As Introduced

132nd General Assembly

Regular Session 2017-2018 H. B. No. 234

Representatives Howse, Lepore-Hagan

Cosponsors: Representatives Antonio, Boggs, Fedor, Kelly, Kent, Ramos, Sheehy, Smith, K., Strahorn

A BILL

To enact sections 2307.48, 2307.481, 2307.482, and	1
2919.10 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
2919.10 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

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(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
<u>email address;</u>	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. 2919.10. (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

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