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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 474  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. King and Mathews

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### SUMMARY

- Specifies that health care sharing ministries that meet certain qualifications are not engaged in the business of insurance and not subject to the insurance laws of Ohio.
- Specifies that any requirement made by a state institution of higher education that attending students have health care coverage is met by participation in a health care sharing ministry.
- Authorizes a personal income tax deduction for dues paid for membership in a health care sharing ministry.
- Names the bill the “Health Care Sharing Ministries Freedom to Share Act.”

### DETAILED ANALYSIS

#### Overview

The bill specifies that health care sharing ministries are not engaged in the business of insurance and therefore not subject to the insurance laws of Ohio.<sup>1</sup> Generally speaking, a health care sharing ministry is an organization that collects dues from members and then redistributes a portion of the amounts collected to members who have incurred health care costs. The bill specifically defines a health care sharing ministry as a nonprofit organization that does all of the following:

- Limits its participants to those members who share a common set of ethical or religious beliefs;

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<sup>1</sup> R.C. 1716.22(A).

- Acts as a facilitator among participants who have financial or medical needs to assist in meeting those financial and medical needs in accordance with criteria established by the organization;
- Provides for the financial or medical needs of a participant through contributions from other participants;
- Provides amounts that participants may contribute with no assumption of risk or promise to pay by the health care sharing ministry to the participants;
- Conducts an annual audit which is performed by an independent certified public accounting firm in accordance with generally accepted accounting principles and which is made available to the public by providing a copy upon request or by posting the audit on the organization's website;
- Provides to the participants, on at least an annual basis, the total dollar amount of qualified financial and medical needs actually shared in the previous year, or other relevant time period, if the report is made more frequently than annually, in accordance with criteria established by the organization;
- Provides a written disclaimer on or accompanying all applications and guideline materials distributed by or on behalf of the organization that reads, in substance:

Notice: The organization facilitating the sharing of medical expenses is not an insurance company, and neither its guidelines nor plan of operation is an insurance policy. Whether anyone chooses to assist you with your medical bills will be totally voluntary, because no other participant will be compelled by law to contribute toward your medical bills. As such, participation in the organization or a subscription to any of its documents should never be considered to be insurance. Regardless of whether you receive any payments for medical expenses or whether this organization continues to operate, you are always personally responsible for the payment of your own medical bills.<sup>2</sup>

Under the bill, the Attorney General has the exclusive authority to determine whether an organization meets the definition of a health care sharing ministry and, consequently, qualifies for exemption from Ohio's insurance laws.<sup>3</sup> The implication being that the Superintendent of Insurance would not have such authority.

The bill specifies that nothing in the Ohio Charitable Organizations laws is to be construed as abrogating or reducing a right, privilege, or protection provided under certain provisions of the Ohio and United States Constitutions pertaining to the following:

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<sup>2</sup> R.C. 1716.01(H).

<sup>3</sup> R.C. 1716.22(B).

- The right to assemble;
- Rights of conscience; education; the necessity of religion and knowledge;
- Freedom of speech; of the press; of libels;
- Preservation of the freedom to choose health care and health care coverage;
- The Right to Reproductive Freedom with Protections for Health and Safety;
- Fundamental freedoms of United States citizens;
- The prohibition against state laws that abridge the privileges and immunities of United States citizens.<sup>4</sup>

## Institutions of higher education

The bill specifies that any requirement made by a state institution of higher education that attending students have health care coverage is met by participation in a health care sharing ministry.<sup>5</sup>

## Tax deduction

The bill allows a state income tax deduction for members participating in a health care sharing ministry equal to the amount the member paid during the taxable year for membership in the ministry. This includes all amounts paid for membership by the taxpayer, the taxpayer's spouse, and the taxpayer's dependents.<sup>6</sup> This deduction would apply to taxable years ending on or after the bill's 90-day effective date.<sup>7</sup>

## Title

The bill designates itself as the "Health Care Sharing Ministries Freedom to Share Act."

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## HISTORY

Action	Date
Introduced	04-08-24

ANHB0474IN-135/ts

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<sup>4</sup> R.C. 1716.22(C).

<sup>5</sup> R.C. 3333.96.

<sup>6</sup> R.C. 5747.01(A)(44).

<sup>7</sup> Section 3.