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S.B. 22
134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Enacted

Primary Sponsors: Sens. Johnson and McColley

Local Impact Statement Procedure Required: No

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Highlights

- The General Assembly may experience an increase in administrative costs if any order, rule, or state of emergency, etc. is rescinded by concurrent resolution or considered for rescission. Additionally, the General Assembly may experience costs related to the Ohio Health Oversight and Advisory Committee.
- The Ohio Department of Health (ODH) and Governor's Office may incur administrative costs to report actions taken in response to a state of emergency.
- The Joint Medicaid Oversight Committee may realize an increase in costs to provide staff and services to the Ohio Health Oversight and Advisory Committee.

Detailed Analysis

State of emergency and certain rules, orders

The bill specifies that a state of emergency declared by the Governor may exist for not more than 90 calendar days unless extended by the General Assembly for up to an additional 60 calendar days by adopting a concurrent resolution. The General Assembly may continuously extend a state of emergency, but no extension may be more than 60 calendar days. After a state of emergency has been in effect for 30 calendar days, the General Assembly may terminate the state of emergency by adopting a concurrent resolution. However, within 60 days of expiration or termination, the Governor may submit a request to the General Assembly to authorize the Governor to issue an identical or substantially similar state of emergency. Upon review, the General Assembly may adopt a concurrent resolution authorizing the request.

Additionally, the bill requires the Governor and the Ohio Department of Health (ODH) to promptly report to the President of the Senate and Speaker of the House of Representatives

every action the Governor or ODH takes in response to the state of emergency. If the Governor declares a state of emergency, the General Assembly may take the following actions by adopting a concurrent resolution: (1) rescind or invalidate, in whole or in part, any order, rule, or emergency rule issued by an administrative department, department head, state agency, or statewide elected officer in response to a state of emergency, including an order to authorize an agency to adopt, amend, or rescind certain rules, and (2) authorize a rule rescinded by an agency in response to the state of emergency to be readopted. Additionally, the bill specifies that, if ODH (1) issues a special or standing order or rule for preventing the spread of contagious or infectious disease, or (2) takes action to control and suppress the cause of disease or illness, the General Assembly may rescind that order, rule, or action, in whole or in part, by adopting a concurrent resolution. The Governor or a statewide elected officer may submit a request within 60 calendar days to have a rescinded order or rule reissued. Upon review, the General Assembly may adopt a concurrent resolution authorizing the request.

The bill also specifies that any action, order, rule, or emergency rule issued in response to a state of emergency, as well as any special or standing order or rule issued, or action taken, by ODH under sections 3701.13 and 3701.14 of the Revised Code, that is in effect on the effective date of the bill is immediately subject to review by the Ohio Health Oversight and Advisory Committee (which is discussed below) and rescission by the General Assembly. An emergency declaration in effect on the effective date is subject to immediate termination by the General Assembly by concurrent resolution and is not to exist for more than 30 calendar days after the effective date, unless extended.

The bill also permits a person who challenges an order or rule issued in response to a state of emergency to do so in the county where the person's residence or business is located. The bill requires the state agency, administrative department, etc. to pay reasonable attorney's fees and court costs on behalf of a person who successfully challenges an order or rule.

Fiscal impact

There would be an increase in administrative costs for the General Assembly to rescind actions, orders, or rules made by the Governor, ODH, and other agencies. In addition, the General Assembly could have costs if it chooses to extend a state of emergency. Any other impacts depend on the circumstances of the state of emergency itself and whether or not the duration is extended. There could also be other direct or indirect state and local impacts. However, the impacts would also depend on the number and scope of the orders or rules in place and if any rescissions or invalidations are made. ODH, the Governor's Office, and/or impacted agencies could realize costs to report actions taken, provide information, or address questions, during this process. The cost will depend on what information is necessary to provide.

There may be costs to local courts if any additional cases are filed as a result of the bill's provisions. Additionally, involved state agencies may experience an increase in costs for attorney's fees if any person successfully challenges an order or rule. These costs will depend on the number of cases filed and the number/scope of successful challenges.

Ohio Health Oversight and Advisory Committee

The bill establishes the Ohio Health Oversight and Advisory Committee and outlines its membership (three members from the Senate and three members from the House). The bill also outlines the Committee's duties, which include (1) overseeing actions taken by the Governor,

ODH, or any other agency during a state of emergency, (2) overseeing actions taken by ODH to prevent the spread of contagious or infectious diseases, or actions to investigate or make inquiry and to take prompt action to control and suppress the cause of disease or illness, and (3) consulting with and providing advice to the Governor, ODH, and other agencies regarding necessary and appropriate action during a state of emergency.

To assist the Committee in performing its duties, the bill permits the Committee chairperson to issue subpoenas. Before issuing subpoenas, the Committee chairperson must receive authorization from the Committee, the President of the Senate, and the Speaker of the House. Additionally, the bill requires the Executive Director and staff of the Joint Medicaid Oversight Committee (JMOC) to serve the Committee to enable it to successfully and efficiently perform its duties.

Fiscal impact

There would be an increase in administrative costs for the General Assembly for the Ohio Health Oversight and Advisory Committee to perform its duties. These costs would likely be absorbed with existing staff and budget. ODH, the Governor's Office, and impacted agencies could realize costs to provide information or address questions during this process. Additionally, JMOC may experience an increase in costs to provide staffing and services to the Committee. Since the bill allows the Committee to issue subpoenas, there could also be costs to the sergeant-at-arms of either chamber or the county sheriff if any subpoenas are delivered. If any persons issued a subpoena fail to appear, there could be court and enforcement costs. However, it is anticipated that this would rarely occur, so any impacts would be minimal.

Boards of health

The bill also specifies that a board of health may only issue a quarantine or isolation order that applies to individuals who have been medically diagnosed with the disease or individuals who have come in direct contact with someone who has been medically diagnosed. Under the bill, a board of health may issue an order or regulation that applies only to specific persons, including those who have been medically diagnosed, those who have come in direct contact with someone who has been medically diagnosed, and those that have had a documented incident in the building of the disease. The bill eliminates the authority of a local board of health to generally close schools and prohibit public gatherings during an epidemic or threatened epidemic. The bill instead permits a local board of health to close a specific school building for such a time as is necessary to bring the building into sanitary condition when a dangerous communicable disease is unusually prevalent and verified positive cases are documented in the specific school building.

Fiscal impact

There could be direct or indirect local impacts. However, the impacts would depend on the number and scope of the local board of health orders or regulations in place on the bill's effective date.