

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

Am. H. B. No. 244

Representatives White, Lampton

Cosponsors: Representatives Abrams, Bird, Blackshear, Click, Fraizer, Ghanbari, Gross, Hall, Holmes, John, Koehler, Lanese, Loychik, Manchester, Plummer, Richardson, Russo, Stewart, Swearingen, Wiggam, Young, T., Manning, Robinson, Fowler Arthur, Ingram, Jones, Lightbody, Miller, J., Sobecki, Baldrige, Boggs, Brown, Carfagna, Carruthers, Crawley, Cross, Cutrona, Edwards, Galonski, Ginter, Grendell, Hillyer, Hoops, Householder, Jarrells, Johnson, Kelly, Kick, LaRe, Leland, Lepore-Hagan, Liston, McClain, Miranda, O'Brien, Patton, Pavliga, Ray, Riedel, Schmidt, Sheehy, Skindell, Smith, K., Smith, M., Stein, Stephens, Upchurch, Weinstein, West, Young, B., Zeltwanger, Speaker Cupp

Senators Brenner, Cirino, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Lang, McColley, O'Brien, Reineke, Roegner, Romanchuk, Schaffer

A BILL

To amend section 3701.13 and to enact sections 1
3301.601, 3301.65, and 3792.04 of the Revised 2
Code regarding technology-based educational 3
opportunities for, and the enrollment of, 4
military children; regarding public schools, 5
state institutions of higher education, and 6
prohibitions on mandatory vaccinations and 7
discrimination; and regarding the authority of 8
the Ohio Department of Health over matters of 9
quarantine and isolation. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3701.13 be amended and sections 11

3301.601, 3301.65, and 3792.04 of the Revised Code be enacted to 12
read as follows: 13

Sec. 3301.601. (A) "Children of military families," "local 14
education agencies," "military installation," and "transition" 15
have the same meanings as in section 3301.60 of the Revised 16
Code. 17

(B) In order to minimize disruptions, local education 18
agencies shall permit children of military families to 19
participate in technology-based educational opportunities when 20
those students' families receive permanent change of station 21
orders to or within the state to transition from one military 22
installation to another. Local education agencies also shall 23
permit such students to participate in technology-based 24
opportunities when those students' families receive permanent 25
change of station orders out of the state until such time as the 26
students are enrolled in the schools of a new local education 27
agency. 28

Sec. 3301.65. (A) In order to implement the provisions of 29
sections 3301.60 and 3301.601 of the Revised Code, a school 30
district board of education shall permit the school-aged child 31
of a member of the uniformed services who is relocating to or 32
within the state on active duty and who is not a resident of the 33
district during the enrollment period to apply for enrollment in 34
a school in the district in the same manner and at the same time 35
as students residing in the district. 36

(B) A school district shall accept applications under this 37
section by electronic means for enrollment, including enrollment 38
in a specific school or program within the school district. 39

(C) The parent or guardian of a student enrolled in 40

accordance with this section shall provide proof of residence in 41
the school district within ten days after establishing residence 42
in the district. All of the following are acceptable forms of 43
residency for purposes of this division: 44

(1) A temporary on-base billeting facility; 45

(2) A purchased or leased home or apartment; 46

(3) Federal government or public-private venture off-base 47
military housing. 48

Sec. 3701.13. (A) As used in this section: 49

(1) "Isolation" means the separation of one or more 50
individuals who have been medically diagnosed with a 51
communicable or contagious disease from other individuals who 52
have not been medically diagnosed with the disease. 53

(2) "Quarantine" means the separation or restriction of 54
movement of one or more individuals who have come into direct 55
contact with someone who has been medically diagnosed with a 56
communicable or contagious disease. 57

(B) (1) The department of health shall have supervision of 58
all matters relating to the preservation of the life and health 59
of the people and have authority in matters of quarantine and 60
isolation, which it may declare and enforce, when neither 61
exists, and modify, relax, or abolish, when either has been 62
established. 63

(2) Under the authority described in division (B) (1) of 64
this section, the department may require an individual traveling 65
to this state from another country for which the centers for 66
disease control and prevention has issued the highest level of 67
travel health notice due to an outbreak of communicable or 68

contagious disease in that country, and the notice is in effect 69
at the time of arrival in this state from that country, to 70
quarantine or isolate for a period of up to forty-eight hours 71
from arrival, regardless of whether the individual has been 72
medically diagnosed with or come into direct contact with an 73
individual who has been medically diagnosed with that disease. 74

If the department requires an individual to quarantine or 75
isolate under division (B) (2) of this section, the department 76
shall provide the individual with transportation, lodging, food, 77
and any necessary medical examination, testing, or treatment 78
related to the communicable or contagious disease during that 79
period. 80

(3) The authority of the department of health under this 81
section is superior to the authority of a board of health of a 82
city or general health district or the authority having the 83
duties of a board of health under section 3709.05 of the Revised 84
Code. 85

~~(2)~~ (4) The department may approve methods of immunization 86
against the diseases specified in section 3313.671 of the 87
Revised Code for the purpose of carrying out the provisions of 88
that section and take such actions as are necessary to encourage 89
vaccination against those diseases. 90

(C) Subject to section 101.36 of the Revised Code, the 91
department may make special or standing orders or rules for 92
preventing the spread of contagious or infectious diseases. 93

(D) In addition to the authority granted by division ~~(C)~~ 94
~~(1)~~ (C) of this section, the department may make special or 95
standing orders or rules for any of the following purposes: 96

(1) To prevent the use of fluoroscopes for nonmedical 97

purposes that emit doses of radiation likely to be harmful to any person;	98 99
(2) To govern the receipt and conveyance of remains of deceased persons;	100 101
(3) To address such other sanitary matters as are best controlled by a general rule.	102 103
(E) Whenever possible, the department shall work in cooperation with the health commissioner of a general or city health district.	104 105 106
In any of the following circumstances, the department may make and enforce orders in local matters or reassign substantive authority for mandatory programs from a general or city health district to another general or city health district: when an emergency exists, when the board of health of a general or city health district has neglected or refused to act with sufficient promptness or efficiency, or when such board has not been established as provided by sections 3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 of the Revised Code. In such cases, the necessary expense incurred shall be paid by the general health district or city for which the services are rendered.	107 108 109 110 111 112 113 114 115 116 117 118
The department of health may require general or city health districts to enter into agreements for shared services under section 9.482 of the Revised Code. The department shall prepare and offer to boards of health a model contract and memorandum of understanding that are easily adaptable for use by boards of health when entering into shared services agreements. The department also may offer financial and other technical assistance to boards of health to encourage the sharing of	119 120 121 122 123 124 125 126

services. 127

As a condition precedent to receiving funding from the 128
department of health, the director of health may require general 129
or city health districts to apply for accreditation by July 1, 130
2018, and be accredited by July 1, 2020, by an accreditation 131
body approved by the director. The director of health, by July 132
1, 2016, shall conduct an evaluation of general and city health 133
district preparation for accreditation, including an evaluation 134
of each district's reported public health quality indicators as 135
provided for in section 3701.98 of the Revised Code. 136

(F) The department may make evaluative studies of the 137
nutritional status of Ohio residents, and of the food and 138
nutrition-related programs operating within the state. Every 139
agency of the state, at the request of the department, shall 140
provide information and otherwise assist in the execution of 141
such studies. 142

Sec. 3792.04. (A) As used in this section: 143

(1) "Public school" means any of the following: a city, 144
local, exempted village, or joint vocational school district; 145
community school established under Chapter 3314. of the Revised 146
Code; STEM school established under Chapter 3326. of the Revised 147
Code; or college-preparatory boarding school established under 148
Chapter 3328. of the Revised Code. 149

(2) "State institution of higher education" has the same 150
meaning as in section 3345.011 of the Revised Code. 151

(B) Notwithstanding any conflicting provision of the 152
Revised Code, a public school or state institution of higher 153
education shall not do either of the following: 154

(1) Require an individual to receive a vaccine for which 155

the United States food and drug administration has not granted 156
full approval; 157

(2) Discriminate against an individual who has not 158
received a vaccine described in division (B)(1) of this section, 159
including by requiring the individual to engage in or refrain 160
from engaging in activities or precautions that differ from the 161
activities or precautions of an individual who has received such 162
a vaccine. 163

(C) This section does not apply to a hospital or other 164
health care facility that is owned or operated by, or affiliated 165
with, a state institution of higher education. 166

Section 2. That existing section 3701.13 of the Revised 167
Code is hereby repealed. 168