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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

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Office

S.B. 380  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Johnson

Austin C. Strohacker, Attorney

### SUMMARY

- Prohibits laws incompatible with the U.S. Constitution and Ohio Constitution.
- Names the bill “An Act to Affirm and Ensure the Supremacy of the Constitutions of the United States of America and Ohio and the Foundational Principle of the American System of Government: Individual Liberty.”

### DETAILED ANALYSIS

The bill prohibits any government entity from recognizing or enforcing certain laws that are incompatible with the U.S. Constitution and Ohio Constitution. If challenged, a court may examine whether the bill is preempted by federal law and would prevent Ohio from complying with treaties to which the U.S. is a party.<sup>1</sup> The bill defines a “government entity” as a state agency, public institution, political subdivision, or any other organized body, office, agency, institution, or entity established by Ohio laws for the exercise of any function of government.<sup>2</sup>

Specifically, the bill prohibits a government entity from recognizing or enforcing any law, rule, or regulation of a jurisdiction outside of the U.S., or a law, rule, or regulation of a religious system, belief, code, or ethnic or tribal custom or practice that permits, enforces, or implements any of the following:

- Prejudicial treatment of women or persons of a particular race, religion, ethnicity, social class, or caste;
- Prohibition of the right to leave, change, or renounce one’s religion or belief;

<sup>1</sup> U.S. Constitution, Article II, Section 2, Clause 2 and Art. VI, Cl. 2.

<sup>2</sup> R.C. 1.66(A)(3).

- Prohibition of otherwise protected speech or assembly;
- Plural marriages;
- Marriages of convenience or contracts for sexual services;
- Forced marriages or marriages that are otherwise unlawful under Ohio laws;
- Violence against women and children, excluding reasonable parental discipline of children;
- Politically or religiously motivated physical violence or homicide;
- Cruel and unusual punishments as prohibited by the Eighth Amendment to the U.S. Constitution, including amputation, lashing, flogging, stoning, branding, or piercing;
- Female genital mutilation; or
- Human sacrifice.<sup>3</sup>

As the bill prohibits certain practices that are expressly associated with the exercise of religion, it could face challenges under the U.S. and Ohio Constitutions.<sup>4</sup>

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## HISTORY

Action	Date
Introduced	03-16-26

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ANSB0380IN-136/ts

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<sup>3</sup> R.C. 1.66(A)(1), (2), and (B).

<sup>4</sup> Ohio Const., Art II and U.S. Const., Am. I.