

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 302

Senator Tavares

Cosponsors: Senators Sykes, Brown, Williams, Schiavoni, O'Brien

A BILL

To amend sections 103.13, 106.031, 111.15, and 1
119.03 and to enact sections 103.132, 103.133, 2
127.181, and 3701.36 of the Revised Code to 3
create the Health and Equity in All Policies 4
Initiative and the Health and Equity Interagency 5
Team. 6

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

Section 1. That sections 103.13, 106.031, 111.15, and 7
119.03 be amended and sections 103.132, 103.133, 127.181, and 8
3701.36 of the Revised Code be enacted to read as follows: 9

Sec. 103.13. The Ohio legislative service commission 10
shall: 11

(A) Conduct research, make investigations, and secure 12
information or data on any subject and make reports thereon to 13
the general assembly; 14

(B) Ascertain facts and make reports concerning the state 15
budget, the revenues and expenditures of the state, and of the 16
organization and functions of the state, its departments, 17
subdivisions, and agencies; 18

(C) Make surveys, investigations, and studies, and compile	19
data, information, and records on any question which may be	20
referred to it by either house of the general assembly or any	21
standing committee of the general assembly;	22
(D) Assist and cooperate with any interim legislative	23
committee or other agency created by the general assembly;	24
(E) Prepare or advise in the preparation of any bill or	25
resolution, when requested by any member of the general	26
assembly;	27
(F) Collect, classify, and index the documents of the	28
state which shall include executive and legislative documents	29
and departmental reports and keep on file all bills,	30
resolutions, and official journals printed by order of either	31
house of the general assembly;	32
(G) Provide members of the general assembly with impartial	33
and accurate information and reports concerning legislative	34
problems in accordance with rules prescribed by the commission;	35
(H) Annually collect the reports required by section	36
4743.01 of the Revised Code and prepare a report evaluating the	37
extent to which state boards and commissions which regulate	38
occupations are financially self-supporting. The report shall be	39
presented to the speaker and the minority leader of the house of	40
representatives, the president and the minority leader of the	41
senate, and the chairperson and ranking minority member of the	42
finance committees of both houses, on or before the thirty-first	43
day of December each year.	44
(I) Codify the rules of administrative agencies of the	45
state in accordance with the provisions of section 103.05 of the	46
Revised Code;	47

(J) Publish the register of Ohio under section 103.051 of the Revised Code; 48
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(K) Operate the electronic rule-filing system under section 103.0511 of the Revised Code; 50
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(L) Issue health impact statements concerning bills in accordance with the health and equity in all policies initiative review process described in section 103.132 of the Revised Code. 52
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Sec. 103.132. (A) As used in this section and in section 103.133 of the Revised Code: 55
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(1) "Health" means the state of a natural person's physical, mental, and social well-being and is not limited to the absence of disease or infirmity. 57
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(2) "Health equity" means the absence of avoidable or remediable differences in health outcomes among groups of people based on social, economic, geographic, or other demographic factors. 60
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(3) "The social determinants of health" include economic stability, neighborhood and physical environment, education, food security, community and social context, and access to health care. 64
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(B) The staff of the Ohio legislative service commission shall create and comply with a health and equity in all policies review process. The process shall require the staff to review each bill introduced in the general assembly on or after the effective date of this section and prepare a health impact statement concerning the bill not later than four weeks after the bill is introduced. The health impact statement shall analyze whether the bill might have a positive, negative, or neutral impact on any of the following: 68
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<u>(1) The health of Ohioans;</u>	77
<u>(2) The accomplishment of health equity in this state;</u>	78
<u>(3) The health or health equity of specific populations or persons residing in specific geographic areas in this state;</u>	79 80
<u>(4) The social determinants of health for the most vulnerable populations in this state.</u>	81 82
<u>Sec. 103.133.</u> <u>(A) The health and equity in all policies initiative advisory board is created for the purpose of providing guidance and analysis and reporting the board's recommendations concerning the impact and effectiveness of the health and equity in all policies review process described in section 103.132 of the Revised Code.</u>	83 84 85 86 87 88
<u>(B) The advisory board shall consist of the following fifteen members:</u>	89 90
<u>(1) One representative of each of the following entities, who shall be appointed by the governor:</u>	91 92
<u>(a) The commission on minority health;</u>	93
<u>(b) The department of medicaid;</u>	94
<u>(c) The governor's office of Appalachian Ohio;</u>	95
<u>(d) The department of veterans services;</u>	96
<u>(e) The department of job and family services;</u>	97
<u>(f) The Ohio public transit association;</u>	98
<u>(g) The Ohio environmental council.</u>	99
<u>(2) One representative of each of the following entities, who shall be appointed by the senate president:</u>	100 101

<u>(a) The Ohio education association;</u>	102
<u>(b) The Kirwan institute for the study of race and ethnicity.</u>	103 104
<u>(3) One representative of each of the following entities, who shall be appointed by the minority leader of the senate:</u>	105 106
<u>(a) Ohio partners for affordable energy;</u>	107
<u>(b) Children's defense fund - Ohio.</u>	108
<u>(4) One representative of each of the following entities, who shall be appointed by the speaker of the house of representatives:</u>	109 110 111
<u>(a) The Ohio home builders association;</u>	112
<u>(b) The Ohio association of community health centers.</u>	113
<u>(5) One representative of each of the following entities, who shall be appointed by the minority leader of the house of representatives:</u>	114 115 116
<u>(a) The Ohio public health association;</u>	117
<u>(b) Children's hunger alliance.</u>	118
<u>(C) Members of the advisory board shall serve without compensation, but shall be reimbursed for the actual and necessary expenses incurred in the performance of the members' official duties.</u>	119 120 121 122
<u>(D) The advisory board shall select a chairperson by a majority vote and shall meet at least twice each year.</u>	123 124
<u>(E) Not later than the thirty-first day of December of each year, the advisory board shall issue an annual summary report concerning the health impact statements issued under</u>	125 126 127

section 103.132 of the Revised Code during that calendar year. 128
In preparing the annual summary report, the advisory board shall 129
select and review a sampling of health impact statements issued 130
during the relevant period. The annual summary report shall 131
include any recommendations of the advisory committee concerning 132
the health and equity in all policies initiative review process, 133
including any recommendations for changes to the review process 134
that, in the opinion of the advisory board, would improve the 135
impact of the health impact statements in accomplishing health 136
and health equity goals in this state or among specific 137
populations or in specific geographic areas in this state. The 138
advisory board shall transmit copies of the annual summary 139
report to the director of the Ohio legislative service 140
commission, to the president and the minority leader of the 141
senate, and to the speaker and the minority leader of the house 142
of representatives. The advisory board also shall transmit a 143
copy of the annual summary report to the director of health, who 144
shall make it available to the public on the official web site 145
of the department of health. 146

(F) Not later than the thirty-first day of December of 147
each even-numbered year, the advisory board shall issue a 148
biennial report that summarizes the activities of the staff of 149
the Ohio legislative service commission under section 103.132 of 150
the Revised Code during the preceding two calendar years, the 151
manner in which those activities relate to the statewide health 152
outcomes experienced during the preceding two calendar years, 153
and the status of Ohio's major health indicators, as outlined in 154
the state health improvement plan issued by the department of 155
health or its successor document. The biennial report shall 156
include the findings of the advisory board concerning the 157
potential financial return on investment of the health and 158

equity in all policies review process with respect to the 159
health-related policies or programs reviewed. The advisory board 160
shall transmit copies of the biennial report to the director of 161
the Ohio legislative service commission, to the president and 162
the minority leader of the senate, and to the speaker and the 163
minority leader of the house of representatives. The advisory 164
board also shall transmit a copy of the biennial report to the 165
director of health, who shall make it available to the public on 166
the official web site of the department of health. 167

Sec. 106.031. If an agency, on the basis of its review of 168
a rule under section 106.03 of the Revised Code, determines that 169
the rule does not need to be amended or rescinded, proceedings 170
shall be had as follows: 171

(A) (1) If, considering only the standard of review 172
specified in division (A) (6) of section 106.03 of the Revised 173
Code, the rule has an adverse impact on businesses, the agency 174
shall prepare a business impact analysis that describes its 175
review of the rule under that division and that explains why the 176
regulatory intent of the rule justifies its adverse impact on 177
businesses. If the rule does not have an adverse impact on 178
businesses, the agency may proceed under division (B) of this 179
section. 180

(2) The agency shall transmit a copy of the full text of 181
the rule and the business impact analysis electronically to the 182
common sense initiative office. The office shall make the rule 183
and analysis available to the public on its web site under 184
section 107.62 of the Revised Code. 185

(3) The agency shall consider any recommendations made by 186
the office. 187

(4) Not earlier than the sixteenth business day after 188
transmitting the rule and analysis to the office, the agency 189
shall either (a) proceed under divisions (A) (5) and (B) of this 190
section or (b) commence, under division (B) (1) of section 106.03 191
of the Revised Code, the process of rescinding the rule or of 192
amending the rule to incorporate into the rule features the 193
recommendations suggest will eliminate or reduce the adverse 194
impact the rule has on businesses. If the agency determines to 195
amend or rescind the rule, the agency is not subject to the time 196
limit specified in division (B) (1) of section 106.03 of the 197
Revised Code. 198

(5) If the agency receives recommendations from the 199
office, and determines not to amend or rescind the rule, the 200
agency shall prepare a memorandum of response that explains why 201
the rule is not being rescinded or why the recommendations are 202
not being incorporated into the rule. 203

(B) The agency shall assign a new review date to the rule. 204
The review date assigned shall be not later than five years 205
after the immediately preceding review date pertaining to the 206
rule. If the agency assigns a review date that exceeds the five- 207
year maximum, the review date is five years after the 208
immediately preceding review date. 209

(C) (1) The agency shall file all the following, in 210
electronic form, with the joint committee on agency rule review, 211
the secretary of state, and the director of the legislative 212
service commission: a copy of the rule specifying its new review 213
date, a complete and accurate rule summary ~~and~~, fiscal 214
analysis, and health impact statement, and, if relevant, a 215
business impact analysis of the rule, any recommendations 216
received from the common sense initiative office, and any 217

memorandum of response. 218

(2) Subject to section 106.05 of the Revised Code, the 219
joint committee does not have jurisdiction to review, and shall 220
reject, the filing of a rule under division (C)(1) of this 221
section if, at any time while the rule is in its possession, it 222
discovers that the rule has an adverse impact on businesses and 223
the agency has not complied with division (A) of this section. 224
The joint committee shall electronically return a rule that is 225
rejected to the agency, together with any documents that were 226
part of the filing. Such a rejection does not preclude the 227
agency from refiling the rule under division (C)(1) of this 228
section after complying with division (A) of this section. When 229
the filing of a rule is rejected under this division, it is as 230
if the filing had not been made. 231

(D) The joint committee shall publish notice of the 232
agency's determination not to amend or rescind the rule in the 233
register of Ohio for four consecutive weeks after the rule is 234
filed under division (C) of this section. 235

(E) During the ninety-day period after a rule is filed 236
under division (C) of this section, but after the four-week 237
notice period required by division (D) of this section has 238
ended, the joint committee may recommend to the senate and house 239
of representatives the adoption of a concurrent resolution 240
invalidating the rule if the joint committee finds any of the 241
following: 242

(1) The agency improperly applied the standards in 243
division (A) of section 106.03 of the Revised Code in reviewing 244
the rule and in determining that the rule did not need amendment 245
or rescission. 246

(2) The rule has an adverse impact on businesses, and the 247
agency has failed to demonstrate through a business impact 248
analysis, recommendations from the common sense initiative 249
office, and a memorandum of response that the regulatory intent 250
of the rule justifies its adverse impact on businesses. 251

(3) If the rule incorporates a text or other material by 252
reference, the agency failed to file, or to deposit or display, 253
the text or other material incorporated by reference as required 254
by section 121.73 or 121.74 of the Revised Code or the 255
incorporation by reference fails to meet the standards stated in 256
sections 121.72, 121.75, and 121.76 of the Revised Code. 257

If the agency fails to comply with section 106.03 or 258
106.031 of the Revised Code, the joint committee shall afford 259
the agency an opportunity to appear before the joint committee 260
to show cause why the agency has not complied with either or 261
both of those sections. If the agency appears before the joint 262
committee at the time scheduled for the agency to show cause, 263
and fails to do so, the joint committee, by vote of a majority 264
of its members present, may recommend the adoption of a 265
concurrent resolution invalidating the rule for the agency's 266
failure to show cause. Or if the agency fails to appear before 267
the joint committee at the time scheduled for the agency to show 268
cause, the joint committee, by vote of a majority of its members 269
present, may recommend adoption of a concurrent resolution 270
invalidating the rule for the agency's default. 271

When the joint committee recommends that a rule be 272
invalidated, the recommendation does not suspend operation of 273
the rule, and the rule remains operational pending action by the 274
senate and house of representatives on the concurrent resolution 275
embodying the recommendation. If the senate and house of 276

representatives adopt the concurrent resolution, the rule is 277
invalid. If, however, the senate and house of representatives do 278
not adopt the resolution, the rule continues in effect, and 279
shall next be reviewed according to the new review date assigned 280
to the rule. 281

Sec. 111.15. (A) As used in this section: 282

(1) "Rule" includes any rule, regulation, bylaw, or 283
standard having a general and uniform operation adopted by an 284
agency under the authority of the laws governing the agency; any 285
appendix to a rule; and any internal management rule. "Rule" 286
does not include any guideline adopted pursuant to section 287
3301.0714 of the Revised Code, any order respecting the duties 288
of employees, any finding, any determination of a question of 289
law or fact in a matter presented to an agency, or any rule 290
promulgated pursuant to Chapter 119. or division (C)(1) or (2) 291
of section 5117.02 of the Revised Code. "Rule" includes any 292
amendment or rescission of a rule. 293

(2) "Agency" means any governmental entity of the state 294
and includes, but is not limited to, any board, department, 295
division, commission, bureau, society, council, institution, 296
state college or university, community college district, 297
technical college district, or state community college. "Agency" 298
does not include the general assembly, the controlling board, 299
the adjutant general's department, or any court. 300

(3) "Internal management rule" means any rule, regulation, 301
bylaw, or standard governing the day-to-day staff procedures and 302
operations within an agency. 303

(B) (1) Any rule, other than a rule of an emergency nature, 304
adopted by any agency pursuant to this section shall be 305

effective on the tenth day after the day on which the rule in 306
final form and in compliance with division (B)(3) of this 307
section is filed as follows: 308

(a) The rule shall be filed in electronic form with both 309
the secretary of state and the director of the legislative 310
service commission; 311

(b) The rule shall be filed in electronic form with the 312
joint committee on agency rule review. Division (B)(1)(b) of 313
this section does not apply to any rule to which division (D) of 314
this section does not apply. 315

An agency that adopts or amends a rule that is subject to 316
division (D) of this section shall assign a review date to the 317
rule that is not later than five years after its effective date. 318
If a review date assigned to a rule exceeds the five-year 319
maximum, the review date for the rule is five years after its 320
effective date. A rule with a review date is subject to review 321
under section 106.03 of the Revised Code. This paragraph does 322
not apply to a rule of a state college or university, community 323
college district, technical college district, or state community 324
college. 325

If an agency in adopting a rule designates an effective 326
date that is later than the effective date provided for by 327
division (B)(1) of this section, the rule if filed as required 328
by such division shall become effective on the later date 329
designated by the agency. 330

Any rule that is required to be filed under division (B) 331
(1) of this section is also subject to division (D) of this 332
section if not exempted by that division. 333

If a rule incorporates a text or other material by 334

reference, the agency shall comply with sections 121.71 to 335
121.76 of the Revised Code. 336

(2) A rule of an emergency nature necessary for the 337
immediate preservation of the public peace, health, or safety 338
shall state the reasons for the necessity. The emergency rule, 339
in final form and in compliance with division (B) (3) of this 340
section, shall be filed in electronic form with the secretary of 341
state, the director of the legislative service commission, and 342
the joint committee on agency rule review. The emergency rule is 343
effective immediately upon completion of the latest filing, 344
except that if the agency in adopting the emergency rule 345
designates an effective date, or date and time of day, that is 346
later than the effective date and time provided for by division 347
(B) (2) of this section, the emergency rule if filed as required 348
by such division shall become effective at the later date, or 349
later date and time of day, designated by the agency. 350

An emergency rule becomes invalid at the end of the one 351
hundred twentieth day it is in effect. Prior to that date, the 352
agency may file the emergency rule as a nonemergency rule in 353
compliance with division (B) (1) of this section. The agency may 354
not refile the emergency rule in compliance with division (B) (2) 355
of this section so that, upon the emergency rule becoming 356
invalid under such division, the emergency rule will continue in 357
effect without interruption for another one hundred twenty-day 358
period. 359

(3) An agency shall file a rule under division (B) (1) or 360
(2) of this section in compliance with the following standards 361
and procedures: 362

(a) The rule shall be numbered in accordance with the 363
numbering system devised by the director for the Ohio 364

administrative code. 365

(b) The rule shall be prepared and submitted in compliance 366
with the rules of the legislative service commission. 367

(c) The rule shall clearly state the date on which it is 368
to be effective and the date on which it will expire, if known. 369

(d) Each rule that amends or rescinds another rule shall 370
clearly refer to the rule that is amended or rescinded. Each 371
amendment shall fully restate the rule as amended. 372

If the director of the legislative service commission or 373
the director's designee gives an agency notice pursuant to 374
section 103.05 of the Revised Code that a rule filed by the 375
agency is not in compliance with the rules of the legislative 376
service commission, the agency shall within thirty days after 377
receipt of the notice conform the rule to the rules of the 378
commission as directed in the notice. 379

(C) All rules filed pursuant to divisions (B) (1) (a) and 380
(2) of this section shall be recorded by the secretary of state 381
and the director under the title of the agency adopting the rule 382
and shall be numbered according to the numbering system devised 383
by the director. The secretary of state and the director shall 384
preserve the rules in an accessible manner. Each such rule shall 385
be a public record open to public inspection and may be 386
transmitted to any law publishing company that wishes to 387
reproduce it. 388

(D) At least sixty-five days before a board, commission, 389
department, division, or bureau of the government of the state 390
files a rule under division (B) (1) of this section, it shall 391
file the full text of the proposed rule in electronic form with 392
the joint committee on agency rule review, and the proposed rule 393

is subject to legislative review and invalidation under section 394
106.021 of the Revised Code. If a state board, commission, 395
department, division, or bureau makes a revision in a proposed 396
rule after it is filed with the joint committee, the state 397
board, commission, department, division, or bureau shall 398
promptly file the full text of the proposed rule in its revised 399
form in electronic form with the joint committee. A state board, 400
commission, department, division, or bureau shall also file the 401
rule summary ~~and~~, fiscal analysis, and health impact statement 402
prepared under ~~section~~ sections 127.18 and 127.181 of the 403
Revised Code in electronic form along with a proposed rule, and 404
along with a proposed rule in revised form, that is filed under 405
this division. If a proposed rule has an adverse impact on 406
businesses, the state board, commission, department, division, 407
or bureau also shall file the business impact analysis, any 408
recommendations received from the common sense initiative 409
office, and the associated memorandum of response, if any, in 410
electronic form along with the proposed rule, or the proposed 411
rule in revised form, that is filed under this division. 412

A proposed rule that is subject to legislative review 413
under this division may not be adopted and filed in final form 414
under division (B)(1) of this section unless the proposed rule 415
has been filed with the joint committee on agency rule review 416
under this division and the time for the joint committee to 417
review the proposed rule has expired without recommendation of a 418
concurrent resolution to invalidate the proposed rule. 419

As used in this division, "commission" includes the public 420
utilities commission when adopting rules under a federal or 421
state statute. 422

This division does not apply to any of the following: 423

(1) A proposed rule of an emergency nature;	424
(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;	425 426 427 428
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	429 430 431
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	432 433 434
(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:	435 436 437 438 439
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	440 441
(b) A citation to the federal law or rule that requires verbatim compliance.	442 443
(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a facility listed in division (A) (4) of section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;	444 445 446 447 448 449 450 451

(7) A rule of the state lottery commission pertaining to 452
instant game rules. 453

If a rule is exempt from legislative review under division 454
(D) (5) of this section, and if the federal law or rule pursuant 455
to which the rule was adopted expires, is repealed or rescinded, 456
or otherwise terminates, the rule is thereafter subject to 457
legislative review under division (D) of this section. 458

Whenever a state board, commission, department, division, 459
or bureau files a proposed rule or a proposed rule in revised 460
form under division (D) of this section, it shall also file the 461
full text of the same proposed rule or proposed rule in revised 462
form in electronic form with the secretary of state and the 463
director of the legislative service commission. A state board, 464
commission, department, division, or bureau shall file the rule 465
summary and fiscal analysis prepared under section 127.18 of the 466
Revised Code in electronic form along with a proposed rule or 467
proposed rule in revised form that is filed with the secretary 468
of state or the director of the legislative service commission. 469

Sec. 119.03. In the adoption, amendment, or rescission of 470
any rule, an agency shall comply with the following procedure: 471

(A) Reasonable public notice shall be given in the 472
register of Ohio at least thirty days prior to the date set for 473
a hearing, in the form the agency determines. The agency shall 474
file copies of the public notice under division (B) of this 475
section. (The agency gives public notice in the register of Ohio 476
when the public notice is published in the register under that 477
division.) 478

The public notice shall include: 479

(1) A statement of the agency's intention to consider 480

adopting, amending, or rescinding a rule; 481

(2) A synopsis of the proposed rule, amendment, or rule to 482
be rescinded or a general statement of the subject matter to 483
which the proposed rule, amendment, or rescission relates; 484

(3) A statement of the reason or purpose for adopting, 485
amending, or rescinding the rule; 486

(4) The date, time, and place of a hearing on the proposed 487
action, which shall be not earlier than the thirty-first nor 488
later than the fortieth day after the proposed rule, amendment, 489
or rescission is filed under division (B) of this section. 490

In addition to public notice given in the register of 491
Ohio, the agency may give whatever other notice it reasonably 492
considers necessary to ensure notice constructively is given to 493
all persons who are subject to or affected by the proposed rule, 494
amendment, or rescission. 495

The agency shall provide a copy of the public notice 496
required under division (A) of this section to any person who 497
requests it and pays a reasonable fee, not to exceed the cost of 498
copying and mailing. 499

(B) The full text of the proposed rule, amendment, or rule 500
to be rescinded, accompanied by the public notice required under 501
division (A) of this section, shall be filed in electronic form 502
with the secretary of state and with the director of the 503
legislative service commission. (If in compliance with this 504
division an agency files more than one proposed rule, amendment, 505
or rescission at the same time, and has prepared a public notice 506
under division (A) of this section that applies to more than one 507
of the proposed rules, amendments, or rescissions, the agency 508
shall file only one notice with the secretary of state and with 509

the director for all of the proposed rules, amendments, or 510
rescissions to which the notice applies.) The proposed rule, 511
amendment, or rescission and public notice shall be filed as 512
required by this division at least sixty-five days prior to the 513
date on which the agency, in accordance with division (E) of 514
this section, issues an order adopting the proposed rule, 515
amendment, or rescission. 516

If the proposed rule, amendment, or rescission 517
incorporates a text or other material by reference, the agency 518
shall comply with sections 121.71 to 121.76 of the Revised Code. 519

The proposed rule, amendment, or rescission shall be 520
available for at least thirty days prior to the date of the 521
hearing at the office of the agency in printed or other legible 522
form without charge to any person affected by the proposal. 523
Failure to furnish such text to any person requesting it shall 524
not invalidate any action of the agency in connection therewith. 525

If the agency files a revision in the text of the proposed 526
rule, amendment, or rescission, it shall also promptly file the 527
full text of the proposed rule, amendment, or rescission in its 528
revised form in electronic form with the secretary of state and 529
with the director of the legislative service commission. 530

The agency shall file the rule summary ~~and~~, fiscal 531
analysis, and health impact statement prepared under ~~section~~ 532
sections 127.18 and 127.181 of the Revised Code in electronic 533
form along with a proposed rule, amendment, or rescission or 534
proposed rule, amendment, or rescission in revised form that is 535
filed with the secretary of state or the director of the 536
legislative service commission. 537

The agency shall file the hearing report relating to a 538

proposed rule, amendment, or rescission in electronic form with 539
the secretary of state and the director of the legislative 540
service commission at the same time the agency files the hearing 541
report with the joint committee on agency rule review. 542

The director of the legislative service commission shall 543
publish in the register of Ohio the full text of the original 544
and each revised version of a proposed rule, amendment, or 545
rescission; the full text of a public notice; the full text of a 546
rule summary ~~and, fiscal analysis, or health impact statement;~~ 547
and the full text of a hearing report that is filed with the 548
director under this division. 549

(C) When an agency files a proposed rule, amendment, or 550
rescission under division (B) of this section, it also shall 551
file in electronic form with the joint committee on agency rule 552
review the full text of the proposed rule, amendment, or rule to 553
be rescinded in the same form and the public notice required 554
under division (A) of this section. (If in compliance with this 555
division an agency files more than one proposed rule, amendment, 556
or rescission at the same time, and has given a public notice 557
under division (A) of this section that applies to more than one 558
of the proposed rules, amendments, or rescissions, the agency 559
shall file only one notice with the joint committee for all of 560
the proposed rules, amendments, or rescissions to which the 561
notice applies.) The proposed rule, amendment, or rescission is 562
subject to legislative review and invalidation under sections 563
106.02, 106.021, and 106.022 of the Revised Code. If the agency 564
makes a revision in a proposed rule, amendment, or rescission 565
after it is filed with the joint committee, the agency promptly 566
shall file the full text of the proposed rule, amendment, or 567
rescission in its revised form in electronic form with the joint 568
committee. 569

An agency shall file the rule summary ~~and, fiscal~~ 570
analysis, and health impact statement prepared under ~~section~~ 571
sections 127.18 and 127.181 of the Revised Code in electronic 572
form along with a proposed rule, amendment, or rescission, and 573
along with a proposed rule, amendment, or rescission in revised 574
form, that is filed under this division. 575

If a proposed rule, amendment, or rescission has an 576
adverse impact on businesses, the agency also shall file the 577
business impact analysis, any recommendations received from the 578
common sense initiative office, and the agency's memorandum of 579
response, if any, in electronic form along with the proposed 580
rule, amendment, or rescission, or along with the proposed rule, 581
amendment, or rescission in revised form, that is filed under 582
this division. 583

The agency shall file the hearing report in electronic 584
form with the joint committee before the joint committee holds 585
its public hearing on the proposed rule, amendment, or 586
rescission. The filing of a hearing report does not constitute a 587
revision of the proposed rule, amendment, or rescission to which 588
the hearing report relates. 589

If the proposed rule, amendment, or rescission requires 590
liability insurance, a bond, or any other financial 591
responsibility instrument as a condition of licensure, the 592
agency shall conduct a diligent search to determine if the 593
liability insurance, bond, or other financial responsibility 594
instrument is readily available in the amounts required as a 595
condition of licensure, and shall certify to the joint committee 596
that the search was conducted. 597

A proposed rule, amendment, or rescission that is subject 598
to legislative review under this division may not be adopted 599

under division (E) of this section or filed in final form under 600
section 119.04 of the Revised Code unless the proposed rule, 601
amendment, or rescission has been filed with the joint committee 602
on agency rule review under this division and the time for 603
legislative review of the proposed rule, amendment, or 604
rescission has expired without adoption of a concurrent 605
resolution to invalidate the proposed rule, amendment, or 606
rescission. 607

This division does not apply to: 608

(1) An emergency rule, amendment, or rescission; 609

(2) A proposed rule, amendment, or rescission that must be 610
adopted verbatim by an agency pursuant to federal law or rule, 611
to become effective within sixty days of adoption, in order to 612
continue the operation of a federally reimbursed program in this 613
state, so long as the proposed rule contains both of the 614
following: 615

(a) A statement that it is proposed for the purpose of 616
complying with a federal law or rule; 617

(b) A citation to the federal law or rule that requires 618
verbatim compliance. 619

If a rule or amendment is exempt from legislative review 620
under division (C) (2) of this section, and if the federal law or 621
rule pursuant to which the rule or amendment was adopted 622
expires, is repealed or rescinded, or otherwise terminates, the 623
rule or amendment, or its rescission, is thereafter subject to 624
legislative review under division (C) of this section. 625

(D) On the date and at the time and place designated in 626
the notice, the agency shall conduct a public hearing at which 627
any person affected by the proposed action of the agency may 628

appear and be heard in person, by the person's attorney, or 629
both, may present the person's position, arguments, or 630
contentions, orally or in writing, offer and examine witnesses, 631
and present evidence tending to show that the proposed rule, 632
amendment, or rescission, if adopted or effectuated, will be 633
unreasonable or unlawful. An agency may permit persons affected 634
by the proposed rule, amendment, or rescission to present their 635
positions, arguments, or contentions in writing, not only at the 636
hearing, but also for a reasonable period before, after, or both 637
before and after the hearing. A person who presents a position 638
or arguments or contentions in writing before or after the 639
hearing is not required to appear at the hearing. 640

At the hearing, the testimony shall be recorded. Such 641
record shall be made at the expense of the agency. The agency is 642
required to transcribe a record that is not sight readable only 643
if a person requests transcription of all or part of the record 644
and agrees to reimburse the agency for the costs of the 645
transcription. An agency may require the person to pay in 646
advance all or part of the cost of the transcription. 647

In any hearing under this section the agency may 648
administer oaths or affirmations. 649

The agency shall consider the positions, arguments, or 650
contentions presented at, or before or after, the hearing. The 651
agency shall prepare a hearing summary of the positions, 652
arguments, or contentions, and of the issues raised by the 653
positions, arguments, or contentions. The agency then shall 654
prepare a hearing report explaining, with regard to each issue, 655
how it is reflected in the rule, amendment, or rescission. If an 656
issue is not reflected in the rule, amendment, or rescission, 657
the hearing report shall explain why the issue is not reflected. 658

The agency shall include the hearing summary in the hearing report as an appendix thereto. And, in the hearing report, the agency shall identify the proposed rule, amendment, or rescission to which the hearing report relates.

(E) After divisions (A), (B), (C), and (D) of this section have been complied with, and when the time for legislative review under sections 106.02, 106.022, and 106.023 of the Revised Code has expired without adoption of a concurrent resolution to invalidate the proposed rule, amendment, or rescission, the agency may issue an order adopting the proposed rule or the proposed amendment or rescission of the rule, consistent with the synopsis or general statement included in the public notice. At that time the agency shall designate the effective date of the rule, amendment, or rescission, which shall not be earlier than the tenth day after the rule, amendment, or rescission has been filed in its final form as provided in section 119.04 of the Revised Code.

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

(G) If the governor, upon the request of an agency, determines that an emergency requires the immediate adoption, amendment, or rescission of a rule, the governor shall issue an order, the text of which shall be filed in electronic form with the agency, the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review, that the procedure prescribed by this section with respect to the adoption, amendment, or rescission

of a specified rule is suspended. The agency may then adopt 689
immediately the emergency rule, amendment, or rescission and it 690
becomes effective on the date the rule, amendment, or 691
rescission, in final form and in compliance with division (A) (2) 692
of section 119.04 of the Revised Code, is filed in electronic 693
form with the secretary of state, the director of the 694
legislative service commission, and the joint committee on 695
agency rule review. The director shall publish the full text of 696
the emergency rule, amendment, or rescission in the register of 697
Ohio. 698

The emergency rule, amendment, or rescission shall become 699
invalid at the end of the one hundred twentieth day it is in 700
effect. Prior to that date the agency may adopt the emergency 701
rule, amendment, or rescission as a nonemergency rule, 702
amendment, or rescission by complying with the procedure 703
prescribed by this section for the adoption, amendment, and 704
rescission of nonemergency rules. The agency shall not use the 705
procedure of this division to readopt the emergency rule, 706
amendment, or rescission so that, upon the emergency rule, 707
amendment, or rescission becoming invalid under this division, 708
the emergency rule, amendment, or rescission will continue in 709
effect without interruption for another one-hundred-twenty-day 710
period, except when section 106.02 of the Revised Code prevents 711
the agency from adopting the emergency rule, amendment, or 712
rescission as a nonemergency rule, amendment, or rescission 713
within the one-hundred-twenty-day period. 714

This division does not apply to the adoption of any 715
emergency rule, amendment, or rescission by the tax commissioner 716
under division (C) (2) of section 5117.02 of the Revised Code. 717

(H) Rules adopted by an authority within the department of 718

job and family services for the administration or enforcement of 719
Chapter 4141. of the Revised Code or of the department of 720
taxation shall be effective without a hearing as provided by 721
this section if the statutes pertaining to such agency 722
specifically give a right of appeal to the board of tax appeals 723
or to a higher authority within the agency or to a court, and 724
also give the appellant a right to a hearing on such appeal. 725
This division does not apply to the adoption of any rule, 726
amendment, or rescission by the tax commissioner under division 727
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 728
the right to file an action for declaratory judgment as provided 729
in Chapter 2721. of the Revised Code from the decision of the 730
board of tax appeals or of the higher authority within such 731
agency. 732

Sec. 127.181. (A) As used in this section: 733

(1) "Agency" has the same meaning as in section 106.01 of 734
the Revised Code. 735

(2) "Rule" includes the adoption, amendment, or rescission 736
of a rule. 737

(3) "Proposed rule" means the original version of a 738
proposed rule, and each revised version of the same proposed 739
rule, that is filed with the joint committee on agency rule 740
review under division (D) of section 111.15 or division (C) of 741
section 119.03 of the Revised Code. 742

(4) "Health," "health equity," and "the social 743
determinants of health" have the same meanings as in section 744
103.132 of the Revised Code. 745

(B) An agency shall prepare, on a form prescribed by the 746
joint committee on agency rule review, a complete and accurate 747

health impact statement concerning each proposed rule that it 748
files under division (D) of section 111.15 or division (C) of 749
section 119.03 of the Revised Code and concerning each unchanged 750
rule that it files under division (C) of section 106.031 of the 751
Revised Code. The health impact statement shall analyze whether 752
the rule might have a positive, negative, or neutral impact on 753
any of the following: 754

(1) The health of Ohioans; 755

(2) The accomplishment of health equity in this state; 756

(3) The health or health equity of specific populations or 757
persons residing in specific geographic areas in this state; 758

(4) The social determinants of health for the most 759
vulnerable populations in this state. 760

(C) The agency shall file the health impact statement in 761
electronic form along with the proposed or unchanged rule. The 762
joint committee on agency rule review shall not accept any 763
proposed or unchanged rule for filing unless a copy of the 764
health impact statement, completely and accurately prepared, is 765
filed along with the rule. 766

Sec. 3701.36. (A) As used in this section: 767

(1) "Health," "health equity," and "the social 768
determinants of health" have the same meanings as in section 769
103.132 of the Revised Code. 770

(2) "State agency" means every organized body, office, 771
agency, institution, or other entity established by the laws of 772
this state for the exercise of any function of state government. 773

(B) The health and equity interagency team is created in 774
the department of health for the purpose of ensuring 775

collaboration among all state agencies. The department of health shall administer the team, and each state agency shall appoint a liaison to the team. 776
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(C) The team shall do all of the following: 779

(1) Work across the government of this state to coordinate resources and implement strategies to address health and health equity factors impacted by the social determinants of health; 780
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(2) Create links between various policy areas; 783

(3) Build new partnerships to promote health and health equity; 784
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(4) Develop common metrics of success for health outcomes among disparate populations and for increased government efficiency. 786
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(D) Not later than the thirty-first day of December of each year, the team shall submit a state health and health equity report to the health and equity in all policies initiative advisory board created in section 103.133 of the Revised Code. The team also shall transmit a copy of the report to the director of health, who shall make it available to the public on the official web site of the department of health. 789
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Section 2. That existing sections 103.13, 106.031, 111.15, and 119.03 of the Revised Code are hereby repealed. 796
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