



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Paul Luzzi

Sub. H.B. 193

132nd General Assembly
(As Re-referred by H. Rules and Reference)

Reps. Hagan, Butler, Conditt, Stein, Dean, Hood, Riedel, Vitale, Goodman

BILL SUMMARY

- Prohibits an employer from taking an adverse employment action against a person who has not been or will not be vaccinated against influenza.
 - Permits an employer to require an employee who has not been or will not be vaccinated against influenza to comply with a reasonable alternative policy adopted by the employer to protect health and safety in the workplace.
 - States that the General Assembly does not intend to expand the prohibition against adverse employment action to additional vaccinations until the overwhelming scientific consensus clearly indicates a present and immediate danger to members of the public who receive the vaccination.
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CONTENT AND OPERATION

Adverse employment action on the basis of vaccination against influenza

Except as provided below, the bill prohibits an employer from discharging without just cause, refusing to hire, or otherwise discriminating against any person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, on the basis that the person has not been or will not be vaccinated against influenza for any reason, including medical, religious, or philosophical.¹ The bill does not specify a penalty for a violation of the prohibition.

¹ R.C. 4113.73(B).

The bill allows, however, an employer to require an employee who has not been or will not be vaccinated against influenza to comply with a reasonable alternative policy adopted by the employer to protect health and safety in the workplace.²

Under the bill, an "employer" is any person who has one or more employees. "Employer" includes an employer's agent; the state or any state agency or instrumentality; and any municipal corporation, county, township, school district, or other political subdivision or any agency or instrumentality of those entities. An employee is any person who performs a service for wages or other remuneration for an employer.³

Statement of intent

The bill states that the General Assembly intends the prohibition against adverse employment actions based on a person's refusal to be vaccinated against influenza not be expanded to any other vaccination until the overwhelming scientific consensus clearly indicates a present and immediate danger to members of the public who receive the vaccination.⁴

HISTORY

ACTION	DATE
Introduced	05-01-17
Reported, H. Economic Development, Commerce, & Labor	09-13-17
Re-referred, H. Rules & Reference	09-19-17

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² R.C. 4113.73(C).

³ R.C. 4113.73(A), by reference to R.C. 4113.51, not in the bill.

⁴ R.C. 4113.73(D).

