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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Substitute Bill Comparative Synopsis

### Sub. H.B. 248

### 134<sup>th</sup> General Assembly

### House Health

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (Sub. H.B. 248, I_134_0602-11, As Pending in H. Health)
<b>Authority to decline vaccination</b>	
Authorizes an individual to decline a vaccination in the event a public or private entity requires the individual to be vaccinated ( <i>R.C. 3792.02(B)(1)</i> ).	No provision.
<b>Process for declining vaccination</b>	
Allows an individual to decline a mandatory vaccination in either of the following ways: <ol style="list-style-type: none"><li>1. By submitting a written statement;</li><li>2. By verbal declaration (<i>R.C. 3792.02(B)(2)</i>).</li></ol>	No provision.
Requires the written statement or verbal declaration to include at least one of the following reasons for declining vaccination: <ol style="list-style-type: none"><li>1. Medical contraindications;</li><li>2. Natural immunity;</li><li>3. Reasons of conscience, including religious convictions (<i>R.C. 3792.02(B)(3)</i>).</li></ol>	No provision.

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<b>Responsibilities of mandating entity</b>	
Requires a public or private entity mandating an individual to be vaccinated to notify the individual that the individual may decline the vaccination ( <i>R.C. 3792.02(C)(1)</i> ).	No provision.
When notifying, requires the mandating entity to do all of the following: <ol style="list-style-type: none"> <li>1. Provide the notice in the same manner, communication, frequency, timing, and font in which the entity notified the individual of the vaccination requirement;</li> <li>2. Specify the available exemptions;</li> <li>3. Explain that a vaccination may be declined either by written statement or verbal declaration (<i>R.C. 3792.02(C)(2)</i>).</li> </ol>	No provision.
Requires the mandating entity to accept the individual's declination in the format it was received ( <i>R.C. 3792.02(B)(2)</i> ).	No provision.
Prohibits a public or private entity from disclosing or otherwise making public an individual's vaccination exemption status ( <i>R.C. 3792.02(D)(2)</i> ).	No provision.
<b>Discrimination</b>	
When an individual declines vaccination, prohibits the public or private entity from doing any of the following: <ol style="list-style-type: none"> <li>1. Discriminating against the individual;</li> <li>2. Denying the individual service or access to the entity;</li> <li>3. Segregating the individual;</li> <li>4. Requiring the individual to wear a facial covering or other vaccine status label;</li> <li>5. Otherwise penalizing the individual financially or socially (<i>R.C. 3792.02(D)(1)</i>).</li> </ol>	Prohibits discrimination against an individual who refuses vaccination, but also prohibits discrimination against an individual who refuses to (1) subscribe to a vaccine or immunity passport or tracking service or (2) provide proof of vaccination against, immunity to, or testing of a specific contagious or infectious disease ( <i>R.C. 3792.02(D)</i> ).

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No provision.	<p>Prohibits additional forms of discrimination against the individual for his or her refusal, including the following:</p> <ol style="list-style-type: none"> <li>1. Providing a disposition, service, financial aid, or benefit in a different form or manner;</li> <li>2. Restricting the individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving the disposition, service, financial aid, or benefit;</li> <li>3. Treating the individual differently from others in determining whether that individual satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that individuals are required to meet in order to be provided any disposition, service, financial aid, or benefit available to others;</li> <li>4. Denying the individual an opportunity to participate in a program through the provision of service or otherwise affording that individual an opportunity to do so that is different from that afforded to others;</li> <li>5. Creating, imposing, or allowing to be imposed any device or method of identification that acts as or might be considered to be a vaccine passport that would be required of any citizen seeking to travel to or within, enter any public space or private property, or do any business in Ohio (<i>R.C. 3792.02(D)</i>).</li> </ol>
School and child care immunizations	
States that the bill's provisions, including those governing the manner in which notice is provided and a vaccination may be declined, apply to school children, children enrolled in child care, and child	Requires a school or child care provider to notify a child's parent or guardian of the available exemptions, including in the same manner, timing, text size, and font as the parent or guardian

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<p>care staff, without specifically addressing the statutory law governing school child and child care immunizations and exemptions (<i>R.C. 3792.02(E)</i>).</p> <p>No provision.</p>	<p>received notice of the immunization requirements, also without specifically addressing the relevant statutory law (<i>R.C. 3792.02(B)(1)</i>).</p> <p>Specifies that a student's or child's vaccine status is to be considered and treated as personally identifiable information (<i>R.C. 3792.02(C)(2)</i>).</p>
<b>Prohibition on mandatory vaccinations</b>	
<p>No provision.</p>	<p>Prohibits certain public or private entities from mandating, requiring, or otherwise requesting an individual to receive a vaccine (<i>R.C. 3792.02(B)(1)</i>).</p>
<b>Vaccination status disclosures and vaccine passports</b>	
<p>No provision.</p>	<p>Prohibits certain public or private entities from doing all of the following:</p> <ol style="list-style-type: none"> <li>1. Mandating, requiring, or otherwise requesting an individual to disclose the individual's vaccine status or participate in a vaccine passport system, registry, or other mechanism designed for the purpose of tracking an individual's vaccine status;</li> <li>2. Disclosing an individual's vaccination status;</li> <li>3. Making public an individual's vaccine status (<i>R.C. 3792.02(C)</i>).</li> </ol>
<p>No provision.</p>	<p>Specifies that the prohibition on disclosure does not apply to a health care provider or insurer as it pertains to care, treatment, or billing and that an individual's vaccine status must be considered and treated as protected health information (<i>R.C. 3792.02(C)</i>).</p>
<p>No provision.</p>	<p>Repeals the law requiring a college student seeking to reside in on-campus housing to disclose to the college or university whether the student has been vaccinated against hepatitis B or meningococcal meningitis (<i>R.C. 1713.55, 3332.25, 3345.47, 3345.85, and 3701.133</i>).</p>

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<b>Business protections</b>	
No provision.	<p>In the case of a business that honors an individual’s rights to health choice and privacy, prohibits an individual or a public or private entity from doing any of the following to the business:</p> <ol style="list-style-type: none"> <li>1. Denying service to, penalizing, or otherwise discriminating against the business;</li> <li>2. Providing any disposition, service, financial aid, or benefit to the business that is different from or provided in a different manner than that provided to another business;</li> <li>3. Restricting the business in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit provided to other businesses (<i>R.C. 3792.02(E)</i>).</li> </ol>
<b>State and local orders</b>	
No provision.	<p>Prohibits a public official or employee, public agency, state agency, or political subdivision from issuing any order or proclamation or taking other action that does any of the following:</p> <ol style="list-style-type: none"> <li>1. Violates the bill’s provisions under the pretense of an emergency;</li> <li>2. Encourages any individual or public or private entity to violate any of the bill’s provisions;</li> <li>3. Penalizes any individual or public or private entity for refusing to violate any of the bill’s provisions (<i>R.C. 3792.02(F)</i>).</li> </ol>
<b>Violations and civil causes of action</b>	
No provision.	<p>Authorizes an individual who believes that any of the bill’s provisions have been violated to pursue any of the following:</p>

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No provision.	<ol style="list-style-type: none"> <li>1. Relief under Ohio’s anti-discriminations statutes (<i>R.C. Chapter 4112</i>, not in the bill);</li> <li>2. Relief through a complaint submitted to the Attorney General;</li> <li>3. A civil action (<i>R.C. 3792.02(G)</i>).</li> </ol> <p>In the case of a complaint submitted to the Attorney General, authorizes the Attorney General to bring an action to obtain a declaratory judgment or a temporary restraining order, preliminary injunction, or permanent injunction, but only if the Attorney General has reasonable cause to believe that any of the bill’s provisions have been violated (<i>R.C. 3792.02(G)</i>).</p>
No provision.	<p>Permits a court to issue a temporary restraining order or injunction if the Attorney General shows by a preponderance of the evidence that the any of the bill’s provisions have been violated and also grants the court the authority to impose – on a motion – any civil penalty the court considers appropriate (<i>R.C. 3792.02(G)</i>).</p>
No provision.	<p>In the case of a civil action brought by an individual plaintiff, requires the court to award a prevailing plaintiff financial compensation for court costs and attorney’s fees as well as any civil penalty the court considers appropriate (<i>R.C. 3792.02(G)</i>).</p>