



ENACTMENT SUMMARY

Senate Bill 21

Agency Order Appeal & Jurisdiction Changes

Effective September 29, 2023

On June 30, 2023, Ohio Governor Mike DeWine signed SB 21 (Sens. McColley, Reynolds) into law. The bill has two parts. First, the bill requires a person to appeal certain state agencies' orders in the common pleas court in the county of residence of the appellant (not in Franklin County, as previously would have been required). The bill also makes various jurisdiction changes to individual Ohio courts; it revises eligibility criteria for the Hamilton County Drug Court; transfers Perry Township in Wood County and Washington Township in Hancock County from the territorial jurisdiction of the Tiffin Fostoria Municipal Court to the territorial jurisdiction of, respectively, the Bowling Green Municipal Court and the Findlay Municipal Court on January 2, 2024; and replaces two part-time county court judgeships in Sandusky County with one full-time municipal court judge.

Under the bill, an appeal by a party adversely affected by any order of an agency issued pursuant to an adjudication must be filed in a county designated as follows:

1. An appeal from an order of an agency denying an applicant admission to an examination, denying the issuance or renewal of a license or registration of a licensee, revoking or suspending a license, or allowing the payment of a forfeiture rather than suspending operations of a liquor permit holder by order of the Liquor Control Commission *must* be filed in the county in which the place of business of the licensee is located or the county in which the licensee is a resident (prior to SB 21, the appeal could be filed in the court of common pleas in Franklin County or the county in which the licensee is located).
2. An appeal from an order issued by any of the following agencies *must* be made in Franklin County *or* in the court of common pleas in the county in which the place of business of the licensee is located or the county in which the licensee is a resident:
 - (a) Liquor Control Commission, (b) Ohio Casino Control Commission, (c) State Medical Board, (d) State Chiropractic Board, (e) Board of Nursing, and (f) Bureau of Workers' Compensation regarding participation in the health partnership program

administered by the Bureau (prior to SB 21, such an appeal must have been made in the Franklin County).

3. Appeals from orders of the State Fire Marshal issued under R.C. Chapter 3737 *must* be to the court of common pleas of the county in which the building of the aggrieved person is located (prior to SB 21, those appeals could have been made to that court of common pleas or to the Franklin County Court of Common Pleas).

4. Unchanged by SB 21, appeals under R.C. 124.34(B) from a decision of the State Personnel Board of Review or a municipal or civil service township civil service commission *must* be taken to the court of common pleas of the county in which the appointing authority is located. In the case of an appeal by ODRC, that is the Franklin County Court of Common Pleas.

5. If an appealing party is not an Ohio resident and has no place of business in Ohio, the party *must* appeal to the Franklin County Court of Common Pleas (prior to SB 21, this was permissive).

6. A party adversely affected by any order of an agency issued pursuant to any other adjudication *may* appeal to the Franklin County Court of Common Pleas or the court of common pleas of the county in which the business of the party is located or in which the party is a resident (prior to SB 21, the party could appeal only to the Franklin County Court of Common Pleas).

The Hamilton County Court of Common Pleas Drug Court was statutorily created and included in the statute were enumerated criteria for participation in the Drug Court. SB 21 eliminated these enumerated criteria and replaced it with a requirement that eligibility be set forth in a local rule adopted by the Common Pleas Court; the local rule may not permit referral of a case that involves a first- or second-degree felony, a third-degree felony that is a sex offense, or aggravated murder or murder. Additionally, the municipal court can refer a case to the Drug Court, per the local rule.

The Senate favorably voted SB 21 out of its chamber on February 22, 2023 by a vote of 24-7, with the House of Representatives following suit on June 14, 2023 by a vote of 68-27. The bill goes into effect September 29, 2023, 90 days after being signed by the Governor.