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H.B. 244
134th General Assembly

Final Analysis

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Version: As Passed by the General Assembly

Primary Sponsors: Reps. White and Lampton

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SUMMARY

Education provisions for military children

- Requires public schools to permit children of military families to participate in technology-based educational opportunities to minimize disruptions when their families transition from one military installation to another.
- Requires school districts to permit children of active duty uniformed services members who relocate to Ohio who are not district residents to apply for enrollment in the same manner and at the same time as resident students.

Prohibition on public schools and higher education institutions requiring certain vaccinations

- Prohibits a public K-12 school or state institution of higher education from (1) requiring an individual to receive a vaccine that is not yet fully approved by the federal Food and Drug Administration and (2) discriminating against an individual who has not yet received such a vaccine.

Department of Health quarantine and isolation authority

- Permits the Ohio Department of Health (ODH) to quarantine and isolate individuals arriving from another country that meets certain criteria regarding communicable diseases.
- Specifies that if ODH quarantines or isolates these individuals, ODH is responsible for providing transportation, lodging, food, and any necessary medical care.

DETAILED ANALYSIS

Technology-based educational opportunities for military children

The act requires “local education agencies” (all public schools) to permit children of military families to participate in technology-based educational opportunities to minimize disruptions when their families receive permanent change of station orders to, within, or out of Ohio from one military installation to another.¹

School district enrollment of military children

The act requires a school district to permit children of active duty uniformed services members who relocate to Ohio and are not yet district residents to apply for enrollment in a district school in the same manner and at the same time as resident students. Enrollment applications must be accepted by electronic means, including those for specific schools or programs within the district.

The act then requires these students’ parents or guardians to provide proof of district residence within ten days after establishing residence. A temporary on-base billeting facility, a purchased or leased home or apartment, or a federal government or public-private venture off-base military housing are all acceptable forms of residency under the act.²

Prohibition on public schools and higher education institutions requiring certain vaccinations

The act prohibits public K-12 schools and state institutions of higher education from:

1. Requiring an individual to receive a vaccine that is not yet fully approved by the federal Food and Drug Administration (FDA); or
2. Discriminating against an individual who has not received such a vaccine, including by requiring the individual to engage in or refrain from engaging in activities or precautions that differ from the activities or precautions of an individual who has received such a vaccine.

The act further specifies that this prohibition does not apply to a hospital or other healthcare facility that is owned, operated by, or affiliated with a state institution.³

Department of Health quarantine and isolation authority

S.B. 22 of the 134th General Assembly made several changes regarding the authority of the Ohio Department of Health (ODH) over matters of quarantine and isolation. It removed the

¹ R.C. 3301.601. See R.C. 3301.60, not in the act.

² R.C. 3301.65.

³ R.C. 3792.04

word “ultimate” from the law describing ODH’s authority over matters of quarantine and isolation.⁴ S.B. 22 also defined the terms “quarantine” and “isolation” as they relate to ODH’s authority. These terms had not previously been defined in the Revised Code. It defined “isolation” as “the separation of one or more individuals who have been medically diagnosed with a communicable or contagious disease from other individuals who have not been medically diagnosed with the disease.” And it defined “quarantine” as “the separation or restriction of movement of one or more individuals who have come into direct contact with someone who has been medically diagnosed with a communicable or contagious disease.”⁵ These definitions differ from those used by the federal government, which require a reasonable belief that an individual is infected, in the case of isolation, and a reasonable belief that an individual has been exposed to the disease, in the case of quarantine, rather than requiring direct exposure and a medical diagnosis.⁶

The act specifies that, under its authority over matters of quarantine and isolation, ODH may require individuals traveling to Ohio to quarantine or isolate under certain circumstances, regardless of whether those individuals have been medically diagnosed with or come into direct contact with someone who has been medically diagnosed with a contagious or communicable disease. The act’s exception applies when an individual travels from another country for which the Centers for Disease Control and Prevention (CDC) has issued the highest level of travel health notice due to an outbreak of a communicable or contagious disease in that country. A health notice must be in effect when an individual arrives in Ohio from that country. If the above criteria are satisfied, the act permits ODH to quarantine or isolate individuals for up to 48 hours following arrival in Ohio. The act further specifies that if ODH requires an individual to quarantine or isolate, ODH is responsible for providing that individual with transportation, lodging, food, and any necessary medical examination, testing, or treatment related to the communicable or contagious disease.⁷

HISTORY

| Action | Date |
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| Introduced | 03-31-21 |
| Reported, H. Primary and Secondary Education | 05-12-21 |
| Passed House (97-0) | 05-19-21 |
| Reported, S. Primary and Secondary Education | 06-16-21 |

⁴ R.C. 3701.13(B)(1).

⁵ R.C. 3701.13(A).

⁶ See *Centers for Disease Control and Prevention: Quarantine and Isolation*, available at <https://www.cdc.gov/quarantine/index.html> and 42 Code of Federal Regulations 71.1.

⁷ R.C. 3701.13(B)(2).

| Action | Date |
|--|----------|
| Passed Senate (25-8) | 06-28-21 |
| House concurred in Senate amendments (62-34) | 06-28-21 |
