



Ohio Revised Code

Section 106.03 Agency review of existing rules.

Effective: June 8, 2022

Legislation: Senate Bill 9

Prior to the review date of an existing rule, the agency that adopted the rule shall do both of the following:

(A) Review the rule to determine whether the rule should be amended or rescinded, including for the purpose of accomplishing the reductions in regulatory restrictions required by section 121.951 of the Revised Code, because it does any of the following, or otherwise for the purpose of reducing regulatory restrictions:

(1) Exceeds or conflicts with the purpose, scope, or intent of the statute under which the rule was adopted;

(2) Provides inadequate flexibility at the local level;

(3) Creates a compliance or oversight burden for the state agency, or for any person or entity, that is greater than the burden that would be created if the agency accomplished the intended purpose of the restriction by other means;

(4) Is no longer useful or beneficial;

(5) Incorporates a text or other material by reference and, if so:

(a) The citation accompanying the incorporation by reference is such as would not reasonably enable a reasonable person to whom the rule applies readily and without charge to find and inspect the incorporated text or other material;

(b) The citation accompanying the incorporation by reference is such as would not reasonably enable the joint committee on agency rule review readily and without charge to find and inspect the incorporated text or other material; or



(c) If the rule has been exempted in whole or in part from sections 121.71 to 121.74 of the Revised Code on grounds the incorporated text or other material has one or more of the characteristics described in division (B) of section 121.75 of the Revised Code, the incorporated text or other material does not actually have any of those characteristics.

(6) Duplicates, overlaps with, or conflicts with a federal law or rule or another law or rule of this state. A rule duplicates, overlaps with, or conflicts with another law or rule if it imposes a duty or liability on a person or entity that the other law or rule also imposes on that person or entity, in whole or in part, or imposes a duty or liability that may require a person or entity to violate the other law or rule in whole or in part. If the rule duplicates, overlaps with, or conflicts with a rule adopted by another state agency, the two agencies shall determine which agency shall amend or rescind its rule and shall develop and execute a plan to work together to achieve the required oversight.

(7) Has an adverse impact on businesses, as determined under section 107.52 of the Revised Code;

(8) Has an adverse impact on any other person or entity;

(9) Contains words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive;

(10) Requires liability insurance, a bond, or any other financial responsibility instrument as a condition of licensure;

(11) Imposes a more severe duty or liability than restrictions in neighboring states in order to accomplish the same goal;

(12) Implements a federal law or rule in a manner that is more stringent or burdensome than the federal law or rule requires.

In making its review, the agency shall consider the continued need for the rule, the nature of any complaints or comments received concerning the rule, and any relevant factors that have changed in the subject matter area affected by the rule.



(B) On the basis of its review of the existing rule, the agency shall determine whether the existing rule needs to be amended or rescinded.

(1) If the existing rule needs to be amended or rescinded, the agency, on or before the review date of the existing rule, shall commence the process of amending or rescinding the existing rule in accordance with its review of the rule.

(2) If the existing rule does not need to be amended or rescinded, proceedings shall be had under section 106.031 of the Revised Code.

Upon the request of the agency that adopted an existing rule, the joint committee on agency rule review may extend the review date of the rule to a date that is not later than one hundred eighty days after the review date assigned to the rule by the agency. Not more than two such extensions may be allowed.