



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

Business Impact Analysis RESCINDED RULES

This form is intended for rules that are being permanently rescinded and not replaced by a new rule. New, Amended, No Change, and Rescind/New rules must use the standard BIA.

Agency, Board, or Commission Name: Department of Job and Family Services

Rule Contact Name and Contact Information: Michael Lynch 614-466-8376 Michael Lynch@jfs.ohio.gov

Regulation/Package Title (a general description of the rules' substantive content):
OFA: Rescission of Day Camp Pandemic Rule

Rule Number(s): 5101:2-18- 03.1

Date of Submission for CSI Review: 2/28/2023

Public Comment Period End Date: 3/7/2023

Rule Type/Number of Rules: 1

☒ Rescinded/___ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☐ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☒ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☒ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

2. **Please describe in plain language the regulation that is being rescinded.**

This rule requires the approved child day camp to follow updated handwashing procedures, and ensure children follow handwashing procedures. The administrator, child day camp staff members, employees, and children are assessed for temperature and the COVID-19 symptoms listed in appendix A to the rule prior to or as soon as they arrive each day. All isolation or quarantine protocols are to be followed as outlined in the rule. Additionally, isolation or quarantine protocols will be completed in coordination with the local health department or in compliance with the Ohio department of health (ODH) and United States centers for disease control and prevention (CDC) guidelines. All administrators, child day camp staff members and employees wear a face covering that covers their nose and mouth while indoors, unless not medically appropriate. The approved child day camp is to report all COVID-positive tests to their local public health department and to ODJFS.

3. **Why is the regulation being rescinded?**
Please be specific (ORC change, request of stakeholders, etc.)

This rule was only valid until the governor of Ohio rescinded the state of emergency caused by the Coronavirus (COVID-19) Pandemic and/or directed ODJFS to return to full child care operational requirements. Governor Mike DeWine lifted the health orders on June 2, 2021 and rescinded

Executive Order 2020-01D, which ended the declared state of emergency on June 18, 2021. As a result, ODJFS will rescind the permanent transitional pandemic child care rules that were effective April 1, 2021.

- 4. Please describe in general terms the adverse impacts to business, including currently impacted industries, in the existing rule(s).**

The costs associated with paragraph (C) of this rule include handwashing, face coverings, and dividers which would be incurred by the child day camp.

- 5. Are there other regulations (either existing or to be created) which will replace the regulation being rescinded or which will now apply because this regulation is being rescinded? This can include rules, statute, federal regulations, agency policies, or industry standards etc.**

No

- 6. Does the rescission of this regulation eliminate flexibility or create more adverse impacts for stakeholders? If yes, please describe stakeholder outreach and justify the impacts.**

Most health and safety guidelines are set forth by the American Camp Association (ACA) for child day camp programs. Thus, the rescission of the pandemic rule will not eliminate flexibility or create more adverse impacts for child day camp programs. Child day camp programs are able to return to full child day camp approval requirements.