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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 617
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Jordan

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SUMMARY

- Establishes certain time frames and legislative approval procedures as conditions governing the authority of the Department of Health to issue statewide shelter-in-place or stay-at-home orders for preventing the spread of contagious or infectious diseases.
- Invalidates any existing statewide shelter-in-place or stay-at-home order issued by the Department, but permits the order to be extended under the bill's legislative approval procedures.
- Declares an emergency.

DETAILED ANALYSIS

Statewide shelter-in-place or stay-at-home orders

The bill establishes conditions on the authority of the Ohio Department of Health (ODH) to issue statewide shelter-in-place or stay-at-home orders for preventing the spread of contagious or infectious diseases.¹ At present, there are no statutory conditions on the authority to issue orders for preventing the spread of disease and current law does not specifically address the application of such orders statewide.

14-day validity periods

Under the bill, in the event ODH issues an order for preventing the spread of contagious or infectious diseases that applies statewide and requires individuals to shelter-in-place or stay-at-home, the order is valid for not more than 14 days.² It can be extended by ODH for another

¹ R.C. 3701.13.

² R.C. 3701.13(B)(2)(a).

14-day period, but only on the approval of the General Assembly. If approved, the order is then valid for a second 14-day period.³

On the conclusion of the second 14-day period, ODH may extend the order for a third 14-day period, but only with the approval of the General Assembly. If the General Assembly approves the extension, the order is valid for a third 14-day period.⁴ At the close of the third 14-day period, ODH cannot extend the order.⁵

30-day waiting period

If the General Assembly does not approve an extension, the bill prohibits ODH from issuing a new order until at least 30 days have passed from the date the most recent order became invalid.⁶ The bill does not address the issuance of a new order after the close of the third 14-day period.

Existing orders

The bill immediately invalidates any existing ODH order that (1) was issued for preventing the spread of contagious or infectious diseases, (2) applies statewide, (3) requires individuals to shelter-in-place or stay-at-home, and (4) was not scheduled to expire until after the bill's effective date.⁷

Such an order may be extended under the bill if the General Assembly approves the extension in accordance with the bill's procedures for 14-day extensions and does so on the same date as the bill's effective date.

HISTORY

Action	Date
Introduced	05-06-20

H0617-I-133/ar

³ R.C. 3701.13(B)(2)(b).

⁴ R.C. 3701.13(B)(2)(c).

⁵ R.C. 3701.13(B)(2)(d).

⁶ R.C. 3701.13(B)(2)(e).

⁷ Section 3.