

As Introduced

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

**Representatives Brinkman, Hood, Buehrer, Bubp, 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 945
action constitutes frivolous conduct and that the defendant was 946
adversely affected by the frivolous conduct, the court shall award 947
in accordance with section 2323.51 of the Revised Code reasonable 948
attorney's fees to the defendant. 949

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

~~(1) "Medical emergency" means a condition of a pregnant woman 951
that, in the reasonable judgment of the physician who is attending 952
the woman, creates an immediate threat of serious risk to the life 953
or physical health of the woman from the continuation of the 954
pregnancy necessitating the immediate performance or inducement of 955
an abortion. 956~~

~~(2) "Medical necessity" means a medical condition of a 957
pregnant woman that, in the reasonable judgment of the physician 958
who is attending the woman, so complicates the pregnancy that it 959
necessitates the immediate performance or inducement of an 960
abortion. 961~~

~~(3) "Probable gestational age of the embryo or fetus" means 962
the gestational age that, in the judgment of a physician, is, with 963
reasonable probability, the gestational age of the embryo or fetus 964
at the time that the physician informs a pregnant woman pursuant 965
to division (B)(1)(b) of this section. 966~~

~~(B) Except when there is a medical emergency or medical 967
necessity, an abortion shall be performed or induced only if all 968
of the following conditions are satisfied: 969~~

~~(1) At least twenty four hours prior to the performance or 970
inducement of the abortion, a physician meets with the pregnant 971
woman in person in an individual, private setting and gives her an 972
adequate opportunity to ask questions about the abortion that will 973
be performed or induced. At this meeting, the physician shall 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
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~~(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
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(16)(a) Except as provided in division (A)(16)(b) of this section, "physical or mental impairment" includes any of the following: 2373
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(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
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(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
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(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
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(b) "Physical or mental impairment" does not include any of the following: 2391
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(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
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(iii) Compulsive gambling, kleptomania, or pyromania; 2397

(iv) Psychoactive substance use disorders resulting from current illegal use of a controlled substance. 2398
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(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 chapter;	2523 2524
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	2525 2526 2527 2528
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.	2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539
For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.	2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551
(19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or	2552 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