



New Ohio Law Restricts Public Schools' COVID-19 Vaccine Responses

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A new Ohio law prohibits public schools from requiring vaccines that the U.S. Food and Drug Administration has not granted full approval. [House Bill 244](#) prevents public schools from discriminating against individuals who have not received a non-fully FDA approved vaccine. The law takes effect on October 13.

The law affects whether Ohio's public schools and public universities can require that students and staff members receive a COVID-19 vaccine. The COVID-19 vaccines that have been developed to date have been approved for use through the FDA's emergency use authorization, which entails a rigorous protocol that includes clinical trials. The three primary COVID-19 vaccines—Pfizer, Moderna, and Johnson & Johnson—are in the process of obtaining full FDA approval, but that process has not yet been completed. This means that, beginning October 13, Ohio's public schools are prohibited from requiring that students and staff receive the COVID-19 vaccine. The law does not apply to private schools or to hospitals or health care facilities that are owned, operated, or affiliated with a public school.

The law also prohibits public schools from discriminating against an individual who has not received a non-fully FDA approved vaccine. Specifically, the law prohibits public schools from having different requirements for vaccinated and unvaccinated individuals or from requiring unvaccinated individuals to engage in activities or precautions that the school does not require of vaccinated individuals. Effectively, this means that—until the COVID-19 vaccines receive full FDA approval—Ohio's public schools cannot impose different requirements or policies for vaccinated and unvaccinated individuals.

Once the COVID-19 vaccines receive full FDA approval, they are no longer subject to the law's prohibitions. If the COVID-19 vaccines receive full FDA approval before October 13, Ohio's public schools

could require such vaccines, and the law's prohibition against treating unvaccinated and vaccinated individuals differently would not apply.

If you have any questions about H.B. 244 or about navigating the legal challenges brought on by COVID-19, please contact [Dr. Christopher Thomas](#), [Joe Scholler](#), [Alex Ewing](#), or any member of our [Government Services](#) practice group.

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