

**As Introduced**

**126th General Assembly  
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**H. B. No. 228**

**Representatives Brinkman, Hood, Buehrer, Bupp, Faber, Fessler, Gilb,  
Hoops, Kearns, Raussen, Reidelbach, Schaffer, Schneider, Seaver, Taylor,  
Uecker, Wagner, Widowfield**

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**A B I L L**

To amend sections 124.85, 149.43, 2151.421, 2305.11, 1  
2307.46, 2307.52, 2307.53, 2317.56, 2505.02, 2  
2901.01, 2903.09, 2919.12, 2919.123, 2919.13, 3  
2919.14, 2919.24, 2950.03, 3701.341, 4112.01, 4  
4731.22, 4731.91, and 5101.55 and to repeal 5  
sections 2151.85, 2505.073, 2919.121, 2919.122, 6  
2919.151, 2919.16, 2919.17, and 2919.18 of the 7  
Revised Code to prohibit abortions in this state, 8  
to increase the penalties for the offenses of 9  
unlawful abortion, unlawful distribution of an 10  
abortion-inducing drug, and abortion trafficking, 11  
to enact the offense of facilitating an abortion, 12  
and to make conforming changes in related 13  
provisions. 14

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

**Section 1.** That sections 124.85, 149.43, 2151.421, 2305.11, 15  
2307.46, 2307.52, 2307.53, 2317.56, 2505.02, 2901.01, 2903.09, 16  
2919.12, 2919.123, 2919.13, 2919.14, 2919.24, 2950.03, 3701.341, 17  
4112.01, 4731.22, 4731.91, and 5101.55 of the Revised Code be 18  
amended to read as follows: 19

Sec. 124.85. (A) As used in this section: 20

(1) ~~"Nontherapeutic abortion" means an abortion that is~~ 21  
~~performed or induced when the life of the mother would not be~~ 22  
~~endangered if the fetus were carried to term or when the pregnancy~~ 23  
~~of the mother was not the result of rape or incest reported to a~~ 24  
~~law enforcement agency.~~ 25

~~(2)~~ "Policy, contract, or plan" means a policy, contract, or 26  
plan of one or more insurance companies, medical care 27  
corporations, health care corporations, health maintenance 28  
organizations, preferred provider organizations, or other entities 29  
that provides health, medical, hospital, or surgical coverage, 30  
benefits, or services to elected or appointed officers or 31  
employees of the state, including a plan that is associated with a 32  
self-insurance program and a policy, contract, or plan that 33  
implements a collective bargaining agreement. 34

~~(3)~~(2) "State" has the same meaning as in section 2744.01 of 35  
the Revised Code. 36

(B) ~~Subject to division (C) of this section, but~~ 37  
~~notwithstanding~~ Notwithstanding other provisions of the Revised 38  
Code that conflict with the prohibition specified in this 39  
division, funds of the state shall not be expended directly or 40  
indirectly to pay the costs, premiums, or charges associated with 41  
a policy, contract, or plan if the policy, contract, or plan 42  
provides coverage, benefits, or services related to a 43  
~~nontherapeutic an~~ an abortion. 44

(C) ~~Division (B) of this section does not preclude the state~~ 45  
~~from expending funds to pay the costs, premiums, or charges~~ 46  
~~associated with a policy, contract, or plan that includes a rider~~ 47  
~~or other provision offered on an individual basis under which an~~ 48  
~~elected or appointed official or employee who accepts the offer of~~ 49

~~the rider or provision may obtain coverage of a nontherapeutic  
abortion through the policy, contract, or plan if the individual  
pays for all of the costs, premiums, or charges associated with  
the rider or provision, including all administrative expenses  
related to the rider or provision and any claim made for a  
nontherapeutic abortion.~~

~~(D)~~ In addition to the laws specified in division (A) of  
section 4117.10 of the Revised Code that prevail over conflicting  
provisions of agreements between employee organizations and public  
employers, ~~divisions~~ division (B) ~~and (C)~~ of this section shall  
prevail over conflicting provisions of that nature.

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

(1) "Public record" means records kept by any public office,  
including, but not limited to, state, county, city, village,  
township, and school district units, and records pertaining to the  
delivery of educational services by an alternative school in Ohio  
kept by a nonprofit or for profit entity operating such  
alternative school pursuant to section 3313.533 of the Revised  
Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or  
to proceedings related to the imposition of community control  
sanctions and post-release control sanctions;

(c) Records pertaining to actions under former section  
2151.85 and division (C) of former section 2919.121 of the Revised  
Code, as they existed prior to the effective date of this  
amendment, and to appeals of actions arising under 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 job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	80 81 82 83 84 85
(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;	86 87 88
(g) Trial preparation records;	89
(h) Confidential law enforcement investigatory records;	90
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	91 92
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	93 94
(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;	95 96 97 98
(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;	99 100 101 102
(m) Intellectual property records;	103
(n) Donor profile records;	104
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	105 106
(p) Peace officer, firefighter, or EMT residential and familial information;	107 108

(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	109 110 111 112 113
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	114 115
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	116 117 118 119 120
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	121 122 123 124
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	125 126 127 128 129
(v) Records the release of which is prohibited by state or federal law;	130 131
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	132 133 134
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;	135 136
(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling	137 138

board in connection with applying for, receiving, or accounting 139  
for financial assistance from the agency, and information that 140  
identifies any individual who benefits directly or indirectly from 141  
financial assistance from the agency. 142

(2) "Confidential law enforcement investigatory record" means 143  
any record that pertains to a law enforcement matter of a 144  
criminal, quasi-criminal, civil, or administrative nature, but 145  
only to the extent that the release of the record would create a 146  
high probability of disclosure of any of the following: 147

(a) The identity of a suspect who has not been charged with 148  
the offense to which the record pertains, or of an information 149  
source or witness to whom confidentiality has been reasonably 150  
promised; 151

(b) Information provided by an information source or witness 152  
to whom confidentiality has been reasonably promised, which 153  
information would reasonably tend to disclose the source's or 154  
witness's identity; 155

(c) Specific confidential investigatory techniques or 156  
procedures or specific investigatory work product; 157

(d) Information that would endanger the life or physical 158  
safety of law enforcement personnel, a crime victim, a witness, or 159  
a confidential information source. 160

(3) "Medical record" means any document or combination of 161  
documents, except births, deaths, and the fact of admission to or 162  
discharge from a hospital, that pertains to the medical history, 163  
diagnosis, prognosis, or medical condition of a patient and that 164  
is generated and maintained in the process of medical treatment. 165

(4) "Trial preparation record" means any record that contains 166  
information that is specifically compiled in reasonable 167  
anticipation of, or in defense of, a civil or criminal action or 168

proceeding, including the independent thought processes and 169  
personal trial preparation of an attorney. 170

(5) "Intellectual property record" means a record, other than 171  
a financial or administrative record, that is produced or 172  
collected by or for faculty or staff of a state institution of 173  
higher learning in the conduct of or as a result of study or 174  
research on an educational, commercial, scientific, artistic, 175  
technical, or scholarly issue, regardless of whether the study or 176  
research was sponsored by the institution alone or in conjunction 177  
with a governmental body or private concern, and that has not been 178  
publicly released, published, or patented. 179

(6) "Donor profile record" means all records about donors or 180  
potential donors to a public institution of higher education 181  
except the names and reported addresses of the actual donors and 182  
the date, amount, and conditions of the actual donation. 183

(7) "Peace officer, firefighter, or EMT residential and 184  
familial information" means either of the following: 185

(a) Any information maintained in a personnel record of a 186  
peace officer, firefighter, or EMT that discloses any of the 187  
following: 188

(i) The address of the actual personal residence of a peace 189  
officer, firefighter, or EMT, except for the state or political 190  
subdivision in which the peace officer, firefighter, or EMT 191  
resides; 192

(ii) Information compiled from referral to or participation 193  
in an employee assistance program; 194

(iii) The social security number, the residential telephone 195  
number, any bank account, debit card, charge card, or credit card 196  
number, or the emergency telephone number of, or any medical 197  
information pertaining to, a peace officer, firefighter, or EMT; 198

(iv) The name of any beneficiary of employment benefits, 199  
including, but not limited to, life insurance benefits, provided 200  
to a peace officer, firefighter, or EMT by the peace officer's, 201  
firefighter's, or EMT's employer; 202

(v) The identity and amount of any charitable or employment 203  
benefit deduction made by the peace officer's, firefighter's, or 204  
EMT's employer from the peace officer's, firefighter's, or EMT's 205  
compensation unless the amount of the deduction is required by 206  
state or federal law; 207

(vi) The name, the residential address, the name of the 208  
employer, the address of the employer, the social security number, 209  
the residential telephone number, any bank account, debit card, 210  
charge card, or credit card number, or the emergency telephone 211  
number of the spouse, a former spouse, or any child of a peace 212  
officer, firefighter, or EMT. 213

(b) Any record that identifies a person's occupation as a 214  
peace officer, firefighter, or EMT other than statements required 215  
to include the disclosure of that fact under the campaign finance 216  
law. 217

As used in divisions (A)(7) and (B)(5) of this section, 218  
"peace officer" has the same meaning as in section 109.71 of the 219  
Revised Code and also includes the superintendent and troopers of 220  
the state highway patrol; it does not include the sheriff of a 221  
county or a supervisory employee who, in the absence of the 222  
sheriff, is authorized to stand in for, exercise the authority of, 223  
and perform the duties of the sheriff. 224

As used in divisions (A)(7) and (B)(5) of this section, 225  
"firefighter" means any regular, paid or volunteer, member of a 226  
lawfully constituted fire department of a municipal corporation, 227  
township, fire district, or village. 228

As used in divisions (A)(7) and (B)(5) of this section, "EMT" 229



means EMTs-basic, EMTs-I, and paramedics that provide emergency  
medical services for a public emergency medical service  
organization. "Emergency medical service organization,"  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in  
section 4765.01 of the Revised Code.

(8) "Information pertaining to the recreational activities of  
a person under the age of eighteen" means information that is kept  
in the ordinary course of business by a public office, that  
pertains to the recreational activities of a person under the age  
of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age  
of eighteen or the address or telephone number of that person's  
parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic  
image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to  
a person under the age of eighteen;

(d) Any additional information sought or required about a  
person under the age of eighteen for the purpose of allowing that  
person to participate in any recreational activity conducted or  
sponsored by a public office or to use or obtain admission  
privileges to any recreational facility owned or operated by a  
public office.

(9) "Community control sanction" has the same meaning as in  
section 2929.01 of the Revised Code.

(10) "Post-release control sanction" has the same meaning as  
in section 2967.01 of the Revised Code.

(B)(1) Subject to division (B)(4) of this section, all public  
records shall be promptly prepared and made available for  
inspection to any person at all reasonable times during regular

business hours. Subject to division (B)(4) of this section, upon  
request, a public office or 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,  
public offices shall maintain public records in a manner that they  
can be made available for inspection in accordance with this  
division.

(2) If any person chooses to obtain a copy of a public record  
in accordance with division (B)(1) of this section, the public  
office or person responsible for the public record shall permit  
that person to choose to have the public record duplicated upon  
paper, upon the same medium upon which the public office or person  
responsible for the public record keeps it, or upon any other  
medium upon which the public office or person responsible for the  
public record determines that it reasonably can be duplicated as  
an integral part of the normal operations of the public office or  
person responsible for the public record. When the person seeking  
the copy makes a choice under this division, the public office or  
person responsible for the public record shall provide a copy of  
it in accordance with the choice made by the person seeking the  
copy.

(3) Upon a request made in accordance with division (B)(1) of  
this section, a public office or person responsible for public  
records shall transmit a copy of a public record to any person by  
United States mail within a reasonable period of time after  
receiving the request for the copy. The public office or person  
responsible for the public record may require the person making  
the request to pay in advance the cost of postage and other  
supplies used in the mailing.

Any public office may adopt a policy and procedures that it  
will follow in transmitting, within a reasonable period of time  
after receiving a request, copies of public records by United

States mail pursuant to this division. A public office that adopts 292  
a policy and procedures under this division shall comply with them 293  
in performing its duties under this division. 294

In any policy and procedures adopted under this division, a 295  
public office may limit the number of records requested by a 296  
person that the office will transmit by United States mail to ten 297  
per month, unless the person certifies to the office in writing 298  
that the person does not intend to use or forward the requested 299  
records, or the information contained in them, for commercial 300  
purposes. For purposes of this division, "commercial" shall be 301  
narrowly construed and does not include reporting or gathering 302  
news, reporting or gathering information to assist citizen 303  
oversight or understanding of the operation or activities of 304  
government, or nonprofit educational research. 305

(4) A public office or person responsible for public records 306  
is not required to permit a person who is incarcerated pursuant to 307  
a criminal conviction or a juvenile adjudication to inspect or to 308  
obtain a copy of any public record concerning a criminal 309  
investigation or prosecution or concerning what would be a 310  
criminal investigation or prosecution if the subject of the 311  
investigation or prosecution were an adult, unless the request to 312  
inspect or to obtain a copy of the record is for the purpose of 313  
acquiring information that is subject to release as a public 314  
record under this section and the judge who imposed the sentence 315  
or made the adjudication with respect to the person, or the 316  
judge's successor in office, finds that the information sought in 317  
the public record is necessary to support what appears to be a 318  
justiciable claim of the person. 319

(5) Upon written request made and signed by a journalist on 320  
or after December 16, 1999, a public office, or person responsible 321  
for public records, having custody of the records of the agency 322  
employing a specified peace officer, firefighter, or EMT shall 323

disclose to the journalist the address of the actual personal 324  
residence of the peace officer, firefighter or EMT and, if the 325  
peace officer's, firefighter's or EMT's spouse, former spouse, or 326  
child is employed by a public office, the name and address of the 327  
employer of the peace officer's, firefighter's, or EMT's spouse, 328  
former spouse, or child. The request shall include the 329  
journalist's name and title and the name and address of the 330  
journalist's employer and shall state that disclosure of the 331  
information sought would be in the public interest. 332

As used in division (B)(5) of this section, "journalist" 333  
means a person engaged in, connected with, or employed by any news 334  
medium, including a newspaper, magazine, press association, news 335  
agency, or wire service, a radio or television station, or a 336  
similar medium, for the purpose of gathering, processing, 337  
transmitting, compiling, editing, or disseminating information for 338  
the general public. 339

(C) If a person allegedly is aggrieved by the failure of a 340  
public office to promptly prepare a public record and to make it 341  
available to the person for inspection in accordance with division 342  
(B) of this section, or if a person who has requested a copy of a 343  
public record allegedly is aggrieved by the failure of a public 344  
office or the person responsible for the public record to make a 345  
copy available to the person allegedly aggrieved in accordance 346  
with division (B) of this section, the person allegedly aggrieved 347  
may commence a mandamus action to obtain a judgment that orders 348  
the public office or the person responsible for the public record 349  
to comply with division (B) of this section and that awards 350  
reasonable attorney's fees to the person that instituted the 351  
mandamus action. The mandamus action may be commenced in the court 352  
of common pleas of the county in which division (B) of this 353  
section allegedly was not complied with, in the supreme court 354  
pursuant to its original jurisdiction under Section 2 of Article 355

IV, Ohio Constitution, or in the court of appeals for the 356  
appellate district in which division (B) of this section allegedly 357  
was not complied with pursuant to its original jurisdiction under 358  
Section 3 of Article IV, Ohio Constitution. 359

(D) Chapter 1347. of the Revised Code does not limit the 360  
provisions of this section. 361

(E)(1) The bureau of motor vehicles may adopt rules pursuant 362  
to Chapter 119. of the Revised Code to reasonably limit the number 363  
of bulk commercial special extraction requests made by a person 364  
for the same records or for updated records during a calendar 365  
year. The rules may include provisions for charges to be made for 366  
bulk commercial special extraction requests for the actual cost of 367  
the bureau, plus special extraction costs, plus ten per cent. The 368  
bureau may charge for expenses for redacting information, the 369  
release of which is prohibited by law. 370

(2) As used in divisions (B)(3) and (E)(1) of this section: 371

(a) "Actual cost" means the cost of depleted supplies, 372  
records storage media costs, actual mailing and alternative 373  
delivery costs, or other transmitting costs, and any direct 374  
equipment operating and maintenance costs, including actual costs 375  
paid to private contractors for copying services. 376

(b) "Bulk commercial special extraction request" means a 377  
request for copies of a record for information in a format other 378  
than the format already available, or information that cannot be 379  
extracted without examination of all items in a records series, 380  
class of records, or data base by a person who intends to use or 381  
forward the copies for surveys, marketing, solicitation, or resale 382  
for commercial purposes. "Bulk commercial special extraction 383  
request" does not include a request by a person who gives 384  
assurance to the bureau that the person making the request does 385  
not intend to use or forward the requested copies for surveys, 386

marketing, solicitation, or resale for commercial purposes. 387

(c) "Commercial" means profit-seeking production, buying, or 388  
selling of any good, service, or other product. 389

(d) "Special extraction costs" means the cost of the time 390  
spent by the lowest paid employee competent to perform the task, 391  
the actual amount paid to outside private contractors employed by 392  
the bureau, or the actual cost incurred to create computer 393  
programs to make the special extraction. "Special extraction 394  
costs" include any charges paid to a public agency for computer or 395  
records services. 396

(3) For purposes of divisions (E)(1) and (2) of this section, 397  
"commercial surveys, marketing, solicitation, or resale" shall be 398  
narrowly construed and does not include reporting or gathering 399  
news, reporting or gathering information to assist citizen 400  
oversight or understanding of the operation or activities of 401  
government, or nonprofit educational research. 402

**Sec. 2151.421.** (A)(1)(a) No person described in division 403  
(A)(1)(b) of this section who is acting in an official or 404  
professional capacity and knows or suspects that a child under 405  
eighteen years of age or a mentally retarded, developmentally 406  
disabled, or physically impaired child under twenty-one years of 407  
age has suffered or faces a threat of suffering any physical or 408  
mental wound, injury, disability, or condition of a nature that 409  
reasonably indicates abuse or neglect of the child, shall fail to 410  
immediately report that knowledge or suspicion to the entity or 411  
persons specified in this division. Except as provided in section 412  
5120.173 of the Revised Code, the person making the report shall 413  
make it to the public children services agency or a municipal or 414  
county peace officer in the county in which the child resides or 415  
in which the abuse or neglect is occurring or has occurred. In the 416  
circumstances described in section 5120.173 of the Revised Code, 417

the person making the report shall make it to the entity specified 418  
in that section. 419

(b) Division (A)(1)(a) of this section applies to any person 420  
who is an attorney; physician, including a hospital intern or 421  
resident; dentist; podiatrist; practitioner of a limited branch of 422  
medicine as specified in section 4731.15 of the Revised Code; 423  
registered nurse; licensed practical nurse; visiting nurse; other 424  
health care professional; licensed psychologist; licensed school 425  
psychologist; independent marriage and family therapist or 426  
marriage and family therapist; speech pathologist or audiologist; 427  
coroner; administrator or employee of a child day-care center; 428  
administrator or employee of a residential camp or child day camp; 429  
administrator or employee of a certified child care agency or 430  
other public or private children services agency; school teacher; 431  
school employee; school authority; person engaged in social work 432  
or the practice of professional counseling; agent of a county 433  
humane society; person rendering spiritual treatment through 434  
prayer in accordance with the tenets of a well-recognized 435  
religion; superintendent, board member, or employee of a county 436  
board of mental retardation; investigative agent contracted with 437  
by a county board of mental retardation; or employee of the 438  
department of mental retardation and developmental disabilities. 439

(2) An attorney or a physician is not required to make a 440  
report pursuant to division (A)(1) of this section concerning any 441  
communication the attorney or physician receives from a client or 442  
patient in an attorney-client or physician-patient relationship, 443  
if, in accordance with division (A) or (B) of section 2317.02 of 444  
the Revised Code, the attorney or physician could not testify with 445  
respect to that communication in a civil or criminal proceeding, 446  
except that the client or patient is deemed to have waived any 447  
testimonial privilege under division (A) or (B) of section 2317.02 448  
of the Revised Code with respect to that communication and the 449

attorney or physician shall make a report pursuant to division 450  
(A)(1) of this section with respect to that communication, if all 451  
of the following apply: 452

(a) The client or patient, at the time of the communication, 453  
is either a child under eighteen years of age or a mentally 454  
retarded, developmentally disabled, or physically impaired person 455  
under twenty-one years of age. 456

(b) The attorney or physician knows or suspects, as a result 457  
of the communication or any observations made during that 458  
communication, that the client or patient has suffered or faces a 459  
threat of suffering any physical or mental wound, injury, 460  
disability, or condition of a nature that reasonably indicates 461  
abuse or neglect of the client or patient. 462

(c) The attorney-client or physician-patient relationship 463  
does not arise out of the client's or patient's attempt, prior to 464  
the effective date of this amendment, to have an abortion without 465  
the notification of her parents, guardian, or custodian in 466  
accordance with former section 2151.85 of the Revised Code as it 467  
existed prior to the effective date of this amendment. 468

(B) Anyone, who knows or suspects that a child under eighteen 469  
years of age or a mentally retarded, developmentally disabled, or 470  
physically impaired person under twenty-one years of age has 471  
suffered or faces a threat of suffering any physical or mental 472  
wound, injury, disability, or other condition of a nature that 473  
reasonably indicates abuse or neglect of the child may report or 474  
cause reports to be made of that knowledge or suspicion to the 475  
entity or persons specified in this division. Except as provided 476  
in section 5120.173 of the Revised Code, a person making a report 477  
or causing a report to be made under this division shall make it 478  
or cause it to be made to the public children services agency or 479  
to a municipal or county peace officer. In the circumstances 480



described in section 5120.173 of the Revised Code, a person making 481  
a report or causing a report to be made under this division shall 482  
make it or cause it to be made to the entity specified in that 483  
section. 484

(C) Any report made pursuant to division (A) or (B) of this 485  
section shall be made forthwith either by telephone or in person 486  
and shall be followed by a written report, if requested by the 487  
receiving agency or officer. The written report shall contain: 488

(1) The names and addresses of the child and the child's 489  
parents or the person or persons having custody of the child, if 490  
known; 491

(2) The child's age and the nature and extent of the child's 492  
known or suspected injuries, abuse, or neglect or of the known or 493  
suspected threat of injury, abuse, or neglect, including any 494  
evidence of previous injuries, abuse, or neglect; 495

(3) Any other information that might be helpful in 496  
establishing the cause of the known or suspected injury, abuse, or 497  
neglect or of the known or suspected threat of injury, abuse, or 498  
neglect. 499

Any person, who is required by division (A) of this section 500  
to report known or suspected child abuse or child neglect, may 501  
take or cause to be taken color photographs of areas of trauma 502  
visible on a child and, if medically indicated, cause to be 503  
performed radiological examinations of the child. 504

(D) As used in this division, "children's advocacy center" 505  
and "sexual abuse of a child" have the same meanings as in section 506  
2151.425 of the Revised Code. 507

(1) When a municipal or county peace officer receives a 508  
report concerning the possible abuse or neglect of a child or the 509  
possible threat of abuse or neglect of a child, upon receipt of 510

the report, the municipal or county peace officer who receives the 511  
report shall refer the report to the appropriate public children 512  
services agency. 513

(2) When a public children services agency receives a report 514  
pursuant to this division or division (A) or (B) of this section, 515  
upon receipt of the report, the public children services agency 516  
shall do both of the following: 517

(a) Comply with section 2151.422 of the Revised Code; 518

(b) If the county served by the agency is also served by a 519  
children's advocacy center and the report alleges sexual abuse of 520  
a child or another type of abuse of a child that is specified in 521  
the memorandum of understanding that creates the center as being 522  
within the center's jurisdiction, comply regarding the report with 523  
the protocol and procedures for referrals and investigations, with 524  
the coordinating activities, and with the authority or 525  
responsibility for performing or providing functions, activities, 526  
and services stipulated in the interagency agreement entered into 527  
under section 2151.428 of the Revised Code relative to that 528  
center. 529

(E) No township, municipal, or county peace officer shall 530  
remove a child about whom a report is made pursuant to this 531  
section from the child's parents, stepparents, or guardian or any 532  
other persons having custody of the child without consultation 533  
with the public children services agency, unless, in the judgment 534  
of the officer, and, if the report was made by physician, the 535  
physician, immediate removal is considered essential to protect 536  
the child from further abuse or neglect. The agency that must be 537  
consulted shall be the agency conducting the investigation of the 538  
report as determined pursuant to section 2151.422 of the Revised 539  
Code. 540

(F)(1) Except as provided in section 2151.422 of the Revised 541

Code or in an interagency agreement entered into under section 542  
2151.428 of the Revised Code that applies to the particular 543  
report, the public children services agency shall investigate, 544  
within twenty-four hours, each report of known or suspected child 545  
abuse or child neglect and of a known or suspected threat of child 546  
abuse or child neglect that is referred to it under this section 547  
to determine the circumstances surrounding the injuries, abuse, or 548  
neglect or the threat of injury, abuse, or neglect, the cause of 549  
the injuries, abuse, neglect, or threat, and the person or persons 550  
responsible. The investigation shall be made in cooperation with 551  
the law enforcement agency and in accordance with the memorandum 552  
of understanding prepared under division (J) of this section. A 553  
representative of the public children services agency shall, at 554  
the time of initial contact with the person subject to the 555  
investigation, inform the person of the specific complaints or 556  
allegations made against the person. The information shall be 557  
given in a manner that is consistent with division (H)(1) of this 558  
section and protects the rights of the person making the report 559  
under this section. 560

A failure to make the investigation in accordance with the 561  
memorandum is not grounds for, and shall not result in, the 562  
dismissal of any charges or complaint arising from the report or 563  
the suppression of any evidence obtained as a result of the report 564  
and does not give, and shall not be construed as giving, any 565  
rights or any grounds for appeal or post-conviction relief to any 566  
person. The public children services agency shall report each case 567  
to a central registry which the department of job and family 568  
services shall maintain in order to determine whether prior 569  
reports have been made in other counties concerning the child or 570  
other principals in the case. The public children services agency 571  
shall submit a report of its investigation, in writing, to the law 572  
enforcement agency. 573

(2) The public children services agency shall make any 574  
recommendations to the county prosecuting attorney or city 575  
director of law that it considers necessary to protect any 576  
children that are brought to its attention. 577

(G)(1)(a) Except as provided in division (H)(3) of this 578  
section, anyone or any hospital, institution, school, health 579  
department, or agency participating in the making of reports under 580  
division (A) of this section, anyone or any hospital, institution, 581  
school, health department, or agency participating in good faith 582  
in the making of reports under division (B) of this section, and 583  
anyone participating in good faith in a judicial proceeding 584  
resulting from the reports, shall be immune from any civil or 585  
criminal liability for injury, death, or loss to person or 586  
property that otherwise might be incurred or imposed as a result 587  
of the making of the reports or the participation in the judicial 588  
proceeding. 589

(b) Notwithstanding section 4731.22 of the Revised Code, the 590  
physician-patient privilege shall not be a ground for excluding 591  
evidence regarding a child's injuries, abuse, or neglect, or the 592  
cause of the injuries, abuse, or neglect in any judicial 593  
proceeding resulting from a report submitted pursuant to this 594  
section. 595

(2) In any civil or criminal action or proceeding in which it 596  
is alleged and proved that participation in the making of a report 597  
under this section was not in good faith or participation in a 598  
judicial proceeding resulting from a report made under this 599  
section was not in good faith, the court shall award the 600  
prevailing party reasonable attorney's fees and costs and, if a 601  
civil action or proceeding is voluntarily dismissed, may award 602  
reasonable attorney's fees and costs to the party against whom the 603  
civil action or proceeding is brought. 604

(H)(1) Except as provided in divisions (H)(4) and (M) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates

the center as being within the center's jurisdiction, the agency 637  
or center shall perform the duties and functions specified in this 638  
division in accordance with the interagency agreement entered into 639  
under section 2151.428 of the Revised Code relative to that 640  
advocacy center. 641

(5) A public children services agency shall advise a person 642  
alleged to have inflicted abuse or neglect on a child who is the 643  
subject of a report made pursuant to this section, including a 644  
report alleging sexual abuse of a child or another type of abuse 645  
of a child referred to a children's advocacy center pursuant to an 646  
interagency agreement entered into under section 2151.428 of the 647  
Revised Code, in writing of the disposition of the investigation. 648  
The agency shall not provide to the person any information that 649  
identifies the person who made the report, statements of 650  
witnesses, or police or other investigative reports. 651

(I) Any report that is required by this section, other than a 652  
report that is made to the state highway patrol as described in 653  
section 5120.173 of the Revised Code, shall result in protective 654  
services and emergency supportive services being made available by 655  
the public children services agency on behalf of the children 656  
about whom the report is made, in an effort to prevent further 657  
neglect or abuse, to enhance their welfare, and, whenever 658  
possible, to preserve the family unit intact. The agency required 659  
to provide the services shall be the agency conducting the 660  
investigation of the report pursuant to section 2151.422 of the 661  
Revised Code. 662

(J)(1) Each public children services agency shall prepare a 663  
memorandum of understanding that is signed by all of the 664  
following: 665

(a) If there is only one juvenile judge in the county, the 666  
juvenile judge of the county or the juvenile judge's 667

representative; 668

(b) If there is more than one juvenile judge in the county, a 669  
juvenile judge or the juvenile judges' representative selected by 670  
the juvenile judges or, if they are unable to do so for any 671  
reason, the juvenile judge who is senior in point of service or 672  
the senior juvenile judge's representative; 673

(c) The county peace officer; 674

(d) All chief municipal peace officers within the county; 675

(e) Other law enforcement officers handling child abuse and 676  
neglect cases in the county; 677

(f) The prosecuting attorney of the county; 678

(g) If the public children services agency is not the county 679  
department of job and family services, the county department of 680  
job and family services; 681

(h) The county humane society; 682

(i) If the public children services agency participated in 683  
the execution of a memorandum of understanding under section 684  
2151.426 of the Revised Code establishing a children's advocacy 685  
center, each participating member of the children's advocacy 686  
center established by the memorandum. 687

(2) A memorandum of understanding shall set forth the normal 688  
operating procedure to be employed by all concerned officials in 689  
the execution of their respective responsibilities under this 690  
section and division (C) of section 2919.21, division (B)(1) of 691  
section 2919.22, division (B) of section 2919.23, and section 692  
2919.24 of the Revised Code and shall have as two of its primary 693  
goals the elimination of all unnecessary interviews of children 694  
who are the subject of reports made pursuant to division (A) or 695  
(B) of this section and, when feasible, providing for only one 696  
interview of a child who is the subject of any report made 697

pursuant to division (A) or (B) of this section. A failure to 698  
follow the procedure set forth in the memorandum by the concerned 699  
officials is not grounds for, and shall not result in, the 700  
dismissal of any charges or complaint arising from any reported 701  
case of abuse or neglect or the suppression of any evidence 702  
obtained as a result of any reported child abuse or child neglect 703  
and does not give, and shall not be construed as giving, any 704  
rights or any grounds for appeal or post-conviction relief to any 705  
person. 706

(3) A memorandum of understanding shall include all of the 707  
following: 708

(a) The roles and responsibilities for handling emergency and 709  
nonemergency cases of abuse and neglect; 710

(b) Standards and procedures to be used in handling and 711  
coordinating investigations of reported cases of child abuse and 712  
reported cases of child neglect, methods to be used in 713  
interviewing the child who is the subject of the report and who 714  
allegedly was abused or neglected, and standards and procedures 715  
addressing the categories of persons who may interview the child 716  
who is the subject of the report and who allegedly was abused or 717  
neglected. 718

(4) If a public children services agency participated in the 719  
execution of a memorandum of understanding under section 2151.426 720  
of the Revised Code establishing a children's advocacy center, the 721  
agency shall incorporate the contents of that memorandum in the 722  
memorandum prepared pursuant to this section. 723

(K)(1) Except as provided in division (K)(4) of this section, 724  
a person who is required to make a report pursuant to division (A) 725  
of this section may make a reasonable number of requests of the 726  
public children services agency that receives or is referred the 727  
report, or of the children's advocacy center that is referred the 728



report if the report is referred to a children's advocacy center 729  
pursuant to an interagency agreement entered into under section 730  
2151.428 of the Revised Code, to be provided with the following 731  
information: 732

(a) Whether the agency or center has initiated an 733  
investigation of the report; 734

(b) Whether the agency or center is continuing to investigate 735  
the report; 736

(c) Whether the agency or center is otherwise involved with 737  
the child who is the subject of the report; 738

(d) The general status of the health and safety of the child 739  
who is the subject of the report; 740

(e) Whether the report has resulted in the filing of a 741  
complaint in juvenile court or of criminal charges in another 742  
court. 743

(2) A person may request the information specified in 744  
division (K)(1) of this section only if, at the time the report is 745  
made, the person's name, address, and telephone number are 746  
provided to the person who receives the report. 747

When a municipal or county peace officer or employee of a 748  
public children services agency receives a report pursuant to 749  
division (A) or (B) of this section the recipient of the report 750  
shall inform the person of the right to request the information 751  
described in division (K)(1) of this section. The recipient of the 752  
report shall include in the initial child abuse or child neglect 753  
report that the person making the report was so informed and, if 754  
provided at the time of the making of the report, shall include 755  
the person's name, address, and telephone number in the report. 756

Each request is subject to verification of the identity of 757  
the person making the report. If that person's identity is 758

verified, the agency shall provide the person with the information 759  
described in division (K)(1) of this section a reasonable number 760  
of times, except that the agency shall not disclose any 761  
confidential information regarding the child who is the subject of 762  
the report other than the information described in those 763  
divisions. 764

(3) A request made pursuant to division (K)(1) of this 765  
section is not a substitute for any report required to be made 766  
pursuant to division (A) of this section. 767

(4) If an agency other than the agency that received or was 768  
referred the report is conducting the investigation of the report 769  
pursuant to section 2151.422 of the Revised Code, the agency 770  
conducting the investigation shall comply with the requirements of 771  
division (K) of this section. 772

(L) The director of job and family services shall adopt rules 773  
in accordance with Chapter 119. of the Revised Code to implement 774  
this section. The department of job and family services may enter 775  
into a plan of cooperation with any other governmental entity to 776  
aid in ensuring that children are protected from abuse and 777  
neglect. The department shall make recommendations to the attorney 778  
general that the department determines are necessary to protect 779  
children from child abuse and child neglect. 780

(M)(1) As used in this division: 781

(a) "Out-of-home care" includes a nonchartered nonpublic 782  
school if the alleged child abuse or child neglect, or alleged 783  
threat of child abuse or child neglect, described in a report 784  
received by a public children services agency allegedly occurred 785  
in or involved the nonchartered nonpublic school and the alleged 786  
perpetrator named in the report holds a certificate, permit, or 787  
license issued by the state board of education under section 788  
3301.071 or Chapter 3319. of the Revised Code. 789

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the

administrator, director, or other chief administrative officer and 822  
the owner or governing board of the out-of-home care entity. The 823  
agency shall not provide witness statements or police or other 824  
investigative reports. 825

**Sec. 2305.11.** (A) An action for libel, slander, malicious 826  
prosecution, or false imprisonment, an action for malpractice 827  
other than an action upon a medical, dental, optometric, or 828  
chiropractic claim, or an action upon a statute for a penalty or 829  
forfeiture shall be commenced within one year after the cause of 830  
action accrued, provided that an action by an employee for the 831  
payment of unpaid minimum wages, unpaid overtime compensation, or 832  
liquidated damages by reason of the nonpayment of minimum wages or 833  
overtime compensation shall be commenced within two years after 834  
the cause of action accrued. 835

(B) A civil action for unlawful abortion or for facilitating 836  
an abortion pursuant to section 2919.12 of the Revised Code, a 837  
civil action authorized by division ~~(H)~~(C) of section 2317.56 of 838  
the Revised Code, a civil action pursuant to division (B)~~(1)~~ ~~or~~ 839  
~~(2)~~ of section ~~2307.51~~ 2307.53 of the Revised Code for performing 840  
~~a dilation and extraction procedure~~ or attempting to perform a 841  
~~dilation and extraction~~ partial birth procedure prior to the 842  
effective date of this amendment in violation of former section 843  
~~2919.15~~ 2919.151 of the Revised Code as it existed prior to the 844  
effective date of this amendment, and a civil action pursuant to 845  
division (B)(1) or (2) of section 2307.52 of the Revised Code for 846  
terminating or attempting to terminate a human pregnancy after 847  
viability prior to the effective date of this amendment in 848  
violation of division (A) or (B) of former section 2919.17 of the 849  
Revised Code as they existed prior to the effective date of this 850  
amendment, and a civil action pursuant to section 4731.91 or 851  
5101.55 of the Revised Code shall be commenced within one year 852

after the performance or inducement of the abortion, within one 853  
year after the attempt to perform or induce the abortion in 854  
violation of division (A) or (B) of former section 2919.17 of the 855  
Revised Code as it existed prior to the effective date of this 856  
amendment, within one year after the performance of the dilation 857  
and extraction partial birth procedure, or, ~~in the case of a civil~~ 858  
~~action pursuant to division (B)(2) of section 2307.51 of the~~ 859  
~~Revised Code, within one year after the attempt to perform the~~ 860  
~~dilation and extraction procedure~~ within one year after the 861  
conduct in violation of section 4731.91 or 5101.55 of the Revised 862  
Code, whichever is applicable. 863

(C) As used in this section, "medical claim," "dental claim," 864  
"optometric claim," and "chiropractic claim" have the same 865  
meanings as in section 2305.113 of the Revised Code. 866

**Sec. 2307.46.** (A) In any civil action based on or related to 867  
any injury, death, or loss to person or property suffered as a 868  
result of the performance or inducement of an abortion prior to, 869  
on, or after the effective date of this amendment or suffered as a 870  
result of an attempt to perform or induce an abortion prior to, 871  
on, or after that date, the woman upon whom the abortion was 872  
allegedly performed, induced, or attempted, at the time of the 873  
filing of the complaint in the civil action, may file a motion 874  
with the court requesting that her identity only be revealed to 875  
the defendant and to the court and that in all other respects the 876  
civil action be conducted in a manner that maintains her 877  
confidentiality. The motion shall set forth the reasons for the 878  
requested confidentiality. Prior to service of the complaint, the 879  
court shall conduct an ex parte hearing in a timely manner to 880  
determine whether sufficient cause exists to require that the 881  
confidentiality of the movant be maintained in the civil action. 882  
The decision of the court on the motion is final and is not 883  
subject to appeal. 884

(B) The supreme court shall prescribe rules to implement 885  
division (A) of this section. 886

**Sec. 2307.52.** (A) As used in this section: 887

(1) "Frivolous conduct" has the same meaning as in section 888  
2323.51 of the Revised Code. 889

(2) "Viable" has the same meaning as in former section 890  
2919.16 of the Revised Code as it existed prior to the effective 891  
date of this amendment. 892

(B)(1) A woman upon whom, prior to the effective date of this 893  
amendment, an abortion is purposely performed or induced or 894  
attempted to be performed or induced in violation of division (A) 895  
of former section 2919.17 of the Revised Code as it existed prior 896  
to the effective date of this amendment has and may commence a 897  
civil action for compensatory damages, punitive or exemplary 898  
damages if authorized by section 2315.21 of the Revised Code, and 899  
court costs and reasonable attorney's fees against the person who 900  
purposely performed or induced or attempted to perform or induce 901  
the abortion in violation of division (A) of former section 902  
2919.17 of the Revised Code as it existed prior to the effective 903  
date of this amendment. 904

(2) A woman upon whom, prior to the effective date of this 905  
amendment, an abortion is purposely performed or induced or 906  
attempted to be performed or induced in violation of division (B) 907  
of former section 2919.17 of the Revised Code as it existed prior 908  
to the effective date of this amendment has and may commence a 909  
civil action for compensatory damages, punitive or exemplary 910  
damages if authorized by section 2315.21 of the Revised Code, and 911  
court costs and reasonable attorney's fees against the person who 912  
purposely performed or induced or attempted to perform or induce 913  
the abortion in violation of division (B) of former section 914

2919.17 of the Revised Code as it existed prior to the effective date of this amendment. 915  
916

(C) If a judgment is rendered in favor of the defendant in a 917  
civil action commenced pursuant to division (B)(1) or (2) of this 918  
section and the court finds, upon the filing of a motion under 919  
section 2323.51 of the Revised Code, that the commencement of the 920  
civil action constitutes frivolous conduct and that the defendant 921  
was adversely affected by the frivolous conduct, the court shall 922  
award in accordance with section 2323.51 of the Revised Code 923  
reasonable attorney's fees to the defendant. 924

**Sec. 2307.53.** (A) As used in this section: 925

(1) "Frivolous conduct" has the same meaning as in section 926  
2323.51 of the Revised Code. 927

(2) "Partial birth procedure" has the same meaning as in 928  
former section 2919.151 of the Revised Code as it existed prior to 929  
the effective date of this amendment. 930

(B) A woman upon whom, prior to the effective date of this 931  
amendment, a partial birth procedure is performed in violation of 932  
division (B) or (C) of former section 2919.151 of the Revised Code 933  
as it existed prior to the effective date of this amendment, the 934  
father of the child if the child was not conceived by rape, or the 935  
parent of the woman if the woman is not eighteen years of age or 936  
older at the time of the violation has and may commence a civil 937  
action for compensatory damages, punitive or exemplary damages if 938  
authorized by section 2315.21 of the Revised Code, and court costs 939  
and reasonable attorney's fees against the person who committed 940  
the violation. 941

(C) If a judgment is rendered in favor of the defendant in a 942  
civil action commenced pursuant to division (B) of this section 943  
and the court finds, upon the filing of a motion under section 944

2323.51 of the Revised Code, that the commencement of the civil  
action constitutes frivolous conduct and that the defendant was  
adversely affected by the frivolous conduct, the court shall award  
in accordance with section 2323.51 of the Revised Code reasonable  
attorney's fees to the defendant.

**Sec. 2317.56.** (A) ~~As used in this section:~~ 950

~~(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 the  
pregnancy necessitating the immediate performance or inducement of  
an abortion.~~ 951-956

~~(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.~~ 957-961

~~(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.~~ 962-966

~~(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:~~ 967-969

~~(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 shall~~ 970-974



~~inform the pregnant woman, verbally or, if she is hearing~~ 975  
~~impaired, by other means of communication, of all of the~~ 976  
~~following:~~ 977

~~(a) The nature and purpose of the particular abortion~~ 978  
~~procedure to be used and the medical risks associated with that~~ 979  
~~procedure;~~ 980

~~(b) The probable gestational age of the embryo or fetus;~~ 981

~~(c) The medical risks associated with the pregnant woman~~ 982  
~~carrying the pregnancy to term.~~ 983

~~The meeting need not occur at the facility where the abortion~~ 984  
~~is to be performed or induced, and the physician involved in the~~ 985  
~~meeting need not be affiliated with that facility or with the~~ 986  
~~physician who is scheduled to perform or induce the abortion.~~ 987

~~(2) At least twenty four hours prior to the performance or~~ 988  
~~inducement of the abortion, one or more physicians or one or more~~ 989  
~~agents of one or more physicians do each of the following in~~ 990  
~~person, by telephone, by certified mail, return receipt requested,~~ 991  
~~or by regular mail evidenced by a certificate of mailing:~~ 992

~~(a) Inform the pregnant woman of the name of the physician~~ 993  
~~who is scheduled to perform or induce the abortion;~~ 994

~~(b) Give the pregnant woman copies of the published materials~~ 995  
~~described in division (C) of this section;~~ 996

~~(c) Inform the pregnant woman that the materials given~~ 997  
~~pursuant to division (B)(2)(b) of this section are provided by the~~ 998  
~~state and that they describe the embryo or fetus and list agencies~~ 999  
~~that offer alternatives to abortion. The pregnant woman may choose~~ 1000  
~~to examine or not to examine the materials. A physician or an~~ 1001  
~~agent of a physician may choose to be disassociated from the~~ 1002  
~~materials and may choose to comment or not comment on the~~ 1003  
~~materials.~~ 1004

~~(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) 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.~~

~~(4) Prior to the performance or inducement of the abortion,  
the physician who is scheduled to perform or induce the abortion  
or 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)(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~~ women about  
family planning information, of publicly funded agencies that are  
available to assist in family planning, and of public and private  
agencies and services that are available to assist ~~her~~ them  
through ~~the~~ their pregnancy, upon childbirth, and while ~~the~~ their  
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~~ women  
about available medical assistance benefits for prenatal care,~~

childbirth, and neonatal care and about the support obligations of 1036  
the father of a child who is born alive. The department shall 1037  
ensure that the materials described in division ~~(C)~~(A)(1) of this 1038  
section are comprehensive and do not directly or indirectly 1039  
promote, exclude, or discourage the use of any agency or service 1040  
described in this division. 1041

(2) Materials that inform ~~the pregnant woman~~ women of the 1042  
probable anatomical and physiological characteristics of ~~the~~ their 1043  
zygote, blastocyte, embryo, or fetus at two-week gestational 1044  
increments for the first sixteen weeks of pregnancy and at 1045  
four-week gestational increments from the seventeenth week of 1046  
pregnancy to full term, including any relevant information 1047  
regarding the time at which ~~the~~ their fetus possibly would be 1048  
viable. The department shall cause these materials to be published 1049  
only after it consults with the Ohio state medical association and 1050  
the Ohio section of the American college of obstetricians and 1051  
gynecologists relative to the probable anatomical and 1052  
physiological characteristics of a zygote, blastocyte, embryo, or 1053  
fetus at the various gestational increments. The materials shall 1054  
use language that is understandable by the average person who is 1055  
not medically trained, shall be objective and nonjudgmental, and 1056  
shall include only accurate scientific information about the 1057  
zygote, blastocyte, embryo, or fetus at the various gestational 1058  
increments. If the materials use a pictorial, photographic, or 1059  
other depiction to provide information regarding the zygote, 1060  
blastocyte, embryo, or fetus, the materials shall include, in a 1061  
conspicuous manner, a scale or other explanation that is 1062  
understandable by the average person and that can be used to 1063  
determine the actual size of the zygote, blastocyte, embryo, or 1064  
fetus at a particular gestational increment as contrasted with the 1065  
depicted size of the zygote, blastocyte, embryo, or fetus at that 1066  
gestational increment. 1067

~~(D)(B)~~ 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)(A)~~ 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 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 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.~~ 1099  
1100

~~(H)(C)(1) Subject to divisions (H) division (C)(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 in violation of section 2919.12 of the Revised Code is liable in compensatory and exemplary damages in a civil action to the persons specified in division (C) of that section and 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 abortion. In the civil action, the court additionally may enter any injunctive or other equitable relief that it considers appropriate.~~ 1101  
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~~(2) The following shall be affirmative defenses in a civil action authorized by division (H)(1) of this section:~~ 1114  
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~~(a) The physician performed or induced the abortion under the circumstances described in division (E) of this section.~~ 1116  
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~~(b) The physician made a good faith effort to satisfy the conditions specified in division (B) of this section.~~ 1118  
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~~(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)(2) of this section and to obtain a certification as described in divisions (B)(3) and (4) of this section because the department failed to make the requested number of copies available to the physician or agent in accordance with division (D) of this section.~~ 1120  
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~~(3) An employer or other principal is not liable in damages~~ 1129

in a civil action authorized by division ~~(H)(C)~~(1) of this section 1130  
on the basis of the doctrine of respondeat superior unless either 1131  
~~of the following applies:~~ 1132

~~(a) The employer or other principal had actual knowledge or, 1133  
by the exercise of reasonable diligence, should have known that an 1134  
employee or agent performed or induced an abortion with actual 1135  
knowledge that the conditions specified in division (B) of this in 1136  
violation of section had not been satisfied or with a heedless 1137  
indifference as to whether those conditions had been satisfied 1138  
2919.12 of the Revised Code. 1139~~

~~(b) The employer or other principal negligently failed to 1140  
secure the compliance of an employee or agent with division (B) of 1141  
this section. 1142~~

~~(4) Notwithstanding division (E) of section 2919.12 of the 1143  
Revised Code, the civil action authorized by division (H)(1) of 1144  
this section shall be the exclusive civil remedy for persons, or 1145  
the representatives of estates of persons, who allegedly sustain 1146  
injury, death, or loss to person or property as a result of a 1147  
failure to satisfy the conditions specified in division (B) of 1148  
this section. 1149~~

~~(I)(D) The department of job and family services shall 1150  
prepare and conduct a public information program to inform women 1151  
of all available governmental programs and agencies that provide 1152  
services or assistance for family planning, prenatal care, child 1153  
care, or alternatives to abortion. 1154~~

**Sec. 2505.02.** (A) As used in this section: 1155

(1) "Substantial right" means a right that the United States 1156  
Constitution, the Ohio Constitution, a statute, the common law, or 1157  
a rule of procedure entitles a person to enforce or protect. 1158

(2) "Special proceeding" means an action or proceeding that 1159

is specially created by statute and that prior to 1853 was not 1160  
denoted as an action at law or a suit in equity. 1161

(3) "Provisional remedy" means a proceeding ancillary to an 1162  
action, including, but not limited to, a proceeding for a 1163  
preliminary injunction, attachment, discovery of privileged 1164  
matter, suppression of evidence, a prima-facie showing pursuant to 1165  
section 2307.85 or 2307.86 of the Revised Code, a prima-facie 1166  
showing pursuant to section 2307.92 of the Revised Code, or a 1167  
finding made pursuant to division (A)(3) of section 2307.93 of the 1168  
Revised Code. 1169

(B) An order is a final order that may be reviewed, affirmed, 1170  
modified, or reversed, with or without retrial, when it is one of 1171  
the following: 1172

(1) An order that affects a substantial right in an action 1173  
that in effect determines the action and prevents a judgment; 1174

(2) An order that affects a substantial right made in a 1175  
special proceeding or upon a summary application in an action 1176  
after judgment; 1177

(3) An order that vacates or sets aside a judgment or grants 1178  
a new trial; 1179

(4) An order that grants or denies a provisional remedy and 1180  
to which both of the following apply: 1181

(a) The order in effect determines the action with respect to 1182  
the provisional remedy and prevents a judgment in the action in 1183  
favor of the appealing party with respect to the provisional 1184  
remedy. 1185

(b) The appealing party would not be afforded a meaningful or 1186  
effective remedy by an appeal following final judgment as to all 1187  
proceedings, issues, claims, and parties in the action. 1188

(5) An order that determines that an action may or may not be 1189

maintained as a class action; 1190

(6) An order determining the constitutionality of any changes 1191  
to the Revised Code made by Am. Sub. S.B. 281 of the 124th general 1192  
assembly, including the amendment of sections 1751.67, 2117.06, 1193  
2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 1194  
2711.22, 2711.23, 2711.24, 2743.02, 2743.43, ~~2919.16~~, 3923.63, 1195  
3923.64, 4705.15, and 5111.018, ~~and~~ the enactment of sections 1196  
2305.113, 2323.41, 2323.43, and 2323.55, and the amendment of 1197  
former section 2919.16 of the Revised Code or any changes made by 1198  
Sub. S.B. 80 of the 125th general assembly, including the 1199  
amendment of sections 2125.02, 2305.10, 2305.131, 2315.18, 1200  
2315.19, and 2315.21 of the Revised Code. 1201

(C) When a court issues an order that vacates or sets aside a 1202  
judgment or grants a new trial, the court, upon the request of 1203  
either party, shall state in the order the grounds upon which the 1204  
new trial is granted or the judgment vacated or set aside. 1205

(D) This section applies to and governs any action, including 1206  
an appeal, that is pending in any court on July 22, 1998, and all 1207  
claims filed or actions commenced on or after July 22, 1998, 1208  
notwithstanding any provision of any prior statute or rule of law 1209  
of this state. 1210

**Sec. 2901.01.** (A) As used in the Revised Code: 1211

(1) "Force" means any violence, compulsion, or constraint 1212  
physically exerted by any means upon or against a person or thing. 1213

(2) "Deadly force" means any force that carries a substantial 1214  
risk that it will proximately result in the death of any person. 1215

(3) "Physical harm to persons" means any injury, illness, or 1216  
other physiological impairment, regardless of its gravity or 1217  
duration. 1218

(4) "Physical harm to property" means any tangible or 1219



intangible damage to property that, in any degree, results in loss 1220  
to its value or interferes with its use or enjoyment. "Physical 1221  
harm to property" does not include wear and tear occasioned by 1222  
normal use. 1223

(5) "Serious physical harm to persons" means any of the 1224  
following: 1225

(a) Any mental illness or condition of such gravity as would 1226  
normally require hospitalization or prolonged psychiatric 1227  
treatment; 1228

(b) Any physical harm that carries a substantial risk of 1229  
death; 1230

(c) Any physical harm that involves some permanent 1231  
incapacity, whether partial or total, or that involves some 1232  
temporary, substantial incapacity; 1233

(d) Any physical harm that involves some permanent 1234  
disfigurement or that involves some temporary, serious 1235  
disfigurement; 1236

(e) Any physical harm that involves acute pain of such 1237  
duration as to result in substantial suffering or that involves 1238  
any degree of prolonged or intractable pain. 1239

(6) "Serious physical harm to property" means any physical 1240  
harm to property that does either of the following: 1241

(a) Results in substantial loss to the value of the property 1242  
or requires a substantial amount of time, effort, or money to 1243  
repair or replace; 1244

(b) Temporarily prevents the use or enjoyment of the property 1245  
or substantially interferes with its use or enjoyment for an 1246  
extended period of time. 1247

(7) "Risk" means a significant possibility, as contrasted 1248  
with a remote possibility, that a certain result may occur or that 1249

certain circumstances may exist. 1250

(8) "Substantial risk" means a strong possibility, as 1251  
contrasted with a remote or significant possibility, that a 1252  
certain result may occur or that certain circumstances may exist. 1253

(9) "Offense of violence" means any of the following: 1254

(a) A violation of section 2903.01, 2903.02, 2903.03, 1255  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 1256  
2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 1257  
2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 1258  
2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 1259  
2923.161, of division (A)(1), (2), or (3) of section 2911.12, or 1260  
of division (B)(1), (2), (3), or (4) of section 2919.22 of the 1261  
Revised Code or felonious sexual penetration in violation of 1262  
former section 2907.12 of the Revised Code; 1263

(b) A violation of an existing or former municipal ordinance 1264  
or law of this or any other state or the United States, 1265  
substantially equivalent to any section, division, or offense 1266  
listed in division (A)(9)(a) of this section; 1267

(c) An offense, other than a traffic offense, under an 1268  
existing or former municipal ordinance or law of this or any other 1269  
state or the United States, committed purposely or knowingly, and 1270  
involving physical harm to persons or a risk of serious physical 1271  
harm to persons; 1272

(d) A conspiracy or attempt to commit, or complicity in 1273  
committing, any offense under division (A)(9)(a), (b), or (c) of 1274  
this section. 1275

(10)(a) "Property" means any property, real or personal, 1276  
tangible or intangible, and any interest or license in that 1277  
property. "Property" includes, but is not limited to, cable 1278  
television service, other telecommunications service, 1279

telecommunications devices, information service, computers, data, 1280  
computer software, financial instruments associated with 1281  
computers, other documents associated with computers, or copies of 1282  
the documents, whether in machine or human readable form, trade 1283  
secrets, trademarks, copyrights, patents, and property protected 1284  
by a trademark, copyright, or patent. "Financial instruments 1285  
associated with computers" include, but are not limited to, 1286  
checks, drafts, warrants, money orders, notes of indebtedness, 1287  
certificates of deposit, letters of credit, bills of credit or 1288  
debit cards, financial transaction authorization mechanisms, 1289  
marketable securities, or any computer system representations of 1290  
any of them. 1291

(b) As used in division (A)(10) of this section, "trade 1292  
secret" has the same meaning as in section 1333.61 of the Revised 1293  
Code, and "telecommunications service" and "information service" 1294  
have the same meanings as in section 2913.01 of the Revised Code. 1295

(c) As used in divisions (A)(10) and (13) of this section, 1296  
"cable television service," "computer," "computer software," 1297  
"computer system," "computer network," "data," and 1298  
"telecommunications device" have the same meanings as in section 1299  
2913.01 of the Revised Code. 1300

(11) "Law enforcement officer" means any of the following: 1301

(a) A sheriff, deputy sheriff, constable, police officer of a 1302  
township or joint township police district, marshal, deputy 1303  
marshal, municipal police officer, member of a police force 1304  
employed by a metropolitan housing authority under division (D) of 1305  
section 3735.31 of the Revised Code, or state highway patrol 1306  
trooper; 1307

(b) An officer, agent, or employee of the state or any of its 1308  
agencies, instrumentalities, or political subdivisions, upon whom, 1309  
by statute, a duty to conserve the peace or to enforce all or 1310

certain laws is imposed and the authority to arrest violators is 1311  
conferred, within the limits of that statutory duty and authority; 1312

(c) A mayor, in the mayor's capacity as chief conservator of 1313  
the peace within the mayor's municipal corporation; 1314

(d) A member of an auxiliary police force organized by 1315  
county, township, or municipal law enforcement authorities, within 1316  
the scope of the member's appointment or commission; 1317

(e) A person lawfully called pursuant to section 311.07 of 1318  
the Revised Code to aid a sheriff in keeping the peace, for the 1319  
purposes and during the time when the person is called; 1320

(f) A person appointed by a mayor pursuant to section 737.01 1321  
of the Revised Code as a special patrolling officer during riot or 1322  
emergency, for the purposes and during the time when the person is 1323  
appointed; 1324

(g) A member of the organized militia of this state or the 1325  
armed forces of the United States, lawfully called to duty to aid 1326  
civil authorities in keeping the peace or protect against domestic 1327  
violence; 1328

(h) A prosecuting attorney, assistant prosecuting attorney, 1329  
secret service officer, or municipal prosecutor; 1330

(i) A veterans' home police officer appointed under section 1331  
5907.02 of the Revised Code; 1332

(j) A member of a police force employed by a regional transit 1333  
authority under division (Y) of section 306.35 of the Revised 1334  
Code; 1335

(k) A special police officer employed by a port authority 1336  
under section 4582.04 or 4582.28 of the Revised Code; 1337

(l) The house of representatives sergeant at arms if the 1338  
house of representatives sergeant at arms has arrest authority 1339  
pursuant to division (E)(1) of section 101.311 of the Revised Code 1340

and an assistant house of representatives sergeant at arms; 1341

(m) A special police officer employed by a municipal 1342  
corporation at a municipal airport, or other municipal air 1343  
navigation facility, that has scheduled operations, as defined in 1344  
section 119.3 of Title 14 of the Code of Federal Regulations, 14 1345  
C.F.R. 119.3, as amended, and that is required to be under a 1346  
security program and is governed by aviation security rules of the 1347  
transportation security administration of the United States 1348  
department of transportation as provided in Parts 1542. and 1544. 1349  
of Title 49 of the Code of Federal Regulations, as amended. 1350

(12) "Privilege" means an immunity, license, or right 1351  
conferred by law, bestowed by express or implied grant, arising 1352  
out of status, position, office, or relationship, or growing out 1353  
of necessity. 1354

(13) "Contraband" means any property described in the 1355  
following categories: 1356

(a) Property that in and of itself is unlawful for a person 1357  
to acquire or possess; 1358

(b) Property that is not in and of itself unlawful for a 1359  
person to acquire or possess, but that has been determined by a 1360  
court of this state, in accordance with law, to be contraband 1361  
because of its use in an unlawful activity or manner, of its 1362  
nature, or of the circumstances of the person who acquires or 1363  
possesses it, including, but not limited to, goods and personal 1364  
property described in division (D) of section 2913.34 of the 1365  
Revised Code; 1366

(c) Property that is specifically stated to be contraband by 1367  
a section of the Revised Code or by an ordinance, regulation, or 1368  
resolution; 1369

(d) Property that is forfeitable pursuant to a section of the 1370  
Revised Code, or an ordinance, regulation, or resolution, 1371

including, but not limited to, forfeitable firearms, dangerous	1372
ordnance, obscene materials, and goods and personal property	1373
described in division (D) of section 2913.34 of the Revised Code;	1374
(e) Any controlled substance, as defined in section 3719.01	1375
of the Revised Code, or any device, paraphernalia, money as	1376
defined in section 1301.01 of the Revised Code, or other means of	1377
exchange that has been, is being, or is intended to be used in an	1378
attempt or conspiracy to violate, or in a violation of, Chapter	1379
2925. or 3719. of the Revised Code;	1380
(f) Any gambling device, paraphernalia, money as defined in	1381
section 1301.01 of the Revised Code, or other means of exchange	1382
that has been, is being, or is intended to be used in an attempt	1383
or conspiracy to violate, or in the violation of, Chapter 2915. of	1384
the Revised Code;	1385
(g) Any equipment, machine, device, apparatus, vehicle,	1386
vessel, container, liquid, or substance that has been, is being,	1387
or is intended to be used in an attempt or conspiracy to violate,	1388
or in the violation of, any law of this state relating to alcohol	1389
or tobacco;	1390
(h) Any personal property that has been, is being, or is	1391
intended to be used in an attempt or conspiracy to commit, or in	1392
the commission of, any offense or in the transportation of the	1393
fruits of any offense;	1394
(i) Any property that is acquired through the sale or other	1395
transfer of contraband or through the proceeds of contraband,	1396
other than by a court or a law enforcement agency acting within	1397
the scope of its duties;	1398
(j) Any computer, computer system, computer network, computer	1399
software, or other telecommunications device that is used in a	1400
conspiracy to commit, an attempt to commit, or the commission of	1401
any offense, if the owner of the computer, computer system,	1402

computer network, computer software, or other telecommunications 1403  
device is convicted of or pleads guilty to the offense in which it 1404  
is used; 1405

(k) Any property that is material support or resources and 1406  
that has been, is being, or is intended to be used in an attempt 1407  
or conspiracy to violate, or in the violation of, section 2909.22, 1408  
2909.23, or 2909.24 of the Revised Code or of section 2921.32 of 1409  
the Revised Code when the offense or act committed by the person 1410  
aided or to be aided as described in that section is an act of 1411  
terrorism. As used in division (A)(13)(k) of this section, 1412  
"material support or resources" and "act of terrorism" have the 1413  
same meanings as in section 2909.21 of the Revised Code. 1414

(14) A person is "not guilty by reason of insanity" relative 1415  
to a charge of an offense only if the person proves, in the manner 1416  
specified in section 2901.05 of the Revised Code, that at the time 1417  
of the commission of the offense, the person did not know, as a 1418  
result of a severe mental disease or defect, the wrongfulness of 1419  
the person's acts. 1420

(B)(1)(a) Subject to division (B)(2) of this section, as used 1421  
in any section contained in Title XXIX of the Revised Code that 1422  
sets forth a criminal offense, "person" includes all of the 1423  
following: 1424

(i) An individual, corporation, business trust, estate, 1425  
trust, partnership, and association; 1426

(ii) An unborn human who is viable. 1427

(b) As used in any section contained in Title XXIX of the 1428  
Revised Code that does not set forth a criminal offense, "person" 1429  
includes an individual, corporation, business trust, estate, 1430  
trust, partnership, and association. 1431

(c) As used in division (B)(1)(a) of this section: 1432

(i) "Unborn human" means an individual organism of the species Homo sapiens from fertilization until live birth.

(ii) "Viable" means the stage of development of a human fetus at which there is a realistic possibility of maintaining and nourishing of a life outside the womb with or without temporary artificial life-sustaining support.

(2) Notwithstanding division (B)(1)(a) of this section, in no case shall the portion of the definition of the term "person" that is set forth in division (B)(1)(a)(ii) of this section be applied or construed in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense in any of the following manners:

~~(a) Except as otherwise provided in division (B)(2)(a) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 of the Revised Code, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence, but that does violate section 2919.12, division (B) of section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the Revised Code, may be punished as a violation of section 2919.12, division (B) of section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. Consent is sufficient under this division if it is of the type otherwise adequate to permit medical treatment to the pregnant~~



woman, even if it does not comply with section 2919.12 of the Revised Code. 1465  
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~~(b)~~ In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following: 1467  
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~~(i)~~(a) Her delivery of a stillborn baby; 1471

~~(ii)~~(b) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying; 1472  
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~~(iii)~~(c) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human; 1474  
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~~(iv)~~(d) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human; 1477  
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~~(v)~~(e) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying. 1479  
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(C) As used in Title XXIX of the Revised Code: 1484

(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus. 1485  
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(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code. 1487  
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(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for 1489  
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which the state board of education prescribes minimum standards 1495  
under section 3301.07 of the Revised Code. 1496

(4) "School bus" has the same meaning as in section 4511.01 1497  
of the Revised Code. 1498

**Sec. 2903.09.** As used in sections 2903.01 to 2903.08, 2903.11 1499  
to 2903.14, 2903.21, and 2903.22 of the Revised Code: 1500

(A) "Unlawful termination of another's pregnancy" means 1501  
causing the death of an unborn member of the species homo sapiens, 1502  
who is or was carried in the womb of another, as a result of 1503  
injuries inflicted during the period that begins with 1504  
fertilization and that continues unless and until live birth 1505  
occurs. 1506

(B) "Another's unborn" or "such other person's unborn" means 1507  
a member of the species homo sapiens, who is or was carried in the 1508  
womb of another, during a period that begins with fertilization 1509  
and that continues unless and until live birth occurs. 1510

(C) Notwithstanding divisions (A) and (B) of this section, in 1511  
no case shall the definitions of the terms "unlawful termination 1512  
of another's pregnancy," "another's unborn," and "such other 1513  
person's unborn" that are set forth in division (A) of this 1514  
section be applied or construed in any ~~of the following manners:~~ 1515

~~(1) Except as otherwise provided in division (C)(1) of this 1516  
section, in a manner so that the offense prohibits or is construed 1517  
as prohibiting any pregnant woman or her physician from performing 1518  
an abortion with the actual consent of the pregnant woman, with 1519  
the consent of the pregnant woman implied by law in a medical 1520  
emergency, or with the approval of one otherwise authorized by law 1521  
to consent to medical treatment on behalf of the pregnant woman. 1522  
An abortion that violates the conditions described in the 1523  
immediately preceding sentence may be punished as a violation of 1524~~

~~section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06,  
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22  
of the Revised Code, as applicable. An abortion that does not  
violate the conditions described in the second immediately  
preceding sentence, but that does violate section 2919.12,  
division (B) of section 2919.13, or section 2919.151, 2919.17, or  
2919.18 of the Revised Code, may be punished as a violation of  
section 2919.12, division (B) of section 2919.13, or section  
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable.~~

~~(2) In a manner so that the offense is applied or is  
construed as applying to a woman based on an act or omission of  
the woman that occurs while she is or was pregnant and that  
results in any of the following:~~

~~(a)(1) Her delivery of a stillborn baby;~~

~~(b)(2) Her causing, in any other manner, the death in utero  
of an unborn that she is carrying;~~

~~(c)(3) Her causing the death of her child who is born alive  
but who dies from one or more injuries that are sustained while  
the child is an unborn;~~

~~(d)(4) Her causing her child who is born alive to sustain one  
or more injuries while the child is an unborn;~~

~~(e)(5) Her causing, threatening to cause, or attempting to  
cause, in any other manner, an injury, illness, or other  
physiological impairment, regardless of its duration or gravity,  
or a mental illness or condition, regardless of its duration or  
gravity, to an unborn that she is carrying.~~

**Sec. 2919.12.** (A) No person shall ~~perform~~ do any of the  
following:

(1) Perform or induce an abortion ~~without the informed  
consent of the pregnant woman;~~

(2) Transport another, or cause another to be transported, 1555  
across the boundary of this state or of any county in this state 1556  
in order to facilitate the other person having an abortion. 1557

~~(B)(1)(a) No person shall knowingly perform or induce an~~ 1558  
~~abortion upon a woman who is pregnant, unmarried, under eighteen~~ 1559  
~~years of age, and unemancipated unless at least one of the~~ 1560  
~~following applies:~~ 1561

~~(i) Subject to division (B)(2) of this section, the person~~ 1562  
~~has given at least twenty four hours actual notice, in person or~~ 1563  
~~by telephone, to one of the woman's parents, her guardian, or her~~ 1564  
~~custodian as to the intention to perform or induce the abortion,~~ 1565  
~~provided that if the woman has requested, in accordance with~~ 1566  
~~division (B)(1)(b) of this section, that notice be given to a~~ 1567  
~~specified brother or sister of the woman who is twenty one years~~ 1568  
~~of age or older or to a specified stepparent or grandparent of the~~ 1569  
~~woman instead of to one of her parents, her guardian, or her~~ 1570  
~~custodian, and if the person is notified by a juvenile court that~~ 1571  
~~affidavits of the type described in that division have been filed~~ 1572  
~~with that court, the twenty four hours actual notice described in~~ 1573  
~~this division as to the intention to perform or induce the~~ 1574  
~~abortion shall be given, in person or by telephone, to the~~ 1575  
~~specified brother, sister, stepparent, or grandparent instead of~~ 1576  
~~to the parent, guardian, or custodian;~~ 1577

~~(ii) One of the woman's parents, her guardian, or her~~ 1578  
~~custodian has consented in writing to the performance or~~ 1579  
~~inducement of the abortion;~~ 1580

~~(iii) A juvenile court pursuant to section 2151.85 of the~~ 1581  
~~Revised Code issues an order authorizing the woman to consent to~~ 1582  
~~the abortion without notification of one of her parents, her~~ 1583  
~~guardian, or her custodian;~~ 1584

~~(iv) A juvenile court or a court of appeals, by its inaction,~~ 1585

~~constructively has authorized the woman to consent to the abortion  
without notification of one of her parents, her guardian, or her  
custodian under division (B)(1) of section 2151.85 or division (A)  
of section 2505.073 of the Revised Code.~~

~~(b) If a woman who is pregnant, unmarried, under eighteen  
years of age, and unemancipated desires notification as to a  
person's intention to perform or induce an abortion on the woman  
to be given to a specified brother or sister of the woman who is  
twenty one years of age or older or to a specified stepparent or  
grandparent of the woman instead of to one of her parents, her  
guardian, or her custodian, the person who intends to perform or  
induce the abortion shall notify the specified brother, sister,  
stepparent, or grandparent instead of the parent, guardian, or  
custodian for purposes of division (B)(1)(a)(i) of this section if  
all of the following apply:~~

~~(i) The woman has requested the person to provide the  
notification to the specified brother, sister, stepparent, or  
grandparent, clearly has identified the specified brother, sister,  
stepparent, or grandparent and her relation to that person, and,  
if the specified relative is a brother or sister, has indicated  
the age of the brother or sister;~~

~~(ii) The woman has executed an affidavit stating that she is  
in fear of physical, sexual, or severe emotional abuse from the  
parent, guardian, or custodian who otherwise would be notified  
under division (B)(1)(a)(i) of this section, and that the fear is  
based on a pattern of physical, sexual, or severe emotional abuse  
of her exhibited by that parent, guardian, or custodian, has filed  
the affidavit with the juvenile court of the county in which the  
woman has a residence or legal settlement, the juvenile court of  
any county that borders to any extent the county in which she has  
a residence or legal settlement, or the juvenile court of the  
county in which the hospital, clinic, or other facility in which~~

~~the abortion would be performed or induced is located, and has  
given the court written notice of the name and address of the  
person who intends to perform or induce the abortion;~~

~~(iii) The specified brother, sister, stepparent, or  
grandparent has executed an affidavit stating that the woman has  
reason to fear physical, sexual, or severe emotional abuse from  
the parent, guardian, or custodian who otherwise would be notified  
under division (B)(1)(a)(i) of this section, based on a pattern of  
physical, sexual, or severe emotional abuse of her by that parent,  
guardian, or custodian, and the woman or the specified brother,  
sister, stepparent, or grandparent has filed the affidavit with  
the juvenile court in which the affidavit described in division  
(B)(1)(b)(ii) of this section was filed;~~

~~(iv) The juvenile court in which the affidavits described in  
divisions (B)(1)(b)(ii) and (iii) of this section were filed has  
notified the person that both of those affidavits have been filed  
with the court.~~

~~(e) If an affidavit of the type described in division  
(B)(1)(b)(ii) of this section and an affidavit of the type  
described in division (B)(1)(b)(iii) of this section are filed  
with a juvenile court and the court has been provided with written  
notice of the name and address of the person who intends to  
perform or induce an abortion upon the woman to whom the  
affidavits pertain, the court promptly shall notify the person who  
intends to perform or induce the abortion that the affidavits have  
been filed. If possible, the notice to the person shall be given  
in person or by telephone.~~

~~(2) If division (B)(1)(a)(ii), (iii), or (iv) of this section  
does not apply, and if no parent, guardian, or custodian can be  
reached for purposes of division (B)(1)(a)(i) of this section  
after a reasonable effort, or if notification is to be given to a~~

~~specified brother, sister, stepparent, or grandparent under that~~ 1649  
~~division and the specified brother, sister, stepparent, or~~ 1650  
~~grandparent cannot be reached for purposes of that division after~~ 1651  
~~a reasonable effort, no person shall perform or induce such an~~ 1652  
~~abortion without giving at least forty eight hours constructive~~ 1653  
~~notice to one of the woman's parents, her guardian, or her~~ 1654  
~~custodian, by both certified and ordinary mail sent to the last~~ 1655  
~~known address of the parent, guardian, or custodian, or if~~ 1656  
~~notification for purposes of division (B)(1)(a)(i) of this section~~ 1657  
~~is to be given to a specified brother, sister, stepparent, or~~ 1658  
~~grandparent, without giving at least forty eight hours~~ 1659  
~~constructive notice to that specified brother, sister, stepparent,~~ 1660  
~~or grandparent by both certified and ordinary mail sent to the~~ 1661  
~~last known address of that specified brother, sister, stepparent,~~ 1662  
~~or grandparent. The forty eight hour period under this division~~ 1663  
~~begins when the certified mail notice is mailed. If a parent,~~ 1664  
~~guardian, or custodian of the woman, or if notification under~~ 1665  
~~division (B)(1)(a)(i) of this section is to be given to a~~ 1666  
~~specified brother, sister, stepparent, or grandparent, the~~ 1667  
~~specified brother, sister, stepparent, or grandparent, is not~~ 1668  
~~reached within the forty eight hour period, the abortion may~~ 1669  
~~proceed even if the certified mail notice is not received.~~ 1670

~~(3) If a parent, guardian, custodian, or specified brother,~~ 1671  
~~sister, stepparent, or grandparent who has been notified in~~ 1672  
~~accordance with division (B)(1) or (2) of this section clearly and~~ 1673  
~~unequivocally expresses that he or she does not wish to consult~~ 1674  
~~with a pregnant woman prior to her abortion, then the abortion may~~ 1675  
~~proceed without any further waiting period.~~ 1676

~~(4) For purposes of prosecutions for a violation of division~~ 1677  
~~(B)(1) or (2) of this section, it shall be a rebuttable~~ 1678  
~~presumption that a woman who is unmarried and under eighteen years~~ 1679  
~~of age is unemancipated.~~ 1680

~~(C)(1) It is an affirmative defense to a charge under 1681  
division (B)(1) or (2) of this section that the pregnant woman 1682  
provided the person who performed or induced the abortion with 1683  
false, misleading, or incorrect information about her age, marital 1684  
status, or emancipation, about the age of a brother or sister to 1685  
whom she requested notice be given as a specified relative instead 1686  
of to one of her parents, her guardian, or her custodian, or about 1687  
the last known address of either of her parents, her guardian, her 1688  
custodian, or a specified brother, sister, stepparent, or 1689  
grandparent to whom she requested notice be given and the person 1690  
who performed or induced the abortion did not otherwise have 1691  
reasonable cause to believe the pregnant woman was under eighteen 1692  
years of age, unmarried, or unemancipated, to believe that the age 1693  
of a brother or sister to whom she requested notice be given as a 1694  
specified relative instead of to one of her parents, her guardian, 1695  
or her custodian was not twenty one years of age, or to believe 1696  
that the last known address of either of her parents, her 1697  
guardian, her custodian, or a specified brother, sister, 1698  
stepparent, or grandparent to whom she requested notice be given 1699  
was incorrect. 1700~~

~~(2) It is an affirmative defense to a charge under this 1701  
section that compliance with the requirements of this section was 1702  
not possible because an immediate threat of serious risk to the 1703  
life or physical health of the pregnant woman from the 1704  
continuation of her pregnancy created an emergency necessitating 1705  
the immediate performance or inducement of an abortion. 1706~~

~~(D) Whoever violates division (A)(1) of this section is 1707  
guilty of unlawful abortion. A violation of division (A) of this 1708  
section is a misdemeanor of the first degree on the first offense 1709  
and a felony of the fourth degree on each subsequent offense. A 1710  
violation of division (B) of this section is a misdemeanor of the 1711  
first degree on a first offense and a felony of the fifth degree 1712~~



~~on each subsequent offense~~ Whoever violates division (A)(2) of 1713  
this section is guilty of facilitating an abortion. Unlawful 1714  
abortion or facilitating an abortion is a felony of the second 1715  
degree or, if the offender previously has been convicted of or 1716  
pleaded guilty to a violation of this section, sections 2919.123, 1717  
2919.13, or 2919.14 of the Revised Code, or former sections 1718  
2919.121, 2919.151, 2919.17, or 2919.18 of the Revised Code as 1719  
they existed prior to the effective date of this amendment, a 1720  
felony of the first degree. 1721

~~(E)~~(C) Whoever violates this section is liable to the 1722  
pregnant woman, to the person who was the father of the fetus or 1723  
embryo that was the subject of the abortion, and, if the pregnant 1724  
woman was a minor at the time of the abortion, to her parents, 1725  
guardian, or custodian for civil compensatory and exemplary 1726  
damages. 1727

~~(F)~~ ~~As used in this section "unemancipated" means that a~~ 1728  
~~woman who is unmarried and under eighteen years of age has not~~ 1729  
~~entered the armed services of the United States, has not become~~ 1730  
~~employed and self subsisting, or has not otherwise become~~ 1731  
~~independent from the care and control of her parent, guardian, or~~ 1732  
~~custodian.~~ 1733

(D) Division (A)(1) of this section does not apply to a 1734  
person who provides medical treatment to a pregnant woman to 1735  
prevent the death of the pregnant woman and who, as a proximate 1736  
result of the provision of that medical treatment but without 1737  
intent to do so, causes the termination of the pregnant woman's 1738  
pregnancy. 1739

**Sec. 2919.123.** (A) No person shall knowingly give, sell, 1740  
dispense, administer, otherwise provide, or prescribe RU-486 1741  
(mifepristone) to another for the purpose of inducing an abortion 1742  
in any person or enabling the other person to induce an abortion 1743

in any person, ~~unless the person who gives, sells, dispenses,~~ 1744  
~~administers, or otherwise provides or prescribes the RU 486~~ 1745  
~~(mifepristone) is a physician, the physician satisfies all the~~ 1746  
~~criteria established by federal law that a physician must satisfy~~ 1747  
~~in order to provide RU 486 (mifepristone) for inducing abortions,~~ 1748  
~~and the physician provides the RU 486 (mifepristone) to the other~~ 1749  
~~person for the purpose of inducing an abortion in accordance with~~ 1750  
~~all provisions of federal law that govern the use of RU 486~~ 1751  
~~(mifepristone) for inducing abortions. A person who gives, sells,~~ 1752  
~~dispenses, administers, otherwise provides, or prescribes RU 486~~ 1753  
~~(mifepristone) to another as described in division (A) of this~~ 1754  
~~section shall not be prosecuted based on a violation of the~~ 1755  
~~criteria contained in this division unless the person knows that~~ 1756  
~~the person is not a physician, that the person did not satisfy all~~ 1757  
~~the specified criteria established by federal law, or that the~~ 1758  
~~person did not provide the RU 486 (mifepristone) in accordance~~ 1759  
~~with the specified provisions of federal law, whichever is~~ 1760  
~~applicable.~~ 1761

(B) No physician who provides, prior to the effective date of 1762  
this amendment, provided RU-486 (mifepristone) to another for the 1763  
purpose of inducing an abortion as formerly authorized under 1764  
division (A) of this section as it existed prior to the effective 1765  
date of this amendment shall knowingly fail to comply with the 1766  
applicable requirements of any federal law that ~~pertain~~ pertained 1767  
to follow-up examinations or care for persons to whom or for whom 1768  
RU-486 (mifepristone) ~~is~~ was provided for the purpose of inducing 1769  
an abortion. 1770

(C)(1) ~~If a physician provides RU 486 (mifepristone) to~~ 1771  
~~another for the purpose of inducing an abortion as authorized~~ 1772  
~~under division (A) of this section and if the physician knows that~~ 1773  
~~the person who uses the RU 486 (mifepristone) for the purpose of~~ 1774  
~~inducing an abortion experiences during or after the use an~~ 1775

~~incomplete abortion, severe bleeding, or an adverse reaction to~~ 1776  
~~the RU 486 (mifepristone) or is hospitalized, receives a~~ 1777  
~~transfusion, or experiences any other serious event, the physician~~ 1778  
~~promptly must provide a written report of the incomplete abortion,~~ 1779  
~~severe bleeding, adverse reaction, hospitalization, transfusion,~~ 1780  
~~or serious event to the state medical board. The state medical~~ 1781  
~~board shall compile and retain all reports it receives under this~~ 1782  
~~division (C)(1) of this section as it existed prior to the~~ 1783  
~~effective date of this amendment. Except as otherwise provided in~~ 1784  
~~this division, all reports the board receives under this division~~ 1785  
~~(C)(1) of this section as it existed prior to the effective date~~ 1786  
~~of this amendment are public records open to inspection under~~ 1787  
~~section 149.43 of the Revised Code. In no case shall the board~~ 1788  
~~release to any person the name or any other personal identifying~~ 1789  
~~information regarding a person who uses RU-486 (mifepristone) for~~ 1790  
~~the purpose of inducing an abortion and who is the subject of a~~ 1791  
~~report the board receives under this division (C)(1) of this~~ 1792  
~~section as it existed prior to the effective date of this~~ 1793  
~~amendment.~~ 1794

(2) No physician who provides RU-486 (mifepristone) to 1795  
another for the purpose of inducing an abortion as formerly 1796  
authorized under division (A) of this section as it existed prior 1797  
to the effective date of this amendment shall knowingly fail to 1798  
file a report required under division (C)(1) of this section. 1799

~~(D) Division (A) of this section does not apply to any of the~~ 1800  
~~following:~~ 1801

~~(1) A pregnant woman who obtains or possesses RU 486~~ 1802  
~~(mifepristone) for the purpose of inducing an abortion to~~ 1803  
~~terminate her own pregnancy;~~ 1804

~~(2) The legal transport of RU 486 (mifepristone) by any~~ 1805  
~~person or entity and the legal delivery of the RU 486~~ 1806  
~~(mifepristone) by any person to the recipient, provided that this~~ 1807

division does not apply regarding any conduct related to the 1808  
RU 486 (mifepristone) other than its transport and delivery to the 1809  
recipient; 1810

~~(3) The distribution, provision, or sale of RU 486 1811  
(mifepristone) by any legal manufacturer or distributor of RU 486 1812  
(mifepristone), provided the manufacturer or distributor made a 1813  
good faith effort to comply with any applicable requirements of 1814  
federal law regarding the distribution, provision, or sale. 1815~~

~~(E) Whoever violates this section is guilty of unlawful 1816  
distribution of an abortion-inducing drug. Unlawful distribution 1817  
of an abortion-inducing drug is a felony of the fourth second 1818  
degree. If or, if the offender previously has been convicted of or 1819  
pleaded guilty to a violation of this section or of, section 1820  
2919.12, ~~2919.121~~, 2919.13, or 2919.14 of the Revised Code, or 1821  
former section ~~2929.121~~, 2919.151, 2919.17, or 2919.18 of the 1822  
Revised Code as they existed prior to the date of this amendment, 1823  
unlawful distribution of an abortion-inducing drug is a felony of 1824  
the ~~third~~ first degree. 1825~~

If the offender is a professionally licensed person, in 1826  
addition to any other sanction imposed by law for the offense, the 1827  
offender is subject to sanctioning as provided by law by the 1828  
regulatory or licensing board or agency that has the 1829  
administrative authority to suspend or revoke the offender's 1830  
professional license, including the sanctioning provided in 1831  
section 4731.22 of the Revised Code for offenders who have a 1832  
certificate to practice or certificate of registration issued 1833  
under that chapter. 1834

~~(F)~~(E) As used in this section: 1835

(1) "Federal law" means any law, rule, or regulation of the 1836  
United States or any drug approval letter of the food and drug 1837  
administration of the United States that governs or regulates the 1838

use of RU-486 (mifepristone) for the purpose of inducing 1839  
abortions. 1840

~~(2) "Personal identifying information" has the same meaning 1841  
as in section 2913.49 of the Revised Code. 1842~~

~~(3) "Physician" has the same meaning as in section 2305.113 1843  
of the Revised Code. 1844~~

~~(4)(3) "Professionally licensed person" has the same meaning 1845  
as in section 2925.01 of the Revised Code. 1846~~

**Sec. 2919.13.** (A) No person shall purposely take the life of 1847  
a child born by attempted abortion who is alive when removed from 1848  
the uterus of the pregnant woman. 1849

(B) No person who performs an abortion prior to the effective 1850  
date of this amendment or who, on or after the effective date of 1851  
this amendment, performs or induces an abortion in violation of 1852  
section 2919.12 or administers RU-486 (mifepristone) to another 1853  
for the purpose of inducing an abortion in violation of section 1854  
2919.123 of the Revised Code, shall fail to take the measures 1855  
required by the exercise of medical judgment in light of the 1856  
attending circumstances to preserve the life of a child who is 1857  
alive when removed from the uterus of the pregnant woman. 1858

(C) Whoever violates this section is guilty of abortion 1859  
manslaughter, a felony of the first degree. 1860

**Sec. 2919.14.** (A) No person shall experiment upon or sell the 1861  
product of human conception which is aborted. Experiment does not 1862  
include autopsies pursuant to sections 313.13 and 2108.50 of the 1863  
Revised Code. 1864

(B) Whoever violates this section is guilty of abortion 1865  
trafficking, a ~~misdemeanor~~ felony of the first degree. 1866

Sec. 2919.24. (A) No person, including a parent, guardian, or other custodian of a child, shall do any of the following:

(1) Aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming an unruly child, as defined in section 2151.022 of the Revised Code, or a delinquent child, as defined in section 2152.02 of the Revised Code;

(2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child, as defined in section 2151.022 of the Revised Code, or a delinquent child, as defined in section 2152.02 of the Revised Code;

(3) If the person is the parent, guardian, or custodian of a child who has the duties under Chapters 2152. and 2950. of the Revised Code to register, register a new residence address, and periodically verify a residence address, and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, ~~as defined in section 2919.121 of the Revised Code,~~ fail to ensure that the child complies with those duties under Chapters 2152. and 2950. of the Revised Code.

(B) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense.

(C) For the purposes of this section, a child is "emancipated" if the child has married, entered the armed services of the United States, become employed and self-subsisting, or otherwise become legally independent from the care and control of the child's parent, guardian, or custodian.

Sec. 2950.03. (A) Each person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to a sexually oriented offense that is not a registration-exempt

sexually oriented offense and who has a duty to register pursuant 1897  
to section 2950.04 of the Revised Code, each person who is 1898  
adjudicated a delinquent child for committing a sexually oriented 1899  
offense that is not a registration-exempt sexually oriented 1900  
offense and who is classified a juvenile offender registrant based 1901  
on that adjudication, each person who has been convicted of, is 1902  
convicted of, has pleaded guilty to, or pleads guilty to a 1903  
child-victim oriented offense and has a duty to register pursuant 1904  
to section 2950.041 of the Revised Code, and each person who is 1905  
adjudicated a delinquent child for committing a child-victim 1906  
oriented offense and who is classified a juvenile offender 1907  
registrant based on that adjudication shall be provided notice in 1908  
accordance with this section of the offender's or delinquent 1909  
child's duties imposed under sections 2950.04, 2950.041, 2950.05, 1910  
and 2950.06 of the Revised Code and of the offender's duties to 1911  
similarly register, provide notice of a change, and verify 1912  
addresses in another state if the offender resides, is temporarily 1913  
domiciled, attends a school or institution of higher education, or 1914  
is employed in a state other than this state. A person who has 1915  
been convicted of, is convicted of, has pleaded guilty to, or 1916  
pleads guilty to a sexually oriented offense that is a 1917  
registration-exempt sexually oriented offense, and a person who is 1918  
or has been adjudicated a delinquent child for committing a 1919  
sexually oriented offense that is a registration-exempt sexually 1920  
oriented offense, does not have a duty to register under section 1921  
2950.04 of the Revised Code based on that conviction, guilty plea, 1922  
or adjudication, and no notice is required to be provided to that 1923  
person under this division based on that conviction, guilty plea, 1924  
or adjudication. The following official shall provide the notice 1925  
required under this division to the specified person at the 1926  
following time: 1927

(1) Regardless of when the person committed the sexually 1928  
oriented offense or child-victim oriented offense, if the person 1929

is an offender who is sentenced for the sexually oriented offense 1930  
or child-victim oriented offense to a prison term, a term of 1931  
imprisonment, or any other type of confinement, and if, on or 1932  
after January 1, 1997, the offender is serving that term or is 1933  
under that confinement, the official in charge of the jail, 1934  
workhouse, state correctional institution, or other institution in 1935  
which the offender serves the prison term, term of imprisonment, 1936  
or confinement, or a designee of that official, shall provide the 1937  
notice to the offender before the offender is released pursuant to 1938  
any type of supervised release or before the offender otherwise is 1939  
released from the prison term, term of imprisonment, or 1940  
confinement. This division applies to a child-victim oriented 1941  
offense if the offender is sentenced for the offense on or after 1942  
July 31, 2003, or if, prior to July 31, 2003, the child-victim 1943  
oriented offense was a sexually oriented offense and the offender 1944  
was sentenced as described in this division for the child-victim 1945  
oriented offense when it was designated a sexually oriented 1946  
offense. If a person was provided notice under this division prior 1947  
to July 31, 2003, in relation to an offense that, prior to July 1948  
31, 2003, was a sexually oriented offense but that, on and after 1949  
July 31, 2003, is a child-victim oriented offense, the notice 1950  
provided under this division shall suffice for purposes of this 1951  
section as notice to the offender of the offender's duties under 1952  
sections 2950.041, 2950.05, and 2950.06 of the Revised Code 1953  
imposed as a result of the conviction of or plea of guilty to the 1954  
child-victim oriented offense. 1955

(2) Regardless of when the person committed the sexually 1956  
oriented offense or child-victim oriented offense, if the person 1957  
is an offender who is sentenced for the sexually oriented offense 1958  
on or after January 1, 1997, or who is sentenced for the 1959  
child-victim oriented offense on or after July 31, 2003, and if 1960  
division (A)(1) of this section does not apply, the judge shall 1961



provide the notice to the offender at the time of sentencing. If a  
person was provided notice under this division prior to July 31,  
2003, in relation to an offense that, prior to July 31, 2003, was  
a sexually oriented offense but that, on and after July 31, 2003,  
is a child-victim oriented offense, the notice so provided under  
this division shall suffice for purposes of this section as notice  
to the offender of the offender's duties under sections 2950.041,  
2950.05, and 2950.06 of the Revised Code imposed as a result of  
the conviction of or plea of guilty to the child-victim oriented  
offense.

(3) If the person is an offender who committed the sexually  
oriented offense prior to January 1, 1997, if neither division  
(A)(1) nor division (A)(2) of this section applies, and if,  
immediately prior to January 1, 1997, the offender was a habitual  
sex offender who was required to register under Chapter 2950. of  
the Revised Code, the chief of police or sheriff with whom the  
offender most recently registered under that chapter, in the  
circumstances described in this division, shall provide the notice  
to the offender. If the offender has registered with a chief of  
police or sheriff under Chapter 2950. of the Revised Code as it  
existed prior to January 1, 1997, the chief of police or sheriff  
with whom the offender most recently registered shall provide the  
notice to the offender as soon as possible after January 1, 1997,  
as described in division (B)(1) of this section. If the offender  
has not registered with a chief of police or sheriff under that  
chapter, the failure to register shall constitute a waiver by the  
offender of any right to notice under this section. If an offender  
described in this division does not receive notice under this  
section, the offender is not relieved of the offender's duties  
imposed under sections 2950.04, 2950.05, and 2950.06 of the  
Revised Code.

(4) If neither division (A)(1), (2), nor (3) of this section

applies and if the offender is adjudicated a sexual predator 1994  
pursuant to division (C) of section 2950.09 of the Revised Code or 1995  
a child-victim predator pursuant to division (C) of section 1996  
2950.091 of the Revised Code, the judge shall provide the notice 1997  
to the offender at the time of adjudication. 1998

(5) If the person is a delinquent child who is classified a 1999  
juvenile offender registrant, the judge shall provide the notice 2000  
to the delinquent child at the time specified in division (B) of 2001  
section 2152.82, division (D) of section 2152.83, division (C) of 2002  
section 2152.84, or division (E) of section 2152.85 of the Revised 2003  
Code, whichever is applicable. If a delinquent child was provided 2004  
notice under this division prior to July 31, 2003, in relation to 2005  
an offense that, prior to July 31, 2003, was a sexually oriented 2006  
offense but that, on and after July 31, 2003, is a child-victim 2007  
oriented offense, the notice so provided under this division shall 2008  
suffice for purposes of this section as notice to the delinquent 2009  
child of the delinquent child's duties under sections 2950.041, 2010  
2950.05, and 2950.06 of the Revised Code imposed as a result of 2011  
the adjudication as a delinquent child for the child-victim 2012  
oriented offense. 2013

(6) If the person is an offender in any category described in 2014  
division (A)(1), (2), (3), or (4) of this section and if, prior to 2015  
July 31, 2003, the offender was provided notice of the offender's 2016  
duties in accordance with that division, not later than ninety 2017  
days after July 31, 2003, the sheriff with whom the offender most 2018  
recently registered or verified an address under section 2950.04, 2019  
2950.041, 2950.05, or 2950.06 of the Revised Code shall provide 2020  
notice to the offender of the offender's duties imposed on and 2021  
after July 31, 2003, pursuant to any of those sections to register 2022  
a school, institution of higher education, or place of employment 2023  
address, provide notice of a change of that address, and verify 2024  
that address. The sheriff may provide the notice to the offender 2025

at the time the offender registers, provides notice of a change  
in, or verifies a residence, school, institution of higher  
education, or place of employment address under any of those  
sections within the specified ninety-day period. If the offender  
does not so register, provide notice of a change in, or verify an  
address within the specified ninety-day period, the sheriff shall  
provide the notice to the offender by sending it to the offender  
at the most recent residence address available for the offender.  
If the offender was required to register prior to July 31, 2003,  
and failed to do so, the failure to register constitutes a waiver  
by the offender of any right to notice under this division. If the  
offender has not registered prior to July 31, 2003, the offender  
is presumed to have knowledge of the law and of the duties  
referred to in this division that are imposed on and after July  
31, 2003. If an offender does not receive notice under this  
division, the offender is not relieved of any of the duties  
described in this division.

(7) If the person is an offender or delinquent child who has  
a duty to register in this state pursuant to division (A)(3) of  
section 2950.04 or 2950.041 of the Revised Code, the offender or  
delinquent child is presumed to have knowledge of the law and of  
the offender's or delinquent child's duties imposed under sections  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(B)(1) The notice provided under division (A) of this section  
shall inform the offender or delinquent child of the offender's or  
delinquent child's duty to register, to provide notice of a change  
in the offender's or delinquent child's residence address or in  
the offender's school, institution of higher education, or place  
of employment address, as applicable, and register the new  
address, to periodically verify the offender's or delinquent  
child's residence address or the offender's school, institution of  
higher education, or place of employment address, as applicable,

and, if applicable, to provide notice of the offender's or  
delinquent child's intent to reside, pursuant to sections 2950.04,  
2950.041, 2950.05, and 2950.06 of the Revised Code. The notice  
shall specify that, for an offender, it applies regarding  
residence addresses or school, institution of higher education,  
and place of employment addresses and that, for a delinquent  
child, it applies regarding residence addresses. Additionally, it  
shall inform the offender of the offender's duties to similarly  
register, provide notice of a change in, and verify those  
addresses in states other than this state as described in division  
(A) of this section. A notice provided under division (A)(6) of  
this section shall state the new duties imposed on the offender on  
and after July 31, 2003, to register, provide notice of a change  
in, and periodically verify, a school, institution of higher  
education, or place of employment address and specify that the new  
duties are in addition to the prior duties imposed upon the  
offender. A notice provided under division (A)(1), (2), (3), (4),  
or (5) of this section shall comport with the following:

(a) If the notice is provided to an offender under division  
(A)(3) of this section, the notice shall state the offender's  
duties to register, to file a notice of intent to reside, if  
applicable, to register a new residence address or new school,  
institution of higher education, or place of employment address,  
and to periodically verify those addresses, the offender's duties  
in other states as described in division (A) of this section, and  
that, if the offender has any questions concerning these duties,  
the offender may contact the chief of police or sheriff who sent  
the form for an explanation of the duties. If the offender appears  
in person before the chief of police or sheriff, the chief or  
sheriff shall provide the notice as described in division  
(B)(1)(a) of this section, and all provisions of this section that  
apply regarding a notice provided by an official, official's

designee, or judge in that manner shall be applicable. 2090

(b) If the notice is provided to an offender under division 2091  
(A)(1), (2), or (4) of this section, the official, official's 2092  
designee, or judge shall require the offender to read and sign a 2093  
form stating that the offender's duties to register, to file a 2094  
notice of intent to reside, if applicable, to register a new 2095  
residence address or new school, institution of higher education, 2096  
or place of employment address, and to periodically verify those 2097  
addresses, and the offender's duties in other states as described 2098  
in division (A) of this section have been explained to the 2099  
offender. If the offender is unable to read, the official, 2100  
official's designee, or judge shall certify on the form that the 2101  
official, designee, or judge specifically informed the offender of 2102  
those duties and that the offender indicated an understanding of 2103  
those duties. 2104

(c) If the notice is provided to a delinquent child under 2105  
division (A)(5) of this section, the judge shall require the 2106  
delinquent child and the delinquent child's parent, guardian, or 2107  
custodian to read and sign a form stating that the delinquent 2108  
child's duties to register, to file a notice of intent to reside, 2109  
if applicable, to register a new residence address, and to 2110  
periodically verify that address have been explained to the 2111  
delinquent child and to the delinquent child's parent, guardian, 2112  
or custodian. If the delinquent child or the delinquent child's 2113  
parent, guardian, or custodian is unable to read, the judge shall 2114  
certify on the form that the judge specifically informed the 2115  
delinquent child or the delinquent child's parent, guardian, or 2116  
custodian of those duties and that the delinquent child or the 2117  
delinquent child's parent, guardian, or custodian indicated an 2118  
understanding of those duties. 2119

(2) The notice provided under divisions (A)(1) to (6) of this 2120  
section shall be on a form prescribed by the bureau of criminal 2121

identification and investigation and shall contain all of the 2122  
information specified in division (A) of this section and all of 2123  
the information required by the bureau. The notice provided under 2124  
divisions (A)(1) to (5) of this section shall include, but is not 2125  
limited to, all of the following: 2126

(a) For any notice provided under division (A)(1) to (5) of 2127  
this section, a statement as to whether the offender or delinquent 2128  
child has been adjudicated a sexual predator or a child-victim 2129  
predator relative to the sexually oriented offense or child-victim 2130  
oriented offense in question, a statement as to whether the 2131  
offender or delinquent child has been determined to be a habitual 2132  
sex offender or habitual child-victim offender, a statement as to 2133  
whether the offense for which the offender has the duty to 2134  
register is an aggravated sexually oriented offense, an 2135  
explanation of the offender's periodic residence address or 2136  
periodic school, institution of higher education, or place of 2137  
employment address verification process or of the delinquent 2138  
child's periodic residence address verification process, an 2139  
explanation of the frequency with which the offender or delinquent 2140  
child will be required to verify those addresses under that 2141  
process, a statement that the offender or delinquent child must 2142  
verify those addresses at the times specified under that process 2143  
or face criminal prosecution or a delinquent child proceeding, and 2144  
an explanation of the offender's duty to similarly register, 2145  
verify, and reregister those addresses in another state if the 2146  
offender resides in another state, attends a school or institution 2147  
of higher education in another state, or is employed in another 2148  
state. 2149

(b) If the notice is provided under division (A)(4) of this 2150  
section, a statement that the notice replaces any notice 2151  
previously provided to the offender under division (A)(1) of this 2152  
section, a statement that the offender's duties described in this 2153

notice supersede the duties described in the prior notice, and a  
statement notifying the offender that, if the offender already has  
registered under section 2950.04 or 2950.041 of the Revised Code,  
the offender must register again pursuant to division (A)(6) of  
that section;

(c) If the notice is provided under division (A)(5) of this  
section, a statement that the delinquent child has been classified  
by the adjudicating juvenile court judge or the judge's successor  
in office a juvenile offender registrant and has a duty to comply  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the  
Revised Code;

(d) If the notice is provided under division (A)(5) of this  
section, a statement that, if the delinquent child fails to comply  
with the requirements of sections 2950.04, 2950.041, 2950.05, and  
2950.06 of the Revised Code, both of the following apply:

(i) If the delinquent child's failure occurs while the child  
is under eighteen years of age, the child is subject to  
proceedings under Chapter 2152. of the Revised Code based on the  
failure, but if the failure occurs while the child is eighteen  
years of age or older, the child is subject to criminal  
prosecution based on the failure.

(ii) If the delinquent child's failure occurs while the child  
is under eighteen years of age, unless the child is emancipated,  
as defined in section ~~2919.121~~ 2919.24 of the Revised Code, the  
failure of the parent, guardian, or custodian to ensure that the  
child complies with those requirements is a violation of section  
2919.24 of the Revised Code and may result in the prosecution of  
the parent, guardian, or custodian for that violation.

(3)(a) After an offender described in division (A)(1), (2),  
or (4) of this section has signed the form described in divisions  
(B)(1) and (2) of this section or the official, official's

designee, or judge has certified on the form that the form has  
been explained to the offender and that the offender indicated an  
understanding of the duties indicated on it, the official,  
official's designee, or judge shall give one copy of the form to  
the offender, within three days shall send one copy of the form to  
the bureau of criminal identification and investigation in  
accordance with the procedures adopted pursuant to section 2950.13  
of the Revised Code, and shall send one copy of the form to the  
sheriff of the county in which the offender expects to reside.

(b) After a chief of police or sheriff has sent a form to an  
offender under division (A)(3) of this section, the chief or  
sheriff shall send a copy of the form to the bureau of criminal  
identification and investigation in accordance with the procedures  
adopted pursuant to section 2950.13 of the Revised Code.

(c) After a delinquent child described in division (A)(5) of  
this section and the delinquent child's parent, guardian, or  
custodian have signed the form described in divisions (B)(1) and  
(2) of this section or the judge has certified on the form that  
the form has been explained to the delinquent child or the  
delinquent child's parent, guardian, or custodian and that the  
delinquent child or the delinquent child's parent, guardian, or  
custodian indicated an understanding of the duties and information  
indicated on the form, the judge shall give a copy of the form to  
both the delinquent child and to the delinquent child's parent,  
guardian, or custodian, within three days shall send one copy of  
the form to the bureau of criminal identification and  
investigation in accordance with the procedures adopted pursuant  
to section 2950.13 of the Revised Code, and shall send one copy of  
the form to the sheriff of the county in which the delinquent  
child expects to reside.

(C) The official, official's designee, judge, chief of  
police, or sheriff who is required to provide notice to an



offender or delinquent child under divisions (A)(1) to (5) of this 2217  
section shall do all of the following: 2218

(1) If the notice is provided under division (A)(1), (2), 2219  
(4), or (5) of this section, the official, designee, or judge 2220  
shall determine the offender's or delinquent child's name, 2221  
identifying factors, and expected future residence address in this 2222  
state or any other state, shall obtain the offender's or 2223  
delinquent child's criminal and delinquency history, and shall 2224  
obtain a photograph and the fingerprints of the offender or 2225  
delinquent child. Regarding an offender, the official, designee, 2226  
or judge also shall obtain from the offender the offender's 2227  
current or expected future school, institution of higher 2228  
education, or place of employment address in this state, if any. 2229  
If the notice is provided by a judge under division (A)(2), (4), 2230  
or (5) of this section, the sheriff shall provide the offender's 2231  
or delinquent child's criminal and delinquency history to the 2232  
judge. The official, official's designee, or judge shall obtain 2233  
this information and these items prior to giving the notice, 2234  
except that a judge may give the notice prior to obtaining the 2235  
offender's or delinquent child's criminal and delinquency history. 2236  
Within three days after receiving this information and these 2237  
items, the official, official's designee, or judge shall forward 2238  
the information and items to the bureau of criminal identification 2239  
and investigation in accordance with the forwarding procedures 2240  
adopted pursuant to section 2950.13 of the Revised Code, to the 2241  
sheriff of the county in which the offender or delinquent child 2242  
expects to reside, and, regarding an offender, to the sheriff of 2243  
the county, if any, in which the offender attends or will attend a 2244  
school or institution of higher education or is or will be 2245  
employed. If the notice is provided under division (A)(5) of this 2246  
section and if the delinquent child has been committed to the 2247  
department of youth services or to a secure facility, the judge, 2248

in addition to the other information and items described in this 2249  
division, also shall forward to the bureau and to the sheriff 2250  
notification that the child has been so committed. If it has not 2251  
already done so, the bureau of criminal identification and 2252  
investigation shall forward a copy of the fingerprints and 2253  
conviction data received under this division to the federal bureau 2254  
of investigation. 2255

(2) If the notice is provided under division (A)(3) of this 2256  
section, the chief of police or sheriff shall determine the 2257  
offender's name, identifying factors, and residence address in 2258  
this state or any other state, shall obtain the offender's 2259  
criminal history from the bureau of criminal identification and 2260  
investigation, and, to the extent possible, shall obtain a 2261  
photograph and the fingerprints of the offender. Regarding an 2262  
offender, the chief or sheriff also shall obtain from the offender 2263  
the offender's current or expected future school, institution of 2264  
higher education, or place of employment address in this state, if 2265  
any. Within three days after receiving this information and these 2266  
items, the chief or sheriff shall forward the information and 2267  
items to the bureau of criminal identification and investigation 2268  
in accordance with the forwarding procedures adopted pursuant to 2269  
section 2950.13 of the Revised Code and, in relation to a chief of 2270  
police, to the sheriff of the county in which the offender 2271  
resides, and, regarding an offender, to the sheriff of the county, 2272  
if any, in which the offender attends or will attend a school or 2273  
institution of higher education or is or will be employed. If it 2274  
has not already done so, the bureau of criminal identification and 2275  
investigation shall forward a copy of the fingerprints and 2276  
conviction data so received to the federal bureau of 2277  
investigation. 2278

**Sec. 3701.341.** ~~(A) The public health council, pursuant to~~ 2279

~~Chapter 119. and consistent with section 2317.56 of the Revised Code, shall adopt rules relating to abortions and the following subjects:~~

~~(1) Post-abortion procedures to protect the health of the pregnant woman;~~

~~(2) Reporting forms;~~

~~(3) Pathological reports;~~

~~(4) Humane disposition of the product of human conception;~~

~~(5) Counseling.~~

~~(B) The director of health shall implement the rules and shall apply to the court of common pleas for temporary or permanent injunctions restraining a violation or threatened violation of the rules section 2919.12, 2919.123, 2919.13, or 2919.14 of the Revised Code. This action is an additional remedy not dependent on the adequacy of the remedy at law.~~

**Sec. 4112.01.** (A) As used in this chapter:

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. "Person" also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesperson, appraiser, agent, employee, lending institution, and the state and all political subdivisions, authorities, agencies, boards, and commissions of the state.

(2) "Employer" includes the state, any political subdivision of the state, any person employing four or more persons within the state, and any person acting directly or indirectly in the interest of an employer.

(3) "Employee" means an individual employed by any employer

but does not include any individual employed in the domestic service of any person. 2309  
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(4) "Labor organization" includes any organization that exists, in whole or in part, for the purpose of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment. 2311  
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(5) "Employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer, or place employees. 2316  
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(6) "Commission" means the Ohio civil rights commission created by section 4112.03 of the Revised Code. 2320  
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(7) "Discriminate" includes segregate or separate. 2322

(8) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, or 4112.022 of the Revised Code. 2323  
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(9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public. 2326  
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(10) "Housing accommodations" includes any building or structure, or portion of a building or structure, that is used or occupied or is intended, arranged, or designed to be used or occupied as the home residence, dwelling, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other; and any vacant land offered for sale or lease. "Housing accommodations" also 2332  
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includes any housing accommodations held or offered for sale or  
rent by a real estate broker, salesperson, or agent, by any other  
person pursuant to authorization of the owner, by the owner, or by  
the owner's legal representative.

(11) "Restrictive covenant" means any specification limiting  
the transfer, rental, lease, or other use of any housing  
accommodations because of race, color, religion, sex, familial  
status, national origin, disability, or ancestry, or any  
limitation based upon affiliation with or approval by any person,  
directly or indirectly, employing race, color, religion, sex,  
familial status, national origin, disability, or ancestry as a  
condition of affiliation or approval.

(12) "Burial lot" means any lot for the burial of deceased  
persons within any public burial ground or cemetery, including,  
but not limited to, cemeteries owned and operated by municipal  
corporations, townships, or companies or associations incorporated  
for cemetery purposes.

(13) "Disability" means a physical or mental impairment that  
substantially limits one or more major life activities, including  
the functions of caring for one's self, performing manual tasks,  
walking, seeing, hearing, speaking, breathing, learning, and  
working; a record of a physical or mental impairment; or being  
regarded as having a physical or mental impairment.

(14) Except as otherwise provided in section 4112.021 of the  
Revised Code, "age" means at least forty years old.

(15) "Familial status" means either of the following:

(a) One or more individuals who are under eighteen years of  
age and who are domiciled with a parent or guardian having legal  
custody of the individual or domiciled, with the written  
permission of the parent or guardian having legal custody, with a  
designee of the parent or guardian;

(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age.	2370 2371 2372
(16)(a) Except as provided in division (A)(16)(b) of this section, "physical or mental impairment" includes any of the following:	2373 2374 2375
(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;	2376 2377 2378 2379 2380 2381
(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;	2382 2383 2384
(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.	2385 2386 2387 2388 2389 2390
(b) "Physical or mental impairment" does not include any of the following:	2391 2392
(i) Homosexuality and bisexuality;	2393
(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;	2394 2395 2396
(iii) Compulsive gambling, kleptomania, or pyromania;	2397
(iv) Psychoactive substance use disorders resulting from current illegal use of a controlled substance.	2398 2399

(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.

(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.

(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.

(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.

(B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in division (B) of section 4111.17 of the Revised Code shall be interpreted to permit otherwise. This division shall not be construed to require an employer to pay for health insurance benefits for abortion, ~~except where the life of the mother would be endangered if the fetus were carried to term or except where medical complications have arisen from the abortion, provided that~~

~~nothing in this division precludes an employer from providing 2431  
abortion benefits or otherwise affects bargaining agreements in 2432  
regard to abortion. 2433~~

**Sec. 4731.22.** (A) The state medical board, by an affirmative 2434  
vote of not fewer than six of its members, may revoke or may 2435  
refuse to grant a certificate to a person found by the board to 2436  
have committed fraud during the administration of the examination 2437  
for a certificate to practice or to have committed fraud, 2438  
misrepresentation, or deception in applying for or securing any 2439  
certificate to practice or certificate of registration issued by 2440  
the board. 2441

(B) The board, by an affirmative vote of not fewer than six 2442  
members, shall, to the extent permitted by law, limit, revoke, or 2443  
suspend an individual's certificate to practice, refuse to 2444  
register an individual, refuse to reinstate a certificate, or 2445  
reprimand or place on probation the holder of a certificate for 2446  
one or more of the following reasons: 2447

(1) Permitting one's name or one's certificate to practice or 2448  
certificate of registration to be used by a person, group, or 2449  
corporation when the individual concerned is not actually 2450  
directing the treatment given; 2451

(2) Failure to maintain minimal standards applicable to the 2452  
selection or administration of drugs, or failure to employ 2453  
acceptable scientific methods in the selection of drugs or other 2454  
modalities for treatment of disease; 2455

(3) Selling, giving away, personally furnishing, prescribing, 2456  
or administering drugs for other than legal and legitimate 2457  
therapeutic purposes or a plea of guilty to, a judicial finding of 2458  
guilt of, or a judicial finding of eligibility for intervention in 2459  
lieu of conviction of, a violation of any federal or state law 2460  
regulating the possession, distribution, or use of any drug; 2461



(4) Willfully betraying a professional confidence. 2462

For purposes of this division, "willfully betraying a 2463  
professional confidence" does not include providing any 2464  
information, documents, or reports to a child fatality review 2465  
board under sections 307.621 to 307.629 of the Revised Code and 2466  
does not include the making of a report of an employee's use of a 2467  
drug of abuse, or a report of a condition of an employee other 2468  
than one involving the use of a drug of abuse, to the employer of 2469  
the employee as described in division (B) of section 2305.33 of 2470  
the Revised Code. Nothing in this division affects the immunity 2471  
from civil liability conferred by that section upon a physician 2472  
who makes either type of report in accordance with division (B) of 2473  
that section. As used in this division, "employee," "employer," 2474  
and "physician" have the same meanings as in section 2305.33 of 2475  
the Revised Code. 2476

(5) Making a false, fraudulent, deceptive, or misleading 2477  
statement in the solicitation of or advertising for patients; in 2478  
relation to the practice of medicine and surgery, osteopathic 2479  
medicine and surgery, podiatric medicine and surgery, or a limited 2480  
branch of medicine; or in securing or attempting to secure any 2481  
certificate to practice or certificate of registration issued by 2482  
the board. 2483

As used in this division, "false, fraudulent, deceptive, or 2484  
misleading statement" means a statement that includes a 2485  
misrepresentation of fact, is likely to mislead or deceive because 2486  
of a failure to disclose material facts, is intended or is likely 2487  
to create false or unjustified expectations of favorable results, 2488  
or includes representations or implications that in reasonable 2489  
probability will cause an ordinarily prudent person to 2490  
misunderstand or be deceived. 2491

(6) A departure from, or the failure to conform to, minimal 2492

standards of care of similar practitioners under the same or	2493
similar circumstances, whether or not actual injury to a patient	2494
is established;	2495
(7) Representing, with the purpose of obtaining compensation	2496
or other advantage as personal gain or for any other person, that	2497
an incurable disease or injury, or other incurable condition, can	2498
be permanently cured;	2499
(8) The obtaining of, or attempting to obtain, money or	2500
anything of value by fraudulent misrepresentations in the course	2501
of practice;	2502
(9) A plea of guilty to, a judicial finding of guilt of, or a	2503
judicial finding of eligibility for intervention in lieu of	2504
conviction for, a felony;	2505
(10) Commission of an act that constitutes a felony in this	2506
state, regardless of the jurisdiction in which the act was	2507
committed;	2508
(11) A plea of guilty to, a judicial finding of guilt of, or	2509
a judicial finding of eligibility for intervention in lieu of	2510
conviction for, a misdemeanor committed in the course of practice;	2511
(12) Commission of an act in the course of practice that	2512
constitutes a misdemeanor in this state, regardless of the	2513
jurisdiction in which the act was committed;	2514
(13) A plea of guilty to, a judicial finding of guilt of, or	2515
a judicial finding of eligibility for intervention in lieu of	2516
conviction for, a misdemeanor involving moral turpitude;	2517
(14) Commission of an act involving moral turpitude that	2518
constitutes a misdemeanor in this state, regardless of the	2519
jurisdiction in which the act was committed;	2520
(15) Violation of the conditions of limitation placed by the	2521
board upon a certificate to practice;	2522

(16) Failure to pay license renewal fees specified in this 2523  
chapter; 2524

(17) Except as authorized in section 4731.31 of the Revised 2525  
Code, engaging in the division of fees for referral of patients, 2526  
or the receiving of a thing of value in return for a specific 2527  
referral of a patient to utilize a particular service or business; 2528

(18) Subject to section 4731.226 of the Revised Code, 2529  
violation of any provision of a code of ethics of the American 2530  
medical association, the American osteopathic association, the 2531  
American podiatric medical association, or any other national 2532  
professional organizations that the board specifies by rule. The 2533  
state medical board shall obtain and keep on file current copies 2534  
of the codes of ethics of the various national professional 2535  
organizations. The individual whose certificate is being suspended 2536  
or revoked shall not be found to have violated any provision of a 2537  
code of ethics of an organization not appropriate to the 2538  
individual's profession. 2539

For purposes of this division, a "provision of a code of 2540  
ethics of a national professional organization" does not include 2541  
any provision that would preclude the making of a report by a 2542  
physician of an employee's use of a drug of abuse, or of a 2543  
condition of an employee other than one involving the use of a 2544  
drug of abuse, to the employer of the employee as described in 2545  
division (B) of section 2305.33 of the Revised Code. Nothing in 2546  
this division affects the immunity from civil liability conferred 2547  
by that section upon a physician who makes either type of report 2548  
in accordance with division (B) of that section. As used in this 2549  
division, "employee," "employer," and "physician" have the same 2550  
meanings as in section 2305.33 of the Revised Code. 2551

(19) Inability to practice according to acceptable and 2552  
prevailing standards of care by reason of mental illness or 2553

physical illness, including, but not limited to, physical 2554  
deterioration that adversely affects cognitive, motor, or 2555  
perceptive skills. 2556

In enforcing this division, the board, upon a showing of a 2557  
possible violation, may compel any individual authorized to 2558  
practice by this chapter or who has submitted an application 2559  
pursuant to this chapter to submit to a mental examination, 2560  
physical examination, including an HIV test, or both a mental and 2561  
a physical examination. The expense of the examination is the 2562  
responsibility of the individual compelled to be examined. Failure 2563  
to submit to a mental or physical examination or consent to an HIV 2564  
test ordered by the board constitutes an admission of the 2565  
allegations against the individual unless the failure is due to 2566  
circumstances beyond the individual's control, and a default and 2567  
final order may be entered without the taking of testimony or 2568  
presentation of evidence. If the board finds an individual unable 2569  
to practice because of the reasons set forth in this division, the 2570  
board shall require the individual to submit to care, counseling, 2571  
or treatment by physicians approved or designated by the board, as 2572  
a condition for initial, continued, reinstated, or renewed 2573  
authority to practice. An individual affected under this division 2574  
shall be afforded an opportunity to demonstrate to the board the 2575  
ability to resume practice in compliance with acceptable and 2576  
prevailing standards under the provisions of the individual's 2577  
certificate. For the purpose of this division, any individual who 2578  
applies for or receives a certificate to practice under this 2579  
chapter accepts the privilege of practicing in this state and, by 2580  
so doing, shall be deemed to have given consent to submit to a 2581  
mental or physical examination when directed to do so in writing 2582  
by the board, and to have waived all objections to the 2583  
admissibility of testimony or examination reports that constitute 2584  
a privileged communication. 2585

(20) Except when civil penalties are imposed under section 2586  
4731.225 or 4731.281 of the Revised Code, and subject to section 2587  
4731.226 of the Revised Code, violating or attempting to violate, 2588  
directly or indirectly, or assisting in or abetting the violation 2589  
of, or conspiring to violate, any provisions of this chapter or 2590  
any rule promulgated by the board. 2591

This division does not apply to a violation or attempted 2592  
violation of, assisting in or abetting the violation of, or a 2593  
conspiracy to violate, any provision of this chapter or any rule 2594  
adopted by the board that would preclude the making of a report by 2595  
a physician of an employee's use of a drug of abuse, or of a 2596  
condition of an employee other than one involving the use of a 2597  
drug of abuse, to the employer of the employee as described in 2598  
division (B) of section 2305.33 of the Revised Code. Nothing in 2599  
this division affects the immunity from civil liability conferred 2600  
by that section upon a physician who makes either type of report 2601  
in accordance with division (B) of that section. As used in this 2602  
division, "employee," "employer," and "physician" have the same 2603  
meanings as in section 2305.33 of the Revised Code. 2604

(21) The violation of any abortion rule adopted by the public 2605  
health council pursuant to section 3701.341 of the Revised Code 2606  
regarding any act or omission occurring prior to the effective 2607  
date of this amendment and to which those rules apply, or the 2608  
violation on or after that effective date of section 2919.12, 2609  
2919.123, 2919.13, or 2919.14 of the Revised Code; 2610

(22) Any of the following actions taken by the agency 2611  
responsible for regulating the practice of medicine and surgery, 2612  
osteopathic medicine and surgery, podiatric medicine and surgery, 2613  
or the limited branches of medicine in another jurisdiction, for 2614  
any reason other than the nonpayment of fees: the limitation, 2615  
revocation, or suspension of an individual's license to practice; 2616  
acceptance of an individual's license surrender; denial of a 2617

license; refusal to renew or reinstate a license; imposition of 2618  
probation; or issuance of an order of censure or other reprimand; 2619

(23) The violation of section 2919.12 of the Revised Code, 2620  
the performance or inducement of an abortion upon a pregnant woman 2621  
on or after the effective date of this amendment, or the 2622  
performance or inducement of an abortion upon a pregnant woman 2623  
prior to the effective date of this amendment with actual 2624  
knowledge that the conditions specified in former division (B) of 2625  
section 2317.56 of the Revised Code as it existed prior to that 2626  
date have not been satisfied or with a heedless indifference as to 2627  
whether those conditions have been satisfied, unless an 2628  
affirmative defense as specified in former division (H)(2) of that 2629  
section would apply in a civil action authorized by former 2630  
division (H)(1) of that section; 2631

(24) The revocation, suspension, restriction, reduction, or 2632  
termination of clinical privileges by the United States department 2633  
of defense or department of veterans affairs or the termination or 2634  
suspension of a certificate of registration to prescribe drugs by 2635  
the drug enforcement administration of the United States 2636  
department of justice; 2637

(25) Termination or suspension from participation in the 2638  
medicare or medicaid programs by the department of health and 2639  
human services or other responsible agency for any act or acts 2640  
that also would constitute a violation of division (B)(2), (3), 2641  
(6), (8), or (19) of this section; 2642

(26) Impairment of ability to practice according to 2643  
acceptable and prevailing standards of care because of habitual or 2644  
excessive use or abuse of drugs, alcohol, or other substances that 2645  
impair ability to practice. 2646

For the purposes of this division, any individual authorized 2647  
to practice by this chapter accepts the privilege of practicing in 2648

this state subject to supervision by the board. By filing an  
application for or holding a certificate to practice under this  
chapter, an individual shall be deemed to have given consent to  
submit to a mental or physical examination when ordered to do so  
by the board in writing, and to have waived all objections to the  
admissibility of testimony or examination reports that constitute  
privileged communications.

If it has reason to believe that any individual authorized to  
practice by this chapter or any applicant for certification to  
practice suffers such impairment, the board may compel the  
individual to submit to a mental or physical examination, or both.  
The expense of the examination is the responsibility of the  
individual compelled to be examined. Any mental or physical  
examination required under this division shall be undertaken by a  
treatment provider or physician who is qualified to conduct the  
examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered  
by the board constitutes an admission of the allegations against  
the individual unless the failure is due to circumstances beyond  
the individual's control, and a default and final order may be  
entered without the taking of testimony or presentation of  
evidence. If the board determines that the individual's ability to  
practice is impaired, the board shall suspend the individual's  
certificate or deny the individual's application and shall require  
the individual, as a condition for initial, continued, reinstated,  
or renewed certification to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a  
certificate suspended under this division, the impaired  
practitioner shall demonstrate to the board the ability to resume  
practice in compliance with acceptable and prevailing standards of  
care under the provisions of the practitioner's certificate. The  
demonstration shall include, but shall not be limited to, the

following:	2681
(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;	2682 2683 2684
(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;	2685 2686
(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.	2687 2688 2689 2690 2691 2692
The board may reinstate a certificate suspended under this division after that demonstration and after the individual has entered into a written consent agreement.	2693 2694 2695
When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.	2696 2697 2698 2699 2700 2701 2702 2703 2704
(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;	2705 2706
(28) Except as provided in division (N) of this section:	2707
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's	2708 2709 2710



services, otherwise would be required to pay if the waiver is used	2711
as an enticement to a patient or group of patients to receive	2712
health care services from that individual;	2713
(b) Advertising that the individual will waive the payment of	2714
all or any part of a deductible or copayment that a patient,	2715
pursuant to a health insurance or health care policy, contract, or	2716
plan that covers the individual's services, otherwise would be	2717
required to pay.	2718
(29) Failure to use universal blood and body fluid	2719
precautions established by rules adopted under section 4731.051 of	2720
the Revised Code;	2721
(30) Failure to provide notice to, and receive acknowledgment	2722
of the notice from, a patient when required by section 4731.143 of	2723
the Revised Code prior to providing nonemergency professional	2724
services, or failure to maintain that notice in the patient's	2725
file;	2726
(31) Failure of a physician supervising a physician assistant	2727
to maintain supervision in accordance with the requirements of	2728
Chapter 4730. of the Revised Code and the rules adopted under that	2729
chapter;	2730
(32) Failure of a physician or podiatrist to enter into a	2731
standard care arrangement with a clinical nurse specialist,	2732
certified nurse-midwife, or certified nurse practitioner with whom	2733
the physician or podiatrist is in collaboration pursuant to	2734
section 4731.27 of the Revised Code or failure to fulfill the	2735
responsibilities of collaboration after entering into a standard	2736
care arrangement;	2737
(33) Failure to comply with the terms of a consult agreement	2738
entered into with a pharmacist pursuant to section 4729.39 of the	2739
Revised Code;	2740

(34) Failure to cooperate in an investigation conducted by 2741  
the board under division (F) of this section, including failure to 2742  
comply with a subpoena or order issued by the board or failure to 2743  
answer truthfully a question presented by the board at a 2744  
deposition or in written interrogatories, except that failure to 2745  
cooperate with an investigation shall not constitute grounds for 2746  
discipline under this section if a court of competent jurisdiction 2747  
has issued an order that either quashes a subpoena or permits the 2748  
individual to withhold the testimony or evidence in issue; 2749

(35) Failure to supervise an acupuncturist in accordance with 2750  
Chapter 4762. of the Revised Code and the board's rules for 2751  
supervision of an acupuncturist; 2752

(36) Failure to supervise an anesthesiologist assistant in 2753  
accordance with Chapter 4760. of the Revised Code and the board's 2754  
rules for supervision of an anesthesiologist assistant; 2755

(37) Assisting suicide as defined in section 3795.01 of the 2756  
Revised Code. 2757

(C) Disciplinary actions taken by the board under divisions 2758  
(A) and (B) of this section shall be taken pursuant to an 2759  
adjudication under Chapter 119. of the Revised Code, except that 2760  
in lieu of an adjudication, the board may enter into a consent 2761  
agreement with an individual to resolve an allegation of a 2762  
violation of this chapter or any rule adopted under it. A consent 2763  
agreement, when ratified by an affirmative vote of not fewer than 2764  
six members of the board, shall constitute the findings and order 2765  
of the board with respect to the matter addressed in the 2766  
agreement. If the board refuses to ratify a consent agreement, the 2767  
admissions and findings contained in the consent agreement shall 2768  
be of no force or effect. 2769

If the board takes disciplinary action against an individual 2770  
under division (B) of this section for a second or subsequent plea 2771

of guilty to, or judicial finding of guilt of, a violation of 2772  
section 2919.123 of the Revised Code, the disciplinary action 2773  
shall consist of a suspension of the individual's certificate to 2774  
practice for a period of at least one year or, if determined 2775  
appropriate by the board, a more serious sanction involving the 2776  
individual's certificate to practice. Any consent agreement 2777  
entered into under this division with an individual that pertains 2778  
to a second or subsequent plea of guilty to, or judicial finding 2779  
of guilt of, a violation of that section shall provide for a 2780  
suspension of the individual's certificate to practice for a 2781  
period of at least one year or, if determined appropriate by the 2782  
board, a more serious sanction involving the individual's 2783  
certificate to practice. 2784

(D) For purposes of divisions (B)(10), (12), and (14) of this 2785  
section, the commission of the act may be established by a finding 2786  
by the board, pursuant to an adjudication under Chapter 119. of 2787  
the Revised Code, that the individual committed the act. The board 2788  
does not have jurisdiction under those divisions if the trial 2789  
court renders a final judgment in the individual's favor and that 2790  
judgment is based upon an adjudication on the merits. The board 2791  
has jurisdiction under those divisions if the trial court issues 2792  
an order of dismissal upon technical or procedural grounds. 2793

(E) The sealing of conviction records by any court shall have 2794  
no effect upon a prior board order entered under this section or 2795  
upon the board's jurisdiction to take action under this section 2796  
if, based upon a plea of guilty, a judicial finding of guilt, or a 2797  
judicial finding of eligibility for intervention in lieu of 2798  
conviction, the board issued a notice of opportunity for a hearing 2799  
prior to the court's order to seal the records. The board shall 2800  
not be required to seal, destroy, redact, or otherwise modify its 2801  
records to reflect the court's sealing of conviction records. 2802

(F)(1) The board shall investigate evidence that appears to 2803

show that a person has violated any provision of this chapter or  
any rule adopted under it. Any person may report to the board in a  
signed writing any information that the person may have that  
appears to show a violation of any provision of this chapter or  
any rule adopted under it. In the absence of bad faith, any person  
who reports information of that nature or who testifies before the  
board in any adjudication conducted under Chapter 119. of the  
Revised Code shall not be liable in damages in a civil action as a  
result of the report or testimony. Each complaint or allegation of  
a violation received by the board shall be assigned a case number  
and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or  
any rule adopted under it shall be supervised by the supervising  
member elected by the board in accordance with section 4731.02 of  
the Revised Code and by the secretary as provided in section  
4731.39 of the Revised Code. The president may designate another  
member of the board to supervise the investigation in place of the  
supervising member. No member of the board who supervises the  
investigation of a case shall participate in further adjudication  
of the case.

(3) In investigating a possible violation of this chapter or  
any rule adopted under this chapter, the board may administer  
oaths, order the taking of depositions, issue subpoenas, and  
compel the attendance of witnesses and production of books,  
accounts, papers, records, documents, and testimony, except that a  
subpoena for patient record information shall not be issued  
without consultation with the attorney general's office and  
approval of the secretary and supervising member of the board.  
Before issuance of a subpoena for patient record information, the  
secretary and supervising member shall determine whether there is  
probable cause to believe that the complaint filed alleges a  
violation of this chapter or any rule adopted under it and that

the records sought are relevant to the alleged violation and 2836  
material to the investigation. The subpoena may apply only to 2837  
records that cover a reasonable period of time surrounding the 2838  
alleged violation. 2839

On failure to comply with any subpoena issued by the board 2840  
and after reasonable notice to the person being subpoenaed, the 2841  
board may move for an order compelling the production of persons 2842  
or records pursuant to the Rules of Civil Procedure. 2843

A subpoena issued by the board may be served by a sheriff, 2844  
the sheriff's deputy, or a board employee designated by the board. 2845  
Service of a subpoena issued by the board may be made by 2846  
delivering a copy of the subpoena to the person named therein, 2847  
reading it to the person, or leaving it at the person's usual 2848  
place of residence. When the person being served is a person whose 2849  
practice is authorized by this chapter, service of the subpoena 2850  
may be made by certified mail, restricted delivery, return receipt 2851  
requested, and the subpoena shall be deemed served on the date 2852  
delivery is made or the date the person refuses to accept 2853  
delivery. 2854

A sheriff's deputy who serves a subpoena shall receive the 2855  
same fees as a sheriff. Each witness who appears before the board 2856  
in obedience to a subpoena shall receive the fees and mileage 2857  
provided for witnesses in civil cases in the courts of common 2858  
pleas. 2859

(4) All hearings and investigations of the board shall be 2860  
considered civil actions for the purposes of section 2305.252 of 2861  
the Revised Code. 2862

(5) Information received by the board pursuant to an 2863  
investigation is confidential and not subject to discovery in any 2864  
civil action. 2865

The board shall conduct all investigations and proceedings in 2866

a manner that protects the confidentiality of patients and persons  
who file complaints with the board. The board shall not make  
public the names or any other identifying information about  
patients or complainants unless proper consent is given or, in the  
case of a patient, a waiver of the patient privilege exists under  
division (B) of section 2317.02 of the Revised Code, except that  
consent or a waiver of that nature is not required if the board  
possesses reliable and substantial evidence that no bona fide  
physician-patient relationship exists.

The board may share any information it receives pursuant to  
an investigation, including patient records and patient record  
information, with law enforcement agencies, other licensing  
boards, and other governmental agencies that are prosecuting,  
adjudicating, or investigating alleged violations of statutes or  
administrative rules. An agency or board that receives the  
information shall comply with the same requirements regarding  
confidentiality as those with which the state medical board must  
comply, notwithstanding any conflicting provision of the Revised  
Code or procedure of the agency or board that applies when it is  
dealing with other information in its possession. In a judicial  
proceeding, the information may be admitted into evidence only in  
accordance with the Rules of Evidence, but the court shall require  
that appropriate measures are taken to ensure that confidentiality  
is maintained with respect to any part of the information that  
contains names or other identifying information about patients or  
complainants whose confidentiality was protected by the state  
medical board when the information was in the board's possession.  
Measures to ensure confidentiality that may be taken by the court  
include sealing its records or deleting specific information from  
its records.

(6) On a quarterly basis, the board shall prepare a report  
that documents the disposition of all cases during the preceding

three months. The report shall contain the following information 2899  
for each case with which the board has completed its activities: 2900

(a) The case number assigned to the complaint or alleged 2901  
violation; 2902

(b) The type of certificate to practice, if any, held by the 2903  
individual against whom the complaint is directed; 2904

(c) A description of the allegations contained in the 2905  
complaint; 2906

(d) The disposition of the case. 2907

The report shall state how many cases are still pending and 2908  
shall be prepared in a manner that protects the identity of each 2909  
person involved in each case. The report shall be a public record 2910  
under section 149.43 of the Revised Code. 2911

(G) If the secretary and supervising member determine that 2912  
there is clear and convincing evidence that an individual has 2913  
violated division (B) of this section and that the individual's 2914  
continued practice presents a danger of immediate and serious harm 2915  
to the public, they may recommend that the board suspend the 2916  
individual's certificate to practice without a prior hearing. 2917  
Written allegations shall be prepared for consideration by the 2918  
board. 2919

The board, upon review of those allegations and by an 2920  
affirmative vote of not fewer than six of its members, excluding 2921  
the secretary and supervising member, may suspend a certificate 2922  
without a prior hearing. A telephone conference call may be 2923  
utilized for reviewing the allegations and taking the vote on the 2924  
summary suspension. 2925

The board shall issue a written order of suspension by 2926  
certified mail or in person in accordance with section 119.07 of 2927  
the Revised Code. The order shall not be subject to suspension by 2928

the court during pendency of any appeal filed under section 119.12 2929  
of the Revised Code. If the individual subject to the summary 2930  
suspension requests an adjudicatory hearing by the board, the date 2931  
set for the hearing shall be within fifteen days, but not earlier 2932  
than seven days, after the individual requests the hearing, unless 2933  
otherwise agreed to by both the board and the individual. 2934

Any summary suspension imposed under this division shall 2935  
remain in effect, unless reversed on appeal, until a final 2936  
adjudicative order issued by the board pursuant to this section 2937  
and Chapter 119. of the Revised Code becomes effective. The board 2938  
shall issue its final adjudicative order within sixty days after 2939  
completion of its hearing. A failure to issue the order within 2940  
sixty days shall result in dissolution of the summary suspension 2941  
order but shall not invalidate any subsequent, final adjudicative 2942  
order. 2943

(H) If the board takes action under division (B)(9), (11), or 2944  
(13) of this section and the judicial finding of guilt, guilty 2945  
plea, or judicial finding of eligibility for intervention in lieu 2946  
of conviction is overturned on appeal, upon exhaustion of the 2947  
criminal appeal, a petition for reconsideration of the order may 2948  
be filed with the board along with appropriate court documents. 2949  
Upon receipt of a petition of that nature and supporting court 2950  
documents, the board shall reinstate the individual's certificate 2951  
to practice. The board may then hold an adjudication under Chapter 2952  
119. of the Revised Code to determine whether the individual 2953  
committed the act in question. Notice of an opportunity for a 2954  
hearing shall be given in accordance with Chapter 119. of the 2955  
Revised Code. If the board finds, pursuant to an adjudication held 2956  
under this division, that the individual committed the act or if 2957  
no hearing is requested, the board may order any of the sanctions 2958  
identified under division (B) of this section. 2959

(I) The certificate to practice issued to an individual under 2960



this chapter and the individual's practice in this state are 2961  
automatically suspended as of the date of the individual's second 2962  
or subsequent plea of guilty to, or judicial finding of guilt of, 2963  
a violation of section 2919.123 of the Revised Code, or the date 2964  
the individual pleads guilty to, is found by a judge or jury to be 2965  
guilty of, or is subject to a judicial finding of eligibility for 2966  
intervention in lieu of conviction in this state or treatment or 2967  
intervention in lieu of conviction in another jurisdiction for any 2968  
of the following criminal offenses in this state or a 2969  
substantially equivalent criminal offense in another jurisdiction: 2970  
aggravated murder, murder, voluntary manslaughter, felonious 2971  
assault, kidnapping, rape, sexual battery, gross sexual 2972  
imposition, aggravated arson, aggravated robbery, or aggravated 2973  
burglary. Continued practice after suspension shall be considered 2974  
practicing without a certificate. 2975

The board shall notify the individual subject to the 2976  
suspension by certified mail or in person in accordance with 2977  
section 119.07 of the Revised Code. If an individual whose 2978  
certificate is automatically suspended under this division fails 2979  
to make a timely request for an adjudication under Chapter 119. of 2980  
the Revised Code, the board shall do whichever of the following is 2981  
applicable: 2982

(1) If the automatic suspension under this division is for a 2983  
second or subsequent plea of guilty to, or judicial finding of 2984  
guilt of, a violation of section 2919.123 of the Revised Code, the 2985  
board shall enter an order suspending the individual's certificate 2986  
to practice for a period of at least one year or, if determined 2987  
appropriate by the board, imposing a more serious sanction 2988  
involving the individual's certificate to practice. 2989

(2) In all circumstances in which division (I)(1) of this 2990  
section does not apply, enter a final order permanently revoking 2991  
the individual's certificate to practice. 2992

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. Reinstatement of a certificate surrendered to the board requires

an affirmative vote of not fewer than six members of the board. 3024

(2) An application for a certificate made under the 3025  
provisions of this chapter may not be withdrawn without approval 3026  
of the board. 3027

(3) Failure by an individual to renew a certificate of 3028  
registration in accordance with this chapter shall not remove or 3029  
limit the board's jurisdiction to take any disciplinary action 3030  
under this section against the individual. 3031

(N) Sanctions shall not be imposed under division (B)(28) of 3032  
this section against any person who waives deductibles and 3033  
copayments as follows: 3034

(1) In compliance with the health benefit plan that expressly 3035  
allows such a practice. Waiver of the deductibles or copayments 3036  
shall be made only with the full knowledge and consent of the plan 3037  
purchaser, payer, and third-party administrator. Documentation of 3038  
the consent shall be made available to the board upon request. 3039

(2) For professional services rendered to any other person 3040  
authorized to practice pursuant to this chapter, to the extent 3041  
allowed by this chapter and rules adopted by the board. 3042

(O) Under the board's investigative duties described in this 3043  
section and subject to division (F) of this section, the board 3044  
shall develop and implement a quality intervention program 3045  
designed to improve through remedial education the clinical and 3046  
communication skills of individuals authorized under this chapter 3047  
to practice medicine and surgery, osteopathic medicine and 3048  
surgery, and podiatric medicine and surgery. In developing and 3049  
implementing the quality intervention program, the board may do 3050  
all of the following: 3051

(1) Offer in appropriate cases as determined by the board an 3052  
educational and assessment program pursuant to an investigation 3053

the board conducts under this section; 3054

(2) Select providers of educational and assessment services, 3055  
including a quality intervention program panel of case reviewers; 3056

(3) Make referrals to educational and assessment service 3057  
providers and approve individual educational programs recommended 3058  
by those providers. The board shall monitor the progress of each 3059  
individual undertaking a recommended individual educational 3060  
program. 3061

(4) Determine what constitutes successful completion of an 3062  
individual educational program and require further monitoring of 3063  
the individual who completed the program or other action that the 3064  
board determines to be appropriate; 3065

(5) Adopt rules in accordance with Chapter 119. of the 3066  
Revised Code to further implement the quality intervention 3067  
program. 3068

An individual who participates in an individual educational 3069  
program pursuant to this division shall pay the financial 3070  
obligations arising from that educational program. 3071

**Sec. 4731.91.** (A) On and after the effective date of this 3072  
amendment, all abortions are prohibited in this state under 3073  
sections 2919.12 and 2919.123 of the Revised Code. 3074

(B)(1) No private hospital, private hospital director, or 3075  
governing board of a private hospital ~~is required to~~ shall permit 3076  
an abortion. 3077

~~(B)(2)~~ No public hospital, public hospital director, or 3078  
governing board of a public hospital ~~is required to~~ shall permit 3079  
an abortion. 3080

~~(C)(3)~~ Refusal to permit an abortion is not grounds for civil 3081  
liability nor a basis for disciplinary or other recriminatory 3082

action. 3083

~~(D)~~(4) No person ~~is required to~~ shall perform or participate 3084  
in medical procedures ~~which that~~ result in abortion, ~~and refusal,~~ 3085  
Refusal to perform or participate in ~~the~~ medical procedures that 3086  
result in an abortion is not grounds for civil liability nor a 3087  
basis for disciplinary or other recriminatory action. 3088

~~(E)~~(5) Whoever violates division ~~(D)~~(B)(1), (2), or (4) of 3089  
this section is liable ~~in~~ to the pregnant woman, to the person who 3090  
was the father of the fetus or embryo that was the subject of the 3091  
abortion, and, if the pregnant woman was a minor at the time of 3092  
the abortion, to her parents, guardian, or custodian for civil 3093  
compensatory and exemplary damages. 3094

(C) Division (B)(4) of this section does not apply to a 3095  
person who provides medical treatment to a pregnant woman to 3096  
prevent the death of the pregnant woman and who, as a proximate 3097  
result of the provision of that medical treatment but without 3098  
intent to do so, causes the termination of the pregnant woman's 3099  
pregnancy. Divisions (B)(1) and (2) of this section do not apply 3100  
to a hospital, director, or governing board regarding the 3101  
provision, by a person at the hospital, of medical treatment to a 3102  
pregnant woman to prevent the death of the pregnant woman when the 3103  
person, as a proximate result of the provision of that medical 3104  
treatment but without intent to do so, causes the termination of 3105  
the pregnant woman's pregnancy. 3106

**Sec. 5101.55.** (A) On and after the effective date of this 3107  
amendment, all abortions are prohibited in this state under 3108  
sections 2919.12 and 2919.123 of the Revised Code. 3109

(B)(1) No person shall be ordered by a public agency or any 3110  
person to submit to an abortion. 3111

~~(B)~~(2) The refusal of any person to submit to an abortion or 3112

to give consent therefor shall not result in the loss of public 3113  
assistance benefits or any other rights or privileges. 3114

~~(C)(3) State or local public funds shall not be used to 3115  
subsidize an abortion, unless the abortion is necessary to 3116  
preserve the life or physical or mental health of the pregnant 3117  
woman and this fact is certified in writing by the performing 3118  
physician to the state or local agency providing the funds. 3119~~

(C) Whoever violates division (B)(1) of this section is 3120  
liable to the pregnant woman, to the person who was the father of 3121  
the fetus or embryo that was the subject of the abortion, and, if 3122  
the pregnant woman was a minor at the time of the abortion, to her 3123  
parents, guardian, or custodian for civil compensatory and 3124  
exemplary damages. 3125

**Section 2.** That existing sections 124.85, 149.43, 2151.421, 3126  
2305.11, 2307.46, 2307.52, 2307.53, 2317.56, 2505.02, 2901.01, 3127  
2903.09, 2919.12, 2919.123, 2919.13, 2919.14, 2919.24, 2950.03, 3128  
3701.341, 4112.01, 4731.22, 4731.91, and 5101.55 and sections 3129  
2151.85, 2505.073, 2919.121, 2919.122, 2919.151, 2919.16, 2919.17, 3130  
and 2919.18 of the Revised Code are hereby repealed. 3131

**Section 3.** Section 149.43 of the Revised Code is presented in 3132  
this act as a composite of the section as amended by Am. Sub. H.B. 3133  
303, Am. Sub. H.B. 431, and Sub. S.B. 222, all of the 125th 3134  
General Assembly. Section 2151.421 of the Revised Code is 3135  
presented in this act as a composite of the section as amended by 3136  
both Sub. S.B. 66 and Sub. S.B. 185 of the 125th General Assembly. 3137  
Section 2505.02 of the Revised Code is presented in this act as a 3138  
composite of the section as amended by both Am. Sub. H.B. 516 and 3139  
Am. Sub. S.B. 80 of the 125th General Assembly. Section 2901.01 of 3140  
the Revised Code is presented in this act as a composite of the 3141  
section as amended by Sub. H.B. 364, Sub. H.B. 545, and H.B. 675 3142

of the 124th General Assembly. Section 4731.22 of the Revised Code 3143  
is presented in this act as a composite of the section as amended 3144  
by both Sub. H.B. 126 and Am. Sub. S.B. 80 of the 125th General 3145  
Assembly. The General Assembly, applying the principle stated in 3146  
division (B) of section 1.52 of the Revised Code that amendments 3147  
are to be harmonized if reasonably capable of simultaneous 3148  
operation, finds that the composites are the resulting versions of 3149  
the sections in effect prior to the effective date of the sections 3150  
as presented in this act. 3151

**Section 4.** Sections 1, 2, and 3 of this act shall take effect 3152  
on October 29, 2005, or the earliest date permitted by law, 3153  
whichever is later. 3154