



## Ohio Revised Code

### Section 107.42 Governor's declaration of state of emergency; General Assembly's authority.

Effective: June 23, 2021

Legislation: Senate Bill 22

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(A) As used in this section :

"Declaration of a state of emergency" means any order, proclamation, or other action of the governor that creates a state of emergency.

"State of emergency" means the period of time between when the governor declares any emergency and the expiration of that emergency, including an air pollution emergency under section 3704.032 of the Revised Code, an energy shortage emergency under section 4935.03 of the Revised Code, and an adulterated consumer product emergency under section 3715.74 of the Revised Code.

(B) A state of emergency declared by the governor shall exist for not more than ninety calendar days unless extended by the general assembly as provided in division (C) of this section. An amendment to a declaration of a state of emergency, declaration of a substantially similar state of emergency, or reissuance of any part of an initial declaration of a state of emergency shall not be considered a new declaration of a state of emergency.

(C) The general assembly may extend a state of emergency for up to an additional sixty calendar days by adopting a concurrent resolution. The general assembly continuously may extend a state of emergency by adopting subsequent concurrent resolutions, but no extension may last longer than sixty calendar days. If the general assembly does not extend a state of emergency, the governor shall not issue a declaration of an identical or substantially similar state of emergency, or issue a declaration of a state of emergency with any part of the initial declaration of a state of emergency, for at least sixty calendar days following the expiration of the state of emergency, except as provided in division (E) of this section.

(D)(1) After a state of emergency declared by the governor has been in effect for thirty calendar days, the general assembly may terminate the state of emergency by adopting a concurrent



resolution. A state of emergency terminated under this division is invalid and has no legal effect.

(2) If the general assembly terminates a state of emergency under this section, the governor shall not issue a declaration of an identical or substantially similar state of emergency, or issue a declaration of a state of emergency with any part of the initial declaration of the state of emergency, for at least sixty calendar days after the general assembly adopts the concurrent resolution, except as provided in division (E) of this section.

(E) Within sixty calendar days of a state of emergency terminating by operation of law under division (B) of this section, or by action of the general assembly under division (D)(1) of this section, the governor may submit a request to the general assembly to authorize the governor to issue a declaration of an identical or substantially similar state of emergency, or issue a declaration of a state of emergency with any part of the initial declaration of the state of emergency. Upon review, the general assembly may adopt a concurrent resolution authorizing the request.

(F) A declaration of a state of emergency in violation of this section is invalid and has no legal effect.