

As Introduced

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H. B. No. 287

Representative Adams

Cosponsors: Representatives Wagner, Brinkman, Uecker, Huffman, Fessler,  
Wachtmann, Barrett, Goodwin

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A BILL

To enact section 2919.124 of the Revised Code 1  
relative to requiring paternal consent before an 2  
abortion may be performed. 3

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

Section 1. That section 2919.124 of the Revised Code be 4  
enacted to read as follows: 5

Sec. 2919.124. (A) As used in this section, "viable" has the 6  
same meaning as in section 2901.01 of the Revised Code. 7

(B)(1) When the fetus that is the subject of the procedure is 8  
viable, no person shall perform or induce an abortion on a 9  
pregnant woman without the written informed consent of the father 10  
of the fetus. 11

(2) When the fetus that is the subject of the procedure is 12  
not viable, no person shall perform or induce an abortion on a 13  
pregnant woman without the written informed consent of the father 14  
of the fetus. 15

(C)(1) A pregnant woman seeking to abort her pregnancy shall 16  
provide, in writing, the identity of the father of the fetus to 17  
the person who is to perform or induce the abortion. 18

(2) No pregnant woman seeking to abort her pregnancy shall 19  
fail to comply with division (B)(1) of this section. 20

(3) No pregnant woman seeking to abort her pregnancy shall 21  
provide to the person who is to perform or induce the abortion the 22  
identity of a man as the father of the fetus if the man is not the 23  
father of the fetus. 24

(D) No man shall give a consent pursuant to division (B)(1) 25  
or (2) of this section as the father of the fetus if the man knows 26  
that he is not the father of the fetus. 27

(E) No person shall cause a man to believe that the man is 28  
the father of a fetus for the purpose of obtaining the consent 29  
required by division (B)(1) or (2) of this section, if the person 30  
knows that the man is not the father of the fetus. 31

(F) If, pursuant to division (C)(1) of this section, the 32  
pregnant woman identifies two or more men as possible fathers of 33  
the fetus, the person who is to perform or induce the abortion 34  
shall perform a paternity test, or cause a paternity test to be 35  
performed, to determine the father of the fetus prior to accepting 36  
any consent required under division (B)(1) or (2) of this section 37  
and prior to performing or inducing an abortion of the pregnant 38  
woman's pregnancy. No person shall perform or induce an abortion 39  
in violation of this division. 40

(G) It is not a defense to a violation of division (B)(1) or 41  
(2) or (C)(2) of this section that the woman does not know the 42  
identity of the father of the fetus. 43

(H)(1) Divisions (B)(1) and (2) of this section do not apply 44  
if the pregnant woman provides to the person who is to perform or 45  
induce the abortion either of the following: 46

(a) A copy of a police report or a complaint, indictment, 47  
information, or other court document that gives the person who is 48  
to perform or induce the abortion reasonable cause to believe that 49

the woman became pregnant as the result of rape or incest. 50

(b) A copy of a paternity test that gives the person who is 51  
to perform or induce the abortion reasonable cause to believe that 52  
the woman became pregnant as the result of incest. 53

(2) This section does not apply if the abortion is necessary, 54  
in appropriate medical judgment, to preserve the life or the 55  
health of the pregnant woman. 56

(I) The written consent required under division (B)(1) or (2) 57  
of this section and the written identification required in 58  
division (C)(1) of this section are confidential, are not public 59  
records under section 149.43 of the Revised Code, and shall be 60  
viewed only by the pregnant woman, the man claiming to be or the 61  
man identified as being the father of the fetus, the person who is 62  
to perform or induce the abortion, any law enforcement officer 63  
investigating a violation of this section, and a court and jury in 64  
a criminal case involving an alleged violation of this section. 65

(J) Whoever violates this section is guilty of abortion 66  
fraud, a misdemeanor of the first degree. If the person previously 67  
has pleaded guilty to or has been convicted of a violation of this 68  
section, abortion fraud is a felony of the fifth degree. 69