



## Ohio Revised Code

### Section 103.05 Codification of administrative rules - publications.

Effective: August 18, 2019

Legislation: Senate Bill 221 - 132nd General Assembly

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(A) The director of the legislative service commission shall be the codifier of the rules of the administrative agencies of the state. When a rule is filed under section 111.15 or 119.04 of the Revised Code, the director or the director's designee shall examine the rule. If the rule is not numbered or if the numbering of the rule is not in conformity with the system established by the director, the director shall give the rule its proper number by designating the proper number on the left hand margin of the rule. The number shall be the official administrative code number of the rule. Any number so assigned shall be published in any publication of the administrative code. Rules of the administrative code shall be cited and referred to by such official numbers.

The legislative service commission shall, under section 111.15 of the Revised Code, adopt, amend, and rescind any rules that are necessary to provide a uniform administrative code; to provide standards for use by the director in determining whether to include in the administrative code the full text of, or a reference to, any rule filed with the commission; to permit the director to discharge the director's duties and exercise the director's powers as described in this section; and to permit the director to discharge the director's duties and exercise the director's powers with respect to establishing and maintaining, and enhancing and improving, the electronic rule-filing system under section 103.0511 of the Revised Code.

When the commission adopts rules to provide standards for use by the director in determining whether to include the full text of, or a reference to, a rule in the administrative code, it shall require the director to consider all of the following:

- (1) Whether the rule applies uniformly to all citizens of the state;
- (2) Whether the rule applies uniformly to all political subdivisions of the state;
- (3) Whether the rule affects the health, welfare, and safety of the citizens of the state;



- (4) Whether the rule applies only to the internal affairs of the agency adopting the rule;
- (5) The number of persons affected by the rule;
- (6) Whether the rule affects the statutory or constitutional rights of any person.

The director or the director's designee shall accept any rule that is filed under section 111.15 or 119.04 of the Revised Code. If the director or the director's designee accepts a rule that is not in compliance with the rules of the commission, the director shall give notice of the noncompliance in electronic form to the agency that filed the rule within thirty days after the date on which the rule is filed. The notice shall indicate why the rule does not comply with the rules of the commission and how the rule can be brought into compliance. The failure of the director to give an agency notice within the thirty-day period presumptively establishes that the rule complies with the rules of the commission.

(B) Any person may publish an acceptable code. The director shall approve as acceptable any person's publication of the code conforming to the requirements of this division.

An Ohio administrative code approved as acceptable by the director shall:

- (1) Contain a compilation of the full text of, or a reference to, each rule filed under section 111.15 or 119.04 of the Revised Code;
- (2) Presumptively establish the rules of all agencies adopting rules under section 111.15 or Chapter 119. of the Revised Code that are in effect on the day of its initial publication;
- (3) Contain the full text of, or a reference to, each rule adopted after its initial publication and be updated at least quarterly;
- (4) Contain an index of the rules and references to rules that are included in the code and each supplement using terms easily understood by the general public;
- (5) Be published in electronic or print format following, to the extent possible, the subject matter



arrangement of the Revised Code;

(6) Be numbered according to the numbering system devised by the director.

(C) The director may prepare and publish the code, or contract with any person under this division to prepare and publish the code. Any code published under this division shall include all of the requirements of division (B) of this section. In addition, the director shall furnish any code or supplement published under this division to any person who requests the code or supplement upon payment of a charge established by the director, not to exceed the cost of preparation and publication.

Upon the request of the director of the legislative service commission under this division, the director of administrative services, in accordance with the competitive selection procedure of Chapter 125. of the Revised Code, shall let a contract for the compilation, preparation, and printing or publication of the administrative code and supplements.