As Introduced

136th General Assembly

Regular Session **H. B. No. 112**

2025-2026

Representatives Gross, Lear

Cosponsors: Representatives Swearingen, Barhorst, Fischer, Miller, M., King, Click, Hall, T., Creech, Ferguson, Claggett, Miller, K., Mullins, Klopfenstein, Workman, Dean, Teska, Willis, McClain, John, Mathews, T., Pizzulli, Ritter, Lorenz, Johnson, Holmes, Bird, Fowler Arthur

A BILL

To enact section 3792.09 of the Revised Code to prohibit discrimination against an individual for the refusal of certain medical interventions for reasons of conscience, including religious convictions, and to name this act the Conscientious Right to Refuse Act.

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

Section 1. That section 3792.09 of the Revised Code be enacted to read as follows:

Sec. 3792.09. (A) As used in this section:

(1) "Business" means an association, business trust, corporation, estate, joint venture, limited liability company, partnership, sole proprietorship, trust, or other business entity composed of one or more individuals, whether operated for profit or not-for-profit.

(2) "Health plan issuer" has the same meaning as in

section 3922.01 of the Revised Code.

(3) "Individual" means an individual who is eighteen years of age or older or is an emancipated minor.

(4) "Political subdivision" means a county, township, municipal corporation, 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.

(5) "Private college" has the same meaning as in section 3365.01 of the Revised Code.

(6) "Public official" means any officer, employee, or duly authorized agent or representative of a state agency or political subdivision.

(7) "State agency" means any organized agency, board, body, commission, department, institution, office, or other entity established by the laws of the state for the exercise of any function of state government. "State agency" does not include a court.

(8) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) Subject to division (E) of this section, a business, employer, including an administrator or supervisor, health care provider, health plan issuer, hospital, institution, nursing home, political subdivision, private college, public official, residential care facility, state agency, or state institution of higher education shall not do any of the following based on an individual's refusal of any biologic; DNA-based product; drug; facial covering; gene editing technology; medical device used to track or store health, financial, or personal information;

pharmaceutical; RNA-based product; or vaccine for reasons of conscience, including religious convictions:

(1) Deny employment to the individual or terminate the individual's employment;

(2) Deny a service, including medical care or a public service, to the individual;

(3) Deny the individual access to commerce;

(4) Segregate the individual;

(5) Penalize the individual or use financial coercion against the individual;

(6) Treat the individual differently than an individual who accepted the facial coverage or medical intervention.

(C) In the case of a minor who is not emancipated, the minor shall not be denied access to medical care, including organ transplantation, based on the minor's personal representative declining vaccination for that minor for reasons of conscience, including religious convictions.

(D)(1) If an individual described in division (B) of this section believes that a violation of that division has occurred, the individual may do either or both of the following:

(a) Petition a court of competent jurisdiction for injunctive relief or a declaratory judgment;

(b) Bring a private civil action for money damages in a court of competent jurisdiction against the business, employer, including an administrator or supervisor, health care provider, health plan issuer, hospital, institution, nursing home, political subdivision, private college, public official,

residential care facility, state agency, or state institution of higher education.

To prevail in a civil action, the individual must prove, by a preponderance of the evidence, that the business, employer, health care provider, health plan issuer, hospital, institution, nursing home, political subdivision, private college, public official, residential care facility, state agency, or state institution of higher education violated division (B) of this section.

(2) If a minor's personal representative described in division (C) of this section believes that a violation of that division has occurred, the personal representative may do either or both of the following on the minor's behalf:

(a) Petition a court of competent jurisdiction for injunctive relief or a declaratory judgment;

(b) Bring a private civil action for money damages in a court of competent jurisdiction against the health care provider, health plan issuer, hospital, or institution that violated division (C) of this section.

To prevail in a civil action, the personal representative must prove, by a preponderance of the evidence, that the health care provider, health plan issuer, hospital, or institution violated division (C) of this section.

(3) Whenever an individual or personal representative who petitions for injunctive relief or a declaratory judgment prevails in that petition, the court shall award the individual or personal representative court costs and reasonable attorney's fees.

Whenever an individual or personal representative who

brings a private civil action for money damages prevails in that action, the court shall award the individual or personal representative all of the following: court costs; reasonable attorney's fees; and three times the amount of actual damages or two hundred dollars, whichever is greater.

(E) For purposes of division (B) of this section, a facial covering does not include a surgical mask worn during the performance of a surgical procedure.

(F) A business, employer, including an administrator or supervisor, health care provider, health plan issuer, hospital, institution, nursing home, political subdivision, private college, public official, residential care facility, state agency, or state institution of higher education that provides a public service is immune from civil liability for any outbreak of any communicable or infectious disease or illness that is believed to be prevented by a vaccine. An entity that provides food services is not immune from civil liability for a food-borne illness.

(G) Notwithstanding section 1.51 of the Revised Code, the provisions of this section prevail over any conflicting provisions in a general law, to the extent of the conflict, unless the general law contains a specific exemption from this section. In such a case, the general law prevails, but only to the extent of the exemption.

(H) No portion of this section shall prevent the recommendation of, education on, or access to a facial covering or medical intervention specified in division (B) of this section.

Section 2. This act shall be known as the Conscientious

Right to Refuse Act.