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 authorize an individual to decline a vaccination and to name this act the Vaccine Choice and Anti-Discrimination Act.

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

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

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

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

(2) "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.

(3) "Public official" means any officer, employee, or duly
authorized representative or agent of a public office.

(4) "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.

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

(1) The individual may decline the vaccination.

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

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

(a) Medical contraindications;

(b) Natural immunity;

(c) Reasons of conscience, including religious convictions.
(4) When declining the vaccination, the individual or in the case of a minor individual, the individual's parent or guardian, shall not be required to do anything beyond submitting the written statement or making the verbal declaration described in this section.

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

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

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

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

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

(D)(1) A person, political subdivision, public official, or state agency shall not discriminate against, deny service or access to, segregate, require a facial covering or other vaccination status label for, or otherwise penalize an individual financially or socially for declining a vaccination as described in this section.
(2) A person, political subdivision, public official, or state agency shall not disclose or otherwise make public an individual's vaccination exemption status.

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

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

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