

As Introduced

**127th General Assembly
Regular Session
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H. B. No. 284

Representative Brinkman

Cosponsor: Representative Adams

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A B I L L

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

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

Section 1. That sections 124.85, 149.43, 2151.421, 2305.11, 14
2307.52, 2307.53, 2317.56, 2505.02, 2901.01, 2903.09, 2919.12, 15
2919.123, 2919.13, 2919.14, 2919.24, 2950.03, 3701.341, 4112.01, 16
4731.22, 4731.91, and 5101.55 of the Revised Code be amended to 17
read as follows: 18

Sec. 124.85. (A) As used in this section: 19

(1) ~~"Nontherapeutic abortion" means an abortion that is performed or induced when the life of the mother would not be endangered if the fetus were carried to term or when the pregnancy of the mother was not the result of rape or incest reported to a law enforcement agency.~~ 20
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~~(2)~~ "Policy, contract, or plan" means a policy, contract, or plan of one or more insurance companies, medical care corporations, health care corporations, health maintenance organizations, preferred provider organizations, or other entities that provides health, medical, hospital, or surgical coverage, benefits, or services to elected or appointed officers or employees of the state, including a plan that is associated with a self-insurance program and a policy, contract, or plan that implements a collective bargaining agreement. 25
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~~(3)~~(2) "State" has the same meaning as in section 2744.01 of the Revised Code. 34
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(B) ~~Subject to division (C) of this section, but notwithstanding~~ Notwithstanding other provisions of the Revised Code that conflict with the prohibition specified in this division, funds of the state shall not be expended directly or indirectly to pay the costs, premiums, or charges associated with a policy, contract, or plan if the policy, contract, or plan provides coverage, benefits, or services related to a nontherapeutic an abortion. 36
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(C) ~~Division (B) of this section does not preclude the state from expending funds to pay the costs, premiums, or charges associated with a policy, contract, or plan that includes a rider or other provision offered on an individual basis under which an elected or appointed official or employee who accepts the offer of 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~~ 44
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~~the rider or provision, including all administrative expenses 52
related to the rider or provision and any claim made for a 53
nontherapeutic abortion. 54~~

~~(D)~~ In addition to the laws specified in division (A) of 55
section 4117.10 of the Revised Code that prevail over conflicting 56
provisions of agreements between employee organizations and public 57
employers, ~~divisions~~ division (B) ~~and (C)~~ of this section shall 58
prevail over conflicting provisions of that nature. 59

Sec. 149.43. (A) As used in this section: 60

(1) "Public record" means records kept by any public office, 61
including, but not limited to, state, county, city, village, 62
township, and school district units, and records pertaining to the 63
delivery of educational services by an alternative school in this 64
state kept by the nonprofit or for-profit entity operating the 65
alternative school pursuant to section 3313.533 of the Revised 66
Code. "Public record" does not mean any of the following: 67

(a) Medical records; 68

(b) Records pertaining to probation and parole proceedings or 69
to proceedings related to the imposition of community control 70
sanctions and post-release control sanctions; 71

(c) Records pertaining to actions under former section 72
2151.85 and division (C) of former section 2919.121 of the Revised 73
Code, as they existed prior to the effective date of this 74
amendment and to appeals of actions arising under those sections; 75

(d) Records pertaining to adoption proceedings, including the 76
contents of an adoption file maintained by the department of 77
health under section 3705.12 of the Revised Code; 78

(e) Information in a record contained in the putative father 79
registry established by section 3107.062 of the Revised Code, 80
regardless of whether the information is held by the department of 81

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;	82 83 84
(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;	85 86 87
(g) Trial preparation records;	88
(h) Confidential law enforcement investigatory records;	89
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	90 91
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	92 93
(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;	94 95 96 97
(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;	98 99 100 101
(m) Intellectual property records;	102
(n) Donor profile records;	103
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	104 105
(p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information;	106 107 108 109
(q) In the case of a county hospital operated pursuant to	110

Chapter 339. of the Revised Code or a municipal hospital operated 111
pursuant to Chapter 749. of the Revised Code, information that 112
constitutes a trade secret, as defined in section 1333.61 of the 113
Revised Code; 114

(r) Information pertaining to the recreational activities of 115
a person under the age of eighteen; 116

(s) Records provided to, statements made by review board 117
members during meetings of, and all work products of a child 118
fatality review board acting under sections 307.621 to 307.629 of 119
the Revised Code, other than the report prepared pursuant to 120
section 307.626 of the Revised Code; 121

(t) Records provided to and statements made by the executive 122
director of a public children services agency or a prosecuting 123
attorney acting pursuant to section 5153.171 of the Revised Code 124
other than the information released under that section; 125

(u) Test materials, examinations, or evaluation tools used in 126
an examination for licensure as a nursing home administrator that 127
the board of examiners of nursing home administrators administers 128
under section 4751.04 of the Revised Code or contracts under that 129
section with a private or government entity to administer; 130

(v) Records the release of which is prohibited by state or 131
federal law; 132

(w) Proprietary information of or relating to any person that 133
is submitted to or compiled by the Ohio venture capital authority 134
created under section 150.01 of the Revised Code; 135

(x) Information reported and evaluations conducted pursuant 136
to section 3701.072 of the Revised Code; 137

(y) Financial statements and data any person submits for any 138
purpose to the Ohio housing finance agency or the controlling 139
board in connection with applying for, receiving, or accounting 140

for financial assistance from the agency, and information that 141
identifies any individual who benefits directly or indirectly from 142
financial assistance from the agency. 143

(2) "Confidential law enforcement investigatory record" means 144
any record that pertains to a law enforcement matter of a 145
criminal, quasi-criminal, civil, or administrative nature, but 146
only to the extent that the release of the record would create a 147
high probability of disclosure of any of the following: 148

(a) The identity of a suspect who has not been charged with 149
the offense to which the record pertains, or of an information 150
source or witness to whom confidentiality has been reasonably 151
promised; 152

(b) Information provided by an information source or witness 153
to whom confidentiality has been reasonably promised, which 154
information would reasonably tend to disclose the source's or 155
witness's identity; 156

(c) Specific confidential investigatory techniques or 157
procedures or specific investigatory work product; 158

(d) Information that would endanger the life or physical 159
safety of law enforcement personnel, a crime victim, a witness, or 160
a confidential information source. 161

(3) "Medical record" means any document or combination of 162
documents, except births, deaths, and the fact of admission to or 163
discharge from a hospital, that pertains to the medical history, 164
diagnosis, prognosis, or medical condition of a patient and that 165
is generated and maintained in the process of medical treatment. 166

(4) "Trial preparation record" means any record that contains 167
information that is specifically compiled in reasonable 168
anticipation of, or in defense of, a civil or criminal action or 169
proceeding, including the independent thought processes and 170
personal trial preparation of an attorney. 171

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

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

(7) "Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT:

(a) The address of the actual personal residence of a peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT, except for the state or political subdivision in which the peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card

number, or the emergency telephone number of, or any medical 203
information pertaining to, a peace officer, parole officer, 204
prosecuting attorney, assistant prosecuting attorney, correctional 205
employee, youth services employee, firefighter, or EMT; 206

(d) The name of any beneficiary of employment benefits, 207
including, but not limited to, life insurance benefits, provided 208
to a peace officer, parole officer, prosecuting attorney, 209
assistant prosecuting attorney, correctional employee, youth 210
services employee, firefighter, or EMT by the peace officer's, 211
parole officer's, prosecuting attorney's, assistant prosecuting 212
attorney's, correctional employee's, youth services employee's, 213
firefighter's, or EMT's employer; 214

(e) The identity and amount of any charitable or employment 215
benefit deduction made by the peace officer's, parole officer's, 216
prosecuting attorney's, assistant prosecuting attorney's, 217
correctional employee's, youth services employee's, firefighter's, 218
or EMT's employer from the peace officer's, parole officer's, 219
prosecuting attorney's, assistant prosecuting attorney's, 220
correctional employee's, youth services employee's, firefighter's, 221
or EMT's compensation unless the amount of the deduction is 222
required by state or federal law; 223

(f) The name, the residential address, the name of the 224
employer, the address of the employer, the social security number, 225
the residential telephone number, any bank account, debit card, 226
charge card, or credit card number, or the emergency telephone 227
number of the spouse, a former spouse, or any child of a peace 228
officer, parole officer, prosecuting attorney, assistant 229
prosecuting attorney, correctional employee, youth services 230
employee, firefighter, or EMT; 231

(g) A photograph of a peace officer who holds a position or 232
has an assignment that may include undercover or plain clothes 233
positions or assignments as determined by the peace officer's 234

appointing authority. 235

As used in divisions (A)(7) and (B)(9) of this section, 236
"peace officer" has the same meaning as in section 109.71 of the 237
Revised Code and also includes the superintendent and troopers of 238
the state highway patrol; it does not include the sheriff of a 239
county or a supervisory employee who, in the absence of the 240
sheriff, is authorized to stand in for, exercise the authority of, 241
and perform the duties of the sheriff. 242

As used in divisions (A)(7) and (B)(5) of this section, 243
"correctional employee" means any employee of the department of 244
rehabilitation and correction who in the course of performing the 245
employee's job duties has or has had contact with inmates and 246
persons under supervision. 247

As used in divisions (A)(7) and (B)(5) of this section, 248
"youth services employee" means any employee of the department of 249
youth services who in the course of performing the employee's job 250
duties has or has had contact with children committed to the 251
custody of the department of youth services. 252

As used in divisions (A)(7) and (B)(9) of this section, 253
"firefighter" means any regular, paid or volunteer, member of a 254
lawfully constituted fire department of a municipal corporation, 255
township, fire district, or village. 256

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 257
means EMTs-basic, EMTs-I, and paramedics that provide emergency 258
medical services for a public emergency medical service 259
organization. "Emergency medical service organization," 260
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 261
section 4765.01 of the Revised Code. 262

(8) "Information pertaining to the recreational activities of 263
a person under the age of eighteen" means information that is kept 264
in the ordinary course of business by a public office, that 265

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.

(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or

person responsible for public records shall make copies of the 296
requested public record available at cost and within a reasonable 297
period of time. If a public record contains information that is 298
exempt from the duty to permit public inspection or to copy the 299
public record, the public office or the person responsible for the 300
public record shall make available all of the information within 301
the public record that is not exempt. When making that public 302
record available for public inspection or copying that public 303
record, the public office or the person responsible for the public 304
record shall notify the requester of any redaction or make the 305
redaction plainly visible. A redaction shall be deemed a denial of 306
a request to inspect or copy the redacted information, except if 307
federal or state law authorizes or requires a public office to 308
make the redaction. 309

(2) To facilitate broader access to public records, a public 310
office or the person responsible for public records shall organize 311
and maintain public records in a manner that they can be made 312
available for inspection or copying in accordance with division 313
(B) of this section. A public office also shall have available a 314
copy of its current records retention schedule at a location 315
readily available to the public. If a requester makes an ambiguous 316
or overly broad request or has difficulty in making a request for 317
copies or inspection of public records under this section such 318
that the public office or the person responsible for the requested 319
public record cannot reasonably identify what public records are 320
being requested, the public office or the person responsible for 321
the requested public record may deny the request but shall provide 322
the requester with an opportunity to revise the request by 323
informing the requester of the manner in which records are 324
maintained by the public office and accessed in the ordinary 325
course of the public office's or person's duties. 326

(3) If a request is ultimately denied, in part or in whole, 327

the public office or the person responsible for the requested 328
public record shall provide the requester with an explanation, 329
including legal authority, setting forth why the request was 330
denied. If the initial request was provided in writing, the 331
explanation also shall be provided to the requester in writing. 332
The explanation shall not preclude the public office or the person 333
responsible for the requested public record from relying upon 334
additional reasons or legal authority in defending an action 335
commenced under division (C) of this section. 336

(4) Unless specifically required or authorized by state or 337
federal law or in accordance with division (B) of this section, no 338
public office or person responsible for public records may limit 339
or condition the availability of public records by requiring 340
disclosure of the requester's identity or the intended use of the 341
requested public record. Any requirement that the requester 342
disclose the requestor's identity or the intended use of the 343
requested public record constitutes a denial of the request. 344

(5) A public office or person responsible for public records 345
may ask a requester to make the request in writing, may ask for 346
the requester's identity, and may inquire about the intended use 347
of the information requested, but may do so only after disclosing 348
to the requester that a written request is not mandatory and that 349
the requester may decline to reveal the requester's identity or 350
the intended use and when a written request or disclosure of the 351
identity or intended use would benefit the requester by enhancing 352
the ability of the public office or person responsible for public 353
records to identify, locate, or deliver the public records sought 354
by the requester. 355

(6) If any person chooses to obtain a copy of a public record 356
in accordance with division (B) of this section, the public office 357
or person responsible for the public record may require that 358
person to pay in advance the cost involved in providing the copy 359

of the public record in accordance with the choice made by the 360
person seeking the copy under this division. The public office or 361
the person responsible for the public record shall permit that 362
person to choose to have the public record duplicated upon paper, 363
upon the same medium upon which the public office or person 364
responsible for the public record keeps it, or upon any other 365
medium upon which the public office or person responsible for the 366
public record determines that it reasonably can be duplicated as 367
an integral part of the normal operations of the public office or 368
person responsible for the public record. When the person seeking 369
the copy makes a choice under this division, the public office or 370
person responsible for the public record shall provide a copy of 371
it in accordance with the choice made by the person seeking the 372
copy. Nothing in this section requires a public office or person 373
responsible for the public record to allow the person seeking a 374
copy of the public record to make the copies of the public record. 375

(7) Upon a request made in accordance with division (B) of 376
this section and subject to division (B)(6) of this section, a 377
public office or person responsible for public records shall 378
transmit a copy of a public record to any person by United States 379
mail or by any other means of delivery or transmission within a 380
reasonable period of time after receiving the request for the 381
copy. The public office or person responsible for the public 382
record may require the person making the request to pay in advance 383
the cost of postage if the copy is transmitted by United States 384
mail or the cost of delivery if the copy is transmitted other than 385
by United States mail, and to pay in advance the costs incurred 386
for other supplies used in the mailing, delivery, or transmission. 387

Any public office may adopt a policy and procedures that it 388
will follow in transmitting, within a reasonable period of time 389
after receiving a request, copies of public records by United 390
States mail or by any other means of delivery or transmission 391

pursuant to this division. A public office that adopts a policy 392
and procedures under this division shall comply with them in 393
performing its duties under this division. 394

In any policy and procedures adopted under this division, a 395
public office may limit the number of records requested by a 396
person that the office will transmit by United States mail to ten 397
per month, unless the person certifies to the office in writing 398
that the person does not intend to use or forward the requested 399
records, or the information contained in them, for commercial 400
purposes. For purposes of this division, "commercial" shall be 401
narrowly construed and does not include reporting or gathering 402
news, reporting or gathering information to assist citizen 403
oversight or understanding of the operation or activities of 404
government, or nonprofit educational research. 405

(8) A public office or person responsible for public records 406
is not required to permit a person who is incarcerated pursuant to 407
a criminal conviction or a juvenile adjudication to inspect or to 408
obtain a copy of any public record concerning a criminal 409
investigation or prosecution or concerning what would be a 410
criminal investigation or prosecution if the subject of the 411
investigation or prosecution were an adult, unless the request to 412
inspect or to obtain a copy of the record is for the purpose of 413
acquiring information that is subject to release as a public 414
record under this section and the judge who imposed the sentence 415
or made the adjudication with respect to the person, or the 416
judge's successor in office, finds that the information sought in 417
the public record is necessary to support what appears to be a 418
justiciable claim of the person. 419

(9) Upon written request made and signed by a journalist on 420
or after December 16, 1999, a public office, or person responsible 421
for public records, having custody of the records of the agency 422
employing a specified peace officer, parole officer, prosecuting 423

attorney, assistant prosecuting attorney, correctional employee, 424
youth services employee, firefighter, or EMT shall disclose to the 425
journalist the address of the actual personal residence of the 426
peace officer, parole officer, prosecuting attorney, assistant 427
prosecuting attorney, correctional employee, youth services 428
employee, firefighter, or EMT and, if the peace officer's, parole 429
officer's, prosecuting attorney's, assistant prosecuting 430
attorney's, correctional employee's, youth services employee's, 431
firefighter's, or EMT's spouse, former spouse, or child is 432
employed by a public office, the name and address of the employer 433
of the peace officer's, parole officer's, prosecuting attorney's, 434
assistant prosecuting attorney's, correctional employee's, youth 435
services employee's, firefighter's, or EMT's spouse, former 436
spouse, or child. The request shall include the journalist's name 437
and title and the name and address of the journalist's employer 438
and shall state that disclosure of the information sought would be 439
in the public interest. 440

As used in this division, "journalist" means a person engaged 441
in, connected with, or employed by any news medium, including a 442
newspaper, magazine, press association, news agency, or wire 443
service, a radio or television station, or a similar medium, for 444
the purpose of gathering, processing, transmitting, compiling, 445
editing, or disseminating information for the general public. 446

(C)(1) If a person allegedly is aggrieved by the failure of a 447
public office or the person responsible for public records to 448
promptly prepare a public record and to make it available to the 449
person for inspection in accordance with division (B) of this 450
section or by any other failure of a public office or the person 451
responsible for public records to comply with an obligation in 452
accordance with division (B) of this section, the person allegedly 453
aggrieved may commence a mandamus action to obtain a judgment that 454
orders the public office or the person responsible for the public 455

record to comply with division (B) of this section, that awards 456
court costs and reasonable attorney's fees to the person that 457
instituted the mandamus action, and, if applicable, that includes 458
an order fixing statutory damages under division (C)(1) of this 459
section. The mandamus action may be commenced in the court of 460
common pleas of the county in which division (B) of this section 461
allegedly was not complied with, in the supreme court pursuant to 462
its original jurisdiction under Section 2 of Article IV, Ohio 463
Constitution, or in the court of appeals for the appellate 464
district in which division (B) of this section allegedly was not 465
complied with pursuant to its original jurisdiction under Section 466
3 of Article IV, Ohio Constitution. 467

If a requestor transmits a written request by hand delivery 468
or certified mail to inspect or receive copies of any public 469
record in a manner that fairly describes the public record or 470
class of public records to the public office or person responsible 471
for the requested public records, except as otherwise provided in 472
this section, the requestor shall be entitled to recover the 473
amount of statutory damages set forth in this division if a court 474
determines that the public office or the person responsible for 475
public records failed to comply with an obligation in accordance 476
with division (B) of this section. 477

The amount of statutory damages shall be fixed at one hundred 478
dollars for each business day during which the public office or 479
person responsible for the requested public records failed to 480
comply with an obligation in accordance with division (B) of this 481
section, beginning with the day on which the requester files a 482
mandamus action to recover statutory damages, up to a maximum of 483
one thousand dollars. The award of statutory damages shall not be 484
construed as a penalty, but as compensation for injury arising 485
from lost use of the requested information. The existence of this 486
injury shall be conclusively presumed. The award of statutory 487

damages shall be in addition to all other remedies authorized by 488
this section. 489

The court may reduce an award of statutory damages or not 490
award statutory damages if the court determines both of the 491
following: 492

(a) That, based on the ordinary application of statutory law 493
and case law as it existed at the time of the conduct or 494
threatened conduct of the public office or person responsible for 495
the requested public records that allegedly constitutes a failure 496
to comply with an obligation in accordance with division (B) of 497
this section and that was the basis of the mandamus action, a 498
well-informed public office or person responsible for the 499
requested public records reasonably would believe that the conduct 500
or threatened conduct of the public office or person responsible 501
for the requested public records did not constitute a failure to 502
comply with an obligation in accordance with division (B) of this 503
section; 504

(b) That a well-informed public office or person responsible 505
for the requested public records reasonably would believe that the 506
conduct or threatened conduct of the public office or person 507
responsible for the requested public records would serve the 508
public policy that underlies the authority that is asserted as 509
permitting that conduct or threatened conduct. 510

(2)(a) If the court issues a writ of mandamus that orders the 511
public office or the person responsible for the public record to 512
comply with division (B) of this section and determines that the 513
circumstances described in division (C)(1) of this section exist, 514
the court shall determine and award to the relator all court 515
costs. 516

(b) If the court renders a judgment that orders the public 517
office or the person responsible for the public record to comply 518

with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C)(2)(c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C)(2)(c) of this section when either of the following applies:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to

comply with an obligation in accordance with division (B) of this section; 551
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(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records as described in division (C)(2)(c)(i) of this section would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct. 553
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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 560
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(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. In addition, all public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours. 562
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(2) The public office shall distribute the public records policy adopted by the public office under division (E)(1) of this section to the employee of the public office who is the records 580
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custodian or records manager or otherwise has custody of the 583
records of that office. The public office shall require that 584
employee to acknowledge receipt of the copy of the public records 585
policy. The public office shall create a poster that describes its 586
public records policy and shall post the poster in a conspicuous 587
place in the public office and in all locations where the public 588
office has branch offices. The public office may post its public 589
records policy on the internet web site of the public office if 590
the public office maintains an internet web site. A public office 591
that has established a manual or handbook of its general policies 592
and procedures for all employees of the public office shall 593
include the public records policy of the public office in the 594
manual or handbook. 595

(F)(1) The bureau of motor vehicles may adopt rules pursuant 596
to Chapter 119. of the Revised Code to reasonably limit the number 597
of bulk commercial special extraction requests made by a person 598
for the same records or for updated records during a calendar 599
year. The rules may include provisions for charges to be made for 600
bulk commercial special extraction requests for the actual cost of 601
the bureau, plus special extraction costs, plus ten per cent. The 602
bureau may charge for expenses for redacting information, the 603
release of which is prohibited by law. 604

(2) As used in division (F)(1) of this section: 605

(a) "Actual cost" means the cost of depleted supplies, 606
records storage media costs, actual mailing and alternative 607
delivery costs, or other transmitting costs, and any direct 608
equipment operating and maintenance costs, including actual costs 609
paid to private contractors for copying services. 610

(b) "Bulk commercial special extraction request" means a 611
request for copies of a record for information in a format other 612
than the format already available, or information that cannot be 613
extracted without examination of all items in a records series, 614

class of records, or data base by a person who intends to use or 615
forward the copies for surveys, marketing, solicitation, or resale 616
for commercial purposes. "Bulk commercial special extraction 617
request" does not include a request by a person who gives 618
assurance to the bureau that the person making the request does 619
not intend to use or forward the requested copies for surveys, 620
marketing, solicitation, or resale for commercial purposes. 621

(c) "Commercial" means profit-seeking production, buying, or 622
selling of any good, service, or other product. 623

(d) "Special extraction costs" means the cost of the time 624
spent by the lowest paid employee competent to perform the task, 625
the actual amount paid to outside private contractors employed by 626
the bureau, or the actual cost incurred to create computer 627
programs to make the special extraction. "Special extraction 628
costs" include any charges paid to a public agency for computer or 629
records services. 630

(3) For purposes of divisions (F)(1) and (2) of this section, 631
"surveys, marketing, solicitation, or resale for commercial 632
purposes" shall be narrowly construed and does not include 633
reporting or gathering news, reporting or gathering information to 634
assist citizen oversight or understanding of the operation or 635
activities of government, or nonprofit educational research. 636

Sec. 2151.421. (A)(1)(a) No person described in division 637
(A)(1)(b) of this section who is acting in an official or 638
professional capacity and knows, or has reasonable cause to 639
suspect based on facts that would cause a reasonable person in a 640
similar position to suspect, that a child under eighteen years of 641
age or a mentally retarded, developmentally disabled, or 642
physically impaired child under twenty-one years of age has 643
suffered or faces a threat of suffering any physical or mental 644
wound, injury, disability, or condition of a nature that 645

reasonably indicates abuse or neglect of the child shall fail to 646
immediately report that knowledge or reasonable cause to suspect 647
to the entity or persons specified in this division. Except as 648
provided in section 5120.173 of the Revised Code, the person 649
making the report shall make it to the public children services 650
agency or a municipal or county peace officer in the county in 651
which the child resides or in which the abuse or neglect is 652
occurring or has occurred. In the circumstances described in 653
section 5120.173 of the Revised Code, the person making the report 654
shall make it to the entity specified in that section. 655

(b) Division (A)(1)(a) of this section applies to any person 656
who is an attorney; physician, including a hospital intern or 657
resident; dentist; podiatrist; practitioner of a limited branch of 658
medicine as specified in section 4731.15 of the Revised Code; 659
registered nurse; licensed practical nurse; visiting nurse; other 660
health care professional; licensed psychologist; licensed school 661
psychologist; independent marriage and family therapist or 662
marriage and family therapist; speech pathologist or audiologist; 663
coroner; administrator or employee of a child day-care center; 664
administrator or employee of a residential camp or child day camp; 665
administrator or employee of a certified child care agency or 666
other public or private children services agency; school teacher; 667
school employee; school authority; person engaged in social work 668
or the practice of professional counseling; agent of a county 669
humane society; person, other than a cleric, rendering spiritual 670
treatment through prayer in accordance with the tenets of a 671
well-recognized religion; superintendent, board member, or 672
employee of a county board of mental retardation; investigative 673
agent contracted with by a county board of mental retardation; 674
employee of the department of mental retardation and developmental 675
disabilities; employee of a facility or home that provides respite 676
care in accordance with section 5123.171 of the Revised Code; 677
employee of a home health agency; employee of an entity that 678

provides homemaker services; a person performing the duties of an 679
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 680
or third party employed by a public children services agency to 681
assist in providing child or family related services. 682

(2) Except as provided in division (A)(3) of this section, an 683
attorney or a physician is not required to make a report pursuant 684
to division (A)(1) of this section concerning any communication 685
the attorney or physician receives from a client or patient in an 686
attorney-client or physician-patient relationship, if, in 687
accordance with division (A) or (B) of section 2317.02 of the 688
Revised Code, the attorney or physician could not testify with 689
respect to that communication in a civil or criminal proceeding. 690

(3) The client or patient in an attorney-client or 691
physician-patient relationship described in division (A)(2) of 692
this section is deemed to have waived any testimonial privilege 693
under division (A) or (B) of section 2317.02 of the Revised Code 694
with respect to any communication the attorney or physician 695
receives from the client or patient in that attorney-client or 696
physician-patient relationship, and the attorney or physician 697
shall make a report pursuant to division (A)(1) of this section 698
with respect to that communication, if all of the following apply: 699

(a) The client or patient, at the time of the communication, 700
is either a child under eighteen years of age or a mentally 701
retarded, developmentally disabled, or physically impaired person 702
under twenty-one years of age. 703

(b) The attorney or physician knows, or has reasonable cause 704
to suspect based on facts that would cause a reasonable person in 705
similar position to suspect, as a result of the communication or 706
any observations made during that communication, that the client 707
or patient has suffered or faces a threat of suffering any 708
physical or mental wound, injury, disability, or condition of a 709
nature that reasonably indicates abuse or neglect of the client or 710

patient. 711

(c) The abuse or neglect does not arise out of the client's 712
or patient's attempt, prior to the effective date of this 713
amendment, to have an abortion without the notification of her 714
parents, guardian, or custodian in accordance with former section 715
2151.85 of the Revised Code as it existed immediately prior to 716
that date. 717

(4)(a) No cleric and no person, other than a volunteer, 718
designated by any church, religious society, or faith acting as a 719
leader, official, or delegate on behalf of the church, religious 720
society, or faith who is acting in an official or professional 721
capacity, who knows, or has reasonable cause to believe based on 722
facts that would cause a reasonable person in a similar position 723
to believe, that a child under eighteen years of age or a mentally 724
retarded, developmentally disabled, or physically impaired child 725
under twenty-one years of age has suffered or faces a threat of 726
suffering any physical or mental wound, injury, disability, or 727
condition of a nature that reasonably indicates abuse or neglect 728
of the child, and who knows, or has reasonable cause to believe 729
based on facts that would cause a reasonable person in a similar 730
position to believe, that another cleric or another person, other 731
than a volunteer, designated by a church, religious society, or 732
faith acting as a leader, official, or delegate on behalf of the 733
church, religious society, or faith caused, or poses the threat of 734
causing, the wound, injury, disability, or condition that 735
reasonably indicates abuse or neglect shall fail to immediately 736
report that knowledge or reasonable cause to believe to the entity 737
or persons specified in this division. Except as provided in 738
section 5120.173 of the Revised Code, the person making the report 739
shall make it to the public children services agency or a 740
municipal or county peace officer in the county in which the child 741
resides or in which the abuse or neglect is occurring or has 742

occurred. In the circumstances described in section 5120.173 of 743
the Revised Code, the person making the report shall make it to 744
the entity specified in that section. 745

(b) Except as provided in division (A)(4)(c) of this section, 746
a cleric is not required to make a report pursuant to division 747
(A)(4)(a) of this section concerning any communication the cleric 748
receives from a penitent in a cleric-penitent relationship, if, in 749
accordance with division (C) of section 2317.02 of the Revised 750
Code, the cleric could not testify with respect to that 751
communication in a civil or criminal proceeding. 752

(c) The penitent in a cleric-penitent relationship described 753
in division (A)(4)(b) of this section is deemed to have waived any 754
testimonial privilege under division (C) of section 2317.02 of the 755
Revised Code with respect to any communication the cleric receives 756
from the penitent in that cleric-penitent relationship, and the 757
cleric shall make a report pursuant to division (A)(4)(a) of this 758
section with respect to that communication, if all of the 759
following apply: 760

(i) The penitent, at the time of the communication, is either 761
a child under eighteen years of age or a mentally retarded, 762
developmentally disabled, or physically impaired person under 763
twenty-one years of age. 764

(ii) The cleric knows, or has reasonable cause to believe 765
based on facts that would cause a reasonable person in a similar 766
position to believe, as a result of the communication or any 767
observations made during that communication, the penitent has 768
suffered or faces a threat of suffering any physical or mental 769
wound, injury, disability, or condition of a nature that 770
reasonably indicates abuse or neglect of the penitent. 771

(iii) The abuse or neglect does not arise out of the 772
penitent's attempt to have an abortion performed upon a child 773

under eighteen years of age or upon a mentally retarded, 774
developmentally disabled, or physically impaired person under 775
twenty-one years of age without the notification of her parents, 776
guardian, or custodian in accordance with section 2151.85 of the 777
Revised Code. 778

(d) Divisions (A)(4)(a) and (c) of this section do not apply 779
in a cleric-penitent relationship when the disclosure of any 780
communication the cleric receives from the penitent is in 781
violation of the sacred trust. 782

(e) As used in divisions (A)(1) and (4) of this section, 783
"cleric" and "sacred trust" have the same meanings as in section 784
2317.02 of the Revised Code. 785

(B) Anyone who knows, or has reasonable cause to suspect 786
based on facts that would cause a reasonable person in similar 787
circumstances to suspect, that a child under eighteen years of age 788
or a mentally retarded, developmentally disabled, or physically 789
impaired person under twenty-one years of age has suffered or 790
faces a threat of suffering any physical or mental wound, injury, 791
disability, or other condition of a nature that reasonably 792
indicates abuse or neglect of the child may report or cause 793
reports to be made of that knowledge or reasonable cause to 794
suspect to the entity or persons specified in this division. 795
Except as provided in section 5120.173 of the Revised Code, a 796
person making a report or causing a report to be made under this 797
division shall make it or cause it to be made to the public 798
children services agency or to a municipal or county peace 799
officer. In the circumstances described in section 5120.173 of the 800
Revised Code, a person making a report or causing a report to be 801
made under this division shall make it or cause it to be made to 802
the entity specified in that section. 803

(C) Any report made pursuant to division (A) or (B) of this 804
section shall be made forthwith either by telephone or in person 805

and shall be followed by a written report, if requested by the 806
receiving agency or officer. The written report shall contain: 807

(1) The names and addresses of the child and the child's 808
parents or the person or persons having custody of the child, if 809
known; 810

(2) The child's age and the nature and extent of the child's 811
injuries, abuse, or neglect that is known or reasonably suspected 812
or believed, as applicable, to have occurred or of the threat of 813
injury, abuse, or neglect that is known or reasonably suspected or 814
believed, as applicable, to exist, including any evidence of 815
previous injuries, abuse, or neglect; 816

(3) Any other information that might be helpful in 817
establishing the cause of the injury, abuse, or neglect that is 818
known or reasonably suspected or believed, as applicable, to have 819
occurred or of the threat of injury, abuse, or neglect that is 820
known or reasonably suspected or believed, as applicable, to 821
exist. 822

Any person, who is required by division (A) of this section 823
to report child abuse or child neglect that is known or reasonably 824
suspected or believed to have occurred, may take or cause to be 825
taken color photographs of areas of trauma visible on a child and, 826
if medically indicated, cause to be performed radiological 827
examinations of the child. 828

(D) As used in this division, "children's advocacy center" 829
and "sexual abuse of a child" have the same meanings as in section 830
2151.425 of the Revised Code. 831

(1) When a municipal or county peace officer receives a 832
report concerning the possible abuse or neglect of a child or the 833
possible threat of abuse or neglect of a child, upon receipt of 834
the report, the municipal or county peace officer who receives the 835
report shall refer the report to the appropriate public children 836

services agency. 837

(2) When a public children services agency receives a report 838
pursuant to this division or division (A) or (B) of this section, 839
upon receipt of the report, the public children services agency 840
shall do both of the following: 841

(a) Comply with section 2151.422 of the Revised Code; 842

(b) If the county served by the agency is also served by a 843
children's advocacy center and the report alleges sexual abuse of 844
a child or another type of abuse of a child that is specified in 845
the memorandum of understanding that creates the center as being 846
within the center's jurisdiction, comply regarding the report with 847
the protocol and procedures for referrals and investigations, with 848
the coordinating activities, and with the authority or 849
responsibility for performing or providing functions, activities, 850
and services stipulated in the interagency agreement entered into 851
under section 2151.428 of the Revised Code relative to that 852
center. 853

(E) No township, municipal, or county peace officer shall 854
remove a child about whom a report is made pursuant to this 855
section from the child's parents, stepparents, or guardian or any 856
other persons having custody of the child without consultation 857
with the public children services agency, unless, in the judgment 858
of the officer, and, if the report was made by physician, the 859
physician, immediate removal is considered essential to protect 860
the child from further abuse or neglect. The agency that must be 861
consulted shall be the agency conducting the investigation of the 862
report as determined pursuant to section 2151.422 of the Revised 863
Code. 864

(F)(1) Except as provided in section 2151.422 of the Revised 865
Code or in an interagency agreement entered into under section 866
2151.428 of the Revised Code that applies to the particular 867

report, the public children services agency shall investigate, 868
within twenty-four hours, each report of child abuse or child 869
neglect that is known or reasonably suspected or believed to have 870
occurred and of a threat of child abuse or child neglect that is 871
known or reasonably suspected or believed to exist that is 872
referred to it under this section to determine the circumstances 873
surrounding the injuries, abuse, or neglect or the threat of 874
injury, abuse, or neglect, the cause of the injuries, abuse, 875
neglect, or threat, and the person or persons responsible. The 876
investigation shall be made in cooperation with the law 877
enforcement agency and in accordance with the memorandum of 878
understanding prepared under division (J) of this section. A 879
representative of the public children services agency shall, at 880
the time of initial contact with the person subject to the 881
investigation, inform the person of the specific complaints or 882
allegations made against the person. The information shall be 883
given in a manner that is consistent with division (H)(1) of this 884
section and protects the rights of the person making the report 885
under this section. 886

A failure to make the investigation in accordance with the 887
memorandum is not grounds for, and shall not result in, the 888
dismissal of any charges or complaint arising from the report or 889
the suppression of any evidence obtained as a result of the report 890
and does not give, and shall not be construed as giving, any 891
rights or any grounds for appeal or post-conviction relief to any 892
person. The public children services agency shall report each case 893
to the uniform statewide automated child welfare information 894
system that the department of job and family services shall 895
maintain in accordance with section 5101.13 of the Revised Code. 896
The public children services agency shall submit a report of its 897
investigation, in writing, to the law enforcement agency. 898

(2) The public children services agency shall make any 899

recommendations to the county prosecuting attorney or city 900
director of law that it considers necessary to protect any 901
children that are brought to its attention. 902

(G)(1)(a) Except as provided in division (H)(3) of this 903
section, anyone or any hospital, institution, school, health 904
department, or agency participating in the making of reports under 905
division (A) of this section, anyone or any hospital, institution, 906
school, health department, or agency participating in good faith 907
in the making of reports under division (B) of this section, and 908
anyone participating in good faith in a judicial proceeding 909
resulting from the reports, shall be immune from any civil or 910
criminal liability for injury, death, or loss to person or 911
property that otherwise might be incurred or imposed as a result 912
of the making of the reports or the participation in the judicial 913
proceeding. 914

(b) Notwithstanding section 4731.22 of the Revised Code, the 915
physician-patient privilege shall not be a ground for excluding 916
evidence regarding a child's injuries, abuse, or neglect, or the 917
cause of the injuries, abuse, or neglect in any judicial 918
proceeding resulting from a report submitted pursuant to this 919
section. 920

(2) In any civil or criminal action or proceeding in which it 921
is alleged and proved that participation in the making of a report 922
under this section was not in good faith or participation in a 923
judicial proceeding resulting from a report made under this 924
section was not in good faith, the court shall award the 925
prevailing party reasonable attorney's fees and costs and, if a 926
civil action or proceeding is voluntarily dismissed, may award 927
reasonable attorney's fees and costs to the party against whom the 928
civil action or proceeding is brought. 929

(H)(1) Except as provided in divisions (H)(4) and (M) of this 930
section, a report made under this section is confidential. The 931

information provided in a report made pursuant to this section and 932
the name of the person who made the report shall not be released 933
for use, and shall not be used, as evidence in any civil action or 934
proceeding brought against the person who made the report. In a 935
criminal proceeding, the report is admissible in evidence in 936
accordance with the Rules of Evidence and is subject to discovery 937
in accordance with the Rules of Criminal Procedure. 938

(2) No person shall permit or encourage the unauthorized 939
dissemination of the contents of any report made under this 940
section. 941

(3) A person who knowingly makes or causes another person to 942
make a false report under division (B) of this section that 943
alleges that any person has committed an act or omission that 944
resulted in a child being an abused child or a neglected child is 945
guilty of a violation of section 2921.14 of the Revised Code. 946

(4) If a report is made pursuant to division (A) or (B) of 947
this section and the child who is the subject of the report dies 948
for any reason at any time after the report is made, but before 949
the child attains eighteen years of age, the public children 950
services agency or municipal or county peace officer to which the 951
report was made or referred, on the request of the child fatality 952
review board, shall submit a summary sheet of information 953
providing a summary of the report to the review board of the 954
county in which the deceased child resided at the time of death. 955
On the request of the review board, the agency or peace officer 956
may, at its discretion, make the report available to the review 957
board. If the county served by the public children services agency 958
is also served by a children's advocacy center and the report of 959
alleged sexual abuse of a child or another type of abuse of a 960
child is specified in the memorandum of understanding that creates 961
the center as being within the center's jurisdiction, the agency 962
or center shall perform the duties and functions specified in this 963

division in accordance with the interagency agreement entered into 964
under section 2151.428 of the Revised Code relative to that 965
advocacy center. 966

(5) A public children services agency shall advise a person 967
alleged to have inflicted abuse or neglect on a child who is the 968
subject of a report made pursuant to this section, including a 969
report alleging sexual abuse of a child or another type of abuse 970
of a child referred to a children's advocacy center pursuant to an 971
interagency agreement entered into under section 2151.428 of the 972
Revised Code, in writing of the disposition of the investigation. 973
The agency shall not provide to the person any information that 974
identifies the person who made the report, statements of 975
witnesses, or police or other investigative reports. 976

(I) Any report that is required by this section, other than a 977
report that is made to the state highway patrol as described in 978
section 5120.173 of the Revised Code, shall result in protective 979
services and emergency supportive services being made available by 980
the public children services agency on behalf of the children 981
about whom the report is made, in an effort to prevent further 982
neglect or abuse, to enhance their welfare, and, whenever 983
possible, to preserve the family unit intact. The agency required 984
to provide the services shall be the agency conducting the 985
investigation of the report pursuant to section 2151.422 of the 986
Revised Code. 987

(J)(1) Each public children services agency shall prepare a 988
memorandum of understanding that is signed by all of the 989
following: 990

(a) If there is only one juvenile judge in the county, the 991
juvenile judge of the county or the juvenile judge's 992
representative; 993

(b) If there is more than one juvenile judge in the county, a 994

juvenile judge or the juvenile judges' representative selected by	995
the juvenile judges or, if they are unable to do so for any	996
reason, the juvenile judge who is senior in point of service or	997
the senior juvenile judge's representative;	998
(c) The county peace officer;	999
(d) All chief municipal peace officers within the county;	1000
(e) Other law enforcement officers handling child abuse and	1001
neglect cases in the county;	1002
(f) The prosecuting attorney of the county;	1003
(g) If the public children services agency is not the county	1004
department of job and family services, the county department of	1005
job and family services;	1006
(h) The county humane society;	1007
(i) If the public children services agency participated in	1008
the execution of a memorandum of understanding under section	1009
2151.426 of the Revised Code establishing a children's advocacy	1010
center, each participating member of the children's advocacy	1011
center established by the memorandum.	1012
(2) A memorandum of understanding shall set forth the normal	1013
operating procedure to be employed by all concerned officials in	1014
the execution of their respective responsibilities under this	1015
section and division (C) of section 2919.21, division (B)(1) of	1016
section 2919.22, division (B) of section 2919.23, and section	1017
2919.24 of the Revised Code and shall have as two of its primary	1018
goals the elimination of all unnecessary interviews of children	1019
who are the subject of reports made pursuant to division (A) or	1020
(B) of this section and, when feasible, providing for only one	1021
interview of a child who is the subject of any report made	1022
pursuant to division (A) or (B) of this section. A failure to	1023
follow the procedure set forth in the memorandum by the concerned	1024

officials is not grounds for, and shall not result in, the 1025
dismissal of any charges or complaint arising from any reported 1026
case of abuse or neglect or the suppression of any evidence 1027
obtained as a result of any reported child abuse or child neglect 1028
and does not give, and shall not be construed as giving, any 1029
rights or any grounds for appeal or post-conviction relief to any 1030
person. 1031

(3) A memorandum of understanding shall include all of the 1032
following: 1033

(a) The roles and responsibilities for handling emergency and 1034
nonemergency cases of abuse and neglect; 1035

(b) Standards and procedures to be used in handling and 1036
coordinating investigations of reported cases of child abuse and 1037
reported cases of child neglect, methods to be used in 1038
interviewing the child who is the subject of the report and who 1039
allegedly was abused or neglected, and standards and procedures 1040
addressing the categories of persons who may interview the child 1041
who is the subject of the report and who allegedly was abused or 1042
neglected. 1043

(4) If a public children services agency participated in the 1044
execution of a memorandum of understanding under section 2151.426 1045
of the Revised Code establishing a children's advocacy center, the 1046
agency shall incorporate the contents of that memorandum in the 1047
memorandum prepared pursuant to this section. 1048

(K)(1) Except as provided in division (K)(4) of this section, 1049
a person who is required to make a report pursuant to division (A) 1050
of this section may make a reasonable number of requests of the 1051
public children services agency that receives or is referred the 1052
report, or of the children's advocacy center that is referred the 1053
report if the report is referred to a children's advocacy center 1054
pursuant to an interagency agreement entered into under section 1055

2151.428 of the Revised Code, to be provided with the following information: 1056
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(a) Whether the agency or center has initiated an investigation of the report; 1058
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(b) Whether the agency or center is continuing to investigate the report; 1060
1061

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report; 1062
1063

(d) The general status of the health and safety of the child who is the subject of the report; 1064
1065

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court. 1066
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(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report. 1069
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When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report. 1073
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Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number 1082
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of times, except that the agency shall not disclose any 1086
confidential information regarding the child who is the subject of 1087
the report other than the information described in those 1088
divisions. 1089

(3) A request made pursuant to division (K)(1) of this 1090
section is not a substitute for any report required to be made 1091
pursuant to division (A) of this section. 1092

(4) If an agency other than the agency that received or was 1093
referred the report is conducting the investigation of the report 1094
pursuant to section 2151.422 of the Revised Code, the agency 1095
conducting the investigation shall comply with the requirements of 1096
division (K) of this section. 1097

(L) The director of job and family services shall adopt rules 1098
in accordance with Chapter 119. of the Revised Code to implement 1099
this section. The department of job and family services may enter 1100
into a plan of cooperation with any other governmental entity to 1101
aid in ensuring that children are protected from abuse and 1102
neglect. The department shall make recommendations to the attorney 1103
general that the department determines are necessary to protect 1104
children from child abuse and child neglect. 1105

(M)(1) As used in this division: 1106

(a) "Out-of-home care" includes a nonchartered nonpublic 1107
school if the alleged child abuse or child neglect, or alleged 1108
threat of child abuse or child neglect, described in a report 1109
received by a public children services agency allegedly occurred 1110
in or involved the nonchartered nonpublic school and the alleged 1111
perpetrator named in the report holds a certificate, permit, or 1112
license issued by the state board of education under section 1113
3301.071 or Chapter 3319. of the Revised Code. 1114

(b) "Administrator, director, or other chief administrative 1115
officer" means the superintendent of the school district if the 1116

out-of-home care entity subject to a report made pursuant to this 1117
section is a school operated by the district. 1118

(2) No later than the end of the day following the day on 1119
which a public children services agency receives a report of 1120
alleged child abuse or child neglect, or a report of an alleged 1121
threat of child abuse or child neglect, that allegedly occurred in 1122
or involved an out-of-home care entity, the agency shall provide 1123
written notice of the allegations contained in and the person 1124
named as the alleged perpetrator in the report to the 1125
administrator, director, or other chief administrative officer of 1126
the out-of-home care entity that is the subject of the report 1127
unless the administrator, director, or other chief administrative 1128
officer is named as an alleged perpetrator in the report. If the 1129
administrator, director, or other chief administrative officer of 1130
an out-of-home care entity is named as an alleged perpetrator in a 1131
report of alleged child abuse or child neglect, or a report of an 1132
alleged threat of child abuse or child neglect, that allegedly 1133
occurred in or involved the out-of-home care entity, the agency 1134
shall provide the written notice to the owner or governing board 1135
of the out-of-home care entity that is the subject of the report. 1136
The agency shall not provide witness statements or police or other 1137
investigative reports. 1138

(3) No later than three days after the day on which a public 1139
children services agency that conducted the investigation as 1140
determined pursuant to section 2151.422 of the Revised Code makes 1141
a disposition of an investigation involving a report of alleged 1142
child abuse or child neglect, or a report of an alleged threat of 1143
child abuse or child neglect, that allegedly occurred in or 1144
involved an out-of-home care entity, the agency shall send written 1145
notice of the disposition of the investigation to the 1146
administrator, director, or other chief administrative officer and 1147
the owner or governing board of the out-of-home care entity. The 1148

agency shall not provide witness statements or police or other 1149
investigative reports. 1150

Sec. 2305.11. (A) An action for libel, slander, malicious 1151
prosecution, or false imprisonment, an action for malpractice 1152
other than an action upon a medical, dental, optometric, or 1153
chiropractic claim, or an action upon a statute for a penalty or 1154
forfeiture shall be commenced within one year after the cause of 1155
action accrued, provided that an action by an employee for the 1156
payment of unpaid minimum wages, unpaid overtime compensation, or 1157
liquidated damages by reason of the nonpayment of minimum wages or 1158
overtime compensation shall be commenced within two years after 1159
the cause of action accrued. 1160

(B) A civil action for unlawful abortion pursuant to section 1161
2919.12 of the Revised Code, a civil action authorized by division 1162
~~(H)~~(C) of section 2317.56 of the Revised Code, a civil action 1163
pursuant to division (B)~~(1) or (2)~~ of section ~~2307.51~~ 2307.53 of 1164
the Revised Code for performing ~~a dilation and extraction~~ 1165
~~procedure~~ or attempting to perform a ~~dilation and extraction~~ 1166
partial birth procedure prior to the effective date of this 1167
amendment in violation of former section ~~2919.15~~ 2919.151 of the 1168
Revised Code as it existed prior to the effective date of this 1169
amendment, and a civil action pursuant to division (B)(1) or (2) 1170
of section 2307.52 of the Revised Code for terminating or 1171
attempting to terminate a human pregnancy after viability prior to 1172
the effective date of this amendment in violation of division (A) 1173
or (B) of former section 2919.17 of the Revised Code as they 1174
existed prior to the effective date of this amendment, and a civil 1175
action pursuant to section 4731.91 or 5101.55 of the Revised Code 1176
shall be commenced within one year after the performance or 1177
inducement of the abortion, within one year after the attempt to 1178
perform or induce the abortion in violation of division (A) or (B) 1179
of former section 2919.17 of the Revised Code as it existed prior 1180

to the effective date of this amendment, within one year after the 1181
performance of the ~~dilation and extraction~~ partial birth 1182
procedure, or, ~~in the case of a civil action pursuant to division~~ 1183
~~(B)(2) of section 2307.51 of the Revised Code, within one year~~ 1184
~~after the attempt to perform the dilation and extraction procedure~~ 1185
within one year after the conduct in violation of section 4731.91 1186
or 5101.55 of the Revised Code, whichever is applicable. 1187

(C) As used in this section, "medical claim," "dental claim," 1189
"optometric claim," and "chiropractic claim" have the same 1190
meanings as in section 2305.113 of the Revised Code. 1191

Sec. 2307.52. (A) As used in this section: 1192

(1) "Frivolous conduct" has the same meaning as in section 1193
2323.51 of the Revised Code. 1194

(2) "Viable" has the same meaning as in former section 1195
2919.16 of the Revised Code as it existed prior to the effective 1196
date of this amendment. 1197

(B)(1) A woman upon whom, prior to the effective date of this 1198
amendment, an abortion is purposely performed or induced or 1199
attempted to be performed or induced in violation of division (A) 1200
of former section 2919.17 of the Revised Code as it existed prior 1201
to the effective date of this amendment has and may commence a 1202
civil action for compensatory damages, punitive or exemplary 1203
damages if authorized by section 2315.21 of the Revised Code, and 1204
court costs and reasonable attorney's fees against the person who 1205
purposely performed or induced or attempted to perform or induce 1206
the abortion in violation of division (A) of former section 1207
2919.17 of the Revised Code as it existed prior to the effective 1208
date of this amendment. 1209

(2) A woman upon whom, prior to the effective date of this 1210

amendment, an abortion is purposely performed or induced or 1211
attempted to be performed or induced in violation of division (B) 1212
of former section 2919.17 of the Revised Code as it existed prior 1213
to the effective date of this amendment has and may commence a 1214
civil action for compensatory damages, punitive or exemplary 1215
damages if authorized by section 2315.21 of the Revised Code, and 1216
court costs and reasonable attorney's fees against the person who 1217
purposely performed or induced or attempted to perform or induce 1218
the abortion in violation of division (B) of former section 1219
2919.17 of the Revised Code as it existed prior to the effective 1220
date of this amendment. 1221

(C) If a judgment is rendered in favor of the defendant in a 1222
civil action commenced pursuant to division (B)(1) or (2) of this 1223
section and the court finds, upon the filing of a motion under 1224
section 2323.51 of the Revised Code, that the commencement of the 1225
civil action constitutes frivolous conduct and that the defendant 1226
was adversely affected by the frivolous conduct, the court shall 1227
award in accordance with section 2323.51 of the Revised Code 1228
reasonable attorney's fees to the defendant. 1229

Sec. 2307.53. (A) As used in this section: 1230

(1) "Frivolous conduct" has the same meaning as in section 1231
2323.51 of the Revised Code. 1232

(2) "Partial birth procedure" has the same meaning as in 1233
former section 2919.151 of the Revised Code as it existed prior to 1234
the effective date of this amendment. 1235

(B) A woman upon whom, prior to the effective date of this 1236
amendment, a partial birth procedure is performed in violation of 1237
division (B) or (C) of former section 2919.151 of the Revised Code 1238
as it existed prior to the effective date of this amendment, the 1239
father of the child if the child was not conceived by rape, or the 1240
parent of the woman if the woman is not eighteen years of age or 1241

older at the time of the violation has and may commence a civil 1242
action for compensatory damages, punitive or exemplary damages if 1243
authorized by section 2315.21 of the Revised Code, and court costs 1244
and reasonable attorney's fees against the person who committed 1245
the violation. 1246

(C) If a judgment is rendered in favor of the defendant in a 1247
civil action commenced pursuant to division (B) of this section 1248
and the court finds, upon the filing of a motion under section 1249
2323.51 of the Revised Code, that the commencement of the civil 1250
action constitutes frivolous conduct and that the defendant was 1251
adversely affected by the frivolous conduct, the court shall award 1252
in accordance with section 2323.51 of the Revised Code reasonable 1253
attorney's fees to the defendant. 1254

Sec. 2317.56. (A) ~~As used in this section:~~ 1255

~~(1) "Medical emergency" means a condition of a pregnant woman 1256
that, in the reasonable judgment of the physician who is attending 1257
the woman, creates an immediate threat of serious risk to the life 1258
or physical health of the woman from the continuation of the 1259
pregnancy necessitating the immediate performance or inducement of 1260
an abortion. 1261~~

~~(2) "Medical necessity" means a medical condition of a 1262
pregnant woman that, in the reasonable judgment of the physician 1263
who is attending the woman, so complicates the pregnancy that it 1264
necessitates the immediate performance or inducement of an 1265
abortion. 1266~~

~~(3) "Probable gestational age of the embryo or fetus" means 1267
the gestational age that, in the judgment of a physician, is, with 1268
reasonable probability, the gestational age of the embryo or fetus 1269
at the time that the physician informs a pregnant woman pursuant 1270
to division (B)(1)(b) of this section. 1271~~

~~(B) Except when there is a medical emergency or medical necessity, an abortion shall be performed or induced only if all of the following conditions are satisfied:~~ 1272
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~~(1) At least twenty four hours prior to the performance or inducement of the abortion, a physician meets with the pregnant woman in person in an individual, private setting and gives her an adequate opportunity to ask questions about the abortion that will be performed or induced. At this meeting, the physician shall inform the pregnant woman, verbally or, if she is hearing impaired, by other means of communication, of all of the following:~~ 1275
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~~(a) The nature and purpose of the particular abortion procedure to be used and the medical risks associated with that procedure;~~ 1283
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~~(b) The probable gestational age of the embryo or fetus;~~ 1286

~~(c) The medical risks associated with the pregnant woman carrying the pregnancy to term.~~ 1287
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~~The meeting need not occur at the facility where the abortion is to be performed or induced, and the physician involved in the meeting need not be affiliated with that facility or with the physician who is scheduled to perform or induce the abortion.~~ 1289
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~~(2) At least twenty four hours prior to the performance or inducement of the abortion, one or more physicians or one or more agents of one or more physicians do each of the following in person, by telephone, by certified mail, return receipt requested, or by regular mail evidenced by a certificate of mailing:~~ 1293
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~~(a) Inform the pregnant woman of the name of the physician who is scheduled to perform or induce the abortion;~~ 1298
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~~(b) Give the pregnant woman copies of the published materials described in division (C) of this section;~~ 1300
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~~(c) Inform the pregnant woman that the materials given pursuant to division (B)(2)(b) of this section are provided by the state and that they describe the embryo or fetus and list agencies that offer alternatives to abortion. The pregnant woman may choose to examine or not to examine the materials. A physician or an agent of a physician may choose to be disassociated from the materials and may choose to comment or not comment on the materials.~~ 1302
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~~(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:~~ 1310
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~~(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.~~ 1313
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~~(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.~~ 1317
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~~(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.~~ 1320
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~~(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:~~ 1326
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~~(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~~ 1330
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agencies and services that are available to assist ~~her~~ them 1333
through ~~the~~ their pregnancy, upon childbirth, and while ~~the~~ their 1334
child is dependent, including, but not limited to, adoption 1335
agencies. The materials shall be geographically indexed; include a 1336
comprehensive list of the available agencies, a description of the 1337
services offered by the agencies, and the telephone numbers and 1338
addresses of the agencies; and inform the pregnant ~~woman~~ women 1339
about available medical assistance benefits for prenatal care, 1340
childbirth, and neonatal care and about the support obligations of 1341
the father of a child who is born alive. The department shall 1342
ensure that the materials described in division ~~(C)~~(A)(1) of this 1343
section are comprehensive and do not directly or indirectly 1344
promote, exclude, or discourage the use of any agency or service 1345
described in this division. 1346

(2) Materials that inform ~~the~~ pregnant ~~woman~~ women of the 1347
probable anatomical and physiological characteristics of ~~the~~ their 1348
zygote, blastocyte, embryo, or fetus at two-week gestational 1349
increments for the first sixteen weeks of pregnancy and at 1350
four-week gestational increments from the seventeenth week of 1351
pregnancy to full term, including any relevant information 1352
regarding the time at which ~~the~~ their fetus possibly would be 1353
viable. The department shall cause these materials to be published 1354
only after it consults with the Ohio state medical association and 1355
the Ohio section of the American college of obstetricians and 1356
gynecologists relative to the probable anatomical and 1357
physiological characteristics of a zygote, blastocyte, embryo, or 1358
fetus at the various gestational increments. The materials shall 1359
use language that is understandable by the average person who is 1360
not medically trained, shall be objective and nonjudgmental, and 1361
shall include only accurate scientific information about the 1362
zygote, blastocyte, embryo, or fetus at the various gestational 1363
increments. If the materials use a pictorial, photographic, or 1364
other depiction to provide information regarding the zygote, 1365

blastocyte, embryo, or fetus, the materials shall include, in a 1366
conspicuous manner, a scale or other explanation that is 1367
understandable by the average person and that can be used to 1368
determine the actual size of the zygote, blastocyte, embryo, or 1369
fetus at a particular gestational increment as contrasted with the 1370
depicted size of the zygote, blastocyte, embryo, or fetus at that 1371
gestational increment. 1372

~~(D)~~(B) Upon the submission of a request to the department of 1373
health by any person, hospital, physician, or medical facility for 1374
one or more copies of the materials published in accordance with 1375
division ~~(C)~~(A) of this section, the department shall make the 1376
requested number of copies of the materials available to the 1377
person, hospital, physician, or medical facility that requested 1378
the copies. 1379

~~(E) If a medical emergency or medical necessity compels the 1380
performance or inducement of an abortion, the physician who will 1381
perform or induce the abortion, prior to its performance or 1382
inducement if possible, shall inform the pregnant woman of the 1383
medical indications supporting the physician's judgment that an 1384
immediate abortion is necessary. Any physician who performs or 1385
induces an abortion without the prior satisfaction of the 1386
conditions specified in division (B) of this section because of a 1387
medical emergency or medical necessity shall enter the reasons for 1388
the conclusion that a medical emergency or medical necessity 1389
exists in the medical record of the pregnant woman. 1390~~

~~(F) If the conditions specified in division (B) of this 1391
section are satisfied, consent to an abortion shall be presumed to 1392
be valid and effective. 1393~~

~~(G) The performance or inducement of an abortion without the 1394
prior satisfaction of the conditions specified in division (B) of 1395
this section does not constitute, and shall not be construed as 1396
constituting, a violation of division (A) of section 2919.12 of 1397~~

~~the Revised Code. The failure of a physician to satisfy the conditions of division (B) of this section prior to performing or inducing an abortion upon a pregnant woman may be the basis of both of the following:~~

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

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

~~(H)(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.~~

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

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

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

~~(c) The physician or an agent of the physician requested copies of the materials published in accordance with division (C) of this section from the department of health, but the physician was not able to give a pregnant woman copies of the materials~~

~~pursuant to division (B)(2) of this section and to obtain a 1429
certification as described in divisions (B)(3) and (4) of this 1430
section because the department failed to make the requested number 1431
of copies available to the physician or agent in accordance with 1432
division (D) of this section. 1433~~

~~(3) An employer or other principal is not liable in damages 1434
in a civil action authorized by division (H)(C)(1) of this section 1435
on the basis of the doctrine of respondeat superior unless either 1436
of the following applies: 1437~~

~~(a) The employer or other principal had actual knowledge or, 1438
by the exercise of reasonable diligence, should have known that an 1439
employee or agent performed or induced an abortion with actual 1440
knowledge that the conditions specified in division (B) of this in 1441
violation of section had not been satisfied or with a heedless 1442
indifference as to whether those conditions had been satisfied 1443
2919.12 of the Revised Code. 1444~~

~~(b) The employer or other principal negligently failed to 1445
secure the compliance of an employee or agent with division (B) of 1446
this section. 1447~~

~~(4) Notwithstanding division (E) of section 2919.12 of the 1448
Revised Code, the civil action authorized by division (H)(1) of 1449
this section shall be the exclusive civil remedy for persons, or 1450
the representatives of estates of persons, who allegedly sustain 1451
injury, death, or loss to person or property as a result of a 1452
failure to satisfy the conditions specified in division (B) of 1453
this section. 1454~~

~~(I)(D) The department of job and family services shall 1455
prepare and conduct a public information program to inform women 1456
of all available governmental programs and agencies that provide 1457
services or assistance for family planning, prenatal care, child 1458
care, or alternatives to abortion. 1459~~

Sec. 2505.02. (A) As used in this section:	1460
(1) "Substantial right" means a right that the United States Constitution, the Ohio Constitution, a statute, the common law, or a rule of procedure entitles a person to enforce or protect.	1461 1462 1463
(2) "Special proceeding" means an action or proceeding that is specially created by statute and that prior to 1853 was not denoted as an action at law or a suit in equity.	1464 1465 1466
(3) "Provisional remedy" means a proceeding ancillary to an action, including, but not limited to, a proceeding for a preliminary injunction, attachment, discovery of privileged matter, suppression of evidence, a prima-facie showing pursuant to section 2307.85 or 2307.86 of the Revised Code, a prima-facie showing pursuant to section 2307.92 of the Revised Code, or a finding made pursuant to division (A)(3) of section 2307.93 of the Revised Code.	1467 1468 1469 1470 1471 1472 1473 1474
(B) An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without retrial, when it is one of the following:	1475 1476 1477
(1) An order that affects a substantial right in an action that in effect determines the action and prevents a judgment;	1478 1479
(2) An order that affects a substantial right made in a special proceeding or upon a summary application in an action after judgment;	1480 1481 1482
(3) An order that vacates or sets aside a judgment or grants a new trial;	1483 1484
(4) An order that grants or denies a provisional remedy and to which both of the following apply:	1485 1486
(a) The order in effect determines the action with respect to the provisional remedy and prevents a judgment in the action in favor of the appealing party with respect to the provisional	1487 1488 1489

remedy. 1490

(b) The appealing party would not be afforded a meaningful or 1491
effective remedy by an appeal following final judgment as to all 1492
proceedings, issues, claims, and parties in the action. 1493

(5) An order that determines that an action may or may not be 1494
maintained as a class action; 1495

(6) An order determining the constitutionality of any changes 1496
to the Revised Code made by Am. Sub. S.B. 281 of the 124th general 1497
assembly, including the amendment of sections 1751.67, 2117.06, 1498
2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 1499
2711.22, 2711.23, 2711.24, 2743.02, 2743.43, ~~2919.16~~, 3923.63, 1500
3923.64, 4705.15, and 5111.018, ~~and~~ the enactment of sections 1501
2305.113, 2323.41, 2323.43, and 2323.55, and the amendment of 1502
former section 2919.16 of the Revised Code or any changes made by 1503
Sub. S.B. 80 of the 125th general assembly, including the 1504
amendment of sections 2125.02, 2305.10, 2305.131, 2315.18, 1505
2315.19, and 2315.21 of the Revised Code. 1506

(C) When a court issues an order that vacates or sets aside a 1507
judgment or grants a new trial, the court, upon the request of 1508
either party, shall state in the order the grounds upon which the 1509
new trial is granted or the judgment vacated or set aside. 1510

(D) This section applies to and governs any action, including 1511
an appeal, that is pending in any court on July 22, 1998, and all 1512
claims filed or actions commenced on or after July 22, 1998, 1513
notwithstanding any provision of any prior statute or rule of law 1514
of this state. 1515

Sec. 2901.01. (A) As used in the Revised Code: 1516

(1) "Force" means any violence, compulsion, or constraint 1517
physically exerted by any means upon or against a person or thing. 1518

(2) "Deadly force" means any force that carries a substantial 1519

risk that it will proximately result in the death of any person.	1520
(3) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.	1521 1522 1523
(4) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.	1524 1525 1526 1527 1528
(5) "Serious physical harm to persons" means any of the following:	1529 1530
(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;	1531 1532 1533
(b) Any physical harm that carries a substantial risk of death;	1534 1535
(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;	1536 1537 1538
(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;	1539 1540 1541
(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.	1542 1543 1544
(6) "Serious physical harm to property" means any physical harm to property that does either of the following:	1545 1546
(a) Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;	1547 1548 1549

(b) Temporarily prevents the use or enjoyment of the property 1550
or substantially interferes with its use or enjoyment for an 1551
extended period of time. 1552

(7) "Risk" means a significant possibility, as contrasted 1553
with a remote possibility, that a certain result may occur or that 1554
certain circumstances may exist. 1555

(8) "Substantial risk" means a strong possibility, as 1556
contrasted with a remote or significant possibility, that a 1557
certain result may occur or that certain circumstances may exist. 1558

(9) "Offense of violence" means any of the following: 1559

(a) A violation of section 2903.01, 2903.02, 2903.03, 1560
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 1561
2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 1562
2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 1563
2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 1564
2923.161, of division (A)(1), (2), or (3) of section 2911.12, or 1565
of division (B)(1), (2), (3), or (4) of section 2919.22 of the 1566
Revised Code or felonious sexual penetration in violation of 1567
former section 2907.12 of the Revised Code; 1568

(b) A violation of an existing or former municipal ordinance 1569
or law of this or any other state or the United States, 1570
substantially equivalent to any section, division, or offense 1571
listed in division (A)(9)(a) of this section; 1572

(c) An offense, other than a traffic offense, under an 1573
existing or former municipal ordinance or law of this or any other 1574
state or the United States, committed purposely or knowingly, and 1575
involving physical harm to persons or a risk of serious physical 1576
harm to persons; 1577

(d) A conspiracy or attempt to commit, or complicity in 1578
committing, any offense under division (A)(9)(a), (b), or (c) of 1579
this section. 1580

(10)(a) "Property" means any property, real or personal, 1581
tangible or intangible, and any interest or license in that 1582
property. "Property" includes, but is not limited to, cable 1583
television service, other telecommunications service, 1584
telecommunications devices, information service, computers, data, 1585
computer software, financial instruments associated with 1586
computers, other documents associated with computers, or copies of 1587
the documents, whether in machine or human readable form, trade 1588
secrets, trademarks, copyrights, patents, and property protected 1589
by a trademark, copyright, or patent. "Financial instruments 1590
associated with computers" include, but are not limited to, 1591
checks, drafts, warrants, money orders, notes of indebtedness, 1592
certificates of deposit, letters of credit, bills of credit or 1593
debit cards, financial transaction authorization mechanisms, 1594
marketable securities, or any computer system representations of 1595
any of them. 1596

(b) As used in division (A)(10) of this section, "trade 1597
secret" has the same meaning as in section 1333.61 of the Revised 1598
Code, and "telecommunications service" and "information service" 1599
have the same meanings as in section 2913.01 of the Revised Code. 1600

(c) As used in divisions (A)(10) and (13) of this section, 1601
"cable television service," "computer," "computer software," 1602
"computer system," "computer network," "data," and 1603
"telecommunications device" have the same meanings as in section 1604
2913.01 of the Revised Code. 1605

(11) "Law enforcement officer" means any of the following: 1606

(a) A sheriff, deputy sheriff, constable, police officer of a 1607
township or joint township police district, marshal, deputy 1608
marshal, municipal police officer, member of a police force 1609
employed by a metropolitan housing authority under division (D) of 1610
section 3735.31 of the Revised Code, or state highway patrol 1611
trooper; 1612

- (b) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;
- (c) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;
- (d) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;
- (e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;
- (f) A person appointed by a mayor pursuant to section 737.01 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;
- (g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;
- (h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;
- (i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;
- (j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;
- (k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;

(l) The house of representatives sergeant at arms if the 1643
house of representatives sergeant at arms has arrest authority 1644
pursuant to division (E)(1) of section 101.311 of the Revised Code 1645
and an assistant house of representatives sergeant at arms; 1646

(m) A special police officer employed by a municipal 1647
corporation at a municipal airport, or other municipal air 1648
navigation facility, that has scheduled operations, as defined in 1649
section 119.3 of Title 14 of the Code of Federal Regulations, 14 1650
C.F.R. 119.3, as amended, and that is required to be under a 1651
security program and is governed by aviation security rules of the 1652
transportation security administration of the United States 1653
department of transportation as provided in Parts 1542. and 1544. 1654
of Title 49 of the Code of Federal Regulations, as amended. 1655

(12) "Privilege" means an immunity, license, or right 1656
conferred by law, bestowed by express or implied grant, arising 1657
out of status, position, office, or relationship, or growing out 1658
of necessity. 1659

(13) "Contraband" means any property that is illegal for a 1660
person to acquire or possess under a statute, ordinance, or rule, 1661
or that a trier of fact lawfully determines to be illegal to 1662
possess by reason of the property's involvement in an offense. 1663
"Contraband" includes, but is not limited to, all of the 1664
following: 1665

(a) Any controlled substance, as defined in section 3719.01 1666
of the Revised Code, or any device or paraphernalia; 1667

(b) Any unlawful gambling device or paraphernalia; 1668

(c) Any dangerous ordnance or obscene material. 1669

(14) A person is "not guilty by reason of insanity" relative 1670
to a charge of an offense only if the person proves, in the manner 1671
specified in section 2901.05 of the Revised Code, that at the time 1672
of the commission of the offense, the person did not know, as a 1673

result of a severe mental disease or defect, the wrongfulness of 1674
the person's acts. 1675

(B)(1)(a) Subject to division (B)(2) of this section, as used 1676
in any section contained in Title XXIX of the Revised Code that 1677
sets forth a criminal offense, "person" includes all of the 1678
following: 1679

(i) An individual, corporation, business trust, estate, 1680
trust, partnership, and association; 1681

(ii) An unborn human who is viable. 1682

(b) As used in any section contained in Title XXIX of the 1683
Revised Code that does not set forth a criminal offense, "person" 1684
includes an individual, corporation, business trust, estate, 1685
trust, partnership, and association. 1686

(c) As used in division (B)(1)(a) of this section: 1687

(i) "Unborn human" means an individual organism of the 1688
species Homo sapiens from fertilization until live birth. 1689

(ii) "Viable" means the stage of development of a human fetus 1690
at which there is a realistic possibility of maintaining and 1691
nourishing of a life outside the womb with or without temporary 1692
artificial life-sustaining support. 1693

(2) Notwithstanding division (B)(1)(a) of this section, in no 1694
case shall the portion of the definition of the term "person" that 1695
is set forth in division (B)(1)(a)(ii) of this section be applied 1696
or construed in any section contained in Title XXIX of the Revised 1697
Code that sets forth a criminal offense ~~in any of the following~~ 1698
~~manners:~~ 1699

~~(a) Except as otherwise provided in division (B)(2)(a) of 1700
this section, in a manner so that the offense prohibits or is 1701
construed as prohibiting any pregnant woman or her physician from 1702
performing an abortion with the consent of the pregnant woman, 1703~~

~~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.~~

~~(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:~~

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

~~(ii)(b) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;~~

~~(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;~~

~~(iv)(d) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human;~~

~~(v)(e) Her causing, threatening to cause, or attempting to~~

cause, in any other manner, an injury, illness, or other 1735
physiological impairment, regardless of its duration or gravity, 1736
or a mental illness or condition, regardless of its duration or 1737
gravity, to a viable, unborn human that she is carrying. 1738

(C) As used in Title XXIX of the Revised Code: 1739

(1) "School safety zone" consists of a school, school 1740
building, school premises, school activity, and school bus. 1741

(2) "School," "school building," and "school premises" have 1742
the same meanings as in section 2925.01 of the Revised Code. 1743

(3) "School activity" means any activity held under the 1744
auspices of a board of education of a city, local, exempted 1745
village, joint vocational, or cooperative education school 1746
district; a governing authority of a community school established 1747
under Chapter 3314. of the Revised Code; a governing board of an 1748
educational service center, or the governing body of a school for 1749
which the state board of education prescribes minimum standards 1750
under section 3301.07 of the Revised Code. 1751

(4) "School bus" has the same meaning as in section 4511.01 1752
of the Revised Code. 1753

Sec. 2903.09. As used in sections 2903.01 to 2903.08, 2903.11 1754
to 2903.14, 2903.21, and 2903.22 of the Revised Code: 1755

(A) "Unlawful termination of another's pregnancy" means 1756
causing the death of an unborn member of the species homo sapiens, 1757
who is or was carried in the womb of another, as a result of 1758
injuries inflicted during the period that begins with 1759
fertilization and that continues unless and until live birth 1760
occurs. 1761

(B) "Another's unborn" or "such other person's unborn" means 1762
a member of the species homo sapiens, who is or was carried in the 1763
womb of another, during a period that begins with fertilization 1764

and that continues unless and until live birth occurs. 1765

(C) Notwithstanding divisions (A) and (B) of this section, in 1766
no case shall the definitions of the terms "unlawful termination 1767
of another's pregnancy," "another's unborn," and "such other 1768
person's unborn" that are set forth in division (A) of this 1769
section be applied or construed in any of the following manners: 1770

~~(1) Except as otherwise provided in division (C)(1) of this 1771
section, in a manner so that the offense prohibits or is construed 1772
as prohibiting any pregnant woman or her physician from performing 1773
an abortion with the actual consent of the pregnant woman, with 1774
the consent of the pregnant woman implied by law in a medical 1775
emergency, or with the approval of one otherwise authorized by law 1776
to consent to medical treatment on behalf of the pregnant woman. 1777
An abortion that violates the conditions described in the 1778
immediately preceding sentence may be punished as a violation of 1779
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 1780
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 1781
of the Revised Code, as applicable. An abortion that does not 1782
violate the conditions described in the second immediately 1783
preceding sentence, but that does violate section 2919.12, 1784
division (B) of section 2919.13, or section 2919.151, 2919.17, or 1785
2919.18 of the Revised Code, may be punished as a violation of 1786
section 2919.12, division (B) of section 2919.13, or section 1787
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 1788~~

~~(2) In a manner so that the offense is applied or is 1789
construed as applying to a woman based on an act or omission of 1790
the woman that occurs while she is or was pregnant and that 1791
results in any of the following: 1792~~

~~(a)(1) Her delivery of a stillborn baby; 1793~~

~~(b)(2) Her causing, in any other manner, the death in utero 1794
of an unborn that she is carrying; 1795~~

~~(c)(3)~~ Her causing the death of her child who is born alive 1796
but who dies from one or more injuries that are sustained while 1797
the child is an unborn; 1798

~~(d)(4)~~ Her causing her child who is born alive to sustain one 1799
or more injuries while the child is an unborn; 1800

~~(e)(5)~~ Her causing, threatening to cause, or attempting to 1801
cause, in any other manner, an injury, illness, or other 1802
physiological impairment, regardless of its duration or gravity, 1803
or a mental illness or condition, regardless of its duration or 1804
gravity, to an unborn that she is carrying. 1805

Sec. 2919.12. (A) No person shall perform or induce an 1806
abortion ~~without the informed consent of the pregnant woman.~~ 1807

~~(B)(1)(a) No person shall knowingly perform or induce an 1808
abortion upon a woman who is pregnant, unmarried, under eighteen 1809
years of age, and unemancipated unless at least one of the 1810
following applies:~~ 1811

~~(i) Subject to division (B)(2) of this section, the person 1812
has given at least twenty four hours actual notice, in person or 1813
by telephone, to one of the woman's parents, her guardian, or her 1814
custodian as to the intention to perform or induce the abortion, 1815
provided that if the woman has requested, in accordance with 1816
division (B)(1)(b) of this section, that notice be given to a 1817
specified brother or sister of the woman who is twenty one years 1818
of age or older or to a specified stepparent or grandparent of the 1819
woman instead of to one of her parents, her guardian, or her 1820
custodian, and if the person is notified by a juvenile court that 1821
affidavits of the type described in that division have been filed 1822
with that court, the twenty four hours actual notice described in 1823
this division as to the intention to perform or induce the 1824
abortion shall be given, in person or by telephone, to the 1825
specified brother, sister, stepparent, or grandparent instead of 1826~~

~~to the parent, guardian, or custodian;~~ 1827

~~(ii) One of the woman's parents, her guardian, or her
custodian has consented in writing to the performance or
inducement of the abortion;~~ 1828
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~~(iii) A juvenile court pursuant to section 2151.85 of the
Revised Code issues an order authorizing the woman to consent to
the abortion without notification of one of her parents, her
guardian, or her custodian;~~ 1831
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~~(iv) A juvenile court or a court of appeals, by its inaction,
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.~~ 1835
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~~(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:~~ 1840
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~~(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;~~ 1851
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~~(ii) The woman has executed an affidavit stating that she is~~ 1857

~~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.~~

~~(c) 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 1890
affidavits pertain, the court promptly shall notify the person who 1891
intends to perform or induce the abortion that the affidavits have 1892
been filed. If possible, the notice to the person shall be given 1893
in person or by telephone. 1894~~

~~(2) If division (B)(1)(a)(ii), (iii), or (iv) of this section 1895
does not apply, and if no parent, guardian, or custodian can be 1896
reached for purposes of division (B)(1)(a)(i) of this section 1897
after a reasonable effort, or if notification is to be given to a 1898
specified brother, sister, stepparent, or grandparent under that 1899
division and the specified brother, sister, stepparent, or 1900
grandparent cannot be reached for purposes of that division after 1901
a reasonable effort, no person shall perform or induce such an 1902
abortion without giving at least forty eight hours constructive 1903
notice to one of the woman's parents, her guardian, or her 1904
custodian, by both certified and ordinary mail sent to the last 1905
known address of the parent, guardian, or custodian, or if 1906
notification for purposes of division (B)(1)(a)(i) of this section 1907
is to be given to a specified brother, sister, stepparent, or 1908
grandparent, without giving at least forty eight hours 1909
constructive notice to that specified brother, sister, stepparent, 1910
or grandparent by both certified and ordinary mail sent to the 1911
last known address of that specified brother, sister, stepparent, 1912
or grandparent. The forty eight hour period under this division 1913
begins when the certified mail notice is mailed. If a parent, 1914
guardian, or custodian of the woman, or if notification under 1915
division (B)(1)(a)(i) of this section is to be given to a 1916
specified brother, sister, stepparent, or grandparent, the 1917
specified brother, sister, stepparent, or grandparent, is not 1918
reached within the forty eight hour period, the abortion may 1919
proceed even if the certified mail notice is not received. 1920~~

~~(3) If a parent, guardian, custodian, or specified brother, 1921~~

~~sister, stepparent, or grandparent who has been notified in 1922
accordance with division (B)(1) or (2) of this section clearly and 1923
unequivocally expresses that he or she does not wish to consult 1924
with a pregnant woman prior to her abortion, then the abortion may 1925
proceed without any further waiting period. 1926~~

~~(4) For purposes of prosecutions for a violation of division 1927
(B)(1) or (2) of this section, it shall be a rebuttable 1928
presumption that a woman who is unmarried and under eighteen years 1929
of age is unemancipated. 1930~~

~~(C)(1) It is an affirmative defense to a charge under 1931
division (B)(1) or (2) of this section that the pregnant woman 1932
provided the person who performed or induced the abortion with 1933
false, misleading, or incorrect information about her age, marital 1934
status, or emancipation, about the age of a brother or sister to 1935
whom she requested notice be given as a specified relative instead 1936
of to one of her parents, her guardian, or her custodian, or about 1937
the last known address of either of her parents, her guardian, her 1938
custodian, or a specified brother, sister, stepparent, or 1939
grandparent to whom she requested notice be given and the person 1940
who performed or induced the abortion did not otherwise have 1941
reasonable cause to believe the pregnant woman was under eighteen 1942
years of age, unmarried, or unemancipated, to believe that the age 1943
of a brother or sister to whom she requested notice be given as a 1944
specified relative instead of to one of her parents, her guardian, 1945
or her custodian was not twenty-one years of age, or to believe 1946
that the last known address of either of her parents, her 1947
guardian, her custodian, or a specified brother, sister, 1948
stepparent, or grandparent to whom she requested notice be given 1949
was incorrect. 1950~~

~~(2) It is an affirmative defense to a charge under this 1951
section that compliance with the requirements of this section was 1952
not possible because an immediate threat of serious risk to the 1953~~

~~life or physical health of the pregnant woman from the~~ 1954
~~continuation of her pregnancy created an emergency necessitating~~ 1955
~~the immediate performance or inducement of an abortion.~~ 1956

~~(D) Whoever violates division (A) of this section is guilty~~ 1957
~~of unlawful abortion. A violation of division (A) of this section~~ 1958
~~is a misdemeanor of the first degree on the first offense and a~~ 1959
~~felony of the fourth degree on each subsequent offense. A~~ 1960
~~violation of division (B) of this section is a misdemeanor of the~~ 1961
~~first degree on a first offense and a felony of the fifth degree~~ 1962
~~on each subsequent offense Unlawful abortion is a felony of the~~ 1963
~~second degree or, if the offender previously has been convicted of~~ 1964
~~or pleaded guilty to a violation of this section, sections~~ 1965
~~2919.123, 2919.13, or 2919.14 of the Revised Code, or former~~ 1966
~~sections 2919.121, 2919.151, 2919.17, or 2919.18 of the Revised~~ 1967
~~Code as they existed prior to the effective date of this~~ 1968
~~amendment, a felony of the first degree.~~ 1969

~~(E)(C) Whoever violates this section is liable to the~~ 1970
~~pregnant woman, to the person who was the father of the fetus or~~ 1971
~~embryo that was the subject of the abortion, and, if the pregnant~~ 1972
~~woman was a minor at the time of the abortion, to her parents,~~ 1973
~~guardian, or custodian for civil compensatory and exemplary~~ 1974
damages. 1975

~~(F) As used in this section "unemancipated" means that a~~ 1976
~~woman who is unmarried and under eighteen years of age has not~~ 1977
~~entered the armed services of the United States, has not become~~ 1978
~~employed and self subsisting, or has not otherwise become~~ 1979
~~independent from the care and control of her parent, guardian, or~~ 1980
~~eustodian.~~ 1981

~~(D) Division (A) of this section does not apply to a person~~ 1982
~~who provides medical treatment to a pregnant woman to prevent the~~ 1983
~~death of the pregnant woman and who, as a proximate result of the~~ 1984
~~provision of that medical treatment but without intent to do so,~~ 1985

causes the termination of the pregnant woman's pregnancy. 1986

Sec. 2919.123. (A) No person shall knowingly give, sell, 1987
dispense, administer, otherwise provide, or prescribe RU-486 1988
(mifepristone) to another for the purpose of inducing an abortion 1989
in any person or enabling the other person to induce an abortion 1990
in any person, ~~unless the person who gives, sells, dispenses,~~ 1991
~~administers, or otherwise provides or prescribes the RU-486~~ 1992
~~(mifepristone) is a physician, the physician satisfies all the~~ 1993
~~criteria established by federal law that a physician must satisfy~~ 1994
~~in order to provide RU-486 (mifepristone) for inducing abortions,~~ 1995
~~and the physician provides the RU-486 (mifepristone) to the other~~ 1996
~~person for the purpose of inducing an abortion in accordance with~~ 1997
~~all provisions of federal law that govern the use of RU-486~~ 1998
~~(mifepristone) for inducing abortions. A person who gives, sells,~~ 1999
~~dispenses, administers, otherwise provides, or prescribes RU-486~~ 2000
~~(mifepristone) to another as described in division (A) of this~~ 2001
~~section shall not be prosecuted based on a violation of the~~ 2002
~~criteria contained in this division unless the person knows that~~ 2003
~~the person is not a physician, that the person did not satisfy all~~ 2004
~~the specified criteria established by federal law, or that the~~ 2005
~~person did not provide the RU-486 (mifepristone) in accordance~~ 2006
~~with the specified provisions of federal law, whichever is~~ 2007
~~applicable.~~ 2008

(B) No physician who provides, prior to the effective date of 2009
this amendment, provided RU-486 (mifepristone) to another for the 2010
purpose of inducing an abortion as formerly authorized under 2011
division (A) of this section as it existed prior to the effective 2012
date of this amendment shall knowingly fail to comply with the 2013
applicable requirements of any federal law that ~~pertain~~ pertained 2014
to follow-up examinations or care for persons to whom or for whom 2015
RU-486 (mifepristone) ~~is~~ was provided for the purpose of inducing 2016
an abortion. 2017

(C)(1) ~~If a physician provides RU-486 (mifepristone) to another for the purpose of inducing an abortion as authorized under division (A) of this section and if the physician knows that the person who uses the RU-486 (mifepristone) for the purpose of inducing an abortion experiences during or after the use an incomplete abortion, severe bleeding, or an adverse reaction to the RU-486 (mifepristone) or is hospitalized, receives a transfusion, or experiences any other serious event, the physician promptly must provide a written report of the incomplete abortion, severe bleeding, adverse reaction, hospitalization, transfusion, or serious event to the state medical board. The state medical board shall compile and retain all reports it receives under this division (C)(1) of this section as it existed prior to the effective date of this amendment. Except as otherwise provided in this division, all reports the board receives under this division (C)(1) of this section as it existed prior to the effective date of this amendment are public records open to inspection under section 149.43 of the Revised Code. In no case shall the board release to any person the name or any other personal identifying information regarding a person who uses RU-486 (mifepristone) for the purpose of inducing an abortion and who is the subject of a report the board receives under this division (C)(1) of this section as it existed prior to the effective date of this amendment.~~

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

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

~~(1) A pregnant woman who obtains or possesses RU-486~~

~~(mifepristone) for the purpose of inducing an abortion to terminate her own pregnancy;~~ 2050
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~~(2) The legal transport of RU 486 (mifepristone) by any person or entity and the legal delivery of the RU 486 (mifepristone) by any person to the recipient, provided that this division does not apply regarding any conduct related to the RU 486 (mifepristone) other than its transport and delivery to the recipient;~~ 2052
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~~(3) The distribution, provision, or sale of RU 486 (mifepristone) by any legal manufacturer or distributor of RU 486 (mifepristone), provided the manufacturer or distributor made a good faith effort to comply with any applicable requirements of federal law regarding the distribution, provision, or sale.~~ 2058
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~~(E) Whoever violates this section is guilty of unlawful distribution of an abortion-inducing drug⁷. Unlawful distribution of an abortion-inducing drug is a felony of the fourth second degree. If or, if the offender previously has been convicted of or pleaded guilty to a violation of this section ~~or of~~ section 2919.12, ~~2919.121~~, 2919.13, or 2919.14 of the Revised Code, or former section 2929.121, 2919.151, 2919.17, or 2919.18 of the Revised Code as they existed prior to the date of this amendment, ~~unlawful distribution of an abortion-inducing drug is a felony of the third first degree.~~ 2063
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If the offender is a professionally licensed person, in addition to any other sanction imposed by law for the offense, the offender is subject to sanctioning as provided by law by the regulatory or licensing board or agency that has the administrative authority to suspend or revoke the offender's professional license, including the sanctioning provided in section 4731.22 of the Revised Code for offenders who have a certificate to practice or certificate of registration issued under that chapter. 2073
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~~(F)~~(E) As used in this section: 2082

(1) "Federal law" means any law, rule, or regulation of the 2083
United States or any drug approval letter of the food and drug 2084
administration of the United States that governs or regulates the 2085
use of RU-486 (mifepristone) for the purpose of inducing 2086
abortions. 2087

~~(2) "Personal identifying information" has the same meaning 2088
as in section 2913.49 of the Revised Code. 2089~~

~~(3) "Physician" has the same meaning as in section 2305.113 2090
of the Revised Code. 2091~~

~~(4)~~(3) "Professionally licensed person" has the same meaning 2092
as in section 2925.01 of the Revised Code. 2093

Sec. 2919.13. (A) No person shall purposely take the life of 2094
a child born by attempted abortion who is alive when removed from 2095
the uterus of the pregnant woman. 2096

(B) No person who performs an abortion prior to the effective 2097
date of this amendment or who, on or after the effective date of 2098
this amendment, performs or induces an abortion in violation of 2099
section 2919.12 or administers RU-486 (mifepristone) to another 2100
for the purpose of inducing an abortion in violation of section 2101
2919.123 of the Revised Code, shall fail to take the measures 2102
required by the exercise of medical judgment in light of the 2103
attending circumstances to preserve the life of a child who is 2104
alive when removed from the uterus of the pregnant woman. 2105

(C) Whoever violates this section is guilty of abortion 2106
manslaughter, a felony of the first degree. 2107

Sec. 2919.14. (A) No person shall experiment upon or sell the 2108
product of human conception which is aborted. Experiment does not 2109
include autopsies pursuant to sections 313.13 and 2108.50 of the 2110

Revised Code. 2111

(B) Whoever violates this section is guilty of abortion 2112
trafficking, a ~~misdemeanor~~ felony of the first degree. 2113

Sec. 2919.24. (A) No person, including a parent, guardian, or 2114
other custodian of a child, shall do any of the following: 2115

(1) Aid, abet, induce, cause, encourage, or contribute to a 2116
child or a ward of the juvenile court becoming an unruly child, as 2117
defined in section 2151.022 of the Revised Code, or a delinquent 2118
child, as defined in section 2152.02 of the Revised Code; 2119

(2) Act in a way tending to cause a child or a ward of the 2120
juvenile court to become an unruly child, as defined in section 2121
2151.022 of the Revised Code, or a delinquent child, as defined in 2122
section 2152.02 of the Revised Code; 2123

(3) If the person is the parent, guardian, or custodian of a 2124
child who has the duties under Chapters 2152. and 2950. of the 2125
Revised Code to register, register a new residence address, and 2126
periodically verify a residence address, and, if applicable, to 2127
send a notice of intent to reside, and if the child is not 2128
~~emancipated, as defined in section 2919.121 of the Revised Code,~~ 2129
fail to ensure that the child complies with those duties under 2130
Chapters 2152. and 2950. of the Revised Code. 2131

(B) Whoever violates this section is guilty of contributing 2132
to the unruliness or delinquency of a child, a misdemeanor of the 2133
first degree. Each day of violation of this section is a separate 2134
offense. 2135

(C) For the purposes of this section, a child is 2136
"emancipated" if the child has married, entered the armed services 2137
of the United States, become employed and self-subsisting, or 2138
otherwise become legally independent from the care and control of 2139
the child's parent, guardian, or custodian. 2140

Sec. 2950.03. (A) Each person who has been convicted of, is 2141
convicted of, has pleaded guilty to, or pleads guilty to a 2142
sexually oriented offense that is not a registration-exempt 2143
sexually oriented offense and who has a duty to register pursuant 2144
to section 2950.04 of the Revised Code, each person who is 2145
adjudicated a delinquent child for committing a sexually oriented 2146
offense that is not a registration-exempt sexually oriented 2147
offense and who is classified a juvenile offender registrant based 2148
on that adjudication, each person who has been convicted of, is 2149
convicted of, has pleaded guilty to, or pleads guilty to a 2150
child-victim oriented offense and has a duty to register pursuant 2151
to section 2950.041 of the Revised Code, and each person who is 2152
adjudicated a delinquent child for committing a child-victim 2153
oriented offense and who is classified a juvenile offender 2154
registrant based on that adjudication shall be provided notice in 2155
accordance with this section of the offender's or delinquent 2156
child's duties imposed under sections 2950.04, 2950.041, 2950.05, 2157
and 2950.06 of the Revised Code and of the offender's duties to 2158
similarly register, provide notice of a change, and verify 2159
addresses in another state if the offender resides, is temporarily 2160
domiciled, attends a school or institution of higher education, or 2161
is employed in a state other than this state. A person who has 2162
been convicted of, is convicted of, has pleaded guilty to, or 2163
pleads guilty to a sexually oriented offense that is a 2164
registration-exempt sexually oriented offense, and a person who is 2165
or has been adjudicated a delinquent child for committing a 2166
sexually oriented offense that is a registration-exempt sexually 2167
oriented offense, does not have a duty to register under section 2168
2950.04 of the Revised Code based on that conviction, guilty plea, 2169
or adjudication, and no notice is required to be provided to that 2170
person under this division based on that conviction, guilty plea, 2171
or adjudication. The following official shall provide the notice 2172

required under this division to the specified person at the 2173
following time: 2174

(1) Regardless of when the person committed the sexually 2175
oriented offense or child-victim oriented offense, if the person 2176
is an offender who is sentenced for the sexually oriented offense 2177
or child-victim oriented offense to a prison term, a term of 2178
imprisonment, or any other type of confinement, and if, on or 2179
after January 1, 1997, the offender is serving that term or is 2180
under that confinement, the official in charge of the jail, 2181
workhouse, state correctional institution, or other institution in 2182
which the offender serves the prison term, term of imprisonment, 2183
or confinement, or a designee of that official, shall provide the 2184
notice to the offender before the offender is released pursuant to 2185
any type of supervised release or before the offender otherwise is 2186
released from the prison term, term of imprisonment, or 2187
confinement. This division applies to a child-victim oriented 2188
offense if the offender is sentenced for the offense on or after 2189
July 31, 2003, or if, prior to July 31, 2003, the child-victim 2190
oriented offense was a sexually oriented offense and the offender 2191
was sentenced as described in this division for the child-victim 2192
oriented offense when it was designated a sexually oriented 2193
offense. If a person was provided notice under this division prior 2194
to July 31, 2003, in relation to an offense that, prior to July 2195
31, 2003, was a sexually oriented offense but that, on and after 2196
July 31, 2003, is a child-victim oriented offense, the notice 2197
provided under this division shall suffice for purposes of this 2198
section as notice to the offender of the offender's duties under 2199
sections 2950.041, 2950.05, and 2950.06 of the Revised Code 2200
imposed as a result of the conviction of or plea of guilty to the 2201
child-victim oriented offense. 2202

(2) Regardless of when the person committed the sexually 2203
oriented offense or child-victim oriented offense, if the person 2204

is an offender who is sentenced for the sexually oriented offense 2205
on or after January 1, 1997, or who is sentenced for the 2206
child-victim oriented offense on or after July 31, 2003, and if 2207
division (A)(1) of this section does not apply, the judge shall 2208
provide the notice to the offender at the time of sentencing. If a 2209
person was provided notice under this division prior to July 31, 2210
2003, in relation to an offense that, prior to July 31, 2003, was 2211
a sexually oriented offense but that, on and after July 31, 2003, 2212
is a child-victim oriented offense, the notice so provided under 2213
this division shall suffice for purposes of this section as notice 2214
to the offender of the offender's duties under sections 2950.041, 2215
2950.05, and 2950.06 of the Revised Code imposed as a result of 2216
the conviction of or plea of guilty to the child-victim oriented 2217
offense. 2218

(3) If the person is an offender who committed the sexually 2219
oriented offense prior to January 1, 1997, if neither division 2220
(A)(1) nor division (A)(2) of this section applies, and if, 2221
immediately prior to January 1, 1997, the offender was a habitual 2222
sex offender who was required to register under Chapter 2950. of 2223
the Revised Code, the chief of police or sheriff with whom the 2224
offender most recently registered under that chapter, in the 2225
circumstances described in this division, shall provide the notice 2226
to the offender. If the offender has registered with a chief of 2227
police or sheriff under Chapter 2950. of the Revised Code as it 2228
existed prior to January 1, 1997, the chief of police or sheriff 2229
with whom the offender most recently registered shall provide the 2230
notice to the offender as soon as possible after January 1, 1997, 2231
as described in division (B)(1) of this section. If the offender 2232
has not registered with a chief of police or sheriff under that 2233
chapter, the failure to register shall constitute a waiver by the 2234
offender of any right to notice under this section. If an offender 2235
described in this division does not receive notice under this 2236
section, the offender is not relieved of the offender's duties 2237

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 pursuant to division (C) of section 2950.09 of the Revised Code or a child-victim predator pursuant to division (C) of section 2950.091 of the Revised Code, the judge shall provide the notice to the offender at the time of adjudication.

(5) If the person is a delinquent child who is classified a juvenile offender registrant, the judge shall provide the notice to the delinquent child at the time specified in division (B) of section 2152.82, division (D) of section 2152.83, division (C) of section 2152.84, or division (E) of section 2152.85 of the Revised Code, whichever is applicable. If a delinquent child 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 delinquent child of the delinquent child's duties under sections 2950.041, 2950.05, and 2950.06 of the Revised Code imposed as a result of the adjudication as a delinquent child for the child-victim oriented offense.

(6) If the person is an offender in any category described in division (A)(1), (2), (3), or (4) of this section and if, prior to July 31, 2003, the offender was provided notice of the offender's duties in accordance with that division, not later than ninety days after July 31, 2003, the sheriff with whom the offender most recently registered or verified an address under section 2950.04, 2950.041, 2950.05, or 2950.06 of the Revised Code shall provide notice to the offender of the offender's duties imposed on and after July 31, 2003, pursuant to any of those sections to register

a school, institution of higher education, or place of employment 2270
address, provide notice of a change of that address, and verify 2271
that address. The sheriff may provide the notice to the offender 2272
at the time the offender registers, provides notice of a change 2273
in, or verifies a residence, school, institution of higher 2274
education, or place of employment address under any of those 2275
sections within the specified ninety-day period. If the offender 2276
does not so register, provide notice of a change in, or verify an 2277
address within the specified ninety-day period, the sheriff shall 2278
provide the notice to the offender by sending it to the offender 2279
at the most recent residence address available for the offender. 2280
If the offender was required to register prior to July 31, 2003, 2281
and failed to do so, the failure to register constitutes a waiver 2282
by the offender of any right to notice under this division. If the 2283
offender has not registered prior to July 31, 2003, the offender 2284
is presumed to have knowledge of the law and of the duties 2285
referred to in this division that are imposed on and after July 2286
31, 2003. If an offender does not receive notice under this 2287
division, the offender is not relieved of any of the duties 2288
described in this division. 2289

(7) If the person is an offender or delinquent child who has 2290
a duty to register in this state pursuant to division (A)(3) of 2291
section 2950.04 or 2950.041 of the Revised Code, the offender or 2292
delinquent child is presumed to have knowledge of the law and of 2293
the offender's or delinquent child's duties imposed under sections 2294
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. 2295

(B)(1) The notice provided under division (A) of this section 2296
shall inform the offender or delinquent child of the offender's or 2297
delinquent child's duty to register, to provide notice of a change 2298
in the offender's or delinquent child's residence address or in 2299
the offender's school, institution of higher education, or place 2300
of employment address, as applicable, and register the new 2301

address, to periodically verify the offender's or delinquent 2302
child's residence address or the offender's school, institution of 2303
higher education, or place of employment address, as applicable, 2304
and, if applicable, to provide notice of the offender's or 2305
delinquent child's intent to reside, pursuant to sections 2950.04, 2306
2950.041, 2950.05, and 2950.06 of the Revised Code. The notice 2307
shall specify that, for an offender, it applies regarding 2308
residence addresses or school, institution of higher education, 2309
and place of employment addresses and that, for a delinquent 2310
child, it applies regarding residence addresses. Additionally, it 2311
shall inform the offender of the offender's duties to similarly 2312
register, provide notice of a change in, and verify those 2313
addresses in states other than this state as described in division 2314
(A) of this section. A notice provided under division (A)(6) of 2315
this section shall state the new duties imposed on the offender on 2316
and after July 31, 2003, to register, provide notice of a change 2317
in, and periodically verify, a school, institution of higher 2318
education, or place of employment address and specify that the new 2319
duties are in addition to the prior duties imposed upon the 2320
offender. A notice provided under division (A)(1), (2), (3), (4), 2321
or (5) of this section shall comport with the following: 2322

(a) If the notice is provided to an offender under division 2323
(A)(3) of this section, the notice shall state the offender's 2324
duties to register, to file a notice of intent to reside, if 2325
applicable, to register a new residence address or new school, 2326
institution of higher education, or place of employment address, 2327
and to periodically verify those addresses, the offender's duties 2328
in other states as described in division (A) of this section, and 2329
that, if the offender has any questions concerning these duties, 2330
the offender may contact the chief of police or sheriff who sent 2331
the form for an explanation of the duties. If the offender appears 2332
in person before the chief of police or sheriff, the chief or 2333
sheriff shall provide the notice as described in division 2334

(B)(1)(a) of this section, and all provisions of this section that 2335
apply regarding a notice provided by an official, official's 2336
designee, or judge in that manner shall be applicable. 2337

(b) If the notice is provided to an offender under division 2338
(A)(1), (2), or (4) of this section, the official, official's 2339
designee, or judge shall require the offender to read and sign a 2340
form stating that the offender's duties to register, to file a 2341
notice of intent to reside, if applicable, to register a new 2342
residence address or new school, institution of higher education, 2343
or place of employment address, and to periodically verify those 2344
addresses, and the offender's duties in other states as described 2345
in division (A) of this section have been explained to the 2346
offender. If the offender is unable to read, the official, 2347
official's designee, or judge shall certify on the form that the 2348
official, designee, or judge specifically informed the offender of 2349
those duties and that the offender indicated an understanding of 2350
those duties. 2351

(c) If the notice is provided to a delinquent child under 2352
division (A)(5) of this section, the judge shall require the 2353
delinquent child and the delinquent child's parent, guardian, or 2354
custodian to read and sign a form stating that the delinquent 2355
child's duties to register, to file a notice of intent to reside, 2356
if applicable, to register a new residence address, and to 2357
periodically verify that address have been explained to the 2358
delinquent child and to the delinquent child's parent, guardian, 2359
or custodian. If the delinquent child or the delinquent child's 2360
parent, guardian, or custodian is unable to read, the judge shall 2361
certify on the form that the judge specifically informed the 2362
delinquent child or the delinquent child's parent, guardian, or 2363
custodian of those duties and that the delinquent child or the 2364
delinquent child's parent, guardian, or custodian indicated an 2365
understanding of those duties. 2366

(2) The notice provided under divisions (A)(1) to (6) of this section shall be on a form prescribed by the bureau of criminal identification and investigation and shall contain all of the information specified in division (A) of this section and all of the information required by the bureau. The notice provided under divisions (A)(1) to (5) of this section shall include, but is not limited to, all of the following:

(a) For any notice provided under division (A)(1) to (5) of this section, a statement as to whether the offender or delinquent child has been adjudicated a sexual predator or a child-victim predator relative to the sexually oriented offense or child-victim oriented offense in question, a statement as to whether the offender or delinquent child has been determined to be a habitual sex offender or habitual child-victim offender, a statement as to whether the offense for which the offender has the duty to register is an aggravated sexually oriented offense, an explanation of the offender's periodic residence address or periodic school, institution of higher education, or place of employment address verification process or of the delinquent child's periodic residence address verification process, an explanation of the frequency with which the offender or delinquent child will be required to verify those addresses under that process, a statement that the offender or delinquent child must verify those addresses at the times specified under that process or face criminal prosecution or a delinquent child proceeding, and an explanation of the offender's duty to similarly register, verify, and reregister those addresses in another state if the offender resides in another state, attends a school or institution of higher education in another state, or is employed in another state.

(b) If the notice is provided under division (A)(4) of this section, a statement that the notice replaces any notice

previously provided to the offender under division (A)(1) of this 2399
section, a statement that the offender's duties described in this 2400
notice supersede the duties described in the prior notice, and a 2401
statement notifying the offender that, if the offender already has 2402
registered under section 2950.04 or 2950.041 of the Revised Code, 2403
the offender must register again pursuant to division (A)(6) of 2404
that section; 2405

(c) If the notice is provided under division (A)(5) of this 2406
section, a statement that the delinquent child has been classified 2407
by the adjudicating juvenile court judge or the judge's successor 2408
in office a juvenile offender registrant and has a duty to comply 2409
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 2410
Revised Code; 2411

(d) If the notice is provided under division (A)(5) of this 2412
section, a statement that, if the delinquent child fails to comply 2413
with the requirements of sections 2950.04, 2950.041, 2950.05, and 2414
2950.06 of the Revised Code, both of the following apply: 2415

(i) If the delinquent child's failure occurs while the child 2416
is under eighteen years of age, the child is subject to 2417
proceedings under Chapter 2152. of the Revised Code based on the 2418
failure, but if the failure occurs while the child is eighteen 2419
years of age or older, the child is subject to criminal 2420
prosecution based on the failure. 2421

(ii) If the delinquent child's failure occurs while the child 2422
is under eighteen years of age, unless the child is emancipated, 2423
as defined in section ~~2919.121~~ 2919.24 of the Revised Code, the 2424
failure of the parent, guardian, or custodian to ensure that the 2425
child complies with those requirements is a violation of section 2426
2919.24 of the Revised Code and may result in the prosecution of 2427
the parent, guardian, or custodian for that violation. 2428

(3)(a) After an offender described in division (A)(1), (2), 2429

or (4) of this section has signed the form described in divisions 2430
(B)(1) and (2) of this section or the official, official's 2431
designee, or judge has certified on the form that the form has 2432
been explained to the offender and that the offender indicated an 2433
understanding of the duties indicated on it, the official, 2434
official's designee, or judge shall give one copy of the form to 2435
the offender, within three days shall send one copy of the form to 2436
the bureau of criminal identification and investigation in 2437
accordance with the procedures adopted pursuant to section 2950.13 2438
of the Revised Code, and shall send one copy of the form to the 2439
sheriff of the county in which the offender expects to reside. 2440

(b) After a chief of police or sheriff has sent a form to an 2441
offender under division (A)(3) of this section, the chief or 2442
sheriff shall send a copy of the form to the bureau of criminal 2443
identification and investigation in accordance with the procedures 2444
adopted pursuant to section 2950.13 of the Revised Code. 2445

(c) After a delinquent child described in division (A)(5) of 2446
this section and the delinquent child's parent, guardian, or 2447
custodian have signed the form described in divisions (B)(1) and 2448
(2) of this section or the judge has certified on the form that 2449
the form has been explained to the delinquent child or the 2450
delinquent child's parent, guardian, or custodian and that the 2451
delinquent child or the delinquent child's parent, guardian, or 2452
custodian indicated an understanding of the duties and information 2453
indicated on the form, the judge shall give a copy of the form to 2454
both the delinquent child and to the delinquent child's parent, 2455
guardian, or custodian, within three days shall send one copy of 2456
the form to the bureau of criminal identification and 2457
investigation in accordance with the procedures adopted pursuant 2458
to section 2950.13 of the Revised Code, and shall send one copy of 2459
the form to the sheriff of the county in which the delinquent 2460
child expects to reside. 2461

(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 section shall do all of the following:

(1) If the notice is provided under division (A)(1), (2), (4), or (5) of this section, the official, designee, or judge shall determine the offender's or delinquent child's name, identifying factors, and expected future residence address in this state or any other state, shall obtain the offender's or delinquent child's criminal and delinquency history, and shall obtain a photograph and the fingerprints of the offender or delinquent child. Regarding an offender, the official, designee, or judge also shall obtain from the offender the offender's current or expected future school, institution of higher education, or place of employment address in this state, if any. If the notice is provided by a judge under division (A)(2), (4), or (5) of this section, the sheriff shall provide the offender's or delinquent child's criminal and delinquency history to the judge. The official, official's designee, or judge shall obtain this information and these items prior to giving the notice, except that a judge may give the notice prior to obtaining the offender's or delinquent child's criminal and delinquency history. Within three days after receiving this information and these items, the official, official's designee, or judge shall forward the information and items to the bureau of criminal identification and investigation in accordance with the forwarding procedures adopted pursuant to section 2950.13 of the Revised Code, to the sheriff of the county in which the offender or delinquent child expects to reside, and, regarding an offender, to the sheriff of the county, if any, in which the offender attends or will attend a school or institution of higher education or is or will be employed. If the notice is provided under division (A)(5) of this section and if the delinquent child has been committed to the

department of youth services or to a secure facility, the judge, 2495
in addition to the other information and items described in this 2496
division, also shall forward to the bureau and to the sheriff 2497
notification that the child has been so committed. If it has not 2498
already done so, the bureau of criminal identification and 2499
investigation shall forward a copy of the fingerprints and 2500
conviction data received under this division to the federal bureau 2501
of investigation. 2502

(2) If the notice is provided under division (A)(3) of this 2503
section, the chief of police or sheriff shall determine the 2504
offender's name, identifying factors, and residence address in 2505
this state or any other state, shall obtain the offender's 2506
criminal history from the bureau of criminal identification and 2507
investigation, and, to the extent possible, shall obtain a 2508
photograph and the fingerprints of the offender. Regarding an 2509
offender, the chief or sheriff also shall obtain from the offender 2510
the offender's current or expected future school, institution of 2511
higher education, or place of employment address in this state, if 2512
any. Within three days after receiving this information and these 2513
items, the chief or sheriff shall forward the information and 2514
items to the bureau of criminal identification and investigation 2515
in accordance with the forwarding procedures adopted pursuant to 2516
section 2950.13 of the Revised Code and, in relation to a chief of 2517
police, to the sheriff of the county in which the offender 2518
resides, and, regarding an offender, to the sheriff of the county, 2519
if any, in which the offender attends or will attend a school or 2520
institution of higher education or is or will be employed. If it 2521
has not already done so, the bureau of criminal identification and 2522
investigation shall forward a copy of the fingerprints and 2523
conviction data so received to the federal bureau of 2524
investigation. 2525

Sec. 3701.341. ~~(A) The public health council, pursuant to~~ 2526

~~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) Pathological reports;~~

~~(3) Humane disposition of the product of human conception;~~

~~(4) 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.

(4) "Labor organization" includes any organization that 2557
exists, in whole or in part, for the purpose of collective 2558
bargaining or of dealing with employers concerning grievances, 2559
terms or conditions of employment, or other mutual aid or 2560
protection in relation to employment. 2561

(5) "Employment agency" includes any person regularly 2562
undertaking, with or without compensation, to procure 2563
opportunities to work or to procure, recruit, refer, or place 2564
employees. 2565

(6) "Commission" means the Ohio civil rights commission 2566
created by section 4112.03 of the Revised Code. 2567

(7) "Discriminate" includes segregate or separate. 2568

(8) "Unlawful discriminatory practice" means any act 2569
prohibited by section 4112.02, 4112.021, or 4112.022 of the 2570
Revised Code. 2571

(9) "Place of public accommodation" means any inn, 2572
restaurant, eating house, barbershop, public conveyance by air, 2573
land, or water, theater, store, other place for the sale of 2574
merchandise, or any other place of public accommodation or 2575
amusement of which the accommodations, advantages, facilities, or 2576
privileges are available to the public. 2577

(10) "Housing accommodations" includes any building or 2578
structure, or portion of a building or structure, that is used or 2579
occupied or is intended, arranged, or designed to be used or 2580
occupied as the home residence, dwelling, dwelling unit, or 2581
sleeping place of one or more individuals, groups, or families 2582
whether or not living independently of each other; and any vacant 2583
land offered for sale or lease. "Housing accommodations" also 2584
includes any housing accommodations held or offered for sale or 2585
rent by a real estate broker, salesperson, or agent, by any other 2586
person pursuant to authorization of the owner, by the owner, or by 2587

the owner's legal representative. 2588

(11) "Restrictive covenant" means any specification limiting 2589
the transfer, rental, lease, or other use of any housing 2590
accommodations because of race, color, religion, sex, familial 2591
status, national origin, disability, or ancestry, or any 2592
limitation based upon affiliation with or approval by any person, 2593
directly or indirectly, employing race, color, religion, sex, 2594
familial status, national origin, disability, or ancestry as a 2595
condition of affiliation or approval. 2596

(12) "Burial lot" means any lot for the burial of deceased 2597
persons within any public burial ground or cemetery, including, 2598
but not limited to, cemeteries owned and operated by municipal 2599
corporations, townships, or companies or associations incorporated 2600
for cemetery purposes. 2601

(13) "Disability" means a physical or mental impairment that 2602
substantially limits one or more major life activities, including 2603
the functions of caring for one's self, performing manual tasks, 2604
walking, seeing, hearing, speaking, breathing, learning, and 2605
working; a record of a physical or mental impairment; or being 2606
regarded as having a physical or mental impairment. 2607

(14) Except as otherwise provided in section 4112.021 of the 2608
Revised Code, "age" means at least forty years old. 2609

(15) "Familial status" means either of the following: 2610

(a) One or more individuals who are under eighteen years of 2611
age and who are domiciled with a parent or guardian having legal 2612
custody of the individual or domiciled, with the written 2613
permission of the parent or guardian having legal custody, with a 2614
designee of the parent or guardian; 2615

(b) Any person who is pregnant or in the process of securing 2616
legal custody of any individual who is under eighteen years of 2617
age. 2618

(16)(a) Except as provided in division (A)(16)(b) of this section, "physical or mental impairment" includes any of the following:

(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;

(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(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.

(b) "Physical or mental impairment" does not include any of the following:

(i) Homosexuality and bisexuality;

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(iii) Compulsive gambling, kleptomania, or pyromania;

(iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages.

(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 2649
inside or outside a building that are made available for the use 2650
of residents of the building or their guests, and includes, but is 2651
not limited to, hallways, lounges, lobbies, laundry rooms, refuse 2652
rooms, mail rooms, recreational areas, and passageways among and 2653
between buildings. 2654

(19) "Public use areas" means interior or exterior rooms or 2655
spaces of a privately or publicly owned building that are made 2656
available to the general public. 2657

(20) "Controlled substance" has the same meaning as in 2658
section 3719.01 of the Revised Code. 2659

(21) "Disabled tenant" means a tenant or prospective tenant 2660
who is a person with a disability. 2661

(B) For the purposes of divisions (A) to (F) of section 2662
4112.02 of the Revised Code, the terms "because of sex" and "on 2663
the basis of sex" include, but are not limited to, because of or 2664
on the basis of pregnancy, any illness arising out of and 2665
occurring during the course of a pregnancy, childbirth, or related 2666
medical conditions. Women affected by pregnancy, childbirth, or 2667
related medical conditions shall be treated the same for all 2668
employment-related purposes, including receipt of benefits under 2669
fringe benefit programs, as other persons not so affected but 2670
similar in their ability or inability to work, and nothing in 2671
division (B) of section 4111.17 of the Revised Code shall be 2672
interpreted to permit otherwise. This division shall not be 2673
construed to require an employer to pay for health insurance 2674
benefits for abortion, ~~except where the life of the mother would~~ 2675
~~be endangered if the fetus were carried to term or except where~~ 2676
~~medical complications have arisen from the abortion, provided that~~ 2677
~~nothing in this division precludes an employer from providing~~ 2678
~~abortion benefits or otherwise affects bargaining agreements in~~ 2679
~~regard to abortion.~~ 2680

Sec. 4731.22. (A) The state medical board, by an affirmative 2681
vote of not fewer than six of its members, may revoke or may 2682
refuse to grant a certificate to a person found by the board to 2683
have committed fraud during the administration of the examination 2684
for a certificate to practice or to have committed fraud, 2685
misrepresentation, or deception in applying for or securing any 2686
certificate to practice or certificate of registration issued by 2687
the board. 2688

(B) The board, by an affirmative vote of not fewer than six 2689
members, shall, to the extent permitted by law, limit, revoke, or 2690
suspend an individual's certificate to practice, refuse to 2691
register an individual, refuse to reinstate a certificate, or 2692
reprimand or place on probation the holder of a certificate for 2693
one or more of the following reasons: 2694

(1) Permitting one's name or one's certificate to practice or 2695
certificate of registration to be used by a person, group, or 2696
corporation when the individual concerned is not actually 2697
directing the treatment given; 2698

(2) Failure to maintain minimal standards applicable to the 2699
selection or administration of drugs, or failure to employ 2700
acceptable scientific methods in the selection of drugs or other 2701
modalities for treatment of disease; 2702

(3) Selling, giving away, personally furnishing, prescribing, 2703
or administering drugs for other than legal and legitimate 2704
therapeutic purposes or a plea of guilty to, a judicial finding of 2705
guilt of, or a judicial finding of eligibility for intervention in 2706
lieu of conviction of, a violation of any federal or state law 2707
regulating the possession, distribution, or use of any drug; 2708

(4) Willfully betraying a professional confidence. 2709

For purposes of this division, "willfully betraying a 2710

professional confidence" does not include providing any 2711
information, documents, or reports to a child fatality review 2712
board under sections 307.621 to 307.629 of the Revised Code and 2713
does not include the making of a report of an employee's use of a 2714
drug of abuse, or a report of a condition of an employee other 2715
than one involving the use of a drug of abuse, to the employer of 2716
the employee as described in division (B) of section 2305.33 of 2717
the Revised Code. Nothing in this division affects the immunity 2718
from civil liability conferred by that section upon a physician 2719
who makes either type of report in accordance with division (B) of 2720
that section. As used in this division, "employee," "employer," 2721
and "physician" have the same meanings as in section 2305.33 of 2722
the Revised Code. 2723

(5) Making a false, fraudulent, deceptive, or misleading 2724
statement in the solicitation of or advertising for patients; in 2725
relation to the practice of medicine and surgery, osteopathic 2726
medicine and surgery, podiatric medicine and surgery, or a limited 2727
branch of medicine; or in securing or attempting to secure any 2728
certificate to practice or certificate of registration issued by 2729
the board. 2730

As used in this division, "false, fraudulent, deceptive, or 2731
misleading statement" means a statement that includes a 2732
misrepresentation of fact, is likely to mislead or deceive because 2733
of a failure to disclose material facts, is intended or is likely 2734
to create false or unjustified expectations of favorable results, 2735
or includes representations or implications that in reasonable 2736
probability will cause an ordinarily prudent person to 2737
misunderstand or be deceived. 2738

(6) A departure from, or the failure to conform to, minimal 2739
standards of care of similar practitioners under the same or 2740
similar circumstances, whether or not actual injury to a patient 2741
is established; 2742

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	2743 2744 2745 2746
(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	2747 2748 2749
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	2750 2751 2752
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	2753 2754 2755
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	2756 2757 2758
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	2759 2760 2761
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	2762 2763 2764
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	2765 2766 2767
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	2768 2769
(16) Failure to pay license renewal fees specified in this chapter;	2770 2771
(17) Except as authorized in section 4731.31 of the Revised	2772

Code, engaging in the division of fees for referral of patients, 2773
or the receiving of a thing of value in return for a specific 2774
referral of a patient to utilize a particular service or business; 2775

(18) Subject to section 4731.226 of the Revised Code, 2776
violation of any provision of a code of ethics of the American 2777
medical association, the American osteopathic association, the 2778
American podiatric medical association, or any other national 2779
professional organizations that the board specifies by rule. The 2780
state medical board shall obtain and keep on file current copies 2781
of the codes of ethics of the various national professional 2782
organizations. The individual whose certificate is being suspended 2783
or revoked shall not be found to have violated any provision of a 2784
code of ethics of an organization not appropriate to the 2785
individual's profession. 2786

For purposes of this division, a "provision of a code of 2787
ethics of a national professional organization" does not include 2788
any provision that would preclude the making of a report by a 2789
physician of an employee's use of a drug of abuse, or of a 2790
condition of an employee other than one involving the use of a 2791
drug of abuse, to the employer of the employee as described in 2792
division (B) of section 2305.33 of the Revised Code. Nothing in 2793
this division affects the immunity from civil liability conferred 2794
by that section upon a physician who makes either type of report 2795
in accordance with division (B) of that section. As used in this 2796
division, "employee," "employer," and "physician" have the same 2797
meanings as in section 2305.33 of the Revised Code. 2798

(19) Inability to practice according to acceptable and 2799
prevailing standards of care by reason of mental illness or 2800
physical illness, including, but not limited to, physical 2801
deterioration that adversely affects cognitive, motor, or 2802
perceptive skills. 2803

In enforcing this division, the board, upon a showing of a 2804

possible violation, may compel any individual authorized to 2805
practice by this chapter or who has submitted an application 2806
pursuant to this chapter to submit to a mental examination, 2807
physical examination, including an HIV test, or both a mental and 2808
a physical examination. The expense of the examination is the 2809
responsibility of the individual compelled to be examined. Failure 2810
to submit to a mental or physical examination or consent to an HIV 2811
test ordered by the board constitutes an admission of the 2812
allegations against the individual unless the failure is due to 2813
circumstances beyond the individual's control, and a default and 2814
final order may be entered without the taking of testimony or 2815
presentation of evidence. If the board finds an individual unable 2816
to practice because of the reasons set forth in this division, the 2817
board shall require the individual to submit to care, counseling, 2818
or treatment by physicians approved or designated by the board, as 2819
a condition for initial, continued, reinstated, or renewed 2820
authority to practice. An individual affected under this division 2821
shall be afforded an opportunity to demonstrate to the board the 2822
ability to resume practice in compliance with acceptable and 2823
prevailing standards under the provisions of the individual's 2824
certificate. For the purpose of this division, any individual who 2825
applies for or receives a certificate to practice under this 2826
chapter accepts the privilege of practicing in this state and, by 2827
so doing, shall be deemed to have given consent to submit to a 2828
mental or physical examination when directed to do so in writing 2829
by the board, and to have waived all objections to the 2830
admissibility of testimony or examination reports that constitute 2831
a privileged communication. 2832

(20) Except when civil penalties are imposed under section 2833
4731.225 or 4731.281 of the Revised Code, and subject to section 2834
4731.226 of the Revised Code, violating or attempting to violate, 2835
directly or indirectly, or assisting in or abetting the violation 2836
of, or conspiring to violate, any provisions of this chapter or 2837

any rule promulgated by the board. 2838

This division does not apply to a violation or attempted 2839
violation of, assisting in or abetting the violation of, or a 2840
conspiracy to violate, any provision of this chapter or any rule 2841
adopted by the board that would preclude the making of a report by 2842
a physician of an employee's use of a drug of abuse, or of a 2843
condition of an employee other than one involving the use of a 2844
drug of abuse, to the employer of the employee as described in 2845
division (B) of section 2305.33 of the Revised Code. Nothing in 2846
this division affects the immunity from civil liability conferred 2847
by that section upon a physician who makes either type of report 2848
in accordance with division (B) of that section. As used in this 2849
division, "employee," "employer," and "physician" have the same 2850
meanings as in section 2305.33 of the Revised Code. 2851

(21) The violation of section 3701.79 of the Revised Code or 2852
of any abortion rule adopted by the public health council pursuant 2853
to section 3701.341 of the Revised Code regarding any act or 2854
omission occurring prior to the effective date of this amendment 2855
and to which that section and those rules apply, or the violation 2856
on or after that effective date of section 2919.12, 2919.123, 2857
2919.13, or 2919.14 of the Revised Code; 2858

(22) Any of the following actions taken by the agency 2859
responsible for regulating the practice of medicine and surgery, 2860
osteopathic medicine and surgery, podiatric medicine and surgery, 2861
or the limited branches of medicine in another jurisdiction, for 2862
any reason other than the nonpayment of fees: the limitation, 2863
revocation, or suspension of an individual's license to practice; 2864
acceptance of an individual's license surrender; denial of a 2865
license; refusal to renew or reinstate a license; imposition of 2866
probation; or issuance of an order of censure or other reprimand; 2867

(23) The violation of section 2919.12 of the Revised Code or 2868
the performance or inducement of an abortion upon a pregnant woman 2869

prior to the effective date of this amendment with actual 2870
knowledge that the conditions specified in former division (B) of 2871
section 2317.56 of the Revised Code as it existed immediately 2872
prior to that date have not been satisfied or with a heedless 2873
indifference as to whether those conditions have been satisfied, 2874
unless an affirmative defense as specified in former division 2875
(H)(2) of that section would apply in a civil action authorized by 2876
former division (H)(1) of that section; 2877

(24) The revocation, suspension, restriction, reduction, or 2878
termination of clinical privileges by the United States department 2879
of defense or department of veterans affairs or the termination or 2880
suspension of a certificate of registration to prescribe drugs by 2881
the drug enforcement administration of the United States 2882
department of justice; 2883

(25) Termination or suspension from participation in the 2884
medicare or medicaid programs by the department of health and 2885
human services or other responsible agency for any act or acts 2886
that also would constitute a violation of division (B)(2), (3), 2887
(6), (8), or (19) of this section; 2888

(26) Impairment of ability to practice according to 2889
acceptable and prevailing standards of care because of habitual or 2890
excessive use or abuse of drugs, alcohol, or other substances that 2891
impair ability to practice. 2892

For the purposes of this division, any individual authorized 2893
to practice by this chapter accepts the privilege of practicing in 2894
this state subject to supervision by the board. By filing an 2895
application for or holding a certificate to practice under this 2896
chapter, an individual shall be deemed to have given consent to 2897
submit to a mental or physical examination when ordered to do so 2898
by the board in writing, and to have waived all objections to the 2899
admissibility of testimony or examination reports that constitute 2900
privileged communications. 2901

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:

(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;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's 2933
ability to practice has been assessed and that the individual has 2934
been found capable of practicing according to acceptable and 2935
prevailing standards of care. The reports shall be made by 2936
individuals or providers approved by the board for making the 2937
assessments and shall describe the basis for their determination. 2938

The board may reinstate a certificate suspended under this 2939
division after that demonstration and after the individual has 2940
entered into a written consent agreement. 2941

When the impaired practitioner resumes practice, the board 2942
shall require continued monitoring of the individual. The 2943
monitoring shall include, but not be limited to, compliance with 2944
the written consent agreement entered into before reinstatement or 2945
with conditions imposed by board order after a hearing, and, upon 2946
termination of the consent agreement, submission to the board for 2947
at least two years of annual written progress reports made under 2948
penalty of perjury stating whether the individual has maintained 2949
sobriety. 2950

(27) A second or subsequent violation of section 4731.66 or 2951
4731.69 of the Revised Code; 2952

(28) Except as provided in division (N) of this section: 2953

(a) Waiving the payment of all or any part of a deductible or 2954
copayment that a patient, pursuant to a health insurance or health 2955
care policy, contract, or plan that covers the individual's 2956
services, otherwise would be required to pay if the waiver is used 2957
as an enticement to a patient or group of patients to receive 2958
health care services from that individual; 2959

(b) Advertising that the individual will waive the payment of 2960
all or any part of a deductible or copayment that a patient, 2961
pursuant to a health insurance or health care policy, contract, or 2962
plan that covers the individual's services, otherwise would be 2963

required to pay.	2964
(29) Failure to use universal blood and body fluid	2965
precautions established by rules adopted under section 4731.051 of	2966
the Revised Code;	2967
(30) Failure to provide notice to, and receive acknowledgment	2968
of the notice from, a patient when required by section 4731.143 of	2969
the Revised Code prior to providing nonemergency professional	2970
services, or failure to maintain that notice in the patient's	2971
file;	2972
(31) Failure of a physician supervising a physician assistant	2973
to maintain supervision in accordance with the requirements of	2974
Chapter 4730. of the Revised Code and the rules adopted under that	2975
chapter;	2976
(32) Failure of a physician or podiatrist to enter into a	2977
standard care arrangement with a clinical nurse specialist,	2978
certified nurse-midwife, or certified nurse practitioner with whom	2979
the physician or podiatrist is in collaboration pursuant to	2980
section 4731.27 of the Revised Code or failure to fulfill the	2981
responsibilities of collaboration after entering into a standard	2982
care arrangement;	2983
(33) Failure to comply with the terms of a consult agreement	2984
entered into with a pharmacist pursuant to section 4729.39 of the	2985
Revised Code;	2986
(34) Failure to cooperate in an investigation conducted by	2987
the board under division (F) of this section, including failure to	2988
comply with a subpoena or order issued by the board or failure to	2989
answer truthfully a question presented by the board at a	2990
deposition or in written interrogatories, except that failure to	2991
cooperate with an investigation shall not constitute grounds for	2992
discipline under this section if a court of competent jurisdiction	2993
has issued an order that either quashes a subpoena or permits the	2994

individual to withhold the testimony or evidence in issue; 2995

(35) Failure to supervise an acupuncturist in accordance with 2996
Chapter 4762. of the Revised Code and the board's rules for 2997
supervision of an acupuncturist; 2998

(36) Failure to supervise an anesthesiologist assistant in 2999
accordance with Chapter 4760. of the Revised Code and the board's 3000
rules for supervision of an anesthesiologist assistant; 3001

(37) Assisting suicide as defined in section 3795.01 of the 3002
Revised Code. 3003

(C) Disciplinary actions taken by the board under divisions 3004
(A) and (B) of this section shall be taken pursuant to an 3005
adjudication under Chapter 119. of the Revised Code, except that 3006
in lieu of an adjudication, the board may enter into a consent 3007
agreement with an individual to resolve an allegation of a 3008
violation of this chapter or any rule adopted under it. A consent 3009
agreement, when ratified by an affirmative vote of not fewer than 3010
six members of the board, shall constitute the findings and order 3011
of the board with respect to the matter addressed in the 3012
agreement. If the board refuses to ratify a consent agreement, the 3013
admissions and findings contained in the consent agreement shall 3014
be of no force or effect. 3015

If the board takes disciplinary action against an individual 3016
under division (B) of this section for a second or subsequent plea 3017
of guilty to, or judicial finding of guilt of, a violation of 3018
section 2919.123 of the Revised Code, the disciplinary action 3019
shall consist of a suspension of the individual's certificate to 3020
practice for a period of at least one year or, if determined 3021
appropriate by the board, a more serious sanction involving the 3022
individual's certificate to practice. Any consent agreement 3023
entered into under this division with an individual that pertains 3024
to a second or subsequent plea of guilty to, or judicial finding 3025

of guilt of, a violation of that section shall provide for a 3026
suspension of the individual's certificate to practice for a 3027
period of at least one year or, if determined appropriate by the 3028
board, a more serious sanction involving the individual's 3029
certificate to practice. 3030

(D) For purposes of divisions (B)(10), (12), and (14) of this 3031
section, the commission of the act may be established by a finding 3032
by the board, pursuant to an adjudication under Chapter 119. of 3033
the Revised Code, that the individual committed the act. The board 3034
does not have jurisdiction under those divisions if the trial 3035
court renders a final judgment in the individual's favor and that 3036
judgment is based upon an adjudication on the merits. The board 3037
has jurisdiction under those divisions if the trial court issues 3038
an order of dismissal upon technical or procedural grounds. 3039

(E) The sealing of conviction records by any court shall have 3040
no effect upon a prior board order entered under this section or 3041
upon the board's jurisdiction to take action under this section 3042
if, based upon a plea of guilty, a judicial finding of guilt, or a 3043
judicial finding of eligibility for intervention in lieu of 3044
conviction, the board issued a notice of opportunity for a hearing 3045
prior to the court's order to seal the records. The board shall 3046
not be required to seal, destroy, redact, or otherwise modify its 3047
records to reflect the court's sealing of conviction records. 3048

(F)(1) The board shall investigate evidence that appears to 3049
show that a person has violated any provision of this chapter or 3050
any rule adopted under it. Any person may report to the board in a 3051
signed writing any information that the person may have that 3052
appears to show a violation of any provision of this chapter or 3053
any rule adopted under it. In the absence of bad faith, any person 3054
who reports information of that nature or who testifies before the 3055
board in any adjudication conducted under Chapter 119. of the 3056
Revised Code shall not be liable in damages in a civil action as a 3057

result of the report or testimony. Each complaint or allegation of 3058
a violation received by the board shall be assigned a case number 3059
and shall be recorded by the board. 3060

(2) Investigations of alleged violations of this chapter or 3061
any rule adopted under it shall be supervised by the supervising 3062
member elected by the board in accordance with section 4731.02 of 3063
the Revised Code and by the secretary as provided in section 3064
4731.39 of the Revised Code. The president may designate another 3065
member of the board to supervise the investigation in place of the 3066
supervising member. No member of the board who supervises the 3067
investigation of a case shall participate in further adjudication 3068
of the case. 3069

(3) In investigating a possible violation of this chapter or 3070
any rule adopted under this chapter, the board may administer 3071
oaths, order the taking of depositions, issue subpoenas, and 3072
compel the attendance of witnesses and production of books, 3073
accounts, papers, records, documents, and testimony, except that a 3074
subpoena for patient record information shall not be issued 3075
without consultation with the attorney general's office and 3076
approval of the secretary and supervising member of the board. 3077
Before issuance of a subpoena for patient record information, the 3078
secretary and supervising member shall determine whether there is 3079
probable cause to believe that the complaint filed alleges a 3080
violation of this chapter or any rule adopted under it and that 3081
the records sought are relevant to the alleged violation and 3082
material to the investigation. The subpoena may apply only to 3083
records that cover a reasonable period of time surrounding the 3084
alleged violation. 3085

On failure to comply with any subpoena issued by the board 3086
and after reasonable notice to the person being subpoenaed, the 3087
board may move for an order compelling the production of persons 3088
or records pursuant to the Rules of Civil Procedure. 3089

A subpoena issued by the board may be served by a sheriff, 3090
the sheriff's deputy, or a board employee designated by the board. 3091
Service of a subpoena issued by the board may be made by 3092
delivering a copy of the subpoena to the person named therein, 3093
reading it to the person, or leaving it at the person's usual 3094
place of residence. When the person being served is a person whose 3095
practice is authorized by this chapter, service of the subpoena 3096
may be made by certified mail, restricted delivery, return receipt 3097
requested, and the subpoena shall be deemed served on the date 3098
delivery is made or the date the person refuses to accept 3099
delivery. 3100

A sheriff's deputy who serves a subpoena shall receive the 3101
same fees as a sheriff. Each witness who appears before the board 3102
in obedience to a subpoena shall receive the fees and mileage 3103
provided for witnesses in civil cases in the courts of common 3104
pleas. 3105

(4) All hearings and investigations of the board shall be 3106
considered civil actions for the purposes of section 2305.252 of 3107
the Revised Code. 3108

(5) Information received by the board pursuant to an 3109
investigation is confidential and not subject to discovery in any 3110
civil action. 3111

The board shall conduct all investigations and proceedings in 3112
a manner that protects the confidentiality of patients and persons 3113
who file complaints with the board. The board shall not make 3114
public the names or any other identifying information about 3115
patients or complainants unless proper consent is given or, in the 3116
case of a patient, a waiver of the patient privilege exists under 3117
division (B) of section 2317.02 of the Revised Code, except that 3118
consent or a waiver of that nature is not required if the board 3119
possesses reliable and substantial evidence that no bona fide 3120
physician-patient relationship exists. 3121

The board may share any information it receives pursuant to 3122
an investigation, including patient records and patient record 3123
information, with law enforcement agencies, other licensing 3124
boards, and other governmental agencies that are prosecuting, 3125
adjudicating, or investigating alleged violations of statutes or 3126
administrative rules. An agency or board that receives the 3127
information shall comply with the same requirements regarding 3128
confidentiality as those with which the state medical board must 3129
comply, notwithstanding any conflicting provision of the Revised 3130
Code or procedure of the agency or board that applies when it is 3131
dealing with other information in its possession. In a judicial 3132
proceeding, the information may be admitted into evidence only in 3133
accordance with the Rules of Evidence, but the court shall require 3134
that appropriate measures are taken to ensure that confidentiality 3135
is maintained with respect to any part of the information that 3136
contains names or other identifying information about patients or 3137
complainants whose confidentiality was protected by the state 3138
medical board when the information was in the board's possession. 3139
Measures to ensure confidentiality that may be taken by the court 3140
include sealing its records or deleting specific information from 3141
its records. 3142

(6) On a quarterly basis, the board shall prepare a report 3143
that documents the disposition of all cases during the preceding 3144
three months. The report shall contain the following information 3145
for each case with which the board has completed its activities: 3146

(a) The case number assigned to the complaint or alleged 3147
violation; 3148

(b) The type of certificate to practice, if any, held by the 3149
individual against whom the complaint is directed; 3150

(c) A description of the allegations contained in the 3151
complaint; 3152

(d) The disposition of the case. 3153

The report shall state how many cases are still pending and 3154
shall be prepared in a manner that protects the identity of each 3155
person involved in each case. The report shall be a public record 3156
under section 149.43 of the Revised Code. 3157

(G) If the secretary and supervising member determine that 3158
there is clear and convincing evidence that an individual has 3159
violated division (B) of this section and that the individual's 3160
continued practice presents a danger of immediate and serious harm 3161
to the public, they may recommend that the board suspend the 3162
individual's certificate to practice without a prior hearing. 3163
Written allegations shall be prepared for consideration by the 3164
board. 3165

The board, upon review of those allegations and by an 3166
affirmative vote of not fewer than six of its members, excluding 3167
the secretary and supervising member, may suspend a certificate 3168
without a prior hearing. A telephone conference call may be 3169
utilized for reviewing the allegations and taking the vote on the 3170
summary suspension. 3171

The board shall issue a written order of suspension by 3172
certified mail or in person in accordance with section 119.07 of 3173
the Revised Code. The order shall not be subject to suspension by 3174
the court during pendency of any appeal filed under section 119.12 3175
of the Revised Code. If the individual subject to the summary 3176
suspension requests an adjudicatory hearing by the board, the date 3177
set for the hearing shall be within fifteen days, but not earlier 3178
than seven days, after the individual requests the hearing, unless 3179
otherwise agreed to by both the board and the individual. 3180

Any summary suspension imposed under this division shall 3181
remain in effect, unless reversed on appeal, until a final 3182
adjudicative order issued by the board pursuant to this section 3183

and Chapter 119. of the Revised Code becomes effective. The board 3184
shall issue its final adjudicative order within sixty days after 3185
completion of its hearing. A failure to issue the order within 3186
sixty days shall result in dissolution of the summary suspension 3187
order but shall not invalidate any subsequent, final adjudicative 3188
order. 3189

(H) If the board takes action under division (B)(9), (11), or 3190
(13) of this section and the judicial finding of guilt, guilty 3191
plea, or judicial finding of eligibility for intervention in lieu 3192
of conviction is overturned on appeal, upon exhaustion of the 3193
criminal appeal, a petition for reconsideration of the order may 3194
be filed with the board along with appropriate court documents. 3195
Upon receipt of a petition of that nature and supporting court 3196
documents, the board shall reinstate the individual's certificate 3197
to practice. The board may then hold an adjudication under Chapter 3198
119. of the Revised Code to determine whether the individual 3199
committed the act in question. Notice of an opportunity for a 3200
hearing shall be given in accordance with Chapter 119. of the 3201
Revised Code. If the board finds, pursuant to an adjudication held 3202
under this division, that the individual committed the act or if 3203
no hearing is requested, the board may order any of the sanctions 3204
identified under division (B) of this section. 3205

(I) The certificate to practice issued to an individual under 3206
this chapter and the individual's practice in this state are 3207
automatically suspended as of the date of the individual's second 3208
or subsequent plea of guilty to, or judicial finding of guilt of, 3209
a violation of section 2919.123 of the Revised Code, or the date 3210
the individual pleads guilty to, is found by a judge or jury to be 3211
guilty of, or is subject to a judicial finding of eligibility for 3212
intervention in lieu of conviction in this state or treatment or 3213
intervention in lieu of conviction in another jurisdiction for any 3214
of the following criminal offenses in this state or a 3215

substantially equivalent criminal offense in another jurisdiction: 3216
aggravated murder, murder, voluntary manslaughter, felonious 3217
assault, kidnapping, rape, sexual battery, gross sexual 3218
imposition, aggravated arson, aggravated robbery, or aggravated 3219
burglary. Continued practice after suspension shall be considered 3220
practicing without a certificate. 3221

The board shall notify the individual subject to the 3222
suspension by certified mail or in person in accordance with 3223
section 119.07 of the Revised Code. If an individual whose 3224
certificate is automatically suspended under this division fails 3225
to make a timely request for an adjudication under Chapter 119. of 3226
the Revised Code, the board shall do whichever of the following is 3227
applicable: 3228

(1) If the automatic suspension under this division is for a 3229
second or subsequent plea of guilty to, or judicial finding of 3230
guilt of, a violation of section 2919.123 of the Revised Code, the 3231
board shall enter an order suspending the individual's certificate 3232
to practice for a period of at least one year or, if determined 3233
appropriate by the board, imposing a more serious sanction 3234
involving the individual's certificate to practice. 3235

(2) In all circumstances in which division (I)(1) of this 3236
section does not apply, enter a final order permanently revoking 3237
the individual's certificate to practice. 3238

(J) If the board is required by Chapter 119. of the Revised 3239
Code to give notice of an opportunity for a hearing and if the 3240
individual subject to the notice does not timely request a hearing 3241
in accordance with section 119.07 of the Revised Code, the board 3242
is not required to hold a hearing, but may adopt, by an 3243
affirmative vote of not fewer than six of its members, a final 3244
order that contains the board's findings. In that final order, the 3245
board may order any of the sanctions identified under division (A) 3246
or (B) of this section. 3247

(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.

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

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

(N) Sanctions shall not be imposed under division (B)(28) of

this section against any person who waives deductibles and 3279
copayments as follows: 3280

(1) In compliance with the health benefit plan that expressly 3281
allows such a practice. Waiver of the deductibles or copayments 3282
shall be made only with the full knowledge and consent of the plan 3283
purchaser, payer, and third-party administrator. Documentation of 3284
the consent shall be made available to the board upon request. 3285

(2) For professional services rendered to any other person 3286
authorized to practice pursuant to this chapter, to the extent 3287
allowed by this chapter and rules adopted by the board. 3288

(0) Under the board's investigative duties described in this 3289
section and subject to division (F) of this section, the board 3290
shall develop and implement a quality intervention program 3291
designed to improve through remedial education the clinical and 3292
communication skills of individuals authorized under this chapter 3293
to practice medicine and surgery, osteopathic medicine and 3294
surgery, and podiatric medicine and surgery. In developing and 3295
implementing the quality intervention program, the board may do 3296
all of the following: 3297

(1) Offer in appropriate cases as determined by the board an 3298
educational and assessment program pursuant to an investigation 3299
the board conducts under this section; 3300

(2) Select providers of educational and assessment services, 3301
including a quality intervention program panel of case reviewers; 3302

(3) Make referrals to educational and assessment service 3303
providers and approve individual educational programs recommended 3304
by those providers. The board shall monitor the progress of each 3305
individual undertaking a recommended individual educational 3306
program. 3307

(4) Determine what constitutes successful completion of an 3308
individual educational program and require further monitoring of 3309

the individual who completed the program or other action that the board determines to be appropriate;

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

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

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

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

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

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

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

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

compensatory and exemplary damages. 3340

(C) Division (B)(4) of this section does not apply to a 3341
person who provides medical treatment to a pregnant woman to 3342
prevent the death of the pregnant woman and who, as a proximate 3343
result of the provision of that medical treatment but without 3344
intent to do so, causes the termination of the pregnant woman's 3345
pregnancy. Divisions (B)(1) and (2) of this section do not apply 3346
to a hospital, director, or governing board regarding the 3347
provision, by a person at the hospital, of medical treatment to a 3348
pregnant woman to prevent the death of the pregnant woman when the 3349
person, as a proximate result of the provision of that medical 3350
treatment but without intent to do so, causes the termination of 3351
the pregnant woman's pregnancy. 3352

Sec. 5101.55. (A) All abortions are prohibited in this state 3353
under sections 2919.12 and 2919.123 of the Revised Code. 3354

(B)(1) No person shall be ordered by a public agency or any 3355
person to submit to an abortion. 3356

~~(B)(2)~~ The refusal of any person to submit to an abortion or 3357
to give consent therefor shall not result in the loss of public 3358
assistance benefits or any other rights or privileges. 3359

~~(C)(3)~~ State or local public funds shall not be used to 3360
subsidize an abortion, except as provided in section 5101.56 of 3361
the Revised Code. 3362

(D) Whoever violates division (B)(1) of this section is 3363
liable to the pregnant woman, to the person who was the father of 3364
the fetus or embryo that was the subject of the abortion, and, if 3365
the pregnant woman was a minor at the time of the abortion, to her 3366
parents, guardian, or custodian for civil compensatory and 3367
exemplary damages. 3368

Section 2. That existing sections 124.85, 149.43, 2151.421, 3369

2305.11, 2307.52, 2307.53, 2317.56, 2505.02, 2901.01, 2903.09, 3370
2919.12, 2919.123, 2919.13, 2919.14, 2919.24, 2950.03, 3701.341, 3371
4112.01, 4731.22, 4731.91, and 5101.55 and sections 2151.85, 3372
2505.073, 2919.121, 2919.122, 2919.151, 2919.16, 2919.17, and 3373
2919.18 of the Revised Code are hereby repealed. 3374

Section 3. Notwithstanding section 1.50 of the Revised Code, 3375
it is the intent of the General Assembly that this entire act be 3376
given effect and read as a whole and to that end, the provisions 3377
of this act are not severable. 3378

Section 4. Section 149.43 of the Revised Code is presented in 3379
this act as a composite of the section as amended by both Sub. 3380
H.B. 9 and Sub. H.B. 141 of the 126th General Assembly. Section 3381
2505.02 of the Revised Code is presented in this act as a 3382
composite of the section as amended by both Am. Sub. H.B. 516 and 3383
Am. Sub. S.B. 80 of the 125th General Assembly. The General 3384
Assembly, applying the principle stated in division (B) of section 3385
1.52 of the Revised Code that amendments are to be harmonized if 3386
reasonably capable of simultaneous operation, finds that the 3387
composites are the resulting versions of the sections in effect 3388
prior to the effective date of the sections as presented in this 3389
act. 3390