

As Introduced

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H. B. No. 248

Representative Gross

**Cosponsors: Representatives Loychik, Vitale, Fowler Arthur, Click, Creech,
Brinkman, Wiggam, Stoltzfus, Jordan, Dean, Zeltwanger, McClain, Merrin,
Edwards, Ferguson**

A BILL

To enact section 3792.02 of the Revised Code to 1
authorize an individual to decline a vaccination 2
and to name this act the Vaccine Choice and 3
Anti-Discrimination Act. 4

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

Section 1. That section 3792.02 of the Revised Code be 5
enacted to read as follows: 6

Sec. 3792.02. (A) As used in this section: 7

(1) "Person" includes an individual, corporation, business 8
trust, estate, trust, partnership, and association. 9

(2) "Political subdivision" means a county, township, 10
municipal corporation, school district, or other body corporate 11
and politic responsible for governmental activities in a 12
geographic area smaller than that of the state. "Political 13
subdivision" also includes a board of health of a city or 14
general health district. 15

(3) "Public official" means any officer, employee, or duly 16

authorized representative or agent of a public office. 17

(4) "State agency" means every organized body, office, 18
agency, institution, or other entity established by the laws of 19
the state for the exercise of any function of state government. 20
"State agency" also includes every institution or organization 21
that receives any support from the state. 22

(B) In the event a person, political subdivision, public 23
official, or state agency requires an individual to be 24
vaccinated, all of the following apply: 25

(1) The individual may decline the vaccination. 26

(2) To decline the vaccination, the individual must either 27
submit a written statement to the person, political subdivision, 28
public official, or state agency in which the individual 29
declines to be vaccinated or verbally declare to the person, 30
political subdivision, public office, or state agency that the 31
individual declines to be vaccinated. In the event the 32
individual is a minor, to decline the vaccination, the minor's 33
parent or guardian must submit the written statement or make the 34
verbal declaration. The person, political subdivision, public 35
official, or state agency must accept the written statement or 36
verbal declaration in the format it was received. 37

(3) The written statement or verbal declaration must 38
include at least one of the following reasons for declining the 39
vaccination: 40

(a) Medical contraindications; 41

(b) Natural immunity; 42

(c) Reasons of conscience, including religious 43
convictions. 44

(4) When declining the vaccination, the individual or in 45
the case of a minor individual, the individual's parent or 46
guardian, shall not be required to do anything beyond submitting 47
the written statement or making the verbal declaration described 48
in this section. 49

(C)(1) Each person, political subdivision, public 50
official, or state agency requiring an individual to be 51
vaccinated shall notify the individual that the individual may 52
decline a vaccination as described in division (B) of this 53
section. 54

(2) When notifying under division (C)(1) of this section, 55
the person, political subdivision, public official, or state 56
agency shall do all of the following: 57

(a) Give the notice in the same manner, communication, 58
frequency, timing, and font in which the person, political 59
subdivision, public official, or state agency notifies the 60
individual of the vaccination requirement; 61

(b) Specify the exemptions available under division (B) of 62
this section; 63

(c) Explain that in order to decline a vaccination either 64
a written statement must be submitted or a verbal declaration 65
must be made to the person, political subdivision, public 66
official, or state agency. 67

(D)(1) A person, political subdivision, public official, 68
or state agency shall not discriminate against, deny service or 69
access to, segregate, require a facial covering or other 70
vaccination status label for, or otherwise penalize an 71
individual financially or socially for declining a vaccination 72
as described in this section. 73

(2) A person, political subdivision, public official, or 74
state agency shall not disclose or otherwise make public an 75
individual's vaccination exemption status. 76

(E) The requirements of this section shall apply to the 77
immunizations described in section 3313.671 and Chapter 5104. of 78
the Revised Code. 79

(F) Notwithstanding section 1.51 of the Revised Code, the 80
provisions of this section prevail over any conflicting 81
provisions in a general law, present or future, to the extent of 82
the conflict, but if any such general law contains a specific 83
exemption from this section, including a specific reference to 84
this section, such general law prevails, but only to the extent 85
of the exemption. 86

Section 2. This act shall be known as the Vaccine Choice 87
and Anti-Discrimination Act. 88