

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**H. B. No. 103**

**Representative Merrin**

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**A BILL**

To amend sections 106.022, 107.54, 107.55, 111.15, 1  
and 119.03 of the Revised Code regarding the 2  
adoption and duration of emergency 3  
administrative rules. 4

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

**Section 1.** That sections 106.022, 107.54, 107.55, 111.15, 5  
and 119.03 of the Revised Code be amended to read as follows: 6

**Sec. 106.022.** If the joint committee on agency rule review 7  
makes a finding with regard to a proposed rule under section 8  
106.021 of the Revised Code, and also finds that it nevertheless 9  
would be worthwhile to afford the agency an opportunity to 10  
revise the proposed rule, the joint committee, as an alternative 11  
to recommending the adoption of a concurrent resolution to 12  
invalidate the proposed rule, may authorize the agency to revise 13  
and refile the proposed rule and rule summary and fiscal 14  
analysis. The joint committee shall issue the authorization in 15  
writing. In the authorization, the joint committee shall explain 16  
the finding that, but for the authorization, would have resulted 17  
in a recommendation of invalidation, and shall explain why the 18  
joint committee has found it nevertheless to be worthwhile to 19

afford the agency an opportunity to revise the proposed rule. 20  
The joint committee shall transmit the authorization 21  
electronically to the agency, the secretary of state, the 22  
director of the legislative service commission, and, if the 23  
proposed rule is to replace an emergency rule, the governor. 24

When the joint committee approves such an authorization, 25  
the running of the time within which a concurrent resolution 26  
invalidating the proposed rule may be adopted is tolled until 27  
the thirty-first day after the day on which the authorization 28  
was approved. If, during the tolling period, the agency revises 29  
and refiles the proposed rule, the time within which a 30  
concurrent resolution invalidating the proposed rule may be 31  
adopted resumes running and expires on the thirty-first day 32  
after the day the proposed rule was refiled. But if, during the 33  
tolling period, the agency neither withdraws nor revises and 34  
refiles the proposed rule, the time within which a concurrent 35  
resolution invalidating the proposed rule may be adopted resumes 36  
running and expires on the thirty-first day after the day the 37  
tolling period ended. 38

Upon receiving the authorization, the agency may revise 39  
the proposed rule and rule summary and fiscal analysis, and then 40  
refile the revised proposed rule and rule summary and fiscal 41  
analysis electronically with the joint committee. 42

If the joint committee makes any of the findings outlined 43  
in section 106.021 of the Revised Code with regard to the 44  
revised proposed rule and rule summary and fiscal analysis, the 45  
joint committee may recommend the adoption of a concurrent 46  
resolution to invalidate the proposed rule under section 106.021 47  
of the Revised Code. The joint committee may issue only one 48  
authorization with regard to the same proposed rule. 49

~~If the proposed rule that is the subject of an authorization is to replace an emergency rule, the governor may issue an order extending the emergency rule for an additional one hundred twenty days after the day on which the emergency rule otherwise would become invalid. The governor shall transmit the order electronically to the agency, the joint committee, and the director of the legislative service commission.~~

**Sec. 107.54.** (A) (1) When the common sense initiative office receives a draft rule and business impact analysis from an agency, the office shall evaluate the draft rule and analysis against the business impact analysis instrument and any other relevant criteria, and may prepare and transmit recommendations to the agency on how the draft rule might be revised to eliminate or reduce any adverse impact the draft rule might have on businesses.

(2) When the office receives an existing rule and business impact analysis from an agency under division (A) (2) of section 106.031 of the Revised Code, the office shall evaluate the existing rule and analysis against the business impact analysis instrument and any other relevant criteria, and may prepare and transmit recommendations to the agency on how the existing rule might be amended or rescinded to eliminate or reduce any adverse impact the existing rule has on businesses.

(3) When the common sense initiative office receives an emergency rule from an agency, the office shall evaluate the emergency rule to determine whether it has an adverse impact on businesses, and shall do either of the following:

(a) If the office determines that the emergency rule does not have an adverse impact on businesses, prepare a memorandum stating that finding and electronically transmit it to the

agency and joint committee on agency rule review; 80

(b) If the office determines that the emergency rule has 81  
an adverse impact on businesses, evaluate the emergency rule 82  
against any relevant criteria. 83

With respect to a determination described under division 84  
(A) (3) (b) of this section, the office may prepare and transmit 85  
recommendations to the agency on how the emergency rule might be 86  
revised to eliminate or reduce any adverse impact the emergency 87  
rule might have on businesses. 88

(B) The office shall transmit any such recommendations 89  
electronically to the agency. If the office fails to make such a 90  
transmission after receiving the emergency rule or the draft or 91  
existing rule and business impact analysis, it is as if the 92  
office had elected not to make any recommendations. 93

(C) Division (A) (3) of this section does not prevent an 94  
emergency rule from taking effect. 95

**Sec. 107.55.** The common sense initiative office, annually 96  
not later than the first day of February, shall prepare a report 97  
of the activities of the office during the preceding calendar 98  
year. The report shall include: 99

(A) A statement of the number of emergency, draft, and 100  
existing rules reviewed during the calendar year; 101

(B) A description of the recommendations made to agencies 102  
with regard to emergency, draft, and existing rules; 103

(C) An assessment of the status of the recommendations 104  
made; 105

(D) An explanation of the performance measures developed 106  
to evaluate the efficiency and effectiveness of the office; 107

(E) An evaluation of the work of the office judged against 108  
the performance measures; and 109

(F) Any other information the office believes will explain 110  
the work of the office. 111

The office shall transmit a copy of the report to the 112  
governor, the lieutenant governor, the president and minority 113  
leader of the senate, and the speaker and minority leader of the 114  
house of representatives. 115

**Sec. 111.15.** (A) As used in this section: 116

(1) "Rule" includes any rule, regulation, bylaw, or 117  
standard having a general and uniform operation adopted by an 118  
agency under the authority of the laws governing the agency; any 119  
appendix to a rule; and any internal management rule. "Rule" 120  
does not include any guideline adopted pursuant to section 121  
3301.0714 of the Revised Code, any order respecting the duties 122  
of employees, any finding, any determination of a question of 123  
law or fact in a matter presented to an agency, or any rule 124  
promulgated pursuant to Chapter 119. or division (C)(1) or (2) 125  
of section 5117.02 of the Revised Code. "Rule" includes any 126  
amendment or rescission of a rule. 127

(2) "Agency" means any governmental entity of the state 128  
and includes, but is not limited to, any board, department, 129  
division, commission, bureau, society, council, institution, 130  
state college or university, community college district, 131  
technical college district, or state community college. "Agency" 132  
does not include the general assembly, the controlling board, 133  
the adjutant general's department, or any court. 134

(3) "Internal management rule" means any rule, regulation, 135  
bylaw, or standard governing the day-to-day staff procedures and 136

operations within an agency. 137

(B) (1) Any rule, other than a rule of an emergency nature, 138  
adopted by any agency pursuant to this section shall be 139  
effective on the tenth day after the day on which the rule in 140  
final form and in compliance with division (B) (3) of this 141  
section is filed as follows: 142

(a) The rule shall be filed in electronic form with both 143  
the secretary of state and the director of the legislative 144  
service commission; 145

(b) The rule shall be filed in electronic form with the 146  
joint committee on agency rule review. Division (B) (1) (b) of 147  
this section does not apply to any rule to which division (D) of 148  
this section does not apply. 149

An agency that adopts or amends a rule that is subject to 150  
division (D) of this section shall assign a review date to the 151  
rule that is not later than five years after its effective date. 152  
If a review date assigned to a rule exceeds the five-year 153  
maximum, the review date for the rule is five years after its 154  
effective date. A rule with a review date is subject to review 155  
under section 106.03 of the Revised Code. This paragraph does 156  
not apply to a rule of a state college or university, community 157  
college district, technical college district, or state community 158  
college. 159

If an agency in adopting a rule designates an effective 160  
date that is later than the effective date provided for by 161  
division (B) (1) of this section, the rule if filed as required 162  
by such division shall become effective on the later date 163  
designated by the agency. 164

Any rule that is required to be filed under division (B) 165

(1) of this section is also subject to division (D) of this section if not exempted by that division.

If a rule incorporates a text or other material by reference, the agency shall comply with sections 121.71 to 121.75 of the Revised Code.

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form and in compliance with division (B)(3) of this section, shall be filed in electronic form with the secretary of state, the director of the legislative service commission, ~~and~~ the joint committee on agency rule review, and the common sense initiative office. The emergency rule is effective immediately upon completion of the latest filing, except that if the agency in adopting the emergency rule designates an effective date, or date and time of day, that is later than the effective date and time provided for by division (B)(2) of this section, the emergency rule if filed as required by such division shall become effective at the later date, or later date and time of day, designated by the agency.

An emergency rule becomes invalid at the end of the ~~one hundred twentieth~~ tenth calendar day it is in effect. Prior to that date, the agency may file the emergency rule as a nonemergency rule in compliance with division (B)(1) of this section. The agency may not ~~refile~~ do any of the following:

(a) Refile the emergency rule in compliance with division (B)(2) of this section so that, upon the emergency rule becoming invalid under such division, the emergency rule will continue in effect without interruption for another ~~one hundred twenty-day~~ ten-calendar-day period;

(b) File a new emergency rule that contains the substance 196  
of the previous emergency rule adopted in compliance with 197  
division (B) (2) of this section so that, on the previous 198  
emergency rule becoming invalid under that division, the 199  
substance of the previous emergency rule will continue in effect 200  
without interruption for another ten-calendar-day period; 201

(c) File a new emergency rule that contains a restriction 202  
contained in the previous emergency rule adopted in compliance 203  
with division (B) (2) of this section so that, on the previous 204  
emergency rule becoming invalid under that division, the 205  
restriction from the previous emergency rule will continue in 206  
effect without interruption for another ten-calendar-day period. 207

(3) An agency shall file a rule under division (B) (1) or 208  
(2) of this section in compliance with the following standards 209  
and procedures: 210

(a) The rule shall be numbered in accordance with the 211  
numbering system devised by the director for the Ohio 212  
administrative code. 213

(b) The rule shall be prepared and submitted in compliance 214  
with the rules of the legislative service commission. 215

(c) The rule shall clearly state the date on which it is 216  
to be effective and the date on which it will expire, if known. 217

(d) Each rule that amends or rescinds another rule shall 218  
clearly refer to the rule that is amended or rescinded. Each 219  
amendment shall fully restate the rule as amended. 220

If the director of the legislative service commission or 221  
the director's designee gives an agency notice pursuant to 222  
section 103.05 of the Revised Code that a rule filed by the 223  
agency is not in compliance with the rules of the legislative 224

service commission, the agency shall within thirty days after 225  
receipt of the notice conform the rule to the rules of the 226  
commission as directed in the notice. 227

(C) All rules filed pursuant to divisions (B) (1) (a) and 228  
(2) of this section shall be recorded by the secretary of state 229  
and the director under the title of the agency adopting the rule 230  
and shall be numbered according to the numbering system devised 231  
by the director. The secretary of state and the director shall 232  
preserve the rules in an accessible manner. Each such rule shall 233  
be a public record open to public inspection and may be 234  
transmitted to any law publishing company that wishes to 235  
reproduce it. 236

(D) At least sixty-five days before a board, commission, 237  
department, division, or bureau of the government of the state 238  
files a rule under division (B) (1) of this section, it shall 239  
file the full text of the proposed rule in electronic form with 240  
the joint committee on agency rule review, and the proposed rule 241  
is subject to legislative review and invalidation under section 242  
106.021 of the Revised Code. If a state board, commission, 243  
department, division, or bureau makes a revision in a proposed 244  
rule after it is filed with the joint committee, the state 245  
board, commission, department, division, or bureau shall 246  
promptly file the full text of the proposed rule in its revised 247  
form in electronic form with the joint committee. A state board, 248  
commission, department, division, or bureau shall also file the 249  
rule summary and fiscal analysis prepared under section 106.024 250  
of the Revised Code in electronic form along with a proposed 251  
rule, and along with a proposed rule in revised form, that is 252  
filed under this division. If a proposed rule has an adverse 253  
impact on businesses, the state board, commission, department, 254  
division, or bureau also shall file the business impact 255

analysis, any recommendations received from the common sense 256  
initiative office, and the associated memorandum of response, if 257  
any, in electronic form along with the proposed rule, or the 258  
proposed rule in revised form, that is filed under this 259  
division. 260

A proposed rule that is subject to legislative review 261  
under this division may not be adopted and filed in final form 262  
under division (B) (1) of this section unless the proposed rule 263  
has been filed with the joint committee on agency rule review 264  
under this division and the time for the joint committee to 265  
review the proposed rule has expired without recommendation of a 266  
concurrent resolution to invalidate the proposed rule. 267

As used in this division, "commission" includes the public 268  
utilities commission when adopting rules under a federal or 269  
state statute. 270

This division does not apply to any of the following: 271

(1) A proposed rule of an emergency nature; 272

(2) A rule proposed under section 1121.05, 1121.06, 273  
1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 274  
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 275  
Code; 276

(3) A rule proposed by an agency other than a board, 277  
commission, department, division, or bureau of the government of 278  
the state; 279

(4) A proposed internal management rule of a board, 280  
commission, department, division, or bureau of the government of 281  
the state; 282

(5) Any proposed rule that must be adopted verbatim by an 283

agency pursuant to federal law or rule, to become effective 284  
within sixty days of adoption, in order to continue the 285  
operation of a federally reimbursed program in this state, so 286  
long as the proposed rule contains both of the following: 287

(a) A statement that it is proposed for the purpose of 288  
complying with a federal law or rule; 289

(b) A citation to the federal law or rule that requires 290  
verbatim compliance. 291

(6) An initial rule proposed by the director of health to 292  
impose safety standards and quality-of-care standards with 293  
respect to a health service specified in section 3702.11 of the 294  
Revised Code, or an initial rule proposed by the director to 295  
impose quality standards on a health care facility as defined in 296  
section 3702.30 of the Revised Code, if section 3702.12 of the 297  
Revised Code requires that the rule be adopted under this 298  
section; 299

(7) A rule of the state lottery commission pertaining to 300  
instant game rules. 301

If a rule is exempt from legislative review under division 302  
(D) (5) of this section, and if the federal law or rule pursuant 303  
to which the rule was adopted expires, is repealed or rescinded, 304  
or otherwise terminates, the rule is thereafter subject to 305  
legislative review under division (D) of this section. 306

Whenever a state board, commission, department, division, 307  
or bureau files a proposed rule or a proposed rule in revised 308  
form under division (D) of this section, it shall also file the 309  
full text of the same proposed rule or proposed rule in revised 310  
form in electronic form with the secretary of state and the 311  
director of the legislative service commission. A state board, 312

commission, department, division, or bureau shall file the rule 313  
summary and fiscal analysis prepared under section 106.024 of 314  
the Revised Code in electronic form along with a proposed rule 315  
or proposed rule in revised form that is filed with the 316  
secretary of state or the director of the legislative service 317  
commission. 318

**Sec. 119.03.** In the adoption, amendment, or rescission of 319  
any rule, an agency shall comply with the following procedure: 320

(A) Reasonable public notice shall be given in the 321  
register of Ohio at least thirty days prior to the date set for 322  
a hearing, in the form the agency determines. The agency shall 323  
file copies of the public notice under division (B) of this 324  
section. (The agency gives public notice in the register of Ohio 325  
when the public notice is published in the register under that 326  
division.) 327

The public notice shall include: 328

(1) A statement of the agency's intention to consider 329  
adopting, amending, or rescinding a rule; 330

(2) A synopsis of the proposed rule, amendment, or rule to 331  
be rescinded or a general statement of the subject matter to 332  
which the proposed rule, amendment, or rescission relates; 333

(3) A statement of the reason or purpose for adopting, 334  
amending, or rescinding the rule; 335

(4) The date, time, and place of a hearing on the proposed 336  
action, which shall be not earlier than the thirty-first nor 337  
later than the fortieth day after the proposed rule, amendment, 338  
or rescission is filed under division (B) of this section. 339

In addition to public notice given in the register of 340

Ohio, the agency may give whatever other notice it reasonably 341  
considers necessary to ensure notice constructively is given to 342  
all persons who are subject to or affected by the proposed rule, 343  
amendment, or rescission. 344

The agency shall provide a copy of the public notice 345  
required under division (A) of this section to any person who 346  
requests it and pays a reasonable fee, not to exceed the cost of 347  
copying and mailing. 348

(B) The full text of the proposed rule, amendment, or rule 349  
to be rescinded, accompanied by the public notice required under 350  
division (A) of this section, shall be filed in electronic form 351  
with the secretary of state and with the director of the 352  
legislative service commission. (If in compliance with this 353  
division an agency files more than one proposed rule, amendment, 354  
or rescission at the same time, and has prepared a public notice 355  
under division (A) of this section that applies to more than one 356  
of the proposed rules, amendments, or rescissions, the agency 357  
shall file only one notice with the secretary of state and with 358  
the director for all of the proposed rules, amendments, or 359  
rescissions to which the notice applies.) The proposed rule, 360  
amendment, or rescission and public notice shall be filed as 361  
required by this division at least sixty-five days prior to the 362  
date on which the agency, in accordance with division (E) of 363  
this section, issues an order adopting the proposed rule, 364  
amendment, or rescission. 365

If the proposed rule, amendment, or rescission 366  
incorporates a text or other material by reference, the agency 367  
shall comply with sections 121.71 to 121.75 of the Revised Code. 368

The proposed rule, amendment, or rescission shall be 369  
available for at least thirty days prior to the date of the 370

hearing at the office of the agency in printed or other legible 371  
form without charge to any person affected by the proposal. 372  
Failure to furnish such text to any person requesting it shall 373  
not invalidate any action of the agency in connection therewith. 374

If the agency files a revision in the text of the proposed 375  
rule, amendment, or rescission, it shall also promptly file the 376  
full text of the proposed rule, amendment, or rescission in its 377  
revised form in electronic form with the secretary of state and 378  
with the director of the legislative service commission. 379

The agency shall file the rule summary and fiscal analysis 380  
prepared under section 106.024 of the Revised Code in electronic 381  
form along with a proposed rule, amendment, or rescission or 382  
proposed rule, amendment, or rescission in revised form that is 383  
filed with the secretary of state or the director of the 384  
legislative service commission. 385

The agency shall file the hearing report relating to a 386  
proposed rule, amendment, or rescission in electronic form with 387  
the secretary of state and the director of the legislative 388  
service commission at the same time the agency files the hearing 389  
report with the joint committee on agency rule review. 390

The director of the legislative service commission shall 391  
publish in the register of Ohio the full text of the original 392  
and each revised version of a proposed rule, amendment, or 393  
rescission; the full text of a public notice; the full text of a 394  
rule summary and fiscal analysis; and the full text of a hearing 395  
report that is filed with the director under this division. 396

(C) When an agency files a proposed rule, amendment, or 397  
rescission under division (B) of this section, it also shall 398  
file in electronic form with the joint committee on agency rule 399

review the full text of the proposed rule, amendment, or rule to 400  
be rescinded in the same form and the public notice required 401  
under division (A) of this section. (If in compliance with this 402  
division an agency files more than one proposed rule, amendment, 403  
or rescission at the same time, and has given a public notice 404  
under division (A) of this section that applies to more than one 405  
of the proposed rules, amendments, or rescissions, the agency 406  
shall file only one notice with the joint committee for all of 407  
the proposed rules, amendments, or rescissions to which the 408  
notice applies.) The proposed rule, amendment, or rescission is 409  
subject to legislative review and invalidation under sections 410  
106.02, 106.021, and 106.022 of the Revised Code. If the agency 411  
makes a revision in a proposed rule, amendment, or rescission 412  
after it is filed with the joint committee, the agency promptly 413  
shall file the full text of the proposed rule, amendment, or 414  
rescission in its revised form in electronic form with the joint 415  
committee. 416

An agency shall file the rule summary and fiscal analysis 417  
prepared under section 106.024 of the Revised Code in electronic 418  
form along with a proposed rule, amendment, or rescission, and 419  
along with a proposed rule, amendment, or rescission in revised 420  
form, that is filed under this division. 421

If a proposed rule, amendment, or rescission has an 422  
adverse impact on businesses, the agency also shall file the 423  
business impact analysis, any recommendations received from the 424  
common sense initiative office, and the agency's memorandum of 425  
response, if any, in electronic form along with the proposed 426  
rule, amendment, or rescission, or along with the proposed rule, 427  
amendment, or rescission in revised form, that is filed under 428  
this division. 429

The agency shall file the hearing report in electronic 430  
form with the joint committee before the joint committee holds 431  
its public hearing on the proposed rule, amendment, or 432  
rescission. The filing of a hearing report does not constitute a 433  
revision of the proposed rule, amendment, or rescission to which 434  
the hearing report relates. 435

If the proposed rule, amendment, or rescission requires 436  
liability insurance, a bond, or any other financial 437  
responsibility instrument as a condition of licensure, the 438  
agency shall conduct a diligent search to determine if the 439  
liability insurance, bond, or other financial responsibility 440  
instrument is readily available in the amounts required as a 441  
condition of licensure, and shall certify to the joint committee 442  
that the search was conducted. 443

A proposed rule, amendment, or rescission that is subject 444  
to legislative review under this division may not be adopted 445  
under division (E) of this section or filed in final form under 446  
section 119.04 of the Revised Code unless the proposed rule, 447  
amendment, or rescission has been filed with the joint committee 448  
on agency rule review under this division and the time for 449  
legislative review of the proposed rule, amendment, or 450  
rescission has expired without adoption of a concurrent 451  
resolution to invalidate the proposed rule, amendment, or 452  
rescission. 453

This division does not apply to: 454

(1) An emergency rule, amendment, or rescission; 455

(2) A proposed rule, amendment, or rescission that must be 456  
adopted verbatim by an agency pursuant to federal law or rule, 457  
to become effective within sixty days of adoption, in order to 458

continue the operation of a federally reimbursed program in this 459  
state, so long as the proposed rule contains both of the 460  
following: 461

(a) A statement that it is proposed for the purpose of 462  
complying with a federal law or rule; 463

(b) A citation to the federal law or rule that requires 464  
verbatim compliance. 465

(3) A proposed rule, amendment, or rescission that, as set 466  
forth in section 3719.41 of the Revised Code, must be adopted by 467  
the state board of pharmacy pursuant to federal law or rule, to 468  
become effective within sixty days of adoption, so long as the 469  
proposed rule contains a statement that it is proposed for the 470  
purpose of complying with federal law or rule. 471

If a rule or amendment is exempt from legislative review 472  
under division (C)(2) of this section, and if the federal law or 473  
rule pursuant to which the rule or amendment was adopted 474  
expires, is repealed or rescinded, or otherwise terminates, the 475  
rule or amendment, or its rescission, is thereafter subject to 476  
legislative review under division (C) of this section. 477

(D) On the date and at the time and place designated in 478  
the notice, the agency shall conduct a public hearing at which 479  
any person affected by the proposed action of the agency may 480  
appear and be heard in person, by the person's attorney, or 481  
both, may present the person's position, arguments, or 482  
contentions, orally or in writing, offer and examine witnesses, 483  
and present evidence tending to show that the proposed rule, 484  
amendment, or rescission, if adopted or effectuated, will be 485  
unreasonable or unlawful. An agency may permit persons affected 486  
by the proposed rule, amendment, or rescission to present their 487

positions, arguments, or contentions in writing, not only at the 488  
hearing, but also for a reasonable period before, after, or both 489  
before and after the hearing. A person who presents a position 490  
or arguments or contentions in writing before or after the 491  
hearing is not required to appear at the hearing. 492

At the hearing, the testimony shall be recorded. Such 493  
record shall be made at the expense of the agency. The agency is 494  
required to transcribe a record that is not sight readable only 495  
if a person requests transcription of all or part of the record 496  
and agrees to reimburse the agency for the costs of the 497  
transcription. An agency may require the person to pay in 498  
advance all or part of the cost of the transcription. 499

In any hearing under this section the agency may 500  
administer oaths or affirmations. 501

The agency shall consider the positions, arguments, or 502  
contentions presented at, or before or after, the hearing. The 503  
agency shall prepare a hearing summary of the positions, 504  
arguments, or contentions, and of the issues raised by the 505  
positions, arguments, or contentions. The agency then shall 506  
prepare a hearing report explaining, with regard to each issue, 507  
how it is reflected in the rule, amendment, or rescission. If an 508  
issue is not reflected in the rule, amendment, or rescission, 509  
the hearing report shall explain why the issue is not reflected. 510  
The agency shall include the hearing summary in the hearing 511  
report as an appendix thereto. And, in the hearing report, the 512  
agency shall identify the proposed rule, amendment, or 513  
rescission to which the hearing report relates. 514

(E) After divisions (A), (B), (C), and (D) of this section 515  
have been complied with, and when the time for legislative 516  
review under sections 106.02, 106.022, and 106.023 of the 517

Revised Code has expired without adoption of a concurrent 518  
resolution to invalidate the proposed rule, amendment, or 519  
rescission, the agency may issue an order adopting the proposed 520  
rule or the proposed amendment or rescission of the rule, 521  
consistent with the synopsis or general statement included in 522  
the public notice. At that time the agency shall designate the 523  
effective date of the rule, amendment, or rescission, which 524  
shall not be earlier than the tenth day after the rule, 525  
amendment, or rescission has been filed in its final form as 526  
provided in section 119.04 of the Revised Code. 527

(F) Prior to the effective date of a rule, amendment, or 528  
rescission, the agency shall make a reasonable effort to inform 529  
those affected by the rule, amendment, or rescission and to have 530  
available for distribution to those requesting it the full text 531  
of the rule as adopted or as amended. 532

(G) (1) If the governor, upon the request of an agency, 533  
determines that an emergency requires the immediate adoption, 534  
amendment, or rescission of a rule, the governor shall issue an 535  
order, the text of which shall be filed in electronic form with 536  
the agency, the secretary of state, the director of the 537  
legislative service commission, and the joint committee on 538  
agency rule review, that the procedure prescribed by this 539  
section with respect to the adoption, amendment, or rescission 540  
of a specified rule is suspended. The agency may then adopt 541  
immediately the emergency rule, amendment, or rescission and it 542  
becomes effective on the date the rule, amendment, or 543  
rescission, in final form and in compliance with division (A) (2) 544  
of section 119.04 of the Revised Code, is filed in electronic 545  
form with the secretary of state, the director of the 546  
legislative service commission, ~~and~~ the joint committee on 547  
agency rule review, and the common sense initiative office. The 548

director shall publish the full text of the emergency rule, 549  
amendment, or rescission in the register of Ohio. 550

Except as provided in division (G) (2) of this section, the 551  
emergency rule, amendment, or rescission shall become invalid at 552  
the end of the ~~one hundred twentieth~~ tenth calendar day it is in 553  
effect. Prior to that date the agency may adopt the emergency 554  
rule, amendment, or rescission as a nonemergency rule, 555  
amendment, or rescission by complying with the procedure 556  
prescribed by this section for the adoption, amendment, and 557  
rescission of nonemergency rules. The agency shall not use the 558  
procedure of division (G) (1) of this section to ~~readopt~~ do any 559  
of the following: 560

(a) Readopt the emergency rule, amendment, or rescission 561  
so that, upon the emergency rule, amendment, or rescission 562  
becoming invalid under division (G) (1) of this section, the 563  
emergency rule, amendment, or rescission will continue in effect 564  
without interruption for another ~~one hundred twenty day ten-~~ 565  
~~calendar-day period,~~ except when section 106.02 of the Revised- 566  
~~Code prevents the agency from adopting the emergency rule,~~ 567  
~~amendment, or rescission as a nonemergency rule, amendment, or-~~ 568  
~~rescission within the one hundred twenty day period;~~ 569

(b) Adopt a new emergency rule, amendment, or rescission 570  
that contains the substance of the prior emergency rule, 571  
amendment, or rescission so that, on the emergency rule, 572  
amendment, or rescission becoming invalid under division (G) (1) 573  
of this section, the substance of the emergency rule, amendment, 574  
or rescission will continue in effect without interruption for 575  
another ten-calendar-day period; 576

(c) Adopt a new emergency rule, amendment, or rescission 577  
that contains a restriction contained in the prior emergency 578

rule, amendment, or rescission so that, on the emergency rule, 579  
amendment, or rescission becoming invalid under division (G) (1) 580  
of this section, the restriction contained in the emergency 581  
rule, amendment, or rescission will continue in effect without 582  
interruption for another ten-calendar-day period. 583

Division (G) (1) of this section does not apply to the 584  
adoption of any emergency rule, amendment, or rescission by the 585  
tax commissioner under division (C) (2) of section 5117.02 of the 586  
Revised Code. 587

(2) An emergency rule or amendment adding a substance to a 588  
controlled substance schedule shall become invalid at the end of 589  
the one hundred eightieth day it is in effect. Prior to that 590  
date, the state board of pharmacy may adopt the emergency rule 591  
or amendment as a nonemergency rule or amendment by complying 592  
with the procedure prescribed by this section for adoption and 593  
amendment of nonemergency rules. The board shall not use the 594  
procedure of division (G) (1) of this section to readopt the 595  
emergency rule or amendment so that, upon the emergency rule or 596  
amendment becoming invalid under division (G) (2) of this 597  
section, the emergency rule or amendment will continue in effect 598  
beyond the one-hundred-eighty-day period. 599

(H) Rules adopted by an authority within the department of 600  
job and family services for the administration or enforcement of 601  
Chapter 4141. of the Revised Code or of the department of 602  
taxation shall be effective without a hearing as provided by 603  
this section if the statutes pertaining to such agency 604  
specifically give a right of appeal to the board of tax appeals 605  
or to a higher authority within the agency or to a court, and 606  
also give the appellant a right to a hearing on such appeal. 607  
This division does not apply to the adoption of any rule, 608

amendment, or rescission by the tax commissioner under division 609  
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 610  
the right to file an action for declaratory judgment as provided 611  
in Chapter 2721. of the Revised Code from the decision of the 612  
board of tax appeals or of the higher authority within such 613  
agency. 614

**Section 2.** That existing sections 106.022, 107.54, 107.55, 615  
111.15, and 119.03 of the Revised Code are hereby repealed. 616

**Section 3.** Section 119.03 of the Revised Code is presented 617  
in this act as a composite of the section as amended by both 618  
S.B. 221 and S.B. 229 of the 132nd General Assembly. The General 619  
Assembly, applying the principle stated in division (B) of 620  
section 1.52 of the Revised Code that amendments are to be 621  
harmonized if reasonably capable of simultaneous operation, 622  
finds that the composite is the resulting version of the section 623  
in effect prior to the effective date of the section as 624  
presented in this act. 625