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S.B. 209
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Brenner

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SUMMARY

- Prohibits the State Board of Education, the Department of Education, or any public school from requiring any individual to wear a facial covering on school premises or at school-sponsored activities.
- Prohibits a state institution of higher education from requiring an individual to wear a facial covering at any time in any location on the institution's campus, except at a medical setting at the institution.
- Requires private businesses to (1) post notice of any facial covering requirement and (2) offer an exemption to individuals with a documented medical condition.

DETAILED ANALYSIS

Prohibition on mask mandates in an educational setting

Public K-12 schools

The bill prohibits the State Board of Education, the Department of Education, or a school district, community school, STEM school, or college-preparatory boarding school¹ from requiring any individual, including students, teachers, other school employees, and visitors, to wear a facial covering to attend or participate in in-person instruction, school-sponsored athletics, or another school-sponsored extracurricular activity, or in any other place on school premises.

The bill specifically states that an individual may choose to wear a facial covering but is not required to do so.

¹ There are no college-preparatory boarding schools under R.C. Chapter 3328 currently operating in the state.

The bill's provisions expressly do not restrict a board of health of a city or general health district or the authority having the duties of a board of health, from taking action to prevent the spread of a communicable or contagious disease.²

State institutions of higher education

The bill also prohibits state institutions of higher education from requiring an individual to wear a facial covering to attend or participate in in-person instruction, institution-sponsored athletics, institution-sponsored extracurricular activities, in dormitories, or at any other time in any location on an institution's or university's campus.

This prohibition does not apply to an individual in a medical setting at a state university or state institution of higher education.

Again, the bill states that its provisions do not restrict a board of health of a city or general health district or the authority having the duties of a board of health, from taking action to prevent the spread of a communicable or contagious disease.³

Mask mandates by private businesses

If a business requires the wearing of facial coverings for employees, visitors, or patrons, the bill requires the business to post a notice that (1) they are required and (2) the requirement does not apply to individuals with a documented medical condition that contraindicates the wearing of a facial covering.⁴

HISTORY

Action	Date
Introduced	07-13-21

S0209-I-134/ec

² R.C. 3313.7117, 3314.03(A)(11)(d), 3326.11, and 3328.24.

³ R.C. 3345.0215.

⁴ R.C. 4101.17.