

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 234**

**Representatives Howse, Lepore-Hagan**

**Cosponsors: Representatives Antonio, Boggs, Fedor, Kelly, Kent, Ramos, Sheehy,  
Smith, K., Strahorn**

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**A BILL**

To enact sections 2307.48, 2307.481, 2307.482, and 1  
2919.10 of the Revised Code to criminalize 2  
impeding access to reproductive health care and 3  
to create a cause of action for harassment or 4  
intimidation of one or more employees of a 5  
health care facility. 6

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

**Section 1.** That sections 2307.48, 2307.481, 2307.482, and 7  
2919.10 of the Revised Code be enacted to read as follows: 8

**Sec. 2307.48.** (A) As used in this section: 9

"Harassment" means a knowing and willful course of conduct 10  
that is directed at one or more employees of a health care 11  
facility, that would cause a reasonable person to be seriously 12  
alarmed, annoyed, or harassed, that in fact seriously alarms, 13  
annoys, or harasses the employee or employees, and that serves 14  
no legitimate purpose. 15

"Health care facility" has the same meaning as in section 16  
2919.16 of the Revised Code. 17

"Intimidation" means a serious act or course of conduct 18  
directed at one or more employees of a health care facility that 19  
causes fear or apprehension in the employee or employees and 20  
serves no legitimate purpose. 21

(B) Any employee of a health care facility who is 22  
subjected to harassment or intimidation may commence a civil 23  
action for any of the following: 24

(1) Damages for injury, death, or loss to persons or 25  
property, including mental and physical pain and suffering, that 26  
result from the harassment or intimidation; 27

(2) Injunctive relief; 28

(3) A declaratory action regarding threatened future 29  
actions. 30

(C) At the election of the plaintiff and in lieu of 31  
damages under division (B) (1) of this section, the person who 32  
violates this section is liable to the plaintiff for damages in 33  
the amount of five thousand dollars. 34

(D) The court shall award reasonable attorney's fees and 35  
costs to a plaintiff that prevails in a civil action under this 36  
section. 37

**Sec. 2307.481.** (A) A plaintiff bringing a civil action 38  
under section 2307.48 of the Revised Code may proceed under a 39  
pseudonym upon providing the court with an affidavit asserting 40  
that harm could arise to the plaintiff or the plaintiff's family 41  
or home if the plaintiff's identity is not concealed. The 42  
plaintiff shall be entitled to a presumption from the court that 43  
identification of the plaintiff poses a risk of retaliatory 44  
physical or mental harm to the plaintiff and to innocent 45  
nonparties. 46

(B) (1) If a plaintiff is proceeding under a pseudonym 47  
under division (A) of this section, only the following are 48  
entitled to know the true identifying information about the 49  
plaintiff: 50

(a) The judge; 51

(b) All parties to the action; 52

(c) All attorneys representing parties to the action; 53

(d) A person authorized by a written order of the court 54  
specific to that person. 55

(2) The court shall order that a person entitled to know 56  
the true identifying information of the plaintiff may not 57  
divulge that information to anyone without a written order of 58  
the court. The court shall hold in contempt a person who 59  
violates an order issued under division (B) (2) of this section. 60

**Sec. 2307.482.** (A) A plaintiff bringing a civil action 61  
under section 2307.48 of the Revised Code shall be presumed to 62  
be entitled to a protective order from the court prohibiting 63  
discovery regarding the following facts and any other associated 64  
facts that the plaintiff alleges will endanger the plaintiff or 65  
the plaintiff's family: 66

(1) The plaintiff's residential address, phone number, and 67  
email address; 68

(2) Any information about the plaintiff's children, 69  
including their names, ages, where they attend school, their 70  
phone numbers, and email addresses. 71

(B) If the defendant or defendants believe that the 72  
information described in division (A) of this section is 73  
relevant to the defense's claims, the defendant or defendants 74

shall make a motion for discovery of that information under 75  
court seal. The court shall allow the information to be 76  
discovered only if the information is relevant to the defense's 77  
claims, and only under seal with all irrelevant information 78  
redacted by the plaintiff before it is provided to the court. 79

**Sec. 2919.10.** (A) As used in this section: 80

"Health care facility" has the same meaning as in section 81  
2919.16 of the Revised Code. 82

"Reproductive health care facility" means a health care 83  
facility at which licensed, certified, or otherwise legally 84  
authorized persons provide health care services or health care 85  
counseling relating to the human reproductive system. 86

(B) No person shall knowingly do any of the following: 87

(1) Physically obstruct or block another person from 88  
entering into or exiting from the premises of a reproductive 89  
health care facility by physically striking, shoving, 90  
restraining, grabbing, or otherwise subjecting the person to 91  
unwanted physical contact, or attempt or threaten to do the 92  
same; 93

(2) Obstruct or block the premises of a reproductive 94  
health care facility, so as to impede access to or from the 95  
facility, or attempt to do the same; 96

(3) Follow and harass another person within fifteen feet 97  
of the premises of a reproductive health care facility; 98

(4) Engage in a course of conduct or repeatedly commit 99  
acts within fifteen feet of the premises of a reproductive 100  
health care facility when that behavior places another person in 101  
reasonable fear of physical harm, or attempt to do the same; 102

(5) Physically damage a reproductive health care facility 103  
so as to interfere with its operation, or attempt to do the 104  
same. 105

(C) Whoever violates this section is guilty of impeding 106  
access to reproductive health care, a misdemeanor of the first 107  
degree on a first offense and a felony of the fourth degree on 108  
each subsequent offense. 109