

As Introduced

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H. B. No. 408

Representatives Howse, Lepore-Hagan

**Cosponsors: Representatives Bishoff, Celebrezze, Fedor, Johnson, G., Smith, K.,
Slesnick, Sheehy**

A BILL

To enact sections 2307.48, 2307.481, 2307.482, and 1
2919.20 of the Revised Code to criminalize 2
impeding access to reproductive health care and 3
to create a cause of action for harassment or 4
intimidation of one or more employees of a 5
health care facility. 6

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

Section 1. That sections 2307.48, 2307.481, 2307.482, and 7
2919.20 of the Revised Code be enacted to read as follows: 8

Sec. 2307.48. (A) As used in this section: 9

"Harassment" means a knowing and willful course of conduct 10
that is directed at one or more employees of a health care 11
facility, that would cause a reasonable person to be seriously 12
alarmed, annoyed, or harassed, that in fact seriously alarms, 13
annoys, or harasses the employee or employees, and that serves 14
no legitimate purpose. 15

"Health care facility" has the same meaning as in section 16
2919.16 of the Revised Code. 17

"Intimidation" means a serious act or course of conduct 18
directed at one or more employees of a health care facility that 19
causes fear or apprehension in the employee or employees and 20
serves no legitimate purpose. 21

(B) Any employee of a health care facility who is 22
subjected to harassment or intimidation may commence a civil 23
action for any of the following: 24

(1) Damages for injury, death, or loss to persons or 25
property, including mental and physical pain and suffering, that 26
result from the harassment or intimidation; 27

(2) Injunctive relief; 28

(3) A declaratory action regarding threatened future 29
actions. 30

(C) At the election of the plaintiff and in lieu of 31
damages under division (B) (1) of this section, the person who 32
violates this section is liable to the plaintiff for damages in 33
the amount of five thousand dollars. 34

(D) The court shall award reasonable attorney's fees and 35
costs to a plaintiff that prevails in a civil action under this 36
section. 37

Sec. 2307.481. (A) A plaintiff bringing a civil action 38
under section 2307.48 of the Revised Code may proceed under a 39
pseudonym upon providing the court with an affidavit asserting 40
that harm could arise to the plaintiff or the plaintiff's family 41
or home if the plaintiff's identity is not concealed. The 42
plaintiff shall be entitled to a presumption from the court that 43
identification of the plaintiff poses a risk of retaliatory 44
physical or mental harm to the plaintiff and to innocent 45
nonparties. 46

(B) (1) If a plaintiff is proceeding under a pseudonym 47
under division (A) of this section, only the following are 48
entitled to know the true identifying information about the 49
plaintiff: 50

(a) The judge; 51

(b) All parties to the action; 52

(c) All attorneys representing parties to the action; 53

(d) A person authorized by a written order of the court 54
specific to that person. 55

(2) The court shall order that a person entitled to know 56
the true identifying information of the plaintiff may not 57
divulge that information to anyone without a written order of 58
the court. The court shall hold in contempt a person who 59
violates an order issued under division (B) (2) of this section. 60

Sec. 2307.482. (A) A plaintiff bringing a civil action 61
under section 2307.48 of the Revised Code shall be presumed to 62
be entitled to a protective order from the court prohibiting 63
discovery regarding the following facts and any other associated 64
facts that the plaintiff alleges will endanger the plaintiff or 65
the plaintiff's family: 66

(1) The plaintiff's residential address, phone number, and 67
email address; 68

(2) Any information about the plaintiff's children, 69
including their names, ages, where they attend school, their 70
phone numbers, and email addresses. 71

(B) If the defendant or defendants believe that the 72
information described in division (A) of this section is 73
relevant to the defense's claims, the defendant or defendants 74

shall make a motion for discovery of that information under 75
court seal. The court shall allow the information to be 76
discovered only if the information is relevant to the defense's 77
claims, and only under seal with all irrelevant information 78
redacted by the plaintiff before it is provided to the court. 79

Sec. 2919.20. (A) As used in this section: 80

"Health care facility" has the same meaning as in section 81
2919.16 of the Revised Code. 82

"Reproductive health care facility" means a health care 83
facility at which licensed, certified, or otherwise legally 84
authorized persons provide health care services or health care 85
counseling relating to the human reproductive system. 86

(B) No person shall knowingly do any of the following: 87

(1) Physically obstruct or block another person from 88
entering into or exiting from the premises of a reproductive 89
health care facility by physically striking, shoving, 90
restraining, grabbing, or otherwise subjecting the person to 91
unwanted physical contact, or attempt or threaten to do the 92
same; 93

(2) Obstruct or block the premises of a reproductive 94
health care facility, so as to impede access to or from the 95
facility, or attempt to do the same; 96

(3) Follow and harass another person within fifteen feet 97
of the premises of a reproductive health care facility; 98

(4) Engage in a course of conduct or repeatedly commit 99
acts within fifteen feet of the premises of a reproductive 100
health care facility when that behavior places another person in 101
reasonable fear of physical harm, or attempt to do the same; 102

(5) Physically damage a reproductive health care facility 103
so as to interfere with its operation, or attempt to do the 104
same. 105

(C) Whoever violates this section is guilty of impeding 106
access to reproductive health care, a misdemeanor of the first 107
degree on a first offense and a felony of the fourth degree on 108
each subsequent offense. 109