

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 267**

**Representative Jordan**

**Cosponsors: Representatives Gross, Powell, Riedel, Stoltzfus, Merrin**

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**A BILL**

To amend section 3701.13 and to enact sections 1  
101.361 and 107.44 of the Revised Code to limit 2  
the duration of public health orders and to 3  
allow the General Assembly to act via concurrent 4  
resolution in response to a public health 5  
emergency if the Governor or Department of 6  
Health does not. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3701.13 be amended and sections 8  
101.361 and 107.44 of the Revised Code be enacted to read as 9  
follows: 10

**Sec. 101.361.** (A) As used in this section, "public health 11  
state of emergency" has the same meaning as in section 107.44 of 12  
the Revised Code. 13

(B) A special or standing order or rule for preventing the 14  
spread of contagious or infectious disease issued by the 15  
department of health under section 3701.13 of the Revised Code 16  
in response to a public health state of emergency, shall exist 17  
for not more than fourteen days, unless extended by the general 18

assembly as provided in division (B)(2) of this section. 19

(2) The general assembly may extend a special or standing 20  
order or rule for up to fourteen additional days by adopting a 21  
concurrent resolution. The general assembly continuously may 22  
extend a special or standing order or rule by adopting 23  
subsequent concurrent resolutions, but no extension may last 24  
longer than fourteen days. If the general assembly does not 25  
extend a special or standing order or rule, the department shall 26  
not reissue an identical or substantially similar order or rule, 27  
or any restriction contained in the order or rule, for a period 28  
of sixty days after the order or rule expires. 29

(C) The general assembly may submit a written request, 30  
upon vote of a majority of the members of each house, to the 31  
department asking the department to issue a special or standing 32  
order or rule in response to a public health state of emergency. 33  
If the department does not issue the requested special or 34  
standing order or rule within ten days after receiving the 35  
request, the general assembly may adopt a concurrent resolution 36  
to prescribe the content of the requested special or standing 37  
order or rule. A concurrent resolution adopted under this 38  
division shall exist for not more than fourteen days. 39

**Sec. 107.44. (A) As used in this section:** 40

"Administrative department head" means a department head 41  
listed under section 121.03 of the Revised Code. 42

"Public health state of emergency" means an emergency for 43  
which the governor has declared an emergency in response to a 44  
threat to the preservation of the life and health of the people 45  
of this state, including an air pollution emergency under 46  
section 3704.032 of the Revised Code, an energy shortage 47

emergency under section 4935.03 of the Revised Code, and an 48  
adulterated consumer product emergency under section 3715.74 of 49  
the Revised Code. 50

(B)(1) A statewide order issued by, or at the direction 51  
of, the governor, the lieutenant governor, or an administrative 52  
department head, in response to a public health state of 53  
emergency, shall exist for not more than fourteen days, unless 54  
extended by the general assembly as provided in division (B)(2) 55  
of this section. This division does not apply to an order issued 56  
to declare a public health state of emergency. 57

(2) The general assembly may extend an order for up to 58  
fourteen additional days by adopting a concurrent resolution. 59  
The general assembly continuously may extend an order by 60  
adopting subsequent concurrent resolutions, but no extension may 61  
last longer than fourteen days. If the general assembly does not 62  
extend an order, the governor, lieutenant governor, or 63  
administrative department head shall not reissue an identical or 64  
substantially similar order, or any restriction contained in the 65  
order, for a period of sixty days after the order expires. 66

(C) The general assembly may submit a written request, 67  
upon vote of a majority of the members of each house, to the 68  
governor asking the governor to issue a statewide order in 69  
response to a public health state of emergency. If the governor 70  
does not issue the requested order within ten days after 71  
receiving the request, the general assembly may adopt a 72  
concurrent resolution to prescribe the content of the requested 73  
order. A concurrent resolution adopted under this division shall 74  
exist for not more than fourteen days. 75

**Sec. 3701.13.** (A) As used in this section: 76

(1) "Isolation" means the separation of one or more 77  
individuals who have been medically diagnosed with a 78  
communicable or contagious disease from other individuals who 79  
have not been medically diagnosed with the disease. 80

(2) "Quarantine" means the separation or restriction of 81  
movement of one or more individuals who have come into direct 82  
contact with someone who has been medically diagnosed with a 83  
communicable or contagious disease. 84

(B) (1) The department of health shall have supervision of 85  
all matters relating to the preservation of the life and health 86  
of the people and have authority in matters of quarantine and 87  
isolation, which it may declare and enforce, when neither 88  
exists, and modify, relax, or abolish, when either has been 89  
established. The authority of the department of health under 90  
this section is superior to the authority of a board of health 91  
of a city or general health district or the authority having the 92  
duties of a board of health under section 3709.05 of the Revised 93  
Code. 94

(2) The department may approve methods of immunization 95  
against the diseases specified in section 3313.671 of the 96  
Revised Code for the purpose of carrying out the provisions of 97  
that section and take such actions as are necessary to encourage 98  
vaccination against those diseases. 99

(C) Subject to ~~section~~ sections 101.36 and 101.361 of the 100  
Revised Code, the department may make special or standing orders 101  
or rules for preventing the spread of contagious or infectious 102  
diseases. Except as provided in section 101.361 of the Revised 103  
Code, such an order or rule, when issued in response to a public 104  
health state of emergency as defined in section 107.44 of the 105  
Revised Code, shall exist for not more than fourteen days. 106

(D) In addition to the authority granted by division ~~(C)~~ 107  
~~(1)~~ (C) of this section, the department may make special or 108  
standing orders or rules for any of the following purposes: 109

(1) To prevent the use of fluoroscopes for nonmedical 110  
purposes that emit doses of radiation likely to be harmful to 111  
any person; 112

(2) To govern the receipt and conveyance of remains of 113  
deceased persons; 114

(3) To address such other sanitary matters as are best 115  
controlled by a general rule. 116

(E) Whenever possible, the department shall work in 117  
cooperation with the health commissioner of a general or city 118  
health district. 119

In any of the following circumstances, the department may 120  
make and enforce orders in local matters or reassign substantive 121  
authority for mandatory programs from a general or city health 122  
district to another general or city health district: when an 123  
emergency exists, when the board of health of a general or city 124  
health district has neglected or refused to act with sufficient 125  
promptness or efficiency, or when such board has not been 126  
established as provided by sections 3709.02, 3709.03, 3709.05, 127  
3709.06, 3709.11, 3709.12, and 3709.14 of the Revised Code. In 128  
such cases, the necessary expense incurred shall be paid by the 129  
general health district or city for which the services are 130  
rendered. 131

The department of health may require general or city 132  
health districts to enter into agreements for shared services 133  
under section 9.482 of the Revised Code. The department shall 134  
prepare and offer to boards of health a model contract and 135

memorandum of understanding that are easily adaptable for use by 136  
boards of health when entering into shared services agreements. 137  
The department also may offer financial and other technical 138  
assistance to boards of health to encourage the sharing of 139  
services. 140

As a condition precedent to receiving funding from the 141  
department of health, the director of health may require general 142  
or city health districts to apply for accreditation by July 1, 143  
2018, and be accredited by July 1, 2020, by an accreditation 144  
body approved by the director. The director of health, by July 145  
1, 2016, shall conduct an evaluation of general and city health 146  
district preparation for accreditation, including an evaluation 147  
of each district's reported public health quality indicators as 148  
provided for in section 3701.98 of the Revised Code. 149

(F) The department may make evaluative studies of the 150  
nutritional status of Ohio residents, and of the food and 151  
nutrition-related programs operating within the state. Every 152  
agency of the state, at the request of the department, shall 153  
provide information and otherwise assist in the execution of 154  
such studies. 155

**Section 2.** That existing section 3701.13 of the Revised 156  
Code is hereby repealed. 157