

**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.**

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**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

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