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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Office

H.B. 90  
(1\_134\_0628-3)  
134<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 90's Bill Analysis](#)

**Version:** As Pending in House State and Local Government

**Primary Sponsors:** Reps. Wiggam and Edwards

**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The General Assembly may experience an increase in administrative costs if any order, rule, or emergency declaration is rescinded by concurrent resolution.
- The Ohio Department of Health (ODH) and Governor's Office may incur some administrative costs to report actions taken in response to a public health 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

#### Orders, rules, and public health emergency limits

The bill allows the General Assembly to rescind, by passing a concurrent resolution, the following: executive orders or emergency declarations issued by the Governor, and a special or standing order or rule for preventing the spread of contagious or infectious disease issued by the Ohio Department of Health (ODH). The bill limits the adoption, amendment, or rescission of a rule in response to a public health state of emergency to 30 days unless it is extended by the General Assembly by adopting a concurrent resolution. The bill allows the General Assembly to invalidate certain emergency rules adopted or amended by an agency or authorize certain rules rescinded by an agency to be reinstated. After the General Assembly makes such a rescission, invalidation, or reinstatement, the Governor, ODH, and/or the agency is prohibited from reissuing or readopting the order, rule, or declaration (or a substantially similar order, rule, or declaration) for 90 days. The bill provides that any executive order or emergency declaration issued by the Governor, or any special or standing order or rule for preventing the spread of contagious or infectious disease issued by ODH, that is in effect on the bill's effective date, is

subject to review and rescission by the General Assembly and by the Ohio Health Oversight and Advisory Committee, which is created by the bill and discussed in more detail below. As a result, the General Assembly may experience an increase in administrative costs depending on the number of special or standing orders or rules reviewed. These costs would likely be absorbed with existing staff and budget. ODH, relevant agencies, and the Governor's Office may have costs if they have to prepare any documents, address questions, etc. during this process. There could also be other direct or indirect state and local impacts. However, the impacts would depend on the number and scope of the orders or rules in place and whether or not the orders or rules are rescinded.

The bill limits the duration of a "public health state of emergency" to 30 days unless the General Assembly passes a concurrent resolution to extend the emergency. There is no limit to the number of extensions the General Assembly may provide, but each extension cannot exceed 60 days. During a public health state of emergency, the Governor and ODH are required to report to the President of the Senate and Speaker of the House of Representatives every action the Governor or ODH take in response to the emergency. As a result, ODH and the Governor's Office may experience an increase in administrative costs to report this information. The cost will depend on what information is necessary to provide. In addition, the General Assembly could have costs if it chooses to extend a public health state of emergency. Any other impacts depend on the circumstances of the public health state of emergency itself and whether or not the duration is extended.

## **Ohio Health Oversight and Advisory Committee**

The bill establishes the Ohio Health Oversight and Advisory Committee and outlines its membership (five members from the Senate and five members from the House). The bill also outlines the Committee's duties. 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. 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.

There would be costs for the Ohio Health Oversight and Advisory Committee to review actions taken by the Governor and ODH and to consult and provide advice regarding necessary and appropriate actions. Additionally, JMOC may experience an increase in costs to provide staffing and services to the Committee. These costs will depend on a number of factors including the number and scope of actions, orders, or rules reviewed. Additionally, since the bill allows the Committee to issue subpoenas, there could 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. There could also be other direct or indirect state and local impacts. However, the impacts would depend on the number and scope of the orders or rules in place and whether or not the orders or rules are rescinded or invalidated.