

I_134_0602-11

134th General Assembly
Regular Session
2021-2022

Sub. H. B. No. 248

A BILL

To amend section 3345.47, to enact section 3792.02, 1
and to repeal sections 1713.55, 3332.25, 2
3345.85, and 3701.133 of the Revised Code to 3
prohibit mandatory vaccinations, vaccination 4
status disclosures, and certain other actions 5
regarding vaccinations and to name this act the 6
Vaccine Choice and Anti-Discrimination Act. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3345.47 be amended and section 8
3792.02 of the Revised Code be enacted to read as follows: 9

Sec. 3345.47. (A) No state university shall require a 10
student to live in on-campus student housing, if the student 11
lives within twenty-five miles of the campus. 12

(B) As used in this section: 13

(1) "On-campus student housing" ~~has the same meaning as in~~ 14
~~section 3345.85 of the Revised Code~~means a dormitory or other 15
student residence that is owned or operated by, or located on 16
the campus of a state institution of higher education. 17



(2) "State university" has the same meaning as in section 3345.011 of the Revised Code. 18
19

Sec. 3792.02. (A) As used in this section: 20

(1) "Child day-care center" has the same meaning as in section 5104.01 of the Revised Code. 21
22

(2) "Employer" has the same meaning as in section 4113.51 of the Revised Code. 23
24

(3) "Health care provider" has the same meaning as in section 3701.74 of the Revised Code. 25
26

(4) "Individual" means an adult or minor, state resident or otherwise. 27
28

(5) "Insurer" has the same meaning as in section 3902.02 of the Revised Code. 29
30

(6) "Institution" has the same meaning as in section 1713.01 of the Revised Code. 31
32

(7) "Nursing home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code. 33
34

(8) "Patient" means an individual seeking or receiving care or treatment from a health care provider. 35
36

(9) "Person" has the same meaning as in section 1.59 of the Revised Code. 37
38

(10) "Political subdivision" means a county, township, municipal corporation, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. "Political subdivision" also includes a board of health of a city, county, or general health district. 39
40
41
42
43
44

(11) "Public agency" has the same meaning as in section 45
102.01 of the Revised Code. 46

(12) "Public official or employee" has the same meaning as 47
in section 102.01 of the Revised Code. 48

(13) "Public space" means any of the following: 49

(a) Places of public accommodation; 50

(b) Any building or space, whether indoors or outdoors, 51
that is owned, leased, operated, occupied, or otherwise used by 52
a public body; 53

(c) Any other building or space, whether indoors or 54
outdoors, that is generally open to the public. 55

(14) "School" means a publicly or privately funded school, 56
including an elementary or secondary school for which the state 57
board of education prescribes minimum standards pursuant to 58
section 3301.07 of the Revised Code. "School" also includes a 59
board of education of a city, local, or exempted village school 60
district or governing authority of a school. 61

(15) "State agency" has the same meaning as in section 62
1.60 of the Revised Code. 63

(16) "Vaccine," "vaccination," and "immunization" means 64
any product manufactured for the purpose of creating acquired 65
immunity to an infectious disease or diseases or the process of 66
administering such a product. 67

(17) "Vaccine status" means whether or not an individual 68
has received a specific vaccination or series of vaccinations. 69

(B) It is the policy of this state that individuals have a 70
right to direct their own health care decisions, free from 71

coercion or penalty, and with informed consent, for themselves, 72
their children, their family, and anyone for whom they stand in 73
loco parentis. 74

(1) No person, public official or employee, public agency, 75
state agency, political subdivision, school, child day-care 76
center, nursing home, residential care facility, health care 77
provider, insurer, institution, or employer shall mandate, 78
require, or otherwise request an individual to receive a 79
vaccine, except as provided in sections 3313.671 and 5104.014 of 80
the Revised Code. In the case of those exceptions, all of the 81
following apply: 82

(a) A school that notifies a pupil or the pupil's parent 83
or guardian of the immunization requirements pursuant to section 84
3313.671 of the Revised Code shall notify the pupil and the 85
pupil's parents or guardians of the exemptions from immunization 86
described in that section in the same timing and manner, 87
including text size and font, as it provides notice of the 88
requirements. 89

(b) A school that requires immunizations pursuant to 90
section 3313.671 of the Revised Code shall honor the exemptions 91
from the immunization requirements described in that section. 92

(c) A child day-care center that notifies a child or the 93
child's parent or guardian of the immunization requirements 94
pursuant to section 5104.014 of the Revised Code shall notify 95
the child and the child's parents or guardians of the exemptions 96
from immunization described in that section in the same timing 97
and manner, including text size and font, as it provides notice 98
of the requirements. 99

(d) A child day-care center that requires immunizations 100

pursuant to section 5104.014 of the Revised Code shall honor the 101
exemptions from the immunization requirements described in that 102
section. 103

(C) It is the policy of this state that individuals have a 104
right to expect that their personal privacy rights remain 105
protected, specifically private health information. 106

(1) Except as provided in division (C) (2) of this section, 107
no person, public official or employee, public agency, state 108
agency, political subdivision, school, child day-care center, 109
nursing home, residential care facility, health care provider, 110
insurer, institution, or employer shall do any of the following: 111

(a) Mandate, require, or otherwise request an individual 112
to disclose the individual's vaccine status; 113

(b) Mandate, require, or otherwise request participation 114
in a vaccine passport system, vaccine registry, or other 115
mechanism that is designed for the purpose of tracking an 116
individual's vaccine status; 117

(c) Disclose an individual's vaccination status. 118

(2) (a) Division (C) (1) of this section does not apply to 119
the extent described in sections 3313.671 and 5104.014 of the 120
Revised Code. In such case, a student's or child's vaccine 121
status shall be considered and treated as personally 122
identifiable information pursuant to section 3319.321 of the 123
Revised Code. 124

(b) Division (C) (1) of this section does not apply to a 125
health care provider or insurer as it pertains to patient care, 126
treatment, or billing. In such case, an individual's vaccine 127
status shall be considered and treated as protected health 128
information pursuant to Chapter 3798. of the Revised Code. 129

(3) No person, public official or employee, public agency, state agency, political subdivision, school, child day care center, nursing home, residential care facility, health care provider, insurer, institution, or employer shall make public an individual's vaccine status. 130
131
132
133
134

(D) It is the policy of this state that individuals have a right to expect that their personal health choices shall not result in discriminatory treatment. 135
136
137

(1) No person, public official or employee, public agency, state agency, political subdivision, school, child day care center, nursing home, residential care facility, health care provider, insurer, institution, or employer shall do any of the following: 138
139
140
141
142

(a) Deny service or access to, segregate, require a vaccine status label for, require disease or immunity testing of, penalize as a result of, or otherwise discriminate against an individual based on their refusal to receive a specific vaccination or series of vaccinations, subscribe to a vaccine or immunity passport or tracking system, or provide proof of vaccination for, immunity to, or testing of a specific contagious or infectious disease or diseases; 143
144
145
146
147
148
149
150

(b) Provide any disposition, service, financial aid, or benefit to an individual that is different from, or is provided in a different manner than, that provided to other individuals based on the individual's refusal to receive a specific vaccination or series of vaccinations, subscribe to a vaccine or immunity passport or tracking system, or provide proof of vaccination for, immunity to, or testing of a specific contagious or infectious disease or diseases; 151
152
153
154
155
156
157
158

(c) Restrict an individual in any way in the enjoyment of 159
any advantage or privilege enjoyed by others receiving any 160
disposition, service, financial aid, or benefit provided to 161
other individuals based on the individual's refusal to receive a 162
specific vaccination or series of vaccinations, subscribe to a 163
vaccine or immunity passport or tracking system, or provide 164
proof of vaccination for, immunity to, or testing of a specific 165
contagious or infectious disease or diseases; 166

(d) Treat an individual differently from others in 167
determining whether that individual satisfies any admission, 168
enrollment, quota, eligibility, membership, or other requirement 169
or condition that individuals are required to meet in order to 170
be provided any disposition, service, financial aid, or benefit 171
available to other members of the general public; 172

(e) Deny an individual an opportunity to participate in a 173
program through the provision of service or otherwise afford 174
that individual an opportunity to do so that is different from 175
that afforded to other members of the general public; 176

(f) Create, impose, or allow to be imposed any device or 177
method of identification that acts as, or might be considered to 178
be, a vaccine passport that would be required of any citizen 179
seeking to travel, to enter any public space or private 180
property, or to do any business within this state. 181

(E) It is the policy of this state that the success of our 182
state relies largely on the success of the businesses within the 183
state, and therefore the intent to ensure protection of 184
businesses who honor individual's rights to health choice and 185
privacy. 186

No person, public official or employee, public agency, 187

state agency, political subdivision, or insurer shall do any of 188
the following: 189

(1) Deny service to, penalize as a result of, or otherwise 190
discriminate against a business, corporation, business trust, 191
estate, trust, partnership, or association based on the entity's 192
compliance with the intent of this section; 193

(2) Provide any disposition, service, financial aid, or 194
benefit to a business, corporation, business trust, estate, 195
trust, partnership, or association that is different from, or is 196
provided in a different manner than that provided to other 197
businesses, corporations, business trusts, estates, trusts, 198
partnerships, or associations based on the entity's compliance 199
with the intent of this section; 200

(3) Restrict a business, corporation, business trust, 201
estate, trust, partnership, or association in any way in the 202
enjoyment of any advantage or privilege enjoyed by others 203
receiving any disposition, service, financial aid, or benefit 204
provided to other businesses, corporations, business trusts, 205
estates, trusts, partnerships, or associations based on the 206
entity's compliance with the intent of this section. 207

(F) It is the policy of this state that the health choice 208
and privacy of individuals are paramount and shall remain so 209
under all circumstances, even in the presence of emergencies. 210

(1) No public official or employee, public agency, state 211
agency, or political subdivision shall issue any order or 212
proclamation or take other action that violates any provision of 213
this section, under the pretense of an emergency, including a 214
state of emergency as defined in section 107.42 of the Revised 215
Code. 216

(2) No public official or employee, public agency, state agency, or political subdivision shall issue any order or proclamation or take other action that encourages any person, public official or employee, public agency, state agency, political subdivision, school, child day-care center, nursing home, residential care facility, health care provider, insurer, institution, or employer to violate any provision of this section. 217
218
219
220
221
222
223
224

(3) No public official or employee, public agency, state agency, or political subdivision shall issue any order or proclamation or take other action that penalizes any person, public official or employee, public agency, state agency, political subdivision, school, child day-care center, nursing home, residential care facility, health care provider, insurer, institution, or employer for refusing to violate any provision of this section. 225
226
227
228
229
230
231
232

(G) If an individual believes that a person, public official or employee, public agency, state agency, political subdivision, school, child day-care center, nursing home, residential care facility, health care provider, insurer, institution, or employer has violated any provision of this section, the individual may pursue any or all of the following: 233
234
235
236
237
238

(1) Seek relief under Chapter 4112. of the Revised Code; 239

(2) Seek relief through a complaint submitted to the attorney general. If the attorney general, by the attorney general's own inquiries or as a result of complaints, has reasonable cause to believe that any provision of this section has been violated, the attorney general may bring either of the following: 240
241
242
243
244
245

(a) An action to obtain a declaratory judgment that the 246
act or practice violates this section; 247

(b) An action, with notice as required by Civil Rule 65, 248
to obtain a temporary restraining order, preliminary injunction, 249
or permanent injunction to restrain the act or practice. 250

If the attorney general shows by a preponderance of the 251
evidence that any provision of this section has been violated, 252
the court may issue a temporary restraining order, preliminary 253
injunction, or permanent injunction to restrain and prevent the 254
act or practice. On motion of the attorney general, or on its 255
own motion, the court may also impose any civil penalty that the 256
court considers appropriate. 257

(3) Bring a civil action against the person, public 258
official or employee, public agency, state agency, political 259
subdivision, school, child day-care center, nursing home, 260
residential care facility, health care provider, insurer, 261
institution, or employer in a court of competent jurisdiction. 262
If the plaintiff prevails, the court shall award the plaintiff 263
financial compensation for court costs and attorney's fees, as 264
well as any civil penalty that the court considers appropriate. 265

(H) Notwithstanding section 1.51 of the Revised Code, the 266
provisions of this section prevail over any conflicting 267
provisions in a general law, present or future, to the extent of 268
the conflict, but if any such general law contains a specific 269
exemption from this section, including a specific reference to 270
this section, such general law prevails, but only to the extent 271
of the exemption. 272

Section 2. That existing section 3345.47 of the Revised 273
Code is hereby repealed. 274

Section 3. That sections 1713.55, 3332.25, 3345.85, and	275
3701.133 of the Revised Code are hereby repealed.	276
Section 4. This act shall be known as the Vaccine Choice	277
and Anti-Discrimination Act.	278