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Columbus City Attorney Zach Klein Files Lawsuit Challenging Ohio Law Protecting Those Who Deny Health Care for Reasons of Conscience

Says law legalizes discrimination against minority groups, violates Constitutional Home Rule authority, among other violations—and should be thrown out

COLUMBUS, OH—Columbus City Attorney Zach Klein today announced he filed a lawsuit on behalf of the City of Columbus challenging a recent Ohio state law known as the “Conscience Clause,” which protects individuals and health care payers who deny care or payment for any service they feel violates their conscience.

The statute, included in the biennial budget bill, allows health care providers such as doctors, nurses, and pharmacists to deny certain vaccines, prescriptions for birth control, blood transfusions or blood products, any treatments or counselling for HIV/AIDS, treatment or counselling for transgender individuals, or any other medical treatment or procedure that the provider believes violates their conscience.

The Biden administration Tuesday [indicated it may do away with a similar Trump-era rule](#) that would have allowed medical providers to refuse services that conflict with their personal, religious or moral beliefs. The federal rule has been blocked by the courts and yet to be fully implemented.

“Health care professionals live by an oath to do no harm, but the Conscience Clause writes harm into our laws and allows medical professionals and insurance companies to deny care based on beliefs not backed by science or medicine. It’s dangerous, discriminatory and unconstitutional,” said City Attorney Zach Klein. **“It must be repealed to ensure everyone can access the care they need regardless of who they are or what they believe.”**

The City’s complaint in the Franklin County Court of Common Pleas argues that the Conscience Clause, ORC 4743.10, violates the following:

- Article XVIII of the Ohio Constitution, which grants municipalities the power of home rule. The law would deny the City of Columbus its home rule authority by limiting its ability to switch healthcare providers for city employees if a company refuses to cover

certain procedures or drugs, and prohibiting the City from disciplining or transferring employees who refuse to provide certain treatments such as vaccines;

- Article I Section 7 of the Ohio Constitution by prohibiting the City's ability to discipline or transfer employees and forcing the City to maintain insurance coverage from a company that will reject treatments or drugs due to a conscience belief. The City argues that the statute unconstitutionally favors the religious beliefs of employees and insurance companies, which forces the City to align itself with those beliefs in its coverage for and discipline of employees;
- The federally-passed Affordable Care Act, which mandates that health insurance providers cannot discriminate and must cover certain benefits including free access to birth control. By allowing an insurance company to reject claims for conscience reasons, the City argues this violates federal law. Additionally, federal grants mandate that services be provided without discrimination. By allowing providers to refuse to perform treatments that conflict with their conscience, the City says this violates the requirements of the grants the state and City have received;
- Article II Sec. 15 (D) of the Ohio Constitution, which mandates that no bill shall contain more than one subject. The City argues that including the Conscience Clause in the state's two-year budget bill violates the single subject rule as it is not germane to state revenues and expenditures.

“Ohio’s Conscience Clause is an egregious, unconstitutional overreach by the legislature, and the City of Columbus is ready to pursue every legal avenue to ensure discrimination is not the law of our state,” said Columbus Solicitor General Rich Coglianesi. **“We take seriously our obligation to provide equal access to city services for all residents, and this law infringes upon our authority to do so.”**

In its complaint, the City of Columbus is seeking the Conscience Clause to be declared in violation of the Ohio Constitution and U.S. Constitution. The City of Columbus is also asking the Court to permanently enjoin the law.

[A copy of the lawsuit is attached.](#)

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