

# New Ohio Law Restricts Ability of Public Schools, Colleges to Mandate COVID-19 Vaccinations

By Patricia Anderson Pryor, Katharine C. Weber, Alessandro Botta Blondet & Tara K. Burke

July 20, 2021

## Meet the Authors



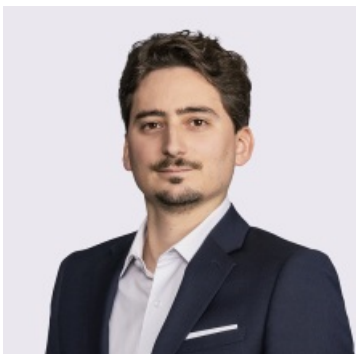
**Patricia Anderson Pryor**

Office Managing Principal  
513-322-5035  
Patricia.Pryor@jacksonlewis.com



**Katharine C. Weber**

Principal  
(513) 898-0050  
katharine.weber@jacksonlewis.com



**Alessandro Botta Blondet**

Associate

Public schools and universities are barred from requiring vaccines that have not received full U.S. Food and Drug Administration (FDA) approval under Ohio House Bill 244 (HB 244), signed by Governor Mike DeWine on July 14, 2021. The new law goes into effect on October 13, 2021.

The three COVID-19 vaccines currently available in the U.S. were approved through an emergency use authorization (EUA), and do not have the FDA's full approval as of this writing. Accordingly, unless the FDA grants full approval for any of the vaccines before the law's effective date, Ohio public schools and state higher educational institutions will be prohibited from requiring COVID-19 vaccines until those vaccines get the FDA's full approval.

### Nondiscrimination

The new law also prohibits public schools and state universities from "[d]iscriminating against an individual who has not received a vaccine (that has not received full FDA approval) ... 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."

Public schools and universities, therefore, cannot keep unvaccinated students or employees from any activities open to vaccinated individuals or require unvaccinated individuals to adhere to protocols, presumably, such as social distancing or wearing facial coverings, unless those protocols also apply to vaccinated individuals.

### Private Institutions; Exemptions

Private schools and universities are not covered under HB 244 and the law exempts hospitals or other healthcare facilities owned or operated by, or affiliated with, a state higher education institution.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).



## Tara K. Burke

(She/Her)

KM Attorney

(513) 322-5027

tara.burke@jacksonlewis.com

## Related Services

### COVID-19

Disability, Leave and Health Management

Higher Education

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.