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Substitute Bill Comparative Synopsis

Sub. H.B. 90

134th General Assembly

House State and Local Government

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (I_134_0628-3)	Latest Version (I_134_0628-5)
General Assembly may rescind any order or rule	
<p>Authorizes the General Assembly to rescind by concurrent resolution certain orders of the Governor, certain ODH orders, and emergency rules.</p> <p><i>(R.C. 107.43 and 3701.13)</i></p>	<p>Expands this authority to allow the General Assembly to rescind any order or rule issued or adopted by a statewide elected officer (Governor, Lieutenant Governor, Secretary of State, Auditor of State, Attorney General, and Treasurer of State), an administrative department or department head, or a state agency.</p> <p><i>(R.C. 121.84(B))</i></p>

Previous Version (I_134_0628-3)	Latest Version (I_134_0628-5)
Orders and rules limited to 30 days	
<p>Limits to 30 days an executive order issued in response to a public health state of emergency, emergency rules adopted in response to a public health state of emergency, and certain ODH orders.</p> <p><i>(R.C. 107.43, 111.15, 119.03, and 3701.13)</i></p>	<p>Expands this limitation to include any order or rule issued or adopted by a statewide elected officer, administrative department, department head, or state agency that is in response to a public health emergency.</p> <p><i>(R.C. 121.84)</i></p>
Orders and rules in effect on the bill's effective date (Section 3)	
<p>Generally applies the bill's provisions regarding review and rescission to orders and rules in effect on the bill's effective date.</p> <p>Terminates existing executive orders (except an executive order to declare a public health state of emergency), certain ODH orders and rules, and emergency rules 30 days after the bill's effective date (if issued in response to a public health state of emergency).</p>	<p>Expands to include the state and local orders, rules, and regulations added by the substitute bill.</p> <p>Expands to include the state and local orders, rules, and regulations added by the substitute bill.</p>
Request to reissue rescinded order or rule	
<p>No provision.</p>	<p>Allows the executive to reissue a rescinded order or rule (or a restriction therein) that is related to a public health emergency, if the General Assembly adopts a concurrent resolution upon request of the Governor (or other statewide elected officer, as applicable) showing a significant unforeseen change in circumstances to justify overcoming the previous rescission.</p> <p><i>(R.C. 103.651, 107.43, 121.84, and 3701.13)</i></p>

Previous Version (I_134_0628-3)	Latest Version (I_134_0628-5)
Jurisdiction for challenges; attorney's fees (R.C. 121.84(C) and (D) and 2743.03)	
No provision.	Authorizes a person who challenges an order or rule issued in response to a public health state of emergency to do so in the county where the person's residence or business is located.
No provision.	Requires the state to pay reasonable attorney's fees and court costs on behalf of a person who successfully challenges an order or rule.
Substantially similar (R.C. 103.651, 107.43, and 3701.13)	
Throughout the bill, generally prohibits the Governor, ODH, or an agency from reissuing an order or rule that was rescinded by the General Assembly or Committee for 90 days. Also prohibits a "substantially similar" order or rule within the 90 days.	Same, but instead of "substantially similar orders and rules," prohibits a "restriction contained in" a previously rescinded order or rule.
State and local health orders	
Permits the General Assembly or Committee to rescind a special or standing order or rule issued by ODH to prevent the spread of contagious or infectious disease at any time.	Instead, permits the General Assembly or Committee to rescind any order, rule, or regulation issued by ODH or a local board of health related to a public health state of emergency at any time. <i>(R.C. 103.651(D), 3701.13(C), and 3709.212)</i>
Prohibits ODH from reissuing an order or rule that was rescinded by the General Assembly or Committee for 90 days and provides that any such order or rule is invalid.	Same, but expands the prohibition to include orders and regulations issued by local boards of health and, as described above, permits the General Assembly to authorize the reissuance of a rescinded order, rule, or regulation issued by ODH or a local board at the request of the Governor. <i>(R.C. 103.65(E))</i>

Previous Version (I_134_0628-3)	Latest Version (I_134_0628-5)
<p>Authorizes the Committee to oversee actions taken by ODH for preventing the spread of contagious or infectious diseases.</p> <p>No provision.</p>	<p>Instead, authorizes the Committee to oversee any action taken by ODH or a local board of health in response to a public health state of emergency.</p> <p><i>(R.C. 103.651(B)(1)(b) and 3707.11)</i></p> <p>Limits an order or regulation issued by a local board of health in response to a public health state of emergency to 30 days unless extended by the General Assembly.</p> <p><i>(R.C. 3709.212(B))</i></p>
Severability (Section 4)	
No provision (but R.C. 1.50 generally applies to codified provisions).	Adds a severability clause.