MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2020-31D

The Partial Rescission of Executive Order 2020-21D and Emergency Adoption of Rules 5101:2-12-02.2, 5101:2-13-02.2, 5101:2-14-02.2, and 5101:2-18-03.1 of the Ohio Administrative Code by the Ohio Department of Job and Family Services

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 9, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio. This confirmed the presence of a potentially dangerous condition which may affect the health, safety and welfare of citizens of Ohio; and

WHEREAS, on March 9, 2020, I declared a State of Emergency in Executive Order 2020-01D; and

WHEREAS, on August 4, 2020, the Ohio Children's Hospital Association and the Ohio Chapter of the American Academy of Pediatrics recommended in part that all children in Kindergarten through grade twelve (12) wear a mask while in educational settings; and

WHEREAS, Sections 5104.015, 5104.016, 5104.017, 5104.018, 5104.019, 5104.21 and 5104.22 of the Ohio Revised Code authorize the Ohio Department of Job and Family Services to promulgate rules relating to the administration of child daycare, publicly funded child care, child day camps, and in-home aides in Ohio to ensure the health and safety of our children and professionals; and

WHEREAS, Section 119.03 (G) of the Ohio Revised Code authorizes the Governor, on the request of a State agency, to suspend the normal rule making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment or rescission of such rules. When such a determination is made, the agency may immediately adopt, amend or rescind such rules, but the rules are only valid for one hundred and twenty (120) days; and

WHEREAS, the Ohio Department of Job and Family Services has requested a determination whether an emergency exists that requires the adoption of rules 5101:2-12-02.2, 5101:2-13-02.2, 5101:2-14-02.2, and 5101:2-18-03.1 on an emergency basis and that would therefore permit the Ohio Department of Job and Family Services, pursuant to Sections 5104.015, 5104.016, 5104.017, 5104.018, 5104.019, 5104.21 and 5104.22 of the Ohio Revised Code, to make immediate and necessary adoption of the rules.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, by virtue of the power and authority vested in me by the Constitution and laws of this State, do hereby rescind Executive Order 2020-21D only as it relates to previously adopted rules 5101:2-12-02.2, 5101:2-13-02.2, 5101:2-14-02.2, and 5101:2-18-03.1 of the Ohio Administrative Code.

Further, I have determined, upon the request of the Ohio Department of Job and Family Services, that an emergency exists requiring immediate adoption of revised rules 5101:2-12-02.2, 5101:2-13-02.2, 5101:2-14-02.2, 51, and 5101:2-18-03.1 of the Ohio Administrative Code.

I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption of the specified rules be suspended and that the Ohio Department of Job and Family Services be permitted to adopt the rules immediately by filing them electronically with the Secretary of State, the Director of the Legislative Service Commission and the Joint Committee on Agency Rule Review ("JCARR").

Furthermore, I hereby order that this Executive Order be filed in electronic form with the Ohio Department of Job and Family Services, the Secretary of State, the Director of the Legislative Service Commission and JCARR.

I signed this Executive Order on August 8, 2020, in Cedarville, Ohio, and it will expire one hundred and twenty (120) days from the effective date of the emergency rule, or upon the adoption of the rule through the normal JCARR process, whichever is sooner.

Mike DeWine

Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State

THE GREAT SEAL OF THE STATE OF OHIO