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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Synopsis of House Committee Amendments

(This synopsis does not address amendments that may have been adopted on the House floor.)

### Sub. S.B. 22 of the 134<sup>th</sup> General Assembly

#### House State and Local Government

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| As Passed by the Senate   | As Reported by H. State and Local Government  |
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| <b>GENERAL ASSEMBLY AUTHORITY TO OVERSEE ORDERS/RULES/ACTIONS OF EXECUTIVE BRANCH</b>   |   |
| <b>Emergency orders and rules, generally (but not an order to declare an emergency)</b>   |   |
| <p>Eleven days after the Governor declares a public health emergency (PHE), allows the General Assembly to rescind subsequent executive orders related to the PHE, by adopting a concurrent resolution.</p> | <p>Beginning the day the Governor declares a state of emergency, allows the General Assembly to rescind, in whole or in part, by adopting a concurrent resolution, any order or rule issued or adopted in response to the state of emergency by a statewide elected officer (Governor, Lieutenant Governor, Secretary of State, Auditor of State, Attorney General, or Treasurer of State), an administrative department or department head, or a state agency.</p> |
| <p>If rescinded, the Governor cannot reissue the order (or a substantially similar order) for 30 days.</p>  | <p>If rescinded, the executive cannot reissue or readopt the order or rule (or the rescinded portion, or a substantially similar order or rule, or a restriction contained in a rescinded order or rule or rescinded portion) for 60 days.</p>  |
| <p>No provision.<br/><i>(R.C. 101.36(A)(1) and (C)(1).)</i></p>   | <p>Allows the executive to ask the General Assembly for permission to reissue a rescinded order/rule/portion before the 60 days. The General Assembly can review and approve the request, in whole or in part, via concurrent resolution.<br/><i>(R.C. 107.43(C), 111.15, and 119.03.)</i></p>  |

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| <b>STATE OF EMERGENCY</b>  |   |
| <b>Definition (R.C. 107.42)</b>  |   |
| <p>Defines “state of emergency” as “an emergency for which the governor has declared an emergency” and specifically includes the existing types of emergency in Ohio law (air pollution, energy shortage, adulterated consumer product).</p>                         | <p>Defines “state of emergency” as “the period of time between when the governor declares any emergency and the expiration of that emergency” and specifically includes the existing types of emergency in Ohio law (air pollution, energy shortage, adulterated consumer product).</p> |
| <b>Limit on reissuing state of emergency</b>   |   |
| <p>If the General Assembly does not extend a state of emergency, the Governor cannot reissue the emergency (or a substantially similar emergency) for 30 days, unless authorized by the General Assembly via concurrent resolution.</p>                              | <p>Increases to 60 days; also prohibits reissuance of a new declaration containing part of an expired declaration; and allows the Governor to request that the General Assembly adopt a concurrent resolution to allow the Governor to reissue the emergency.</p>                       |
| <p>If the General Assembly terminates a state of emergency, the Governor cannot reissue the emergency (or a substantially similar emergency) for 30 days.</p>  | <p>Increases to 60 days; also prohibits reissuance of a new declaration containing part of a terminated declaration; and allows the Governor to request that the General Assembly adopt a concurrent resolution to allow the Governor to reissue the emergency.</p>                     |
| <p><i>(R.C. 107.43)</i></p>  | <p><i>(R.C. 107.42)</i></p>   |
| <p>Terminates the current state of emergency 30 days after the bill takes effect and prohibits the Governor from reissuing the emergency (or a substantially similar emergency) for 60 days unless authorized by the General Assembly via concurrent resolution.</p> | <p>Also prohibits reissuance of a new declaration containing part of the current declaration; and allows the Governor to request that the General Assembly adopt a concurrent resolution to allow the Governor to reissue the emergency.</p>  |
| <p><i>(Section 3)</i></p>  | <p><i>(Section 3)</i></p>   |
| <b>Amendment as new declaration (R.C. 107.42(B))</b>   |   |
| <p>Specifies an amendment to a declaration of emergency is not a new declaration of emergency.</p>   | <p>Also specifies a declaration of a substantially similar state of emergency, or the reissuance of any part of an initial declaration of a state of emergency, is not a new declaration of emergency.</p>  |

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| <b>Governor to notify before another declaration</b>   |  |
| <p>Requires the Governor to notify the President and Speaker in writing at least 15 days before the Governor intends to declare an identical or substantially similar state of emergency.</p> <p><i>(R.C. 107.43(B))</i></p>   | <p>No provision.</p>   |
| <b>OHHIO HEALTH OVERSIGHT AND ADVISORY COMMITTEE</b>   |  |
| <b>Membership and administration</b>   |  |
| <p>Prohibits the Speaker of the House or President of the Senate from removing a member of the Committee during a declared PHE.</p>  | <p>Instead, prohibits the Speaker or President from removing a member from the Committee during a declared state of emergency unless an extraordinary circumstance exists that prevents a member from serving on the Committee.</p> <p><i>(R.C. 103.65(B))</i></p> |
| <p>In odd numbered years, requires the President to designate a Committee chairperson, and the Speaker to designate a ranking minority member and in even numbered years, requires the Speaker to designate a Committee chairperson and the President to designate a ranking minority member.</p>  | <p>Same, but in odd numbered years, also requires the Speaker to designate a Committee vice-chairperson, and in even numbered years, requires the President to designate a Committee vice-chairperson.</p> <p><i>(R.C. 103.65(C))</i></p>                          |
| <b>Authority</b>   |  |
| <p>Allows the Committee to:</p> <ul style="list-style-type: none"> <li>▪ Oversee actions taken by the Governor, ODH or any agency in response to a PHE.</li> <li>▪ Oversee actions taken by ODH for preventing the spread of contagious or infectious disease under R.C. 3701.13 and the Director of Health to investigate or make inquiry and to take 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.</li> <li>▪ Consult with and provide advice to the Governor, ODH, and other agencies regarding necessary and appropriate actions during a PHE.</li> </ul> | <p>Same, but specifies that the Committee's authority exists during and in response to a state of emergency, rather than a PHE. <i>(R.C. 103.651(B)(1))</i></p>  |

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| <p>Provides that if the Governor issues an executive order declaring a PHE, the Committee is required to report any findings and recommendations to the General Assembly between 20 and 30 days after the Governor, ODH, or other agency takes any action over which the Committee has oversight.</p> <p><i>(R.C. 103.651(C))</i></p>  | <p>No provision.</p>   |
| <b>DEPARTMENT OF HEALTH AND LOCAL BOARDS OF HEALTH ORDERS</b>  |  |
| <b>Department of Health orders and rules</b>   |  |
| <p>Permits the General Assembly to rescind an ODH special or standing order or rule for preventing the spread of contagious or infectious diseases under R.C. 3701.13 or an action taken by the Director under R.C. 3701.14 to control and suppress the cause of disease or illness, beginning on the 11<sup>th</sup> day after the order or rule is issued or action is taken, by adopting a concurrent resolution and prohibits ODH from reissuing a rescinded order or rule (or a substantially similar one) for 30 days <i>(R.C. 101.36(B)(1) and (2) and (E))</i>.</p> <p>No provision.</p> | <p>Instead, permits the General Assembly to rescind an order or rule issued under R.C. 3701.13 or an action taken by the Director under R.C. 3701.14 in whole or in part, at any time and expands the prohibition on ODH reissuing a rescinded order or rule (or a substantially similar) to also prohibit the issuance or adoption of a rescinded portion, a restriction contained in a rescinded order or rule or action taken by the Director or rescinded portion for 60 days.</p> <p><i>(R.C. 101.36(A))</i></p> <p>Allows the Governor, on behalf of ODH or the Director, to ask the General Assembly for permission to reissue a rescinded order/rule/portion before the 60 days. General Assembly can review and approve the request, in whole or in part, via concurrent resolution.</p> <p><i>(R.C. 101.36(B))</i></p> |
| <b>Local boards of health</b>  |  |
| <p>No provision.</p>   | <p>Specifies that a local board of health may only issue a quarantine and isolation order that applies to individuals who have been medically diagnosed with or have come into direct contact with someone who has been medically diagnosed with the disease that is the subject of the order.</p> <p><i>(R.C. 3707.11)</i></p>  |

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| No provision.  | <p>Eliminates the authority of a local board of health to generally close schools and prohibit public gatherings during an epidemic or threatened epidemic and 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 of the of the disease are documented in the specific school building subject to closure by the local board.</p> <p><i>(R.C. 3707.26)</i></p>   |
| No provision.  | <p>Specifies that a local board of health may only issue orders and regulations that apply to specific individuals or businesses and that any order or regulation that applies to a class of individuals or businesses is invalid and has no legal effect.</p> <p><i>(R.C. 3707.54 and 3709.50)</i></p>  |
| No provision.  | <p>Specifies that any order or regulation issued by a local board of health for the public health or for the prevention or restriction of disease may apply only to individuals and businesses that:</p> <ul style="list-style-type: none"> <li>▪ Have been medically diagnosed with the disease that is the subject of the order or regulation;</li> <li>▪ Have come in direct contact with someone who has been medically diagnosed with the disease that is the subject of the order or regulation;</li> <li>▪ Have a documented incident in the building of the disease that is the subject of the order or regulation.</li> </ul> <p><i>(R.C. 3709.212)</i></p> |
| <b>MISCELLANEOUS</b>   |  |
| <b>Substantially similar and restrictions contained in rescinded order or rule <i>(R.C. 101.36 and 107.43)</i></b>                     |  |
| Throughout the bill, after an order or rule is rescinded, prohibits the issuance or adoption of a substantially similar order or rule. | Expands this to also prohibit the issuance or adoption of a restriction contained in a rescinded order or rule.  |

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| <b>Jurisdiction for challenges; attorney's fees and court costs (<i>R.C. 107.43(D) and 2743.03</i>)</b> |  |
| No provision.   | Authorizes 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. |
| 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.                                   |
| <b>Severability clause</b>  |  |
| No provision (but R.C. 1.50 generally applies to codified provisions).                                  | Contains a severability clause ( <i>Section 4</i> ).   |