

I_134_0718-5

134th General Assembly
Regular Session
2021-2022

. B. No.

A BILL

To enact sections 3792.02, 3792.04, 3792.05,
3792.06, and 4113.73 of the Revised Code to
prohibit mandatory COVID-19 vaccinations,
requiring proof of COVID-19 vaccination, and
certain other actions relating to an
individual's COVID-19 vaccination status and to
declare an emergency.

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

Section 1. That sections 3792.02, 3792.04, 3792.05,
3792.06, and 4113.73 of the Revised Code be enacted to read as
follows:

Sec. 3792.02. (A) As used in this section and sections
3792.04 and 3792.05 of the Revised Code:

(1) "Incapacitated" means the inability to make or
communicate decisions affecting one's health, safety, or self-
care.

(2) "Minor" means an individual who is less than eighteen
years of age.



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(3) "Political subdivision" means a county, township, municipal corporation, school district, 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. 18
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(4) "Public official" means any officer, employee, or duly authorized representative or agent of a public office. 24
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(5) "State agency" means every organized body, office, agency, institution, or other entity established by the laws of the state for the exercise of any function of state government. "State agency" also includes every institution or organization that receives any support from the state. 26
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(B) A person, political subdivision, public official, or state agency shall not mandate either directly or indirectly the administration of a vaccine used for the purpose of inducing in humans immunity against COVID-19 or any of its variants. 31
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(C) (1) Except as provided in division (C) (2) of this section, an adult individual shall not be required for any reason to be vaccinated against COVID-19 or any of its variants, unless the individual chooses to be vaccinated against the disease. 35
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(2) An adult individual who is incapacitated shall not be required for any reason to be vaccinated against COVID-19 or any of its variants, unless the legal guardian of the incapacitated adult chooses to have the incapacitated adult vaccinated against the disease. 40
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(3) A minor individual shall not be required for any reason to be vaccinated against COVID-19 or any of its variants, 45
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unless the minor's parent or legal guardian chooses to have the 47
minor vaccinated against the disease. 48

Sec. 3792.04. (A) A person, political subdivision, public 49
official, or state agency shall not require an individual to 50
show proof of vaccination against or recovery from COVID-19 or 51
any of its variants or provide the individual's COVID-19 52
vaccination or recovery history or status. 53

(B)(1) Information regarding an individual's COVID-19 54
vaccination or recovery history or status is confidential. 55

(2) Except as required by federal law, a person, political 56
subdivision, public official, or state agency that acquires 57
information described in division (B)(1) of this section shall 58
not disclose or release the information to another person, 59
political subdivision, public official, or state agency without 60
the individual's written consent. 61

(C) A political subdivision, public official, or state 62
agency shall not connect an individual's COVID-19 vaccination or 63
recovery history or status to any record issued to the 64
individual by the political subdivision, public official, or 65
state agency, including a birth certificate, driver's license, 66
temporary instruction permit, or temporary identification card 67
or identification card. 68

Sec. 3792.05. (A) As used in this section, "public space" 69
includes all of the following: 70

(1) Places of public accommodation; 71

(2) Any building or space, whether indoors or outdoors, 72
that is owned, leased, operated, occupied, or otherwise used by 73
a public body; 74

(3) Any other building or space, whether indoors or outdoors, that is generally open to the public. 75
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(B)(1) It is an unlawful discriminatory practice under division (G) of section 4112.02 of the Revised Code for a person to deny any individual the full and equal enjoyment of goods, services, privileges, advantages, facilities, and public spaces on the basis of their COVID-19 vaccination or immunity status. 77
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(2) Division (B)(1) of this section shall be construed to prohibit all of the following: 82
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(a) Providing any disposition, service, financial aid, or benefit to an individual that is different, or is provided in a different manner from that provided to other members of the general public; 84
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(b) Subjecting any individual to segregation or separate treatment in any matter related to that individual's receipt of any disposition, service, financial aid, or benefit provided to other members of the general public; 88
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(c) Restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit provided to other members of the general public; 92
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(d) Treating an individual differently from others in determining whether that individual satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that individuals are required to meet in order to be provided any disposition, service, financial aid, or benefit available to other members of the general public; 96
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(e) Denying an individual an opportunity to participate in a program through the provision of service or otherwise afford 102
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that individual an opportunity to do so that is different from 104
that afforded to other members of the general public. 105

(C) Notwithstanding any conflicting provision of the 106
Revised Code, an individual shall not be required to take, be 107
administered, or otherwise receive, or disclose whether the 108
individual has taken, been administered, or otherwise received a 109
vaccination against COVID-19 or any of its variants as a 110
condition for any of the following: 111

(1) Entry into any business or public space; 112

(2) Receipt of any service or good; 113

(3) Enjoyment of any facilities, privileges, advantages, 114
or public spaces; 115

(D) In addition to division (B) (2) of section 3792.04 of 116
the Revised Code, a political subdivision or state agency shall 117
not create, impose, or allow to be imposed any device or method 118
of identification that might be used as proof of vaccination 119
against or recovery from COVID-19 or any of its variants and 120
required of any citizen seeking to travel to or within, enter 121
any public space or private property in, or do any business 122
within the state. 123

Sec. 3792.06. If a political subdivision fails to comply 124
with section 3792.02, 3792.04, 3792.05, or 4113.73 of the 125
Revised Code, then both of the following apply: 126

(A) The political subdivision shall no longer receive 127
funding from this state, which may include direct and matching 128
funds. 129

(B) The director of budget and management shall ensure 130
that the funding described in division (A) of this section is no 131

longer provided to the political subdivision. 132

Sec. 4113.73. (A) As used in this section, "employer" 133
means any person who has one or more employees and includes an 134
agent of an employer, the state or any agency or instrumentality 135
of the state, and any municipal corporation, county, township, 136
school district, or other political subdivision or any agency or 137
instrumentality thereof. 138

(B) No employer shall discharge without just cause, refuse 139
to hire, or otherwise discriminate against any individual with 140
respect to hire, tenure, terms, conditions, or privileges of 141
employment, or any matter directly or indirectly related to 142
employment based on either of the following: 143

(a) The individual's vaccination history with respect to 144
COVID-19 or any of its variants. 145

(b) The individual's decision whether to receive a 146
vaccination against COVID-19 or any of its variants. 147

(C) In the event of an alleged violation of division (B) 148
of this section, an individual may bring a civil action against 149
an employer in any court of competent jurisdiction within three 150
years from the date that the individual knew of the violation. A 151
court may award costs and reasonable attorney's fees to an 152
individual who prevails as a plaintiff in an action authorized 153
under this division. 154

(D) An employer is liable if the employee develops an 155
adverse reaction to a vaccination against COVID-19 or any of its 156
variants. 157

Section 2. This act is hereby declared to be an emergency 158
measure necessary for the immediate preservation of the public 159
peace, health, and safety. The reason for such necessity is that 160

vaccines have been developed against COVID-19 and are now being 161
administered to Ohio residents. Therefore, this act shall go 162
into immediate effect. 163