

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 329**

**Representative Powell**

**Cosponsors: Representatives Wiggam, Manchester, Edwards, Holmes, Hall, Merrin, Young, B., Click, Creech, Zeltwanger, Fowler Arthur, Riedel, Schmidt, Gross, Kick, Brinkman, Stoltzfus, LaRe, Carruthers, Cutrona, Grendell, Dean, Plummer, Ferguson, Loychik, Young, T., Baldrige, Pavliga, Jordan**

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**A BILL**

To enact section 3770.23 of the Revised Code to 1  
prohibit the state from conducting a lottery 2  
dependent on an individual's COVID-19 3  
vaccination status, to name the act the 4  
"Taxpayer Protection Against the Frivolous 5  
Vaccine Lottery Act," to make an appropriation, 6  
and to declare an emergency. 7

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

**Section 1.** That section 3770.23 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 3770.23.** (A) As used in this section: 10

"Administrative department" means a department listed 11  
under section 121.02 of the Revised Code. 12

"Administrative department head" means a department head 13  
listed under section 121.03 of the Revised Code. 14

"Event" means a contest, competition, drawing, lottery, 15

sweepstakes, raffle, promotion, or random selection, for which 16  
the winner is an individual who receives a prize. 17

"State" means the state of Ohio, including a statewide 18  
elected officer, administrative department, administrative 19  
department head, or state agency. 20

"State agency" means any organized body, office, agency, 21  
commission, board, institution, or other entity established by 22  
the laws of the state for the exercise of any function of state 23  
government. 24

"Statewide elected officer" means the governor, lieutenant 25  
governor, secretary of state, auditor of state, attorney 26  
general, and treasurer of state. 27

(B) The state shall not conduct an event for which 28  
participation, or eligibility to receive a prize, is dependent 29  
on an individual's COVID-19 vaccination status. 30

**Section 2. ADJUSTMENTS TO FUND EARLY CHILDHOOD MENTAL** 31  
**HEALTH AND SMALL BUSINESS GRANTS** 32

Any appropriation from appropriation item 440674, 33  
Coronavirus Relief - DOH, that the Department of Health has 34  
encumbered or set aside for an event described in section 35  
3770.23 of the Revised Code in which a winner receives a prize, 36  
shall instead be used for the Early Childhood Mental Health 37  
initiative within the Department of Mental Health and Addictions 38  
Services and the Small Business Grant Relief Program within the 39  
Development Services Agency. The appropriation to appropriation 40  
item 440674, Coronavirus Relief - DOH, is hereby reduced in 41  
fiscal year 2021 by the amount encumbered or set aside for this 42  
purpose. 43

Of the amount encumbered or set aside, fifty per cent is 44

hereby appropriated to appropriation item 336647, Early 45  
Childhood Mental Health, in fiscal year 2021. The remaining 46  
fifty per cent is hereby appropriated to appropriation item 47  
195631, Coronavirus Relief - Small Business Grant, in fiscal 48  
year 2021. 49

**Section 3.** Within the limits set forth in this act, the 50  
Director of Budget and Management shall establish accounts 51  
indicating the source and amount of funds for each appropriation 52  
made in this act, and shall determine the form and manner in 53  
which appropriation accounts shall be maintained. Expenditures 54  
from operating appropriations contained in this act shall be 55  
accounted for as though made in H.B. 166 of the 133rd General 56  
Assembly. The operating appropriations made in this act are 57  
subject to all provisions of H.B. 166 of the 133rd General 58  
Assembly that are generally applicable to such appropriations. 59

**Section 4.** This act shall be known as the "Taxpayer 60  
Protection Against the Frivolous Vaccine Lottery Act." 61

**Section 5.** This act is hereby declared to be an emergency 62  
measure necessary for the immediate preservation of the public 63  
peace, health, and safety. The reason for such necessity is to 64  
prevent the COVID-19 vaccination lottery from taking place. 65  
Therefore, this act shall go into immediate effect. 66