

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 388**

**Representative Jordan**

**Cosponsors: Representatives Gross, Hall, Stoltzfus, Click, Wiggam, Powell**

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**A BILL**

To enact section 3792.05 of the Revised Code to 1  
prohibit taking certain actions against an 2  
individual because the individual refuses to be 3  
vaccinated against a disease. 4

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

**Section 1.** That section 3792.05 of the Revised Code be 5  
enacted to read as follows: 6

**Sec. 3792.05.** (A) As used in this section: 7

(1) "Child day-care center" has the same meaning as in 8  
section 5104.01 of the Revised Code. 9

(2) "Place of public accommodation" means any inn, 10  
restaurant, eating house, barber shop, public conveyance by air, 11  
land, or water, theater, store, other place for the sale of 12  
merchandise, or any other place of public accommodation or 13  
amusement of which the accommodations, advantages, facilities, 14  
or privileges are available to the public. 15

(3) "Political subdivision" means a county, township, 16  
municipal corporation, or any other body corporate and politic 17

that is responsible for government activities in a geographic 18  
area smaller than that of the state. 19

(4) "School" means an elementary school, secondary school, 20  
technical or career center, or institution of higher education, 21  
whether public or private. 22

(5) "State agency" has the same meaning as in section 1.60 23  
of the Revised Code. 24

(B) Notwithstanding division (G) of section 4112.02 of the 25  
Revised Code, no proprietor, employee, keeper, or manager of a 26  
place of public accommodation shall negligently do any of the 27  
following: 28

(1) Deny service, entry, or access to or segregate an 29  
individual in the place of public accommodation because the 30  
individual refuses to be vaccinated against a disease for any 31  
reason; 32

(2) Provide any disposition, service, financial aid, or 33  
benefit to an individual that is different from, or is provided 34  
in a different manner than, that provided to other individuals 35  
because the individual refuses to be vaccinated against a 36  
disease for any reason; 37

(3) Restrict an individual in any way in the enjoyment of 38  
any advantage or privilege enjoyed by others receiving any 39  
disposition, service, financial aid, or benefit provided to 40  
other individuals because the individual refuses to be 41  
vaccinated against a disease for any reason; 42

(4) Treat an individual who refuses to be vaccinated 43  
against a disease for any reason differently from others in 44  
determining whether that individual satisfies any admission, 45  
enrollment, quota, eligibility, membership, or other requirement 46

or condition that individuals are required to meet to be 47  
provided any disposition, service, financial aid, or benefit 48  
available to other members of the general public; 49

(5) Deny an individual who refuses to be vaccinated 50  
against a disease for any reason an opportunity to participate 51  
in a program through the provision of service or otherwise 52  
afford that individual an opportunity to do so that is different 53  
from that afforded to other members of the general public. 54

(C) Except as provided in sections 3313.671 and 5104.014 55  
of the Revised Code, no state agency, political subdivision, 56  
child day-care center, or school shall negligently do any of the 57  
following: 58

(1) Deny service, entry, or access to or segregate an 59  
individual in a public building because the individual refuses 60  
to be vaccinated against a disease for any reason; 61

(2) Provide any disposition, service, financial aid, or 62  
benefit to an individual that is different from, or is provided 63  
in a different manner than, that provided to other individuals 64  
because the individual refuses to be vaccinated against a 65  
disease for any reason; 66

(3) Restrict an individual in any way in the enjoyment of 67  
any advantage or privilege enjoyed by others receiving any 68  
disposition, service, financial aid, or benefit provided to 69  
other individuals because the individual refuses to be 70  
vaccinated against a disease for any reason; 71

(4) Treat an individual who refuses to be vaccinated 72  
against a disease for any reason differently from others in 73  
determining whether that individual satisfies any admission, 74  
enrollment, quota, eligibility, membership, or other requirement 75

or condition that individuals are required to meet in order to 76  
be provided any disposition, service, financial aid, or benefit 77  
available to other members of the general public; 78

(5) Deny an individual who refuses to be vaccinated 79  
against a disease for any reason an opportunity to participate 80  
in a program through the provision of service or otherwise 81  
afford that individual an opportunity to do so that is different 82  
from that afforded to other members of the general public. 83

(D)(1) Whoever violates division (B) or (C) of this 84  
section shall be fined not less than five thousand dollars per 85  
violation. Each instance of negligent treatment of an individual 86  
under this section is a separate violation. 87

(2) (a) All moneys collected under division (D)(1) of this 88  
section shall be deposited into the COVID-19 vaccine fairness 89  
fund which is hereby created in the state treasury. 90

(b) Of the moneys deposited into the fund, half shall be 91  
used by the department of development as described in division 92  
(D)(2)(c) of this section and half shall be used by the 93  
department of health as described in division (D)(2)(d) of this 94  
section. 95

(c) The department of development shall use the moneys 96  
described in division (D)(2)(b) of this section to support 97  
state, regional, or local entities or programs providing 98  
assistance to businesses that closed as result of the COVID-19 99  
pandemic and are seeking either to reopen or stay open. 100

(d) The department of health shall use the moneys 101  
described in division (D)(2)(b) of this section to support 102  
state, regional, or local entities or programs providing 103  
assistance to individuals injured by COVID-19 vaccines. 104

<u>(E) This section does not prohibit a health care</u>	105
<u>practitioner or a hospital or other health care facility from</u>	106
<u>asking for purposes of medical treatment if a patient has been</u>	107
<u>vaccinated against one or more diseases.</u>	108