

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 350

Representative Cutrona

A BILL

To enact sections 3792.02, 3792.04, 3792.05, 1
3792.06, 3792.07, and 4113.73 of the Revised 2
Code to prohibit mandatory COVID-19 3
vaccinations, requiring proof of COVID-19 4
vaccination, and certain other actions relating 5
to an individual's COVID-19 vaccination or 6
health status and to declare an emergency. 7

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

Section 1. That sections 3792.02, 3792.04, 3792.05, 8
3792.06, 3792.07, and 4113.73 of the Revised Code be enacted to 9
read as follows: 10

Sec. 3792.02. (A) As used in this section and sections 11
3792.04 and 3792.05 of the Revised Code: 12

(1) "Health care provider" has the same meaning as in 13
section 3701.74 of the Revised Code and includes a county 14
hospital as defined in section 339.01 of the Revised Code and a 15
joint township hospital as described in section 513.172 of the 16
Revised Code. 17

(2) "Incapacitated" means the inability to make or 18
communicate decisions affecting one's health, safety, or self- 19

<u>care.</u>	20
<u>(3) "Minor" means an individual who is less than eighteen years of age.</u>	21 22
<u>(4) "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 or general health district.</u>	23 24 25 26 27 28
<u>(5) "Public official" means any officer, employee, or duly authorized representative or agent of a public office.</u>	29 30
<u>(6) "State agency" means every organized body, office, agency, institution, or other entity established by the laws of the state for the exercise of any function of state government. "State agency" also includes every institution or organization that receives any support from the state.</u>	31 32 33 34 35
<u>(B)(1) Except as provided in division (B)(2) of this section, a person, political subdivision, public official, or state agency shall not mandate either directly or indirectly the administration of a vaccine used for the purpose of inducing in humans immunity against COVID-19 or any of its variants.</u>	36 37 38 39 40
<u>(2) Division (B)(1) of this section does not apply to a health care provider mandating the administration of a vaccine that is approved, rather than authorized, by the federal food and drug administration and used for the purpose of inducing in humans immunity against COVID-19 or any of its variants to an individual who seeks employment with, is employed by or under contract with, or has been granted admitting privileges by the health care provider. In such a case, the health care provider</u>	41 42 43 44 45 46 47 48

shall honor any exemption based on religious or medical grounds, 49
including disability, available to the individual under federal 50
or state law. 51

(C)(1) Except as provided in division (C)(2) or (3) of 52
this section, an adult individual shall not be required for any 53
reason to be vaccinated against COVID-19 or any of its variants, 54
unless the individual chooses to be vaccinated against the 55
disease. 56

(2) An adult individual who is incapacitated shall not be 57
required for any reason to be vaccinated against COVID-19 or any 58
of its variants, unless the legal guardian of the incapacitated 59
adult chooses to have the incapacitated adult vaccinated against 60
the disease. 61

(3) Division (C)(1) of this section does not apply to an 62
adult individual who is required to receive a vaccine approved, 63
rather than authorized, by the federal food and drug 64
administration for use against COVID-19 or any of its variants 65
by a health care provider that employs, contracts with, or has 66
granted admitting privileges to the adult individual or to which 67
the adult individual has applied for employment. In such a case, 68
the health care provider shall honor any exemption based on 69
religious or medical grounds, including disability, available to 70
the adult individual under federal or state law. 71

(4) A minor individual shall not be required for any 72
reason to be vaccinated against COVID-19 or any of its variants, 73
unless the minor's parent or legal guardian chooses to have the 74
minor vaccinated against the disease. 75

Sec. 3792.04. (A)(1) Except as provided in division (A)(2) 76
of this section, a person, political subdivision, public 77

official, or state agency shall not require an individual to 78
show proof of vaccination against or recovery from COVID-19 or 79
any of its variants or provide the individual's COVID-19 80
vaccination or recovery history or status. 81

(2) Division (A)(1) of this section does not apply to a 82
health care provider who requires an individual who seeks 83
employment with, is employed by or under contract with, or has 84
been granted admitting privileges by the health care provider to 85
do any of the following: 86

(a) Show to the health care provider proof of receiving a 87
vaccine that is approved, rather than authorized, by the federal 88
food and drug administration for use against COVID-19 or any of 89
its variants; 90

(b) Show to the health care provider proof of recovery 91
from COVID-19 or any of its variants; 92

(c) Provide to the health care provider the individual's 93
COVID-19 vaccination or recovery history or status. 94

(B)(1) Information regarding an individual's COVID-19 95
vaccination or recovery history or status is confidential. 96

(2) Except as required by federal law and subject to 97
section 3792.07 of the Revised Code, a person, political 98
subdivision, public official, or state agency that acquires 99
information described in division (B)(1) of this section shall 100
not disclose or release the information to another person, 101
political subdivision, public official, or state agency without 102
the individual's written consent. 103

(C) A political subdivision, public official, or state 104
agency shall not connect an individual's COVID-19 vaccination or 105
recovery history or status to any record issued to the 106

individual by the political subdivision, public official, or 107
state agency, including a birth certificate, driver's license, 108
temporary instruction permit, or temporary identification card 109
or identification card. 110

Sec. 3792.05. (A) As used in this section, "public space" 111
includes all of the following: 112

(1) Places of public accommodation; 113

(2) Any building or space, whether indoors or outdoors, 114
that is owned, leased, operated, occupied, or otherwise used by 115
a public body; 116

(3) Any other building or space, whether indoors or 117
outdoors, that is generally open to the public. 118

(B)(1) It is an unlawful discriminatory practice under 119
division (G) of section 4112.02 of the Revised Code for a person 120
to deny any individual the full and equal enjoyment of goods, 121
services, privileges, advantages, facilities, and public spaces 122
on the basis of their COVID-19 vaccination or immunity status. 123

(2) Division (B)(1) of this section shall be construed to 124
prohibit all of the following: 125

(a) Providing any disposition, service, financial aid, or 126
benefit to an individual that is different, or is provided in a 127
different manner from that provided to other members of the 128
general public; 129

(b) Subjecting any individual to segregation or separate 130
treatment in any matter related to that individual's receipt of 131
any disposition, service, financial aid, or benefit provided to 132
other members of the general public; 133

(c) Restricting an individual in any way in the enjoyment 134

of any advantage or privilege enjoyed by others receiving any 135
disposition, service, financial aid, or benefit provided to 136
other members of the general public; 137

(d) Treating an individual differently from others in 138
determining whether that individual satisfies any admission, 139
enrollment, quota, eligibility, membership, or other requirement 140
or condition that individuals are required to meet in order to 141
be provided any disposition, service, financial aid, or benefit 142
available to other members of the general public; 143

(e) Denying an individual an opportunity to participate in 144
a program through the provision of service or otherwise afford 145
that individual an opportunity to do so that is different from 146
that afforded to other members of the general public. 147

(C) Notwithstanding any conflicting provision of the 148
Revised Code, an individual shall not be required to take, be 149
administered, or otherwise receive, or disclose whether the 150
individual has taken, been administered, or otherwise received a 151
vaccination against COVID-19 or any of its variants as a 152
condition for any of the following: 153

(1) Entry into any business or public space; 154

(2) Receipt of any service or good; 155

(3) Enjoyment of any facilities, privileges, advantages, 156
or public spaces; 157

(D) In addition to division (B) (2) of section 3792.04 of 158
the Revised Code, a political subdivision or state agency shall 159
not create, impose, or allow to be imposed any device or method 160
of identification that might be used as proof of vaccination 161
against or recovery from COVID-19 or any of its variants and 162
required of any citizen seeking to travel to or within, enter 163

any public space or private property in, or do any business 164
within the state. 165

Sec. 3792.06. If a political subdivision fails to comply 166
with section 3792.02, 3792.04, 3792.05, or 4113.73 of the 167
Revised Code, then both of the following apply: 168

(A) The political subdivision shall no longer receive 169
funding from this state, which may include direct and matching 170
funds. 171

(B) The director of budget and management shall ensure 172
that the funding described in division (A) of this section is no 173
longer provided to the political subdivision. 174

Sec. 3792.07. (A) As used in this section, "technology 175
company" means a person whose primary business is selling 176
technology products or technology services. 177

(B) (1) Except for purposes of medical care or 178
international travel, no technology company shall disclose or 179
release information related to an individual's medical history 180
to another person, including through the use of a digital 181
application or scannable code. 182

(2) Except for purposes of medical care or international 183
travel, no person shall access information related to an 184
individual's medical history through the use of a digital 185
application or scannable code. 186

(C) No technology company that acquires information 187
related to an individual's medical history shall sell any data 188
included in that information. 189

Sec. 4113.73. (A) As used in this section, "employer" 190
means any person who has one or more employees and includes an 191

agent of an employer, the state or any agency or instrumentality 192
of the state, and any municipal corporation, county, township, 193
school district, or other political subdivision or any agency or 194
instrumentality thereof. An "employer" does not include a health 195
care provider as defined in section 3792.02 of the Revised Code. 196

(B) No employer shall discharge without just cause, refuse 197
to hire, or otherwise discriminate against any individual with 198
respect to hire, tenure, terms, conditions, or privileges of 199
employment, or any matter directly or indirectly related to 200
employment based on either of the following: 201

(a) The individual's vaccination history with respect to 202
COVID-19 or any of its variants. 203

(b) The individual's decision whether to receive a 204
vaccination against COVID-19 or any of its variants. 205

(C) In the event of an alleged violation of division (B) 206
of this section, an individual may bring a civil action against 207
an employer in any court of competent jurisdiction within three 208
years from the date that the individual knew of the violation. A 209
court may award costs and reasonable attorney's fees to an 210
individual who prevails as a plaintiff in an action authorized 211
under this division. 212

(D) An employer is liable if the employee develops an 213
adverse reaction to a vaccination against COVID-19 or any of its 214
variants. 215

Section 2. This act is hereby declared to be an emergency 216
measure necessary for the immediate preservation of the public 217
peace, health, and safety. The reason for such necessity is that 218
vaccines have been developed against COVID-19 and are now being 219
administered to Ohio residents. Therefore, this act shall go 220

into immediate effect.

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