

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. C. R. No. 21

Representatives Wiggam, Ferguson

**Cosponsors: Representatives Ginter, Jordan, Hall, Powell, McClain, Carruthers,
Cross, Stoltzfus, Wilkin, Plummer, Stein, Swearingen, Koehler, Vitale, Richardson,
Kick, Stephens, Bird, Holmes, Gross, Cutrona, Manchester, Loychik, Riedel, Fraizer,
Abrams, Brinkman, Young, T., Grendell, Edwards, Householder, Fowler Arthur, Click,
Lipps, Merrin, John, LaRe, Stewart, Baldrige, Young, B., Lampton, Jones, Hillyer,
Callender, Creech, Dean, Seitz, Ghanbari, Hoops, Ray, Roemer, Zeltwanger, Schmidt,
Johnson**

A CONCURRENT RESOLUTION

To rescind certain orders and rules in whole or in part. 1

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

WHEREAS, The General Assembly has authority under section 2
101.36 of the Revised Code, as enacted by S.B. 22 of the 134th 3
General Assembly and effective June 23, 2021, to rescind, in 4
whole or in part, a special or standing order or rule for 5
preventing the spread of contagious or infectious disease issued 6
by the Department of Health under section 3701.13 of the Revised 7
Code; and 8

WHEREAS, The General Assembly has authority under section 9
107.43 of the Revised Code, as enacted by S.B. 22 of the 134th 10
General Assembly and effective June 23, 2021, to rescind, in 11
whole or in part, any order or rule issued or adopted by an 12
administrative department, administrative department head, state 13

agency, or statewide elected officer in response to a state of 14
emergency; now therefore be it 15

RESOLVED, That we, the members of the 134th General 16
Assembly of the State of Ohio, hereby rescind, in whole, all of 17
the following: 18

"Director's Amended Order for Social Distancing, Facial 19
Coverings and Non-Congregating," issued by the Director of 20
Health under section 3701.13 of the Revised Code on April 8, 21
2021; 22

"Director's Seventh Amended Order to Permit Access to 23
Ohio's Nursing Homes, with Exceptions," issued by the Director 24
of Health under section 3701.13 of the Revised Code on March 22, 25
2021; 26

"Director's Amended Order to Permit Access to Ohio's 27
Residential Care Facilities, with Exceptions," issued by the 28
Director of Health under section 3701.13 of the Revised Code on 29
March 22, 2021; 30

"Director's Amended Order for the Testing of the Residents 31
and Staff of all Residential Care Facilities," issued by the 32
Director of Health under section 3701.13 of the Revised Code on 33
March 22, 2021; 34

"Director's Amended Order for the Testing of the Residents 35
and Staff of all Nursing Homes," issued by the Director of 36
Health under section 3701.13 of the Revised Code on March 22, 37
2021; 38

"Second Amended Director's Order on Adult Day Support 39
Services and Vocational Habilitation Services," issued by the 40
Director of Health under section 3701.13 of the Revised Code on 41
March 17, 2021; 42

"Director's Order that Reopens Fairs and Animal 43

Exhibitions, with Exceptions," issued by the Director of Health	44
under section 3701.13 of the Revised Code on March 11, 2021;	45
"Director's Order for Retail and Business Compliance for	46
Facial Coverings throughout the State of Ohio," issued by the	47
Director of Health under section 3701.13 of the Revised Code on	48
November 13, 2020;	49
"Director's Order to Limit Access to Ohio's Intermediate	50
Care Facilities for Individuals with Intellectual Disabilities	51
(ICF/IID) and to Permit Visitation," issued by the Director of	52
Health under section 3701.13 of the Revised Code on September	53
24, 2020;	54
"Director's Order Requiring Reporting and Notification	55
Regarding COVID-19 Cases in Kindergarten through Twelfth Grade	56
Schools," issued by the Director of Health under section 3701.13	57
of the Revised Code on September 3, 2020;	58
"Director's Order Requiring the Use of Facial Coverings in	59
Child Education Settings," issued by the Director of Health	60
under section 3701.13 of the Revised Code on August 13, 2020;	61
"Health Director Order to Limit Access to Jails and	62
Detention Facilities," issued by the Director of Health under	63
section 3701.13 of the Revised Code on March 15, 2020;	64
"Health Screening for Admission to State Operated	65
Psychiatric Hospitals or to DYS Facilities," issued by the	66
Director of Health under section 3701.13 of the Revised Code on	67
March 14, 2020;	68
"Executive Order 2020-24D: Unemployment Insurance During	69
COVID-19 Pandemic," issued by Governor DeWine on June 16, 2020;	70
"Executive Order 2020-41D: The Rescission of Executive	71
Order 2020-36D and Emergency Adoption of Rules 3301-32-06.1 and	72
3301-37-03.1 of the Ohio Administrative Code by the State Board	73

of Education and Ohio Department of Education," issued by	74
Governor DeWine on December 16, 2020;	75
Rule 3301-32-06.1 of the Administrative Code;	76
Rule 3301-37-03.1 of the Administrative Code;	77
Rule 5101:2-12-02.2 of the Administrative Code;	78
Rule 5101:2-12-02.3 of the Administrative Code;	79
Rule 5101:2-13-02.2 of the Administrative Code;	80
Rule 5101:2-14-02.2 of the Administrative Code;	81
Rule 5160-3-80 of the Administrative Code; and be it	82
further	83
RESOLVED, That we, the members of the 134th General	84
Assembly of the State of Ohio, hereby rescind, in part as	85
indicated, the following:	86
The portion of Rule 173-3-06.2 of the Administrative Code	87
in division (B) (5) (f) that states, "During a state of emergency	88
declared by the governor, the provider may verify each job	89
provided without collecting the unique identifier.;"	90
The portion of Rule 173-3-06.3 of the Administrative Code	91
in division (B) (9) (f) that states, "During a state of emergency	92
declared by the governor, the provider may verify each job	93
provided without collecting the unique identifier.;"	94
The portion of Rule 173-3-06.6 of the Administrative Code	95
in division (B) (4) (a) that states, "During a state of emergency	96
declared by the governor, the provider may verify each trip	97
provided without collecting the unique identifier if the	98
provider also collects the driver's signature as an attestation	99
to the completion of the trip.;"	100
Division (C) of Rule 173-4-04 of the Administrative Code;	101

Division (F) (3) of Rule 173-4-05.3 of the Administrative Code;	102 103
Division (B) (5) (c) of Rule 173-4-10 of the Administrative Code;	104 105
Division (B) (4) (c) of Rule 173-4-11 of the Administrative Code;	106 107
Division (E) (6) (g) of Rule 173-39-04 of the Administrative Code;	108 109
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";	110 111 112 113 114 115 116
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";	117 118 119 120 121
Division (O) of Rule 5101:2-16-10 of the Administrative Code;	122 123
Division (C) of Rule 5122-30-27 of the Administrative Code;	124
Division (H) of Rule 5123-2-04 of the Administrative Code;	125
Division (I) of Rule 5123-6-07 of the Administrative Code;	126
Division (K) of Rule 5123-9-01 of the Administrative Code;	127
Division (M) of Rule 5123-9-06 of the Administrative Code;	128
Division (H) of Rule 5123-9-07 of the Administrative Code;	129

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