

AN ACT

To amend sections 149.43 and 2317.56 and to enact sections 2919.121 and 2919.122 of the Revised Code regarding patient notification prior to an abortion and to require either parental or judicial consent before an abortion is performed or induced on a pregnant unemancipated minor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 149.43 and 2317.56 be amended and sections 2919.121 and 2919.122 of the Revised Code be enacted to read as follows:

Sec. 149.43. (A) As used in this section:

(1) "Public record" means any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, except that "public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under ~~that section~~ those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of human services or, pursuant to section 5101.313 of the Revised Code, the division of child support in the department or a child support enforcement agency;

(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

(i) Records containing information that is confidential under section

2317.023 or 4112.05 of the Revised Code;

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(m) Intellectual property records;

(n) Donor profile records;

(o) Records maintained by the department of human services pursuant to section 5101.312 of the Revised Code;

(p) Records the release of which is prohibited by state or federal law.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(B) All public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Upon request, a person responsible for public records shall make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, governmental units shall maintain public records in a manner that they can be made available for inspection in accordance with this division.

(C) If a person allegedly is aggrieved by the failure of a governmental unit to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section, or if a person who has requested a copy of a public record allegedly is aggrieved by the failure of a person responsible for the public record to make a copy available to the person allegedly aggrieved in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the governmental unit or the person responsible for the public record to comply with division (B) of this section and that awards reasonable attorney's fees to the person that instituted the mandamus action. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

(E)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk

commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (E)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or data base by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (E)(1) and (2) of this section, "commercial surveys, marketing, solicitation, or resale" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

Sec. 2317.56. (A) As used in this section:

(1) "Medical emergency" means a condition of a pregnant woman that, in the reasonable judgment of the physician who is attending the woman, creates an immediate threat of serious risk to the life or physical health of the woman from the continuation of ~~her~~ the pregnancy necessitating the immediate performance or inducement of an abortion.

(2) "Medical necessity" means a medical condition of a pregnant woman that, in the reasonable judgment of the physician who is attending the woman, so complicates the pregnancy that it necessitates the immediate performance or inducement of an abortion.

(3) "Probable gestational age of the embryo or fetus" means the gestational age that, in the judgment of a physician, is, with reasonable probability, the gestational age of the embryo or fetus at the time that the physician informs a pregnant woman pursuant to division (B)(1)(b) of this section.

(B) Except when there is a medical emergency or medical necessity, an abortion shall be performed or induced only if all of the following conditions are satisfied:

(1) At least twenty-four hours prior to the performance or inducement of the abortion, a physician meets with the pregnant woman in person in an individual, private setting and gives her an adequate opportunity to ask questions about the abortion that will be performed or induced. At this meeting, the physician informs shall inform the pregnant woman, verbally or, if she is hearing impaired, by other nonwritten means of communication, of all of the following:

- (a) The nature and purpose of the particular abortion procedure to be used and the medical risks associated with that procedure;
- (b) The probable gestational age of the embryo or fetus;
- (c) The medical risks associated with the pregnant woman carrying ~~her~~ the pregnancy to term.

~~(2) A physician provides the pregnant woman with the information described in division (B)(1) of this section in an individual, private setting and gives her an adequate opportunity to ask questions about the abortion that will be performed or induced;~~

~~(3) The meeting need not occur at the facility where the abortion is to be performed or induced, and the physician involved in the meeting need not be affiliated with that facility or with the physician who is scheduled to perform or induce the abortion.~~

(2) At least twenty-four hours prior to the performance or inducement of the abortion, one or more physicians or one or more agents of one or more physicians do each of the following in person, by telephone, by certified mail, return receipt requested, or by regular mail evidenced by a certificate of mailing:

- (a) Inform the pregnant woman of the name of the physician who is scheduled to perform or induce the abortion;
- (b) Give the pregnant woman copies of the published materials

described in division (C) of this section;

(c) Inform the pregnant woman that the materials given to ~~her~~ pursuant to division (B)~~(3)~~(2)(b) of this section are provided by the state and that they describe the embryo or fetus and list agencies that offer alternatives to abortion. The pregnant woman may choose to examine or not to examine the materials. A physician or an agent of a physician may ~~disassociate himself~~ choose to be disassociated from the materials and may choose to comment or not comment on the materials.

~~(4)~~(3) Prior to the performance or inducement of the abortion, the pregnant woman signs a form consenting to the abortion and certifies both of the following on that form:

(a) She has received the information and materials described in divisions (B)(1); and (2); ~~and (3)~~ of this section, and her questions about the abortion that will be performed or induced have been answered in a satisfactory manner.

(b) She consents to the particular abortion voluntarily, knowingly, intelligently, and without coercion by any person, and she is not under the influence of any drug of abuse or alcohol.

~~(5)~~(4) Prior to the performance or inducement of the abortion, the physician who is scheduled to perform or induce the abortion or ~~his~~ the physician's agent receives a copy of the pregnant woman's signed form on which she consents to the abortion and that includes the certification required by division (B)~~(4)~~(3) of this section.

(C) The department of health shall cause to be published in English and in Spanish, in a typeface large enough to be clearly legible, and in an easily comprehensible format, the following materials:

(1) Materials that inform the pregnant woman about family planning information, of publicly funded agencies that are available to assist ~~her~~ in family planning, and of public and private agencies and services that are available to assist her through ~~her~~ the pregnancy, upon childbirth, and while ~~her~~ the child is dependent, including, but not limited to, adoption agencies. The materials shall be geographically indexed; include a comprehensive list of the available agencies, a description of the services offered by the agencies, and the telephone numbers and addresses of the agencies; and inform the pregnant woman about available medical assistance benefits for prenatal care, childbirth, and neonatal care and about the support obligations of the father of a child who is born alive. The department shall ensure that the materials described in division (C)(1) of this section are comprehensive and do not directly or indirectly promote, exclude, or discourage the use of any agency or service described in this division.

(2) Materials that inform the pregnant woman of the probable anatomical and physiological characteristics of the zygote, blastocyte, embryo, or fetus at two-week gestational increments for the first sixteen weeks of ~~her~~ pregnancy and at four-week gestational increments from the seventeenth week of ~~her~~ pregnancy to full term, including any relevant information regarding the time at which the fetus possibly would be viable. The department shall cause these materials to be published only after it consults with the Ohio state medical association and the Ohio section of the American college of obstetricians and gynecologists relative to the probable anatomical and physiological characteristics of a zygote, blastocyte, embryo, or fetus at the various gestational increments. The materials shall use language that is understandable by the average person who is not medically trained, shall be objective and nonjudgmental, and shall include only accurate scientific information about the zygote, blastocyte, embryo, or fetus at the various gestational increments. If the materials use a pictorial, photographic, or other depiction to provide information regarding the zygote, blastocyte, embryo, or fetus, the materials shall include, in a conspicuous manner, a scale or other explanation that is understandable by the average person and that can be used to determine the actual size of the zygote, blastocyte, embryo, or fetus at a particular gestational increment as contrasted with the depicted size of the zygote, blastocyte, embryo, or fetus at that gestational increment.

(D) Upon the submission of a request to the department of health by any person, hospital, physician, or medical facility for one or more copies of the materials published in accordance with division (C) of this section, the department shall make the requested number of copies of the materials available to the person, hospital, physician, or medical facility that requested the copies.

(E) If a medical emergency or medical necessity compels the performance or inducement of an abortion, the physician who will perform or induce the abortion, prior to its performance or inducement if possible, shall inform the pregnant woman of the medical indications supporting ~~his~~ the physician's judgment that an immediate abortion is necessary. Any physician who performs or induces an abortion without the prior satisfaction of the conditions specified in division (B) of this section because of a medical emergency or medical necessity shall enter the reasons for ~~his~~ the conclusion that a medical emergency or medical necessity exists in the medical record of the pregnant woman.

(F) If the conditions specified in division (B) of this section are satisfied, consent to an abortion shall be presumed to be valid and effective.

(G) The performance or inducement of an abortion without the prior satisfaction of the conditions specified in division (B) of this section does not constitute, and shall not be construed as constituting, a violation of division (A) of section 2919.12 of the Revised Code. The failure of a physician to satisfy the conditions of division (B) of this section prior to performing or inducing an abortion upon a pregnant woman may be the basis of both of the following:

(1) A civil action for compensatory and exemplary damages as described in division (H) of this section;

(2) Disciplinary action under section 4731.22 of the Revised Code.

(H)(1) Subject to divisions (H)(2) and (3) of this section, any physician who performs or induces an abortion with actual knowledge that the conditions specified in division (B) of this section have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied is liable in compensatory and exemplary damages in a civil action to any person, or the representative of the estate of any person, who sustains injury, death, or loss to person or property as a result of the failure to satisfy those conditions. In the civil action, the court additionally may enter any injunctive or other equitable relief that it considers appropriate.

(2) The following shall be affirmative defenses in a civil action authorized by division (H)(1) of this section:

(a) The physician performed or induced the abortion under the circumstances described in division (E) of this section.

(b) The physician made a good faith effort to satisfy the conditions specified in division (B) of this section.

(c) The physician or an agent of the physician requested copies of the materials published in accordance with division (C) of this section from the department of health, but the physician was not able to give a pregnant woman copies of the materials pursuant to division (B)~~(3)~~(2) of this section and to obtain a certification as described in divisions (B)~~(4)~~(3) and ~~(5)~~(4) of this section because the department failed to make the requested number of copies available to the physician or ~~his~~ agent in accordance with division (D) of this section.

(3) An employer or other principal is not liable in damages in a civil action authorized by division (H)(1) of this section on the basis of the doctrine of respondeat superior unless either of the following applies:

(a) The employer or other principal had actual knowledge or, by the exercise of reasonable diligence, should have known that ~~his~~ an employee or agent performed or induced an abortion with actual knowledge that the conditions specified in division (B) of this section had not been satisfied or

with a heedless indifference as to whether those conditions had been satisfied.

(b) The employer or other principal negligently failed to secure the compliance of ~~his~~ an employee or agent with division (B) of this section.

(4) Notwithstanding division (E) of section 2919.12 of the Revised Code, the civil action authorized by division (H)(1) of this section shall be the exclusive civil remedy for persons, or the representatives of estates of persons, who allegedly sustain injury, death, or loss to person or property as a result of a failure to satisfy the conditions specified in division (B) of this section.

(I) The department of human services shall prepare and conduct a public information program to inform women of all available governmental programs and agencies that provide services or assistance for family planning, prenatal care, child care, or alternatives to abortion.

Sec. 2919.121. (A) FOR THE PURPOSE OF THIS SECTION, A MINOR SHALL BE CONSIDERED "EMANCIPATED" IF THE MINOR HAS MARRIED, ENTERED THE ARMED SERVICES OF THE UNITED STATES, BECOME EMPLOYED AND SELF-SUBSISTING, OR HAS OTHERWISE BECOME INDEPENDENT FROM THE CARE AND CONTROL OF HER PARENT, GUARDIAN, OR CUSTODIAN.

(B) NO PERSON SHALL KNOWINGLY PERFORM OR INDUCE AN ABORTION UPON A PREGNANT MINOR UNLESS ONE OF THE FOLLOWING IS THE CASE:

(1) THE ATTENDING PHYSICIAN HAS SECURED THE INFORMED WRITTEN CONSENT OF THE MINOR AND ONE PARENT, GUARDIAN, OR CUSTODIAN;

(2) THE MINOR IS EMANCIPATED AND THE ATTENDING PHYSICIAN HAS RECEIVED HER WRITTEN INFORMED CONSENT;

(3) THE MINOR HAS BEEN AUTHORIZED TO CONSENT TO THE ABORTION BY A COURT ORDER ISSUED PURSUANT TO DIVISION (C) OF THIS SECTION, AND THE ATTENDING PHYSICIAN HAS RECEIVED HER INFORMED WRITTEN CONSENT;

(4) THE COURT HAS GIVEN ITS CONSENT IN ACCORDANCE WITH DIVISION (C) OF THIS SECTION AND THE MINOR IS HAVING THE ABORTION WILLINGLY.

(C) THE RIGHT OF A MINOR TO CONSENT TO AN ABORTION UNDER DIVISION (B)(3) OF THIS SECTION OR JUDICIAL CONSENT TO OBTAIN AN ABORTION UNDER DIVISION (B)(4) OF THIS SECTION MAY BE GRANTED BY A COURT ORDER PURSUANT TO THE FOLLOWING PROCEDURES:

(1) THE MINOR OR NEXT FRIEND SHALL MAKE AN APPLICATION TO THE JUVENILE COURT OF THE COUNTY IN WHICH THE MINOR HAS A RESIDENCE OR LEGAL SETTLEMENT, THE JUVENILE COURT OF ANY COUNTY THAT BORDERS THE COUNTY IN WHICH SHE HAS A RESIDENCE OR LEGAL SETTLEMENT, OR THE JUVENILE COURT OF THE COUNTY IN WHICH THE FACILITY IN WHICH THE ABORTION WOULD BE PERFORMED OR INDUCED IS LOCATED. THE JUVENILE COURT SHALL ASSIST THE MINOR OR NEXT FRIEND IN PREPARING THE PETITION AND NOTICES REQUIRED BY THIS SECTION. THE MINOR OR NEXT FRIEND SHALL THEREAFTER FILE A PETITION SETTING FORTH ALL OF THE FOLLOWING: THE INITIALS OF THE MINOR; HER AGE; THE NAMES AND ADDRESSES OF EACH PARENT, GUARDIAN, CUSTODIAN, OR, IF THE MINOR'S PARENTS ARE DECEASED AND NO GUARDIAN HAS BEEN APPOINTED, ANY OTHER PERSON STANDING IN LOCO PARENTIS OF THE MINOR; THAT THE MINOR HAS BEEN FULLY INFORMED OF THE RISKS AND CONSEQUENCES OF THE ABORTION; THAT THE MINOR IS OF SOUND MIND AND HAS SUFFICIENT INTELLECTUAL CAPACITY TO CONSENT TO THE ABORTION; THAT THE MINOR HAS NOT PREVIOUSLY FILED A PETITION UNDER THIS SECTION CONCERNING THE SAME PREGNANCY THAT WAS DENIED ON THE MERITS; THAT, IF THE COURT DOES NOT AUTHORIZE THE MINOR TO CONSENT TO THE ABORTION, THE COURT SHOULD FIND THAT THE ABORTION IS IN THE BEST INTERESTS OF THE MINOR AND GIVE JUDICIAL CONSENT TO THE ABORTION; THAT THE COURT SHOULD APPOINT A GUARDIAN AD LITEM; AND IF THE MINOR DOES NOT HAVE PRIVATE COUNSEL, THAT THE COURT SHOULD APPOINT COUNSEL. THE PETITION SHALL BE SIGNED BY THE MINOR OR THE NEXT FRIEND.

(2) A HEARING ON THE MERITS SHALL BE HELD ON THE RECORD AS SOON AS POSSIBLE WITHIN FIVE DAYS OF FILING THE PETITION. IF THE MINOR HAS NOT RETAINED COUNSEL, THE COURT SHALL APPOINT COUNSEL AT LEAST TWENTY-FOUR HOURS PRIOR TO THE HEARING. The court shall appoint a guardian ad litem to protect the interests of the minor at the hearing. If the guardian ad litem is an attorney admitted to the practice of law in this state, the court may appoint the guardian ad litem to serve as the minor's counsel. AT THE HEARING, THE COURT SHALL HEAR EVIDENCE RELATING TO THE EMOTIONAL DEVELOPMENT,

MATURITY, INTELLECT, AND UNDERSTANDING OF THE MINOR; THE NATURE, POSSIBLE CONSEQUENCES, AND ALTERNATIVES TO THE ABORTION; AND ANY OTHER EVIDENCE THAT THE COURT MAY FIND USEFUL IN DETERMINING WHETHER THE MINOR SHOULD BE GRANTED THE RIGHT TO CONSENT TO THE ABORTION OR WHETHER THE ABORTION IS IN THE BEST INTERESTS OF THE MINOR. IF THE MINOR OR HER COUNSEL FAIL TO APPEAR FOR A SCHEDULED HEARING, JURISDICTION SHALL REMAIN WITH THE JUDGE WHO WOULD HAVE PRESIDED AT THE HEARING.

(3) IF THE COURT FINDS THAT THE MINOR IS SUFFICIENTLY MATURE AND WELL ENOUGH INFORMED TO DECIDE INTELLIGENTLY WHETHER TO HAVE AN ABORTION, THE COURT SHALL GRANT THE PETITION AND PERMIT THE MINOR TO CONSENT TO THE ABORTION.

IF THE COURT FINDS THAT THE ABORTION IS IN THE BEST INTERESTS OF THE MINOR, THE COURT SHALL GIVE JUDICIAL CONSENT TO THE ABORTION, SETTING FORTH THE GROUNDS FOR ITS FINDING.

IF THE COURT DOES NOT MAKE EITHER OF THE FINDINGS SPECIFIED IN DIVISION (C)(3) OF THIS SECTION, THE COURT SHALL DENY THE PETITION, SETTING FORTH THE GROUNDS ON WHICH THE PETITION IS DENIED.

The court shall issue its order not later than twenty-four hours after the end of the hearing.

(4) NO JUVENILE COURT SHALL HAVE JURISDICTION TO REHEAR A PETITION CONCERNING THE SAME PREGNANCY ONCE A JUVENILE COURT HAS GRANTED OR DENIED THE PETITION.

(5) IF THE PETITION IS GRANTED, THE INFORMED CONSENT OF THE MINOR, PURSUANT TO A COURT ORDER AUTHORIZING THE MINOR TO CONSENT TO THE ABORTION, OR JUDICIAL CONSENT TO THE ABORTION, SHALL BAR AN ACTION BY THE PARENTS, GUARDIAN, OR CUSTODIAN OF THE MINOR FOR BATTERY OF THE MINOR AGAINST ANY PERSON PERFORMING OR INDUCING THE ABORTION. THE IMMUNITY GRANTED SHALL ONLY EXTEND TO THE PERFORMANCE OR INDUCEMENT OF THE ABORTION IN ACCORDANCE WITH THIS SECTION AND TO ANY ACCOMPANYING SERVICES THAT ARE PERFORMED IN A COMPETENT MANNER.

(6) AN APPEAL FROM AN ORDER ISSUED UNDER THIS SECTION MAY BE TAKEN TO THE COURT OF APPEALS BY THE MINOR. THE RECORD ON APPEAL SHALL BE COMPLETED AND THE APPEAL PERFECTED WITHIN FOUR DAYS FROM THE FILING OF THE NOTICE OF APPEAL. BECAUSE THE ABORTION MAY NEED TO BE PERFORMED IN A TIMELY MANNER, THE SUPREME COURT SHALL, BY RULE, PROVIDE FOR EXPEDITED APPELLATE REVIEW OF CASES APPEALED UNDER THIS SECTION.

(7) All proceedings under this section shall be conducted in a confidential manner and shall be given such precedence over other pending matters as will ensure that the court will reach a decision promptly and without delay.

The petition and all other papers and records that pertain to an action commenced under this section shall be kept confidential and are not public records under section 149.43 Of the Revised Code.

(8) No filing fee shall be required of or court costs assessed against a person filing a petition under this section or appealing an order issued under this section.

(D) IT IS AN AFFIRMATIVE DEFENSE TO ANY CIVIL, CRIMINAL, OR PROFESSIONAL DISCIPLINARY CLAIM BROUGHT UNDER THIS SECTION THAT COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION WAS NOT POSSIBLE BECAUSE AN IMMEDIATE THREAT OF SERIOUS RISK TO THE LIFE OR PHYSICAL HEALTH OF THE MINOR FROM THE CONTINUATION OF HER PREGNANCY CREATED AN EMERGENCY NECESSITATING THE IMMEDIATE PERFORMANCE OR INDUCEMENT OF AN ABORTION.

(E) WHOEVER VIOLATES DIVISION (B) OF THIS SECTION IS GUILTY OF UNLAWFUL ABORTION, A MISDEMEANOR OF THE FIRST DEGREE. IF THE OFFENDER PREVIOUSLY HAS BEEN CONVICTED OF OR PLEADED GUILTY TO A VIOLATION OF THIS SECTION, UNLAWFUL ABORTION IS A FELONY OF THE FOURTH DEGREE.

(E) WHOEVER VIOLATES DIVISION (B) OF THIS SECTION IS LIABLE TO THE PREGNANT MINOR AND HER PARENTS, GUARDIAN, OR CUSTODIAN FOR CIVIL, COMPENSATORY, AND EXEMPLARY DAMAGES.

Sec. 2919.122. SECTION 2919.121 OF THE REVISED CODE APPLIES IN LIEU OF DIVISION (B) OF SECTION 2919.12 OF THE REVISED CODE WHENEVER ITS OPERATION IS NOT ENJOINED. IF

SECTION 2919.121 OF THE REVISED CODE IS ENJOINED, DIVISION (B) OF SECTION 2919.12 OF THE REVISED CODE APPLIES.

IF A PERSON COMPLIES WITH THE REQUIREMENTS OF DIVISION (B) OF SECTION 2919.12 OF THE REVISED CODE UNDER THE GOOD FAITH BELIEF THAT THE APPLICATION OR ENFORCEMENT OF SECTION 2919.121 Of the Revised Code IS SUBJECT TO A RESTRAINING ORDER OR INJUNCTION, GOOD FAITH COMPLIANCE SHALL CONSTITUTE A COMPLETE DEFENSE TO ANY CIVIL, CRIMINAL, OR PROFESSIONAL DISCIPLINARY ACTION BROUGHT UNDER SECTION 2919.121 Of the Revised Code.

IF A PERSON COMPLIES WITH THE REQUIREMENTS OF SECTION 2919.121 Of the Revised Code UNDER THE GOOD FAITH BELIEF THAT IT IS NOT SUBJECT TO A RESTRAINING ORDER OR INJUNCTION, GOOD FAITH COMPLIANCE SHALL CONSTITUTE A COMPLETE DEFENSE TO ANY CRIMINAL, CIVIL, OR PROFESSIONAL DISCIPLINARY ACTION FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF DIVISION (B) OF SECTION 2919.12 OF THE REVISED CODE.

SECTION 2. That existing section 2317.56 of the Revised Code is hereby repealed.

SECTION 3. It is the intention of the General Assembly that section 2919.121 of the Revised Code be interpreted and applied in accordance with the decisions in

Planned Parenthood v. Ashcroft
, 655 F.2d 848 (8th Cir., 1981), and
Planned Parenthood v. Ashcroft

Am. H. B. No. 421

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SECTION , 103 S. Ct. 2517 (1983), which interpreted and upheld the Missouri statute upon which section 2919.121 of the Revised Code is based.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____