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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 112
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Gross and Lear

Elizabeth Molnar, Attorney

SUMMARY

- Prohibits certain entities from taking specified actions against an individual based on the individual's refusal of any biologic; DNA-based product; drug; facial covering; gene editing technology; medical device used to track or store health, financial, or personal information; pharmaceutical; RNA-based product; or vaccine for reasons of conscience, including religious convictions.
- Prohibits a minor from being denied access to medical care, including organ transplantation, based on the minor's personal representative declining vaccination for the minor for reasons of conscience, including religious convictions.
- Authorizes the individual or minor's representative to (1) petition a court for injunctive relief or a declaratory judgment or (2) bring a private civil action for money damages.
- If the individual or minor's representative prevails, requires the court to award the individual or representative court costs and reasonable attorney's fees and, in the case of a private civil action for money damages, also requires the court to award three times the amount of actual damages or \$200, whichever is greater.
- Grants, to an entity providing a public service, immunity from civil liability for any outbreak of a communicable or infectious disease or illness that is believed to be prevented by a vaccine.
- Names the act the Conscientious Right to Refuse Act.

DETAILED ANALYSIS

Conscientious Right to Refuse Act

The bill prohibits specified private and public entities from taking any of the following actions against an adult individual or emancipated minor¹ based on the individual's refusal of any biologic; DNA-based product; drug; facial covering; gene editing technology; medical device used to track or store health, financial, or personal information; pharmaceutical; RNA-based product; or vaccine for reasons of conscience, including religious convictions:

- Denying employment to the individual or terminating the individual's employment;
- Denying a service, including medical care or a public service, to the individual;
- Denying the individual access to commerce;
- Segregating the individual;
- Penalizing the individual or using financial coercion against the individual;
- Treating the individual differently than an individual who accepted the facial coverage or medical intervention.²

Under the bill, a facial covering does not include a surgical mask worn during the performance of a surgical procedure.³

Entities subject to the bill

The foregoing prohibition applies to the following entities: businesses; employers, including administrators and supervisors; health care providers; health plan issuers; hospitals; institutions; nursing homes; political subdivisions; private colleges; public officials; residential care facilities; state agencies; and state institutions of higher education.⁴

Minors' access to medical care

In the case of a minor who is not emancipated, the bill prohibits the minor from being denied access to medical care, including organ transplantation, based on the minor's personal representative declining vaccination for that minor for reasons of conscience, including religious convictions.⁵

¹ R.C. 3792.09(A)(3).

² R.C. 3792.09(B).

³ R.C. 3792.09(E).

⁴ R.C. 3792.09(B).

⁵ R.C. 3792.09(C).

Injunctive relief, declaratory judgments, and money damages

Under the bill, if an individual or minor's personal representative believes that a violation of the bill has occurred, the individual or representative may do either or both of the following:

- Petition a court of competent jurisdiction for injunctive relief or a declaratory judgment;
- Bring a private civil action for money damages in a court of competent jurisdiction against the defendant.⁶

Standard of proof

To prevail in a civil action, the bill specifies that the individual or personal representative must prove, by a preponderance of the evidence, that the defendant violated the bill's prohibition.

Court costs, reasonable attorney's fees, and money damages

Whenever an individual or personal representative who petitions for injunctive relief or a declaratory judgment prevails in that petition, the court must award the individual or representative court costs and reasonable attorney's fees. And whenever an individual or personal representative who brings a private civil action for money damages prevails in that action, the court must award the individual or representative all of the following: court costs; reasonable attorney's fees; and three times the amount of actual damages or \$200, whichever is greater.⁷

Immunity from civil liability

An entity subject to the bill's provisions is immune from civil liability for any outbreak of any communicable or infectious disease or illness that is believed to be prevented by a vaccine. However, an entity that provides food services is not immune from civil liability for a food-borne illness.⁸

Special vs. general provisions

The bill specifies that its provisions prevail over any conflicting provisions in a general law, to the extent of the conflict, unless the general law contains a specific exemption from the bill's provisions. In that case, the general law prevails, but only to the extent of the exemption.⁹

Medical interventions – recommendations, education, and access

The bill states that its provisions do not prevent the recommendation of, education on, or access to any biologic; DNA-based product; drug; facial covering; gene editing technology;

⁶ R.C. 3792.09(D)(1) and (2).

⁷ R.C. 3792.09(D)(3).

⁸ R.C. 3792.09(F).

⁹ R.C. 3792.09(G).

medical device used to track or store health, financial, or personal information; pharmaceutical; RNA-based product; or vaccine.¹⁰

HISTORY

Action	Date
Introduced	02-18-25

ANHB0112IN-136/sb

¹⁰ R.C. 3792.09(H).