



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2020-11D

The Emergency Amendment of Rules 901-2-04, 122:5-2-03, 4123-6-05.2, 4713-5-02 of the Ohio Administrative Code by the Ohio Department of Agriculture, Ohio Development Services Agency, Ohio Bureau of Workers' Compensation, and State Cosmetology and Barber Board

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, there exists a need to relax current administrative rules as a result of the impact of the COVID-19 pandemic; and

WHEREAS, Section 901.22 of the Ohio Revised Code authorizes the Ohio Department of Agriculture to promulgate rules for the purchase of agricultural easements; and

WHEREAS, Section 122.68 of the Ohio Revised Code authorizes the Ohio Development Services Agency to promulgate rules to conduct yearly performance assessments to determine whether community action agencies are in compliance with section 122.69 of the Ohio Revised Code; and

WHEREAS, Section 4121.441 of the Ohio Revised Code authorizes the Ohio Bureau of Workers' Compensation to promulgate rules to regulate contracts with managed care organizations; and

WHEREAS, Sections 4709.05 and 4713.08 of the Ohio Revised Code authorizes the State Cosmetology and Barber Board to promulgate rules to regulate students and schools of cosmetology and barbering and to enforce the provisions of Chapters 4709 and 4713 of the Revised Code; 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 Agriculture has requested a determination whether an emergency exists that requires the amendment of rule 901-2-04 on an emergency basis and that would therefore permit the Ohio Department of Agriculture, pursuant to Section 901.22 of the Ohio Revised Code, to make immediate and necessary changes to the rule; and

WHEREAS, the Ohio Development Services Agency has requested a determination whether an emergency exists that requires the amendment of rule 122:5-2-03 on an emergency basis and that would therefore permit the Ohio Development Services Agency, pursuant to Section 122.68 of the Ohio Revised Code, to make immediate and necessary changes to the rule; and

WHEREAS, the Ohio Bureau of Workers' Compensation has requested a determination whether an emergency exists that requires the amendment of rule 4123-6-05.2 on an emergency basis and that would therefore permit the Ohio Bureau of Workers' Compensation, pursuant to Section 4121.441 of the Ohio Revised Code, to make immediate and necessary changes to the rule; and

WHEREAS, the State Cosmetology and Barber Board has requested a determination whether an emergency exists that requires the amendment of rule 4713-5-02 on an emergency basis and that would therefore permit the State Cosmetology and Barber Board, pursuant to Sections 4709.05 and 4713.08 of the Ohio Revised Code, to make immediate and necessary changes to the rule.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of the Ohio Department of Agriculture, that an emergency exists requiring the immediate amendment of rule 901-2-04 of the Ohio Administrative Code.

I have further determined, upon the request of the Ohio Development Services Agency, that an emergency exists requiring the immediate amendment of rule 122:5-2-03 of the Ohio Administrative Code.

I have further determined, upon the request of the Ohio Bureau of Workers' Compensation, that an emergency exists requiring the immediate amendment of rule 4123-6-05.2 of the Ohio Administrative Code.

I have further determined, upon the request of the State Cosmetology and Barber Board, that an emergency exists requiring the immediate amendment of rule 4713-5-02 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 of the specified rules be suspended and that the Ohio Department of Agriculture, Ohio Development Services Agency, Ohio Bureau of Workers' Compensation, and State Cosmetology and Barber Board be permitted to amend 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 Agriculture, Ohio Development Services Agency, Ohio Bureau of Workers' Compensation, State Cosmetology and Barber Board, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on April 8, 2020, in Columbus, Ohio, and it will expire one hundred 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

