

**As Reported by the House Community and Family Advancement
Committee**

132nd General Assembly

**Regular Session
2017-2018**

Sub. H. B. No. 36

Representative Vitale

**Cosponsors: Representatives Wiggam, Romanchuk, Patmon, Brinkman, Roegner,
Henne, Butler, Antani, Merrin, Hagan, Retherford, Conditt, Keller, Zeltwanger,
Young, Becker, Brenner, Householder, Dean, Schaffer, Hood, Koehler, Riedel,
Sprague, Goodman, Thompson, Hill**

A BILL

To amend section 3101.08 of the Revised Code to	1
provide that an ordained or licensed minister or	2
religious society is not required to solemnize a	3
marriage and a religious society is not required	4
to allow any building or property of the	5
religious society to be used to host a marriage	6
ceremony if the marriage does not conform to the	7
ordained or licensed minister's or religious	8
society's sincerely held religious beliefs, to	9
provide that an ordained or licensed minister or	10
religious society is not subject to civil or	11
criminal liability for such a denial, and to	12
provide that the state and political	13
subdivisions may not penalize or withhold	14
benefits to an ordained or licensed minister or	15
religious society for such a denial.	16

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

Section 1. That section 3101.08 of the Revised Code be amended to read as follows:

~~**Sec. 3101.08.** An ordained or licensed minister of any religious society or congregation within this state who is licensed to solemnize marriages, a judge of a county court in accordance with section 1907.18 of the Revised Code, a judge of a municipal court in accordance with section 1901.14 of the Revised Code, a probate judge in accordance with section 2101.27 of the Revised Code, the mayor of a municipal corporation in any county in which such municipal corporation wholly or partly lies, the superintendent of the state school for the deaf, or any religious society in conformity with the rules of its church, (A) The following persons or entities may join together as husband and wife any persons who are not prohibited by law from being joined in solemnize any marriage allowed by law:~~

(1) An ordained or licensed minister of any religious society or congregation within this state who is licensed to solemnize marriages;

(2) A judge of a county court in accordance with section 1907.18 of the Revised Code;

(3) A judge of a municipal court in accordance with section 1901.14 of the Revised Code;

(4) A probate judge in accordance with section 2101.27 of the Revised Code;

(5) The mayor of a municipal corporation in any county in which the mayor's municipal corporation wholly or partly lies;

(6) The superintendent of the state school for the deaf;

(7) Any religious society in conformity with the rules of

its church. 45

(B) (1) No ordained or licensed minister described in 46
division (A) (1) of this section or religious society described 47
in division (A) (7) of this section is required to solemnize a 48
marriage that does not conform to the ordained or licensed 49
minister's or religious society's sincerely held religious 50
beliefs. 51

(2) No religious society is required to allow any building 52
or property of the religious society to be used to host a 53
marriage ceremony for a marriage that does not conform to the 54
religious society's sincerely held religious beliefs. 55

(C) If an ordained or licensed minister described in 56
division (A) (1) of this section or a religious society described 57
in division (A) (7) of this section refuses to solemnize a 58
marriage or refuses to allow any building or property of the 59
religious society to be used to host a marriage ceremony because 60
of the ordained or licensed minister's or religious society's 61
sincerely held religious beliefs, the ordained or licensed 62
minister or religious society is immune from civil or criminal 63
liability and neither the state nor a political subdivision of 64
the state shall penalize or withhold any benefit or privilege 65
from the ordained or licensed minister or religious society, 66
including any governmental contract, grant, or license. 67

Section 2. That existing section 3101.08 of the Revised 68
Code is hereby repealed. 69

Section 3. This act shall be known as the "Ohio Pastor 70
Protection Act." 71

Section 4. Nothing in this bill is intended to or shall be 72
construed to limit or abrogate any rights conferred on ordained 73

or licensed ministers or religious societies by the Ohio	74
Constitution or the United States Constitution.	75