



**Kate Vivian Davis**  
Senior Attorney  
Dayton  
937.535.3902  
kdavis@bricker.com

## The not-so lame duck session: Last minute legislation affecting Ohio institutions of higher education

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“Lame Duck” is that period in public office after an election before the successor takes office, leaving, presumably, the exiting public official with no particular power or influence. However, as you may be aware, in the month of December, after the election of many new legislators, the House and Senate passed a flurry of laws, before the newly elected politicians took office in January. The new laws affecting higher education institutions in Ohio that were signed by the governor are summarized below.

- H.B. 66 - Effective April 4, 2019
  - Qualifies public and private institutions of higher education as covered entities for cybersecurity program safe harbor.
  - Establishes the Subcommittee on Standards for Teacher Preparation of the Educator Standards Board.
  - Establishes the Undergraduate Mission Study Committee to evaluate each state university's efforts to secure participation in the undergraduate mission by its tenured faculty.
- H.B. 497 - Prohibits nonconsensual dissemination of private sexual images - Effective March 22, 2019

- Newly enacted R.C. 2917.211 prohibits nonconsensual dissemination of private sexual images.
  - No student enrolled in (or an applicant to) an institution of higher education in Ohio who is a victim of 2917.211 shall lose any financial assistance for sole reason of being a victim, and no disciplinary action (including academic penalties) shall be taken.
- H.B. 101 – Epinephrine dispensing - Effective April 8, 2019
  - Permits pharmacists to dispense epinephrine pursuant to physician-established protocol, rather than a prescription, to an individual acting on behalf of qualified entities (child daycare centers, colleges and universities, places of employment, etc.).
- H.B. 271 – Accessibility law - Effective March 20, 2019
  - Permits an alleged aggrieved party claiming a violation of an accessibility law to notify the owner, agent or other responsible party of the property (responsible party) of the alleged violation before filing a civil action. A decision by an alleged aggrieved party to file a civil action without serving notice affects the party's ability to recover attorney's fees.
- H.B. 158 – Unemployment compensation for military spouses - Effective March 20, 2019
  - Employees who quit work to move and accompany a military spouse may be eligible for unemployment compensation. To be eligible, the spouse must be a member of the armed forces, on active duty, or a member of a commissioned corps of the national oceanic and atmospheric administration or public health service and must be the subject of a transfer. The employee must have left employment to accompany the spouse to a location from which it is impractical to commute; and upon arrival at the new place of residence, the individual is able and available for suitable work.
- H.B. 491 - Effective March 20, 2019
  - Allows the Counselor, Social Worker, and Marriage and Family Therapist Board to temporarily approve a counseling education program created after January 1, 2018, that has not been accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP). A degree from a temporarily approved program satisfies the degree and counselor training requirements for a clinical counselor's license or a professional counselor's license (a "counselor's license") during the time period specified by the board. Under the act, the board may adopt rules to approve a non-CACREP accredited counselor training program, but it is not required to do so.
  - According to Gongwer News, this fixes a "technical issue" that prevented new university-based school counselor-education

programs from being approved after January 1, 2018.

- H.B. 139 – Public college and universities - Effective April 8, 2019
  - Specifies that a permanently retained record that is exempt from disclosure under the Public Records Law becomes a public record 75 years after it was created, with certain exceptions. If another provision of the Revised Code establishes a period for disclosing a record that conflicts with the 75-year period, the time period in the other provision prevails.
- H.B. 425 – Body cameras - Effective April 8, 2019
  - Application of Public Records Law to law enforcement camera recordings.
  - Includes definition of “restricted portions of a body-worn camera or dashboard camera recording” as including, but not limited to, the image or identity of a child, or the death of a person or deceased person’s body, unless the death was caused by a peace officer.