

**As Introduced**

**128th General Assembly  
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**H. B. No. 357**

**Representative Carney**

**Cosponsors: Representatives Domenick, Lehner, Okey, Slesnick, Yuko**

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**A B I L L**

To amend sections 4117.10, 4729.29, 5502.21, and 1  
5502.41 and to enact sections 121.25, 124.394, 2  
124.395, 3345.042, and 3701.147 of the Revised 3  
Code regarding the Intrastate Mutual Aid Compact, 4  
the authority of certain emergency medical 5  
services personnel to dispense drugs during an 6  
emergency that affects the public health, the 7  
authority of the Governor to declare the existence 8  
of a health exigency, and information and 9  
guidelines issued by the Department of Health 10  
concerning health exigencies, and to declare an 11  
emergency. 12

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4117.10, 4729.29, 5502.21, and 13  
5502.41 be amended and sections 121.25, 124.394, 124.395, 14  
3345.042, and 3701.147 of the Revised Code be enacted to read as 15  
follows: 16

**Sec. 121.25.** As used in this section, "state agency" means 17  
every department, bureau, board, commission, office, or other 18  
organized body established by the constitution and laws of this 19

state for the exercise of any function of state government, 20  
including any state-supported institution of higher education, the 21  
general assembly, any legislative agency, the supreme court, and 22  
the court of claims. 23

The director or chief administrative officer of each state 24  
agency shall post a link to the internet web site address 25  
containing the information and guidelines described in section 26  
3701.147 of the Revised Code on the web site the state agency 27  
maintains as soon as practicable after being supplied the address 28  
by the director of health. 29

The person in charge of each building or facility where state 30  
agency employees regularly work shall promptly review the 31  
information and guidelines and update the building's or facility's 32  
internal policies to ensure that the policies are consistent with 33  
the information and guidelines. 34

**Sec. 124.394.** (A) As used in this section, "health exigency" 35  
means the occurrence or imminent threat of an illness or health 36  
condition that, because of its scale, timing, or unpredictability, 37  
poses a substantial risk to the health of persons in this state. 38  
"Health exigency" includes, but is not limited to, an epidemic, a 39  
pandemic, or an incident that precipitates the issuance of an 40  
order for quarantine or isolation. 41

(B) The governor, after consultation with the director of 42  
health, may declare the existence of a health exigency and issue 43  
orders the governor considers necessary to activate plans to 44  
address the health exigency. The declaration shall include a list 45  
of symptoms that are consistent with the illness or health 46  
condition precipitating the declaration and shall state a date, or 47  
describe a time or event, at which the declaration expires. 48

(C) The declaration of the existence of a health exigency 49

pursuant to division (B) of this section is not the equivalent of 50  
any of the following, although any of the following may be in 51  
effect concurrently with the declaration of a health exigency: 52

(1) A major disaster or emergency declaration the president 53  
of the United States is authorized to make, the determination of a 54  
public health emergency the United States secretary of health and 55  
human services is authorized to make, or any other emergency 56  
declaration authorized by federal law or regulation; 57

(2) A public health emergency declared by the governor, an 58  
emergency measure declared by the board of health of a city or 59  
general health district pursuant to section 3709.20 or 3709.21 of 60  
the Revised Code, or any other emergency declaration authorized by 61  
the Revised Code or rules adopted under it; 62

(3) An emergency declaration that a collective bargaining 63  
agreement has taken into account. 64

**Sec. 124.395.** (A) While the declaration of a health exigency 65  
made pursuant to section 124.394 of the Revised Code remains in 66  
effect, an appointing authority may require an employee who 67  
demonstrates at least one symptom on the list included in the 68  
declaration to leave the employee's workplace immediately. 69

(B) An employee who is required under division (A) of this 70  
section to leave the employee's workplace may elect to use accrued 71  
and available sick leave, vacation leave, personal leave, or leave 72  
resulting from compensatory time, or may elect to take a leave of 73  
absence without pay, to cover the time the employee is away from 74  
work as a result of being required to leave the workplace. If an 75  
employee elects to use the accrued and available leave, the 76  
employee shall designate the order in which the types of leave 77  
shall be used and the appointing authority shall approve the leave 78  
requests. An employee who does not elect to use the types of 79  
accrued and available leave shall be placed on a leave of absence 80

without pay. 81

(C) Both of the following apply to an employee who is on a 82  
leave of absence without pay as described in division (B) of this 83  
section: 84

(1) The employee continues to accrue leave, longevity, 85  
service credit, and retention points consistent with how the 86  
employee accrued such benefits, if any, prior to the leave of 87  
absence without pay as long as the employee returns to work with 88  
the appointing authority when authorized to do so as described in 89  
division (E) of this section. 90

(2) The employee is responsible for paying the employee's 91  
share, and the employer is responsible for paying the employer's 92  
share, of premiums for all health insurance programs in which the 93  
employee is enrolled at the time the employee begins the leave of 94  
absence without pay. 95

(D) An employee who is required under division (A) of this 96  
section to leave the employee's workplace is eligible to receive 97  
donated leave pursuant to a leave donation program established by 98  
the director of administrative services under section 124.391 of 99  
the Revised Code. 100

(E) An appointing authority shall reinstate an employee who 101  
is required under division (A) of this section to leave the 102  
employee's workplace on the employee's demonstration that the 103  
employee is asymptomatic of the illness or condition that 104  
precipitated the governor's declaration of the existence of a 105  
health exigency. 106

(F) The fact that an employee has been required under 107  
division (A) of this section to leave the employee's workplace 108  
shall not be grounds for a disciplinary action initiated by the 109  
appointing authority against the employee. 110

(G) An action taken by an appointing authority pursuant to 111

division (A) of this section is not subject to appeal to the state 112  
personnel board of review, although nothing in this section 113  
impairs the authority an employee or exclusive representative has 114  
pursuant to section 4117.08 of the Revised Code to file a 115  
grievance based on a collective bargaining agreement. 116

(H) The director of administrative services may adopt rules 117  
to implement this section. The rules shall be adopted in 118  
accordance with Chapter 119. of the Revised Code. 119

**Sec. 3345.042. (A) As used in this section:** 120

(1) "Community college" has the same meaning as in section 121  
3354.01 of the Revised Code. 122

(2) "Technical college" has the same meaning as in section 123  
3357.01 of the Revised Code. 124

(3) "Participating political subdivision" has the same 125  
meaning as in section 5502.41 of the Revised Code. 126

(4) "State community college" has the same meaning as in 127  
section 3358.01 of the Revised Code. 128

(5) "State institution of higher education" has the same 129  
meaning as in section 3345.011 of the Revised Code. 130

(6) "University branch" has the same meaning as in section 131  
3355.01 of the Revised Code. 132

(B) A state institution of higher education may request or 133  
provide assistance pursuant to the intrastate mutual aid compact 134  
created under section 5502.41 of the Revised Code. A state 135  
institution of higher education that requests or provides mutual 136  
aid pursuant to the compact shall comply with section 5502.41 of 137  
the Revised Code as if it were a participating political 138  
subdivision. 139

(C) Except for a community college, state community college, 140

technical college, or university branch, a state institution of 141  
higher education and its personnel, while requesting or providing 142  
assistance pursuant to the compact, shall be deemed to be 143  
performing a public duty as defined in section 2743.01 of the 144  
Revised Code and have the defenses to, and immunities from, civil 145  
liability provided in section 2743.02 of the Revised Code. 146  
Community colleges, state community colleges, technical colleges, 147  
university branches, and personnel of such institutions, while 148  
requesting or providing assistance to the compact, shall have the 149  
defenses and immunities from civil liability provided in sections 150  
2744.02 and 2744.03 of the Revised Code and shall be entitled to 151  
all applicable limitations on recoverable damages under section 152  
2744.05 of the Revised Code. 153

**Sec. 3701.147.** As used in this section, "state agency" means 154  
every department, bureau, board, commission, office, or other 155  
organized body established by the constitution and laws of this 156  
state for the exercise of any function of state government, 157  
including any state-supported institution of higher education, the 158  
general assembly, any legislative agency, the supreme court, and 159  
the court of claims. 160

On the governor's declaration of the existence of a health 161  
exigency pursuant to section 124.394 of the Revised Code, the 162  
director of health shall supply each state agency with an internet 163  
web site address where information and guidelines the department 164  
of health has developed can be found on the subject of how 165  
businesses, governmental entities, schools, and private residences 166  
can most appropriately respond to the health exigency. 167

**Sec. 4117.10.** (A) An agreement between a public employer and 168  
an exclusive representative entered into pursuant to this chapter 169  
governs the wages, hours, and terms and conditions of public 170  
employment covered by the agreement. If the agreement provides for 171

a final and binding arbitration of grievances, public employers, 172  
employees, and employee organizations are subject solely to that 173  
grievance procedure and the state personnel board of review or 174  
civil service commissions have no jurisdiction to receive and 175  
determine any appeals relating to matters that were the subject of 176  
a final and binding grievance procedure. Where no agreement exists 177  
or where an agreement makes no specification about a matter, the 178  
public employer and public employees are subject to all applicable 179  
state or local laws or ordinances pertaining to the wages, hours, 180  
and terms and conditions of employment for public employees. Laws 181  
pertaining to civil rights, affirmative action, unemployment 182  
compensation, workers' compensation, the retirement of public 183  
employees, ~~and~~ residency requirements, declaration of the 184  
existence of a health exigency by the governor pursuant to section 185  
124.394 of the Revised Code, the minimum educational requirements 186  
contained in the Revised Code pertaining to public education 187  
including the requirement of a certificate by the fiscal officer 188  
of a school district pursuant to section 5705.41 of the Revised 189  
Code, the provisions of division (A) of section 124.34 of the 190  
Revised Code governing the disciplining of officers and employees 191  
who have been convicted of a felony, and the minimum standards 192  
promulgated by the state board of education pursuant to division 193  
(D) of section 3301.07 of the Revised Code prevail over 194  
conflicting provisions of agreements between employee 195  
organizations and public employers. The law pertaining to the 196  
leave of absence and compensation provided under section 5923.05 197  
of the Revised Code prevails over any conflicting provisions of 198  
such agreements if the terms of the agreement contain benefits 199  
which are less than those contained in that section or the 200  
agreement contains no such terms and the public authority is the 201  
state or any agency, authority, commission, or board of the state 202  
or if the public authority is another entity listed in division 203  
(B) of section 4117.01 of the Revised Code that elects to provide 204

leave of absence and compensation as provided in section 5923.05 205  
of the Revised Code. Except for sections 306.08, 306.12, 306.35, 206  
and 4981.22 of the Revised Code and arrangements entered into 207  
thereunder, and section 4981.21 of the Revised Code as necessary 208  
to comply with section 13(c) of the "Urban Mass Transportation Act 209  
of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(c), as amended, and 210  
arrangements entered into thereunder, this chapter prevails over 211  
any and all other conflicting laws, resolutions, provisions, 212  
present or future, except as otherwise specified in this chapter 213  
or as otherwise specified by the general assembly. Nothing in this 214  
section prohibits or shall be construed to invalidate the 215  
provisions of an agreement establishing supplemental workers' 216  
compensation or unemployment compensation benefits or exceeding 217  
minimum requirements contained in the Revised Code pertaining to 218  
public education or the minimum standards promulgated by the state 219  
board of education pursuant to division (D) of section 3301.07 of 220  
the Revised Code. 221

(B) The public employer shall submit a request for funds 222  
necessary to implement an agreement and for approval of any other 223  
matter requiring the approval of the appropriate legislative body 224  
to the legislative body within fourteen days of the date on which 225  
the parties finalize the agreement, unless otherwise specified, 226  
but if the appropriate legislative body is not in session at the 227  
time, then within fourteen days after it convenes. The legislative 228  
body must approve or reject the submission as a whole, and the 229  
submission is deemed approved if the legislative body fails to act 230  
within thirty days after the public employer submits the 231  
agreement. The parties may specify that those provisions of the 232  
agreement not requiring action by a legislative body are effective 233  
and operative in accordance with the terms of the agreement, 234  
provided there has been compliance with division (C) of this 235  
section. If the legislative body rejects the submission of the 236  
public employer, either party may reopen all or part of the entire 237



agreement. 238

As used in this section, "legislative body" includes the 239  
governing board of a municipal corporation, school district, 240  
college or university, village, township, or board of county 241  
commissioners or any other body that has authority to approve the 242  
budget of their public jurisdiction and, with regard to the state, 243  
"legislative body" means the controlling board. 244

(C) The chief executive officer, or the chief executive 245  
officer's representative, of each municipal corporation, the 246  
designated representative of the board of education of each school 247  
district, college or university, or any other body that has 248  
authority to approve the budget of their public jurisdiction, the 249  
designated representative of the board of county commissioners and 250  
of each elected officeholder of the county whose employees are 251  
covered by the collective negotiations, and the designated 252  
representative of the village or the board of township trustees of 253  
each township is responsible for negotiations in the collective 254  
bargaining process; except that the legislative body may accept or 255  
reject a proposed collective bargaining agreement. When the 256  
matters about which there is agreement are reduced to writing and 257  
approved by the employee organization and the legislative body, 258  
the agreement is binding upon the legislative body, the employer, 259  
and the employee organization and employees covered by the 260  
agreement. 261

(D) There is hereby established an office of collective 262  
bargaining in the department of administrative services for the 263  
purpose of negotiating with and entering into written agreements 264  
between state agencies, departments, boards, and commissions and 265  
the exclusive representative on matters of wages, hours, terms and 266  
other conditions of employment and the continuation, modification, 267  
or deletion of an existing provision of a collective bargaining 268  
agreement. Nothing in any provision of law to the contrary shall 269

be interpreted as excluding the bureau of workers' compensation 270  
and the industrial commission from the preceding sentence. This 271  
office shall not negotiate on behalf of other statewide elected 272  
officials or boards of trustees of state institutions of higher 273  
education who shall be considered as separate public employers for 274  
the purposes of this chapter; however, the office may negotiate on 275  
behalf of these officials or trustees where authorized by the 276  
officials or trustees. The staff of the office of collective 277  
bargaining are in the unclassified service. The director of 278  
administrative services shall fix the compensation of the staff. 279

The office of collective bargaining shall: 280

(1) Assist the director in formulating management's 281  
philosophy for public collective bargaining as well as planning 282  
bargaining strategies; 283

(2) Conduct negotiations with the exclusive representatives 284  
of each employee organization; 285

(3) Coordinate the state's resources in all mediation, 286  
fact-finding, and arbitration cases as well as in all labor 287  
disputes; 288

(4) Conduct systematic reviews of collective bargaining 289  
agreements for the purpose of contract negotiations; 290

(5) Coordinate the systematic compilation of data by all 291  
agencies that is required for negotiating purposes; 292

(6) Prepare and submit an annual report and other reports as 293  
requested to the governor and the general assembly on the 294  
implementation of this chapter and its impact upon state 295  
government. 296

**Sec. 4729.29.** (A) Divisions (A) and (B) of section 4729.01 297  
and section 4729.28 of the Revised Code do not do ~~either~~ any of 298  
the following: 299

(1) Apply to a licensed health professional authorized to 300  
prescribe drugs ~~or prevent~~; 301

(2) Prevent a prescriber from personally furnishing the 302  
prescriber's patients with drugs, within the prescriber's scope of 303  
professional practice, that seem proper to the prescriber; 304

~~(2)~~(3) Apply to the sale of oxygen, the sale of peritoneal 305  
dialysis solutions, or the sale of drugs that are not dangerous 306  
drugs by a retail dealer, in original packages when labeled as 307  
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 308  
1040 (1938), 21 U.S.C.A. 301, as amended; 309

(4) Apply to an individual certified by the state board of 310  
emergency medical services pursuant to section 4765.30 of the 311  
Revised Code who dispenses drugs in accordance with a 312  
physician-approved protocol during an emergency that affects the 313  
public health. 314

(B) When a prescriber personally furnishes drugs to a patient 315  
pursuant to division (A)~~(1)~~(2) of this section, the prescriber 316  
shall ensure that the drugs are labeled and packaged in accordance 317  
with state and federal drug laws and any rules and regulations 318  
adopted pursuant to those laws. Records of purchase and 319  
disposition of all drugs personally furnished to patients shall be 320  
maintained by the prescriber in accordance with state and federal 321  
drug statutes and any rules adopted pursuant to those statutes. 322

323  
When personally furnishing to a patient RU-486 324  
(mifepristone), a prescriber is subject to section 2919.123 of the 325  
Revised Code. A prescription for RU-486 (mifepristone) shall be in 326  
writing and in accordance with section 2919.123 of the Revised 327  
Code. 328

**Sec. 5502.21.** As used in sections 5502.21 to 5502.51 of the 329

Revised Code:	330
(A) <u>"Agency"</u> means any administrative or operational	331
division, including an office, department, bureau, board,	332
commission, or authority, of the state or of a political	333
subdivision thereof, including volunteer agencies, organizations,	334
or departments.	335
(B) <u>"Attack"</u> means any attack, either actual or imminent, or	336
a series of attacks by an actual or potential enemy of the United	337
States or by a foreign nation upon the United States that causes	338
or may cause substantial damage to or destruction of life,	339
property, or the environment within the United States or that is	340
designed to injure the military or economic strength of the United	341
States. <u>"Attack"</u> includes, without limitation, acts of sabotage,	342
acts of terrorism, invasion, the use of bombs or shellfire,	343
conventional, nuclear, chemical, or biological warfare, and the	344
use of other weapons or processes.	345
(C) <u>"Chief executive"</u> means the president of the United	346
States, the governor of this state, the board of county	347
commissioners of any county, the board of township trustees of any	348
township, or the mayor or city manager of any municipal	349
corporation within this state.	350
(D) <u>"Civil defense"</u> is an integral part of emergency	351
management that includes all those activities and measures	352
designed or undertaken to minimize the effects upon the civilian	353
population caused or that would be caused by any hazard and to	354
effect emergency repairs to, or the emergency restoration of,	355
vital equipment, resources, supplies, utilities, and facilities	356
necessary for survival and for the public health, safety, and	357
welfare that would be damaged or destroyed by any hazard. <u>"Civil</u>	358
<u>defense"</u> includes, but is not limited to:	359
(1) Those measures to be taken during a hazard, including all	360

of the following:	361
(a) The enforcement of those passive defense regulations necessary for the protection of the civilian population and prescribed by duly established military or civil authorities;	362 363 364
(b) The evacuation of personnel to shelter areas;	365
(c) The control of traffic and panic situations;	366
(d) The control and use of emergency communications, lighting, and warning equipment and systems.	367 368
(2) Those measures to be taken after a hazard has occurred, including all of the following:	369 370
(a) Activities necessary for firefighting, rescue, emergency, medical, health, and sanitation services;	371 372
(b) Monitoring for secondary hazards that could be caused from the initiating event;	373 374
(c) Damage assessment and disaster analysis operations;	375
(d) Coordination of disaster assistance programs;	376
(e) Monitoring for effects from weapons;	377
(f) Unexploded bomb reconnaissance;	378
(g) Essential debris clearance;	379
(h) Decontamination operations;	380
(i) Documentation of operations and financial expenses;	381
(j) Resource control;	382
(k) Any other activities that may be necessary for survival and the overall health, safety, and welfare of the civilian population.	383 384 385
(E) " <u>Disaster</u> " means any imminent threat or actual occurrence of widespread or severe damage to or loss of property, personal hardship or injury, or loss of life that results from any natural	386 387 388

phenomenon or act of a human. 389

(F) Emergency Except as provided in section 5502.41 of the 390  
Revised Code, "emergency" means any period during which the 391  
congress of the United States or a chief executive has declared or 392  
proclaimed that an emergency exists. 393

(G) "Emergency management" includes all emergency 394  
preparedness and civil defense activities and measures, whether or 395  
not mentioned or described in sections 5502.21 to 5502.51 of the 396  
Revised Code, that are designed or undertaken to minimize the 397  
effects upon the civilian population caused or that could be 398  
caused by any hazard and that are necessary to address mitigation, 399  
emergency preparedness, response, and recovery. 400

(H) "Emergency preparedness" is an integral part of emergency 401  
management that includes those activities and measures designed or 402  
undertaken in preparation for any hazard, including, but not 403  
limited to, natural disasters and hazards involving hazardous 404  
materials or radiological materials, and that will enhance the 405  
probability for preservation of life, property, and the 406  
environment. "Emergency preparedness" includes, without 407  
limitation: 408

(1) The establishment of appropriate agencies and 409  
organizations; 410

(2) The development of necessary plans and standard operating 411  
procedures for mitigation, preparation, response, and recovery 412  
purposes, including, without limitation, the development of 413  
supporting agreements and memorandums of understanding; 414

(3) Hazard identification; 415

(4) Capability assessment; 416

(5) The recruitment, retention, and training of personnel; 417

(6) The development, printing, and distribution of emergency 418

public information, education, and training materials and	419
programs;	420
(7) The necessary conduct of research;	421
(8) The development of resource inventories;	422
(9) The procurement and stockpiling of equipment, food,	423
water, medical supplies, and any other supplies necessary for	424
survival and for the public health, safety, and welfare;	425
(10) The development and construction of public shelter	426
facilities and shelter spaces;	427
(11) The development and construction of emergency operations	428
centers for the conduct and support of coordination, direction,	429
and control activities;	430
(12) When appropriate and considered necessary, the	431
nonmilitary evacuation or temporary relocation of the civilian	432
population.	433
(I) <u>"Hazard"</u> means any actual or imminent threat to the	434
survival or overall health, safety, or welfare of the civilian	435
population that is caused by any natural, human-made, or	436
technological event. <u>"Hazard"</u> includes, without limitation, an	437
attack, disaster, and emergency.	438
(J) <u>"Hazard identification"</u> means an identification,	439
historical analysis, inventory, or spatial distribution of risks	440
that could affect a specific geographical area and that would	441
cause a threat to the survival, health, safety, or welfare of the	442
civilian population, the property of that population, or the	443
environment.	444
(K) <u>"Law"</u> includes a general or special statute, law, local	445
law, ordinance, resolution, rule, order, or rule of common law.	446
(L) <u>"Mitigation"</u> means all those activities that reduce or	447
eliminate the probability of a hazard. <u>"Mitigation"</u> also includes	448

long-term activities and measures designed to reduce the effects 449  
of unavoidable hazards. 450

(M) ~~Political~~ Except as provided in section 5502.41 of the 451  
Revised Code, "political subdivision" means a county, township, or 452  
municipal corporation in this state. 453

(N) "Recovery" includes all those activities required and 454  
necessary to return an area to its former condition to the extent 455  
possible following the occurrence of any hazard. 456

(O) "Response" includes all those activities that occur 457  
subsequent to any hazard and that provide emergency assistance 458  
from the effects of any such hazard, reduce the probability of 459  
further injury, damage, or destruction, and are designed or 460  
undertaken to speed recovery operations. 461

(P) "Structure" includes shelters, additions to or 462  
alterations of existing buildings, and portions of existing 463  
buildings dedicated to public use, made and designed exclusively 464  
for protection against the shock or other effects of nuclear, 465  
biological, or chemical warfare, special housing for equipment, 466  
and all other structural means of protection of individuals and 467  
property against any hazard. 468

(Q) "Equipment" includes fire-fighting, first-aid, emergency 469  
medical, hospital, salvage, and rescue equipment and materials, 470  
equipment for evacuation or relocation of individuals, 471  
radiological monitoring equipment, hazardous materials response 472  
gear, communications equipment, warning equipment, and all other 473  
means, in the nature of personal property, to be used exclusively 474  
in the protection of individuals and property against the effects 475  
of any hazard. 476

(R) "Certifying authority" means the executive director of 477  
the emergency management agency provided for by section 5502.22 of 478  
the Revised Code. 479



(S) "Civil defense certificate" means a civil defense certificate of necessity issued pursuant to section 5502.42 of the Revised Code.

**Sec. 5502.41.** (A) As used in this section:

(1) "Chief executive of a participating political subdivision" means the elected chief executive of a participating political subdivision or, if the political subdivision does not have an elected chief executive, a member of the political subdivision's governing body chosen by the body's members to be its representative for purposes of the intrastate mutual aid program created pursuant to this section.

(2) "Countywide emergency management agency" means a countywide emergency management agency established under section 5502.26 of the Revised Code.

~~(2)~~(3) "Emergency" means any period during which the congress of the United States, a chief executive as defined in section 5502.21 of the Revised Code, or a chief executive of a participating political subdivision has declared or proclaimed that an emergency exists.

(4) "Participating political subdivision" means each political subdivision in this state except a political subdivision that enacts or adopts, by appropriate legislation, ordinance, resolution, rule, bylaw, or regulation signed by its chief executive, a ~~declaration~~ decision not to participate in the intrastate mutual aid program created by this section and that provides a copy of the legislation, ordinance, resolution, rule, bylaw, or regulation to the state emergency management agency and to the countywide emergency management agency, regional authority for emergency management, or program for emergency management within in the political subdivision, ~~which is responsible for emergency management in the political subdivision.~~

~~(3)(5)~~ "Political subdivision" or "subdivision" has the same 511  
meaning as in section 2744.01 of the Revised Code. 512

(6) "Program for emergency management within a political 513  
subdivision" or "program for emergency management" means a program 514  
for emergency management created by a political subdivision under 515  
section 5502.271 of the Revised Code. 516

~~(4)(7)~~ "Regional authority for emergency management" means a 517  
regional authority for emergency management established under 518  
section 5502.27 of the Revised Code. 519

(8) "Regional response team" means a group of persons from 520  
participating political subdivisions who provide mutual aid in 521  
preparation for, response to, or recovery from an incident, 522  
disaster, exercise, training activity, planned event, or 523  
emergency. "Regional response team" includes, but is not limited 524  
to, an incident management team, hazardous materials response 525  
team, water rescue team, bomb team, or search and rescue team. 526

(B) There is hereby created the intrastate mutual aid program 527  
to be known as "the intrastate mutual aid compact" to complement 528  
existing mutual aid agreements ~~in the event of a disaster that~~ 529  
~~results in a formal declaration of emergency by a participating~~ 530  
~~political subdivision.~~ The program shall ~~provide~~ have two 531  
purposes: 532

(1) Provide for mutual ~~assistance aid~~ among the participating 533  
political subdivisions ~~in response to and recovery from any~~ for 534  
purposes of preparing for, responding to, and recovering from an 535  
incident, ~~disaster that results in a formal declaration of~~ 536  
~~emergency by a participating political subdivision;~~ shall provide 537  
~~for mutual cooperation among the participating political~~ 538  
~~subdivisions in conducting disaster related exercises, testing, or~~ 539  
~~other training activities using the services, equipment, supplies,~~ 540  
~~materials, personnel, and other resources of the participating~~ 541

~~political subdivisions to simulate the provision of mutual aid;~~ 542  
~~and shall embody, exercise, training activity, planned event, or~~ 543  
~~emergency;~~ 544

(2) Establish a method by which a participating political 545  
subdivision may seek assistance ~~in the event of a formally~~ 546  
~~declared emergency, which resolves~~ to resolve many of the common 547  
issues facing political subdivisions ~~at the time of a formally~~ 548  
~~declared emergency~~ before, during, and after an incident, 549  
disaster, exercise, training activity, planned event, or emergency 550  
and ~~will~~ to ensure, to the extent possible, eligibility for 551  
available state and federal disaster assistance or other funding. 552  
553

(C) Each countywide emergency management agency, regional 554  
authority for emergency management, and program for emergency 555  
management within a political subdivision, ~~which is responsible~~ 556  
~~for emergency management in a participating political subdivision~~ 557  
~~shall, as part of its program for emergency management under~~ 558  
~~sections 5502.22, 5502.26, 5502.27, and 5502.271 of the Revised~~ 559  
~~Code, as applicable, and in coordination with all departments,~~ 560  
divisions, boards, commissions, agencies, and other 561  
instrumentalities ~~of, and having emergency response functions~~ 562  
~~within, each participating that~~ political subdivision ~~served by~~ 563  
~~that agency, authority, or program,~~ shall establish procedures or 564  
plans that, to the extent possible, accomplish both of the 565  
following: 566

(1) Identify hazards that potentially could affect the 567  
participating political subdivisions served by that agency, 568  
authority, or program; 569

(2) Identify and inventory the current services, equipment, 570  
supplies, personnel, and other resources related to the 571  
preparedness, response, and recovery activities of the 572  
participating political subdivisions served by that agency, 573

authority, or program. 574

(D)(1) ~~Within one year after December 23, 2002, the~~ The 575  
executive director of the state emergency management agency shall 576  
coordinate with the countywide emergency management agencies, 577  
regional authorities for emergency management, and programs for 578  
emergency management within a political subdivision, ~~which are~~ 579  
~~responsible for emergency management in participating political~~ 580  
~~subdivisions,~~ in identifying and formulating appropriate 581  
procedures or plans to resolve resource shortfalls, ~~as part of~~ 582  
~~their respective programs for emergency management under sections~~ 583  
~~5502.22, 5502.26, 5502.27, and 5502.271 of the Revised Code, as~~ 584  
~~applicable.~~ 585

(2) During and after the formulation of the procedures or 586  
plans to resolve resource shortfalls, there shall be ongoing 587  
consultation and coordination among the executive director of the 588  
state emergency management agency; the countywide emergency 589  
management agencies, regional authorities for emergency 590  
management, and programs for emergency management within a 591  
political subdivision, ~~which are responsible for emergency~~ 592  
~~management in participating political subdivisions;~~ and all 593  
departments, divisions, boards, commissions, agencies, and other 594  
instrumentalities of, and having emergency response functions 595  
within, each participating political subdivision, regarding this 596  
section, local procedures and plans, and the resolution of the 597  
resource shortfalls. 598

(E) ~~Participating political subdivisions may request~~ 599  
~~assistance of other participating political subdivisions in~~ 600  
~~response to and recovery from a disaster during formally declared~~ 601  
~~emergencies or in disaster related exercises, testing, or other~~ 602  
~~training activities.~~ (1) A participating political subdivision 603  
that is impacted by an incident, disaster, exercise, training 604  
activity, planned event, or emergency that requires additional 605

resources may request mutual aid by doing either of the following: 606

607

(a) Declaring a state of emergency and issuing a request for 608  
assistance from any other participating subdivision; 609

(b) Issuing to another participating subdivision a verbal or 610  
written request for assistance. If the request is made verbally, a 611  
written confirmation of the request shall be made not later than 612  
seventy-two hours after the verbal request is made. 613

(2) Requests for assistance made under division (E)(1) of 614  
this section shall be made through the countywide emergency 615  
management agency or an official designated by the chief executive 616  
of the participating political subdivision from which the 617  
assistance is requested. ~~Requests may be verbal or in writing. If~~ 618  
~~verbal, the request shall be confirmed in writing within~~ 619  
~~seventy two hours after the verbal request is made. Requests and~~ 620  
shall provide the following information: 621

~~(1)(a)~~ A description of the incident, disaster, exercise, 622  
training activity, planned event, or emergency that requires 623  
additional resources; 624

~~(2)(b)~~ A description of the assistance needed; 625

~~(3)(c)~~ An estimate of the length of time the assistance will 626  
be needed; 627

~~(4)(d)~~ The specific place and time for staging of the 628  
assistance and a point of contact at that location. 629

(F) A participating political subdivision's obligation to 630  
provide assistance ~~in response to and recovery from a disaster or~~ 631  
~~in disaster related exercises, testing, or other training~~ 632  
~~activities~~ under this section is subject to the following 633  
conditions: 634

~~(1) A participating political subdivision requesting~~ 635

~~assistance must have either declared a state of emergency by~~ 636  
~~resolution of its chief executive or scheduled disaster related~~ 637  
~~exercises, testing, or other training activities~~ The responding 638  
political subdivision shall provide assistance to a participating 639  
political subdivision that is impacted by, or subject to, an 640  
incident, disaster, exercise, training activity, planned event, or 641  
emergency. 642

(2) ~~A~~ The responding ~~participating~~ political subdivision may 643  
withhold resources necessary to provide for its own protection. 644

(3) Personnel of a ~~the~~ responding ~~participating~~ political 645  
subdivision shall continue under their local command and control 646  
structure, but shall be under the operational control of the 647  
appropriate officials within the incident management system of the 648  
participating political subdivision receiving assistance. 649

(4) Responding law enforcement officers acting pursuant to 650  
this section have the same authority to enforce the law as when 651  
acting within the territory of their regular employment. 652

(G)(1) Nothing in this section ~~alters~~ shall do any of the 653  
following: 654

(a) Alter the duties and responsibilities of emergency 655  
response personnel; 656

(b) Prohibit a private company from participating in the 657  
provision of mutual aid pursuant to the compact created pursuant 658  
to this section if the participating political subdivision 659  
approves the participation and the contract with the private 660  
company allows for the participation; 661

(c) Prohibit employees of participating political 662  
subdivisions from responding to an incident, disaster, exercise, 663  
training activity, planned event, or emergency as part of a 664  
regional response team that is under the operational control of 665  
the incident command structure. 666

(2) This section does not preclude a participating political subdivision from entering into a mutual aid or other agreement with another political subdivision, and does not affect any other agreement to which a participating political subdivision may be a party, or any request for assistance that may be made, under any other section of the Revised Code, including, but not limited to, any mutual aid arrangement under this chapter, any fire protection or emergency medical services contract under section 9.60 of the Revised Code, sheriffs' requests for assistance to preserve the public peace and protect persons and property under section 311.07 of the Revised Code, ~~agreements~~ any agreement for mutual aid in police protection under section 737.04 of the Revised Code, any agreement for law enforcement services between universities and colleges and political subdivisions under sections 3345.041 or 3345.21 of the Revised Code, and mutual aid agreements among emergency planning districts for hazardous substances or chemicals response under sections 3750.02 and 3750.03 of the Revised Code.

(H)(1) Personnel of a responding participating political subdivision who suffer injury or death in the course of, and arising out of, their employment while rendering assistance under this section to another participating political subdivision ~~under this section~~ are entitled to all applicable benefits under Chapters 4121. and 4123. of the Revised Code.

(2) Personnel of a responding participating political subdivision shall be considered, while rendering assistance under this section in another participating political subdivision ~~under this section~~, to be agents of the ~~participating~~ responding political subdivision ~~receiving the assistance~~ for purposes of tort liability and immunity from tort liability under the law of this state.

(3)(a) A responding participating political subdivision and

the personnel of that political subdivision, while rendering 699  
assistance under this section, or while in route to or from 700  
rendering assistance under this section, in another participating 701  
political subdivision ~~under this section~~, shall be deemed to be 702  
exercising governmental functions as defined in section 2744.01 of 703  
the Revised Code, shall have the defenses to and immunities from 704  
civil liability provided in sections 2744.02 and 2744.03 of the 705  
Revised Code, and shall be entitled to all applicable limitations 706  
on recoverable damages under section 2744.05 of the Revised Code. 707

(b) A participating political subdivision requesting 708  
assistance and the personnel of that political subdivision, while 709  
requesting or receiving assistance under this section from any 710  
other participating political ~~subdivisions under this section~~ 711  
subdivision, shall be deemed to be exercising governmental 712  
functions as defined in section 2744.01 of the Revised Code, shall 713  
have the defenses to and immunities from civil liability provided 714  
in sections 2744.02 and 2744.03 of the Revised Code, and shall be 715  
entitled to all applicable limitations on recoverable damages 716  
under section 2744.05 of the Revised Code. 717

(I) If a person holds a license, certificate, or other permit 718  
issued by a participating political subdivision evidencing 719  
qualification in a professional, mechanical, or other skill, and 720  
if the assistance of that person is asked for under this section 721  
by a participating political subdivision ~~receiving assistance~~ 722  
~~under this section~~, the person shall be deemed to be licensed or 723  
certified in or permitted by the participating political 724  
subdivision receiving the assistance to render the assistance, 725  
subject to any limitations and conditions the chief executive of 726  
the participating political subdivision receiving the assistance 727  
may prescribe by executive order or otherwise. 728

(J) ~~Except~~ (1) Subject to division (K) of this section and 729  
except as otherwise provided in this division (J)(2) of this 730



section, any participating political subdivision rendering 731  
assistance under this section in another participating political 732  
subdivision ~~under this section~~ shall be reimbursed by the 733  
participating political subdivision receiving the assistance for 734  
any loss or damage to, or expense incurred in the operation of, 735  
any equipment used in rendering the assistance, for any expense 736  
incurred in the provision of any service used in rendering the 737  
assistance, and for all other costs incurred in responding to the 738  
request for assistance. ~~However, a participating political~~ 739  
~~subdivision rendering assistance may assume in whole or in part~~ 740  
~~the loss, damage, expense, or costs, or may loan the equipment or~~ 741  
~~donate the service to the participating political subdivision~~ 742  
~~receiving the assistance without charge or cost; any two or more~~ 743  
~~participating political subdivisions may enter into agreements~~ 744  
~~establishing a different allocation of loss, damage, expense, or~~ 745  
~~costs among themselves; and expenses incurred under division~~ 746  
~~(H)(1) of this section are not reimbursable under this division.~~ 747  
~~To avoid duplication of payments, insurance proceeds available to~~ 748  
~~cover any loss or damage to equipment of a participating political~~ 749  
~~subdivision rendering assistance shall be considered in the~~ 750  
~~reimbursement by the participating political subdivision receiving~~ 751  
~~the assistance~~ 752

(2) A participating political subdivision rendering 753  
assistance under this section to another participating political 754  
subdivision shall not be reimbursed for either of the following: 755

(a) The first eight hours of mutual aid it provides to the 756  
political subdivision receiving the assistance. 757

(b) Expenses the participating political subdivision incurs 758  
under division (H)(1) of this section. 759

(K) A participating political subdivision rendering 760  
assistance under this section may do any of the following: 761

(1) Assume, in whole or in part, any loss, damage, expense, 762  
or cost the political subdivision incurs in rendering the 763  
assistance. 764

(2) Loan, without charge, any equipment, or donate any 765  
service, to the political subdivision receiving the assistance. 766

(3) Enter into agreements with one or more other 767  
participating political subdivisions to establish different 768  
allocations of losses, damages, expenses, or costs among such 769  
political subdivisions. 770

**Section 2.** That existing sections 4117.10, 4729.29, 5502.21, 771  
and 5502.41 of the Revised Code are hereby repealed. 772

**Section 3.** This act applies to collective bargaining 773  
agreements entered into before, on, or after the effective date of 774  
this act. 775

**Section 4.** This act is hereby declared to be an emergency 776  
measure necessary for the immediate preservation of the public 777  
peace, health, and safety. The reason for such necessity is that 778  
the United States Centers for Disease Control and Prevention has 779  
stated that the novel H1N1 virus, in conjunction with regular 780  
seasonal influenza viruses, poses the potential to cause 781  
significant illness with associated hospitalizations and deaths 782  
during the current influenza season. Therefore, this act shall go 783  
into immediate effect. 784