

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 319

Representatives Gross, Wiggam

Cosponsors: Representatives Bird, Claggett, Click, Creech, Dean, Edwards, Ferguson, Hall, Holmes, John, Kick, King, Klopfenstein, Lear, Lipps, Lorenz, Loychik, McClain, Merrin, Miller, K., Miller, M., Powell, Ray, Richardson, Schmidt, Stein, Stoltzfus, Swearingen, Willis, Barhorst, Young, T.

A BILL

To enact section 3792.07 of the Revised Code to 1
prohibit discrimination against an individual 2
for the refusal of certain medical interventions 3
for reasons of conscience, including religious 4
convictions, and to name this act the 5
Conscientious Right to Refuse Act. 6

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

Section 1. That section 3792.07 of the Revised Code be 7
enacted to read as follows: 8

Sec. 3792.07. (A) As used in this section: 9

(1) "Individual" means an individual who is eighteen years 10
of age or older or is an emancipated minor. 11

(2) "Person" has the same meaning as in section 1.59 of 12
the Revised Code, except that "person" does not include an 13
individual. 14

(3) "Political subdivision" means a county, township, 15

municipal corporation, or other body corporate and politic 16
responsible for governmental activities in a geographic area 17
smaller than that of the state. "Political subdivision" also 18
includes a board of health of a city or general health district. 19

(4) "Private college" has the same meaning as in section 20
3365.01 of the Revised Code. 21

(5) "Public official" means any officer, employee, or duly 22
authorized agent or representative of a state agency or 23
political subdivision. 24

(6) "State agency" means any organized agency, board, 25
body, commission, department, institution, office, or other 26
entity established by the laws of the state for the exercise of 27
any function of state government. "State agency" does not 28
include a court. 29

(7) "State institution of higher education" has the same 30
meaning as in section 3345.011 of the Revised Code. 31

(B) A business, employer, including an administrator or 32
supervisor, health plan issuer, health care provider, hospital, 33
institution, nursing home, person, political subdivision, 34
private college, public official, residential care facility, 35
state agency, or state institution of higher education shall not 36
do any of the following based on an individual's refusal of any 37
biologic, vaccine, pharmaceutical, drug, gene editing 38
technology, RNA-based product, or DNA-based product for reasons 39
of conscience, including religious convictions: 40

(1) Deny employment to the individual or terminate the 41
individual's employment; 42

(2) Deny a service, including a public service, to the 43
individual; 44

<u>(3) Deny the individual access to commerce;</u>	45
<u>(4) Segregate the individual;</u>	46
<u>(5) Penalize the individual or use financial coercion</u> <u>against the individual;</u>	47 48
<u>(6) Treat the individual differently than an individual</u> <u>who accepted the medical intervention.</u>	49 50
<u>(C) If an individual believes that a violation of division</u> <u>(B) of this section has occurred, the individual may do either</u> <u>or both of the following:</u>	51 52 53
<u>(1) Petition a court of competent jurisdiction for</u> <u>injunctive relief or a declaratory judgment;</u>	54 55
<u>(2) Bring a private civil action for money damages in a</u> <u>court of competent jurisdiction against the business, employer,</u> <u>including an administrator or supervisor, health plan issuer,</u> <u>health care provider, hospital, institution, nursing home,</u> <u>person, political subdivision, private college, public official,</u> <u>residential care facility, state agency, or state institution of</u> <u>higher education.</u>	56 57 58 59 60 61 62
<u>To prevail in a civil action, the individual must prove,</u> <u>by a preponderance of the evidence, that the business, employer,</u> <u>health plan issuer, health care provider, hospital, institution,</u> <u>nursing home, person, political subdivision, private college,</u> <u>public official, residential care facility, state agency, or</u> <u>state institution of higher education violated division (B) of</u> <u>this section.</u>	63 64 65 66 67 68 69
<u>Whenever an individual who petitions for injunctive relief</u> <u>or a declaratory judgment prevails in that petition, the court</u> <u>shall award the individual court costs and reasonable attorney's</u>	70 71 72

fees. 73

Whenever an individual who brings a private civil action 74
for money damages prevails in that action, the court shall award 75
the individual all of the following: court costs; reasonable 76
attorney's fees; and three times the amount of the individual's 77
actual damages or two hundred dollars, whichever is greater. 78

(D) Notwithstanding section 1.51 of the Revised Code, the 79
provisions of this section prevail over any conflicting 80
provisions in a general law, to the extent of the conflict, 81
unless the general law contains a specific exemption from this 82
section. In such a case, the general law prevails, but only to 83
the extent of the exemption. 84

(E) No portion of this section shall prevent the 85
recommendation of, education on, or access to any of the above 86
medical interventions. 87

Section 2. This act shall be known as the Conscientious 88
Right to Refuse Act. 89