MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2020-04D

Establishing a Temporary Pandemic Child Care License and Emergency Adoption of Rule 5101:2-12-02.1 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 March 13, 2020, the Department of Job and Family Services issued emergency child care rules in accordance with Executive Order 2020-02D; and

WHEREAS, on March 14, 2020, the Ohio Department of Health Director signed a Public Health Order closing all kindergarten through grade 12 schools in Ohio, impacting more than 1.7 million school-aged children; and

WHEREAS, Ohio is reliant upon its healthcare professionals, first responders and other individuals providing health, safety, and essential services to Ohio's communities to maintain safety, emergency response and to prevent and treat those diagnosed with COVID-19; and

WHEREAS, an estimated 30 to 50 percent of healthcare professionals in Ohio have school-aged or younger children; and

WHEREAS, Sections 5104.016 and 5104.03 of the Ohio Revised Code authorize the Ohio Department of Job and Family Services to promulgate rules relating to the administration of child daycare in Ohio; 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 rule 5101:2-12-02.1 on an emergency basis and that would therefore permit the Ohio Department of Job and Family Services, pursuant to Sections 5104.016 and 5104.03 of the Ohio Revised Code, to make an immediate and necessary adoption of the rule;

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution of the United States, specifically the implied police powers of the Tenth Amendment, the Constitution of the State of Ohio, Article III, Section 5, and the laws of this State do hereby order and direct that the Ohio Department of Job and Family Services issue a new, temporary license for Temporary Pandemic Child Care during the extent of the declared state of emergency to provide child care services to children of parents employed providing health, safety, and other essential services as defined by the Director of the Ohio Department of Job and Family Services in consultation with the Director of the Ohio Emergency Management Agency. The Director of Jobs 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 adoption of rule 5101:2-12-02.1 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 rule be suspended and that the Ohio Department of Job and Family Services be permitted to adopt the rule immediately by filing it 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 March 17, 2020, in Columbus, Ohio, and it will expire one hundred twenty days (120) 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