MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2024-01D

The Emergency Adoption of Rules 3701-59-06 and 3701-83-60 of the Ohio Administrative Code by the Ohio Department of Health

WHEREAS, on December 18, 2023, I received Substitute House Bill 68 from the General Assembly regarding gender transition services for minors and other gender-related issues; and

WHEREAS, on December 29, 2023, I vetoed Substitute House Bill 68; and

WHEREAS, although I vetoed Substitute House Bill 68, I stated clearly in my Veto Message that I agreed with the General Assembly that no gender transition surgeries should be performed on anyone under the age of 18 and I directed agencies under my purview to draft rules to ban this practice in Ohio; and

WHEREAS, the Ohio Department of Health has drafted rules that would prohibit gender transition surgeries on anyone under the age of 18 in Ohio's hospitals and health care facilities, including ambulatory surgical facilities; and

WHEREAS, these rules are necessary to protect Ohio's children and families; and

WHEREAS, Section 3701.13 of the Ohio Revised Codes authorizes the Ohio Department of Health to supervise all matters relating to the preservation of the life and health of the people of Ohio; and

WHEREAS, Section 3722.06 of the Ohio Revised Code authorizes the Ohio Department of Health to promulgate rules establishing health, safety, welfare, and quality standards for licensed hospitals; and

WHEREAS, Section 3702.30 of the Ohio Revised Code authorizes the Ohio Department of Health to promulgate rules establishing quality standards for health care facilities, including ambulatory surgical facilities; 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 Health has requested a determination whether an emergency exists that requires the adoption of rules 3701-59-06 and 3701-83-60 on an emergency basis and that would therefore permit the Ohio Department of Health, pursuant to Sections 3701.13, 3722.06, and 3702.30 of the Ohio Revised Code, to immediately adopt these rules.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of the Ohio Department of Health, that an emergency exists requiring the immediate adoption of rules 3701-59-06 and 3701-83-60 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 Health 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 Health, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on January 5, 2024, 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

Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State