

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 489

Representative Click

**Cosponsors: Representatives McClain, Hall, Creech, Bird, Wiggam, Brinkman,
Ferguson**

A BILL

To enact sections 3792.05, 3792.06, and 3792.07 of 1
the Revised Code to enact the Inalienable Rights 2
of Conscience Act regarding students and 3
employees who object to certain vaccines and 4
other treatments based on reasons of conscience, 5
including religious convictions. 6

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

Section 1. That sections 3792.05, 3792.06, and 3792.07 of 7
the Revised Code be enacted to read as follows: 8

Sec. 3792.05. (A) As used in this section: 9

(1) "Private college" has the same meaning as in section 10
3365.01 of the Revised Code. 11

(2) "School" means either or both of the following: 12

(a) A chartered nonpublic school as defined in section 13
3310.01 of the Revised Code; 14

(b) A public school as defined in section 3792.04 of the 15
Revised Code. 16

(3) "State institution of higher education" has the same 17
meaning as in section 3345.011 of the Revised Code. 18

(B) Beginning on and after July 4, 2021, no school, 19
private college, or state institution of higher education shall 20
require a student to receive a vaccine, drug, biological 21
product, or form of genetic immunotherapy utilizing messenger 22
ribonucleic acid, deoxyribonucleic acid, or any other genetic 23
vaccine technology, if the student objects to the vaccine, drug, 24
biological product, or form of genetic immunotherapy for reasons 25
of conscience, including religious convictions. 26

(C) To object to a vaccine, drug, biological product, or 27
form of genetic immunotherapy described in division (B) of this 28
section, a student shall submit to the school, private college, 29
or state institution of higher education a written statement and 30
shall not be required to submit any additional information 31
beyond the written statement. Once the student submits the 32
written statement, the school, private college, or state 33
institution of higher education shall accept and honor the 34
objection and shall not expel the student because the student 35
refused to receive the vaccine, drug, biological product, or 36
form of genetic immunotherapy. 37

(D) Nothing in this section shall be construed to limit, 38
diminish, or otherwise affect any provision of federal law 39
relating to discrimination. 40

(E) A student may commence a mandamus action in accordance 41
with Chapter 2731. of the Revised Code to obtain a judgment 42
ordering a school, private college, or state institution of 43
higher education to comply with this section. The court may 44
award reasonable attorney's fees to the prevailing party. 45

Sec. 3792.07. (A) As used in this section and section 3792.08 of the Revised Code, "employer" means any person who has one or more employees. "Employer" includes an agent of an employer, the state or any agency or instrumentality of the state, and any municipal corporation, county, township, school district, or other political subdivision or any agency or instrumentality thereof. 46
47
48
49
50
51
52

(B) Beginning on and after July 4, 2021, no employer shall require an employee to receive a vaccine, drug, biological product, or form of genetic immunotherapy utilizing messenger ribonucleic acid, deoxyribonucleic acid, or any other genetic vaccine technology, if the employee objects to the vaccine, drug, biological product, or form of genetic immunotherapy for reasons of conscience, including religious convictions. 53
54
55
56
57
58
59

(C) To object to a vaccine, drug, biological product, or form of genetic immunotherapy described in division (B) of this section, an employee shall submit to the employer a written statement and shall not be required to submit any additional information beyond the written statement. Once the employee submits the written statement, the employer shall accept and honor the objection and shall not terminate the employee's employment because the employee refused to receive the vaccine, drug, biological product, or form of genetic immunotherapy. 60
61
62
63
64
65
66
67
68

(D) Nothing in this section shall be construed to limit, diminish, or otherwise affect any provision of Chapter 4112. of the Revised Code or any federal law relating to employment discrimination. 69
70
71
72

Sec. 3792.08. (A) A violation of section 3792.06 of the Revised Code is an unlawful discriminatory practice relating to employment as defined in section 4112.01 of the Revised Code. 73
74
75

Except as provided in division (B) of this section, an employee 76
who is injured by an alleged violation of section 3792.06 of the 77
Revised Code may file a complaint with the Ohio civil rights 78
commission in accordance with the requirements specified in 79
sections 4112.051 and 4112.052 of the Revised Code. The 80
commission shall follow the procedures specified in those 81
sections for complaints filed for violations of section 3792.06 82
of the Revised Code regarding that complaint, except, if the 83
commission determines after a hearing described in section 84
4112.051 of the Revised Code, that a violation has occurred, the 85
commission's order shall be limited to an order that the 86
employer cease and desist from the unlawful discriminatory 87
practice relating to employment and back pay, if applicable. The 88
commission may award reasonable attorney's fees to the 89
prevailing party. 90

(B) An employee of the state or a political subdivision of 91
the state may commence a mandamus action in accordance with 92
Chapter 2731. of the Revised Code to obtain a judgment ordering 93
the employer to comply with section 3792.06 of the Revised Code. 94
The court may award reasonable attorney's fees to the prevailing 95
party. A person is prohibited from bringing an action under this 96
division if the person filed a complaint with the Ohio civil 97
rights commission under division (A) of this section. 98

Section 2. This act shall be known as the Inalienable 99
Rights of Conscience Act. 100

Section 3. Sections 3792.05, 3792.06, and 3792.07 of the 101
Revised Code, as enacted by Section 1 of this act, are remedial 102
in nature and apply retroactively to July 4, 2021. 103

Section 4. The items of law contained in this act, and 104
their applications, are severable. If any item of law contained 105

in this act, or if any application of any item of law contained	106
in this act, is held invalid, the invalidity does not affect	107
other items of law contained in this act and their applications	108
that can be given effect without the invalid item of law or	109
application.	110