

As Passed by the Senate

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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**

A BILL

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

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

Section 1. That sections 106.022, 111.15, 119.03, 3701.13, 8
3707.01, 3715.74, and 4935.03 be amended and sections 101.36, 9
103.65, 103.651, 107.42, and 107.43 of the Revised Code be 10
enacted to read as follows: 11

Sec. 101.36. (A) If the governor issues an executive order 12
declaring a public health state of emergency, as defined in 13
section 107.42 of the Revised Code, beginning on the eleventh 14
day after the executive order is issued, the general assembly 15
may do any of the following by adopting a concurrent resolution: 16

(1) Rescind any subsequent executive order the governor issues in response to a public health state of emergency, including an order to authorize an agency to adopt, amend, or rescind rules under division (G) of section 119.03 of the Revised Code. 17
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(2) Invalidate an emergency rule adopted or amended by an agency in response to the public health state of emergency and pursuant to an emergency order the governor issues under division (G)(1) of section 119.03 of the Revised Code; 22
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(3) Authorize a rule rescinded by an agency under division (G)(1) of section 119.03 of the Revised Code to be readopted; 26
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(4) Invalidate an emergency rule adopted by an agency in response to the public health state of emergency pursuant to division (B)(2) of section 111.15 of the Revised Code. 28
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(B)(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, beginning on the eleventh day after the special or standing order or rule is issued, the general assembly may rescind that special or standing order or rule by adopting a concurrent resolution. 31
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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, beginning on the eleventh day after the action is taken, the general assembly may rescind that action by adopting a concurrent resolution. 38
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(C)(1) If the general assembly rescinds an executive order 45

or a special or standing order or rule, or invalidates or 46
authorizes the readoption of a rule pursuant to this section, 47
the governor, department, or agency shall not reissue that 48
executive order or special or standing order or rule, or readopt 49
that invalidated emergency rule, or a substantially similar 50
executive order, special or standing order or rule, or emergency 51
rule for a period of thirty days following the adoption of a 52
concurrent resolution by the general assembly. 53

(2) An executive order issued by the governor, a special 54
or standing order or rule issued by the department, or an 55
emergency rule adopted, amended, or rescinded by an agency in 56
violation of division (C) (1) of this section is invalid and has 57
no legal effect. 58

Sec. 103.65. (A) There is hereby created the Ohio health 59
oversight and advisory committee. The committee shall consist of 60
the following members: 61

(1) Three members of the senate appointed by the president 62
of the senate, two of whom are members of the majority party and 63
one of whom is a member of the minority party; 64

(2) Three members of the house of representatives 65
appointed by the speaker of the house of representatives, two of 66
whom are members of the majority party and one of whom is a 67
member of the minority party. 68

(B) The president and speaker shall make the initial 69
appointments to the committee not later than fifteen days after 70
the effective date of this section. The president and speaker 71
shall make subsequent appointments not later than fifteen days 72
after the commencement of the first regular session of each 73
general assembly. Members of the committee shall serve on the 74

committee until appointments are made in the first regular 75
session of the following general assembly, until a member no 76
longer serves as a member of the chamber from which the member 77
was initially appointed, or until a member is removed by the 78
speaker or president. No committee member shall be removed 79
during the member's term during a public health state of 80
emergency as defined in section 107.42 of the Revised Code. A 81
vacancy on the committee shall be filled in the same manner as 82
the original appointment. 83

(C) In odd-numbered years, the president shall designate 84
one committee member from the senate who is a member of the 85
majority party as the committee chairperson, and the speaker 86
shall designate one committee member from the house who is a 87
member of the minority party as the committee ranking minority 88
member. In even-numbered years, the speaker shall designate one 89
committee member from the house who is a member of the majority 90
party as the committee chairperson, and the president shall 91
designate one committee member from the senate who is a member 92
of the minority party as the committee ranking minority member. 93

(D) In appointing members from the minority party, and in 94
designating ranking minority members, the president and speaker 95
shall consult with the minority leader of their respective 96
houses. 97

(E) The Ohio health oversight and advisory committee shall 98
meet at the call of the chairperson. 99

(F) The executive director and other employees of the 100
joint medicaid oversight committee shall serve the Ohio health 101
oversight and advisory committee to enable the committee to 102
successfully and efficiently perform its duties. 103

Sec. 103.651. (A) As used in this section, "public health state of emergency" has the same meaning as in section 107.42 of the Revised Code. 104
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(B)(1) The Ohio health oversight and advisory committee has the power to do all of the following: 107
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(a) Oversee actions taken by the governor, the department of health, or any other agency during a public health state of emergency; 109
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(b) Oversee the following actions taken by the department or the director of health: 112
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(i) Actions to prevent the spread of contagious or infectious diseases under section 3701.13 of the Revised Code; 114
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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; 116
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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 public health state of emergency. 120
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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. 123
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(C) If the governor issues an executive order declaring a public health state of emergency, the Ohio health oversight and 130
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advisory committee shall report any findings and recommendations 132
it makes under division (B) of this section to the general 133
assembly not sooner than twenty days and not later than thirty 134
days after the governor, the department, or other agency takes 135
an action specified under division (B) of this section. 136

Sec. 106.022. If the joint committee on agency rule review 137
makes a finding with regard to a proposed rule under section 138
106.021 of the Revised Code, and also finds that it nevertheless 139
would be worthwhile to afford the agency an opportunity to 140
revise the proposed rule, the joint committee, as an alternative 141
to recommending the adoption of a concurrent resolution to 142
invalidate the proposed rule, may authorize the agency to revise 143
and refile the proposed rule and rule summary and fiscal 144
analysis. The joint committee shall issue the authorization in 145
writing. In the authorization, the joint committee shall explain 146
the finding that, but for the authorization, would have resulted 147
in a recommendation of invalidation, and shall explain why the 148
joint committee has found it nevertheless to be worthwhile to 149
afford the agency an opportunity to revise the proposed rule. 150
The joint committee shall transmit the authorization 151
electronically to the agency, the secretary of state, the 152
director of the legislative service commission, and, if the 153
proposed rule is to replace an emergency rule, the governor. 154

When the joint committee approves such an authorization, 155
the running of the time within which a concurrent resolution 156
invalidating the proposed rule may be adopted is tolled until 157
the thirty-first day after the day on which the authorization 158
was approved. If, during the tolling period, the agency revises 159
and refiles the proposed rule, the time within which a 160
concurrent resolution invalidating the proposed rule may be 161
adopted resumes running and expires on the thirty-first day 162

after the day the proposed rule was refiled. But if, during the 163
tolling period, the agency neither withdraws nor revises and 164
refiles the proposed rule, the time within which a concurrent 165
resolution invalidating the proposed rule may be adopted resumes 166
running and expires on the thirty-first day after the day the 167
tolling period ended. 168

Upon receiving the authorization, the agency may revise 169
the proposed rule and rule summary and fiscal analysis, and then 170
refile the revised proposed rule and rule summary and fiscal 171
analysis electronically with the joint committee. 172

If the joint committee makes any of the findings outlined 173
in section 106.021 of the Revised Code with regard to the 174
revised proposed rule and rule summary and fiscal analysis, the 175
joint committee may recommend the adoption of a concurrent 176
resolution to invalidate the proposed rule under section 106.021 177
of the Revised Code. The joint committee may issue only one 178
authorization with regard to the same proposed rule. 179

~~If~~ Except as provided in section 101.36 of the Revised 180
Code, if the proposed rule that is the subject of an 181
authorization is to replace an emergency rule, the governor may 182
issue an order extending the emergency rule for an additional 183
one hundred twenty days after the day on which the emergency 184
rule otherwise would become invalid. The governor shall transmit 185
the order electronically to the agency, the joint committee, and 186
the director of the legislative service commission. 187

Sec. 107.42. As used in this section, "public health state 188
of emergency" means an emergency for which the governor has 189
declared an emergency in response to a threat to the 190
preservation of the life and health of the people of this state, 191
including an air pollution emergency under section 3704.032 of 192

the Revised Code, an energy shortage emergency under section 193
4935.03 of the Revised Code, and an adulterated consumer product 194
emergency under section 3715.74 of the Revised Code. 195

Beginning the day the governor declares a public health 196
state of emergency, the governor and the department of health 197
promptly shall report to the president of the senate and the 198
speaker of the house of representatives every action the 199
governor or department takes in response to the public health 200
state of emergency, including actions by the department or 201
director of health under sections 3701.13 and 3701.14 of the 202
Revised Code. 203

Sec. 107.43. (A) A state of emergency declared by the 204
governor, including a public health state of emergency as 205
defined under section 107.42 of the Revised Code, shall exist 206
for not more than ninety days unless extended by the general 207
assembly as provided in division (B) of this section. An 208
amendment to a state of emergency shall not be considered a new 209
state of emergency. 210

(B) The general assembly may extend a state of emergency 211
for up to an additional sixty days by adopting a concurrent 212
resolution. The general assembly continuously may extend a state 213
of emergency by adopting subsequent concurrent resolutions, but 214
no extension may last longer than sixty days. The governor shall 215
notify the president of the senate and the speaker of the house 216
of representatives, in writing, not later than fifteen days 217
before the governor intends to declare an identical or 218
substantially similar state of emergency. If the general 219
assembly does not extend a state of emergency, the governor 220
shall not declare an identical or substantially similar state of 221
emergency for at least thirty days following the expiration of 222

the state of emergency unless authorized by the general assembly 223
through the adoption of a concurrent resolution. 224

(C) (1) After a state of emergency declared by the governor 225
has been in effect for thirty days, the general assembly may 226
terminate a state of emergency by adopting a concurrent 227
resolution. A state of emergency terminated under this division 228
is invalid and has no legal effect. 229

(2) If the general assembly terminates a state of 230
emergency under this section, the governor shall not declare an 231
identical or substantially similar state of emergency for at 232
least thirty days after the general assembly adopts the 233
concurrent resolution. 234

(D) A state of emergency declared by the governor in 235
violation of this section is invalid and has no legal effect. 236

Sec. 111.15. (A) As used in this section: 237

(1) "Rule" includes any rule, regulation, bylaw, or 238
standard having a general and uniform operation adopted by an 239
agency under the authority of the laws governing the agency; any 240
appendix to a rule; and any internal management rule. "Rule" 241
does not include any guideline adopted pursuant to section 242
3301.0714 of the Revised Code, any order respecting the duties 243
of employees, any finding, any determination of a question of 244
law or fact in a matter presented to an agency, or any rule 245
promulgated pursuant to Chapter 119. or division (C) (1) or (2) 246
of section 5117.02 of the Revised Code. "Rule" includes any 247
amendment or rescission of a rule. 248

(2) "Agency" means any governmental entity of the state 249
and includes, but is not limited to, any board, department, 250
division, commission, bureau, society, council, institution, 251

state college or university, community college district, 252
technical college district, or state community college. "Agency" 253
does not include the general assembly, the controlling board, 254
the adjutant general's department, or any court. 255

(3) "Internal management rule" means any rule, regulation, 256
bylaw, or standard governing the day-to-day staff procedures and 257
operations within an agency. 258

(B)(1) Any rule, other than a rule of an emergency nature, 259
adopted by any agency pursuant to this section shall be 260
effective on the tenth day after the day on which the rule in 261
final form and in compliance with division (B)(3) of this 262
section is filed as follows: 263

(a) The rule shall be filed in electronic form with both 264
the secretary of state and the director of the legislative 265
service commission; 266

(b) The rule shall be filed in electronic form with the 267
joint committee on agency rule review. Division (B)(1)(b) of 268
this section does not apply to any rule to which division (D) of 269
this section does not apply. 270

An agency that adopts or amends a rule that is subject to 271
division (D) of this section shall assign a review date to the 272
rule that is not later than five years after its effective date. 273
If a review date assigned to a rule exceeds the five-year 274
maximum, the review date for the rule is five years after its 275
effective date. A rule with a review date is subject to review 276
under section 106.03 of the Revised Code. This paragraph does 277
not apply to a rule of a state college or university, community 278
college district, technical college district, or state community 279
college. 280

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

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

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

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form and in compliance with division (B) (3) of this section, shall be filed in electronic form with the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review. The emergency rule is effective immediately upon completion of the latest filing, except that if the agency in adopting the emergency rule designates an effective date, or date and time of day, that is later than the effective date and time provided for by division (B) (2) of this section, the emergency rule if filed as required by such division shall become effective at the later date, or later date and time of day, designated by the agency.

An emergency rule becomes invalid at the end of the one hundred twentieth day it is in effect. Prior to that date, the agency may file the emergency rule as a nonemergency rule in compliance with division (B) (1) of this section. The agency may not refile the emergency rule in compliance with division (B) (2)

of this section so that, upon the emergency rule becoming 311
invalid under such division, the emergency rule will continue in 312
effect without interruption for another one hundred twenty-day 313
period. 314

The adoption of an emergency rule under division (B) (2) of 315
this section in response to a public health state of emergency, 316
as defined under section 107.42 of the Revised Code may be 317
invalidated by the general assembly by adopting a concurrent 318
resolution in accordance with section 101.36 of the Revised 319
Code. 320

(3) An agency shall file a rule under division (B) (1) or 321
(2) of this section in compliance with the following standards 322
and procedures: 323

(a) The rule shall be numbered in accordance with the 324
numbering system devised by the director for the Ohio 325
administrative code. 326

(b) The rule shall be prepared and submitted in compliance 327
with the rules of the legislative service commission. 328

(c) The rule shall clearly state the date on which it is 329
to be effective and the date on which it will expire, if known. 330

(d) Each rule that amends or rescinds another rule shall 331
clearly refer to the rule that is amended or rescinded. Each 332
amendment shall fully restate the rule as amended. 333

If the director of the legislative service commission or 334
the director's designee gives an agency notice pursuant to 335
section 103.05 of the Revised Code that a rule filed by the 336
agency is not in compliance with the rules of the legislative 337
service commission, the agency shall within thirty days after 338
receipt of the notice conform the rule to the rules of the 339

commission as directed in the notice. 340

(C) All rules filed pursuant to divisions (B) (1) (a) and 341
(2) of this section shall be recorded by the secretary of state 342
and the director under the title of the agency adopting the rule 343
and shall be numbered according to the numbering system devised 344
by the director. The secretary of state and the director shall 345
preserve the rules in an accessible manner. Each such rule shall 346
be a public record open to public inspection and may be 347
transmitted to any law publishing company that wishes to 348
reproduce it. 349

(D) At least sixty-five days before a board, commission, 350
department, division, or bureau of the government of the state 351
files a rule under division (B) (1) of this section, it shall 352
file the full text of the proposed rule in electronic form with 353
the joint committee on agency rule review, and the proposed rule 354
is subject to legislative review and invalidation under section 355
106.021 of the Revised Code. If a state board, commission, 356
department, division, or bureau makes a revision in a proposed 357
rule after it is filed with the joint committee, the state 358
board, commission, department, division, or bureau shall 359
promptly file the full text of the proposed rule in its revised 360
form in electronic form with the joint committee. A state board, 361
commission, department, division, or bureau shall also file the 362
rule summary and fiscal analysis prepared under section 106.024 363
of the Revised Code in electronic form along with a proposed 364
rule, and along with a proposed rule in revised form, that is 365
filed under this division. If a proposed rule has an adverse 366
impact on businesses, the state board, commission, department, 367
division, or bureau also shall file the business impact 368
analysis, any recommendations received from the common sense 369
initiative office, and the associated memorandum of response, if 370

any, in electronic form along with the proposed rule, or the 371
proposed rule in revised form, that is filed under this 372
division. 373

A proposed rule that is subject to legislative review 374
under this division may not be adopted and filed in final form 375
under division (B)(1) of this section unless the proposed rule 376
has been filed with the joint committee on agency rule review 377
under this division and the time for the joint committee to 378
review the proposed rule has expired without recommendation of a 379
concurrent resolution to invalidate the proposed rule. 380

As used in this division, "commission" includes the public 381
utilities commission when adopting rules under a federal or 382
state statute. 383

This division does not apply to any of the following: 384

(1) A proposed rule of an emergency nature; 385

(2) A rule proposed under section 1121.05, 1121.06, 386
1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 387
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 388
Code; 389

(3) A rule proposed by an agency other than a board, 390
commission, department, division, or bureau of the government of 391
the state; 392

(4) A proposed internal management rule of a board, 393
commission, department, division, or bureau of the government of 394
the state; 395

(5) Any proposed rule that must be adopted verbatim by an 396
agency pursuant to federal law or rule, to become effective 397
within sixty days of adoption, in order to continue the 398

operation of a federally reimbursed program in this state, so 399
long as the proposed rule contains both of the following: 400

(a) A statement that it is proposed for the purpose of 401
complying with a federal law or rule; 402

(b) A citation to the federal law or rule that requires 403
verbatim compliance. 404

(6) An initial rule proposed by the director of health to 405
impose safety standards and quality-of-care standards with 406
respect to a health service specified in section 3702.11 of the 407
Revised Code, or an initial rule proposed by the director to 408
impose quality standards on a health care facility as defined in 409
section 3702.30 of the Revised Code, if section 3702.12 of the 410
Revised Code requires that the rule be adopted under this 411
section; 412

(7) A rule of the state lottery commission pertaining to 413
instant game rules. 414

If a rule is exempt from legislative review under division 415
(D) (5) of this section, and if the federal law or rule pursuant 416
to which the rule was adopted expires, is repealed or rescinded, 417
or otherwise terminates, the rule is thereafter subject to 418
legislative review under division (D) of this section. 419

Whenever a state board, commission, department, division, 420
or bureau files a proposed rule or a proposed rule in revised 421
form under division (D) of this section, it shall also file the 422
full text of the same proposed rule or proposed rule in revised 423
form in electronic form with the secretary of state and the 424
director of the legislative service commission. A state board, 425
commission, department, division, or bureau shall file the rule 426
summary and fiscal analysis prepared under section 106.024 of 427

the Revised Code in electronic form along with a proposed rule 428
or proposed rule in revised form that is filed with the 429
secretary of state or the director of the legislative service 430
commission. 431

Sec. 119.03. In the adoption, amendment, or rescission of 432
any rule, an agency shall comply with the following procedure: 433

(A) Reasonable public notice shall be given in the 434
register of Ohio at least thirty days prior to the date set for 435
a hearing, in the form the agency determines. The agency shall 436
file copies of the public notice under division (B) of this 437
section. (The agency gives public notice in the register of Ohio 438
when the public notice is published in the register under that 439
division.) 440

The public notice shall include: 441

(1) A statement of the agency's intention to consider 442
adopting, amending, or rescinding a rule; 443

(2) A synopsis of the proposed rule, amendment, or rule to 444
be rescinded or a general statement of the subject matter to 445
which the proposed rule, amendment, or rescission relates; 446

(3) A statement of the reason or purpose for adopting, 447
amending, or rescinding the rule; 448

(4) The date, time, and place of a hearing on the proposed 449
action, which shall be not earlier than the thirty-first nor 450
later than the fortieth day after the proposed rule, amendment, 451
or rescission is filed under division (B) of this section. 452

In addition to public notice given in the register of 453
Ohio, the agency may give whatever other notice it reasonably 454
considers necessary to ensure notice constructively is given to 455

all persons who are subject to or affected by the proposed rule, 456
amendment, or rescission. 457

The agency shall provide a copy of the public notice 458
required under division (A) of this section to any person who 459
requests it and pays a reasonable fee, not to exceed the cost of 460
copying and mailing. 461

(B) The full text of the proposed rule, amendment, or rule 462
to be rescinded, accompanied by the public notice required under 463
division (A) of this section, shall be filed in electronic form 464
with the secretary of state and with the director of the 465
legislative service commission. (If in compliance with this 466
division an agency files more than one proposed rule, amendment, 467
or rescission at the same time, and has prepared a public notice 468
under division (A) of this section that applies to more than one 469
of the proposed rules, amendments, or rescissions, the agency 470
shall file only one notice with the secretary of state and with 471
the director for all of the proposed rules, amendments, or 472
rescissions to which the notice applies.) The proposed rule, 473
amendment, or rescission and public notice shall be filed as 474
required by this division at least sixty-five days prior to the 475
date on which the agency, in accordance with division (E) of 476
this section, issues an order adopting the proposed rule, 477
amendment, or rescission. 478

If the proposed rule, amendment, or rescission 479
incorporates a text or other material by reference, the agency 480
shall comply with sections 121.71 to 121.75 of the Revised Code. 481

The proposed rule, amendment, or rescission shall be 482
available for at least thirty days prior to the date of the 483
hearing at the office of the agency in printed or other legible 484
form without charge to any person affected by the proposal. 485

Failure to furnish such text to any person requesting it shall 486
not invalidate any action of the agency in connection therewith. 487

If the agency files a revision in the text of the proposed 488
rule, amendment, or rescission, it shall also promptly file the 489
full text of the proposed rule, amendment, or rescission in its 490
revised form in electronic form with the secretary of state and 491
with the director of the legislative service commission. 492

The agency shall file the rule summary and fiscal analysis 493
prepared under section 106.024 of the Revised Code in electronic 494
form along with a proposed rule, amendment, or rescission or 495
proposed rule, amendment, or rescission in revised form that is 496
filed with the secretary of state or the director of the 497
legislative service commission. 498

The agency shall file the hearing report relating to a 499
proposed rule, amendment, or rescission in electronic form with 500
the secretary of state and the director of the legislative 501
service commission at the same time the agency files the hearing 502
report with the joint committee on agency rule review. 503

The director of the legislative service commission shall 504
publish in the register of Ohio the full text of the original 505
and each revised version of a proposed rule, amendment, or 506
rescission; the full text of a public notice; the full text of a 507
rule summary and fiscal analysis; and the full text of a hearing 508
report that is filed with the director under this division. 509

(C) When an agency files a proposed rule, amendment, or 510
rescission under division (B) of this section, it also shall 511
file in electronic form with the joint committee on agency rule 512
review the full text of the proposed rule, amendment, or rule to 513
be rescinded in the same form and the public notice required 514

under division (A) of this section. (If in compliance with this 515
division an agency files more than one proposed rule, amendment, 516
or rescission at the same time, and has given a public notice 517
under division (A) of this section that applies to more than one 518
of the proposed rules, amendments, or rescissions, the agency 519
shall file only one notice with the joint committee for all of 520
the proposed rules, amendments, or rescissions to which the 521
notice applies.) The proposed rule, amendment, or rescission is 522
subject to legislative review and invalidation under sections 523
106.02, 106.021, and 106.022 of the Revised Code. If the agency 524
makes a revision in a proposed rule, amendment, or rescission 525
after it is filed with the joint committee, the agency promptly 526
shall file the full text of the proposed rule, amendment, or 527
rescission in its revised form in electronic form with the joint 528
committee. 529

An agency shall file the rule summary and fiscal analysis 530
prepared under section 106.024 of the Revised Code in electronic 531
form along with a proposed rule, amendment, or rescission, and 532
along with a proposed rule, amendment, or rescission in revised 533
form, that is filed under this division. 534

If a proposed rule, amendment, or rescission has an 535
adverse impact on businesses, the agency also shall file the 536
business impact analysis, any recommendations received from the 537
common sense initiative office, and the agency's memorandum of 538
response, if any, in electronic form along with the proposed 539
rule, amendment, or rescission, or along with the proposed rule, 540
amendment, or rescission in revised form, that is filed under 541
this division. 542

The agency shall file the hearing report in electronic 543
form with the joint committee before the joint committee holds 544

its public hearing on the proposed rule, amendment, or 545
rescission. The filing of a hearing report does not constitute a 546
revision of the proposed rule, amendment, or rescission to which 547
the hearing report relates. 548

If the proposed rule, amendment, or rescission requires 549
liability insurance, a bond, or any other financial 550
responsibility instrument as a condition of licensure, the 551
agency shall conduct a diligent search to determine if the 552
liability insurance, bond, or other financial responsibility 553
instrument is readily available in the amounts required as a 554
condition of licensure, and shall certify to the joint committee 555
that the search was conducted. 556

A proposed rule, amendment, or rescission that is subject 557
to legislative review under this division may not be adopted 558
under division (E) of this section or filed in final form under 559
section 119.04 of the Revised Code unless the proposed rule, 560
amendment, or rescission has been filed with the joint committee 561
on agency rule review under this division and the time for 562
legislative review of the proposed rule, amendment, or 563
rescission has expired without adoption of a concurrent 564
resolution to invalidate the proposed rule, amendment, or 565
rescission. 566

This division does not apply to: 567

(1) An emergency rule, amendment, or rescission; 568

(2) A proposed rule, amendment, or rescission that must be 569
adopted verbatim by an agency pursuant to federal law or rule, 570
to become effective within sixty days of adoption, in order to 571
continue the operation of a federally reimbursed program in this 572
state, so long as the proposed rule contains both of the 573

following:	574
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	575 576
(b) A citation to the federal law or rule that requires verbatim compliance.	577 578
(3) A proposed rule, amendment, or rescission that, as set forth in section 3719.41 of the Revised Code, must be adopted by the state board of pharmacy pursuant to federal law or rule, to become effective within sixty days of adoption, so long as the proposed rule contains a statement that it is proposed for the purpose of complying with federal law or rule.	579 580 581 582 583 584
If a rule or amendment is exempt from legislative review under division (C) (2) of this section, and if the federal law or rule pursuant to which the rule or amendment was adopted expires, is repealed or rescinded, or otherwise terminates, the rule or amendment, or its rescission, is thereafter subject to legislative review under division (C) of this section.	585 586 587 588 589 590
(D) On the date and at the time and place designated in the notice, the agency shall conduct a public hearing at which any person affected by the proposed action of the agency may appear and be heard in person, by the person's attorney, or both, may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule, amendment, or rescission, if adopted or effectuated, will be unreasonable or unlawful. An agency may permit persons affected by the proposed rule, amendment, or rescission to present their positions, arguments, or contentions in writing, not only at the hearing, but also for a reasonable period before, after, or both	591 592 593 594 595 596 597 598 599 600 601 602

before and after the hearing. A person who presents a position 603
or arguments or contentions in writing before or after the 604
hearing is not required to appear at the hearing. 605

At the hearing, the testimony shall be recorded. Such 606
record shall be made at the expense of the agency. The agency is 607
required to transcribe a record that is not sight readable only 608
if a person requests transcription of all or part of the record 609
and agrees to reimburse the agency for the costs of the 610
transcription. An agency may require the person to pay in 611
advance all or part of the cost of the transcription. 612

In any hearing under this section the agency may 613
administer oaths or affirmations. 614

The agency shall consider the positions, arguments, or 615
contentions presented at, or before or after, the hearing. The 616
agency shall prepare a hearing summary of the positions, 617
arguments, or contentions, and of the issues raised by the 618
positions, arguments, or contentions. The agency then shall 619
prepare a hearing report explaining, with regard to each issue, 620
how it is reflected in the rule, amendment, or rescission. If an 621
issue is not reflected in the rule, amendment, or rescission, 622
the hearing report shall explain why the issue is not reflected. 623
The agency shall include the hearing summary in the hearing 624
report as an appendix thereto. And, in the hearing report, the 625
agency shall identify the proposed rule, amendment, or 626
rescission to which the hearing report relates. 627

(E) After divisions (A), (B), (C), and (D) of this section 628
have been complied with, and when the time for legislative 629
review under sections 106.02, 106.022, and 106.023 of the 630
Revised Code has expired without adoption of a concurrent 631
resolution to invalidate the proposed rule, amendment, or 632

rescission, the agency may issue an order adopting the proposed 633
rule or the proposed amendment or rescission of the rule, 634
consistent with the synopsis or general statement included in 635
the public notice. At that time the agency shall designate the 636
effective date of the rule, amendment, or rescission, which 637
shall not be earlier than the tenth day after the rule, 638
amendment, or rescission has been filed in its final form as 639
provided in section 119.04 of the Revised Code. 640

(F) Prior to the effective date of a rule, amendment, or 641
rescission, the agency shall make a reasonable effort to inform 642
those affected by the rule, amendment, or rescission and to have 643
available for distribution to those requesting it the full text 644
of the rule as adopted or as amended. 645

(G) (1) If the governor, upon the request of an agency, 646
determines that an emergency requires the immediate adoption, 647
amendment, or rescission of a rule, the governor shall issue an 648
order, the text of which shall be filed in electronic form with 649
the agency, the secretary of state, the director of the 650
legislative service commission, and the joint committee on 651
agency rule review, that the procedure prescribed by this 652
section with respect to the adoption, amendment, or rescission 653
of a specified rule is suspended. The agency may then adopt 654
immediately the emergency rule, amendment, or rescission and it 655
becomes effective on the date the rule, amendment, or 656
rescission, in final form and in compliance with division (A) (2) 657
of section 119.04 of the Revised Code, is filed in electronic 658
form with the secretary of state, the director of the 659
legislative service commission, and the joint committee on 660
agency rule review. The director shall publish the full text of 661
the emergency rule, amendment, or rescission in the register of 662
Ohio. 663

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

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

(2) An emergency rule or amendment adding a substance to a controlled substance schedule shall become invalid at the end of the one hundred eightieth day it is in effect. Prior to that date, the state board of pharmacy may adopt the emergency rule or amendment as a nonemergency rule or amendment by complying with the procedure prescribed by this section for adoption and amendment of nonemergency rules. The board shall not use the procedure of division (G)(1) of this section to readopt the emergency rule or amendment so that, upon the emergency rule or amendment becoming invalid under division (G)(2) of this

section, the emergency rule or amendment will continue in effect 695
beyond the one-hundred-eighty-day period. 696

(3) The general assembly, by adopting a concurrent 697
resolution, and in accordance with section 101.36 of the Revised 698
Code, may do either of the following: 699

(a) Invalidate an emergency rule adopted or amended by an 700
agency in response to a public health state of emergency, as 701
defined under section 107.42 of the Revised Code, under division 702
(G)(1) of this section; 703

(b) Authorize an agency to readopt a rule that was 704
rescinded in response to a public health state of emergency 705
under division (G)(1) of this section. 706

(H) Rules adopted by an authority within the department of 707
job and family services for the administration or enforcement of 708
Chapter 4141. of the Revised Code or of the department of 709
taxation shall be effective without a hearing as provided by 710
this section if the statutes pertaining to such agency 711
specifically give a right of appeal to the board of tax appeals 712
or to a higher authority within the agency or to a court, and 713
also give the appellant a right to a hearing on such appeal. 714
This division does not apply to the adoption of any rule, 715
amendment, or rescission by the tax commissioner under division 716
(C)(1) or (2) of section 5117.02 of the Revised Code, or deny 717
the right to file an action for declaratory judgment as provided 718
in Chapter 2721. of the Revised Code from the decision of the 719
board of tax appeals or of the higher authority within such 720
agency. 721

Sec. 3701.13. (A) As used in this section: 722

(1) "Isolation" means the separation of one or more 723

individuals who have been medically diagnosed with a 724
communicable or contagious disease from other individuals who 725
have not been medically diagnosed with the disease. 726

(2) "Quarantine" means the separation or restriction of 727
movement of one or more individuals who have come into direct 728
contact with someone who has been medically diagnosed with a 729
communicable or contagious disease. 730

(B) (1) The department of health shall have supervision of 731
all matters relating to the preservation of the life and health 732
of the people and have ~~ultimate~~ authority in matters of 733
quarantine and isolation, which it may declare and enforce, when 734
neither exists, and modify, relax, or abolish, when either has 735
been established. ~~The~~ The authority of the department of health 736
under this section is superior to the authority of a board of 737
health of a city or general health district or the authority 738
having the duties of a board of health under section 3709.05 of 739
the Revised Code. 740

(2) The department may approve methods of immunization 741
against the diseases specified in section 3313.671 of the 742
Revised Code for the purpose of carrying out the provisions of 743
that section and take such actions as are necessary to encourage 744
vaccination against those diseases. 745

~~The~~ (C) Subject to section 103.651 of the Revised Code, 746
the department may make special or standing orders or rules for 747
~~preventing the use of fluoroscopes for nonmedical purposes that~~ 748
~~emit doses of radiation likely to be harmful to any person, for~~ 749
preventing the spread of contagious or infectious diseases, ~~for~~ 750
~~governing the receipt and conveyance of remains of deceased~~ 751
~~persons, and for such other sanitary matters as are best~~ 752
~~controlled by a general rule.~~ 753

(D) In addition to the authority granted by division (C) 754
(1) of this section, the department may make special or standing 755
orders or rules for any of the following purposes: 756

(1) To prevent the use of fluoroscopes for nonmedical 757
purposes that emit doses of radiation likely to be harmful to 758
any person; 759

(2) To govern the receipt and conveyance of remains of 760
deceased persons; 761

(3) To address such other sanitary matters as are best 762
controlled by a general rule. 763

(E) Whenever possible, the department shall work in 764
cooperation with the health commissioner of a general or city 765
health district. ~~The~~ 766

In any of the following circumstances, the department may 767
make and enforce orders in local matters or reassign substantive 768
authority for mandatory programs from a general or city health 769
district to another general or city health district: when an 770
emergency exists, ~~or~~ when the board of health of a general or 771
city health district has neglected or refused to act with 772
sufficient promptness or efficiency, or when such board has not 773
been established as provided by sections 3709.02, 3709.03, 774
3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 of the Revised 775
Code. In such cases, the necessary expense incurred shall be 776
paid by the general health district or city for which the 777
services are rendered. 778

The department of health may require general or city 779
health districts to enter into agreements for shared services 780
under section 9.482 of the Revised Code. The department shall 781
prepare and offer to boards of health a model contract and 782

memorandum of understanding that are easily adaptable for use by 783
boards of health when entering into shared services agreements. 784
The department also may offer financial and other technical 785
assistance to boards of health to encourage the sharing of 786
services. 787

As a condition precedent to receiving funding from the 788
department of health, the director of health may require general 789
or city health districts to apply for accreditation by July 1, 790
2018, and be accredited by July 1, 2020, by an accreditation 791
body approved by the director. The director of health, by July 792
1, 2016, shall conduct an evaluation of general and city health 793
district preparation for accreditation, including an evaluation 794
of each district's reported public health quality indicators as 795
provided for in section 3701.98 of the Revised Code. 796

(F) The department may make evaluative studies of the 797
nutritional status of Ohio residents, and of the food and 798
nutrition-related programs operating within the state. Every 799
agency of the state, at the request of the department, shall 800
provide information and otherwise assist in the execution of 801
such studies. 802

Sec. 3707.01. The ~~(A)~~ As used in this chapter, "isolation" 803
and "quarantine" have the same meanings as in section 3701.13 of 804
the Revised Code. 805

(B) The board of health of a city or general health 806
district shall abate and remove all nuisances within its 807
jurisdiction. It may, by order, compel the owners, agents, 808
assignees, occupants, or tenants of any lot, property, building, 809
or structure to abate and remove any nuisance therein, and 810
prosecute such persons for neglect or refusal to obey such 811
orders. Except in cities having a building department, or 812

otherwise exercising the power to regulate the erection of 813
buildings, the board may regulate the location, ~~constuction~~ 814
construction, and repair of water closets, privies, cesspools, 815
sinks, plumbing, and drains. In cities having such departments 816
or exercising such power, the legislative authority, by 817
ordinance, shall prescribe such rules and regulations as are 818
approved by the board and shall provide for their enforcement. 819

The board may regulate the location, construction, and 820
repair of yards, pens, and stables, and the use, emptying, and 821
cleaning of such yards, pens, and stables and of water closets, 822
privies, cesspools, sinks, plumbing, drains, or other places 823
where offensive or dangerous substances or liquids are or may 824
accumulate. 825

When a building, erection, excavation, premises, business, 826
pursuit, matter, or thing, or the sewerage, drainage, plumbing, 827
or ventilation thereof is, in the opinion of the board, in a 828
condition dangerous to life or health, and when a building or 829
structure is occupied or rented for living or business purposes 830
and sanitary plumbing and sewerage are feasible and necessary, 831
but neglected or refused, the board may declare it a public 832
nuisance and order it to be removed, abated, suspended, altered, 833
or otherwise improved or purified by the owner, agent, or other 834
person having control thereof or responsible for such condition, 835
and may prosecute ~~him~~ the owner, agent, or other person having 836
control thereof for the refusal or neglect to obey such order. 837
The board may, by its officers and employees, remove, abate, 838
suspend, alter, or otherwise improve or purify such nuisance and 839
certify the costs and expense thereof to the county auditor, to 840
be assessed against the property and thereby made a lien upon it 841
and collected as other taxes. 842

Sec. 3715.74. (A) As used in this section:	843
(1) "Adulterated" means adulterated as determined under section 3715.59 or 3715.63 of the Revised Code.	844 845
(2) "Consumer product" means any food or drink that is consumed by humans and any medicine, including a prescription drug, that is consumed or used by humans.	846 847 848
(3) "Retailer" means a place of business that offers consumer products for sale to the general public.	849 850
(B) (1) Except as provided in division (C) of this section, if the governor has a reasonable basis to believe that one or more units of a consumer product have been adulterated and that further sale or use of the consumer product presents a threat to the public health and safety, the governor may declare a public health state of an adulterated consumer product emergency and make any of the following executive public health state of adulterated consumer product emergency orders:	851 852 853 854 855 856 857 858
(a) That all units of the consumer product be removed from public display by all retailers;	859 860
(b) That no units of the consumer product be sold or offered for sale during the public health state of adulterated consumer product emergency;	861 862 863
(c) That any retailer possessing units of the consumer product segregate these units from other merchandise and hold them or a portion of them for disposition by designated law enforcement officers or officials of the department of agriculture, the department of health, or the state board of pharmacy;	864 865 866 867 868 869
(d) Any other limitations, controls, or prohibitions that	870

the governor considers necessary regarding the manufacture, 871
importation, sale, or transportation of the consumer product. 872

(2) The governor may amend or rescind any order issued 873
under division (B) (1) of this section. 874

(C) If the particular type of consumer product referred to 875
in division (B) (1) of this section is one that falls within the 876
jurisdiction of the department of agriculture, the department of 877
health, or the state board of pharmacy, the governor shall not 878
declare a ~~public health state of an adulterated consumer product~~ 879
emergency pursuant to that division unless requested to do so by 880
the department or board that regulates the consumer product. If 881
the governor grants the request, the department or board that 882
made the request shall enforce the provisions of this section. 883

~~(D) A public health state of emergency declared under this 884
section shall exist for not more than sixty days unless extended 885
by the governor for an additional thirty day period, at which 886
time the public health state of emergency shall end unless it is 887
extended by a concurrent resolution adopted by both houses of 888
the general assembly. An amendment to an executive public health 889
state of emergency order shall not be considered a new order. 890~~

~~(E) Any executive public health state of adulterated 891
consumer product emergency order or amended executive public 892
health state of adulterated consumer product emergency order 893
issued under this section shall be disseminated promptly by 894
means that bring the order to the attention of the general 895
public. The governor promptly shall file the order with the 896
secretary of state, the department of agriculture, the 897
department of health, and the state board of pharmacy. 898~~

~~(F) (E) The state is not liable for removal, or for the 899~~

costs of removal, of consumer products from public display in 900
connection with an executive ~~public health state of adulterated~~ 901
consumer product emergency order issued under division (B) (1) (a) 902
of this section. Neither the state nor an agent of the state 903
acting pursuant to a ~~public health state of an adulterated~~ 904
consumer product emergency is liable for any damages or loss 905
incurred because of any action pursuant to an executive ~~public~~ 906
~~health state of adulterated consumer product~~ emergency order of 907
that type. 908

~~(G)~~ (F) No person shall knowingly violate an executive 909
~~public health state of adulterated consumer product~~ emergency 910
order issued by the governor under this section. Whoever 911
violates an executive ~~public health state of adulterated~~ 912
consumer product emergency order is subject to a fine of not 913
less than five hundred dollars. Each day a violation continues 914
is a separate offense. 915

~~(H)~~ (G) The attorney general, at the direction of the 916
governor or upon request of the director of agriculture, the 917
director of health, the state board of pharmacy, or a 918
prosecuting attorney may commence an action in a court of common 919
pleas to enjoin a violation of an executive ~~public health state~~ 920
~~of adulterated consumer product~~ emergency order issued pursuant 921
to this section or to compel a person to perform a duty imposed 922
by an executive ~~public health state of adulterated consumer~~ 923
product emergency order. 924

Sec. 4935.03. (A) The public utilities commission shall 925
adopt, and may amend or rescind, rules in accordance with 926
section 111.15 of the Revised Code, with the approval of the 927
governor, defining various foreseen types and levels of energy 928
emergency conditions for critical shortages or interruptions in 929

the supply of electric power, natural gas, coal, or individual 930
petroleum fuels and specifying appropriate measures to be taken 931
at each level or for each type of energy emergency as necessary 932
to protect the public health or safety or prevent unnecessary or 933
avoidable damage to property. The rules may prescribe different 934
measures for each different type or level of declared energy 935
emergency, and for any type or level shall empower the governor 936
to: 937

(1) Restrict the energy consumption of state and local 938
government offices and industrial and commercial establishments; 939

(2) Restrict or curtail public or private transportation 940
or require or encourage the use of car pools or mass transit 941
systems; 942

(3) Order, during a declared energy emergency, any 943
electric light, natural gas or gas, or pipeline company; any 944
supplier subject to certification under section 4928.08 or 945
4929.20 of the Revised Code; electric power or gas utility that 946
is owned by a municipal corporation or not for profit; coal 947
producer or supplier; electric power producer or marketer; or 948
petroleum fuel producer, refiner, wholesale distributor, or 949
retail dealer to sell electricity, gas, coal, or petroleum fuel 950
in order to alleviate hardship, or if possible to acquire or 951
produce emergency supplies to meet emergency needs; 952

(4) Order, during a declared energy emergency, other 953
energy conservation or emergency energy production or 954
distribution measures to be taken in order to alleviate 955
hardship; 956

(5) Mobilize emergency management, national guard, law 957
enforcement, or emergency medical services. 958

The rules shall be designed to protect the public health 959
and safety and prevent unnecessary or avoidable damage to 960
property. They shall encourage the equitable distribution of 961
available electric power and fuel supplies among all geographic 962
regions in the state. 963

(B) The governor may, after consultation with the 964
chairperson of the commission, declare an energy emergency by 965
filing with the secretary of state a written declaration of an 966
energy emergency at any time the governor finds that the health, 967
safety, or welfare of the residents of this state or of one or 968
more counties of this state is so imminently and substantially 969
threatened by an energy shortage that immediate action of state 970
government is necessary to prevent loss of life, protect the 971
public health or safety, and prevent unnecessary or avoidable 972
damage to property. The declaration shall state the counties, 973
utility service areas, or fuel market areas affected, or its 974
statewide effect, and what fuels or forms of energy are in 975
critically short supply. An energy emergency declaration goes 976
into immediate effect upon filing ~~and continues in effect for~~ 977
~~the period prescribed in the declaration, but not more than~~ 978
~~thirty days. At the end of any thirty day or shorter energy~~ 979
~~emergency, the governor may issue another declaration extending~~ 980
~~the emergency. The general assembly may by concurrent resolution~~ 981
~~terminate any declaration of an energy emergency. The emergency~~ 982
~~is terminated at the time of filing of the concurrent resolution~~ 983
~~with the secretary of state.~~ When an energy emergency is 984
declared, the commission shall implement the measures which it 985
determines are appropriate for the type and level of emergency 986
in effect. 987

(C) Energy emergency orders issued by the governor 988
pursuant to this section shall take effect immediately upon 989

issuance, and the person to whom the order is directed shall 990
initiate compliance measures immediately upon receiving the 991
order. During an energy emergency the attorney general or the 992
prosecuting attorney of the county where violation of a rule 993
adopted or order issued under this section occurs may bring an 994
action for immediate injunction or other appropriate relief to 995
secure prompt compliance. The court may issue an ex parte 996
temporary order without notice which shall enforce the 997
prohibitions, restrictions, or actions that are necessary to 998
secure compliance with the rule or order. Compliance with rules 999
or orders issued under this section is a matter of statewide 1000
concern. 1001

(D) During a declared energy emergency the governor may 1002
use the services, equipment, supplies, and facilities of 1003
existing departments, offices, and agencies of the state and of 1004
the political subdivisions thereof to the maximum extent 1005
practicable and necessary to meet the energy emergency, and the 1006
officers and personnel of all such departments, offices, and 1007
agencies shall cooperate with and extend such services and 1008
facilities to the governor upon request. 1009

(E) During an energy emergency declared under this 1010
section, no person shall violate any rule adopted or order 1011
issued under this section. Whoever violates this division is 1012
guilty of a minor misdemeanor on a first offense, and a 1013
misdemeanor of the first degree upon subsequent offenses or if 1014
the violation was purposely committed. 1015

Section 2. That existing sections 106.022, 111.15, 119.03, 1016
3701.13, 3707.01, 3715.74, and 4935.03 of the Revised Code are 1017
hereby repealed. 1018

Section 3. Any executive order or emergency declaration 1019

issued by the Governor, any special or standing order or rule 1020
issued by the Department of Health under section 3701.13 of the 1021
Revised Code, any action taken by the Director of Health under 1022
section 3701.14 of the Revised Code, and any rule adopted, 1023
amended, or rescinded by an agency under division (B) (2) of 1024
section 111.15 or division (G) of section 119.03 of the Revised 1025
Code in response to a public health state of emergency that is 1026
in effect on the effective date of this section is immediately 1027
subject to review by the Ohio Health Oversight and Advisory 1028
Committee as provided under section 103.651 of the Revised Code 1029
and rescission by the General Assembly as provided under 1030
sections 101.36 and 107.43 of the Revised Code. 1031

For purposes of section 107.43 of the Revised Code, an 1032
emergency declaration in effect on the effective date of this 1033
section shall be considered to have been issued on the effective 1034
date of this section, and shall exist for not more than thirty 1035
days after the effective date of this section unless extended by 1036
the General Assembly as provided in division (B) of section 1037
107.43 of the Revised Code. 1038

Section 4. Section 119.03 of the Revised Code is presented 1039
in this act as a composite of the section as amended by both 1040
S.B. 221 and S.B. 229 of the 132nd General Assembly. The General 1041
Assembly, applying the principle stated in division (B) of 1042
section 1.52 of the Revised Code that amendments are to be 1043
harmonized if reasonably capable of simultaneous operation, 1044
finds that the composite is the resulting version of the section 1045
in effect prior to the effective date of the section as 1046
presented in this act. 1047