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134th General Assembly

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Sub. H. B. No. 218

Representative Cutrona

Cosponsors: Representatives Cross, Seitz, Manchester, Jones, Brinkman, Callender, Carruthers, Click, Creech, Dean, Edwards, Ferguson, Fowler Arthur, Grendell, Gross, Hall, John, Johnson, Jordan, Kick, Lipps, Loychik, McClain, Merrin, Miller, K., Powell, Richardson, Riedel, Stein, Stephens, Stoltzfus, Swearingen, Wiggam, Zeltwanger

A BILL

To amend section 4123.01 and to enact sections 1
3792.05, 3792.06, 3792.07, 3792.08, 4123.87, 2
4731.77, and 4765.60 of the Revised Code to 3
address medical requirements for employees and 4
students; to address qualified civil immunity 5
regarding certain coronaviruses; to authorize 6
emergency medical technicians to administer 7
COVID-19 tests; to expressly cover COVID-19 8
vaccine injuries under the workers' compensation 9
system; and to repeal sections 3792.05, 3792.07, 10
and 3792.08 of the Revised Code on September 30, 11
2025. 12

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

Section 1. That section 4123.01 be amended and sections 13
3792.05, 3792.06, 3792.07, 3792.08, 4123.87, 4731.77, and 14
4765.60 of the Revised Code be enacted to read as follows: 15

Sec. 3792.05. (A) As used in this section: 16

(1) "Children's hospital" has the same meaning as in 17
section 3722.01 of the Revised Code. 18

(2) "Hospital" has the same meaning as in section 3722.01 19
of the Revised Code, except that a hospital does not include a 20
children's hospital. 21

(3) "Physician" means an individual authorized under 22
Chapter 4731. of the Revised Code to practice medicine and 23
surgery or osteopathic medicine and surgery. 24

(4) "Private college" has the same meaning as in section 25
3365.01 of the Revised Code. 26

(5) "School" means either or both of the following: 27

(a) A chartered nonpublic school as defined in section 28
3310.01 of the Revised Code; 29

(b) A public school as defined in section 3792.04 of the 30
Revised Code. 31

(6) "State institution of higher education" has the same 32
meaning as in section 3345.011 of the Revised Code. 33

(B) (1) A school, private college, or state institution of 34
higher education shall not require a student to receive any of 35
the following utilizing messenger ribonucleic acid, 36
deoxyribonucleic acid, or any other genetic vaccine technology 37
and for which the United States food and drug administration has 38
not issued a biologics license or otherwise granted full 39
approval: 40

(a) A vaccine; 41

(b) A drug; 42

<u>(c) A biological product;</u>	43
<u>(d) A form of genetic immunotherapy.</u>	44
<u>(2) For purposes of this section, neither a biologics</u>	45
<u>license issued by the United States food and drug administration</u>	46
<u>nor full approval granted by the United States food and drug</u>	47
<u>administration are the same as an emergency use authorization</u>	48
<u>granted by the United States food and drug administration.</u>	49
<u>(C) In the event a school, private college, or state</u>	50
<u>institution of higher education requires a student to receive a</u>	51
<u>vaccine, drug, biological product, or form of genetic</u>	52
<u>immunotherapy utilizing messenger ribonucleic acid,</u>	53
<u>deoxyribonucleic acid, or any other genetic vaccine technology</u>	54
<u>for which the United States food and drug administration has</u>	55
<u>issued a biologics license or otherwise granted full approval,</u>	56
<u>both of the following apply:</u>	57
<u>(1) The student may satisfy the requirement by doing</u>	58
<u>either of the following:</u>	59
<u>(a) Receiving the vaccine, drug, biological product, or</u>	60
<u>form of genetic immunotherapy;</u>	61
<u>(b) Receiving a vaccine, drug, biological product, or form</u>	62
<u>of genetic immunotherapy utilizing messenger ribonucleic acid,</u>	63
<u>deoxyribonucleic acid, or any other genetic vaccine technology</u>	64
<u>against the same disease that is available under an emergency</u>	65
<u>use authorization.</u>	66
<u>(2) Subject to divisions (D) and (E) of this section, the</u>	67
<u>student is exempt from the requirement for any of the following</u>	68
<u>reasons:</u>	69
<u>(a) Medical contraindications;</u>	70

<u>(b) Natural immunity;</u>	71
<u>(c) Reasons of personal conscience, including religious convictions.</u>	72 73
<u>(D) (1) To claim an exemption as described in division (C) (2) (a) of this section, a student shall submit to the school, private college, or state institution of higher education a written statement signed by a physician who has a bona fide physician-patient relationship with the student as described in section 4731.77 of the Revised Code. The student shall not be required to submit any additional information beyond the written statement.</u>	74 75 76 77 78 79 80 81
<u>(2) To claim an exemption as described in division (C) (2) (b) of this section, a student shall submit written documentation to the school, private college, or state institution of higher education that the student has been tested for the presence of antibodies against the same disease in a form or manner recognized by the medical community and, at the time of testing, had antibodies in an amount at least equal to or greater than those conferred by a vaccine, drug, biological product, or form of genetic immunotherapy utilizing messenger ribonucleic acid, deoxyribonucleic acid, or any other genetic vaccine technology that has been issued a biologics license or otherwise granted full approval.</u>	82 83 84 85 86 87 88 89 90 91 92 93
<u>The department of health shall adopt rules establishing the frequency with which a student shall be retested to determine whether the student's antibody presence remains at least equal to or greater than those conferred by a vaccine, drug, biological product, or form of genetic immunotherapy against the same disease utilizing messenger ribonucleic acid, deoxyribonucleic acid, or any other genetic vaccine technology</u>	94 95 96 97 98 99 100

that has been issued a biologics license or otherwise granted 101
full approval. In adopting the rules, the department shall not 102
require retesting more than once per year. Until the department 103
adopts the rules, the student shall not be required to submit 104
any additional information beyond the initial written 105
documentation. 106

(3) To claim an exemption as described in division (C) (2) 107
(c) of this section, a student shall submit to the school, 108
private college, or state institution of higher education a 109
written statement and shall not be required to submit any 110
additional information beyond the written statement. Once the 111
student submits the written statement, the school, private 112
college, or state institution of higher education shall accept 113
and honor the exemption and shall not expel the student because 114
the student claimed the exemption. 115

(4) A written statement or documentation described in 116
division (D) (1), (2), or (3) of this section that is submitted 117
to a school, private college, or state institution of higher 118
education is confidential and is not a public record under 119
section 149.43 of the Revised Code. A school, private college, 120
or state institution of higher education may share the contents 121
of the statement or documentation with authorized personnel only 122
to the extent necessary to comply with this section. 123

(E) (1) (a) The exemptions described in division (C) (2) of 124
this section do not apply to a student who, as part of the 125
student's course of study, undergoes instruction or training at 126
either of the following that is owned or operated by, or 127
affiliated with, a private college or state institution of 128
higher education: 129

(i) A children's hospital; 130

(ii) An intensive care or critical care unit of a 131
hospital. 132

(b) The private college or state institution shall make a 133
good faith effort to provide equitable instruction and training 134
for a student who refuses a COVID-19 vaccine and who cannot 135
claim an exemption because of division (E) (1) (a) of this 136
section. 137

(2) Nothing in this section shall be construed to limit, 138
diminish, or otherwise affect any provision of federal law 139
relating to discrimination. 140

(F) (1) No student is responsible for any costs or fees 141
associated with measures to prevent the spread of disease 142
required of the student by the school, private college, or state 143
institution of higher education, including testing for active 144
infection and masking. 145

(2) In the case of a student who is exempt because of 146
natural immunity, the student is responsible for any costs or 147
fees associated with demonstrating natural immunity to the 148
school, private college, or state institution of higher 149
education. 150

(G) A school shall not deny a student the opportunity to 151
participate in activities affiliated with the school or on 152
school property based solely on the student's COVID-19 153
vaccination status. 154

(H) A student may commence a mandamus action in accordance 155
with Chapter 2731. of the Revised Code to obtain a judgment 156
ordering a school, private college, or state institution of 157
higher education to comply with this section. The court may 158
award reasonable attorney's fees to the prevailing party. 159

Sec. 3792.06. (A) As used in this section: 160

(1) "Business" means a corporation, association, 161
partnership, limited liability company, sole proprietorship, 162
joint venture, or other business entity composed of one or more 163
individuals, whether or not the entity is operated for profit. 164

(2) "Political subdivision" means a county, township, 165
municipal corporation, school district, or other body corporate 166
and politic responsible for governmental activities in a 167
geographic area smaller than that of the state. "Political 168
subdivision" also includes a board of health of a city or 169
general health district. 170

(3) "Public official" means any officer, employee, or duly 171
authorized agent or representative of a state agency or 172
political subdivision. 173

(4) "Proof of COVID-19 vaccination" means a paper document 174
or digital application available on a smartphone, tablet, or 175
other device, that demonstrates that an individual has been 176
vaccinated against COVID-19, including through the use of a 177
scannable code. 178

(5) "State agency" means any organized agency, board, 179
body, commission, department, institution, office, or other 180
entity established by the laws of the state for the exercise of 181
any function of state government. "State agency" does not 182
include a court. 183

(B) Except as otherwise permitted in sections 3792.05 and 184
3792.07 of the Revised Code, no individual shall be required to 185
show proof of COVID-19 vaccination for any reason, including the 186
following: 187

(1) To enter a building, facility, or place controlled, 188

<u>operated, or owned by any business, political subdivision,</u>	189
<u>public official, or state agency;</u>	190
<u>(2) To receive a service provided by any business,</u>	191
<u>political subdivision, public official, or state agency;</u>	192
<u>(3) To enter a building, facility, or place controlled,</u>	193
<u>operated, or owned by a court or to receive a service provided</u>	194
<u>in such a building, facility, or place, but only if the</u>	195
<u>individual enters for purposes other than attending a court</u>	196
<u>proceeding or event or the individual receives a service not</u>	197
<u>related to a court proceeding or event.</u>	198
<u>(C) In any action to enforce this section, a court may</u>	199
<u>award reasonable attorney's fees to the prevailing party.</u>	200
Sec. 3792.07. <u>(A) As used in this section and section</u>	201
<u>3792.08 of the Revised Code:</u>	202
<u>(1) "Employer" means any person who has one or more</u>	203
<u>employees. "Employer" includes an agent of an employer, the</u>	204
<u>state or any agency or instrumentality of the state, and any</u>	205
<u>municipal corporation, county, township, school district, or</u>	206
<u>other political subdivision or any agency or instrumentality</u>	207
<u>thereof.</u>	208
<u>(2) "Children's hospital" has the same meaning as in</u>	209
<u>section 3722.01 of the Revised Code.</u>	210
<u>(3) "Hospital" has the same meaning as in section 3722.01</u>	211
<u>of the Revised Code, except that a hospital does not include a</u>	212
<u>children's hospital.</u>	213
<u>(4) "Physician" means an individual authorized under</u>	214
<u>Chapter 4731. of the Revised Code to practice medicine and</u>	215
<u>surgery or osteopathic medicine and surgery.</u>	216

(B) (1) No employer shall require an employee to receive 217
any of the following utilizing messenger ribonucleic acid, 218
deoxyribonucleic acid, or any other genetic vaccine technology 219
and for which the United States food and drug administration has 220
not issued a biologics license or otherwise granted full 221
approval: 222

(a) A vaccine; 223

(b) A drug; 224

(c) A biological product; 225

(d) A form of genetic immunotherapy. 226

(2) For purposes of this section, neither a biologics 227
license issued by the United States food and drug administration 228
nor full approval granted by the United States food and drug 229
administration are the same as an emergency use authorization 230
granted by the United States food and drug administration. 231

(C) In the event an employer requires an employee to 232
receive a vaccine, drug, biological product, or form of genetic 233
immunotherapy utilizing messenger ribonucleic acid, 234
deoxyribonucleic acid, or any other genetic vaccine technology 235
and for which the United States food and drug administration has 236
issued a biologics license or otherwise granted full approval, 237
both of the following apply: 238

(1) The employee may satisfy the requirement by doing 239
either of the following: 240

(a) Receiving the vaccine, drug, biological product, or 241
form of genetic immunotherapy; 242

(b) Receiving a vaccine, drug, biological product, or form 243
of genetic immunotherapy utilizing messenger ribonucleic acid, 244

deoxyribonucleic acid, or any other genetic vaccine technology 245
against the same disease that is available under an emergency 246
use authorization. 247

(2) Except as provided in division (F) of this section, 248
and subject to divisions (D) and (E) of this section, an 249
employee is exempt from the requirement for any of the following 250
reasons: 251

(a) Medical contraindications; 252

(b) Natural immunity; 253

(c) Reasons of personal conscience, including religious 254
convictions. 255

(D) (1) To claim an exemption as described in division (C) 256
(2) (a) of this section, an employee shall submit to the employer 257
a written statement signed by a physician who has a bona fide 258
physician-patient relationship with the employee as described in 259
section 4731.77 of the Revised Code. The employee shall not be 260
required to submit any additional information beyond the written 261
statement. 262

(2) To claim an exemption described in division (C) (2) (b) 263
of this section, an employee shall submit written documentation 264
to the employer that the employee has been tested for the 265
presence of antibodies against the same disease in a form or 266
manner recognized by the medical community and at the time of 267
testing, had antibodies in an amount at least equal to or 268
greater than those conferred by a vaccine, drug, biological 269
product, or form of genetic immunotherapy utilizing messenger 270
ribonucleic acid, deoxyribonucleic acid, or any other genetic 271
vaccine technology that has been issued a biologics license or 272
otherwise granted full approval. 273

The department of health shall adopt rules establishing 274
the frequency with which an employee shall be retested to 275
determine whether the employee's antibody presence remains at 276
least equal to or greater than those conferred by a vaccine, 277
drug, biological product, or form of genetic immunotherapy 278
utilizing messenger ribonucleic acid, deoxyribonucleic acid, or 279
any other genetic vaccine technology that has been issued a 280
biologics license or otherwise granted full approval. In 281
adopting the rules, the department shall not require retesting 282
more than once per year. Until such time as the department 283
adopts the rules, the employee shall not be required to submit 284
any additional information beyond the initial written 285
documentation. 286

(3) To claim an exemption described under division (C)(2) 287
(c) of this section, an employee shall submit to the employer a 288
written statement and shall not be required to submit any 289
additional information beyond the written statement. Once the 290
employee submits the written statement, the employer shall 291
accept and honor the exemption and shall not terminate the 292
employee's employment because the employee claimed the 293
exemption. 294

(4) A written statement or documentation described in 295
division (D)(1), (2), or (3) of this section that is submitted 296
to an employer is confidential and is not a public record under 297
section 149.43 of the Revised Code. An employer may share the 298
contents of the statement or documentation with authorized 299
personnel only to the extent necessary to comply with this 300
section. 301

(E)(1) No employee is responsible for any costs or fees 302
associated with any measures required of the employee by the 303

employer to prevent the spread of disease, including testing for 304
active infection and masking. 305

(2) In the case of an employee who is exempt because of 306
natural immunity, the employee is responsible for any costs or 307
fees associated with demonstrating natural immunity to the 308
employer. 309

(F) (1) (a) The exemptions in division (C) (2) of this 310
section do not apply to either of the following: 311

(i) An employee employed in a children's hospital; 312

(ii) An employee employed in an intensive care or critical 313
care unit of a hospital. 314

(b) The employer shall make a good faith effort to provide 315
equitable employment for an employee who refuses a COVID-19 316
vaccine and who cannot claim an exemption because of division 317
(F) (1) (a) of this section. 318

(2) This section does not apply to an employer that is not 319
a hospital and that, as a regular part of its business, conducts 320
research on, develops, handles, administers, transports, or 321
stores infectious organisms. 322

(3) Nothing in this section shall be construed to limit, 323
diminish, or otherwise affect any provision of Chapter 4112. of 324
the Revised Code or any federal law relating to employment 325
discrimination. 326

(G) Nothing in this section impedes or in any way 327
diminishes the right of employees to bargain collectively with 328
their employers through representatives of their own choosing in 329
order to establish terms and other conditions of employment 330
related to vaccines, drugs, biological products, or forms of 331

genetic immunotherapy utilizing messenger ribonucleic acid, 332
deoxyribonucleic acid, or any other genetic vaccine technology. 333
However, no provision of a collective bargaining agreement 334
entered into before, on, or after the effective date of this 335
section that relates to vaccines, drugs, biological products, or 336
forms of genetic immunotherapy utilizing messenger ribonucleic 337
acid, deoxyribonucleic acid, or any other genetic vaccine 338
technology applies to a person who is not subject to the terms 339
of the agreement. 340

Sec. 3792.08. (A) A violation of section 3792.07 of the 341
Revised Code is an unlawful discriminatory practice relating to 342
employment as defined in section 4112.01 of the Revised Code. 343
Except as provided in division (B) of this section, an employee 344
who is injured by an alleged violation of section 3792.07 of the 345
Revised Code may file a complaint with the Ohio civil rights 346
commission in accordance with the requirements specified in 347
sections 4112.051 and 4112.052 of the Revised Code. The 348
commission shall follow the procedures specified in those 349
sections for complaints filed for violations of section 3792.07 350
of the Revised Code regarding that complaint, except, if the 351
commission determines after a hearing described in section 352
4112.051 of the Revised Code, that a violation has occurred, the 353
commission's order shall be limited to an order that the 354
employer cease and desist from the unlawful discriminatory 355
practice relating to employment and back pay, if applicable. The 356
commission may award reasonable attorney's fees to the 357
prevailing party. 358

(B) An employee of the state or a political subdivision of 359
the state may commence a mandamus action in accordance with 360
Chapter 2731. of the Revised Code to obtain a judgment ordering 361
the employer to comply with section 3792.07 of the Revised Code. 362

The court may award reasonable attorney's fees to the prevailing party. A person is prohibited from bringing an action under this division if the person filed a complaint with the Ohio civil rights commission under division (A) of this section. 363
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Sec. 4123.01. As used in this chapter: 367

(A) (1) "Employee" means: 368

(a) Every person in the service of the state, or of any 369
county, municipal corporation, township, or school district 370
therein, including regular members of lawfully constituted 371
police and fire departments of municipal corporations and 372
townships, whether paid or volunteer, and wherever serving 373
within the state or on temporary assignment outside thereof, and 374
executive officers of boards of education, under any appointment 375
or contract of hire, express or implied, oral or written, 376
including any elected official of the state, or of any county, 377
municipal corporation, or township, or members of boards of 378
education. 379

As used in division (A) (1) (a) of this section, the term 380
"employee" includes the following persons when responding to an 381
inherently dangerous situation that calls for an immediate 382
response on the part of the person, regardless of whether the 383
person is within the limits of the jurisdiction of the person's 384
regular employment or voluntary service when responding, on the 385
condition that the person responds to the situation as the 386
person otherwise would if the person were on duty in the 387
person's jurisdiction: 388

(i) Off-duty peace officers. As used in division (A) (1) (a) 389
(i) of this section, "peace officer" has the same meaning as in 390
section 2935.01 of the Revised Code. 391

(ii) Off-duty firefighters, whether paid or volunteer, of a lawfully constituted fire department.	392 393
(iii) Off-duty first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, or emergency medical technicians-paramedic, whether paid or volunteer, of an ambulance service organization or emergency medical service organization pursuant to Chapter 4765. of the Revised Code.	394 395 396 397 398 399
(b) Every person in the service of any person, firm, or private corporation, including any public service corporation, that (i) employs one or more persons regularly in the same business or in or about the same establishment under any contract of hire, express or implied, oral or written, including aliens and minors, household workers who earn one hundred sixty dollars or more in cash in any calendar quarter from a single household and casual workers who earn one hundred sixty dollars or more in cash in any calendar quarter from a single employer, or (ii) is bound by any such contract of hire or by any other written contract, to pay into the state insurance fund the premiums provided by this chapter.	400 401 402 403 404 405 406 407 408 409 410 411
(c) Every person who performs labor or provides services pursuant to a construction contract, as defined in section 4123.79 of the Revised Code, if at least ten of the following criteria apply:	412 413 414 415
(i) The person is required to comply with instructions from the other contracting party regarding the manner or method of performing services;	416 417 418
(ii) The person is required by the other contracting party to have particular training;	419 420

(iii) The person's services are integrated into the regular functioning of the other contracting party;	421 422
(iv) The person is required to perform the work personally;	423 424
(v) The person is hired, supervised, or paid by the other contracting party;	425 426
(vi) A continuing relationship exists between the person and the other contracting party that contemplates continuing or recurring work even if the work is not full time;	427 428 429
(vii) The person's hours of work are established by the other contracting party;	430 431
(viii) The person is required to devote full time to the business of the other contracting party;	432 433
(ix) The person is required to perform the work on the premises of the other contracting party;	434 435
(x) The person is required to follow the order of work set by the other contracting party;	436 437
(xi) The person is required to make oral or written reports of progress to the other contracting party;	438 439
(xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly;	440 441
(xiii) The person's expenses are paid for by the other contracting party;	442 443
(xiv) The person's tools and materials are furnished by the other contracting party;	444 445
(xv) The person is provided with the facilities used to perform services;	446 447

(xvi) The person does not realize a profit or suffer a	448
loss as a result of the services provided;	449
(xvii) The person is not performing services for a number	450
of employers at the same time;	451
(xviii) The person does not make the same services	452
available to the general public;	453
(xix) The other contracting party has a right to discharge	454
the person;	455
(xx) The person has the right to end the relationship with	456
the other contracting party without incurring liability pursuant	457
to an employment contract or agreement.	458
Every person in the service of any independent contractor	459
or subcontractor who has failed to pay into the state insurance	460
fund the amount of premium determined and fixed by the	461
administrator of workers' compensation for the person's	462
employment or occupation or who is a self-insuring employer and	463
who has failed to pay compensation and benefits directly to the	464
employer's injured and to the dependents of the employer's	465
killed employees as required by section 4123.35 of the Revised	466
Code, shall be considered as the employee of the person who has	467
entered into a contract, whether written or verbal, with such	468
independent contractor unless such employees or their legal	469
representatives or beneficiaries elect, after injury or death,	470
to regard such independent contractor as the employer.	471
(d) Every person who operates a vehicle or vessel in the	472
performance of services for or on behalf of a motor carrier	473
transporting property, unless all of the following factors apply	474
to the person:	475
(i) The person owns the vehicle or vessel that is used in	476

performing the services for or on behalf of the carrier, or the 477
person leases the vehicle or vessel under a bona fide lease 478
agreement that is not a temporary replacement lease agreement. 479
For purposes of this division, a bona fide lease agreement does 480
not include an agreement between the person and the motor 481
carrier transporting property for which, or on whose behalf, the 482
person provides services. 483

(ii) The person is responsible for supplying the necessary 484
personal services to operate the vehicle or vessel used to 485
provide the service. 486

(iii) The compensation paid to the person is based on 487
factors related to work performed, including on a mileage-based 488
rate or a percentage of any schedule of rates, and not solely on 489
the basis of the hours or time expended. 490

(iv) The person substantially controls the means and 491
manner of performing the services, in conformance with 492
regulatory requirements and specifications of the shipper. 493

(v) The person enters into a written contract with the 494
carrier for whom the person is performing the services that 495
describes the relationship between the person and the carrier to 496
be that of an independent contractor and not that of an 497
employee. 498

(vi) The person is responsible for substantially all of 499
the principal operating costs of the vehicle or vessel and 500
equipment used to provide the services, including maintenance, 501
fuel, repairs, supplies, vehicle or vessel insurance, and 502
personal expenses, except that the person may be paid by the 503
carrier the carrier's fuel surcharge and incidental costs, 504
including tolls, permits, and lumper fees. 505

(vii) The person is responsible for any economic loss or economic gain from the arrangement with the carrier.	506 507
(2) "Employee" does not mean any of the following:	508
(a) A duly ordained, commissioned, or licensed minister or assistant or associate minister of a church in the exercise of ministry;	509 510 511
(b) Any officer of a family farm corporation;	512
(c) An individual incorporated as a corporation;	513
(d) An officer of a nonprofit corporation, as defined in section 1702.01 of the Revised Code, who volunteers the person's services as an officer;	514 515 516
(e) An individual who otherwise is an employee of an employer but who signs the waiver and affidavit specified in section 4123.15 of the Revised Code on the condition that the administrator has granted a waiver and exception to the individual's employer under section 4123.15 of the Revised Code;	517 518 519 520 521
(f) (i) A qualifying employee described in division (A) (14) (a) of section 5703.94 of the Revised Code when the qualifying employee is performing disaster work in this state during a disaster response period pursuant to a qualifying solicitation received by the employee's employer;	522 523 524 525 526
(ii) A qualifying employee described in division (A) (14) (b) of section 5703.94 of the Revised Code when the qualifying employee is performing disaster work in this state during a disaster response period on critical infrastructure owned or used by the employee's employer;	527 528 529 530 531
(iii) As used in division (A) (2) (f) of this section, "critical infrastructure," "disaster response period," "disaster	532 533

work," and "qualifying employee" have the same meanings as in 534
section 5703.94 of the Revised Code. 535

Any employer may elect to include as an "employee" within 536
this chapter, any person excluded from the definition of 537
"employee" pursuant to division (A)(1)(d) or (A)(2)(a), (b), 538
(c), or (e) of this section in accordance with rules adopted by 539
the administrator, with the advice and consent of the bureau of 540
workers' compensation board of directors. If an employer is a 541
partnership, sole proprietorship, individual incorporated as a 542
corporation, or family farm corporation, such employer may elect 543
to include as an "employee" within this chapter, any member of 544
such partnership, the owner of the sole proprietorship, the 545
individual incorporated as a corporation, or the officers of the 546
family farm corporation. Nothing in this section shall prohibit 547
a partner, sole proprietor, or any person excluded from the 548
definition of "employee" pursuant to division (A)(2)(a), (b), 549
(c), or (e) of this section from electing to be included as an 550
"employee" under this chapter in accordance with rules adopted 551
by the administrator, with the advice and consent of the board. 552

In the event of an election, the employer or person 553
electing coverage shall serve upon the bureau of workers' 554
compensation written notice naming the person to be covered and 555
include the person's remuneration for premium purposes in all 556
future payroll reports. No partner, sole proprietor, or person 557
excluded from the definition of "employee" pursuant to division 558
(A)(1)(d) or (A)(2)(a), (b), (c), or (e) of this section, shall 559
receive benefits or compensation under this chapter until the 560
bureau receives written notice of the election permitted by this 561
section. 562

For informational purposes only, the bureau shall 563

prescribe such language as it considers appropriate, on such of 564
its forms as it considers appropriate, to advise employers of 565
their right to elect to include as an "employee" within this 566
chapter a sole proprietor, any member of a partnership, or a 567
person excluded from the definition of "employee" under division 568
(A) (1) (d) or (A) (2) (a), (b), (c), or (e) of this section, that 569
they should check any health and disability insurance policy, or 570
other form of health and disability plan or contract, presently 571
covering them, or the purchase of which they may be considering, 572
to determine whether such policy, plan, or contract excludes 573
benefits for illness or injury that they might have elected to 574
have covered by workers' compensation. 575

(B) (1) "Employer" means: 576

(a) The state, including state hospitals, each county, 577
municipal corporation, township, school district, and hospital 578
owned by a political subdivision or subdivisions other than the 579
state; 580

(b) Every person, firm, professional employer 581
organization, alternate employer organization, and private 582
corporation, including any public service corporation, that (i) 583
has in service one or more employees or shared employees 584
regularly in the same business or in or about the same 585
establishment under any contract of hire, express or implied, 586
oral or written, or (ii) is bound by any such contract of hire 587
or by any other written contract, to pay into the insurance fund 588
the premiums provided by this chapter. 589

All such employers are subject to this chapter. Any member 590
of a firm or association, who regularly performs manual labor in 591
or about a mine, factory, or other establishment, including a 592
household establishment, shall be considered an employee in 593

determining whether such person, firm, or private corporation, 594
or public service corporation, has in its service, one or more 595
employees and the employer shall report the income derived from 596
such labor to the bureau as part of the payroll of such 597
employer, and such member shall thereupon be entitled to all the 598
benefits of an employee. 599

(2) "Employer" does not include a franchisor with respect 600
to the franchisor's relationship with a franchisee or an 601
employee of a franchisee, unless the franchisor agrees to assume 602
that role in writing or a court of competent jurisdiction 603
determines that the franchisor exercises a type or degree of 604
control over the franchisee or the franchisee's employees that 605
is not customarily exercised by a franchisor for the purpose of 606
protecting the franchisor's trademark, brand, or both. For 607
purposes of this division, "franchisor" and "franchisee" have 608
the same meanings as in 16 C.F.R. 436.1. 609

(C) "Injury" includes any injury, whether caused by 610
external accidental means or accidental in character and result, 611
received in the course of, and arising out of, the injured 612
employee's employment. "Injury" includes an injury or disability 613
caused by a COVID-19 vaccine, if the employer required the 614
employee to receive the vaccine as a condition of employment. 615
"Injury" does not include: 616

(1) Psychiatric conditions except where the claimant's 617
psychiatric conditions have arisen from an injury or 618
occupational disease sustained by that claimant or where the 619
claimant's psychiatric conditions have arisen from sexual 620
conduct in which the claimant was forced by threat of physical 621
harm to engage or participate; 622

(2) Injury or disability caused primarily by the natural 623

deterioration of tissue, an organ, or part of the body; 624

(3) Injury or disability incurred in voluntary 625
participation in an employer-sponsored recreation or fitness 626
activity if the employee signs a waiver of the employee's right 627
to compensation or benefits under this chapter prior to engaging 628
in the recreation or fitness activity; 629

(4) A condition that pre-existed an injury unless that 630
pre-existing condition is substantially aggravated by the 631
injury. Such a substantial aggravation must be documented by 632
objective diagnostic findings, objective clinical findings, or 633
objective test results. Subjective complaints may be evidence of 634
such a substantial aggravation. However, subjective complaints 635
without objective diagnostic findings, objective clinical 636
findings, or objective test results are insufficient to 637
substantiate a substantial aggravation. 638

(D) "Child" includes a posthumous child and a child 639
legally adopted prior to the injury. 640

(E) "Family farm corporation" means a corporation founded 641
for the purpose of farming agricultural land in which the 642
majority of the voting stock is held by and the majority of the 643
stockholders are persons or the spouse of persons related to 644
each other within the fourth degree of kinship, according to the 645
rules of the civil law, and at least one of the related persons 646
is residing on or actively operating the farm, and none of whose 647
stockholders are a corporation. A family farm corporation does 648
not cease to qualify under this division where, by reason of any 649
devise, bequest, or the operation of the laws of descent or 650
distribution, the ownership of shares of voting stock is 651
transferred to another person, as long as that person is within 652
the degree of kinship stipulated in this division. 653

(F) "Occupational disease" means a disease contracted in 654
the course of employment, which by its causes and the 655
characteristics of its manifestation or the condition of the 656
employment results in a hazard which distinguishes the 657
employment in character from employment generally, and the 658
employment creates a risk of contracting the disease in greater 659
degree and in a different manner from the public in general. 660

(G) "Self-insuring employer" means an employer who is 661
granted the privilege of paying compensation and benefits 662
directly under section 4123.35 of the Revised Code, including a 663
board of county commissioners for the sole purpose of 664
constructing a sports facility as defined in section 307.696 of 665
the Revised Code, provided that the electors of the county in 666
which the sports facility is to be built have approved 667
construction of a sports facility by ballot election no later 668
than November 6, 1997. 669

(H) "Private employer" means an employer as defined in 670
division (B) (1) (b) of this section. 671

(I) "Professional employer organization" has the same 672
meaning as in section 4125.01 of the Revised Code. 673

(J) "Public employer" means an employer as defined in 674
division (B) (1) (a) of this section. 675

(K) "Sexual conduct" means vaginal intercourse between a 676
male and female; anal intercourse, fellatio, and cunnilingus 677
between persons regardless of gender; and, without privilege to 678
do so, the insertion, however slight, of any part of the body or 679
any instrument, apparatus, or other object into the vaginal or 680
anal cavity of another. Penetration, however slight, is 681
sufficient to complete vaginal or anal intercourse. 682

(L) "Other-states' insurer" means an insurance company 683
that is authorized to provide workers' compensation insurance 684
coverage in any of the states that permit employers to obtain 685
insurance for workers' compensation claims through insurance 686
companies. 687

(M) "Other-states' coverage" means both of the following: 688

(1) Insurance coverage secured by an eligible employer for 689
workers' compensation claims of employees who are in employment 690
relationships localized in a state other than this state or 691
those employees' dependents; 692

(2) Insurance coverage secured by an eligible employer for 693
workers' compensation claims that arise in a state other than 694
this state where an employer elects to obtain coverage through 695
either the administrator or an other-states' insurer. 696

(N) "Limited other-states coverage" means insurance 697
coverage provided by the administrator to an eligible employer 698
for workers' compensation claims of employees who are in an 699
employment relationship localized in this state but are 700
temporarily working in a state other than this state, or those 701
employees' dependents. 702

(O) "Motor carrier" has the same meaning as in section 703
4923.01 of the Revised Code. 704

(P) "Alternate employer organization" has the same meaning 705
as in section 4133.01 of the Revised Code. 706

Sec. 4123.87. For claims arising during the period 707
beginning on the effective date of this section and ending 708
September 30, 2025, both of the following apply: 709

(A) No claimant is entitled to compensation or benefits 710

under this chapter or Chapter 4121., 4127., or 4131. of the 711
Revised Code for an injury caused by a vaccine that utilizes 712
messenger ribonucleic acid, deoxyribonucleic acid, or any other 713
genetic vaccine technology if both of the following apply: 714

(1) The vaccine was required by an employer as a condition 715
of employment. 716

(2) The claimant received compensation under the "National 717
Childhood Vaccine Injury Act of 1986," 42 U.S.C. 300aa-1, et 718
seq. or the "The Public Readiness and Emergency Preparedness 719
(PREP) Act," 42 U.S.C. 247d-6d. 720

(B) If a claimant receives an award of compensation or 721
benefits under this chapter or Chapter 4121., 4127., or 4131. of 722
the Revised Code for an injury described in division (A) of this 723
section and also received compensation as described in division 724
(A)(2) of this section, the administrator of workers' 725
compensation or any self-insuring employer, by any lawful means, 726
may collect from the claimant any of the following: 727

(1) The amount of compensation or benefits paid to or on 728
behalf of the claimant by the administrator or a self-insuring 729
employer pursuant to this chapter or Chapter 4121., 4127., or 730
4131. of the Revised Code for that award; 731

(2) Any interest, attorney's fees, and costs the 732
administrator or the self-insuring employer incurs in collecting 733
that payment. 734

Sec. 4731.77. (A) As used in this section, "physician" 735
means an individual authorized to practice medicine and surgery 736
or osteopathic medicine and surgery. 737

(B) To be eligible to sign a written statement to be 738
submitted by a student or employee as described in section 739

3792.05 or section 3792.07 of the Revised Code, a physician must 740
have a bona fide physician-patient relationship with the student 741
or employee. 742

A bona fide physician-patient relationship is established 743
if all of the following are the case: 744

(1) The physician has conducted an in-person examination 745
of the student or employee. 746

(2) The physician has reviewed the student's or employee's 747
medical history. 748

(3) The physician expects to provide care to the student 749
or employee on an ongoing basis. 750

(4) The student or employee expects to receive care from 751
the physician on an ongoing basis. 752

Sec. 4765.60. Notwithstanding any conflicting provision of 753
the Revised Code, an emergency medical technician-basic, 754
emergency medical technician-intermediate, and emergency medical 755
technician-paramedic who has received proper training may 756
administer a test for COVID-19 and collect and label test 757
specimens. 758

Section 2. That existing section 4123.01 of the Revised 759
Code is hereby repealed. 760

Section 3. That sections 3792.05, 3792.07, and 3792.08 of 761
the Revised Code are hereby repealed, effective September 30, 762
2025. 763

Section 4. (A) As used in this section: 764

(1) "Advanced practice registered nurse" means an 765
individual who holds a current, valid license issued under 766

Chapter 4723. of the Revised Code to practice as an advanced practice registered nurse.	767 768
(2) "Athletic trainer" means an individual licensed under Chapter 4755. of the Revised Code to practice athletic training.	769 770
(3) "Audiologist" means an individual licensed under Chapter 4753. of the Revised Code to practice audiology.	771 772
(4) "Behavioral health provider" means a provider of alcohol and drug addiction services, mental health services, or other behavioral health services and includes the following providers:	773 774 775 776
(a) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, and chemical dependency counselor II, licensed under Chapter 4758. of the Revised Code, and a chemical dependency counselor assistant, prevention consultant, prevention specialist, prevention specialist assistant, and registered applicant, certified under that chapter;	777 778 779 780 781 782 783
(b) A licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist who holds a current, valid license issued under Chapter 4757. of the Revised Code;	784 785 786 787 788
(c) A psychologist.	789
(5) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.	790 791 792
(6) "Chiropractor" means an individual who is authorized under Chapter 4734. of the Revised Code to practice	793 794

chiropractic.	795
(7) "Dental hygienist" means an individual licensed under Chapter 4715. of the Revised Code to practice as a dental hygienist.	796 797 798
(8) "Dentist" has the same meaning as in section 2305.231 of the Revised Code.	799 800
(9) "Direct support professional" means an individual employed by an agency to provide direct care to individuals with developmental disabilities.	801 802 803
(10) "Emergency medical technician" means an EMT-basic, an EMT-I, or a paramedic.	804 805
(11) "EMT-basic" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as an emergency medical technician-basic.	806 807 808
(12) "EMT-I" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as an emergency medical technician-intermediate.	809 810 811 812
(13) "Facility" means an institution or setting where health care services are provided, including, without limitation, a hospital, inpatient, ambulatory, surgical, emergency care, urgent care, treatment, laboratory, adult day-care, residential care, residential treatment, long-term care, or intermediate care facility, or a facility for individuals with developmental disabilities; a physician's office; a developmental, diagnostic, or imaging center; a rehabilitation or therapeutic health setting; a federally qualified health center or federally qualified health center look-alike; or any modular field treatment facility or alternative care site	813 814 815 816 817 818 819 820 821 822 823

designated for temporary use for the purposes of providing 824
health care services in response to an outbreak of MERS-CoV, 825
SARS-CoV, or SARS-CoV-2, or any mutation thereof. 826

(14) "Facility for individuals with developmental 827
disabilities" means a facility that provides services to two or 828
more unrelated individuals with developmental disabilities in a 829
residential setting, such as an institution for mental disease 830
or a residential facility licensed under section 5123.19 of the 831
Revised Code. 832

(15) "Federally qualified health center" and "federally 833
qualified health center look-alike" have the same meanings as in 834
section 3701.047 of the Revised Code. 835

(16) "Gross negligence" means a lack of care so great that 836
it appears to be a conscious indifference to the rights of 837
others. 838

(17) "Health care professional" means an advanced practice 839
registered nurse, a registered nurse, a licensed practical 840
nurse, a pharmacist, a dentist, a dental hygienist, an 841
optometrist, a physician, a physician assistant, a chiropractor, 842
a physical therapist, an occupational therapist, an athletic 843
trainer, a speech-language pathologist, an audiologist, a 844
laboratory worker, a massage therapist, or a respiratory care 845
professional. 846

(18) "Health care provider" means a health care 847
professional, health care worker, direct support professional, 848
behavioral health provider, hearing aid dealer, hearing aid 849
fitter, or emergency medical technician or a home health agency, 850
hospice care program, home and community-based services 851
provider, or facility, including any agent, board member, 852

committee member, employee, employer, officer, or volunteer of 853
the agency, program, provider, or facility acting in the course 854
of the agent's, board member's, committee member's, employee's, 855
employer's, officer's, or volunteer's service or employment. 856

(19) "Health care services" means services rendered by a 857
health care provider for the diagnosis, prevention, treatment, 858
cure, or relief of a health condition, illness, injury, or 859
disease, including the provision of any medication, medical 860
equipment, or other medical product. "Health care services" 861
includes personal care services and experimental treatments. 862

(20) "Health care worker" means a person other than a 863
health care professional or emergency medical technician who 864
provides medical, dental, or other health care services under 865
the direction of a health care professional authorized to direct 866
the individual's activities. "Health care worker" includes a 867
medical technician, medical assistant, dental assistant, 868
occupational therapy assistant, physical therapist assistant, 869
orderly, nurse aide, and any other individual acting in a 870
similar capacity. 871

(21) "Hearing aid dealer" and "hearing aid fitter" have 872
the same meanings as in section 4747.01 of the Revised Code. 873

(22) "Home and community-based services provider" means a 874
provider of services under a home and community-based services 875
medicaid waiver component. 876

(23) "Home health agency" has the same meaning as in 877
section 3701.881 of the Revised Code. 878

(24) "Hospice care program" has the same meaning as in 879
section 3712.01 of the Revised Code. 880

(25) "Hospital" and "medical claim" have the same meanings 881

as in section 2305.113 of the Revised Code.	882
(26) "Licensed practical nurse" means an individual who	883
holds a current, valid license issued under Chapter 4723. of the	884
Revised Code to practice as a licensed practical nurse.	885
(27) "Long-term care facility" has the same meaning as in	886
section 3701.74 of the Revised Code.	887
(28) "Massage therapist" means an individual licensed	888
under section 4731.15 of the Revised Code to practice massage	889
therapy.	890
(29) "Medicaid waiver component" has the same meaning as	891
in section 5166.01 of the Revised Code.	892
(30) "Occupational therapist" means an individual who	893
holds a current license or limited certificate under Chapter	894
4755. of the Revised Code to practice occupational therapy.	895
(31) "Occupational therapy assistant" means an individual	896
who holds a license or limited permit under Chapter 4755. of the	897
Revised Code to practice as an occupational therapy assistant.	898
(32) "Optometrist" means a person who is licensed under	899
Chapter 4725. of the Revised Code to practice optometry.	900
(33) "Paramedic" means an individual who holds a current,	901
valid certificate issued under section 4765.30 of the Revised	902
Code to practice as an emergency medical technician-paramedic.	903
(34) "Personal care services" has the same meaning as in	904
section 3721.01 of the Revised Code.	905
(35) "Pharmacist" means an individual who holds a current,	906
valid license issued under Chapter 4729. of the Revised Code to	907
practice as a pharmacist.	908

(36) "Physical therapist" means an individual licensed under Chapter 4755. of the Revised Code to practice physical therapy.	909 910 911
(37) "Physical therapist assistant" means an individual licensed under Chapter 4755. of the Revised Code to practice as a physical therapist assistant.	912 913 914
(38) "Physician" means an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.	915 916 917 918
(39) "Physician assistant" means an individual who is authorized under Chapter 4730. of the Revised Code to practice as a physician assistant.	919 920 921
(40) "Psychologist" means an individual who is licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code.	922 923 924
(41) "Reckless disregard" means, as it applies to a given health care provider rendering health care services, emergency medical services, first-aid treatment, or other emergency professional care, conduct by which, with heedless indifference to the consequences, the health care provider disregards a substantial and unjustifiable risk that the health care provider's conduct is likely to cause, at the time those services or that treatment or care were rendered, an unreasonable risk of injury, death, or loss to person or property.	925 926 927 928 929 930 931 932 933 934
(42) "Registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code to practice as a registered nurse.	935 936 937

(43) "Respiratory care professional" has the same meaning as in section 4761.01 of the Revised Code.	938 939
(44) "Speech-language pathologist" means an individual licensed under Chapter 4753. of the Revised Code to practice speech-language pathology.	940 941 942
(45) "Tort action" means a civil action for damages for injury, death, or loss to person or property and includes claims arising under resident or patient bills of rights and contractual claims arising out of statutory or regulatory requirements applicable to health care providers. "Tort action" includes an action on a medical claim.	943 944 945 946 947 948
(B) (1) Subject to division (C) (3) of this section, a health care provider that provides health care services, emergency medical services, first-aid treatment, or other emergency professional care, including the provision of any medication or other medical equipment or product, as a result of and in response to an outbreak of MERS-CoV, SARS-CoV, or SARS-CoV-2, or any mutation thereof is not subject to professional disciplinary action and is not liable in damages to any person or government agency in a tort action for injury, death, or loss to person or property that arises from any of the following:	949 950 951 952 953 954 955 956 957 958
(a) An act or omission of the health care provider in the health care provider's provision, withholding, or withdrawal of those services;	959 960 961
(b) Any decision related to the provision, withholding, or withdrawal of those services;	962 963
(c) Compliance with an executive order or director's order issued during and in response to an outbreak of MERS-CoV, SARS-CoV, or SARS-CoV-2, or any mutation thereof.	964 965 966

(2) Division (B)(1) of this section does not apply in a 967
tort action if the health care provider's action, omission, 968
decision, or compliance constitutes a reckless disregard for the 969
consequences so as to affect the life or health of the patient 970
or intentional misconduct or willful or wanton misconduct on the 971
part of the person against whom the action is brought. 972

(3) Division (B)(1) of this section does not apply in a 973
professional disciplinary action if the health care provider's 974
action, omission, decision, or compliance constitutes gross 975
negligence. 976

(4) A health care provider is not subject to professional 977
disciplinary action and is not liable in damages to any person 978
or government agency in a tort action for injury, death, or loss 979
to person or property that arises because the provider was 980
unable to treat, diagnose, or test the person for any illness, 981
disease, or condition, including the inability to perform any 982
elective procedure, due to an executive or director's order or 983
an order of a board of health of a city or general health 984
district issued in relation to an outbreak of MERS-CoV, SARS- 985
CoV, or SARS-CoV-2, or any mutation thereof. 986

(C)(1) This section does not create a new cause of action 987
or substantive legal right against a health care provider. 988

(2) This section does not affect any immunities from civil 989
liability or defenses established by another section of the 990
Revised Code or available at common law to which a health care 991
provider may be entitled in connection with the provision of 992
health care services, emergency medical services, first-aid 993
treatment, or other emergency professional care, including the 994
provision of medication, medical equipment, or other medical 995
product. 996

(3) This section does not grant an immunity from tort or 997
other civil liability or a professional disciplinary action to a 998
health care provider for actions that are outside the skills, 999
education, and training of the health care provider, unless the 1000
health care provider undertakes the action in good faith and in 1001
response to a lack of resources caused by an outbreak of MERS- 1002
CoV, SARS-CoV, or SARS-CoV-2, or any mutation thereof. 1003

(4) This section does not affect any legal responsibility 1004
of a health care provider to comply with any applicable law of 1005
this state or rule of an agency of this state. 1006

(5) Division (B) of this section applies only to the 1007
provision, withholding, or withdrawal of health care services, 1008
emergency medical services, first-aid treatment, or other 1009
emergency professional care, including the provision of any 1010
medication or other medical equipment or product, decisions 1011
related to such services or care, or compliance with an 1012
executive order or director's order by a health care provider as 1013
a result of and in response to an outbreak of MERS-CoV, SARS- 1014
CoV, or SARS-CoV-2, or any mutation thereof and through the 1015
duration of the outbreak. 1016

(D) If the immunity described in division (B) of this 1017
section does not apply, no class action shall be brought against 1018
any health care provider alleging liability for damages for 1019
injury, death, or loss to person or property on a cause of 1020
action specified in that division. 1021

(E) This section applies from September 30, 2021, through 1022
June 30, 2023. 1023

Section 5. (A) No civil action for damages for injury, 1024
death, or loss to person or property shall be brought against 1025

any person if the cause of action on which the civil action is 1026
based, in whole or in part, is that the injury, death, or loss 1027
to person or property is caused by the exposure to, or the 1028
transmission or contraction of, MERS-CoV, SARS-CoV, or SARS-CoV- 1029
2, or any mutation thereof, unless it is established that the 1030
exposure to, or the transmission or contraction of, any of those 1031
viruses or mutations was by reckless conduct or intentional 1032
misconduct or willful or wanton misconduct on the part of the 1033
person against whom the action is brought. 1034

(B) For purposes of division (A) of this section, a 1035
government order, recommendation, or guideline shall neither 1036
create nor be construed as creating a duty of care upon any 1037
person that may be enforced in a cause of action or that may 1038
create a new cause of action or substantive legal right against 1039
any person with respect to the matters contained in the 1040
government order, recommendation, or guideline. A presumption 1041
exists that any such government order, recommendation, or 1042
guideline is not admissible as evidence that a duty of care, a 1043
new cause of action, or a substantive legal right has been 1044
established. 1045

(C) If the immunity described in division (A) of this 1046
section does not apply, no class action shall be brought against 1047
any person alleging liability for damages for injury, death, or 1048
loss to person or property on a cause of action specified in 1049
that division. 1050

(D) As used in this section: 1051

(1) "MERS-CoV" means the coronavirus that causes middle 1052
east respiratory syndrome. 1053

(2) "Person" has the same meaning as in section 1.59 of 1054

the Revised Code and includes a school, a for-profit or 1055
nonprofit entity, a governmental entity, a religious entity, or 1056
a state institution of higher education. 1057

(3) "Reckless conduct" means conduct by which, with 1058
heedless indifference to the consequences, the person disregards 1059
a substantial and unjustifiable risk that the person's conduct 1060
is likely to cause an exposure to, or a transmission or 1061
contraction of, MERS-CoV, SARS-CoV, or SARS-CoV-2, or any 1062
mutation thereof, or is likely to be of a nature that results in 1063
an exposure to, or a transmission or contraction of, any of 1064
those viruses or mutations. A person is reckless with respect to 1065
circumstances in relation to causing an exposure to, or a 1066
transmission or contraction of, MERS-CoV, SARS-CoV, or SARS-CoV- 1067
2, or any mutation thereof, when, with heedless indifference to 1068
the consequences, the person disregards a substantial and 1069
unjustifiable risk that such circumstances are likely to exist. 1070

(4) "SARS-CoV" means the coronavirus that causes severe 1071
acute respiratory syndrome. 1072

(5) "SARS-CoV-2" means the novel coronavirus that causes 1073
coronavirus disease 2019 (COVID-19). 1074

(6) "State institution of higher education" has the same 1075
meaning as in section 3345.011 of the Revised Code. 1076

(E) This section applies from September 30, 2021, through 1077
June 30, 2023. 1078

Section 6. Sections 4 and 5 of this act, regarding 1079
temporary qualified civil immunities, are remedial in nature and 1080
apply retroactively to acts, omissions, conduct, decisions, or 1081
compliance from September 30, 2021, through June 30, 2023. 1082

Section 7. The items of law contained in this act, and 1083

their applications, are severable. If any item of law contained 1084
in this act, or if any application of any item of law contained 1085
in this act, is held invalid, the invalidity does not affect 1086
other items of law contained in this act and their applications 1087
that can be given effect without the invalid item of law or 1088
application. 1089