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OHIO LEGISLATIVE SERVICE COMMISSION

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Legislative Budget
Office

H.B. 281
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Williams

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SUMMARY

- Requires each hospital to permit certain federal and state law enforcement agents and officers to enter the hospital for the purpose of enforcing federal immigration law.
- Requires an agent or officer seeking access to a hospital to demonstrate to the hospital that the agent or contractor does so only to enforce federal immigration law.
- Requires each hospital employee or contractor to facilitate an agent's or officer's access to the hospital in order for the agent to make arrests, conduct interviews, or collect information or evidence.
- Requires each hospital to adopt a written policy establishing standards and procedures to be followed by hospital employees and contractors when complying with the bill's requirements.
- Establishes penalties for hospitals that fail to comply with the bill's requirements, which include the suspension of Medicaid provider agreements and the loss of grant funding awarded by state agencies.

DETAILED ANALYSIS

Hospitals and federal immigration law enforcement

H.B. 281 requires each hospital licensed by the Ohio Department of Health (ODH) and each hospital receiving persons with mental illnesses and licensed by the Ohio Department of Mental Health and Addiction Services (OhioMHAS) to permit certain federal and state law

enforcement agents and officers to enter the hospital to enforce federal immigration law.¹ These officers and agents include the following:

- Any agent or officer of the U.S. Department of Homeland Security or its successor department;
- Any other federal law enforcement officer;
- Any state or local law enforcement officer who is assisting a federal agent or officer in the enforcement of federal immigration law.²

Permitted activities

The bill requires each hospital to permit the foregoing law enforcement agents and officers to enter hospital buildings to perform the following activities:

- Arresting any individual pursuant to a lawful judicial or administrative warrant;
- Interviewing any individual;
- Collecting information or evidence.³

Facilitating access; providing evidence

The bill further requires each hospital employee or contractor to facilitate the agent's or officer's access for their permitted activities.⁴ And when the agent or officer is collecting information or evidence as authorized by the bill, a hospital employee or contractor must provide to the agent or officer any information or evidence that the hospital possesses, but only to the extent permitted by federal or state law.⁵

Agent or officer demonstration

Before an agent or officer is granted access or provided evidence or information, the agent or officer must demonstrate both of the following to a hospital employee or contractor:

- That the agent or officer is a federal law enforcement agent or officer or a state or local law enforcement officer assisting a federal agent or officer;
- That the agent or officer seeks access or information or evidence only for the purpose of enforcing federal immigration law.⁶

¹ R.C. 3722.15 and 5119.335.

² R.C. 3722.15(B) and 5119.335(B).

³ R.C. 3722.15(C)(1) to (3).

⁴ R.C. 3722.15(C) and 5119.335(C).

⁵ R.C. 3722.15(D) and 5119.335(D).

⁶ R.C. 3722.15(E) and 5119.335(E).

Hospital policy

The bill requires the governing board of each ODH-licensed hospital and each OhioMHAS-licensed hospital to adopt a written policy establishing standards and procedures to be followed by hospital employees and contractors when complying with the bill's provisions.⁷

When adopting the policy, the governing board or hospital may designate one or more employees or contractors to determine if an agent or officer has demonstrated that the individual is an agent or officer and is seeking access or evidence only for purposes of federal immigration law enforcement.

Reports when access denied

The bill authorizes an agent or officer who is denied access to a hospital or evidence or information that a hospital possesses to report that denial to ODH or OhioMHAS. On receipt of a report, the department must investigate the matter to determine if the hospital that is the subject of the report violated the bill's provisions.⁸

Penalties

If ODH or OhioMHAS determines that a hospital has violated the bill's provisions, then both of the following apply:

- For a hospital that has been awarded a grant by a state agency, the agency is prohibited from further distributing any grant funds to the hospital;
- For a hospital that is a Medicaid provider, the Department of Medicaid is required to suspend the hospital's provider agreement.⁹

The bill does not prevent ODH or OhioMHAS from imposing on a violating hospital any penalty existing law already authorizes either department to impose on the hospital, which may include suspending the provision of care or revoking a license.¹⁰

Constitutional protections

The bill specifies that it does not require an individual to take any action that the individual has a right not to take under (1) the Fifth Amendment to the U.S. Constitution, which, among its rights and protections, protects against self-incrimination, (2) the Sixth Amendment to the U.S. Constitution, which guarantees the rights of criminal defendants, including an individual's right to counsel and to know an individual's accusers and the nature of the charges and evidence against the individual, and (3) Article I, Section 10 of the Ohio Constitution, which

⁷ R.C. 3722.15(F) and 5119.335(F).

⁸ R.C. 3722.15(H) and 5119.335(H).

⁹ R.C. 3722.15(I) and 5119.335(I). See also R.C. 5164.37, not in the bill.

¹⁰ R.C. 3722.15(I) and 5119.335(I). See also R.C. 3722.07 and 5119.33, neither in the bill.

establishes rights and protections substantially similar to those outlined in the Fifth and Sixth Amendments.¹¹

Background on federal immigration enforcement

Authority to arrest and detain

The U.S. Constitution reserves to the federal government the power to make and enforce immigration laws. In general, U.S. Customs and Immigration Enforcement (ICE), which is within the U.S. Department of Homeland Security (DHS), is responsible for identifying persons who are unlawfully present in the U.S. and initiating their removal through the federal immigration court system. A person may be considered “unlawfully present in the U.S.” under federal immigration law if the person is an alien (not a U.S. citizen or national) and either (1) entered the U.S. without permission and has not since received permission to be in the U.S. or (2) entered the U.S. with permission, such as on a temporary visa, but that permission has expired.

State and local law enforcement agencies do not have the power to independently determine whether a person is unlawfully present in the U.S. or to arrest or detain a person solely on that basis. However, federal law allows ICE to request a state or local agency to temporarily detain a person who was arrested on other grounds, pending transfer into ICE’s custody. And, under the federal 287(g) program, ICE may enter into an agreement with a state or local agency to delegate limited immigration enforcement functions to its officers under ICE supervision. Currently, three agencies in Ohio have active 287(g) agreements with ICE: the Butler County Sheriff, the Portage County Sheriff, and the Seneca County Sheriff.¹²

Protected areas

Past DHS directives have placed limits on the times and places where ICE officers could arrest persons. Previously, ICE enforcement actions were prohibited in “protected areas,” with certain exceptions, including health care facilities, places of worship or religious study, places where children gather, such as playgrounds and child care centers, and schools, colleges, and universities.¹³ Under policy changes that were issued in January 2025, ICE agents are no longer restricted from conducting enforcement actions in locations that previously were designated as protected areas. Those policy changes are the subject of ongoing litigation, and at least one court

¹¹ R.C. 3722.15(G) and 5119.335(G).

¹² U.S. Constitution, Article I, Section 8, Clauses 3 and 4 and art. VI, cl. 2; 8 U.S.C. 1182(a)(9)(B)(ii), 1357(d) and (g), 1373, and 1644; and 8 Code of Federal Regulations (C.F.R.) 287.7. See also U.S. Immigration and Customs Enforcement, [Criminal Alien Program](#) and [Delegation of Immigration Authority Section 287\(g\) Immigration and Nationality Act](#), available at [ice.gov](#) under “Immigration Enforcement.”

¹³ U.S. Secretary of Homeland Security, [Guidelines for Enforcement Actions in or Near Protected Areas \(PDF\)](#) (October 27, 2021), available at [ice.gov/about-ice/ero/protected-areas](#).

order requires ICE to refrain from conducting enforcement actions in or around certain listed places of worship.¹⁴

HISTORY

Action	Date
Introduced	05-20-25

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¹⁴ U.S. Secretary of Homeland Security, [Common Sense Enforcement Actions in or Near Protected Areas \(PDF\)](#) (January 31, 2025), available at ice.gov/node/66709. See also *Philadelphia Yearly Meeting of the Religious Society of Friends v. U.S. Department of Homeland Security*, 2025 U.S. Dist. LEXIS 47518, Case No. 8:25-CV-00243 (D. Md. February 24, 2025).