MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2020-35D

The Rescission of Executive Orders 2020-21D and 2020-31D, Creation of the Temporary Pandemic School-Age Child Care Center License, Emergency Amendment of Rules 5101:2-16-09 and 5101:2-16-10 and Emergency Adoption of Rules 5101:2-12-02.2, 5101:2-12-02.3, 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, Sections 5104.015, 5104.016, 5104.017, 5104.018, 5104.019, 5104.03, 5104.21, 5104.22, 5104.30, 5104.38 and 5104.39 of the Ohio Revised Code authorize the Ohio Department of Job and Family Services to promulgate rules relating to the administration of child daycare and publicly funded child care 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 amendment of rules 5101:2-16-09 and 5101:2-16-10 and adoption of rules 5101:2-12-02.2, 5101:2-12-02.3, 5101:2-13-02.2, 5101:2-14-02.2 and 5101:2-18-03.1 of the Ohio Administrative Code 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, 5104.03, 5104.21, 5104.22, 5104.30, 5104.38 and 5104.39 of the Ohio Revised Code, to make immediate and necessary changes to 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 Orders 2020-21D and 2020-31D in their entirety.

Further, I hereby order and direct that the Ohio Department of Job and Family Services issue a new, temporary license for Temporary Pandemic School-Age Child Care Centers during the extent of the declared state of emergency to provide child care services to school-age children while they are participating in school virtually as a result of the COVID-19 pandemic. The Ohio Department of Job and Family Services has discretion regarding the number of licenses issued based on need and pandemic health concerns.

Further, I have determined, upon the request of the Ohio Department of Job and Family Services, that an emergency exists requiring the immediate amendment of rules 5101:2-16-09 and 5101:2-16-10 and adoption of rules 5101:2-12-02.2, 5101:2-12-02.3, 5101:2-13-02.2, 5101:2-14-02.2 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 amendment and adoption of the specified rules be suspended and that the Ohio Department of Job and Family Services be permitted to amend and 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 25, 2020 in Cedarville, Ohio, and it will expire one hundred and twenty (120) days from the effective date of the emergency rules, or upon the adoption of the rules through the normal JCARR process, whichever is sooner.

Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State