

COVID-19 Pandemic

(In Chronological Order)

H.B. 6

Primary Sponsor: Rep. Roemer

Effective date: Emergency: May 14, 2021; Sections 3 and 4 effective October 9, 2021

Administration of immunizations and COVID-19 tests

- Prohibits the administration of a COVID-19 vaccine to a minor without first obtaining written permission from the minor's parent or guardian.
- Authorizes podiatrists, pharmacists, and pharmacy interns to administer COVID-19 vaccines to individuals seven and older.
- Authorizes a pharmacist or pharmacy intern to administer any vaccines to individuals 13 and older, rather than only those included in federal recommended schedules.
- Authorizes a pharmacist to order and administer diagnostic tests for COVID-19 and COVID-19 antibodies.
- Authorizes a pharmacy intern or certified pharmacy technician to administer diagnostic tests for COVID-19 and COVID-19 antibodies if the intern or technician is under the direct supervision of a pharmacist.

Registration of pharmacy technician trainees

- Revises the law governing the registration of pharmacy technician trainees, including by authorizing the State Board of Pharmacy to register an applicant who is 17 if certain conditions are met.

Temporary nursing licenses without examination

- Continues until July 1, 2021, the suspension of the requirement that an applicant pass a licensure examination to receive a license to practice as a registered nurse or licensed practical nurse, and adds eligibility limitations.
- Specifies that a nursing license issued without examination is valid until July 1, 2021, unless the licensee does not take or fails the licensure examination, is convicted of a felony, or fails a drug test.

Pupil services licenses and school nurses

- Revises the educational qualifications governing the pupil services licensure exemption available to school nurses.

Educator preparation program make-up time

- Requires each educator preparation program to develop and implement a plan to provide its students with alternative experiences in the 2021-2022 academic year to make up hours or weeks of clinical experiences missed due to school closure or limited hours because of COVID-19.
- Requires the Department of Higher Education and Department of Education to consider a student who successfully completes make-up hours or weeks in the 2021-2022 academic year using alternative experiences eligible for licensure and endorsement recommendations in the same manner as a student who completes clinical experiences.

Re-established low-income energy efficiency programs

- Requires electric distribution utilities (EDUs) to re-establish from portfolio plans that terminated December 31, 2020, energy efficiency (EE) programs for low-income customers with an annual income at or below 200% of the federal poverty level.
- Requires the re-established low-income EE programs to include the same terms and conditions, including its originally allocated funding level, that the Public Utilities Commission (PUCO) approved for the program before its termination.
- Terminates the re-established low-income EE programs on December 31, 2021.
- Requires PUCO to issue an order requiring EDUs to re-establish their low-income EE programs and setting forth the process for their re-establishment.
- Prohibits PUCO order from permitting new or extended cost recovery mechanisms for the re-established programs.
- Provides for the reconciliation of the difference between revenue collected and the compliance efforts occurring prior to (1) December 31, 2021, for re-established programs and (2) the date on which full energy savings compliance is deemed achieved for all other EE compliance efforts.

S.B. 22

Primary Sponsors: Sens. Johnson and McColley

Effective date: June 23, 2021

State of emergency

- Limits the duration of a state of emergency issued by the Governor to 90 days unless extended by the General Assembly, and allows the General Assembly to extend a state of emergency in 60-day intervals by adopting a concurrent resolution.
- After a state of emergency declared by the Governor has been in effect for 30 days, permits the General Assembly to terminate the state of emergency.

- Prohibits the Governor from reissuing a state of emergency for 60 days after expiration or termination, unless approved by the General Assembly by adopting a concurrent resolution.
- Permits the General Assembly to rescind orders and rules issued in response to the emergency, and prohibits the reissuance of a rescinded order or rule for 60 days unless approved by the General Assembly by adopting a concurrent resolution.
- During a state of emergency, requires the Governor and Department of Health (ODH) to report to the Senate President and Speaker of the House any actions taken in response to the emergency.

Ohio Health Oversight and Advisory Committee

- Establishes the Ohio Health Oversight and Advisory Committee, consisting of three members of the Senate and three members of the House.
- Authorizes the Committee to oversee actions taken by the Governor, ODH, or any agency in response to a state of emergency; to oversee actions taken by ODH and the ODH Director for preventing the spread of contagious or infectious disease and for controlling and suppressing the cause of disease; and to consult with and advise the Governor, ODH, and other agencies during a state of emergency.

Authority of ODH and local boards of health

- Permits the General Assembly to rescind certain orders and rules issued by ODH and certain actions of the Director.
- Specifies that the authority of ODH relating to the preservation of the life and health of the people is superior to the authority of local boards of health.
- Specifies that a local board of health may only issue a quarantine and isolation order that applies to specific individuals that have been medically diagnosed with or have come into direct contact with someone who has been medically diagnosed with a specified disease.
- Generally, prohibits a local board of health from closing schools or prohibiting public gatherings and instead permits a local board to close a specific school if certain conditions are met.
- Specifies that a local board of health may only issue orders and regulations that apply to specific individuals and businesses, and that orders and regulations for preventing or restricting disease may only apply to individuals and businesses that have been medically diagnosed with or come into direct contact with someone who has been medically diagnosed with the disease or have a documented incident of the disease in the building.

Impact of act on existing declarations, orders, rules, and actions

- Terminates the existing state of emergency on July 23, 2021 (30 days after the act takes effect), unless extended by the General Assembly by concurrent resolution, and prohibits

the Governor from reissuing a state of emergency for 60 days, unless approved by the General Assembly by adopting a concurrent resolution.¹

- Subjects existing emergency orders and rules issued in response to a state of emergency, and certain orders and rules issued by ODH or actions taken by the Director to review by the Committee and rescission by the General Assembly.

H.B. 244

Primary Sponsors: Reps. White and Lampton

Effective date: October 13, 2021

Public school and higher education vaccination mandates

- 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.

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.

¹ Governor DeWine rescinded the declaration of emergency on June 18, 2021, and most related orders before or shortly after that date.

S.B. 229

Primary Sponsor: Sen. Blessing

Effective date: Emergency: December 14, 2021; conforming change related to financial literacy instruction in R.C. 3314.03 effective January 27, 2022

Blended learning for the 2021-2022 school year

- Permits a school district, other public school, or chartered nonpublic school to submit to the Department of Education a declaration to implement or discontinue use of a blended learning model during the 2021-2022 school year by April 30, 2022.
- Requires the Department to post a list of districts and schools that have submitted a blended learning model declaration during the 2021-2022 school year on its website.
- Provides specific operating requirements for districts and schools that implement blended learning for any portion of the 2021-2022 school year.

Blended learning definition

- Revises the permanent law definition of blended learning to add “noncomputer-based learning opportunities.”

Remote learning for the 2021-2022 school year

- Permits a school district, other public school, or chartered nonpublic school to adopt a resolution to continue to provide instruction using the school’s remote learning plan for the 2021-2022 school year.
- Requires a district or school that adopts a resolution to notify the Department of that decision by December 15, 2021.
- Requires a school or district that continues to offer remote instruction to update its remote learning plan with specific requirements.

COVID remediation plans

- Requires each school district and other public school to submit to the Department a remediation plan to address the loss of learning students experienced during the COVID-19 pandemic, unless the district or school previously submitted an Extended Learning Plan or Local Use of Funds Plan.
- Requires the Department to develop standards and a template for remediation plans.
- Requires the Department to compile the remediation plans and submit a report to the General Assembly.

Online services for special education students

- Between July 1, 2021, and June 30, 2022, upon the request of a parent or guardian, permits an individual who holds a valid license issued by a licensing board to provide

services via electronic delivery method or telehealth communication to special education students.

Quarantined students

- For the 2021-2022 school year only, permits a school or district operating an online learning school to allow a quarantined student to participate in the online learning school for the duration of the student's quarantine period.
- For the 2021-2022 school year, requires districts and schools to report monthly to the Department the number of students quarantined and the duration of the quarantine.

State report cards

- Adds two school district superintendents, a school principal, and a community school representative, appointed by the Superintendent of Public Instruction, to the State Report Card Review Committee and requires majority party members appointed from the House of Representatives and the Senate to serve as committee co-chairpersons.
- Prohibits the Department from considering performance on the chronic absenteeism measure on the state report card for the 2021-2022 school year.
- Requires the Department to report without a rating the four-year adjusted cohort graduation rate on the state report card for students who were continuously enrolled in the same district or building for grades 9-12.
- Requires the Department to publish the continuously enrolled four-year adjusted cohort graduation rate and the total number of students in each cohort for all districts and buildings for the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years on state report cards for the 2021-2022 school year.

Withdrawal of students for failure to take assessments

- Resets, to the 2021-2022 school year, the starting point for the law requiring automatic withdrawal of students from internet- or computer-based community schools (e-schools) and district-operated internet- or computer-based schools for failure to take state assessments.

Financial literacy instruction

- Reinstates law requiring public and chartered nonpublic schools to integrate the study of economics and financial literacy into one or more existing social studies credits, or into the content of another class, for students who enter ninth grade for the first time prior to July 1, 2022 (classes up to the Class of 2025).

Third Grade Reading Guarantee

- For the 2021-2022 school year only, exempts public and chartered nonpublic schools from retaining a student under the Third Grade Reading Guarantee based solely on the student's academic performance.

Emergency management plans

- Exempts an online learning school from the requirement that school administrators develop an emergency management plan for each building under their control, unless students participate in in-person instruction or assessments at a location that is not covered in a district's or school's existing emergency management plan.

Educational service center funding

- Revises the "funding base" used to determine state payments to educational service centers (ESCs) to the amount the ESC would have received for FY 2020 using the student counts of the school districts with which the ESC has service agreements in the fiscal year for which payments are being made.

Educational Choice and Cleveland scholarship payments

- Specifies that, in the case of a student who is not living with the student's parent, the Department must make Educational Choice (Ed Choice) Scholarship and Pilot Project (Cleveland) Scholarship payments to the student's guardian, legal custodian, kinship caregiver, foster caregiver, or caretaker.
- Requires the Department to make monthly partial payments for the Cleveland Scholarship, rather than "from time to time in partial payments" as under prior law.
- Adds to the definition of "caretaker" to include any responsible adult (other than a parent or relative) who has care of the child and, if not for being in that adult's care, the child would be homeless or likely homeless.

H.B. 215

Primary Sponsors: Reps. Wilkin and Cross

Effective date: March 2, 2022

- Allows businesses required to limit or cease operations by orders or rules issued by the Director or Department of Health due to a pandemic, epidemic, or bioterrorism event to remain open so long as they observe the same safety requirements imposed on businesses that were not required to limit or cease operations.
- Is titled the Business Fairness Act.