

Rulemaking Process

In the adoption, amendment, or rescission of any rule, an agency shall comply with the following procedure:

Public notice shall be given in the register of Ohio at least 30 days prior to the date set for a hearing, in the form the agency determines. The public notice shall include:

A statement of the agency's intention to consider adopting, amending, or rescinding a rule;

A synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates;

A statement of the reason or purpose for adopting, amending, or rescinding the rule;

The date, time, and place of a hearing on the proposed action, which shall be not earlier than the thirty-first (31) nor later than the fortieth (40) day after the proposed rule, amendment, or rescission is filed.

The full text of the proposed rule, amendment, or rule to be rescinded, accompanied by the public notice, shall be filed in electronic form with the secretary of state and with the director of the legislative service commission.

The proposed rule, amendment, or rescission shall be available for at least 30 prior to the date of the hearing.

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

The agency shall file the rule summary and fiscal analysis.

The agency shall file the hearing report with the secretary of state, the legislative service commission, and the joint committee on agency rule review.

The legislative service commission shall publish in the register of Ohio the full text of the original and each revised version of a proposed rule, amendment, or rescission; the full text of a public notice; the full text of a rule summary and fiscal analysis; and the full text of a hearing report that is filed.

When an agency files a proposed rule, amendment, or rescission, the full text of the proposed rule, amendment, or rule to be rescinded must also be published.

An agency shall file the rule summary and fiscal analysis.

The agency also shall file the business impact analysis.

The agency shall file the hearing report before the joint committee holds its public hearing on the proposed rule, amendment, or rescission.

If necessary, select liability insurance.

On the date and at the time and place designated in the notice, the agency shall conduct a public hearing. An agency may permit persons affected by the proposed rule, amendment, or rescission to present their positions, arguments, or contentions in writing, not only at the hearing, but also for a reasonable period before, after, or both before and after the hearing. A person who presents a position or arguments or contentions in writing before or after the hearing is not required to appear at the hearing.

If 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. At that time the agency shall designate the effective date of the rule, amendment, or rescission.

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.

Emergency Rulemaking

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 with the agency, the secretary of state, the legislative service commission, and the joint committee on agency rule review, that the procedure to adopt, amend, or rescind a specified rule is suspended.

The agency may then adopt immediately the emergency rule, amendment, or rescission and it becomes effective on the date the rule, amendment, or rescission, in final form.

The emergency rule, amendment, or rescission shall become invalid at the end of the one hundred twentieth (120) day it is in effect.

The general assembly, by adopting a concurrent resolution, may invalidate, in whole or in part, an emergency rule or authorize an agency to readopt, in whole or in part, a rule that was rescinded in response to a state of emergency.

Ohio Register

Ohio Administrative Procedure Act