

**As Reported by the House Community and Family Advancement  
Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 36**

**Representative Vitale**

**Cosponsors: Representatives Wiggam, Romanchuk, Patmon, Brinkman, Roegner,  
Henne, Butler, Antani, Merrin, Hagan, Retherford, Conditt, Keller, Zeltwanger,  
Young, Becker, Brenner, Householder, Dean, Schaffer, Hood, Koehler, Riedel,  
Sprague, Goodman, Thompson, Hill**

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**A BILL**

To amend section 3101.08 of the Revised Code to  
provide that an ordained or licensed minister or  
religious society is not required to solemnize a  
marriage and a religious society is not required  
to allow any building or property of the  
religious society to be used to host a marriage  
ceremony if the marriage does not conform to the  
ordained or licensed minister's or religious  
society's sincerely held religious beliefs, to  
provide that an ordained or licensed minister or  
religious society is not subject to civil or  
criminal liability for such a denial, and to  
provide that the state and political  
subdivisions may not penalize or withhold  
benefits to an ordained or licensed minister or  
religious society for such a denial.

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

**Section 1.** That section 3101.08 of the Revised Code be 17  
amended to read as follows: 18

~~**Sec. 3101.08.** An ordained or licensed minister of any 19  
religious society or congregation within this state who is 20  
licensed to solemnize marriages, a judge of a county court in 21  
accordance with section 1907.18 of the Revised Code, a judge of 22  
a municipal court in accordance with section 1901.14 of the 23  
Revised Code, a probate judge in accordance with section 2101.27 24  
of the Revised Code, the mayor of a municipal corporation in any 25  
county in which such municipal corporation wholly or partly 26  
lies, the superintendent of the state school for the deaf, or 27  
any religious society in conformity with the rules of its 28  
church, (A) The following persons or entities may join together 29  
as husband and wife any persons who are not prohibited by law 30  
from being joined in solemnize any marriage allowed by law: 31~~

(1) An ordained or licensed minister of any religious 32  
society or congregation within this state who is licensed to 33  
solemnize marriages; 34

(2) A judge of a county court in accordance with section 35  
1907.18 of the Revised Code; 36

(3) A judge of a municipal court in accordance with 37  
section 1901.14 of the Revised Code; 38

(4) A probate judge in accordance with section 2101.27 of 39  
the Revised Code; 40

(5) The mayor of a municipal corporation in any county in 41  
which the mayor's municipal corporation wholly or partly lies; 42

(6) The superintendent of the state school for the deaf; 43

(7) Any religious society in conformity with the rules of 44

its church. 45

(B) (1) No ordained or licensed minister described in 46  
division (A) (1) of this section or religious society described 47  
in division (A) (7) of this section is required to solemnize a 48  
marriage that does not conform to the ordained or licensed 49  
minister's or religious society's sincerely held religious 50  
beliefs. 51

(2) No religious society is required to allow any building 52  
or property of the religious society to be used to host a 53  
marriage ceremony for a marriage that does not conform to the 54  
religious society's sincerely held religious beliefs. 55

(C) If an ordained or licensed minister described in 56  
division (A) (1) of this section or a religious society described 57  
in division (A) (7) of this section refuses to solemnize a 58  
marriage or refuses to allow any building or property of the 59  
religious society to be used to host a marriage ceremony because 60  
of the ordained or licensed minister's or religious society's 61  
sincerely held religious beliefs, the ordained or licensed 62  
minister or religious society is immune from civil or criminal 63  
liability and neither the state nor a political subdivision of 64  
the state shall penalize or withhold any benefit or privilege 65  
from the ordained or licensed minister or religious society, 66  
including any governmental contract, grant, or license. 67

**Section 2.** That existing section 3101.08 of the Revised 68  
Code is hereby repealed. 69

**Section 3.** This act shall be known as the "Ohio Pastor 70  
Protection Act." 71

**Section 4.** Nothing in this bill is intended to or shall be 72  
construed to limit or abrogate any rights conferred on ordained 73

or licensed ministers or religious societies by the Ohio 74  
Constitution or the United States Constitution. 75