

As Passed by the House

134th General Assembly

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Am. Sub. S. B. No. 9

Senators McColley, Roegner

Cosponsors: Senators Blessing, Brenner, Cirino, Hackett, Hottinger, Hoagland, Huffman, S., Johnson, Lang, Manning, Peterson, Reineke, Romanchuk, Rulli, Wilson, Dolan, Gavarone, Kunze, O'Brien, Schaffer Representatives Brinkman, Click, Creech, Cross, Dean, Ferguson, Fowler Arthur, Fraizer, Ghanbari, Gross, Hall, Hillyer, Holmes, John, Jones, Jordan, Kick, Lanese, LaRe, McClain, Merrin, Oelslager, Richardson, Riedel, Roemer, Seitz, Stein, Stephens, Stoltzfus, Vitale, Wiggam, Wilkin, Young, T., Ferguson, Speaker Cupp

A BILL

To amend sections 106.021, 106.03, 106.031, 111.15, 119.03, 121.95, 4301.171, 4301.245, 4301.58, and 4305.14 and to enact sections 101.354, 101.355, 107.57, 121.031, 121.951, 121.952, 121.953, and 121.954 of the Revised Code to limit regulatory restrictions in administrative rules, to make various technical and corrective changes to the liquor laws, to amend the version of section 111.15 of the Revised Code that is scheduled to take effect September 30, 2024, to continue the limitations on and after that date, and to make an appropriation.

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

Section 1. That sections 106.021, 106.03, 106.031, 111.15, 119.03, 121.95, 4301.171, 4301.245, 4301.58, and 4305.14 be amended and sections 101.354, 101.355, 107.57, 121.031, 121.951,

121.952, 121.953, and 121.954 of the Revised Code be enacted to 16
read as follows: 17

Sec. 101.354. (A) The joint committee on agency rule 18
review shall advise and assist state agencies in preparing 19
revised inventories of regulatory restrictions and shall advise 20
and assist state agencies in achieving specified percentage 21
reductions in regulatory restrictions in the Administrative Code 22
in accordance with sections 121.95, 121.951, 121.952, 121.953, 23
and 121.954 of the Revised Code. 24

(B) (1) Not later than June 15, 2022, the executive 25
director of the joint committee shall prepare a report 26
aggregating the base inventories received from state agencies 27
under section 121.95 of the Revised Code. 28

(2) Beginning in 2023, not later than the fifteenth day of 29
December each year, the executive director of the joint 30
committee shall prepare an historical report aggregating the 31
reports received from state agencies for the preceding fiscal 32
year. In the report, the executive director also shall describe 33
the work of the joint committee over the preceding fiscal year 34
with respect to reduction of regulatory restrictions and shall 35
indicate, out of the total number of regulatory restrictions 36
inventoried by state agencies, the percentage by which state 37
agencies have reduced those regulatory restrictions. The report 38
also shall provide recommendations for statutory changes, where 39
appropriate, brought to the attention of the joint committee as 40
contributing to the adoption of regulatory restrictions. 41

(3) The executive director shall submit the report 42
required under divisions (B) (1) and (2) of this section to the 43
members of the joint committee, which shall publish the report 44
on its web site and transmit copies of the report electronically 45

to the speaker of the house of representatives and the president 46
of the senate. 47

Sec. 101.355. The joint committee on agency rule review, 48
in consultation with legislative information systems, shall do 49
both of the following: 50

(A) Create and maintain a system that state agencies shall 51
use to enter regulatory restriction data, create required 52
inventories, and transmit copies of inventories, reports, and 53
any other documents to the joint committee and the speaker of 54
the house of representatives and the president of the senate 55
under sections 121.95, 121.951, and 121.953 of the Revised Code, 56
and that will assist the joint committee in aggregating reports 57
and performing other prescribed duties under sections 101.354, 58
121.95, 121.951, 121.952, and 121.953 of the Revised Code; 59

(B) Establish, maintain, and improve the cut red tape 60
system, which shall include a web site and shall allow members 61
of the public to request information about regulatory 62
restrictions and to communicate with the joint committee about 63
regulatory restrictions. 64

Sec. 106.021. If, upon reviewing a proposed rule or 65
revised proposed rule, the joint committee on agency rule review 66
makes any of the following findings with regard to the proposed 67
rule or revised proposed rule, the joint committee may recommend 68
to the senate and house of representatives the adoption of a 69
concurrent resolution to invalidate the proposed rule or revised 70
proposed rule or a part thereof: 71

(A) The proposed rule or revised proposed rule exceeds the 72
scope of its statutory authority. 73

(B) The proposed rule or revised proposed rule conflicts 74

with the legislative intent of the statute under which it was 75
proposed. 76

(C) The proposed rule or revised proposed rule conflicts 77
with another proposed or existing rule. 78

(D) The proposed rule or revised proposed rule 79
incorporates a text or other material by reference and: 80

(1) The accompanying citation is not such as reasonably 81
would enable a reasonable person to whom the proposed rule or 82
revised proposed rule applies readily and without charge to find 83
and inspect the incorporated text or other material; 84

(2) The accompanying citation is not such as reasonably 85
would enable the joint committee readily and without charge to 86
find and inspect the incorporated text or other material, and 87
the agency did not file or otherwise make the incorporated text 88
or other material available without charge to the joint 89
committee; or 90

(3) The agency has treated the proposed rule or revised 91
proposed rule in whole or in part as exempt from sections 121.71 92
to 121.74 of the Revised Code on grounds the incorporated text 93
or other material has one or more of the characteristics 94
described in division (B) of section 121.75 of the Revised Code, 95
but the incorporated text or other material actually does not 96
have any of those characteristics. 97

(E) The agency has failed to prepare a complete and 98
accurate rule summary and fiscal analysis of the proposed rule 99
or revised proposed rule as required by section 106.024 of the 100
Revised Code. 101

(F) The agency has failed to demonstrate through the 102
business impact analysis, recommendations from the common sense 103

initiative office, and the memorandum of response that the 104
regulatory intent of the proposed rule or revised proposed rule 105
justifies its adverse impact on businesses in this state. 106

(G) If the state agency is subject to sections 121.95, 107
121.951, 121.952, and 121.953 of the Revised Code, the agency 108
has failed to justify the proposed adoption, amendment, or 109
rescission of a rule containing a regulatory restriction. 110

(H) The proposed rule or revised proposed rule implements 111
a federal law or rule in a manner that is more stringent or 112
burdensome than the federal law or rule requires. 113

Sec. 106.03. Prior to the review date of an existing rule, 114
the agency that adopted the rule shall do both of the following: 115

(A) Review the rule to determine ~~all~~whether the rule 116
should be amended or rescinded, including for the purpose of 117
accomplishing the reductions in regulatory restrictions required 118
by section 121.951 of the Revised Code, because it does any of 119
the following, or otherwise for the purpose of reducing 120
regulatory restrictions: 121

(1) ~~Whether the rule should be continued without~~ 122
~~amendment, be amended, or be rescinded, taking into~~ 123
~~consideration~~Exceeds or conflicts with the purpose, scope, and 124
or intent of the statute under which the rule was adopted; 125

(2) ~~Whether the rule needs amendment or rescission to give~~ 126
~~more~~Provides inadequate flexibility at the local level; 127

(3) ~~Whether the rule needs amendment or rescission to~~ 128
~~eliminate unnecessary paperwork~~Creates a compliance or 129
oversight burden for the state agency, or for any person or 130
entity, that is greater than the burden that would be created if 131
the agency accomplished the intended purpose of the restriction 132

<u>by other means;</u>	133
(4) Whether the rule incorporates <u>Is no longer useful or</u>	134
<u>beneficial;</u>	135
(5) <u>Incorporates</u> a text or other material by reference	136
and, if so:	137
(a) Whether the <u>The</u> citation accompanying the	138
incorporation by reference is such as reasonably would <u>not</u>	139
<u>reasonably</u> enable a reasonable person to whom the rule applies	140
readily and without charge to find and inspect the incorporated	141
text or other material;	142
(b) Whether the <u>The</u> citation accompanying the	143
incorporation by reference is such as reasonably would <u>not</u>	144
<u>reasonably</u> enable the joint committee on agency rule review	145
readily and without charge to find and inspect the incorporated	146
text or other material; and or	147
(c) If the rule has been exempted in whole or in part from	148
sections 121.71 to 121.74 of the Revised Code on grounds the	149
incorporated text or other material has one or more of the	150
characteristics described in division (B) of section 121.75 of	151
the Revised Code, whether the incorporated text or other	152
material <u>does not actually</u> has <u>have</u> any of those	153
characteristics.	154
(5) Whether the rule duplicates	155
(6) <u>Duplicates, overlaps with, or conflicts with</u> other	156
rules;	157
(6) Whether the rule has <u>a federal law or rule or another</u>	158
<u>law or rule of this state. A rule duplicates, overlaps with, or</u>	159
<u>conflicts with another law or rule if it imposes a duty or</u>	160

liability on a person or entity that the other law or rule also 161
imposes on that person or entity, in whole or in part, or 162
imposes a duty or liability that may require a person or entity 163
to violate the other law or rule in whole or in part. If the 164
rule duplicates, overlaps with, or conflicts with a rule adopted 165
by another state agency, the two agencies shall determine which 166
agency shall amend or rescind its rule and shall develop and 167
execute a plan to work together to achieve the required 168
oversight. 169

(7) Has an adverse impact on businesses, as determined 170
under section 107.52 of the Revised Code; 171

~~(7) Whether the rule contains~~ (8) Has an adverse impact on 172
any other person or entity; 173

(9) Contains words or phrases having meanings that in 174
contemporary usage are understood as being derogatory or 175
offensive;~~and~~ 176

~~(8) Whether the rule requires~~ (10) Requires liability 177
insurance, a bond, or any other financial responsibility 178
instrument as a condition of licensure; 179

(11) Imposes a more severe duty or liability than 180
restrictions in neighboring states in order to accomplish the 181
same goal; 182

(12) Implements a federal law or rule in a manner that is 183
more stringent or burdensome than the federal law or rule 184
requires. 185

In making its review, the agency shall consider the 186
continued need for the rule, the nature of any complaints or 187
comments received concerning the rule, and any relevant factors 188
that have changed in the subject matter area affected by the 189

rule.	190
(B) On the basis of its review of the existing rule, the agency shall determine whether the existing rule needs to be amended or rescinded.	191 192 193
(1) If the existing rule needs to be amended or rescinded, the agency, on or before the review date of the existing rule, shall commence the process of amending or rescinding the existing rule in accordance with its review of the rule.	194 195 196 197
(2) If the existing rule does not need to be amended or rescinded, proceedings shall be had under section 106.031 of the Revised Code.	198 199 200
Upon the request of the agency that adopted an existing rule, the joint committee on agency rule review may extend the review date of the rule to a date that is not later than one hundred eighty days after the review date assigned to the rule by the agency. Not more than two such extensions may be allowed.	201 202 203 204 205
Sec. 106.031. If an agency, on the basis of its review of a rule under section 106.03 of the Revised Code, determines that the rule does not need to be amended or rescinded, proceedings shall be had as follows:	206 207 208 209
(A) (1) If, considering only the standard of review specified in division (A) (6) <u>(7)</u> of section 106.03 of the Revised Code, the rule has an adverse impact on businesses, the agency shall prepare a business impact analysis that describes its review of the rule under that division and that explains why the regulatory intent of the rule justifies its adverse impact on businesses. If the rule does not have an adverse impact on businesses, the agency may proceed under division (B) of this section.	210 211 212 213 214 215 216 217 218

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

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

(4) Not earlier than the sixteenth business day after transmitting the rule and analysis to the office, the agency shall either (a) proceed under divisions (A) (5) and (B) of this section or (b) commence, under division (B) (1) of section 106.03 of the Revised Code, the process of rescinding the rule or of amending the rule to incorporate into the rule features the recommendations suggest will eliminate or reduce the adverse impact the rule has on businesses. If the agency determines to amend or rescind the rule, the agency is not subject to the time limit specified in division (B) (1) of section 106.03 of the Revised Code.

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

(B) The agency shall assign a new review date to the rule. The review date assigned shall be not later than five years after the immediately preceding review date pertaining to the rule. If the agency assigns a review date that exceeds the five-year maximum, the review date is five years after the immediately preceding review date. The immediately preceding review date includes the date of the review of a rule under

section 106.032 of the Revised Code. 249

(C) (1) The agency shall file all the following, in 250
electronic form, with the joint committee on agency rule review, 251
the secretary of state, and the director of the legislative 252
service commission: a copy of the rule specifying its new review 253
date, a complete and accurate rule summary and fiscal analysis, 254
and, if relevant, a business impact analysis of the rule, any 255
recommendations received from the common sense initiative 256
office, and any memorandum of response. 257

(2) Subject to section 106.05 of the Revised Code, the 258
joint committee does not have jurisdiction to review, and shall 259
reject, the filing of a rule under division (C) (1) of this 260
section if, at any time while the rule is in its possession, it 261
discovers that the rule has an adverse impact on businesses and 262
the agency has not complied with division (A) of this section. 263
The joint committee shall electronically return a rule that is 264
rejected to the agency, together with any documents that were 265
part of the filing. Such a rejection does not preclude the 266
agency from refileing the rule under division (C) (1) of this 267
section after complying with division (A) of this section. When 268
the filing of a rule is rejected under this division, it is as 269
if the filing had not been made. 270

(D) The joint committee shall publish notice of the 271
agency's determination not to amend or rescind the rule in the 272
register of Ohio for four consecutive weeks after the rule is 273
filed under division (C) of this section. 274

(E) During the ninety-day period after a rule is filed 275
under division (C) of this section, but after the four-week 276
notice period required by division (D) of this section has 277
ended, the joint committee may recommend to the senate and house 278

of representatives the adoption of a concurrent resolution 279
invalidating the rule if the joint committee finds any of the 280
following: 281

(1) The agency improperly applied the standards in 282
division (A) of section 106.03 of the Revised Code in reviewing 283
the rule and in determining that the rule did not need amendment 284
or rescission. 285

(2) The rule has an adverse impact on businesses, and the 286
agency has failed to demonstrate through a business impact 287
analysis, recommendations from the common sense initiative 288
office, and a memorandum of response that the regulatory intent 289
of the rule justifies its adverse impact on businesses. 290

(3) If the rule incorporates a text or other material by 291
reference, any of the following applies: 292

(a) The citation accompanying the incorporation by 293
reference is not such as reasonably would enable a reasonable 294
person to whom the rule applies readily and without charge to 295
find and inspect the incorporated text or other material; 296

(b) The citation accompanying the incorporation by 297
reference is not such as reasonably would enable the joint 298
committee readily and without charge to find and inspect the 299
incorporated text or other material; or 300

(c) The rule has been exempted in whole or in part from 301
sections 121.71 to 121.74 of the Revised Code on grounds the 302
incorporated text or other material has one or more of the 303
characteristics described in division (B) of section 121.75 of 304
the Revised Code, but the incorporated text or other material 305
actually does not have any of those characteristics. 306

(4) If the agency is subject to sections 121.95, 121.951, 307

121.952, and 121.953 of the Revised Code, the agency has failed 308
to justify the retention of a rule containing a regulatory 309
restriction. 310

(5) The rule implements a federal law or rule in a manner 311
that is more stringent or burdensome than the federal law or 312
rule requires. 313

If the agency fails to comply with section 106.03 or 314
106.031 of the Revised Code, the joint committee shall afford 315
the agency an opportunity to appear before the joint committee 316
to show cause why the agency has not complied with either or 317
both of those sections. If the agency appears before the joint 318
committee at the time scheduled for the agency to show cause, 319
and fails to do so, the joint committee, by vote of a majority 320
of its members present, may recommend the adoption of a 321
concurrent resolution invalidating the rule for the agency's 322
failure to show cause. Or if the agency fails to appear before 323
the joint committee at the time scheduled for the agency to show 324
cause, the joint committee, by vote of a majority of its members 325
present, may recommend adoption of a concurrent resolution 326
invalidating the rule for the agency's default. 327

When the joint committee recommends that a rule be 328
invalidated, the recommendation does not suspend operation of 329
the rule, and the rule remains operational pending action by the 330
senate and house of representatives on the concurrent resolution 331
embodying the recommendation. If the senate and house of 332
representatives adopt the concurrent resolution, the rule is 333
invalid. If, however, the senate and house of representatives do 334
not adopt the resolution, the rule continues in effect, and 335
shall next be reviewed according to the new review date assigned 336
to the rule. 337

Sec. 107.57. (A) In the course of evaluating draft rules 338
and business impact analyses under sections 107.51 to 107.55 of 339
the Revised Code, or at any other time, the common sense 340
initiative office may review any rules containing regulatory 341
restrictions that a state agency is required to include in its 342
inventory of regulatory restrictions under section 121.95 of the 343
Revised Code. If the common sense initiative office determines, 344
based on the criteria described in division (A) of section 345
106.03 of the Revised Code, that a state agency should eliminate 346
a regulatory restriction, the common sense initiative office 347
shall notify the state agency that it is required to eliminate 348
that regulatory restriction, and the state agency shall 349
eliminate it. 350

(B) If a state agency objects to the elimination of a 351
regulatory restriction that the common sense initiative office 352
has determined should be eliminated under division (A) of this 353
section, the state agency may appeal that decision to the joint 354
committee on agency rule review. If the joint committee also 355
determines, based on the criteria described in division (A) of 356
section 106.03 of the Revised Code, that the state agency should 357
eliminate the regulatory restriction, the state agency shall 358
eliminate it. 359

(C) As used in this section, "state agency" has the same 360
meaning as in section 121.95 of the Revised Code. 361

Sec. 111.15. (A) As used in this section: 362

(1) "Rule" includes any rule, regulation, bylaw, or 363
standard having a general and uniform operation adopted by an 364
agency under the authority of the laws governing the agency; any 365
appendix to a rule; and any internal management rule. "Rule" 366
does not include any guideline adopted pursuant to section 367

3301.0714 of the Revised Code, any order respecting the duties 368
of employees, any finding, any determination of a question of 369
law or fact in a matter presented to an agency, or any rule 370
promulgated pursuant to Chapter 119. or division (C) (1) or (2) 371
of section 5117.02 of the Revised Code. "Rule" includes any 372
amendment or rescission of a rule. 373

(2) "Agency" means any governmental entity of the state 374
and includes, but is not limited to, any board, department, 375
division, commission, bureau, society, council, institution, 376
state college or university, community college district, 377
technical college district, or state community college. "Agency" 378
does not include the general assembly, the controlling board, 379
the adjutant general's department, or any court. 380

(3) "Internal management rule" means any rule, regulation, 381
bylaw, or standard governing the day-to-day staff procedures and 382
operations within an agency. 383

(B) (1) Any rule, other than a rule of an emergency nature, 384
adopted by any agency pursuant to this section shall be 385
effective on the tenth day after the day on which the rule in 386
final form and in compliance with division (B) (3) of this 387
section is filed as follows: 388

(a) The rule shall be filed in electronic form with both 389
the secretary of state and the director of the legislative 390
service commission; 391

(b) The rule shall be filed in electronic form with the 392
joint committee on agency rule review. Division (B) (1) (b) of 393
this section does not apply to any rule to which division (D) of 394
this section does not apply. 395

An agency that adopts or amends a rule that is subject to 396

division (D) of this section shall assign a review date to the 397
rule that is not later than five years after its effective date. 398
If a review date assigned to a rule exceeds the five-year 399
maximum, the review date for the rule is five years after its 400
effective date. A rule with a review date is subject to review 401
under section 106.03 of the Revised Code. This paragraph does 402
not apply to a rule of a state college or university, community 403
college district, technical college district, or state community 404
college. 405

If an agency in adopting a rule designates an effective 406
date that is later than the effective date provided for by 407
division (B) (1) of this section, the rule if filed as required 408
by such division shall become effective on the later date 409
designated by the agency. 410

Any rule that is required to be filed under division (B) 411
(1) of this section is also subject to division (D) of this 412
section if not exempted by that division. 413

If a rule incorporates a text or other material by 414
reference, the agency shall comply with sections 121.71 to 415
121.75 of the Revised Code. 416

(2) A rule of an emergency nature necessary for the 417
immediate preservation of the public peace, health, or safety 418
shall state the reasons for the necessity. The emergency rule, 419
in final form and in compliance with division (B) (3) of this 420
section, shall be filed in electronic form with the secretary of 421
state, the director of the legislative service commission, and 422
the joint committee on agency rule review. The emergency rule is 423
effective immediately upon completion of the latest filing, 424
except that if the agency in adopting the emergency rule 425
designates an effective date, or date and time of day, that is 426

later than the effective date and time provided for by division 427
(B) (2) of this section, the emergency rule if filed as required 428
by such division shall become effective at the later date, or 429
later date and time of day, designated by the agency. 430

Except as provided in section 107.43 of the Revised Code, 431
an emergency rule becomes invalid at the end of the one hundred 432
twentieth day it is in effect. Prior to that date, the agency 433
may file the emergency rule as a nonemergency rule in compliance 434
with division (B) (1) of this section. The agency may not refile 435
the emergency rule in compliance with division (B) (2) of this 436
section so that, upon the emergency rule becoming invalid under 437
such division, the emergency rule will continue in effect 438
without interruption for another one hundred twenty-day period. 439

The adoption of an emergency rule under division (B) (2) of 440
this section in response to a state of emergency, as defined 441
under section 107.42 of the Revised Code, may be invalidated by 442
the general assembly, in whole or in part, by adopting a 443
concurrent resolution in accordance with section 107.43 of the 444
Revised Code. 445

(3) An agency shall file a rule under division (B) (1) or 446
(2) of this section in compliance with the following standards 447
and procedures: 448

(a) The rule shall be numbered in accordance with the 449
numbering system devised by the director for the Ohio 450
administrative code. 451

(b) The rule shall be prepared and submitted in compliance 452
with the rules of the legislative service commission. 453

(c) The rule shall clearly state the date on which it is 454
to be effective and the date on which it will expire, if known. 455

(d) Each rule that amends or rescinds another rule shall 456
clearly refer to the rule that is amended or rescinded. Each 457
amendment shall fully restate the rule as amended. 458

If the director of the legislative service commission or 459
the director's designee gives an agency notice pursuant to 460
section 103.05 of the Revised Code that a rule filed by the 461
agency is not in compliance with the rules of the legislative 462
service commission, the agency shall within thirty days after 463
receipt of the notice conform the rule to the rules of the 464
commission as directed in the notice. 465

(C) All rules filed pursuant to divisions (B) (1) (a) and 466
(2) of this section shall be recorded by the secretary of state 467
and the director under the title of the agency adopting the rule 468
and shall be numbered according to the numbering system devised 469
by the director. The secretary of state and the director shall 470
preserve the rules in an accessible manner. Each such rule shall 471
be a public record open to public inspection and may be 472
transmitted to any law publishing company that wishes to 473
reproduce it. 474

(D) At least sixty-five days before a board, commission, 475
department, division, or bureau of the government of the state 476
files a rule under division (B) (1) of this section, it shall 477
file the full text of the proposed rule in electronic form with 478
the joint committee on agency rule review, and the proposed rule 479
is subject to legislative review and invalidation under section 480
106.021 of the Revised Code. If a state board, commission, 481
department, division, or bureau makes a revision in a proposed 482
rule after it is filed with the joint committee, the state 483
board, commission, department, division, or bureau shall 484
promptly file the full text of the proposed rule in its revised 485

form in electronic form with the joint committee. A state board, 486
commission, department, division, or bureau shall also file the 487
rule summary and fiscal analysis prepared under section 106.024 488
of the Revised Code in electronic form along with a proposed 489
rule, and along with a proposed rule in revised form, that is 490
filed under this division. If a proposed rule has an adverse 491
impact on businesses, the state board, commission, department, 492
division, or bureau also shall file the business impact 493
analysis, any recommendations received from the common sense 494
initiative office, and the associated memorandum of response, if 495
any, in electronic form along with the proposed rule, or the 496
proposed rule in revised form, that is filed under this 497
division. 498

A proposed rule that is subject to legislative review 499
under this division may not be adopted and filed in final form 500
under division (B) (1) of this section unless the proposed rule 501
has been filed with the joint committee on agency rule review 502
under this division and the time for the joint committee to 503
review the proposed rule has expired without recommendation of a 504
concurrent resolution to invalidate the proposed rule. 505

If a proposed rule that is subject to legislative review 506
under this division implements a federal law or rule, the agency 507
shall provide to the joint committee a citation to the federal 508
law or rule the proposed rule implements and a statement as to 509
whether the proposed rule implements the federal law or rule in 510
a manner that is more or less stringent or burdensome than the 511
federal law or rule requires. 512

As used in this division, "commission" includes the public 513
utilities commission when adopting rules under a federal or 514
state statute. 515

This division does not apply to any of the following:	516
(1) A proposed rule of an emergency nature;	517
(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;	518 519 520 521
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	522 523 524
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	525 526 527
(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:	528 529 530 531 532
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	533 534
(b) A citation to the federal law or rule that requires verbatim compliance.	535 536
(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	537 538 539 540 541 542 543

section; 544

(7) A rule of the state lottery commission pertaining to 545
instant game rules. 546

If a rule is exempt from legislative review under division 547
(D) (5) of this section, and if the federal law or rule pursuant 548
to which the rule was adopted expires, is repealed or rescinded, 549
or otherwise terminates, the rule is thereafter subject to 550
legislative review under division (D) of this section. 551

Whenever a state board, commission, department, division, 552
or bureau files a proposed rule or a proposed rule in revised 553
form under division (D) of this section, it shall also file the 554
full text of the same proposed rule or proposed rule in revised 555
form in electronic form with the secretary of state and the 556
director of the legislative service commission. A state board, 557
commission, department, division, or bureau shall file the rule 558
summary and fiscal analysis prepared under section 106.024 of 559
the Revised Code in electronic form along with a proposed rule 560
or proposed rule in revised form that is filed with the 561
secretary of state or the director of the legislative service 562
commission. 563

Sec. 119.03. In the adoption, amendment, or rescission of 564
any rule, an agency shall comply with the following procedure: 565

(A) Reasonable public notice shall be given in the 566
register of Ohio at least thirty days prior to the date set for 567
a hearing, in the form the agency determines. The agency shall 568
file copies of the public notice under division (B) of this 569
section. (The agency gives public notice in the register of Ohio 570
when the public notice is published in the register under that 571
division.) 572

The public notice shall include:	573
(1) A statement of the agency's intention to consider adopting, amending, or rescinding a rule;	574 575
(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;	576 577 578
(3) A statement of the reason or purpose for adopting, amending, or rescinding the rule;	579 580
(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.	581 582 583 584
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.	585 586 587 588 589
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.	590 591 592 593
(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	594 595 596 597 598 599 600 601

of the proposed rules, amendments, or rescissions, the agency 602
shall file only one notice with the secretary of state and with 603
the director for all of the proposed rules, amendments, or 604
rescissions to which the notice applies.) The proposed rule, 605
amendment, or rescission and public notice shall be filed as 606
required by this division at least sixty-five days prior to the 607
date on which the agency, in accordance with division (E) of 608
this section, issues an order adopting the proposed rule, 609
amendment, or rescission. 610

If the proposed rule, amendment, or rescission 611
incorporates a text or other material by reference, the agency 612
shall comply with sections 121.71 to 121.75 of the Revised Code. 613

The proposed rule, amendment, or rescission shall be 614
available for at least thirty days prior to the date of the 615
hearing at the office of the agency in printed or other legible 616
form without charge to any person affected by the proposal. 617
Failure to furnish such text to any person requesting it shall 618
not invalidate any action of the agency in connection therewith. 619

If the agency files a revision in the text of the proposed 620
rule, amendment, or rescission, it shall also promptly file the 621
full text of the proposed rule, amendment, or rescission in its 622
revised form in electronic form with the secretary of state and 623
with the director of the legislative service commission. 624

The agency shall file the rule summary and fiscal analysis 625
prepared under section 106.024 of the Revised Code in electronic 626
form along with a proposed rule, amendment, or rescission or 627
proposed rule, amendment, or rescission in revised form that is 628
filed with the secretary of state or the director of the 629
legislative service commission. 630

The agency shall file the hearing report relating to a 631
proposed rule, amendment, or rescission in electronic form with 632
the secretary of state and the director of the legislative 633
service commission at the same time the agency files the hearing 634
report with the joint committee on agency rule review. 635

The director of the legislative service commission shall 636
publish in the register of Ohio the full text of the original 637
and each revised version of a proposed rule, amendment, or 638
rescission; the full text of a public notice; the full text of a 639
rule summary and fiscal analysis; and the full text of a hearing 640
report that is filed with the director under this division. 641

(C) When an agency files a proposed rule, amendment, or 642
rescission under division (B) of this section, it also shall 643
file in electronic form with the joint committee on agency rule 644
review the full text of the proposed rule, amendment, or rule to 645
be rescinded in the same form and the public notice required 646
under division (A) of this section. (If in compliance with this 647
division an agency files more than one proposed rule, amendment, 648
or rescission at the same time, and has given a public notice 649
under division (A) of this section that applies to more than one 650
of the proposed rules, amendments, or rescissions, the agency 651
shall file only one notice with the joint committee for all of 652
the proposed rules, amendments, or rescissions to which the 653
notice applies.) The proposed rule, amendment, or rescission is 654
subject to legislative review and invalidation under sections 655
106.02, 106.021, and 106.022 of the Revised Code. If the agency 656
makes a revision in a proposed rule, amendment, or rescission 657
after it is filed with the joint committee, the agency promptly 658
shall file the full text of the proposed rule, amendment, or 659
rescission in its revised form in electronic form with the joint 660
committee. 661

An agency shall file the rule summary and fiscal analysis 662
prepared under section 106.024 of the Revised Code in electronic 663
form along with a proposed rule, amendment, or rescission, and 664
along with a proposed rule, amendment, or rescission in revised 665
form, that is filed under this division. 666

If a proposed rule, amendment, or rescission has an 667
adverse impact on businesses, the agency also shall file the 668
business impact analysis, any recommendations received from the 669
common sense initiative office, and the agency's memorandum of 670
response, if any, in electronic form along with the proposed 671
rule, amendment, or rescission, or along with the proposed rule, 672
amendment, or rescission in revised form, that is filed under 673
this division. 674

The agency shall file the hearing report in electronic 675
form with the joint committee before the joint committee holds 676
its public hearing on the proposed rule, amendment, or 677
rescission. The filing of a hearing report does not constitute a 678
revision of the proposed rule, amendment, or rescission to which 679
the hearing report relates. 680

If the proposed rule, amendment, or rescission requires 681
liability insurance, a bond, or any other financial 682
responsibility instrument as a condition of licensure, the 683
agency shall conduct a diligent search to determine if the 684
liability insurance, bond, or other financial responsibility 685
instrument is readily available in the amounts required as a 686
condition of licensure, and shall certify to the joint committee 687
that the search was conducted. 688

If the proposed rule, amendment, or rescission implements 689
a federal law or rule, the agency shall provide to the joint 690
committee a citation to the federal law or rule the proposed 691

rule, amendment, or rescission implements and a statement as to 692
whether the proposed rule implements the federal law or rule in 693
a manner that is more or less stringent or burdensome than the 694
federal law or rule requires. 695

A proposed rule, amendment, or rescission that is subject 696
to legislative review under this division may not be adopted 697
under division (E) of this section or filed in final form under 698
section 119.04 of the Revised Code unless the proposed rule, 699
amendment, or rescission has been filed with the joint committee 700
on agency rule review under this division and the time for 701
legislative review of the proposed rule, amendment, or 702
rescission has expired without adoption of a concurrent 703
resolution to invalidate the proposed rule, amendment, or 704
rescission. 705

This division does not apply to: 706

(1) An emergency rule, amendment, or rescission; 707

(2) A proposed rule, amendment, or rescission that must be 708
adopted verbatim by an agency pursuant to federal law or rule, 709
to become effective within sixty days of adoption, in order to 710
continue the operation of a federally reimbursed program in this 711
state, so long as the proposed rule contains both of the 712
following: 713

(a) A statement that it is proposed for the purpose of 714
complying with a federal law or rule; 715

(b) A citation to the federal law or rule that requires 716
verbatim compliance. 717

(3) A proposed rule, amendment, or rescission that, as set 718
forth in section 3719.41 of the Revised Code, must be adopted by 719
the state board of pharmacy pursuant to federal law or rule, to 720

become effective within sixty days of adoption, so long as the 721
proposed rule contains a statement that it is proposed for the 722
purpose of complying with federal law or rule. 723

If a rule or amendment is exempt from legislative review 724
under division (C) (2) of this section, and if the federal law or 725
rule pursuant to which the rule or amendment was adopted 726
expires, is repealed or rescinded, or otherwise terminates, the 727
rule or amendment, or its rescission, is thereafter subject to 728
legislative review under division (C) of this section. 729

(D) On the date and at the time and place designated in 730
the notice, the agency shall conduct a public hearing at which 731
any person affected by the proposed action of the agency may 732
appear and be heard in person, by the person's attorney, or 733
both, may present the person's position, arguments, or 734
contentions, orally or in writing, offer and examine witnesses, 735
and present evidence tending to show that the proposed rule, 736
amendment, or rescission, if adopted or effectuated, will be 737
unreasonable or unlawful. An agency may permit persons affected 738
by the proposed rule, amendment, or rescission to present their 739
positions, arguments, or contentions in writing, not only at the 740
hearing, but also for a reasonable period before, after, or both 741
before and after the hearing. A person who presents a position 742
or arguments or contentions in writing before or after the 743
hearing is not required to appear at the hearing. 744

At the hearing, the testimony shall be recorded. Such 745
record shall be made at the expense of the agency. The agency is 746
required to transcribe a record that is not sight readable only 747
if a person requests transcription of all or part of the record 748
and agrees to reimburse the agency for the costs of the 749
transcription. An agency may require the person to pay in 750

advance all or part of the cost of the transcription. 751

In any hearing under this section the agency may 752
administer oaths or affirmations. 753

The agency shall consider the positions, arguments, or 754
contentions presented at, or before or after, the hearing. The 755
agency shall prepare a hearing summary of the positions, 756
arguments, or contentions, and of the issues raised by the 757
positions, arguments, or contentions. The agency then shall 758
prepare a hearing report explaining, with regard to each issue, 759
how it is reflected in the rule, amendment, or rescission. If an 760
issue is not reflected in the rule, amendment, or rescission, 761
the hearing report shall explain why the issue is not reflected. 762
The agency shall include the hearing summary in the hearing 763
report as an appendix thereto. And, in the hearing report, the 764
agency shall identify the proposed rule, amendment, or 765
rescission to which the hearing report relates. 766

(E) After divisions (A), (B), (C), and (D) of this section 767
have been complied with, and when the time for legislative 768
review under sections 106.02, 106.022, and 106.023 of the 769
Revised Code has expired without adoption of a concurrent 770
resolution to invalidate the proposed rule, amendment, or 771
rescission, the agency may issue an order adopting the proposed 772
rule or the proposed amendment or rescission of the rule, 773
consistent with the synopsis or general statement included in 774
the public notice. At that time the agency shall designate the 775
effective date of the rule, amendment, or rescission, which 776
shall not be earlier than the tenth day after the rule, 777
amendment, or rescission has been filed in its final form as 778
provided in section 119.04 of the Revised Code. 779

(F) Prior to the effective date of a rule, amendment, or 780

rescission, the agency shall make a reasonable effort to inform 781
those affected by the rule, amendment, or rescission and to have 782
available for distribution to those requesting it the full text 783
of the rule as adopted or as amended. 784

(G) (1) If the governor, upon the request of an agency, 785
determines that an emergency requires the immediate adoption, 786
amendment, or rescission of a rule, the governor shall issue an 787
order, the text of which shall be filed in electronic form with 788
the agency, the secretary of state, the director of the 789
legislative service commission, and the joint committee on 790
agency rule review, that the procedure prescribed by this 791
section with respect to the adoption, amendment, or rescission 792
of a specified rule is suspended. The agency may then adopt 793
immediately the emergency rule, amendment, or rescission and it 794
becomes effective on the date the rule, amendment, or 795
rescission, in final form and in compliance with division (A) (2) 796
of section 119.04 of the Revised Code, is filed in electronic 797
form with the secretary of state, the director of the 798
legislative service commission, and the joint committee on 799
agency rule review. The director shall publish the full text of 800
the emergency rule, amendment, or rescission in the register of 801
Ohio. 802

Except as provided in division (G) (2) of this section, or 803
section 107.43 of the Revised Code, the emergency rule, 804
amendment, or rescission shall become invalid at the end of the 805
one hundred twentieth day it is in effect. Prior to that date 806
the agency may adopt the emergency rule, amendment, or 807
rescission as a nonemergency rule, amendment, or rescission by 808
complying with the procedure prescribed by this section for the 809
adoption, amendment, and rescission of nonemergency rules. The 810
agency shall not use the procedure of division (G) (1) of this 811

section to readopt the emergency rule, amendment, or rescission 812
so that, upon the emergency rule, amendment, or rescission 813
becoming invalid under division (G) (1) of this section, the 814
emergency rule, amendment, or rescission will continue in effect 815
without interruption for another one-hundred-twenty-day period, 816
except when section 106.02 of the Revised Code prevents the 817
agency from adopting the emergency rule, amendment, or 818
rescission as a nonemergency rule, amendment, or rescission 819
within the one-hundred-twenty-day period. 820

Division (G) (1) of this section does not apply to the 821
adoption of any emergency rule, amendment, or rescission by the 822
tax commissioner under division (C) (2) of section 5117.02 of the 823
Revised Code. 824

(2) An emergency rule or amendment adding a substance to a 825
controlled substance schedule shall become invalid at the end of 826
the one hundred eightieth day it is in effect. Prior to that 827
date, the state board of pharmacy may adopt the emergency rule 828
or amendment as a nonemergency rule or amendment by complying 829
with the procedure prescribed by this section for adoption and 830
amendment of nonemergency rules. The board shall not use the 831
procedure of division (G) (1) of this section to readopt the 832
emergency rule or amendment so that, upon the emergency rule or 833
amendment becoming invalid under division (G) (2) of this 834
section, the emergency rule or amendment will continue in effect 835
beyond the one-hundred-eighty-day period. 836

(3) The general assembly, by adopting a concurrent 837
resolution, and in accordance with section 107.43 of the Revised 838
Code, may do either of the following: 839

(a) Invalidate, in whole or in part, an emergency rule 840
adopted or amended by an agency in response to a state of 841

emergency, as defined under section 107.42 of the Revised Code, 842
under division (G) (1) of this section; 843

(b) Authorize an agency to readopt, in whole or in part, a 844
rule that was rescinded in response to a state of emergency 845
under division (G) (1) of this section. 846

(H) Rules adopted by an authority within the department of 847
job and family services for the administration or enforcement of 848
Chapter 4141. of the Revised Code or of the department of 849
taxation shall be effective without a hearing as provided by 850
this section if the statutes pertaining to such agency 851
specifically give a right of appeal to the board of tax appeals 852
or to a higher authority within the agency or to a court, and 853
also give the appellant a right to a hearing on such appeal. 854
This division does not apply to the adoption of any rule, 855
amendment, or rescission by the tax commissioner under division 856
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 857
the right to file an action for declaratory judgment as provided 858
in Chapter 2721. of the Revised Code from the decision of the 859
board of tax appeals or of the higher authority within such 860
agency. 861

Sec. 121.031. The administrative department head of an 862
administrative department created under section 121.02 of the 863
Revised Code or an administrative department head appointed 864
under section 121.03 of the Revised Code may direct an otherwise 865
independent official or state agency that is organized under the 866
administrative department or administrative department head as 867
necessary to achieve reductions in regulatory restrictions in 868
rules in compliance with sections 121.95, 121.951, 121.952, 869
121.953, and 121.954 of the Revised Code. 870

Sec. 121.95. (A) As used in ~~this section~~sections 121.95, 871

121.951, 121.952, 121.953, and 121.954 of the Revised Code, 872
"state agency" means an administrative department created under 873
section 121.02 of the Revised Code, an administrative department 874
head appointed under section 121.03 of the Revised Code, and a 875
state agency organized under an administrative department or 876
administrative department head. "State agency" also includes the 877
department of education, the state lottery commission, the Ohio 878
casino control commission, the state racing commission, and the 879
public utilities commission of Ohio. Rules adopted by an 880
otherwise independent official or entity organized under a state 881
agency shall be attributed to the agency under which the 882
official or entity is organized for the purposes of ~~this~~ 883
~~section~~sections 121.95, 121.951, 121.952, 121.953, and 121.954 884
of the Revised Code. 885

(B) Not later than December 31, 2019, a state agency shall 886
review its existing rules to identify rules having one or more 887
regulatory restrictions that require or prohibit an action and 888
prepare a base inventory of the regulatory restrictions in its 889
existing rules. Rules that include the words "shall," "must," 890
"require," "shall not," "may not," and "prohibit" shall be 891
considered to contain regulatory restrictions. 892

(C) In the base inventory, the state agency shall indicate 893
all of the following concerning each regulatory restriction: 894

(1) A description of the regulatory restriction; 895

(2) The rule number of the rule in which the regulatory 896
restriction appears; 897

(3) The statute under which the regulatory restriction was 898
adopted; 899

(4) Whether state or federal law expressly and 900

specifically requires the agency to adopt the regulatory 901
restriction or the agency adopted the regulatory restriction 902
under the agency's general authority; 903

(5) Whether removing the regulatory restriction would 904
require a change to state or federal law, provided that removing 905
a regulatory restriction adopted under a law granting the agency 906
general authority shall be presumed not to require a change to 907
state or federal law; 908

(6) Any other information the joint committee on agency 909
rule review considers necessary. 910

(D) The state agency shall compute and state the total 911
number of regulatory restrictions indicated in the base 912
inventory, shall post the base inventory on its web site, and 913
shall electronically transmit a copy of the inventory to the 914
joint committee. The joint committee shall review the base 915
inventory, then transmit it electronically to the speaker of the 916
house of representatives and the president of the senate. 917

(E) The following types of rules or regulatory 918
restrictions are not required to be included in a state agency's 919
inventory of regulatory restrictions: 920

(1) An internal management rule; 921

(2) An emergency rule; 922

(3) A rule that state or federal law requires the state 923
agency to adopt verbatim; 924

(4) A regulatory restriction contained in materials or 925
documents incorporated by reference into a rule pursuant to 926
sections 121.71 to 121.75 of the Revised Code; 927

(5) A rule adopted pursuant to section 1347.15 of the 928

Revised Code;	929
(6) A rule concerning instant lottery games;	930
(7) Any other rule that is not subject to review under Chapter 106. of the Revised Code.	931 932
(F) Beginning on the effective date of this section and ending on June 30, 2023 2025, a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. The state agency may not satisfy this section by merging two or more existing regulatory restrictions into a single surviving regulatory restriction.	933 934 935 936 937 938 939
<u>Sec. 121.951. (A) (1) Using the criteria listed in division (A) of section 106.03 of the Revised Code, a state agency shall amend or rescind rules identified in its base inventory of regulatory restrictions prepared under section 121.95 of the Revised Code as necessary to reduce the total number of regulatory restrictions by thirty per cent, according to the following schedule:</u>	940 941 942 943 944 945 946
<u>(a) A ten per cent reduction not later than June 30, 2023;</u>	947
<u>(b) A twenty per cent reduction not later than June 30, 2024; and</u>	948 949
<u>(c) The thirty per cent reduction not later than June 30, 2025.</u>	950 951
<u>When a state agency has achieved a reduction of any percentage in regulatory restrictions, whether or not as specified in this section, the state agency may not adopt or maintain regulatory restrictions that would negate the reduction.</u>	952 953 954 955 956

(2) Beginning July 1, 2025, a state agency that has not 957
achieved the specified thirty per cent reduction may not adopt a 958
new regulatory restriction unless it simultaneously removes two 959
or more other existing regulatory restrictions, until the 960
specified thirty per cent reduction has been achieved. The state 961
agency may not fulfill this requirement by merging two or more 962
existing regulatory restrictions into a single surviving 963
regulatory restriction. 964

(3) A state agency is encouraged to continue to reduce 965
regulatory restrictions after it has achieved the specified 966
thirty per cent reduction. 967

(B) (1) Not later than September 15, 2022, a state agency 968
shall prepare an historical report of its progress in reducing 969
regulatory restrictions over the period of time beginning when 970
the agency prepared its base inventory under section 121.95 of 971
the Revised Code and ending on June 30, 2022. Annually 972
thereafter, a state agency shall prepare an historical report of 973
its progress in reducing regulatory restrictions over the 974
preceding fiscal year. The state agency shall explain in the 975
report how it applied the criteria described in division (A) of 976
section 106.03 of the Revised Code to its determinations as to 977
which regulatory restrictions to amend or rescind. The state 978
agency shall include a revised inventory of regulatory 979
restrictions with the report. 980

(2) In the revised inventory, in addition to the 981
information required by section 121.95 of the Revised Code, the 982
state agency shall compute the percentage net reduction in 983
regulatory restrictions by subtracting the current number of 984
regulatory restrictions from the number of regulatory 985
restrictions identified in the base inventory and then dividing 986

the resulting number by the number of regulatory restrictions in 987
the base inventory. 988

(3) The state agency shall transmit the report 989
electronically to the joint committee on agency rule review. The 990
joint committee shall review the report and shall transmit it 991
electronically to the speaker of the house of representatives 992
and the president of the senate. The state agency shall continue 993
preparing and transmitting annual reports until it has reported 994
that it has achieved the required reduction in regulatory 995
restrictions. 996

Sec. 121.952. (A) If a state agency fails to reduce 997
regulatory restrictions by a required percentage within one 998
hundred twenty days after a reduction deadline in section 999
121.951 of the Revised Code, the joint committee on agency rule 1000
review shall afford the state agency an opportunity to appear 1001
before the joint committee to show cause why the agency's 1002
required reduction in regulatory restrictions should be 1003
lessened. If the joint committee determines that the state 1004
agency has shown cause, the joint committee shall determine a 1005
lessened required reduction in regulatory restrictions for that 1006
agency and shall submit a written report to the speaker of the 1007
house of representatives and the president of the senate, 1008
indicating the lessened required reduction in regulatory 1009
restrictions for that agency and the reason the joint committee 1010
determined that lessened required reduction. 1011

(B) (1) If a state agency fails to reduce regulatory 1012
restrictions by a required percentage as described in division 1013
(A) of this section because the agency's base inventory contains 1014
regulatory restrictions that adopt or implement a federal law or 1015
rule, the agency may submit both of the following to the joint 1016

committee: 1017

(a) A modified inventory of the agency's regulatory 1018
restrictions consisting of the agency's base inventory prepared 1019
under section 121.95 of the Revised Code minus any rule that the 1020
agency identifies as implementing a federal law or rule in a 1021
manner that is not more stringent or burdensome than the federal 1022
law or rule requires; 1023

(b) A written analysis explaining how each rule identified 1024
by the agency implements a federal law or rule in a manner that 1025
is not more stringent or burdensome than the federal law or rule 1026
requires. 1027

(2) At the appearance before the joint committee described 1028
in division (A) of this section, the joint committee may lessen 1029
the agency's required reduction in regulatory restrictions based 1030
on the modified inventory submitted by the agency. 1031

Sec. 121.953. (A) Effective July 1, 2025, the number of 1032
regulatory restrictions in this state shall not exceed a number 1033
of regulatory restrictions determined by the joint committee on 1034
agency rule review in accordance with this section. The joint 1035
committee shall determine that number by calculating, for each 1036
agency, the number of regulatory restrictions identified by the 1037
agency in the base inventory prepared under section 121.95 of 1038
the Revised Code, minus the number of regulatory restrictions 1039
that represents the percentage reduction the state agency is 1040
required to achieve, and then totaling the resulting numbers for 1041
all state agencies. The joint committee shall consider any 1042
lessened required reductions under section 121.952 of the 1043
Revised Code. 1044

(B) A state agency shall contact the joint committee 1045

before submitting a proposed rule containing a regulatory 1046
restriction, and the joint committee shall determine whether 1047
adopting the regulatory restriction would cause the state to 1048
exceed the number of regulatory restrictions permitted under 1049
this section. A state agency may not adopt a rule if by adopting 1050
the rule the state agency would cause the number of regulatory 1051
restrictions to exceed the state limit as determined by the 1052
joint committee. 1053

Sec. 121.954. Notwithstanding any provision of section 1054
121.95 of the Revised Code to the contrary, sections 121.95, 1055
121.951, 121.952, and 121.953 of the Revised Code do not apply 1056
to rules adopted by the Ohio casino control commission under 1057
Chapter 3775. of the Revised Code. 1058

Sec. 4301.171. (A) As used in this section: 1059

(1) "Broker" and "solicitor" have the same meanings as in 1060
rules adopted by the superintendent of liquor control under 1061
section 4303.25 of the Revised Code. 1062

(2) "Tasting sample" means a small amount of spirituous 1063
liquor that is provided in a serving of not more than a quarter 1064
ounce of spirituous liquor and, if provided, not more than one 1065
ounce of nonalcoholic mixer to an authorized purchaser and that 1066
allows the purchaser to determine, by tasting only, the quality 1067
and character of the beverage. 1068

(3) "Trade marketing company" means a company that 1069
solicits the purchase of beer and intoxicating liquor and 1070
educates the public about beer and intoxicating liquor. 1071

(4) "Trade marketing professional" means an individual who 1072
is an employee of, or is under contract with, a trade marketing 1073
company and who has successfully completed a training program 1074

described in section 4301.253 of the Revised Code. 1075

(B) Notwithstanding section 4301.24 of the Revised Code, 1076
an agency store to which a D-8 permit has been issued may allow 1077
a trade marketing professional, broker, or solicitor to offer 1078
for sale tasting samples of spirituous liquor when conducted in 1079
accordance with this section. A tasting sample shall not be sold 1080
for the purpose of general consumption. 1081

(C) Tasting samples of spirituous liquor may be offered 1082
for sale at an agency store by a trade marketing professional, 1083
broker, or solicitor if all of the following apply: 1084

(1) The tasting samples are sold only in the area of the 1085
agency store in which spirituous liquor is sold and that area is 1086
open to the public. 1087

(2) The tasting samples are sold only by the trade 1088
marketing professional, broker, or solicitor. 1089

(3) The spirituous liquor is registered under division (A) 1090
(8) of section 4301.10 of the Revised Code. 1091

(4) Not less than ten business days prior to the sale, the 1092
trade marketing professional, broker, or solicitor has provided 1093
written notice to the division of liquor control of the date and 1094
time of the sampling, and of the type and brand of spirituous 1095
liquor to be sampled at the agency store. 1096

(D) A sale of tasting samples of spirituous liquor is 1097
subject to rules adopted by the superintendent of liquor control 1098
or the liquor control commission. 1099

(E) An offering for sale of tasting samples of spirituous 1100
liquor shall be limited to a period of not more than two hours. 1101

(F) For purposes of offering for sale tasting samples of 1102

spirituous liquor, a trade marketing professional, broker, or 1103
solicitor shall purchase the spirituous liquor from the agency 1104
store at the current retail price. An authorized purchaser shall 1105
be charged not less than fifty cents for each tasting sample of 1106
spirituous liquor. When the sale of tasting samples of 1107
spirituous liquor at an agency store is completed, any bottles 1108
of spirituous liquor used to provide tasting samples that are 1109
not empty shall be marked as "sample" and removed from the 1110
agency store by the trade marketing professional, broker, or 1111
solicitor, as applicable. 1112

(G) No trade marketing professional, broker, or solicitor 1113
shall do any of the following: 1114

(1) Advertise the offering for sale of tasting samples of 1115
spirituous liquor other than at the agency store where the 1116
tasting samples will be offered or as provided in section 1117
4301.245 of the Revised Code; 1118

(2) Solicit orders or make sales of tasting samples of 1119
spirituous liquor for quantities greater than those specified in 1120
division (G) (3) of this section; 1121

(3) Allow any authorized purchaser to consume more than 1122
four tasting samples of spirituous liquor per day. 1123

(H) The purchase of a tasting sample of spirituous liquor 1124
shall not be contingent upon the purchase of any other product 1125
from an agency store. 1126

(I) No employee of an agency store that allows the sale of 1127
tasting samples of spirituous liquor shall purchase or consume a 1128
tasting sample while on duty. 1129

(J) If an employee of an agency store that allows the sale 1130
of tasting samples of spirituous liquor consumes a tasting 1131

sample of spirituous liquor, the employee shall not perform the 1132
employee's duties and responsibilities at the agency store on 1133
the day the tasting sample is consumed. 1134

(K) No person under twenty-one years of age shall consume 1135
a tasting sample of spirituous liquor. 1136

(L) Not more than ten events at which the sale of tasting 1137
samples of spirituous liquor are offered shall occur at an 1138
agency store in a calendar month provided that: 1139

(1) Not more than two events shall occur in the same day; 1140
and 1141

(2) There is not less than one hour between the end of one 1142
event and the beginning of the next event. 1143

(M) No trade marketing professional, trade marketing 1144
company, broker, solicitor, owner or operator of an agency 1145
store, or an agent or employee of the owner or operator shall 1146
violate this section or any rules adopted by the superintendent 1147
or the commission for the purposes of this section. 1148

Sec. 4301.245. (A) As used in this section: 1149

(1) "Broker" and "solicitor" have the same meanings as in 1150
rules adopted by the superintendent of liquor control under 1151
section 4303.25 of the Revised Code. 1152

(2) "On-premises brand promotion" means a promotion of a 1153
brand of beer or intoxicating liquor by a distributor, 1154
manufacturer, trade marketing professional, solicitor, or broker 1155
of that brand at a retail permit premises. 1156

(3) "Product location communication" means a listing or 1157
program that allows an individual to determine the availability 1158
of a specific brand of beer or intoxicating liquor at retail 1159

permit holders or agency stores in a certain geographic area. 1160

(4) "Social media" means a service, platform, or web site 1161
where users communicate with one another free of charge and 1162
share media such as pictures, videos, music, and blogs. "Social 1163
media" includes the web site of a distributor, manufacturer, 1164
trade marketing professional, solicitor, or broker. 1165

(5) "Trade marketing professional" has the same meaning as 1166
in section 4301.171 of the Revised Code. 1167

(B) Notwithstanding section 4301.24 of the Revised Code 1168
and except as provided in division (C) of this section, a 1169
distributor, manufacturer, trade marketing professional, 1170
solicitor, or broker may use free services provided by social 1171
media to advertise any of the following: 1172

(1) An on-premises brand promotion; 1173

(2) Beer, wine, or spirituous liquor ~~tastings~~ tasting 1174
samples sold in accordance with this chapter or Chapter 4303. of 1175
the Revised Code; 1176

(3) A product location communication. 1177

(C) No distributor, manufacturer, trade marketing 1178
professional, solicitor, or broker shall use free services 1179
provided by social media to advertise to persons under twenty- 1180
one years of age. 1181

Sec. 4301.58. (A) As used in this section: 1182

(1) "Charitable organization" is an organization described 1183
under section 501(c)(3) of the Internal Revenue Code and exempt 1184
from federal income taxation under section 501(a) of the 1185
Internal Revenue Code. 1186

(2) "Fundraiser" means a raffle, silent auction, or event	1187
where a door prize is awarded.	1188
(3) "Political organization" means a political	1189
organization defined under section 527 of the Internal Revenue	1190
Code.	1191
(4) "Raffle" means a raffle conducted in accordance with	1192
Chapter 2915. of the Revised Code.	1193
(5) "Silent auction" means a method of submitting bids in	1194
writing by one or more persons and, after a review of all the	1195
bids received, personal property is awarded to the highest and	1196
most responsive bidder.	1197
(B) No person, personally or by the person's clerk, agent,	1198
or employee, who is not the holder of an A permit issued by the	1199
division of liquor control, in force at the time, and	1200
authorizing the manufacture of beer or intoxicating liquor, or	1201
who is not an agent or employee of the division authorized to	1202
manufacture such beer or intoxicating liquor, shall manufacture	1203
any beer or intoxicating liquor for sale, or shall manufacture	1204
spirituous liquor.	1205
(C) No person, personally or by the person's clerk, agent,	1206
or employee, who is not the holder of an A, B, C, D, E, F, G, I,	1207
or S permit issued by the division, in force at the time, and	1208
authorizing the sale of beer, intoxicating liquor, or alcohol,	1209
or who is not an agent or employee of the division or the tax	1210
commissioner authorized to sell such beer, intoxicating liquor,	1211
or alcohol, shall sell, keep, or possess beer, intoxicating	1212
liquor, or alcohol for sale to any persons other than those	1213
authorized by Chapters 4301. and 4303. of the Revised Code to	1214
purchase any beer or intoxicating liquor, or sell any alcohol at	1215

retail. 1216

(D) No person, personally or by the person's clerk, agent, 1217
or employee, who is the holder of a permit issued by the 1218
division, shall sell, keep, or possess for sale any intoxicating 1219
liquor not purchased from the division or from the holder of a 1220
permit issued by the division authorizing the sale of such 1221
intoxicating liquor unless the same has been purchased with the 1222
special consent of the division. The division shall revoke the 1223
permit of any person convicted of a violation of division (C) of 1224
this section. 1225

(E) Division ~~(B)~~(C) of this section does not apply to 1226
either of the following: 1227

(1) The sale or possession for sale of any low-alcohol 1228
beverage; 1229

(2) Beer and intoxicating liquor that is given away if all 1230
of the following apply: 1231

(a) The beer or intoxicating liquor is given away by a 1232
charitable or political organization to a participant in a 1233
fundraiser. 1234

(b) Any beer, wine, or mixed beverages given away via the 1235
fundraiser is purchased from a person issued a permit under 1236
Chapter 4303. of the Revised Code. 1237

(c) Any spirituous liquor given away via the fundraiser is 1238
purchased from an agency store located in this state. 1239

(d) Regarding any spirituous liquor donated to the 1240
charitable or political organization for purposes of the 1241
fundraiser, the donor is not an agency store located in this 1242
state and submits to the charitable or political organization 1243

receipts showing that the donor purchased the spirituous liquor 1244
from an agency store located in this state. 1245

(e) The charitable or political organization submits 1246
purchase receipts for the spirituous liquor given away via a 1247
fundraiser to the division of liquor control as proof that the 1248
spirituous liquor was purchased from an agency store located in 1249
this state. The charitable or political organization shall 1250
submit the receipts in accordance with procedures that the 1251
division shall establish. 1252

Sec. 4305.14. (A) The following questions regarding the 1253
sale of beer by holders of C or D permits may be presented to 1254
the qualified electors of an election precinct: 1255

(1) "Shall the sale of beer as defined in section 4305.08 1256
of the Revised Code under permits which authorize sale for off- 1257
premises consumption only be permitted within this precinct?" 1258

(2) "Shall the sale of beer as defined in section 4305.08 1259
of the Revised Code under permits which authorize sale for on- 1260
premises consumption only, and under permits which authorize 1261
sale for both on-premises and off-premises consumption, be 1262
permitted in this precinct?" 1263

The exact wording of the question as submitted and form of 1264
ballot as printed shall be determined by the board of elections 1265
in the county wherein the election is held, subject to approval 1266
of the secretary of state. 1267

Upon the request of an elector, a board of elections of a 1268
county that encompasses an election precinct shall furnish to 1269
the elector a copy of the instructions prepared by the secretary 1270
of state under division (P) of section 3501.05 of the Revised 1271
Code and, within fifteen days after the request, with a 1272

certificate indicating the number of valid signatures that will 1273
be required on a petition to hold a special election in that 1274
precinct on either or both of the questions specified in this 1275
section. 1276

The board shall provide to a petitioner, at the time the 1277
petitioner takes out a petition, the names of the streets and, 1278
if appropriate, the address numbers of residences and business 1279
establishments within the precinct in which the election is 1280
sought, and a form prescribed by the secretary of state for 1281
notifying affected permit holders of the circulation of a 1282
petition for an election for the submission of one or more of 1283
the questions specified in division (A) of this section. The 1284
petitioner shall, not less than fifty-five days before the 1285
petition-filing deadline for an election provided for in this 1286
section, file with the division of liquor control the 1287
information regarding names of streets and, if appropriate, 1288
address numbers of residences and business establishments 1289
provided by the board of elections, and specify to the division 1290
the precinct that is concerned or that would be affected by the 1291
results of the election and the filing deadline. The division 1292
shall, within a reasonable period of time and not later than 1293
twenty-five days before the filing deadline, supply the 1294
petitioner with a list of the names and addresses of permit 1295
holders who would be affected by the election. The list shall 1296
contain a heading with the following words: "liquor permit 1297
holders who would be affected by the question(s) set forth on a 1298
petition for a local option election." 1299

Within five days after receiving from the division the 1300
list of liquor permit holders who would be affected by the 1301
question or questions set forth on a petition for local option 1302
election, the petitioner shall, using the form provided by the 1303

board of elections, notify by certified mail each permit holder 1304
whose name appears on that list. The form for notifying affected 1305
permit holders shall require the petitioner to state the 1306
petitioner's name and street address and shall contain a 1307
statement that a petition is being circulated for an election 1308
for the submission of the question or questions specified in 1309
division (B) of this section. The form shall require the 1310
petitioner to state the question or questions to be submitted as 1311
they appear on the petition. 1312

The petitioner shall attach a copy of the list provided by 1313
the division to each petition paper. A part petition paper 1314
circulated at any time without the list of affected permit 1315
holders attached to it is invalid. 1316

At the time of filing the petition with the board of 1317
elections, the petitioner shall provide to the board of 1318
elections the list supplied by the division and an affidavit 1319
certifying that the petitioner notified all affected permit 1320
holders on the list in the manner and within the time required 1321
in this section and that, at the time each signer of the 1322
petition signed the petition, the petition paper contained a 1323
copy of the list of affected permit holders. 1324

Within five days after receiving a petition calling for an 1325
election for the submission of the question or questions set 1326
forth in this section, the board of elections shall give notice 1327
by certified mail that it has received the petition to all 1328
liquor permit holders whose names appear on the list of affected 1329
permit holders filed by the petitioner. Failure of the 1330
petitioner to supply the affidavit required by this section and 1331
a complete and accurate list of liquor permit holders 1332
invalidates the entire petition. The board of elections shall 1333

provide to a permit holder who would be affected by a proposed 1334
local option election, on the permit holder's request, the names 1335
of the streets, and, if appropriate, the address numbers of 1336
residences and business establishments within the precinct in 1337
which the election is sought and that would be affected by the 1338
results of the election. The board may charge a reasonable fee 1339
for this information when provided to the petitioner and the 1340
permit holder. 1341

Upon presentation not later than four p.m. of the 1342
ninetieth day before the day of a general election or a special 1343
election held on a day on which a primary election may be held, 1344
of a petition to the board of elections of the county wherein 1345
such election is sought to be held, requesting the holding of 1346
such election on either or both of the questions specified in 1347
this section, signed by qualified electors of the precinct 1348
concerned equal in number to thirty-five per cent of the total 1349
number of votes cast in the precinct concerned for the office of 1350
governor at the preceding general election for that office, such 1351
board shall submit the question or questions specified in the 1352
petition to the electors of the precinct concerned, on the day 1353
of the next general election or the next special election held 1354
on a day on which a primary election may be held, whichever 1355
occurs first. 1356

(B) The board shall proceed as follows: 1357

(1) Such board shall, upon the filing of a petition under 1358
this section, but not later than the seventy-eighth day before 1359
the day of the election for which the question or questions on 1360
the petition would qualify for submission to the electors of the 1361
precinct, examine and determine the sufficiency of the 1362
signatures and review, examine, and determine the validity of 1363

such petition and, in case of overlapping precinct petitions 1364
presented within that period, determine which of the petitions 1365
shall govern the further proceedings of the board. In the case 1366
where the board determines that two or more overlapping 1367
petitions are valid, the earlier petition shall govern. The 1368
board shall certify the sufficiency of signatures contained in 1369
the petition as of the time of filing and the validity of the 1370
petition as of the time of certification as described in 1371
division (C) (1) of this section if the board finds the petition 1372
to be both sufficient and valid. 1373

(2) If the petition contains sufficient signatures and is 1374
valid, and, in case of overlapping precinct petitions, after the 1375
board has determined the governing petition, the board shall 1376
order the holding of a special election in the precinct for the 1377
submission of the question or questions specified in the 1378
petition, on the day of the next general election or the next 1379
special election held on a day on which a primary election may 1380
be held, whichever occurs first. 1381

(3) All petitions filed with a board of elections under 1382
this section shall be open to public inspection under rules 1383
adopted by the board. 1384

(C) Protest against a local option petition may be filed 1385
by any qualified elector eligible to vote on the question or 1386
questions specified in the petition or by a permit holder in the 1387
precinct as described in the petition, not later than four p.m. 1388
of the seventy-fourth day before the day of such general or 1389
~~primary~~ special election for which the petition qualified. Such 1390
protest shall be in writing and shall be filed with the election 1391
officials with whom the petition was filed. Upon filing of such 1392
protest the election officials with whom it is filed shall 1393

promptly fix the time for hearing it, and shall forthwith mail 1394
notice of the filing of the protest and the time for hearing it 1395
to the person who filed the petition which is protested and to 1396
the person who filed the protest. At the time and place fixed, 1397
the election officials shall hear the protest and determine the 1398
validity of the petition. 1399

(D) If a majority of the electors voting on the question 1400
in the precinct vote "yes" on question (1) or (2) as set forth 1401
in division (A) of this section, the sale of beer as specified 1402
in that question shall be permitted in the precinct and no 1403
subsequent election shall be held in the precinct under this 1404
section on the same question for a period of at least four years 1405
from the date of the most recent election. 1406

If a majority of the electors voting on the question in 1407
the precinct vote "no" on question (1) or (2) as set forth in 1408
division (A) of this section, no C or D permit holder shall sell 1409
beer as specified in that question within the precinct during 1410
the period the election is in effect and no subsequent election 1411
shall be held in the precinct under this section on the same 1412
question for a period of at least four years from the date of 1413
the most recent election. 1414

Section 2. That existing sections 106.021, 106.03, 1415
106.031, 111.15, 119.03, 121.95, 4301.171, 4301.245, 4301.58, 1416
and 4305.14 of the Revised Code are hereby repealed. 1417

Section 3. That the version of section 111.15 of the 1418
Revised Code that is scheduled to take effect September 30, 1419
2024, be amended to read as follows: 1420

Sec. 111.15. (A) As used in this section: 1421

(1) "Rule" includes any rule, regulation, bylaw, or 1422

standard having a general and uniform operation adopted by an 1423
agency under the authority of the laws governing the agency; any 1424
appendix to a rule; and any internal management rule. "Rule" 1425
does not include any guideline adopted pursuant to section 1426
3301.0714 of the Revised Code, any order respecting the duties 1427
of employees, any finding, any determination of a question of 1428
law or fact in a matter presented to an agency, or any rule 1429
promulgated pursuant to Chapter 119. or division (C) (1) or (2) 1430
of section 5117.02 of the Revised Code. "Rule" includes any 1431
amendment or rescission of a rule. 1432

(2) "Agency" means any governmental entity of the state 1433
and includes, but is not limited to, any board, department, 1434
division, commission, bureau, society, council, institution, 1435
state college or university, community college district, 1436
technical college district, or state community college. "Agency" 1437
does not include the general assembly, the controlling board, 1438
the adjutant general's department, or any court. 1439

(3) "Internal management rule" means any rule, regulation, 1440
bylaw, or standard governing the day-to-day staff procedures and 1441
operations within an agency. 1442

(B) (1) Any rule, other than a rule of an emergency nature, 1443
adopted by any agency pursuant to this section shall be 1444
effective on the tenth day after the day on which the rule in 1445
final form and in compliance with division (B) (3) of this 1446
section is filed as follows: 1447

(a) The rule shall be filed in electronic form with both 1448
the secretary of state and the director of the legislative 1449
service commission; 1450

(b) The rule shall be filed in electronic form with the 1451

joint committee on agency rule review. Division (B) (1) (b) of 1452
this section does not apply to any rule to which division (D) of 1453
this section does not apply. 1454

An agency that adopts or amends a rule that is subject to 1455
division (D) of this section shall assign a review date to the 1456
rule that is not later than five years after its effective date. 1457
If a review date assigned to a rule exceeds the five-year 1458
maximum, the review date for the rule is five years after its 1459
effective date. A rule with a review date is subject to review 1460
under section 106.03 of the Revised Code. This paragraph does 1461
not apply to a rule of a state college or university, community 1462
college district, technical college district, or state community 1463
college. 1464

If an agency in adopting a rule designates an effective 1465
date that is later than the effective date provided for by 1466
division (B) (1) of this section, the rule if filed as required 1467
by such division shall become effective on the later date 1468
designated by the agency. 1469

Any rule that is required to be filed under division (B) 1470
(1) of this section is also subject to division (D) of this 1471
section if not exempted by that division. 1472

If a rule incorporates a text or other material by 1473
reference, the agency shall comply with sections 121.71 to 1474
121.75 of the Revised Code. 1475

(2) A rule of an emergency nature necessary for the 1476
immediate preservation of the public peace, health, or safety 1477
shall state the reasons for the necessity. The emergency rule, 1478
in final form and in compliance with division (B) (3) of this 1479
section, shall be filed in electronic form with the secretary of 1480

state, the director of the legislative service commission, and 1481
the joint committee on agency rule review. The emergency rule is 1482
effective immediately upon completion of the latest filing, 1483
except that if the agency in adopting the emergency rule 1484
designates an effective date, or date and time of day, that is 1485
later than the effective date and time provided for by division 1486
(B) (2) of this section, the emergency rule if filed as required 1487
by such division shall become effective at the later date, or 1488
later date and time of day, designated by the agency. 1489

Except as provided in section 107.43 of the Revised Code, 1490
an emergency rule becomes invalid at the end of the one hundred 1491
twentieth day it is in effect. Prior to that date, the agency 1492
may file the emergency rule as a nonemergency rule in compliance 1493
with division (B) (1) of this section. The agency may not refile 1494
the emergency rule in compliance with division (B) (2) of this 1495
section so that, upon the emergency rule becoming invalid under 1496
such division, the emergency rule will continue in effect 1497
without interruption for another one hundred twenty-day period. 1498

The adoption of an emergency rule under division (B) (2) of 1499
this section in response to a state of emergency, as defined 1500
under section 107.42 of the Revised Code, may be invalidated by 1501
the general assembly, in whole or in part, by adopting a 1502
concurrent resolution in accordance with section 107.43 of the 1503
Revised Code. 1504

(3) An agency shall file a rule under division (B) (1) or 1505
(2) of this section in compliance with the following standards 1506
and procedures: 1507

(a) The rule shall be numbered in accordance with the 1508
numbering system devised by the director for the Ohio 1509
administrative code. 1510

(b) The rule shall be prepared and submitted in compliance 1511
with the rules of the legislative service commission. 1512

(c) The rule shall clearly state the date on which it is 1513
to be effective and the date on which it will expire, if known. 1514

(d) Each rule that amends or rescinds another rule shall 1515
clearly refer to the rule that is amended or rescinded. Each 1516
amendment shall fully restate the rule as amended. 1517

If the director of the legislative service commission or 1518
the director's designee gives an agency notice pursuant to 1519
section 103.05 of the Revised Code that a rule filed by the 1520
agency is not in compliance with the rules of the legislative 1521
service commission, the agency shall within thirty days after 1522
receipt of the notice conform the rule to the rules of the 1523
commission as directed in the notice. 1524

(C) All rules filed pursuant to divisions (B) (1) (a) and 1525
(2) of this section shall be recorded by the secretary of state 1526
and the director under the title of the agency adopting the rule 1527
and shall be numbered according to the numbering system devised 1528
by the director. The secretary of state and the director shall 1529
preserve the rules in an accessible manner. Each such rule shall 1530
be a public record open to public inspection and may be 1531
transmitted to any law publishing company that wishes to 1532
reproduce it. 1533

(D) At least sixty-five days before a board, commission, 1534
department, division, or bureau of the government of the state 1535
files a rule under division (B) (1) of this section, it shall 1536
file the full text of the proposed rule in electronic form with 1537
the joint committee on agency rule review, and the proposed rule 1538
is subject to legislative review and invalidation under section 1539

106.021 of the Revised Code. If a state board, commission, 1540
department, division, or bureau makes a revision in a proposed 1541
rule after it is filed with the joint committee, the state 1542
board, commission, department, division, or bureau shall 1543
promptly file the full text of the proposed rule in its revised 1544
form in electronic form with the joint committee. A state board, 1545
commission, department, division, or bureau shall also file the 1546
rule summary and fiscal analysis prepared under section 106.024 1547
of the Revised Code in electronic form along with a proposed 1548
rule, and along with a proposed rule in revised form, that is 1549
filed under this division. If a proposed rule has an adverse 1550
impact on businesses, the state board, commission, department, 1551
division, or bureau also shall file the business impact 1552
analysis, any recommendations received from the common sense 1553
initiative office, and the associated memorandum of response, if 1554
any, in electronic form along with the proposed rule, or the 1555
proposed rule in revised form, that is filed under this 1556
division. 1557

A proposed rule that is subject to legislative review 1558
under this division may not be adopted and filed in final form 1559
under division (B)(1) of this section unless the proposed rule 1560
has been filed with the joint committee on agency rule review 1561
under this division and the time for the joint committee to 1562
review the proposed rule has expired without recommendation of a 1563
concurrent resolution to invalidate the proposed rule. 1564

If a proposed rule that is subject to legislative review 1565
under this division implements a federal law or rule, the agency 1566
shall provide to the joint committee a citation to the federal 1567
law or rule the proposed rule implements and a statement as to 1568
whether the proposed rule implements the federal law or rule in 1569
a manner that is more or less stringent or burdensome than the 1570

federal law or rule requires. 1571

As used in this division, "commission" includes the public 1572
utilities commission when adopting rules under a federal or 1573
state statute. 1574

This division does not apply to any of the following: 1575

(1) A proposed rule of an emergency nature; 1576

(2) A rule proposed under section 1121.05, 1121.06, 1577
1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 1578
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 1579
Code; 1580

(3) A rule proposed by an agency other than a board, 1581
commission, department, division, or bureau of the government of 1582
the state; 1583

(4) A proposed internal management rule of a board, 1584
commission, department, division, or bureau of the government of 1585
the state; 1586

(5) Any proposed rule that must be adopted verbatim by an 1587
agency pursuant to federal law or rule, to become effective 1588
within sixty days of adoption, in order to continue the 1589
operation of a federally reimbursed program in this state, so 1590
long as the proposed rule contains both of the following: 1591

(a) A statement that it is proposed for the purpose of 1592
complying with a federal law or rule; 1593

(b) A citation to the federal law or rule that requires 1594
verbatim compliance. 1595

(6) An initial rule proposed by the director of health to 1596
impose quality standards on a health care facility as defined in 1597

section 3702.30 of the Revised Code; 1598

(7) A rule of the state lottery commission pertaining to 1599
instant game rules. 1600

If a rule is exempt from legislative review under division 1601
(D) (5) of this section, and if the federal law or rule pursuant 1602
to which the rule was adopted expires, is repealed or rescinded, 1603
or otherwise terminates, the rule is thereafter subject to 1604
legislative review under division (D) of this section. 1605

Whenever a state board, commission, department, division, 1606
or bureau files a proposed rule or a proposed rule in revised 1607
form under division (D) of this section, it shall also file the 1608
full text of the same proposed rule or proposed rule in revised 1609
form in electronic form with the secretary of state and the 1610
director of the legislative service commission. A state board, 1611
commission, department, division, or bureau shall file the rule 1612
summary and fiscal analysis prepared under section 106.024 of 1613
the Revised Code in electronic form along with a proposed rule 1614
or proposed rule in revised form that is filed with the 1615
secretary of state or the director of the legislative service 1616
commission. 1617

Section 4. That the existing version of section 111.15 of 1618
the Revised Code that is scheduled to take effect September 30, 1619
2024, is hereby repealed. 1620

Section 5. Sections 3 and 4 of this act take effect 1621
September 30, 2024. 1622

Section 6. All items in this act are hereby appropriated 1623
as designated out of any moneys in the state treasury to the 1624
credit of the designated fund. For all operating appropriations 1625
made in this act, those in the first column are for fiscal year 1626

2022 and those in the second column are for fiscal year 2023. 1627
 The operating appropriations made in this act are in addition to 1628
 any other operating appropriations made for the FY 2022-FY 2023 1629
 biennium. 1630

Section 7. 1631

1632

	1	2	3	4	5
A			SOS SECRETARY OF STATE		
B	Dedicated Purpose Fund Group				
C	5FG0	050620	BOE Reimbursement and Education	\$9,000,000	\$0
D	TOTAL DPF Dedicated Purpose Fund Group			\$9,000,000	\$0
E	TOTAL ALL BUDGET FUND GROUPS			\$9,000,000	\$0

BOE REIMBURSEMENT AND EDUCATION 1633

The foregoing appropriation item 050620, BOE Reimbursement 1634
 and Education, shall be used to provide financial assistance to 1635
 county boards of elections for the 2022 primary election. An 1636
 amount equal to the unexpended, unencumbered portion of the 1637
 foregoing appropriation item 050620, BOE Reimbursement and 1638
 Education, at the end of fiscal year 2022 is hereby 1639
 reappropriated to the Secretary of State for the same purpose in 1640
 fiscal year 2023. 1641

On the effective date of this section, or as soon as 1642
 possible thereafter, the Director of Budget and Management shall 1643

transfer \$9,000,000 cash from the General Revenue Fund to the 1644
BOE Reimbursement and Education Fund (Fund 5FG0). 1645

On October 1, 2022, or as soon as possible thereafter, the 1646
Director of Budget and Management shall transfer cash in an 1647
amount equal to the unexpended, unencumbered portion of the 1648
foregoing appropriation item 050620, BOE Reimbursement and 1649
Education, as of October 1, 2022, from the BOE Reimbursement and 1650
Education Fund (Fund 5FG0) to the General Revenue Fund. 1651

Section 8. Within the limits set forth in this act, the 1652
Director of Budget and Management shall establish accounts 1653
indicating the source and amount of funds for each appropriation 1654
made in this act, and shall determine the form and manner in 1655
which appropriation accounts shall be maintained. Expenditures 1656
from operating appropriations contained in this act shall be 1657
accounted for as though made in H.B. 110 of the 134th General 1658
Assembly. The operating appropriations made in this act are 1659
subject to all provisions of H.B. 110 of the 134th General 1660
Assembly that are generally applicable to such appropriations. 1661