



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2021-04D

The Emergency Adoption of Rules 3701-46-01 and 3701-46-02 of the Ohio Administrative Code
by the Ohio Department of Health

WHEREAS, on December 30, 2020, I signed Amended Senate Bill 27 (“S.B. 27”), regarding the disposition of fetal remains from surgical abortion; and

WHEREAS, S.B. 27 enacted several new Revised Code Sections, one of which, section 3726.14, provides that “the director of health, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to carry out sections 3726.01 to 3726.13 of the Revised Code”; and

WHEREAS, S.B. 27 is effective April 6, 2021; and

WHEREAS, the Ohio Department of Health (“ODH”) has drafted rules necessary to carry out sections 3726.01 to 3726.13 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, ODH has requested a determination whether an emergency exists that requires the adoption of rules 3701-46-01 and 3701-46-02 of the Ohio Administrative Code (“OAC”) on an emergency basis and that would therefore permit ODH, pursuant to section 3726.14 of the Ohio Revised Code, to adopt these rules to be effective on April 6, 2021;


NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of ODH, that an emergency exists requiring the adoption of rules 3701-46-01 and 3701-46-02 of the Administrative Code so that the rules will be in effect on April 6, 2021.

Further, I hereby order that the procedures prescribed by section 119.03 of the Ohio Revised Code with respect to the adoption or amendment 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 April 5, 2021, 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