearing 605
report with the joint committee on agency rule review. 606

The director of the legislative service commission shall 607
publish in the register of Ohio the full text of the original 608
and each revised version of a proposed rule, amendment, or 609
rescission; the full text of a public notice; the full text of a 610
rule summary and fiscal analysis; and the full text of a hearing 611
report that is filed with the director under this division. 612

(C) When an agency files a proposed rule, amendment, or 613
rescission under division (B) of this section, it also shall 614
file in electronic form with the joint committee on agency rule 615
review the full text of the proposed rule, amendment, or rule to 616
be rescinded in the same form and the public notice required 617
under division (A) of this section. (If in compliance with this 618
division an agency files more than one proposed rule, amendment, 619
or rescission at the same time, and has given a public notice 620
under division (A) of this section that applies to more than one 621
of the proposed rules, amendments, or rescissions, the agency 622
shall file only one notice with the joint committee for all of 623
the proposed rules, amendments, or rescissions to which the 624
notice applies.) The proposed rule, amendment, or rescission is 625
subject to legislative review and invalidation under sections 626
106.02, 106.021, and 106.022 of the Revised Code. If the agency 627
makes a revision in a proposed rule, amendment, or rescission 628
after it is filed with the joint committee, the agency promptly 629
shall file the full text of the proposed rule, amendment, or 630
rescission in its revised form in electronic form with the joint 631
committee. 632

An agency shall file the rule summary and fiscal analysis 633
prepared under section 106.024 of the Revised Code in electronic 634
form along with a proposed rule, amendment, or rescission, and 635
along with a proposed rule, amendment, or rescission in revised 636
form, that is filed under this division. 637

If a proposed rule, amendment, or rescission has an 638
adverse impact on businesses, the agency also shall file the 639
business impact analysis, any recommendations received from the 640
common sense initiative office, and the agency's memorandum of 641
response, if any, in electronic form along with the proposed 642
rule, amendment, or rescission, or along with the proposed rule, 643
amendment, or rescission in revised form, that is filed under 644
this division. 645

The agency shall file the hearing report in electronic 646
form with the joint committee before the joint committee holds 647
its public hearing on the proposed rule, amendment, or 648
rescission. The filing of a hearing report does not constitute a 649
revision of the proposed rule, amendment, or rescission to which 650
the hearing report relates. 651

If the proposed rule, amendment, or rescission requires 652
liability insurance, a bond, or any other financial 653
responsibility instrument as a condition of licensure, the 654
agency shall conduct a diligent search to determine if the 655
liability insurance, bond, or other financial responsibility 656
instrument is readily available in the amounts required as a 657
condition of licensure, and shall certify to the joint committee 658
that the search was conducted. 659

A proposed rule, amendment, or rescission that is subject 660
to legislative review under this division may not be adopted 661
under division (E) of this section or filed in final form under 662

section 119.04 of the Revised Code unless the proposed rule, 663
amendment, or rescission has been filed with the joint committee 664
on agency rule review under this division and the time for 665
legislative review of the proposed rule, amendment, or 666
rescission has expired without adoption of a concurrent 667
resolution to invalidate the proposed rule, amendment, or 668
rescission. 669

This division does not apply to: 670

(1) An emergency rule, amendment, or rescission; 671

(2) A proposed rule, amendment, or rescission that must be 672
adopted verbatim by an agency pursuant to federal law or rule, 673
to become effective within sixty days of adoption, in order to 674
continue the operation of a federally reimbursed program in this 675
state, so long as the proposed rule contains both of the 676
following: 677

(a) A statement that it is proposed for the purpose of 678
complying with a federal law or rule; 679

(b) A citation to the federal law or rule that requires 680
verbatim compliance. 681

(3) A proposed rule, amendment, or rescission that, as set 682
forth in section 3719.41 of the Revised Code, must be adopted by 683
the state board of pharmacy pursuant to federal law or rule, to 684
become effective within sixty days of adoption, so long as the 685
proposed rule contains a statement that it is proposed for the 686
purpose of complying with federal law or rule. 687

If a rule or amendment is exempt from legislative review 688
under division (C) (2) of this section, and if the federal law or 689
rule pursuant to which the rule or amendment was adopted 690
expires, is repealed or rescinded, or otherwise terminates, the 691

rule or amendment, or its rescission, is thereafter subject to 692
legislative review under division (C) of this section. 693

(D) On the date and at the time and place designated in 694
the notice, the agency shall conduct a public hearing at which 695
any person affected by the proposed action of the agency may 696
appear and be heard in person, by the person's attorney, or 697
both, may present the person's position, arguments, or 698
contentions, orally or in writing, offer and examine witnesses, 699
and present evidence tending to show that the proposed rule, 700
amendment, or rescission, if adopted or effectuated, will be 701
unreasonable or unlawful. An agency may permit persons affected 702
by the proposed rule, amendment, or rescission to present their 703
positions, arguments, or contentions in writing, not only at the 704
hearing, but also for a reasonable period before, after, or both 705
before and after the hearing. A person who presents a position 706
or arguments or contentions in writing before or after the 707
hearing is not required to appear at the hearing. 708

At the hearing, the testimony shall be recorded. Such 709
record shall be made at the expense of the agency. The agency is 710
required to transcribe a record that is not sight readable only 711
if a person requests transcription of all or part of the record 712
and agrees to reimburse the agency for the costs of the 713
transcription. An agency may require the person to pay in 714
advance all or part of the cost of the transcription. 715

In any hearing under this section the agency may 716
administer oaths or affirmations. 717

The agency shall consider the positions, arguments, or 718
contentions presented at, or before or after, the hearing. The 719
agency shall prepare a hearing summary of the positions, 720
arguments, or contentions, and of the issues raised by the 721

positions, arguments, or contentions. The agency then shall 722
prepare a hearing report explaining, with regard to each issue, 723
how it is reflected in the rule, amendment, or rescission. If an 724
issue is not reflected in the rule, amendment, or rescission, 725
the hearing report shall explain why the issue is not reflected. 726
The agency shall include the hearing summary in the hearing 727
report as an appendix thereto. And, in the hearing report, the 728
agency shall identify the proposed rule, amendment, or 729
rescission to which the hearing report relates. 730

(E) After divisions (A), (B), (C), and (D) of this section 731
have been complied with, and when the time for legislative 732
review under sections 106.02, 106.022, and 106.023 of the 733
Revised Code has expired without adoption of a concurrent 734
resolution to invalidate the proposed rule, amendment, or 735
rescission, the agency may issue an order adopting the proposed 736
rule or the proposed amendment or rescission of the rule, 737
consistent with the synopsis or general statement included in 738
the public notice. At that time the agency shall designate the 739
effective date of the rule, amendment, or rescission, which 740
shall not be earlier than the tenth day after the rule, 741
amendment, or rescission has been filed in its final form as 742
provided in section 119.04 of the Revised Code. 743

(F) Prior to the effective date of a rule, amendment, or 744
rescission, the agency shall make a reasonable effort to inform 745
those affected by the rule, amendment, or rescission and to have 746
available for distribution to those requesting it the full text 747
of the rule as adopted or as amended. 748

(G) (1) If the governor, upon the request of an agency, 749
determines that an emergency requires the immediate adoption, 750
amendment, or rescission of a rule, the governor shall issue an 751

order, the text of which shall be filed in electronic form with 752
the agency, the secretary of state, the director of the 753
legislative service commission, and the joint committee on 754
agency rule review, that the procedure prescribed by this 755
section with respect to the adoption, amendment, or rescission 756
of a specified rule is suspended. The agency may then adopt 757
immediately the emergency rule, amendment, or rescission and it 758
becomes effective on the date the rule, amendment, or 759
rescission, in final form and in compliance with division (A) (2) 760
of section 119.04 of the Revised Code, is filed in electronic 761
form with the secretary of state, the director of the 762
legislative service commission, and the joint committee on 763
agency rule review. The director shall publish the full text of 764
the emergency rule, amendment, or rescission in the register of 765
Ohio. 766

Except as provided in division (G) (2) of this section, or 767
section 107.43 of the Revised Code, the emergency rule, 768
amendment, or rescission shall become invalid at the end of the 769
one hundred twentieth day it is in effect. Prior to that date 770
the agency may adopt the emergency rule, amendment, or 771
rescission as a nonemergency rule, amendment, or rescission by 772
complying with the procedure prescribed by this section for the 773
adoption, amendment, and rescission of nonemergency rules. The 774
agency shall not use the procedure of division (G) (1) of this 775
section to readopt the emergency rule, amendment, or rescission 776
so that, upon the emergency rule, amendment, or rescission 777
becoming invalid under division (G) (1) of this section, the 778
emergency rule, amendment, or rescission will continue in effect 779
without interruption for another one-hundred-twenty-day period, 780
except when section 106.02 of the Revised Code prevents the 781
agency from adopting the emergency rule, amendment, or 782

rescission as a nonemergency rule, amendment, or rescission 783
within the one-hundred-twenty-day period. 784

Division (G) (1) of this section does not apply to the 785
adoption of any emergency rule, amendment, or rescission by the 786
tax commissioner under division (C) (2) of section 5117.02 of the 787
Revised Code. 788

(2) An emergency rule or amendment adding a substance to a 789
controlled substance schedule shall become invalid at the end of 790
the one hundred eightieth day it is in effect. Prior to that 791
date, the state board of pharmacy may adopt the emergency rule 792
or amendment as a nonemergency rule or amendment by complying 793
with the procedure prescribed by this section for adoption and 794
amendment of nonemergency rules. The board shall not use the 795
procedure of division (G) (1) of this section to readopt the 796
emergency rule or amendment so that, upon the emergency rule or 797
amendment becoming invalid under division (G) (2) of this 798
section, the emergency rule or amendment will continue in effect 799
beyond the one-hundred-eighty-day period. 800

(3) The general assembly, by adopting a concurrent 801
resolution, and in accordance with section 107.43 of the Revised 802
Code, may do either of the following: 803

(a) Invalidate, in whole or in part, an emergency rule 804
adopted or amended by an agency in response to a state of 805
emergency, as defined under section 107.42 of the Revised Code, 806
under division (G) (1) of this section; 807

(b) Authorize an agency to readopt, in whole or in part, a 808
rule that was rescinded in response to a state of emergency 809
under division (G) (1) of this section. 810

(H) Rules adopted by an authority within the department of 811

job and family services for the administration or enforcement of 812
Chapter 4141. of the Revised Code or of the department of 813
taxation shall be effective without a hearing as provided by 814
this section if the statutes pertaining to such agency 815
specifically give a right of appeal to the board of tax appeals 816
or to a higher authority within the agency or to a court, and 817
also give the appellant a right to a hearing on such appeal. 818
This division does not apply to the adoption of any rule, 819
amendment, or rescission by the tax commissioner under division 820
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 821
the right to file an action for declaratory judgment as provided 822
in Chapter 2721. of the Revised Code from the decision of the 823
board of tax appeals or of the higher authority within such 824
agency. 825

Sec. 2743.03. (A) (1) There is hereby created a court of 826
claims. ~~The~~ Except as provided under section 107.43 of the 827
Revised Code, the court of claims is a court of record and has 828
exclusive, original jurisdiction of all civil actions against 829
the state permitted by the waiver of immunity contained in 830
section 2743.02 of the Revised Code and exclusive jurisdiction 831
of the causes of action of all parties in civil actions that are 832
removed to the court of claims. The court shall have full equity 833
powers in all actions within its jurisdiction and may entertain 834
and determine all counterclaims, cross-claims, and third-party 835
claims. 836

(2) If the claimant in a civil action as described in 837
division (A) (1) of this section also files a claim for a 838
declaratory judgment, injunctive relief, or other equitable 839
relief against the state that arises out of the same 840
circumstances that gave rise to the civil action described in 841
division (A) (1) of this section, the court of claims has 842

exclusive, original jurisdiction to hear and determine that 843
claim in that civil action. This division does not affect, and 844
shall not be construed as affecting, the original jurisdiction 845
of another court of this state to hear and determine a civil 846
action in which the sole relief that the claimant seeks against 847
the state is a declaratory judgment, injunctive relief, or other 848
equitable relief. 849

(3) In addition to its exclusive, original jurisdiction as 850
conferred by divisions (A) (1) and (2) of this section, the court 851
of claims has exclusive, original jurisdiction as follows: 852

(a) As described in division (F) of section 2743.02, 853
division (B) of section 3335.03, and division (C) of section 854
5903.02 of the Revised Code; 855

(b) Under section 2743.75 of the Revised Code to hear 856
complaints alleging a denial of access to public records in 857
violation of division (B) of section 149.43 of the Revised Code, 858
regardless of whether the public office or person responsible 859
for public records is an office or employee of the state or of a 860
political subdivision. 861

(B) The court of claims shall sit in Franklin county, its 862
hearings shall be public, and it shall consist of incumbent 863
justices or judges of the supreme court, courts of appeals, or 864
courts of common pleas, or retired justices or judges eligible 865
for active duty pursuant to division (C) of Section 6 of Article 866
IV, Ohio Constitution, sitting by temporary assignment of the 867
chief justice of the supreme court. The chief justice may direct 868
the court to sit in any county for cases on removal upon a 869
showing of substantial hardship and whenever justice dictates. 870

(C) (1) A civil action against the state shall be heard and 871

determined by a single judge. Upon application by the claimant 872
or the state, the chief justice of the supreme court may assign 873
a panel of three judges to hear and determine a civil action 874
presenting novel or complex issues of law or fact. Concurrence 875
of two members of the panel is necessary for any judgment or 876
order. 877

(2) Whenever the chief justice of the supreme court 878
believes an equitable resolution of a case will be expedited, 879
the chief justice may appoint magistrates in accordance with 880
Civil Rule 53 to hear the case. 881

(3) When any dispute under division (B) of section 153.12 882
of the Revised Code is brought to the court of claims, upon 883
request of either party to the dispute, the chief justice of the 884
supreme court shall appoint a single referee or a panel of three 885
referees. The referees need not be attorneys, but shall be 886
persons knowledgeable about construction contract law, a member 887
of the construction industry panel of the American arbitration 888
association, or an individual or individuals deemed qualified by 889
the chief justice to serve. No person shall serve as a referee 890
if that person has been employed by an affected state agency or 891
a contractor or subcontractor involved in the dispute at any 892
time in the preceding five years. Proceedings governing referees 893
shall be in accordance with Civil Rule 53, except as modified by 894
this division. The referee or panel of referees shall submit its 895
report, which shall include a recommendation and finding of 896
fact, to the judge assigned to the case by the chief justice, 897
within thirty days of the conclusion of the hearings. Referees 898
appointed pursuant to this division shall be compensated on a 899
per diem basis at the same rate as is paid to judges of the 900
court and also shall be paid their expenses. If a single referee 901
is appointed or a panel of three referees is appointed, then, 902

with respect to one referee of the panel, the compensation and 903
expenses of the referee shall not be taxed as part of the costs 904
in the case but shall be included in the budget of the court. If 905
a panel of three referees is appointed, the compensation and 906
expenses of the two remaining referees shall be taxed as costs 907
of the case. 908

All costs of a case shall be apportioned among the 909
parties. The court may not require that any party deposit with 910
the court cash, bonds, or other security in excess of two 911
hundred dollars to guarantee payment of costs without the prior 912
approval in each case of the chief justice. 913

(4) An appeal from a decision of the attorney general 914
pursuant to sections 2743.51 to 2743.72 of the Revised Code 915
shall be heard and determined by the court of claims. 916

(D) The Rules of Civil Procedure shall govern practice and 917
procedure in all actions in the court of claims, except insofar 918
as inconsistent with this chapter. The supreme court may 919
promulgate rules governing practice and procedure in actions in 920
the court as provided in Section 5 of Article IV, Ohio 921
Constitution. 922

(E) (1) A party who files a counterclaim against the state 923
or makes the state a third-party defendant in an action 924
commenced in any court, other than the court of claims, shall 925
file a petition for removal in the court of claims. The petition 926
shall state the basis for removal, be accompanied by a copy of 927
all process, pleadings, and other papers served upon the 928
petitioner, and shall be signed in accordance with Civil Rule 929
11. A petition for removal based on a counterclaim shall be 930
filed within twenty-eight days after service of the counterclaim 931
of the petitioner. A petition for removal based on third-party 932

practice shall be filed within twenty-eight days after the 933
filing of the third-party complaint of the petitioner. 934

(2) Within seven days after filing a petition for removal, 935
the petitioner shall give written notice to the parties, and 936
shall file a copy of the petition with the clerk of the court in 937
which the action was brought originally. The filing effects the 938
removal of the action to the court of claims, and the clerk of 939
the court where the action was brought shall forward all papers 940
in the case to the court of claims. The court of claims shall 941
adjudicate all civil actions removed. The court may remand a 942
civil action to the court in which it originated upon a finding 943
that the removal petition does not justify removal, or upon a 944
finding that the state is no longer a party. 945

(3) Bonds, undertakings, or security and injunctions, 946
attachments, sequestrations, or other orders issued prior to 947
removal remain in effect until dissolved or modified by the 948
court of claims. 949

Sec. 3701.13. (A) As used in this section: 950

(1) "Isolation" means the separation of one or more 951
individuals who have been medically diagnosed with a 952
communicable or contagious disease from other individuals who 953
have not been medically diagnosed with the disease. 954

(2) "Quarantine" means the separation or restriction of 955
movement of one or more individuals who have come into direct 956
contact with someone who has been medically diagnosed with a 957
communicable or contagious disease. 958

(B) (1) The department of health shall have supervision of 959
all matters relating to the preservation of the life and health 960
of the people and have ~~ultimate~~ authority in matters of 961

quarantine and isolation, which it may declare and enforce, when 962
neither exists, and modify, relax, or abolish, when either has 963
been established. ~~The~~ The authority of the department of health 964
under this section is superior to the authority of a board of 965
health of a city or general health district or the authority 966
having the duties of a board of health under section 3709.05 of 967
the Revised Code. 968

(2) The department may approve methods of immunization 969
against the diseases specified in section 3313.671 of the 970
Revised Code for the purpose of carrying out the provisions of 971
that section and take such actions as are necessary to encourage 972
vaccination against those diseases. 973

~~The~~ (C) Subject to section 101.36 of the Revised Code, the 974
department may make special or standing orders or rules ~~for~~ 975
~~preventing the use of fluoroscopes for nonmedical purposes that~~ 976
~~emit doses of radiation likely to be harmful to any person, for~~ 977
preventing the spread of contagious or infectious diseases, ~~for~~ 978
~~governing the receipt and conveyance of remains of deceased~~ 979
~~persons, and for such other sanitary matters as are best~~ 980
controlled by a general rule. 981

(D) In addition to the authority granted by division (C) 982
(1) of this section, the department may make special or standing 983
orders or rules for any of the following purposes: 984

(1) To prevent the use of fluoroscopes for nonmedical 985
purposes that emit doses of radiation likely to be harmful to 986
any person; 987

(2) To govern the receipt and conveyance of remains of 988
deceased persons; 989

(3) To address such other sanitary matters as are best 990

controlled by a general rule. 991

(E) Whenever possible, the department shall work in 992
cooperation with the health commissioner of a general or city 993
health district. ~~The~~ 994

In any of the following circumstances, the department may 995
make and enforce orders in local matters or reassign substantive 996
authority for mandatory programs from a general or city health 997
district to another general or city health district: when an 998
emergency exists, ~~or~~ when the board of health of a general or 999
city health district has neglected or refused to act with 1000
sufficient promptness or efficiency, or when such board has not 1001
been established as provided by sections 3709.02, 3709.03, 1002
3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 of the Revised 1003
Code. In such cases, the necessary expense incurred shall be 1004
paid by the general health district or city for which the 1005
services are rendered. 1006

The department of health may require general or city 1007
health districts to enter into agreements for shared services 1008
under section 9.482 of the Revised Code. The department shall 1009
prepare and offer to boards of health a model contract and 1010
memorandum of understanding that are easily adaptable for use by 1011
boards of health when entering into shared services agreements. 1012
The department also may offer financial and other technical 1013
assistance to boards of health to encourage the sharing of 1014
services. 1015

As a condition precedent to receiving funding from the 1016
department of health, the director of health may require general 1017
or city health districts to apply for accreditation by July 1, 1018
2018, and be accredited by July 1, 2020, by an accreditation 1019
body approved by the director. The director of health, by July 1020

1, 2016, shall conduct an evaluation of general and city health district preparation for accreditation, including an evaluation of each district's reported public health quality indicators as provided for in section 3701.98 of the Revised Code.

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

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

(B) Information obtained during an investigation or

inquiry that the director currently is conducting pursuant to 1051
division (A) of this section and that is not yet complete is 1052
confidential during the course of that investigation or inquiry 1053
and shall not be released except pursuant to division (D) or (J) 1054
of this section or under one of the following conditions: 1055

(1) The confidential information is released pursuant to a 1056
search warrant or subpoena issued by or at the request of a 1057
grand jury or prosecutor, as defined in section 2935.01 of the 1058
Revised Code. 1059

(2) The director has entered into a written agreement to 1060
share or exchange the information with a person or government 1061
entity, and that agreement requires the person or entity to 1062
comply with the confidentiality requirements established under 1063
this section. 1064

(3) The information is contained in a preliminary report 1065
released by the director pursuant to division (G)(1) of this 1066
section. 1067

(C) Division (B) of this section applies during any 1068
investigation or inquiry the director makes pursuant to division 1069
(A) of this section, notwithstanding any other provision of the 1070
Revised Code that establishes the manner of maintaining 1071
confidentiality or the release of information, except that the 1072
confidentiality and release of protected health information 1073
under section 3701.17 of the Revised Code is governed by that 1074
section. 1075

(D) Nothing in this section bars the release of 1076
information that is in summary, statistical, or aggregate form 1077
and that does not identify a person. Information that is in 1078
summary, statistical, or aggregate form and that does not 1079

identify a person is a public record under section 149.43 of the Revised Code. 1080
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(E) Nothing in this section authorizes the director to 1082
conduct an independent criminal investigation without the 1083
consent of each local law enforcement agency with jurisdiction 1084
to conduct the criminal investigation. 1085

(F) Except for information released pursuant to division 1086
(G) or (J) of this section, any disclosure pursuant to this 1087
section shall be in writing and accompanied by a written 1088
statement that includes the following or substantially similar 1089
language: "This information has been disclosed to you from 1090
confidential records protected from disclosure by state law. If 1091
this information has been released to you in other than a 1092
summary, statistical, or aggregate form, you shall make no 1093
further disclosure of this information without the specific, 1094
written, and informed release of the person to whom it pertains, 1095
or as otherwise permitted by state law. A general authorization 1096
for the release of medical or other information is not 1097
sufficient for the release of information pursuant to this 1098
section." 1099

(G) (1) If an investigation or inquiry the director 1100
currently is conducting pursuant to division (A) of this section 1101
is not completed within six months after the date of 1102
commencement, the director shall prepare and release a report 1103
containing preliminary findings. Every six months thereafter, 1104
the director shall prepare and release a supplementary 1105
preliminary report until such time as the investigation or 1106
inquiry is completed. 1107

(2) Upon completion of an investigation or inquiry 1108
conducted pursuant to division (A) of this section, the director 1109

shall prepare and release a final report containing the 1110
director's findings. 1111

(H) No report prepared by the director pursuant to this 1112
section shall contain protected health information, as defined 1113
in section 3701.17 of the Revised Code. 1114

(I) The director shall adopt, in accordance with Chapter 1115
119. of the Revised Code, rules establishing the manner in which 1116
the reports prepared by the director pursuant to this section 1117
are to be released. 1118

(J) The director shall release information obtained during 1119
an investigation or inquiry that the director currently is 1120
conducting pursuant to division (A) of this section and that is 1121
not yet complete, if the director determines the release of the 1122
information is necessary, based on an evaluation of relevant 1123
information, to avert or mitigate a clear threat to an 1124
individual or to the public health. Information released 1125
pursuant to this division shall be limited to the release of the 1126
information to those persons necessary to control, prevent, or 1127
mitigate disease or illness. 1128

Sec. 3707.01. ~~The~~ (A) As used in this chapter, "isolation" 1129
and "quarantine" have the same meanings as in section 3701.13 of 1130
the Revised Code. 1131

(B) The board of health of a city or general health 1132
district shall abate and remove all nuisances within its 1133
jurisdiction. It may, by order, compel the owners, agents, 1134
assignees, occupants, or tenants of any lot, property, building, 1135
or structure to abate and remove any nuisance therein, and 1136
prosecute such persons for neglect or refusal to obey such 1137
orders. Except in cities having a building department, or 1138

otherwise exercising the power to regulate the erection of 1139
buildings, the board may regulate the location, ~~constuction~~ 1140
construction, and repair of water closets, privies, cesspools, 1141
sinks, plumbing, and drains. In cities having such departments 1142
or exercising such power, the legislative authority, by 1143
ordinance, shall prescribe such rules and regulations as are 1144
approved by the board and shall provide for their enforcement. 1145

The board may regulate the location, construction, and 1146
repair of yards, pens, and stables, and the use, emptying, and 1147
cleaning of such yards, pens, and stables and of water closets, 1148
privies, cesspools, sinks, plumbing, drains, or other places 1149
where offensive or dangerous substances or liquids are or may 1150
accumulate. 1151

When a building, erection, excavation, premises, business, 1152
pursuit, matter, or thing, or the sewerage, drainage, plumbing, 1153
or ventilation thereof is, in the opinion of the board, in a 1154
condition dangerous to life or health, and when a building or 1155
structure is occupied or rented for living or business purposes 1156
and sanitary plumbing and sewerage are feasible and necessary, 1157
but neglected or refused, the board may declare it a public 1158
nuisance and order it to be removed, abated, suspended, altered, 1159
or otherwise improved or purified by the owner, agent, or other 1160
person having control thereof or responsible for such condition, 1161
and may prosecute ~~him~~ the owner, agent, or other person having 1162
control thereof for the refusal or neglect to obey such order. 1163
The board may, by its officers and employees, remove, abate, 1164
suspend, alter, or otherwise improve or purify such nuisance and 1165
certify the costs and expense thereof to the county auditor, to 1166
be assessed against the property and thereby made a lien upon it 1167
and collected as other taxes. 1168

Sec. 3707.11. A board of health of a city or general health district, or the authority having the duties of a board of health under section 3709.05 of the Revised Code, may only issue a quarantine or isolation order under this chapter that applies to individuals who have been medically diagnosed with the disease that is the subject of the order or individuals who have come in direct contact with someone who has been medically diagnosed with the disease that is the subject of the order. 1169
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Sec. 3707.26. Semiannually, and more often, if in its judgment necessary, the board of health of a city or general health district shall inspect the sanitary condition of all schools and school buildings within its jurisdiction, and may disinfect any school building. ~~During an epidemic or threatened epidemic, or when~~ When a dangerous communicable disease is unusually prevalent and verified positive cases of the disease have been documented in a specific school building, the board may close ~~any that specific school and prohibit public gatherings building~~ for such time as is necessary to disinfect the building or otherwise bring that specific school building into sanitary condition. 1177
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Sec. 3707.54. Notwithstanding sections 3707.01 to 3707.53 of the Revised Code, a board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code, or any person acting on the board's or authority's behalf, may issue an order or regulation that applies only to specific persons. Any order or regulation that applies to a class of persons in violation of this section is invalid and has no legal effect. As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code. 1189
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Sec. 3709.212. Any order or regulation for the public health or for the prevention or restriction of disease issued by a board of health of a city or general health district under section 3709.20 or 3709.21 of the Revised Code may apply to only the following persons: 1199
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(A) Those who have been medically diagnosed with the disease that is the subject of the order or regulation; 1204
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(B) Those who have come in direct contact with someone who has been medically diagnosed with the disease that is the subject of the order or regulation; 1206
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(C) Those that have had a documented incident in the building of the disease that is the subject of the order or regulation. 1209
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As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code. 1212
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Sec. 3709.50. Notwithstanding anything in this chapter, a board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code, or any person acting on the board's or authority's behalf, may issue an order or regulation that applies only to specific persons. Any order or regulation that applies to a class of persons in violation of this section is invalid and has no legal effect. As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code. 1214
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Sec. 3715.74. (A) As used in this section: 1224

(1) "Adulterated" means adulterated as determined under section 3715.59 or 3715.63 of the Revised Code. 1225
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(2) "Consumer product" means any food or drink that is 1227
consumed by humans and any medicine, including a prescription 1228
drug, that is consumed or used by humans. 1229

(3) "Retailer" means a place of business that offers 1230
consumer products for sale to the general public. 1231

(B) (1) Except as provided in division (C) of this section, 1232
if the governor has a reasonable basis to believe that one or 1233
more units of a consumer product have been adulterated and that 1234
further sale or use of the consumer product presents a threat to 1235
the public health and safety, the governor may declare ~~a public~~ 1236
~~health state of an adulterated consumer product~~ emergency and 1237
make any of the following executive ~~public health state of~~ 1238
~~adulterated consumer product~~ emergency orders: 1239

(a) That all units of the consumer product be removed from 1240
public display by all retailers; 1241

(b) That no units of the consumer product be sold or 1242
offered for sale during the ~~public health state of~~ adulterated 1243
consumer product emergency; 1244

(c) That any retailer possessing units of the consumer 1245
product segregate these units from other merchandise and hold 1246
them or a portion of them for disposition by designated law 1247
enforcement officers or officials of the department of 1248
agriculture, the department of health, or the state board of 1249
pharmacy; 1250

(d) Any other limitations, controls, or prohibitions that 1251
the governor considers necessary regarding the manufacture, 1252
importation, sale, or transportation of the consumer product. 1253

(2) The governor may amend or rescind any order issued 1254
under division (B) (1) of this section. 1255

(C) If the particular type of consumer product referred to 1256
in division (B) (1) of this section is one that falls within the 1257
jurisdiction of the department of agriculture, the department of 1258
health, or the state board of pharmacy, the governor shall not 1259
declare a ~~public health state of~~ an adulterated consumer product 1260
emergency pursuant to that division unless requested to do so by 1261
the department or board that regulates the consumer product. If 1262
the governor grants the request, the department or board that 1263
made the request shall enforce the provisions of this section. 1264

(D) ~~A public health state of emergency declared under this~~ 1265
~~section shall exist for not more than sixty days unless extended~~ 1266
~~by the governor for an additional thirty day period, at which~~ 1267
~~time the public health state of emergency shall end unless it is~~ 1268
~~extended by a concurrent resolution adopted by both houses of~~ 1269
~~the general assembly. An amendment to an executive public health~~ 1270
~~state of emergency order shall not be considered a new order.~~ 1271

~~(E)~~ Any executive ~~public health state of~~ adulterated 1272
consumer product emergency order or amended executive ~~public~~ 1273
~~health state of~~ adulterated consumer product emergency order 1274
issued under this section shall be disseminated promptly by 1275
means that bring the order to the attention of the general 1276
public. The governor promptly shall file the order with the 1277
secretary of state, the department of agriculture, the 1278
department of health, and the state board of pharmacy. 1279

~~(F)~~ ~~(E)~~ The state is not liable for removal, or for the 1280
costs of removal, of consumer products from public display in 1281
connection with an executive ~~public health state of~~ adulterated 1282
consumer product emergency order issued under division (B) (1) (a) 1283
of this section. Neither the state nor an agent of the state 1284
acting pursuant to a ~~public health state of~~ an adulterated 1285

consumer product emergency is liable for any damages or loss 1286
incurred because of any action pursuant to an executive ~~public~~ 1287
~~health state of adulterated consumer product emergency~~ order of 1288
that type. 1289

~~(G)~~ (F) No person shall knowingly violate an executive 1290
~~public health state of adulterated consumer product emergency~~ 1291
order issued by the governor under this section. Whoever 1292
violates an executive ~~public health state of adulterated~~ 1293
consumer product emergency order is subject to a fine of not 1294
less than five hundred dollars. Each day a violation continues 1295
is a separate offense. 1296

~~(H)~~ (G) The attorney general, at the direction of the 1297
governor or upon request of the director of agriculture, the 1298
director of health, the state board of pharmacy, or a 1299
prosecuting attorney may commence an action in a court of common 1300
pleas to enjoin a violation of an executive ~~public health state~~ 1301
~~of adulterated consumer product emergency~~ order issued pursuant 1302
to this section or to compel a person to perform a duty imposed 1303
by an executive ~~public health state of adulterated consumer~~ 1304
product emergency order. 1305

Sec. 4935.03. (A) The public utilities commission shall 1306
adopt, and may amend or rescind, rules in accordance with 1307
section 111.15 of the Revised Code, with the approval of the 1308
governor, defining various foreseen types and levels of energy 1309
emergency conditions for critical shortages or interruptions in 1310
the supply of electric power, natural gas, coal, or individual 1311
petroleum fuels and specifying appropriate measures to be taken 1312
at each level or for each type of energy emergency as necessary 1313
to protect the public health or safety or prevent unnecessary or 1314
avoidable damage to property. The rules may prescribe different 1315

measures for each different type or level of declared energy 1316
emergency, and for any type or level shall empower the governor 1317
to: 1318

(1) Restrict the energy consumption of state and local 1319
government offices and industrial and commercial establishments; 1320

(2) Restrict or curtail public or private transportation 1321
or require or encourage the use of car pools or mass transit 1322
systems; 1323

(3) Order, during a declared energy emergency, any 1324
electric light, natural gas or gas, or pipeline company; any 1325
supplier subject to certification under section 4928.08 or 1326
4929.20 of the Revised Code; electric power or gas utility that 1327
is owned by a municipal corporation or not for profit; coal 1328
producer or supplier; electric power producer or marketer; or 1329
petroleum fuel producer, refiner, wholesale distributor, or 1330
retail dealer to sell electricity, gas, coal, or petroleum fuel 1331
in order to alleviate hardship, or if possible to acquire or 1332
produce emergency supplies to meet emergency needs; 1333

(4) Order, during a declared energy emergency, other 1334
energy conservation or emergency energy production or 1335
distribution measures to be taken in order to alleviate 1336
hardship; 1337

(5) Mobilize emergency management, national guard, law 1338
enforcement, or emergency medical services. 1339

The rules shall be designed to protect the public health 1340
and safety and prevent unnecessary or avoidable damage to 1341
property. They shall encourage the equitable distribution of 1342
available electric power and fuel supplies among all geographic 1343
regions in the state. 1344

(B) The governor may, after consultation with the 1345
chairperson of the commission, declare an energy emergency by 1346
filing with the secretary of state a written declaration of an 1347
energy emergency at any time the governor finds that the health, 1348
safety, or welfare of the residents of this state or of one or 1349
more counties of this state is so imminently and substantially 1350
threatened by an energy shortage that immediate action of state 1351
government is necessary to prevent loss of life, protect the 1352
public health or safety, and prevent unnecessary or avoidable 1353
damage to property. The declaration shall state the counties, 1354
utility service areas, or fuel market areas affected, or its 1355
statewide effect, and what fuels or forms of energy are in 1356
critically short supply. An energy emergency declaration goes 1357
~~into immediate effect upon filing and continues in effect for~~ 1358
~~the period prescribed in the declaration, but not more than~~ 1359
~~thirty days. At the end of any thirty day or shorter energy~~ 1360
~~emergency, the governor may issue another declaration extending~~ 1361
~~the emergency. The general assembly may by concurrent resolution~~ 1362
~~terminate any declaration of an energy emergency. The emergency~~ 1363
~~is terminated at the time of filing of the concurrent resolution~~ 1364
~~with the secretary of state.~~ When an energy emergency is 1365
declared, the commission shall implement the measures which it 1366
determines are appropriate for the type and level of emergency 1367
in effect. 1368

(C) Energy emergency orders issued by the governor 1369
pursuant to this section shall take effect immediately upon 1370
issuance, and the person to whom the order is directed shall 1371
initiate compliance measures immediately upon receiving the 1372
order. During an energy emergency the attorney general or the 1373
prosecuting attorney of the county where violation of a rule 1374
adopted or order issued under this section occurs may bring an 1375

action for immediate injunction or other appropriate relief to 1376
secure prompt compliance. The court may issue an ex parte 1377
temporary order without notice which shall enforce the 1378
prohibitions, restrictions, or actions that are necessary to 1379
secure compliance with the rule or order. Compliance with rules 1380
or orders issued under this section is a matter of statewide 1381
concern. 1382

(D) During a declared energy emergency the governor may 1383
use the services, equipment, supplies, and facilities of 1384
existing departments, offices, and agencies of the state and of 1385
the political subdivisions thereof to the maximum extent 1386
practicable and necessary to meet the energy emergency, and the 1387
officers and personnel of all such departments, offices, and 1388
agencies shall cooperate with and extend such services and 1389
facilities to the governor upon request. 1390

(E) During an energy emergency declared under this 1391
section, no person shall violate any rule adopted or order 1392
issued under this section. Whoever violates this division is 1393
guilty of a minor misdemeanor on a first offense, and a 1394
misdemeanor of the first degree upon subsequent offenses or if 1395
the violation was purposely committed. 1396

Section 2. That existing sections 106.022, 111.15, 119.03, 1397
2743.03, 3701.13, 3701.14, 3707.01, 3707.26, 3715.74, and 1398
4935.03 of the Revised Code are hereby repealed. 1399

Section 3. (A) As used in this section: 1400

"Administrative department," "administrative department 1401
head," "rule," "state agency," and "statewide elected officer" 1402
have the meanings defined in section 107.43 of the Revised Code. 1403

"State of emergency" has the meaning defined in section 1404

107.42 of the Revised Code. 1405

(B) Any order or rule issued or adopted by an 1406
administrative department, administrative department head, state 1407
agency, or statewide elected officer in response to a state of 1408
emergency; any emergency rule or amendment adopted by an agency 1409
under division (G) (1) of section 119.03 of the Revised Code in 1410
response to a state of emergency; any emergency rule adopted by 1411
an agency under division (B) (2) of section 111.15 of the Revised 1412
Code in response to a state of emergency; and any special or 1413
standing order or rule issued by the Department of Health under 1414
section 3701.13 of the Revised Code or action taken by the 1415
Director of Health under section 3701.14 of the Revised Code, 1416
that is in effect on the effective date of this section is 1417
immediately subject to review by the Ohio Health Oversight and 1418
Advisory Committee as provided under section 103.651 of the 1419
Revised Code and rescission by the General Assembly, in whole or 1420
in part, as provided under sections 101.36 and 107.43 of the 1421
Revised Code. 1422

(C) An emergency declaration in effect on the effective 1423
date of this section shall be subject to immediate termination 1424
by the General Assembly through the adoption of a concurrent 1425
resolution, and shall exist for not more than thirty calendar 1426
days after the effective date of this section unless extended by 1427
the General Assembly as provided in division (C) of section 1428
107.42 of the Revised Code. If the General Assembly does not 1429
extend the state of emergency, the Governor shall not declare an 1430
identical or substantially similar state of emergency, or 1431
declare a state of emergency with any part of the initial state 1432
of emergency, for at least sixty calendar days following the 1433
expiration of the state of emergency, unless authorized by the 1434
General Assembly through the adoption of a concurrent 1435

resolution. 1436

Section 4. The items of law contained in this act, and 1437
their applications, are severable. If any item of law contained 1438
in this act, or if any application of any item of law contained 1439
in this act, is held invalid, the invalidity does not affect 1440
other items of law contained in this act and their applications 1441
that can be given effect without the invalid item of law or 1442
application. 1443

Section 5. Section 119.03 of the Revised Code is presented 1444
in this act as a composite of the section as amended by both 1445
S.B. 221 and S.B. 229 of the 132nd General Assembly. The General 1446
Assembly, applying the principle stated in division (B) of 1447
section 1.52 of the Revised Code that amendments are to be 1448
harmonized if reasonably capable of simultaneous operation, 1449
finds that the composite is the resulting version of the section 1450
in effect prior to the effective date of the section as 1451
presented in this act. 1452