

**As Pending in the House Health Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 248**

**Representative Gross**

**Cosponsors: Representatives Loychik, Vitale, Fowler Arthur, Click, Creech,  
Brinkman, Wiggam, Stoltzfus, Jordan, Dean, Zeltwanger, McClain, Merrin,  
Edwards, Ferguson**

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**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 18  
3345.011 of the Revised Code. 19

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

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

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

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

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

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

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

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

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

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

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

<u>or general health district.</u>	44
<u>(11) "Public agency" has the same meaning as in section</u>	45
<u>102.01 of the Revised Code.</u>	46
<u>(12) "Public official or employee" has the same meaning as</u>	47
<u>in section 102.01 of the Revised Code.</u>	48
<u>(13) "Public space" means any of the following:</u>	49
<u>(a) Places of public accommodation;</u>	50
<u>(b) Any building or space, whether indoors or outdoors,</u>	51
<u>that is owned, leased, operated, occupied, or otherwise used by</u>	52
<u>a public body;</u>	53
<u>(c) Any other building or space, whether indoors or</u>	54
<u>outdoors, that is generally open to the public.</u>	55
<u>(14) "School" means a publicly or privately funded school,</u>	56
<u>including an elementary or secondary school for which the state</u>	57
<u>board of education prescribes minimum standards pursuant to</u>	58
<u>section 3301.07 of the Revised Code. "School" also includes a</u>	59
<u>board of education of a city, local, or exempted village school</u>	60
<u>district or governing authority of a school.</u>	61
<u>(15) "State agency" has the same meaning as in section</u>	62
<u>1.60 of the Revised Code.</u>	63
<u>(16) "Vaccine," "vaccination," and "immunization" means</u>	64
<u>any product manufactured for the purpose of creating acquired</u>	65
<u>immunity to an infectious disease or diseases or the process of</u>	66
<u>administering such a product.</u>	67
<u>(17) "Vaccine status" means whether or not an individual</u>	68
<u>has received a specific vaccination or series of vaccinations.</u>	69
<u>(B) It is the policy of this state that individuals have a</u>	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, 130  
state agency, political subdivision, school, child day-care 131  
center, nursing home, residential care facility, health care 132  
provider, insurer, institution, or employer shall make public an 133  
individual's vaccine status. 134

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

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

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

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

contagious or infectious disease or diseases; 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



<u>Code.</u>	216
<u>(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.</u>	217 218 219 220 221 222 223 224
<u>(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.</u>	225 226 227 228 229 230 231 232
<u>(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:</u>	233 234 235 236 237 238
<u>(1) Seek relief under Chapter 4112. of the Revised Code;</u>	239
<u>(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</u>	240 241 242 243 244

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