

As Reported by the House Government Oversight Committee

134th General Assembly

Regular Session

2021-2022

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

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, and 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.

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 read as follows:

Sec. 101.354. (A) The joint committee on agency rule

review shall advise and assist state agencies in preparing 18
revised inventories of regulatory restrictions and shall advise 19
and assist state agencies in achieving specified percentage 20
reductions in regulatory restrictions in the Administrative Code 21
in accordance with sections 121.95, 121.951, 121.952, 121.953, 22
and 121.954 of the Revised Code. 23

(B) (1) Not later than June 15, 2022, the executive 24
director of the joint committee shall prepare a report 25
aggregating the base inventories received from state agencies 26
under section 121.95 of the Revised Code. 27

(2) Beginning in 2023, not later than the fifteenth day of 28
December each year, the executive director of the joint 29
committee shall prepare an historical report aggregating the 30
reports received from state agencies for the preceding fiscal 31
year. In the report, the executive director also shall describe 32
the work of the joint committee over the preceding fiscal year 33
with respect to reduction of regulatory restrictions and shall 34
indicate, out of the total number of regulatory restrictions 35
inventoried by state agencies, the percentage by which state 36
agencies have reduced those regulatory restrictions. The report 37
also shall provide recommendations for statutory changes, where 38
appropriate, brought to the attention of the joint committee as 39
contributing to the adoption of regulatory restrictions. 40

(3) The executive director shall submit the report 41
required under divisions (B) (1) and (2) of this section to the 42
members of the joint committee, which shall publish the report 43
on its web site and transmit copies of the report electronically 44
to the speaker of the house of representatives and the president 45
of the senate. 46

Sec. 101.355. The joint committee on agency rule review, 47

in consultation with legislative information systems, shall do 48
both of the following: 49

(A) Create and maintain a system that state agencies shall 50
use to enter regulatory restriction data, create required 51
inventories, and transmit copies of inventories, reports, and 52
any other documents to the joint committee and the speaker of 53
the house of representatives and the president of the senate 54
under sections 121.95, 121.951, and 121.953 of the Revised Code, 55
and that will assist the joint committee in aggregating reports 56
and performing other prescribed duties under sections 101.354, 57
121.95, 121.951, 121.952, and 121.953 of the Revised Code; 58

(B) Establish, maintain, and improve the cut red tape 59
system, which shall include a web site and shall allow members 60
of the public to request information about regulatory 61
restrictions and to communicate with the joint committee about 62
regulatory restrictions. 63

Sec. 106.021. If, upon reviewing a proposed rule or 64
revised proposed rule, the joint committee on agency rule review 65
makes any of the following findings with regard to the proposed 66
rule or revised proposed rule, the joint committee may recommend 67
to the senate and house of representatives the adoption of a 68
concurrent resolution to invalidate the proposed rule or revised 69
proposed rule or a part thereof: 70

(A) The proposed rule or revised proposed rule exceeds the 71
scope of its statutory authority. 72

(B) The proposed rule or revised proposed rule conflicts 73
with the legislative intent of the statute under which it was 74
proposed. 75

(C) The proposed rule or revised proposed rule conflicts 76

with another proposed or existing rule.	77
(D) The proposed rule or revised proposed rule	78
incorporates a text or other material by reference and:	79
(1) The accompanying citation is not such as reasonably	80
would enable a reasonable person to whom the proposed rule or	81
revised proposed rule applies readily and without charge to find	82
and inspect the incorporated text or other material;	83
(2) The accompanying citation is not such as reasonably	84
would enable the joint committee readily and without charge to	85
find and inspect the incorporated text or other material, and	86
the agency did not file or otherwise make the incorporated text	87
or other material available without charge to the joint	88
committee; or	89
(3) The agency has treated the proposed rule or revised	90
proposed rule in whole or in part as exempt from sections 121.71	91
to 121.74 of the Revised Code on grounds the incorporated text	92
or other material has one or more of the characteristics	93
described in division (B) of section 121.75 of the Revised Code,	94
but the incorporated text or other material actually does not	95
have any of those characteristics.	96
(E) The agency has failed to prepare a complete and	97
accurate rule summary and fiscal analysis of the proposed rule	98
or revised proposed rule as required by section 106.024 of the	99
Revised Code.	100
(F) The agency has failed to demonstrate through the	101
business impact analysis, recommendations from the common sense	102
initiative office, and the memorandum of response that the	103
regulatory intent of the proposed rule or revised proposed rule	104
justifies its adverse impact on businesses in this state.	105

(G) If the state agency is subject to sections 121.95, 121.951, 121.952, and 121.953 of the Revised Code, the agency has failed to justify the proposed adoption, amendment, or rescission of a rule containing a regulatory restriction. 106
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(H) The proposed rule or revised proposed rule implements a federal law or rule in a manner that is more stringent or burdensome than the federal law or rule requires. 110
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Sec. 106.03. Prior to the review date of an existing rule, the agency that adopted the rule shall do both of the following: 113
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(A) Review the rule to determine all-whether the rule should be amended or rescinded, including for the purpose of accomplishing the reductions in regulatory restrictions required by section 121.951 of the Revised Code, because it does any of the following, or otherwise for the purpose of reducing regulatory restrictions: 115
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(1) ~~Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration~~ Exceeds or conflicts with the purpose, scope, and or intent of the statute under which the rule was adopted; 121
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(2) ~~Whether the rule needs amendment or rescission to give more~~ Provides inadequate flexibility at the local level; 125
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(3) ~~Whether the rule needs amendment or rescission to eliminate unnecessary paperwork~~ Creates a compliance or oversight burden for the state agency, or for any person or entity, that is greater than the burden that would be created if the agency accomplished the intended purpose of the restriction by other means; 127
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(4) ~~Whether the rule incorporates~~ Is no longer useful or beneficial; 133
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<u>(5) Incorporates</u> a text or other material by reference	135
and, if so:	136
(a) Whether the <u>The</u> citation accompanying the	137
incorporation by reference is such as reasonably -would <u>not</u>	138
<u>reasonably</u> enable a reasonable person to whom the rule applies	139
readily and without charge to find and inspect the incorporated	140
text or other material;	141
(b) Whether the <u>The</u> citation accompanying the	142
incorporation by reference is such as reasonably -would <u>not</u>	143
<u>reasonably</u> enable the joint committee on agency rule review	144
readily and without charge to find and inspect the incorporated	145
text or other material; and or	146
(c) If the rule has been exempted in whole or in part from	147
sections 121.71 to 121.74 of the Revised Code on grounds the	148
incorporated text or other material has one or more of the	149
characteristics described in division (B) of section 121.75 of	150
the Revised Code, whether -the incorporated text or other	151
material <u>does not</u> actually has - <u>have</u> any of those	152
characteristics.	153
(5) Whether the rule duplicates	154
<u>(6) Duplicates</u> , overlaps with, or conflicts with other	155
rules ;	156
(6) Whether the rule has <u>a federal law or rule or another</u>	157
<u>law or rule of this state. A rule duplicates, overlaps with, or</u>	158
<u>conflicts with another law or rule if it imposes a duty or</u>	159
<u>liability on a person or entity that the other law or rule also</u>	160
<u>imposes on that person or entity, in whole or in part, or</u>	161
<u>imposes a duty or liability that may require a person or entity</u>	162
<u>to violate the other law or rule in whole or in part. If the</u>	163

rule duplicates, overlaps with, or conflicts with a rule adopted 164
by another state agency, the two agencies shall determine which 165
agency shall amend or rescind its rule and shall develop and 166
execute a plan to work together to achieve the required 167
oversight. 168

(7) Has an adverse impact on businesses, as determined 169
under section 107.52 of the Revised Code; 170

~~(7) Whether the rule contains~~ (8) Has an adverse impact on 171
any other person or entity; 172

(9) Contains words or phrases having meanings that in 173
contemporary usage are understood as being derogatory or 174
offensive;~~and~~ 175

~~(8) Whether the rule requires~~ (10) Requires liability 176
insurance, a bond, or any other financial responsibility 177
instrument as a condition of licensure; 178

(11) Imposes a more severe duty or liability than 179
restrictions in neighboring states in order to accomplish the 180
same goal; 181

(12) Implements a federal law or rule in a manner that is 182
more stringent or burdensome than the federal law or rule 183
requires. 184

In making its review, the agency shall consider the 185
continued need for the rule, the nature of any complaints or 186
comments received concerning the rule, and any relevant factors 187
that have changed in the subject matter area affected by the 188
rule. 189

(B) On the basis of its review of the existing rule, the 190
agency shall determine whether the existing rule needs to be 191

amended or rescinded. 192

(1) If the existing rule needs to be amended or rescinded, 193
the agency, on or before the review date of the existing rule, 194
shall commence the process of amending or rescinding the 195
existing rule in accordance with its review of the rule. 196

(2) If the existing rule does not need to be amended or 197
rescinded, proceedings shall be had under section 106.031 of the 198
Revised Code. 199

Upon the request of the agency that adopted an existing 200
rule, the joint committee on agency rule review may extend the 201
review date of the rule to a date that is not later than one 202
hundred eighty days after the review date assigned to the rule 203
by the agency. Not more than two such extensions may be allowed. 204

Sec. 106.031. If an agency, on the basis of its review of 205
a rule under section 106.03 of the Revised Code, determines that 206
the rule does not need to be amended or rescinded, proceedings 207
shall be had as follows: 208

(A) (1) If, considering only the standard of review 209
specified in division (A) ~~(6)~~ (7) of section 106.03 of the 210
Revised Code, the rule has an adverse impact on businesses, the 211
agency shall prepare a business impact analysis that describes 212
its review of the rule under that division and that explains why 213
the regulatory intent of the rule justifies its adverse impact 214
on businesses. If the rule does not have an adverse impact on 215
businesses, the agency may proceed under division (B) of this 216
section. 217

(2) The agency shall transmit a copy of the full text of 218
the rule and the business impact analysis electronically to the 219
common sense initiative office. The office shall make the rule 220

and analysis available to the public on its web site under 221
section 107.62 of the Revised Code. 222

(3) The agency shall consider any recommendations made by 223
the office. 224

(4) Not earlier than the sixteenth business day after 225
transmitting the rule and analysis to the office, the agency 226
shall either (a) proceed under divisions (A) (5) and (B) of this 227
section or (b) commence, under division (B) (1) of section 106.03 228
of the Revised Code, the process of rescinding the rule or of 229
amending the rule to incorporate into the rule features the 230
recommendations suggest will eliminate or reduce the adverse 231
impact the rule has on businesses. If the agency determines to 232
amend or rescind the rule, the agency is not subject to the time 233
limit specified in division (B) (1) of section 106.03 of the 234
Revised Code. 235

(5) If the agency receives recommendations from the 236
office, and determines not to amend or rescind the rule, the 237
agency shall prepare a memorandum of response that explains why 238
the rule is not being rescinded or why the recommendations are 239
not being incorporated into the rule. 240

(B) The agency shall assign a new review date to the rule. 241
The review date assigned shall be not later than five years 242
after the immediately preceding review date pertaining to the 243
rule. If the agency assigns a review date that exceeds the five- 244
year maximum, the review date is five years after the 245
immediately preceding review date. The immediately preceding 246
review date includes the date of the review of a rule under 247
section 106.032 of the Revised Code. 248

(C) (1) The agency shall file all the following, in 249

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

(2) Subject to section 106.05 of the Revised Code, the 257
joint committee does not have jurisdiction to review, and shall 258
reject, the filing of a rule under division (C)(1) of this 259
section if, at any time while the rule is in its possession, it 260
discovers that the rule has an adverse impact on businesses and 261
the agency has not complied with division (A) of this section. 262
The joint committee shall electronically return a rule that is 263
rejected to the agency, together with any documents that were 264
part of the filing. Such a rejection does not preclude the 265
agency from refileing the rule under division (C)(1) of this 266
section after complying with division (A) of this section. When 267
the filing of a rule is rejected under this division, it is as 268
if the filing had not been made. 269

(D) The joint committee shall publish notice of the 270
agency's determination not to amend or rescind the rule in the 271
register of Ohio for four consecutive weeks after the rule is 272
filed under division (C) of this section. 273

(E) During the ninety-day period after a rule is filed 274
under division (C) of this section, but after the four-week 275
notice period required by division (D) of this section has 276
ended, the joint committee may recommend to the senate and house 277
of representatives the adoption of a concurrent resolution 278
invalidating the rule if the joint committee finds any of the 279

following:	280
(1) The agency improperly applied the standards in	281
division (A) of section 106.03 of the Revised Code in reviewing	282
the rule and in determining that the rule did not need amendment	283
or rescission.	284
(2) The rule has an adverse impact on businesses, and the	285
agency has failed to demonstrate through a business impact	286
analysis, recommendations from the common sense initiative	287
office, and a memorandum of response that the regulatory intent	288
of the rule justifies its adverse impact on businesses.	289
(3) If the rule incorporates a text or other material by	290
reference, any of the following applies:	291
(a) The citation accompanying the incorporation by	292
reference is not such as reasonably would enable a reasonable	293
person to whom the rule applies readily and without charge to	294
find and inspect the incorporated text or other material;	295
(b) The citation accompanying the incorporation by	296
reference is not such as reasonably would enable the joint	297
committee readily and without charge to find and inspect the	298
incorporated text or other material; or	299
(c) The rule has been exempted in whole or in part from	300
sections 121.71 to 121.74 of the Revised Code on grounds the	301
incorporated text or other material has one or more of the	302
characteristics described in division (B) of section 121.75 of	303
the Revised Code, but the incorporated text or other material	304
actually does not have any of those characteristics.	305
<u>(4) If the agency is subject to sections 121.95, 121.951,</u>	306
<u>121.952, and 121.953 of the Revised Code, the agency has failed</u>	307
<u>to justify the retention of a rule containing a regulatory</u>	308

restriction. 309

(5) The rule implements a federal law or rule in a manner 310
that is more stringent or burdensome than the federal law or 311
rule requires. 312

If the agency fails to comply with section 106.03 or 313
106.031 of the Revised Code, the joint committee shall afford 314
the agency an opportunity to appear before the joint committee 315
to show cause why the agency has not complied with either or 316
both of those sections. If the agency appears before the joint 317
committee at the time scheduled for the agency to show cause, 318
and fails to do so, the joint committee, by vote of a majority 319
of its members present, may recommend the adoption of a 320
concurrent resolution invalidating the rule for the agency's 321
failure to show cause. Or if the agency fails to appear before 322
the joint committee at the time scheduled for the agency to show 323
cause, the joint committee, by vote of a majority of its members 324
present, may recommend adoption of a concurrent resolution 325
invalidating the rule for the agency's default. 326

When the joint committee recommends that a rule be 327
invalidated, the recommendation does not suspend operation of 328
the rule, and the rule remains operational pending action by the 329
senate and house of representatives on the concurrent resolution 330
embodying the recommendation. If the senate and house of 331
representatives adopt the concurrent resolution, the rule is 332
invalid. If, however, the senate and house of representatives do 333
not adopt the resolution, the rule continues in effect, and 334
shall next be reviewed according to the new review date assigned 335
to the rule. 336

Sec. 107.57. (A) In the course of evaluating draft rules 337
and business impact analyses under sections 107.51 to 107.55 of 338

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

(B) If a state agency objects to the elimination of a 350
regulatory restriction that the common sense initiative office 351
has determined should be eliminated under division (A) of this 352
section, the state agency may appeal that decision to the joint 353
committee on agency rule review. If the joint committee also 354
determines, based on the criteria described in division (A) of 355
section 106.03 of the Revised Code, that the state agency should 356
eliminate the regulatory restriction, the state agency shall 357
eliminate it. 358

(C) As used in this section, "state agency" has the same 359
meaning as in section 121.95 of the Revised Code. 360

Sec. 111.15. (A) As used in this section: 361

(1) "Rule" includes any rule, regulation, bylaw, or 362
standard having a general and uniform operation adopted by an 363
agency under the authority of the laws governing the agency; any 364
appendix to a rule; and any internal management rule. "Rule" 365
does not include any guideline adopted pursuant to section 366
3301.0714 of the Revised Code, any order respecting the duties 367
of employees, any finding, any determination of a question of 368

law or fact in a matter presented to an agency, or any rule 369
promulgated pursuant to Chapter 119. or division (C) (1) or (2) 370
of section 5117.02 of the Revised Code. "Rule" includes any 371
amendment or rescission of a rule. 372

(2) "Agency" means any governmental entity of the state 373
and includes, but is not limited to, any board, department, 374
division, commission, bureau, society, council, institution, 375
state college or university, community college district, 376
technical college district, or state community college. "Agency" 377
does not include the general assembly, the controlling board, 378
the adjutant general's department, or any court. 379

(3) "Internal management rule" means any rule, regulation, 380
bylaw, or standard governing the day-to-day staff procedures and 381
operations within an agency. 382

(B) (1) Any rule, other than a rule of an emergency nature, 383
adopted by any agency pursuant to this section shall be 384
effective on the tenth day after the day on which the rule in 385
final form and in compliance with division (B) (3) of this 386
section is filed as follows: 387

(a) The rule shall be filed in electronic form with both 388
the secretary of state and the director of the legislative 389
service commission; 390

(b) The rule shall be filed in electronic form with the 391
joint committee on agency rule review. Division (B) (1) (b) of 392
this section does not apply to any rule to which division (D) of 393
this section does not apply. 394

An agency that adopts or amends a rule that is subject to 395
division (D) of this section shall assign a review date to the 396
rule that is not later than five years after its effective date. 397

If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 106.03 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

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

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

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

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

by such division shall become effective at the later date, or 428
later date and time of day, designated by the agency. 429

Except as provided in section 107.43 of the Revised Code, 430
an emergency rule becomes invalid at the end of the one hundred 431
twentieth day it is in effect. Prior to that date, the agency 432
may file the emergency rule as a nonemergency rule in compliance 433
with division (B)(1) of this section. The agency may not refile 434
the emergency rule in compliance with division (B)(2) of this 435
section so that, upon the emergency rule becoming invalid under 436
such division, the emergency rule will continue in effect 437
without interruption for another one hundred twenty-day period. 438

The adoption of an emergency rule under division (B)(2) of 439
this section in response to a state of emergency, as defined 440
under section 107.42 of the Revised Code, may be invalidated by 441
the general assembly, in whole or in part, by adopting a 442
concurrent resolution in accordance with section 107.43 of the 443
Revised Code. 444

(3) An agency shall file a rule under division (B)(1) or 445
(2) of this section in compliance with the following standards 446
and procedures: 447

(a) The rule shall be numbered in accordance with the 448
numbering system devised by the director for the Ohio 449
administrative code. 450

(b) The rule shall be prepared and submitted in compliance 451
with the rules of the legislative service commission. 452

(c) The rule shall clearly state the date on which it is 453
to be effective and the date on which it will expire, if known. 454

(d) Each rule that amends or rescinds another rule shall 455
clearly refer to the rule that is amended or rescinded. Each 456

amendment shall fully restate the rule as amended. 457

If the director of the legislative service commission or 458
the director's designee gives an agency notice pursuant to 459
section 103.05 of the Revised Code that a rule filed by the 460
agency is not in compliance with the rules of the legislative 461
service commission, the agency shall within thirty days after 462
receipt of the notice conform the rule to the rules of the 463
commission as directed in the notice. 464

(C) All rules filed pursuant to divisions (B) (1) (a) and 465
(2) of this section shall be recorded by the secretary of state 466
and the director under the title of the agency adopting the rule 467
and shall be numbered according to the numbering system devised 468
by the director. The secretary of state and the director shall 469
preserve the rules in an accessible manner. Each such rule shall 470
be a public record open to public inspection and may be 471
transmitted to any law publishing company that wishes to 472
reproduce it. 473

(D) At least sixty-five days before a board, commission, 474
department, division, or bureau of the government of the state 475
files a rule under division (B) (1) of this section, it shall 476
file the full text of the proposed rule in electronic form with 477
the joint committee on agency rule review, and the proposed rule 478
is subject to legislative review and invalidation under section 479
106.021 of the Revised Code. If a state board, commission, 480
department, division, or bureau makes a revision in a proposed 481
rule after it is filed with the joint committee, the state 482
board, commission, department, division, or bureau shall 483
promptly file the full text of the proposed rule in its revised 484
form in electronic form with the joint committee. A state board, 485
commission, department, division, or bureau shall also file the 486

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

A proposed rule that is subject to legislative review 498
under this division may not be adopted and filed in final form 499
under division (B)(1) of this section unless the proposed rule 500
has been filed with the joint committee on agency rule review 501
under this division and the time for the joint committee to 502
review the proposed rule has expired without recommendation of a 503
concurrent resolution to invalidate the proposed rule. 504

If a proposed rule that is subject to legislative review 505
under this division implements a federal law or rule, the agency 506
shall provide to the joint committee a citation to the federal 507
law or rule the proposed rule implements and a statement as to 508
whether the proposed rule implements the federal law or rule in 509
a manner that is more or less stringent or burdensome than the 510
federal law or rule requires. 511

As used in this division, "commission" includes the public 512
utilities commission when adopting rules under a federal or 513
state statute. 514

This division does not apply to any of the following: 515

(1) A proposed rule of an emergency nature;	516
(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;	517 518 519 520
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	521 522 523
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	524 525 526
(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:	527 528 529 530 531
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	532 533
(b) A citation to the federal law or rule that requires verbatim compliance.	534 535
(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a health care facility as defined in section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;	536 537 538 539 540 541 542 543

(7) A rule of the state lottery commission pertaining to 544
instant game rules. 545

If a rule is exempt from legislative review under division 546
(D) (5) of this section, and if the federal law or rule pursuant 547
to which the rule was adopted expires, is repealed or rescinded, 548
or otherwise terminates, the rule is thereafter subject to 549
legislative review under division (D) of this section. 550

Whenever a state board, commission, department, division, 551
or bureau files a proposed rule or a proposed rule in revised 552
form under division (D) of this section, it shall also file the 553
full text of the same proposed rule or proposed rule in revised 554
form in electronic form with the secretary of state and the 555
director of the legislative service commission. A state board, 556
commission, department, division, or bureau shall file the rule 557
summary and fiscal analysis prepared under section 106.024 of 558
the Revised Code in electronic form along with a proposed rule 559
or proposed rule in revised form that is filed with the 560
secretary of state or the director of the legislative service 561
commission. 562

Sec. 119.03. In the adoption, amendment, or rescission of 563
any rule, an agency shall comply with the following procedure: 564

(A) Reasonable public notice shall be given in the 565
register of Ohio at least thirty days prior to the date set for 566
a hearing, in the form the agency determines. The agency shall 567
file copies of the public notice under division (B) of this 568
section. (The agency gives public notice in the register of Ohio 569
when the public notice is published in the register under that 570
division.) 571

The public notice shall include: 572

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

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

If the proposed rule, amendment, or rescission 610
incorporates a text or other material by reference, the agency 611
shall comply with sections 121.71 to 121.75 of the Revised Code. 612

The proposed rule, amendment, or rescission shall be 613
available for at least thirty days prior to the date of the 614
hearing at the office of the agency in printed or other legible 615
form without charge to any person affected by the proposal. 616
Failure to furnish such text to any person requesting it shall 617
not invalidate any action of the agency in connection therewith. 618

If the agency files a revision in the text of the proposed 619
rule, amendment, or rescission, it shall also promptly file the 620
full text of the proposed rule, amendment, or rescission in its 621
revised form in electronic form with the secretary of state and 622
with the director of the legislative service commission. 623

The agency shall file the rule summary and fiscal analysis 624
prepared under section 106.024 of the Revised Code in electronic 625
form along with a proposed rule, amendment, or rescission or 626
proposed rule, amendment, or rescission in revised form that is 627
filed with the secretary of state or the director of the 628
legislative service commission. 629

The agency shall file the hearing report relating to a 630

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

The director of the legislative service commission shall 635
publish in the register of Ohio the full text of the original 636
and each revised version of a proposed rule, amendment, or 637
rescission; the full text of a public notice; the full text of a 638
rule summary and fiscal analysis; and the full text of a hearing 639
report that is filed with the director under this division. 640

(C) When an agency files a proposed rule, amendment, or 641
rescission under division (B) of this section, it also shall 642
file in electronic form with the joint committee on agency rule 643
review the full text of the proposed rule, amendment, or rule to 644
be rescinded in the same form and the public notice required 645
under division (A) of this section. (If in compliance with this 646
division an agency files more than one proposed rule, amendment, 647
or rescission at the same time, and has given a public notice 648
under division (A) of this section that applies to more than one 649
of the proposed rules, amendments, or rescissions, the agency 650
shall file only one notice with the joint committee for all of 651
the proposed rules, amendments, or rescissions to which the 652
notice applies.) The proposed rule, amendment, or rescission is 653
subject to legislative review and invalidation under sections 654
106.02, 106.021, and 106.022 of the Revised Code. If the agency 655
makes a revision in a proposed rule, amendment, or rescission 656
after it is filed with the joint committee, the agency promptly 657
shall file the full text of the proposed rule, amendment, or 658
rescission in its revised form in electronic form with the joint 659
committee. 660

An agency shall file the rule summary and fiscal analysis 661
prepared under section 106.024 of the Revised Code in electronic 662
form along with a proposed rule, amendment, or rescission, and 663
along with a proposed rule, amendment, or rescission in revised 664
form, that is filed under this division. 665

If a proposed rule, amendment, or rescission has an 666
adverse impact on businesses, the agency also shall file the 667
business impact analysis, any recommendations received from the 668
common sense initiative office, and the agency's memorandum of 669
response, if any, in electronic form along with the proposed 670
rule, amendment, or rescission, or along with the proposed rule, 671
amendment, or rescission in revised form, that is filed under 672
this division. 673

The agency shall file the hearing report in electronic 674
form with the joint committee before the joint committee holds 675
its public hearing on the proposed rule, amendment, or 676
rescission. The filing of a hearing report does not constitute a 677
revision of the proposed rule, amendment, or rescission to which 678
the hearing report relates. 679

If the proposed rule, amendment, or rescission requires 680
liability insurance, a bond, or any other financial 681
responsibility instrument as a condition of licensure, the 682
agency shall conduct a diligent search to determine if the 683
liability insurance, bond, or other financial responsibility 684
instrument is readily available in the amounts required as a 685
condition of licensure, and shall certify to the joint committee 686
that the search was conducted. 687

If the proposed rule, amendment, or rescission implements 688
a federal law or rule, the agency shall provide to the joint 689
committee a citation to the federal law or rule the proposed 690

rule, amendment, or rescission implements and a statement as to 691
whether the proposed rule implements the federal law or rule in 692
a manner that is more or less stringent or burdensome than the 693
federal law or rule requires. 694

A proposed rule, amendment, or rescission that is subject 695
to legislative review under this division may not be adopted 696
under division (E) of this section or filed in final form under 697
section 119.04 of the Revised Code unless the proposed rule, 698
amendment, or rescission has been filed with the joint committee 699
on agency rule review under this division and the time for 700
legislative review of the proposed rule, amendment, or 701
rescission has expired without adoption of a concurrent 702
resolution to invalidate the proposed rule, amendment, or 703
rescission. 704

This division does not apply to: 705

(1) An emergency rule, amendment, or rescission; 706

(2) A proposed rule, amendment, or rescission that must be 707
adopted verbatim by an agency pursuant to federal law or rule, 708
to become effective within sixty days of adoption, in order to 709
continue the operation of a federally reimbursed program in this 710
state, so long as the proposed rule contains both of the 711
following: 712

(a) A statement that it is proposed for the purpose of 713
complying with a federal law or rule; 714

(b) A citation to the federal law or rule that requires 715
verbatim compliance. 716

(3) A proposed rule, amendment, or rescission that, as set 717
forth in section 3719.41 of the Revised Code, must be adopted by 718
the state board of pharmacy pursuant to federal law or rule, to 719

become effective within sixty days of adoption, so long as the 720
proposed rule contains a statement that it is proposed for the 721
purpose of complying with federal law or rule. 722

If a rule or amendment is exempt from legislative review 723
under division (C) (2) of this section, and if the federal law or 724
rule pursuant to which the rule or amendment was adopted 725
expires, is repealed or rescinded, or otherwise terminates, the 726
rule or amendment, or its rescission, is thereafter subject to 727
legislative review under division (C) of this section. 728

(D) On the date and at the time and place designated in 729
the notice, the agency shall conduct a public hearing at which 730
any person affected by the proposed action of the agency may 731
appear and be heard in person, by the person's attorney, or 732
both, may present the person's position, arguments, or 733
contentions, orally or in writing, offer and examine witnesses, 734
and present evidence tending to show that the proposed rule, 735
amendment, or rescission, if adopted or effectuated, will be 736
unreasonable or unlawful. An agency may permit persons affected 737
by the proposed rule, amendment, or rescission to present their 738
positions, arguments, or contentions in writing, not only at the 739
hearing, but also for a reasonable period before, after, or both 740
before and after the hearing. A person who presents a position 741
or arguments or contentions in writing before or after the 742
hearing is not required to appear at the hearing. 743

At the hearing, the testimony shall be recorded. Such 744
record shall be made at the expense of the agency. The agency is 745
required to transcribe a record that is not sight readable only 746
if a person requests transcription of all or part of the record 747
and agrees to reimburse the agency for the costs of the 748
transcription. An agency may require the person to pay in 749

advance all or part of the cost of the transcription. 750

In any hearing under this section the agency may 751
administer oaths or affirmations. 752

The agency shall consider the positions, arguments, or 753
contentions presented at, or before or after, the hearing. The 754
agency shall prepare a hearing summary of the positions, 755
arguments, or contentions, and of the issues raised by the 756
positions, arguments, or contentions. The agency then shall 757
prepare a hearing report explaining, with regard to each issue, 758
how it is reflected in the rule, amendment, or rescission. If an 759
issue is not reflected in the rule, amendment, or rescission, 760
the hearing report shall explain why the issue is not reflected. 761
The agency shall include the hearing summary in the hearing 762
report as an appendix thereto. And, in the hearing report, the 763
agency shall identify the proposed rule, amendment, or 764
rescission to which the hearing report relates. 765

(E) After divisions (A), (B), (C), and (D) of this section 766
have been complied with, and when the time for legislative 767
review under sections 106.02, 106.022, and 106.023 of the 768
Revised Code has expired without adoption of a concurrent 769
resolution to invalidate the proposed rule, amendment, or 770
rescission, the agency may issue an order adopting the proposed 771
rule or the proposed amendment or rescission of the rule, 772
consistent with the synopsis or general statement included in 773
the public notice. At that time the agency shall designate the 774
effective date of the rule, amendment, or rescission, which 775
shall not be earlier than the tenth day after the rule, 776
amendment, or rescission has been filed in its final form as 777
provided in section 119.04 of the Revised Code. 778

(F) Prior to the effective date of a rule, amendment, or 779

rescission, the agency shall make a reasonable effort to inform 780
those affected by the rule, amendment, or rescission and to have 781
available for distribution to those requesting it the full text 782
of the rule as adopted or as amended. 783

(G) (1) If the governor, upon the request of an agency, 784
determines that an emergency requires the immediate adoption, 785
amendment, or rescission of a rule, the governor shall issue an 786
order, the text of which shall be filed in electronic form with 787
the agency, the secretary of state, the director of the 788
legislative service commission, and the joint committee on 789
agency rule review, that the procedure prescribed by this 790
section with respect to the adoption, amendment, or rescission 791
of a specified rule is suspended. The agency may then adopt 792
immediately the emergency rule, amendment, or rescission and it 793
becomes effective on the date the rule, amendment, or 794
rescission, in final form and in compliance with division (A) (2) 795
of section 119.04 of the Revised Code, is filed in electronic 796
form with the secretary of state, the director of the 797
legislative service commission, and the joint committee on 798
agency rule review. The director shall publish the full text of 799
the emergency rule, amendment, or rescission in the register of 800
Ohio. 801

Except as provided in division (G) (2) of this section, or 802
section 107.43 of the Revised Code, the emergency rule, 803
amendment, or rescission shall become invalid at the end of the 804
one hundred twentieth day it is in effect. Prior to that date 805
the agency may adopt the emergency rule, amendment, or 806
rescission as a nonemergency rule, amendment, or rescission by 807
complying with the procedure prescribed by this section for the 808
adoption, amendment, and rescission of nonemergency rules. The 809
agency shall not use the procedure of division (G) (1) of this 810

section to readopt the emergency rule, amendment, or rescission 811
so that, upon the emergency rule, amendment, or rescission 812
becoming invalid under division (G) (1) of this section, the 813
emergency rule, amendment, or rescission will continue in effect 814
without interruption for another one-hundred-twenty-day period, 815
except when section 106.02 of the Revised Code prevents the 816
agency from adopting the emergency rule, amendment, or 817
rescission as a nonemergency rule, amendment, or rescission 818
within the one-hundred-twenty-day period. 819

Division (G) (1) of this section does not apply to the 820
adoption of any emergency rule, amendment, or rescission by the 821
tax commissioner under division (C) (2) of section 5117.02 of the 822
Revised Code. 823

(2) An emergency rule or amendment adding a substance to a 824
controlled substance schedule shall become invalid at the end of 825
the one hundred eightieth day it is in effect. Prior to that 826
date, the state board of pharmacy may adopt the emergency rule 827
or amendment as a nonemergency rule or amendment by complying 828
with the procedure prescribed by this section for adoption and 829
amendment of nonemergency rules. The board shall not use the 830
procedure of division (G) (1) of this section to readopt the 831
emergency rule or amendment so that, upon the emergency rule or 832
amendment becoming invalid under division (G) (2) of this 833
section, the emergency rule or amendment will continue in effect 834
beyond the one-hundred-eighty-day period. 835

(3) The general assembly, by adopting a concurrent 836
resolution, and in accordance with section 107.43 of the Revised 837
Code, may do either of the following: 838

(a) Invalidate, in whole or in part, an emergency rule 839
adopted or amended by an agency in response to a state of 840

emergency, as defined under section 107.42 of the Revised Code, 841
under division (G) (1) of this section; 842

(b) Authorize an agency to readopt, in whole or in part, a 843
rule that was rescinded in response to a state of emergency 844
under division (G) (1) of this section. 845

(H) Rules adopted by an authority within the department of 846
job and family services for the administration or enforcement of 847
Chapter 4141. of the Revised Code or of the department of 848
taxation shall be effective without a hearing as provided by 849
this section if the statutes pertaining to such agency 850
specifically give a right of appeal to the board of tax appeals 851
or to a higher authority within the agency or to a court, and 852
also give the appellant a right to a hearing on such appeal. 853
This division does not apply to the adoption of any rule, 854
amendment, or rescission by the tax commissioner under division 855
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 856
the right to file an action for declaratory judgment as provided 857
in Chapter 2721. of the Revised Code from the decision of the 858
board of tax appeals or of the higher authority within such 859
agency. 860

Sec. 121.031. The administrative department head of an 861
administrative department created under section 121.02 of the 862
Revised Code or an administrative department head appointed 863
under section 121.03 of the Revised Code may direct an otherwise 864
independent official or state agency that is organized under the 865
administrative department or administrative department head as 866
necessary to achieve reductions in regulatory restrictions in 867
rules in compliance with sections 121.95, 121.951, 121.952, 868
121.953, and 121.954 of the Revised Code. 869

Sec. 121.95. (A) As used in ~~this section~~sections 121.95, 870

121.951, 121.952, 121.953, and 121.954 of the Revised Code, 871
"state agency" means an administrative department created under 872
section 121.02 of the Revised Code, an administrative department 873
head appointed under section 121.03 of the Revised Code, and a 874
state agency organized under an administrative department or 875
administrative department head. "State agency" also includes the 876
department of education, the state lottery commission, the Ohio 877
casino control commission, the state racing commission, and the 878
public utilities commission of Ohio. Rules adopted by an 879
otherwise independent official or entity organized under a state 880
agency shall be attributed to the agency under which the 881
official or entity is organized for the purposes of ~~this~~ 882
~~section~~sections 121.95, 121.951, 121.952, 121.953, and 121.954 883
of the Revised Code. 884

(B) Not later than December 31, 2019, a state agency shall 885
review its existing rules to identify rules having one or more 886
regulatory restrictions that require or prohibit an action and 887
prepare a base inventory of the regulatory restrictions in its 888
existing rules. Rules that include the words "shall," "must," 889
"require," "shall not," "may not," and "prohibit" shall be 890
considered to contain regulatory restrictions. 891

(C) In the base inventory, the state agency shall indicate 892
all of the following concerning each regulatory restriction: 893

(1) A description of the regulatory restriction; 894

(2) The rule number of the rule in which the regulatory 895
restriction appears; 896

(3) The statute under which the regulatory restriction was 897
adopted; 898

(4) Whether state or federal law expressly and 899

specifically requires the agency to adopt the regulatory 900
restriction or the agency adopted the regulatory restriction 901
under the agency's general authority; 902

(5) Whether removing the regulatory restriction would 903
require a change to state or federal law, provided that removing 904
a regulatory restriction adopted under a law granting the agency 905
general authority shall be presumed not to require a change to 906
state or federal law; 907

(6) Any other information the joint committee on agency 908
rule review considers necessary. 909

(D) The state agency shall compute and state the total 910
number of regulatory restrictions indicated in the base 911
inventory, shall post the base inventory on its web site, and 912
shall electronically transmit a copy of the inventory to the 913
joint committee. The joint committee shall review the base 914
inventory, then transmit it electronically to the speaker of the 915
house of representatives and the president of the senate. 916

(E) The following types of rules or regulatory 917
restrictions are not required to be included in a state agency's 918
inventory of regulatory restrictions: 919

(1) An internal management rule; 920

(2) An emergency rule; 921

(3) A rule that state or federal law requires the state 922
agency to adopt verbatim; 923

(4) A regulatory restriction contained in materials or 924
documents incorporated by reference into a rule pursuant to 925
sections 121.71 to 121.75 of the Revised Code; 926

(5) A rule adopted pursuant to section 1347.15 of the 927

Revised Code;	928
(6) A rule concerning instant lottery games;	929
(7) Any other rule that is not subject to review under Chapter 106. of the Revised Code.	930 931
(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.	932 933 934 935 936 937 938
<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>	939 940 941 942 943 944 945
<u>(a) A ten per cent reduction not later than June 30, 2023;</u>	946
<u>(b) A twenty per cent reduction not later than June 30, 2024; and</u>	947 948
<u>(c) The thirty per cent reduction not later than June 30, 2025.</u>	949 950
<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>	951 952 953 954 955

(2) Beginning July 1, 2025, a state agency that has not 956
achieved the specified thirty per cent reduction may not adopt a 957
new regulatory restriction unless it simultaneously removes two 958
or more other existing regulatory restrictions, until the 959
specified thirty per cent reduction has been achieved. The state 960
agency may not fulfill this requirement by merging two or more 961
existing regulatory restrictions into a single surviving 962
regulatory restriction. 963

(3) A state agency is encouraged to continue to reduce 964
regulatory restrictions after it has achieved the specified 965
thirty per cent reduction. 966

(B) (1) Not later than September 15, 2022, a state agency 967
shall prepare an historical report of its progress in reducing 968
regulatory restrictions over the period of time beginning when 969
the agency prepared its base inventory under section 121.95 of 970
the Revised Code and ending on June 30, 2022. Annually 971
thereafter, a state agency shall prepare an historical report of 972
its progress in reducing regulatory restrictions over the 973
preceding fiscal year. The state agency shall explain in the 974
report how it applied the criteria described in division (A) of 975
section 106.03 of the Revised Code to its determinations as to 976
which regulatory restrictions to amend or rescind. The state 977
agency shall include a revised inventory of regulatory 978
restrictions with the report. 979

(2) In the revised inventory, in addition to the 980
information required by section 121.95 of the Revised Code, the 981
state agency shall compute the percentage net reduction in 982
regulatory restrictions by subtracting the current number of 983
regulatory restrictions from the number of regulatory 984
restrictions identified in the base inventory and then dividing 985

the resulting number by the number of regulatory restrictions in 986
the base inventory. 987

(3) The state agency shall transmit the report 988
electronically to the joint committee on agency rule review. The 989
joint committee shall review the report and shall transmit it 990
electronically to the speaker of the house of representatives 991
and the president of the senate. The state agency shall continue 992
preparing and transmitting annual reports until it has reported 993
that it has achieved the required reduction in regulatory 994
restrictions. 995

Sec. 121.952. (A) If a state agency fails to reduce 996
regulatory restrictions by a required percentage within one 997
hundred twenty days after a reduction deadline in section 998
121.951 of the Revised Code, the joint committee on agency rule 999
review shall afford the state agency an opportunity to appear 1000
before the joint committee to show cause why the agency's 1001
required reduction in regulatory restrictions should be 1002
lessened. If the joint committee determines that the state 1003
agency has shown cause, the joint committee shall determine a 1004
lessened required reduction in regulatory restrictions for that 1005
agency and shall submit a written report to the speaker of the 1006
house of representatives and the president of the senate, 1007
indicating the lessened required reduction in regulatory 1008
restrictions for that agency and the reason the joint committee 1009
determined that lessened required reduction. 1010

(B) (1) If a state agency fails to reduce regulatory 1011
restrictions by a required percentage as described in division 1012
(A) of this section because the agency's base inventory contains 1013
regulatory restrictions that adopt or implement a federal law or 1014
rule, the agency may submit both of the following to the joint 1015

committee: 1016

(a) A modified inventory of the agency's regulatory 1017
restrictions consisting of the agency's base inventory prepared 1018
under section 121.95 of the Revised Code minus any rule that the 1019
agency identifies as implementing a federal law or rule in a 1020
manner that is not more stringent or burdensome than the federal 1021
law or rule requires; 1022

(b) A written analysis explaining how each rule identified 1023
by the agency implements a federal law or rule in a manner that 1024
is not more stringent or burdensome than the federal law or rule 1025
requires. 1026

(2) At the appearance before the joint committee described 1027
in division (A) of this section, the joint committee may lessen 1028
the agency's required reduction in regulatory restrictions based 1029
on the modified inventory submitted by the agency. 1030

Sec. 121.953. (A) Effective July 1, 2025, the number of 1031
regulatory restrictions in this state shall not exceed a number 1032
of regulatory restrictions determined by the joint committee on 1033
agency rule review in accordance with this section. The joint 1034
committee shall determine that number by calculating, for each 1035
agency, the number of regulatory restrictions identified by the 1036
agency in the base inventory prepared under section 121.95 of 1037
the Revised Code, minus the number of regulatory restrictions 1038
that represents the percentage reduction the state agency is 1039
required to achieve, and then totaling the resulting numbers for 1040
all state agencies. The joint committee shall consider any 1041
lessened required reductions under section 121.952 of the 1042
Revised Code. 1043

(B) A state agency shall contact the joint committee 1044

before submitting a proposed rule containing a regulatory 1045
restriction, and the joint committee shall determine whether 1046
adopting the regulatory restriction would cause the state to 1047
exceed the number of regulatory restrictions permitted under 1048
this section. A state agency may not adopt a rule if by adopting 1049
the rule the state agency would cause the number of regulatory 1050
restrictions to exceed the state limit as determined by the 1051
joint committee. 1052

Sec. 121.954. Notwithstanding any provision of section 1053
121.95 of the Revised Code to the contrary, sections 121.95, 1054
121.951, 121.952, and 121.953 of the Revised Code do not apply 1055
to rules adopted by the Ohio casino control commission under 1056
Chapter 3775. of the Revised Code. 1057

Sec. 4301.171. (A) As used in this section: 1058

(1) "Broker" and "solicitor" have the same meanings as in 1059
rules adopted by the superintendent of liquor control under 1060
section 4303.25 of the Revised Code. 1061

(2) "Tasting sample" means a small amount of spirituous 1062
liquor that is provided in a serving of not more than a quarter 1063
ounce of spirituous liquor and, if provided, not more than one 1064
ounce of nonalcoholic mixer to an authorized purchaser and that 1065
allows the purchaser to determine, by tasting only, the quality 1066
and character of the beverage. 1067

(3) "Trade marketing company" means a company that 1068
solicits the purchase of beer and intoxicating liquor and 1069
educates the public about beer and intoxicating liquor. 1070

(4) "Trade marketing professional" means an individual who 1071
is an employee of, or is under contract with, a trade marketing 1072
company and who has successfully completed a training program 1073

described in section 4301.253 of the Revised Code. 1074

(B) Notwithstanding section 4301.24 of the Revised Code, 1075
an agency store to which a D-8 permit has been issued may allow 1076
a trade marketing professional, broker, or solicitor to offer 1077
for sale tasting samples of spirituous liquor when conducted in 1078
accordance with this section. A tasting sample shall not be sold 1079
for the purpose of general consumption. 1080

(C) Tasting samples of spirituous liquor may be offered 1081
for sale at an agency store by a trade marketing professional, 1082
broker, or solicitor if all of the following apply: 1083

(1) The tasting samples are sold only in the area of the 1084
agency store in which spirituous liquor is sold and that area is 1085
open to the public. 1086

(2) The tasting samples are sold only by the trade 1087
marketing professional, broker, or solicitor. 1088

(3) The spirituous liquor is registered under division (A) 1089
(8) of section 4301.10 of the Revised Code. 1090

(4) Not less than ten business days prior to the sale, the 1091
trade marketing professional, broker, or solicitor has provided 1092
written notice to the division of liquor control of the date and 1093
time of the sampling, and of the type and brand of spirituous 1094
liquor to be sampled at the agency store. 1095

(D) A sale of tasting samples of spirituous liquor is 1096
subject to rules adopted by the superintendent of liquor control 1097
or the liquor control commission. 1098

(E) An offering for sale of tasting samples of spirituous 1099
liquor shall be limited to a period of not more than two hours. 1100

(F) For purposes of offering for sale tasting samples of 1101

spirituous liquor, a trade marketing professional, broker, or 1102
solicitor shall purchase the spirituous liquor from the agency 1103
store at the current retail price. An authorized purchaser shall 1104
be charged not less than fifty cents for each tasting sample of 1105
spirituous liquor. When the sale of tasting samples of 1106
spirituous liquor at an agency store is completed, any bottles 1107
of spirituous liquor used to provide tasting samples that are 1108
not empty shall be marked as "sample" and removed from the 1109
agency store by the trade marketing professional, broker, or 1110
solicitor, as applicable. 1111

(G) No trade marketing professional, broker, or solicitor 1112
shall do any of the following: 1113

(1) Advertise the offering for sale of tasting samples of 1114
spirituous liquor other than at the agency store where the 1115
tasting samples will be offered or as provided in section 1116
4301.245 of the Revised Code; 1117

(2) Solicit orders or make sales of tasting samples of 1118
spirituous liquor for quantities greater than those specified in 1119
division (G) (3) of this section; 1120

(3) Allow any authorized purchaser to consume more than 1121
four tasting samples of spirituous liquor per day. 1122

(H) The purchase of a tasting sample of spirituous liquor 1123
shall not be contingent upon the purchase of any other product 1124
from an agency store. 1125

(I) No employee of an agency store that allows the sale of 1126
tasting samples of spirituous liquor shall purchase or consume a 1127
tasting sample while on duty. 1128

(J) If an employee of an agency store that allows the sale 1129
of tasting samples of spirituous liquor consumes a tasting 1130

sample of spirituous liquor, the employee shall not perform the 1131
employee's duties and responsibilities at the agency store on 1132
the day the tasting sample is consumed. 1133

(K) No person under twenty-one years of age shall consume 1134
a tasting sample of spirituous liquor. 1135

(L) Not more than ten events at which the sale of tasting 1136
samples of spirituous liquor are offered shall occur at an 1137
agency store in a calendar month provided that: 1138

(1) Not more than two events shall occur in the same day; 1139
and 1140

(2) There is not less than one hour between the end of one 1141
event and the beginning of the next event. 1142

(M) No trade marketing professional, trade marketing 1143
company, broker, solicitor, owner or operator of an agency 1144
store, or an agent or employee of the owner or operator shall 1145
violate this section or any rules adopted by the superintendent 1146
or the commission for the purposes of this section. 1147

Sec. 4301.245. (A) As used in this section: 1148

(1) "Broker" and "solicitor" have the same meanings as in 1149
rules adopted by the superintendent of liquor control under 1150
section 4303.25 of the Revised Code. 1151

(2) "On-premises brand promotion" means a promotion of a 1152
brand of beer or intoxicating liquor by a distributor, 1153
manufacturer, trade marketing professional, solicitor, or broker 1154
of that brand at a retail permit premises. 1155

(3) "Product location communication" means a listing or 1156
program that allows an individual to determine the availability 1157
of a specific brand of beer or intoxicating liquor at retail 1158

permit holders or agency stores in a certain geographic area. 1159

(4) "Social media" means a service, platform, or web site 1160
where users communicate with one another free of charge and 1161
share media such as pictures, videos, music, and blogs. "Social 1162
media" includes the web site of a distributor, manufacturer, 1163
trade marketing professional, solicitor, or broker. 1164

(5) "Trade marketing professional" has the same meaning as 1165
in section 4301.171 of the Revised Code. 1166

(B) Notwithstanding section 4301.24 of the Revised Code 1167
and except as provided in division (C) of this section, a 1168
distributor, manufacturer, trade marketing professional, 1169
solicitor, or broker may use free services provided by social 1170
media to advertise any of the following: 1171

(1) An on-premises brand promotion; 1172

(2) Beer, wine, or spirituous liquor ~~tastings~~ tasting 1173
samples sold in accordance with this chapter or Chapter 4303. of 1174
the Revised Code; 1175

(3) A product location communication. 1176

(C) No distributor, manufacturer, trade marketing 1177
professional, solicitor, or broker shall use free services 1178
provided by social media to advertise to persons under twenty- 1179
one years of age. 1180

Sec. 4301.58. (A) As used in this section: 1181

(1) "Charitable organization" is an organization described 1182
under section 501(c)(3) of the Internal Revenue Code and exempt 1183
from federal income taxation under section 501(a) of the 1184
Internal Revenue Code. 1185

(2) "Fundraiser" means a raffle, silent auction, or event	1186
where a door prize is awarded.	1187
(3) "Political organization" means a political	1188
organization defined under section 527 of the Internal Revenue	1189
Code.	1190
(4) "Raffle" means a raffle conducted in accordance with	1191
Chapter 2915. of the Revised Code.	1192
(5) "Silent auction" means a method of submitting bids in	1193
writing by one or more persons and, after a review of all the	1194
bids received, personal property is awarded to the highest and	1195
most responsive bidder.	1196
(B) No person, personally or by the person's clerk, agent,	1197
or employee, who is not the holder of an A permit issued by the	1198
division of liquor control, in force at the time, and	1199
authorizing the manufacture of beer or intoxicating liquor, or	1200
who is not an agent or employee of the division authorized to	1201
manufacture such beer or intoxicating liquor, shall manufacture	1202
any beer or intoxicating liquor for sale, or shall manufacture	1203
spirituous liquor.	1204
(C) No person, personally or by the person's clerk, agent,	1205
or employee, who is not the holder of an A, B, C, D, E, F, G, I,	1206
or S permit issued by the division, in force at the time, and	1207
authorizing the sale of beer, intoxicating liquor, or alcohol,	1208
or who is not an agent or employee of the division or the tax	1209
commissioner authorized to sell such beer, intoxicating liquor,	1210
or alcohol, shall sell, keep, or possess beer, intoxicating	1211
liquor, or alcohol for sale to any persons other than those	1212
authorized by Chapters 4301. and 4303. of the Revised Code to	1213
purchase any beer or intoxicating liquor, or sell any alcohol at	1214

retail. 1215

(D) No person, personally or by the person's clerk, agent, 1216
or employee, who is the holder of a permit issued by the 1217
division, shall sell, keep, or possess for sale any intoxicating 1218
liquor not purchased from the division or from the holder of a 1219
permit issued by the division authorizing the sale of such 1220
intoxicating liquor unless the same has been purchased with the 1221
special consent of the division. The division shall revoke the 1222
permit of any person convicted of a violation of division (C) of 1223
this section. 1224

(E) Division ~~(B)~~(C) of this section does not apply to 1225
either of the following: 1226

(1) The sale or possession for sale of any low-alcohol 1227
beverage; 1228

(2) Beer and intoxicating liquor that is given away if all 1229
of the following apply: 1230

(a) The beer or intoxicating liquor is given away by a 1231
charitable or political organization to a participant in a 1232
fundraiser. 1233

(b) Any beer, wine, or mixed beverages given away via the 1234
fundraiser is purchased from a person issued a permit under 1235
Chapter 4303. of the Revised Code. 1236

(c) Any spirituous liquor given away via the fundraiser is 1237
purchased from an agency store located in this state. 1238

(d) Regarding any spirituous liquor donated to the 1239
charitable or political organization for purposes of the 1240
fundraiser, the donor is not an agency store located in this 1241
state and submits to the charitable or political organization 1242

receipts showing that the donor purchased the spirituous liquor 1243
from an agency store located in this state. 1244

(e) The charitable or political organization submits 1245
purchase receipts for the spirituous liquor given away via a 1246
fundraiser to the division of liquor control as proof that the 1247
spirituous liquor was purchased from an agency store located in 1248
this state. The charitable or political organization shall 1249
submit the receipts in accordance with procedures that the 1250
division shall establish. 1251

Sec. 4305.14. (A) The following questions regarding the 1252
sale of beer by holders of C or D permits may be presented to 1253
the qualified electors of an election precinct: 1254

(1) "Shall the sale of beer as defined in section 4305.08 1255
of the Revised Code under permits which authorize sale for off- 1256
premises consumption only be permitted within this precinct?" 1257

(2) "Shall the sale of beer as defined in section 4305.08 1258
of the Revised Code under permits which authorize sale for on- 1259
premises consumption only, and under permits which authorize 1260
sale for both on-premises and off-premises consumption, be 1261
permitted in this precinct?" 1262

The exact wording of the question as submitted and form of 1263
ballot as printed shall be determined by the board of elections 1264
in the county wherein the election is held, subject to approval 1265
of the secretary of state. 1266

Upon the request of an elector, a board of elections of a 1267
county that encompasses an election precinct shall furnish to 1268
the elector a copy of the instructions prepared by the secretary 1269
of state under division (P) of section 3501.05 of the Revised 1270
Code and, within fifteen days after the request, with a 1271

certificate indicating the number of valid signatures that will 1272
be required on a petition to hold a special election in that 1273
precinct on either or both of the questions specified in this 1274
section. 1275

The board shall provide to a petitioner, at the time the 1276
petitioner takes out a petition, the names of the streets and, 1277
if appropriate, the address numbers of residences and business 1278
establishments within the precinct in which the election is 1279
sought, and a form prescribed by the secretary of state for 1280
notifying affected permit holders of the circulation of a 1281
petition for an election for the submission of one or more of 1282
the questions specified in division (A) of this section. The 1283
petitioner shall, not less than fifty-five days before the 1284
petition-filing deadline for an election provided for in this 1285
section, file with the division of liquor control the 1286
information regarding names of streets and, if appropriate, 1287
address numbers of residences and business establishments 1288
provided by the board of elections, and specify to the division 1289
the precinct that is concerned or that would be affected by the 1290
results of the election and the filing deadline. The division 1291
shall, within a reasonable period of time and not later than 1292
twenty-five days before the filing deadline, supply the 1293
petitioner with a list of the names and addresses of permit 1294
holders who would be affected by the election. The list shall 1295
contain a heading with the following words: "liquor permit 1296
holders who would be affected by the question(s) set forth on a 1297
petition for a local option election." 1298

Within five days after receiving from the division the 1299
list of liquor permit holders who would be affected by the 1300
question or questions set forth on a petition for local option 1301
election, the petitioner shall, using the form provided by the 1302

board of elections, notify by certified mail each permit holder 1303
whose name appears on that list. The form for notifying affected 1304
permit holders shall require the petitioner to state the 1305
petitioner's name and street address and shall contain a 1306
statement that a petition is being circulated for an election 1307
for the submission of the question or questions specified in 1308
division (B) of this section. The form shall require the 1309
petitioner to state the question or questions to be submitted as 1310
they appear on the petition. 1311

The petitioner shall attach a copy of the list provided by 1312
the division to each petition paper. A part petition paper 1313
circulated at any time without the list of affected permit 1314
holders attached to it is invalid. 1315

At the time of filing the petition with the board of 1316
elections, the petitioner shall provide to the board of 1317
elections the list supplied by the division and an affidavit 1318
certifying that the petitioner notified all affected permit 1319
holders on the list in the manner and within the time required 1320
in this section and that, at the time each signer of the 1321
petition signed the petition, the petition paper contained a 1322
copy of the list of affected permit holders. 1323

Within five days after receiving a petition calling for an 1324
election for the submission of the question or questions set 1325
forth in this section, the board of elections shall give notice 1326
by certified mail that it has received the petition to all 1327
liquor permit holders whose names appear on the list of affected 1328
permit holders filed by the petitioner. Failure of the 1329
petitioner to supply the affidavit required by this section and 1330
a complete and accurate list of liquor permit holders 1331
invalidates the entire petition. The board of elections shall 1332

provide to a permit holder who would be affected by a proposed 1333
local option election, on the permit holder's request, the names 1334
of the streets, and, if appropriate, the address numbers of 1335
residences and business establishments within the precinct in 1336
which the election is sought and that would be affected by the 1337
results of the election. The board may charge a reasonable fee 1338
for this information when provided to the petitioner and the 1339
permit holder. 1340

Upon presentation not later than four p.m. of the 1341
ninetieth day before the day of a general election or a special 1342
election held on a day on which a primary election may be held, 1343
of a petition to the board of elections of the county wherein 1344
such election is sought to be held, requesting the holding of 1345
such election on either or both of the questions specified in 1346
this section, signed by qualified electors of the precinct 1347
concerned equal in number to thirty-five per cent of the total 1348
number of votes cast in the precinct concerned for the office of 1349
governor at the preceding general election for that office, such 1350
board shall submit the question or questions specified in the 1351
petition to the electors of the precinct concerned, on the day 1352
of the next general election or the next special election held 1353
on a day on which a primary election may be held, whichever 1354
occurs first. 1355

(B) The board shall proceed as follows: 1356

(1) Such board shall, upon the filing of a petition under 1357
this section, but not later than the seventy-eighth day before 1358
the day of the election for which the question or questions on 1359
the petition would qualify for submission to the electors of the 1360
precinct, examine and determine the sufficiency of the 1361
signatures and review, examine, and determine the validity of 1362

such petition and, in case of overlapping precinct petitions 1363
presented within that period, determine which of the petitions 1364
shall govern the further proceedings of the board. In the case 1365
where the board determines that two or more overlapping 1366
petitions are valid, the earlier petition shall govern. The 1367
board shall certify the sufficiency of signatures contained in 1368
the petition as of the time of filing and the validity of the 1369
petition as of the time of certification as described in 1370
division (C) (1) of this section if the board finds the petition 1371
to be both sufficient and valid. 1372

(2) If the petition contains sufficient signatures and is 1373
valid, and, in case of overlapping precinct petitions, after the 1374
board has determined the governing petition, the board shall 1375
order the holding of a special election in the precinct for the 1376
submission of the question or questions specified in the 1377
petition, on the day of the next general election or the next 1378
special election held on a day on which a primary election may 1379
be held, whichever occurs first. 1380

(3) All petitions filed with a board of elections under 1381
this section shall be open to public inspection under rules 1382
adopted by the board. 1383

(C) Protest against a local option petition may be filed 1384
by any qualified elector eligible to vote on the question or 1385
questions specified in the petition or by a permit holder in the 1386
precinct as described in the petition, not later than four p.m. 1387
of the seventy-fourth day before the day of such general or 1388
~~primary~~ special election for which the petition qualified. Such 1389
protest shall be in writing and shall be filed with the election 1390
officials with whom the petition was filed. Upon filing of such 1391
protest the election officials with whom it is filed shall 1392

promptly fix the time for hearing it, and shall forthwith mail 1393
notice of the filing of the protest and the time for hearing it 1394
to the person who filed the petition which is protested and to 1395
the person who filed the protest. At the time and place fixed, 1396
the election officials shall hear the protest and determine the 1397
validity of the petition. 1398

(D) If a majority of the electors voting on the question 1399
in the precinct vote "yes" on question (1) or (2) as set forth 1400
in division (A) of this section, the sale of beer as specified 1401
in that question shall be permitted in the precinct and no 1402
subsequent election shall be held in the precinct under this 1403
section on the same question for a period of at least four years 1404
from the date of the most recent election. 1405

If a majority of the electors voting on the question in 1406
the precinct vote "no" on question (1) or (2) as set forth in 1407
division (A) of this section, no C or D permit holder shall sell 1408
beer as specified in that question within the precinct during 1409
the period the election is in effect and no subsequent election 1410
shall be held in the precinct under this section on the same 1411
question for a period of at least four years from the date of 1412
the most recent election. 1413

Section 2. That existing sections 106.021, 106.03, 1414
106.031, 111.15, 119.03, 121.95, 4301.171, 4301.245, 4301.58, 1415
and 4305.14 of the Revised Code are hereby repealed. 1416

Section 3. That the version of section 111.15 of the 1417
Revised Code that is scheduled to take effect September 30, 1418
2024, be amended to read as follows: 1419

Sec. 111.15. (A) As used in this section: 1420

(1) "Rule" includes any rule, regulation, bylaw, or 1421

standard having a general and uniform operation adopted by an 1422
agency under the authority of the laws governing the agency; any 1423
appendix to a rule; and any internal management rule. "Rule" 1424
does not include any guideline adopted pursuant to section 1425
3301.0714 of the Revised Code, any order respecting the duties 1426
of employees, any finding, any determination of a question of 1427
law or fact in a matter presented to an agency, or any rule 1428
promulgated pursuant to Chapter 119. or division (C) (1) or (2) 1429
of section 5117.02 of the Revised Code. "Rule" includes any 1430
amendment or rescission of a rule. 1431

(2) "Agency" means any governmental entity of the state 1432
and includes, but is not limited to, any board, department, 1433
division, commission, bureau, society, council, institution, 1434
state college or university, community college district, 1435
technical college district, or state community college. "Agency" 1436
does not include the general assembly, the controlling board, 1437
the adjutant general's department, or any court. 1438

(3) "Internal management rule" means any rule, regulation, 1439
bylaw, or standard governing the day-to-day staff procedures and 1440
operations within an agency. 1441

(B) (1) Any rule, other than a rule of an emergency nature, 1442
adopted by any agency pursuant to this section shall be 1443
effective on the tenth day after the day on which the rule in 1444
final form and in compliance with division (B) (3) of this 1445
section is filed as follows: 1446

(a) The rule shall be filed in electronic form with both 1447
the secretary of state and the director of the legislative 1448
service commission; 1449

(b) The rule shall be filed in electronic form with the 1450

joint committee on agency rule review. Division (B) (1) (b) of 1451
this section does not apply to any rule to which division (D) of 1452
this section does not apply. 1453

An agency that adopts or amends a rule that is subject to 1454
division (D) of this section shall assign a review date to the 1455
rule that is not later than five years after its effective date. 1456
If a review date assigned to a rule exceeds the five-year 1457
maximum, the review date for the rule is five years after its 1458
effective date. A rule with a review date is subject to review 1459
under section 106.03 of the Revised Code. This paragraph does 1460
not apply to a rule of a state college or university, community 1461
college district, technical college district, or state community 1462
college. 1463

If an agency in adopting a rule designates an effective 1464
date that is later than the effective date provided for by 1465
division (B) (1) of this section, the rule if filed as required 1466
by such division shall become effective on the later date 1467
designated by the agency. 1468

Any rule that is required to be filed under division (B) 1469
(1) of this section is also subject to division (D) of this 1470
section if not exempted by that division. 1471

If a rule incorporates a text or other material by 1472
reference, the agency shall comply with sections 121.71 to 1473
121.75 of the Revised Code. 1474

(2) A rule of an emergency nature necessary for the 1475
immediate preservation of the public peace, health, or safety 1476
shall state the reasons for the necessity. The emergency rule, 1477
in final form and in compliance with division (B) (3) of this 1478
section, shall be filed in electronic form with the secretary of 1479

state, the director of the legislative service commission, and 1480
the joint committee on agency rule review. The emergency rule is 1481
effective immediately upon completion of the latest filing, 1482
except that if the agency in adopting the emergency rule 1483
designates an effective date, or date and time of day, that is 1484
later than the effective date and time provided for by division 1485
(B) (2) of this section, the emergency rule if filed as required 1486
by such division shall become effective at the later date, or 1487
later date and time of day, designated by the agency. 1488

Except as provided in section 107.43 of the Revised Code, 1489
an emergency rule becomes invalid at the end of the one hundred 1490
twentieth day it is in effect. Prior to that date, the agency 1491
may file the emergency rule as a nonemergency rule in compliance 1492
with division (B) (1) of this section. The agency may not refile 1493
the emergency rule in compliance with division (B) (2) of this 1494
section so that, upon the emergency rule becoming invalid under 1495
such division, the emergency rule will continue in effect 1496
without interruption for another one hundred twenty-day period. 1497

The adoption of an emergency rule under division (B) (2) of 1498
this section in response to a state of emergency, as defined 1499
under section 107.42 of the Revised Code, may be invalidated by 1500
the general assembly, in whole or in part, by adopting a 1501
concurrent resolution in accordance with section 107.43 of the 1502
Revised Code. 1503

(3) An agency shall file a rule under division (B) (1) or 1504
(2) of this section in compliance with the following standards 1505
and procedures: 1506

(a) The rule shall be numbered in accordance with the 1507
numbering system devised by the director for the Ohio 1508
administrative code. 1509

(b) The rule shall be prepared and submitted in compliance 1510
with the rules of the legislative service commission. 1511

(c) The rule shall clearly state the date on which it is 1512
to be effective and the date on which it will expire, if known. 1513

(d) Each rule that amends or rescinds another rule shall 1514
clearly refer to the rule that is amended or rescinded. Each 1515
amendment shall fully restate the rule as amended. 1516

If the director of the legislative service commission or 1517
the director's designee gives an agency notice pursuant to 1518
section 103.05 of the Revised Code that a rule filed by the 1519
agency is not in compliance with the rules of the legislative 1520
service commission, the agency shall within thirty days after 1521
receipt of the notice conform the rule to the rules of the 1522
commission as directed in the notice. 1523

(C) All rules filed pursuant to divisions (B) (1) (a) and 1524
(2) of this section shall be recorded by the secretary of state 1525
and the director under the title of the agency adopting the rule 1526
and shall be numbered according to the numbering system devised 1527
by the director. The secretary of state and the director shall 1528
preserve the rules in an accessible manner. Each such rule shall 1529
be a public record open to public inspection and may be 1530
transmitted to any law publishing company that wishes to 1531
reproduce it. 1532

(D) At least sixty-five days before a board, commission, 1533
department, division, or bureau of the government of the state 1534
files a rule under division (B) (1) of this section, it shall 1535
file the full text of the proposed rule in electronic form with 1536
the joint committee on agency rule review, and the proposed rule 1537
is subject to legislative review and invalidation under section 1538

106.021 of the Revised Code. If a state board, commission, 1539
department, division, or bureau makes a revision in a proposed 1540
rule after it is filed with the joint committee, the state 1541
board, commission, department, division, or bureau shall 1542
promptly file the full text of the proposed rule in its revised 1543
form in electronic form with the joint committee. A state board, 1544
commission, department, division, or bureau shall also file the 1545
rule summary and fiscal analysis prepared under section 106.024 1546
of the Revised Code in electronic form along with a proposed 1547
rule, and along with a proposed rule in revised form, that is 1548
filed under this division. If a proposed rule has an adverse 1549
impact on businesses, the state board, commission, department, 1550
division, or bureau also shall file the business impact 1551
analysis, any recommendations received from the common sense 1552
initiative office, and the associated memorandum of response, if 1553
any, in electronic form along with the proposed rule, or the 1554
proposed rule in revised form, that is filed under this 1555
division. 1556

A proposed rule that is subject to legislative review 1557
under this division may not be adopted and filed in final form 1558
under division (B)(1) of this section unless the proposed rule 1559
has been filed with the joint committee on agency rule review 1560
under this division and the time for the joint committee to 1561
review the proposed rule has expired without recommendation of a 1562
concurrent resolution to invalidate the proposed rule. 1563

If a proposed rule that is subject to legislative review 1564
under this division implements a federal law or rule, the agency 1565
shall provide to the joint committee a citation to the federal 1566
law or rule the proposed rule implements and a statement as to 1567
whether the proposed rule implements the federal law or rule in 1568
a manner that is more or less stringent or burdensome than the 1569

federal law or rule requires. 1570

As used in this division, "commission" includes the public 1571
utilities commission when adopting rules under a federal or 1572
state statute. 1573

This division does not apply to any of the following: 1574

(1) A proposed rule of an emergency nature; 1575

(2) A rule proposed under section 1121.05, 1121.06, 1576
1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 1577
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 1578
Code; 1579

(3) A rule proposed by an agency other than a board, 1580
commission, department, division, or bureau of the government of 1581
the state; 1582

(4) A proposed internal management rule of a board, 1583
commission, department, division, or bureau of the government of 1584
the state; 1585

(5) Any proposed rule that must be adopted verbatim by an 1586
agency pursuant to federal law or rule, to become effective 1587
within sixty days of adoption, in order to continue the 1588
operation of a federally reimbursed program in this state, so 1589
long as the proposed rule contains both of the following: 1590

(a) A statement that it is proposed for the purpose of 1591
complying with a federal law or rule; 1592

(b) A citation to the federal law or rule that requires 1593
verbatim compliance. 1594

(6) An initial rule proposed by the director of health to 1595
impose quality standards on a health care facility as defined in 1596

section 3702.30 of the Revised Code; 1597

(7) A rule of the state lottery commission pertaining to 1598
instant game rules. 1599

If a rule is exempt from legislative review under division 1600
(D) (5) of this section, and if the federal law or rule pursuant 1601
to which the rule was adopted expires, is repealed or rescinded, 1602
or otherwise terminates, the rule is thereafter subject to 1603
legislative review under division (D) of this section. 1604

Whenever a state board, commission, department, division, 1605
or bureau files a proposed rule or a proposed rule in revised 1606
form under division (D) of this section, it shall also file the 1607
full text of the same proposed rule or proposed rule in revised 1608
form in electronic form with the secretary of state and the 1609
director of the legislative service commission. A state board, 1610
commission, department, division, or bureau shall file the rule 1611
summary and fiscal analysis prepared under section 106.024 of 1612
the Revised Code in electronic form along with a proposed rule 1613
or proposed rule in revised form that is filed with the 1614
secretary of state or the director of the legislative service 1615
commission. 1616

Section 4. That the existing version of section 111.15 of 1617
the Revised Code that is scheduled to take effect September 30, 1618
2024, is hereby repealed. 1619

Section 5. Sections 3 and 4 of this act take effect 1620
September 30, 2024. 1621