A CONCURRENT RESOLUTION

To rescind certain orders and rules in whole or in part.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF OHIO (THE SENATE CONCURRING):

WHEREAS, The General Assembly has authority under section 101.36 of the Revised Code, as enacted by S.B. 22 of the 134th General Assembly and effective June 23, 2021, to rescind, in whole or in part, a special or standing order or rule for preventing the spread of contagious or infectious disease issued by the Department of Health under section 3701.13 of the Revised Code; and

WHEREAS, The General Assembly has authority under section 107.43 of the Revised Code, as enacted by S.B. 22 of the 134th General Assembly and effective June 23, 2021, to rescind, in whole or in part, any order or rule issued or adopted by an administrative department, administrative department head, state...
agency, or statewide elected officer in response to a state of emergency; now therefore be it

RESOLVED, That we, the members of the 134th General Assembly of the State of Ohio, hereby rescind, in whole, all of the following:

"Director's Amended Order for Social Distancing, Facial Coverings and Non-Congregating," issued by the Director of Health under section 3701.13 of the Revised Code on April 8, 2021;

"Director's Seventh Amended Order to Permit Access to Ohio's Nursing Homes, with Exceptions," issued by the Director of Health under section 3701.13 of the Revised Code on March 22, 2021;

"Director's Amended Order to Permit Access to Ohio's Residential Care Facilities, with Exceptions," issued by the Director of Health under section 3701.13 of the Revised Code on March 22, 2021;

"Director's Amended Order for the Testing of the Residents and Staff of all Residential Care Facilities," issued by the Director of Health under section 3701.13 of the Revised Code on March 22, 2021;

"Director's Amended Order for the Testing of the Residents and Staff of all Nursing Homes," issued by the Director of Health under section 3701.13 of the Revised Code on March 22, 2021;

"Second Amended Director's Order on Adult Day Support Services and Vocational Habilitation Services," issued by the Director of Health under section 3701.13 of the Revised Code on March 17, 2021;

"Director's Order that Reopens Fairs and Animal
Exhibitions, with Exceptions," issued by the Director of Health under section 3701.13 of the Revised Code on March 11, 2021;

"Director's Order for Retail and Business Compliance for Facial Coverings throughout the State of Ohio," issued by the Director of Health under section 3701.13 of the Revised Code on November 13, 2020;

"Director's Order to Limit Access to Ohio's Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) and to Permit Visitation," issued by the Director of Health under section 3701.13 of the Revised Code on September 24, 2020;

"Director's Order Requiring Reporting and Notification Regarding COVID-19 Cases in Kindergarten through Twelfth Grade Schools," issued by the Director of Health under section 3701.13 of the Revised Code on September 3, 2020;

"Director's Order Requiring the Use of Facial Coverings in Child Education Settings," issued by the Director of Health under section 3701.13 of the Revised Code on August 13, 2020;

"Health Director Order to Limit Access to Jails and Detention Facilities," issued by the Director of Health under section 3701.13 of the Revised Code on March 15, 2020;

"Health Screening for Admission to State Operated Psychiatric Hospitals or to DYS Facilities," issued by the Director of Health under section 3701.13 of the Revised Code on March 14, 2020;


"Executive Order 2020-41D: The Rescission of Executive Order 2020-36D and Emergency Adoption of Rules 3301-32-06.1 and 3301-37-03.1 of the Ohio Administrative Code by the State Board
of Education and Ohio Department of Education," issued by Governor DeWine on December 16, 2020;

Rule 3301-32-06.1 of the Administrative Code;

Rule 3301-37-03.1 of the Administrative Code;

Rule 5101:2-12-02.2 of the Administrative Code;

Rule 5101:2-12-02.3 of the Administrative Code;

Rule 5101:2-13-02.2 of the Administrative Code;

Rule 5101:2-14-02.2 of the Administrative Code;

Rule 5160-3-80 of the Administrative Code; and be it

RESOLVED, That we, the members of the 134th General Assembly of the State of Ohio, hereby rescind, in part as indicated, the following:

The portion of Rule 173-3-06.2 of the Administrative Code in division (B)(5)(f) that states, "During a state of emergency declared by the governor, the provider may verify each job provided without collecting the unique identifier."

The portion of Rule 173-3-06.3 of the Administrative Code in division (B)(9)(f) that states, "During a state of emergency declared by the governor, the provider may verify each job provided without collecting the unique identifier."

The portion of Rule 173-3-06.6 of the Administrative Code in division (B)(4)(a) that states, "During a state of emergency declared by the governor, the provider may verify each trip provided without collecting the unique identifier if the provider also collects the driver's signature as an attestation to the completion of the trip."

Division (C) of Rule 173-4-04 of the Administrative Code;
Division (F)(3) of Rule 173-4-05.3 of the Administrative Code;

Division (B)(5)(c) of Rule 173-4-10 of the Administrative Code;

Division (B)(4)(c) of Rule 173-4-11 of the Administrative Code;

Division (E)(6)(g) of Rule 173-39-04 of the Administrative Code;

The following portions of Rule 173-40-03 of the Administrative Code: the portion of division (A)(1) that states, "or during a state of emergency declared by the governor"; the portion of division (A)(2)(a) that states, ", unless ODA's director approves an extended number of days"; the portion of division (A)(2)(b) that states, ", unless ODA's director approves an extended number of days";

The following portions of Rule 173-51-03 of the Administrative Code: the portion of division (A)(1) that states, "or during a state of emergency declared by the governor"; the portion of division (A)(4) that states, ", unless ODA's director approves an extended number of days";

Division (O) of Rule 5101:2-16-10 of the Administrative Code;

Division (C) of Rule 5122-30-27 of the Administrative Code;

Division (H) of Rule 5123-2-04 of the Administrative Code;

Division (I) of Rule 5123-6-07 of the Administrative Code;

Division (K) of Rule 5123-9-01 of the Administrative Code;

Division (M) of Rule 5123-9-06 of the Administrative Code;

Division (H) of Rule 5123-9-07 of the Administrative Code;
Division (H) of Rule 5123-9-31 of the Administrative Code; 130
Division (G) of Rule 5123-9-34 of the Administrative Code; 131
Division (M) of Rule 5123-10-01 of the Administrative Code; 132
Division (Q) of Rule 5123-10-02 of the Administrative Code; 133
Division (I) of Rule 5123-10-03 of the Administrative Code; 134
Division (Q) of Rule 5123-17-02 of the Administrative Code; 135
and be it further 136
RESOLVED, That the Clerk of the House of Representatives 137
transmit duly authenticated copies of this resolution to the the 138
Director of Health, the Governor, the Director of Aging, the 139
Superintendent of Public Instruction, the Director of Job and 140
Family Services, the Director of Mental Health and Addiction 141
Services, the Director of Developmental Disabilities, the 142
Medicaid Director, and the news media of Ohio. 143