



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2022-11D

The Emergency Adoption of Rule 3701-47-07 of the Ohio Administrative Code
by the Ohio Department of Health

WHEREAS, on April 11, 2019, I signed Substitute Senate Bill 23 (S.B. 23), commonly referred to as the Heartbeat Bill; and

WHEREAS, on May 15, 2019, Preterm-Cleveland, Planned Parenthood Greater Ohio, Planned Parenthood Southwest Ohio, and others sued the Ohio Attorney General, the Director of the Ohio Department of Health, and others seeking injunctive relief against the effectiveness of S.B. 23; and

WHEREAS, on July 3, 2019, a federal district court judge issued an injunction which enjoined the State of Ohio from enforcing or complying with S.B. 23; and

WHEREAS, on June 24, 2022, the Supreme Court of the United States issued an opinion in *Dobbs v. Jackson Women's Health Organization* which held that "[t]he Constitution does not confer a right to abortion; *Roe* and *Casey* are overruled; and the authority to regulate abortion is returned to the people and their elected representatives."; and

WHEREAS, on June 24, 2022, a federal district court judge issued an order lifting the injunction that had enjoined the State of Ohio from enforcing or complying with S.B. 23; and

WHEREAS, Section 2919.192 of the Ohio Revised Code authorizes and requires the Director of the Ohio Department of Health ("ODH") to adopt administrative rules "specifying the appropriate methods of performing an examination for the purpose of determining the presence of a fetal heartbeat of an unborn individual based on standard medical practice."; 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

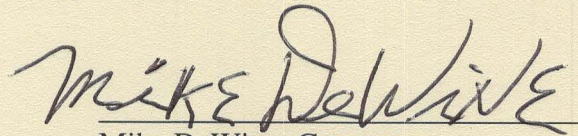
WHEREAS, ODH has requested a determination whether an emergency exists that requires the adoption of rule 3701-47-07 of the Ohio Administrative Code (“OAC”) on an emergency basis and that would therefore permit ODH, pursuant to Section 2919.192 of the Ohio Revised Code, to immediately adopt this rule.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of ODH, that an emergency exists requiring the immediate adoption of rule 3701-47-07 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 ODH 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”).

Further, I hereby order that this Executive Order be filed in electronic form with ODH, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on June 24, 2022, 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, Governor

ATTEST:

Frank LaRose, Secretary of State

