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Substitute Bill Comparative Synopsis

Sub. S.B. 22

134th General Assembly

Senate Government Oversight and Reform

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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 (As Introduced)	Latest Version (I_134_0386-7)
Ohio Health Oversight and Advisory Committee structure	
Specifies the that Ohio Health Oversight and Advisory Committee consists of ten members (three from the majority party and two from the minority party from each chamber).	Instead, the committee consists of six members (two from the majority party and one from the minority party from each chamber) (<i>R.C. 103.65(A)</i>).
Permits a Committee member to serve as a member of the Committee until subsequent appointments are made in the next General Assembly, unless the member is removed by the Speaker or President, and specifies that members may be reappointed.	Same, but also adds that a Committee member may only serve as a member while they are a member of the chamber from which they were originally appointed to the Committee and removes the language specifying that members may be reappointed (<i>R.C. 103.65(B)</i>).

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Committee powers and duties	
<p>Permits the Committee to oversee actions taken by the Governor and the Ohio Department of Health (ODH) during a public health state of emergency, and to consult with and provide advice to the Governor and ODH regarding necessary and appropriate action during a public health state of emergency.</p> <p>Permits the Committee to oversee actions taken by ODH for preventing the spread of contagious or infectious diseases under R.C. 3701.13.</p> <p>Beginning on the 11th day of a public health state of emergency, permits the Committee, by a vote of the majority of its members, to rescind an executive order issued by the Governor in response to the emergency, including the executive order declaring the emergency.</p> <p>No provision.</p>	<p>Same, but also permits the Committee to oversee actions taken by other agencies during a public health state of emergency and to consult with and provide advice to those agencies regarding necessary and appropriate action during a public health state of emergency (<i>R.C. 103.651(B)(1)(a) and (c)</i>).</p> <p>Same, but also permits the Committee to oversee actions taken by the Director of Health for investigating, making inquiry, and taking prompt action to control and suppress the cause of disease or illness including contagious, infectious, epidemic, pandemic, or endemic conditions under R.C. 3701.14 (<i>R.C. 103.651(B)(1)(b)(i) and (ii)</i>).</p> <p>Beginning on the 11th day following the issuance of an executive order in response to a public health state of emergency, instead permits the Committee, by a majority vote of its members, to rescind that order, but this authority does not apply to the executive order to declare a public health state of emergency (<i>R.C. 103.651(C)(1)</i>).</p> <p>Permits the Committee, by a vote of the majority of its members, to do all of the following:</p> <ul style="list-style-type: none"> ▪ Rescind an executive order by the Governor authorizing an agency to amend, adopt, or rescind rules under R.C. 119.03(G) beginning on the 11th day following the issuance of the order (<i>R.C. 103.651(C)(1)</i>); ▪ Invalidate an emergency rule adopted by an agency under R.C. 119.03(G) or authorize a rule rescinded by an agency under R.C. 119.03(G) to be readopted beginning on the 11th day following the issuance of an executive order by the Governor

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<p>Permits the Committee, at any time, by a majority vote of its members, to rescind a special or standing order or rule for preventing the spread of contagious or infectious diseases issued by ODH under R.C. 3701.13.</p>	<p>authorizing an agency to amend, adopt, or rescind rules (<i>R.C. 103.651(C)(2), 106.022, and 119.03(G)(3)</i>);</p> <ul style="list-style-type: none"> ▪ Invalidate an emergency rule adopted by an agency under R.C. 111.15(B)(2) beginning on the 11th day following the adoption of that rule (<i>R.C. 103.651(C)(3) and 111.15(B)(2)</i>).
<p>Prohibits the Governor and ODH from reissuing a rescinded executive order or special or standing order or rule (or a substantially similar one) for 90 days, and specifies that any such order or rule is invalid and has no legal effect.</p>	<p>Instead, permits the Committee to rescind an order issued by ODH for preventing the spread of contagious or infectious diseases or an action taken by the Director for investigating, making inquiry, and taking prompt action to control and suppress the cause of disease or illness including contagious, infectious, epidemic, pandemic, or endemic conditions under R.C. 3701.14 beginning on the 11th day following the issuance of the special or standing order or rule or action taken by the Director (<i>R.C. 103.651(D)(1) and (2)</i>).</p>
<p>No provision.</p>	<p>Same, but also generally applies this provision to emergency rules issued by an agency that are invalidated by the Committee (<i>R.C. 103.651(E)(1) and (3)</i>).</p>
	<p>Permits the Committee, by a majority vote of its members, to authorize the Governor, ODH, or an agency to reinstate or readopt a previously rescinded or invalidated executive order, special or standing order or rule, or emergency rule, or issue a new executive order, special or standing order or rule, or emergency rule that is substantially similar to one previously rescinded or invalidated by the Committee (<i>R.C. 103.651(E)(2)</i>).</p>

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State of emergency	
Limits a public health state of emergency to 30 days (<i>R.C. 107.42(B)</i>).	Provides that any state of emergency issued by the Governor, including a public health state of emergency, cannot last longer than 90 days unless extended by the General Assembly (<i>R.C. 107.43(A)</i>).
Permits the General Assembly to extend a public health state of emergency by adopting a concurrent resolution.	Permits the General Assembly to extend a state of emergency in 60-day intervals by adopting a concurrent resolution. Provides that if the General Assembly does not extend a state of emergency, the Governor generally may not declare an identical or substantially similar state of emergency for 90 days (<i>R.C. 107.43(B)</i>).
No provision.	Requires the Governor to notify the Senate President and House Speaker, in writing, at least 15 days before the Governor intends to declare an identical or substantially similar state of emergency (<i>R.C. 107.43(B)</i>).
Permits the General Assembly to rescind any executive order or any emergency declaration issued by the Governor by adopting a concurrent resolution and prohibits the Governor from reissuing a rescinded order (or a substantially similar one) for 90 days.	Instead, permits the General Assembly to terminate a state of emergency declared by the Governor after the emergency has been in effect for 30 days and provides that if the emergency is terminated by the General Assembly, the Governor generally cannot declare an identical or substantially similar state of emergency for 90 days (<i>R.C. 107.43(C)(1) and (2)</i>).
No provision.	Permits the General Assembly, by adopting a concurrent resolution, to authorize the Governor to declare an identical or substantially similar state of emergency following the General Assembly's decision not to extend an emergency (<i>R.C. 107.43(B)</i>).

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<p>No provision.</p> <p>Beginning on the date the Governor declares a public health state of emergency, requires the Governor and ODH to report to the Senate President and House Speaker every action the Governor takes in response to the emergency and every action ODH takes under R.C. 3701.13 in response to the emergency (<i>R.C. 107.42 and 3701.13(C)(5)</i>).</p>	<p>Permits the General Assembly, by adopting a concurrent resolution, to authorize the Governor to declare an identical or substantially similar state of emergency that is consistent with the concurrent resolution adopted by the General Assembly (<i>R.C. 107.43.(C)(3)</i>).</p> <p>Instead requires the Governor and ODH to promptly report every action the Governor or ODH takes in response to the emergency (<i>R.C. 107.42</i>).</p>
<p>Department of Health orders and rules, quarantine and isolation</p>	
<p>Authorizes the General Assembly to rescind a special or standing order or rule for preventing the spread of contagious or infectious disease issued by ODH by adopting a concurrent resolution and prohibits ODH from reissuing a rescinded order or rule (or a substantially similar one) for 90 days (<i>R.C. 3701.13(C)(1), (2), (3), and (4)</i>).</p> <p>No provision.</p> <p>Defines “quarantine” and “isolation” as those terms relate to ODH’s authority, as follows:</p> <p>“Isolation” means the separation of one or more individuals who has been medically diagnosed with a communicable or contagious disease from other individuals who have not been medically diagnosed with the disease.</p> <p>“Quarantine” means the separation or restriction of movement of one or more individuals who have come into direct contact with someone</p>	<p>No provision.</p> <p>Specifies that the authority of ODH regarding matters pertaining to the life and health of the people is superior to the authority of a local board of health (<i>R.C. 3701.13(B)(1)</i>).</p> <p>Same, but also applies the bill’s new definitions of “isolation” and “quarantine” to actions taken by local boards of health (<i>R.C. 3707.01(A)</i>).</p>

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<p>who has been medically diagnosed with a communicable or contagious disease.</p>	
<p>Existing orders</p>	
<p>Subjects any executive order issued by the Governor (including any emergency declaration), or any special or standing order or rule issued by ODH, that is in effect on the bill’s effective date to review and rescission by the Committee and the General Assembly.</p> <p>No provision.</p>	<p>Same, but also subjects any emergency rule adopted by an agency in response to a public health state of emergency to review and rescission by the Committee.</p> <p>Provides that any emergency declaration in effect on the bill’s effective date is considered to have been issued on the bill’s effective date and may not exist for more than 90 days following the bill’s effective date unless extended by the General Assembly (<i>Section 3</i>).</p>