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S.B. 111
134th General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsors: Sens. Blessing and Brenner

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SUMMARY

- Appropriates \$422 million in FY 2022 to the Office of Budget and Management for distribution to local governments in accordance with the federal American Rescue Plan Act of 2021.
- Prohibits a public or private entity from requiring an individual to receive a vaccine that has not been fully approved by the federal Food and Drug Administration.
- Also prohibits an entity from requiring an individual who has not received the vaccine to engage in or refrain from engaging in activities or precautions that differ from those of an individual who has received the vaccine.

DETAILED ANALYSIS

ARPA appropriations

The bill appropriates \$422 million in FY 2022 to the Office of Budget and Management for distribution to local governments (including cities, villages, and townships) that did not receive a direct payment from the federal government under the federal [American Rescue Plan Act of 2021](#) (ARPA).¹ These units of government are referred to as “nonentitlement units of local government” under the federal act. The money must be distributed based on the population of the local government unit and must be used in accordance with the requirements of ARPA. In general, ARPA funds must be used for COVID-19 recovery-related purposes, which are spelled out in more detail in the federal act as well as [guidance](#) issued by the U.S. Department of Treasury.

¹ Sections 1 through 3.

Vaccines not granted full approval

With respect to a vaccine for which the federal Food and Drug Administration (FDA) has not granted full approval, the bill prohibits a private or public entity from doing either of the following:

- Requiring an individual to receive the vaccine;
- Requiring an individual who has not received the vaccine to engage in or refrain from activities or precautions that differ from those of an individual who has elected to receive the vaccine.

The bill does not define or describe a private or public entity. It also specifies that its restrictions govern to the extent permitted by federal law and notwithstanding any conflicting provision of the Revised Code. Moreover, the bill states that its vaccine-related provisions do not apply to a private residence.²

As of the date of this analysis, no COVID-19 vaccines have been approved by the FDA; however, several are available through the FDA's emergency use authorization process. Under that process, the FDA may allow the use of unapproved medical products, or unapproved uses of approved medical products, in an emergency to diagnose, treat, or prevent serious or life-threatening diseases or conditions when certain statutory criteria have been met.³

HISTORY

Action	Date
Introduced	03-02-21
Reported, S. Finance	03-24-21
Passed Senate (33-0)	03-24-21
Reported, H. Finance	06-22-21
Passed House (62-34)	06-24-21

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² R.C. 3792.02.

³ [“Notice of Emergency Use Authorization Declaration,”](#) 85 Federal Register 18250 (March 27, 2020).