

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 679**

**Representative Jordan**

**Cosponsors: Representatives Stoltzfus, Gross, Ferguson, Creech, Grendell,  
Dean, Fowler Arthur, Miller, K.**

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**A BILL**

To enact section 3792.05 of the Revised Code to 1  
prohibit taking certain actions against a 2  
business based on the vaccination status of its 3  
employees, patients, or patrons and to name this 4  
act the Medical Discrimination Business 5  
Protection Act. 6

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

**Section 1.** That section 3792.05 of the Revised Code be 7  
enacted to read as follows: 8

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

(1) "Business" means a corporation, association, 10  
partnership, limited liability company, sole proprietorship, 11  
joint venture, or other business entity composed of one or more 12  
individuals, whether or not the entity is operated for profit. 13  
"Business" does not include a licensed child care program as 14  
defined in section 5104.01 of the Revised Code. 15

(2) "Health plan issuer" and "facility" have the same 16  
meanings as in section 3922.01 of the Revised Code. 17

(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" does not include a court. 26  
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(6) "Vaccine-preventable disease" means a communicable or infectious illness or disease that can be prevented by a vaccine. 30  
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(B) In the case of a health plan issuer, all of the following apply: 33  
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(1) The health plan issuer shall not withhold reimbursement to a business or facility based on the vaccination status of one or more employees, patients, or patrons of the business or facility. 35  
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(2) When reimbursing a business or facility, the health plan issuer shall not do so in an amount or at a rate that differs from another business or facility based on the vaccination status of one or more employees, patients, or patrons of the business or facility. 39  
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(3) The health plan issuer shall not grant special privileges to any business or facility mandating vaccines for its employees. 44  
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(4) The health plan issuer shall not differentiate between 47  
businesses or facilities based on any metric related to 48  
employee, patient, or patron vaccination status, whether by 49  
amount paid by a business or facility to the health plan issuer 50  
or anything of value given or applied to a business or facility 51  
by the health plan issuer. 52

(C) A political subdivision, public official, or state 53  
agency shall not do any of the following based on the 54  
vaccination status of one or more employees, patients, or 55  
patrons of a business: 56

(1) Penalize the business; 57

(2) Affect the business's licensure or accreditation; 58

(3) Grant the business special privileges, ratings, or 59  
funding. 60

(D) A business is not liable for any outbreak of a 61  
communicable or infectious illness or disease, other than a 62  
foodborne illness or disease, that may be considered a vaccine 63  
preventable disease. 64

(E) In the event of an alleged violation of this section, 65  
a business or facility may seek injunctive relief or bring a 66  
civil action for damages in any court of competent jurisdiction. 67

**Section 2.** This act shall be known as the Medical 68  
Discrimination Business Protection Act. 69