



Ohio Revised Code

Section 3301.138 Stakeholder outreach in rulemaking.

Effective: October 3, 2023

Legislation: House Bill 33 - 135th General Assembly

(A) As used in this section, "five-year review" means a review of a rule in accordance with sections 106.03 and 119.04 of the Revised Code.

(B) The department of education and workforce shall establish a stakeholder outreach process for use when engaging in rulemaking in accordance with Chapter 119. of the Revised Code. Under the process, the department shall establish a method under which stakeholders may elect to participate. The process also shall require the department to do all of the following:

(1) Before initiating the process to conduct a five-year review or to adopt a new rule or amend or rescind an existing rule, do all of the following:

(a) Notify stakeholders about the department's intent to initiate rulemaking. The department shall include in the notice an explanation of the department's rationale for initiating rulemaking, which shall include either of the following:

(i) For a five-year review, if the department determines a rule does not need to be amended or rescinded, a statement that the rule is not being amended or rescinded;

(ii) If the department is adopting a new rule or amending or rescinding an existing rule, information explaining the rationale for changing the rule including any state or federal law changes that make the new rule or rule change necessary.

(b) Provide a link to a web page on the department's web site that provides an opportunity to review the current rule, if one exists, and submit public comments for a period of time established by the department. As part of the public comment system, the department shall provide individuals who submit comments with the opportunity to also submit information that might aid the department in preparing a business impact analysis, if one is required.



(c) Consider each comment the department receives during the public comment period when drafting the rule. The department is not required to respond to submitted comments.

(2) Prior to submitting a proposed rule to the joint committee on agency rule review, do all of the following:

(a) Post the draft rule and a completed business impact analysis on the department's web site, if one is required;

(b) Notify stakeholders that the rule draft, and the business impact analysis, if one is required, have been posted on the department's web site. The department shall include in the notice a link to a web page on the department's web site that provides an opportunity to review the draft rule, and the business impact analysis, if one is required, and submit public comments for a period of time established by the department.

(c) Consider each comment the department receives during the public comment period. The department may revise the draft based on the submitted comments.

(3) If the department determines further outreach is necessary, hold stakeholder meetings, send questions to stakeholders, or create stakeholder advisory groups.

(C) A notice under division (B) of this section is not a public notice, but rather a courtesy for stakeholders.

(D) Nothing in this section requires the department to send out draft rules to, nor negotiate draft rule language with, stakeholders.