

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 179

Senator Morano

**Cosponsors: Senators Fedor, Miller, D., Roberts, Miller, R., Smith, Sawyer,
Cafaro, Mason**

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A B I L L

To amend sections 2907.29, 3313.6011, and 4729.16; to 1
enact sections 1751.661, 3701.047, 3701.135, 2
3727.11, 3727.12, 3923.602, 3923.611, 4729.43, and 3
4729.45; to repeal section 3701.046 of the Revised 4
Code; to amend Section 206.42.03 of Am. Sub. H.B. 5
66 of the 126th General Assembly; to amend Section 6
206.42.09 of Am. Sub. H.B. 66 of the 126th General 7
Assembly, as subsequently amended; and to repeal 8
Section 206.42.06 of Am. Sub. H.B. 66 of the 126th 9
General Assembly regarding assistance for 10
pregnancy prevention. 11

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

Section 1. That sections 2907.29, 3313.6011, and 4729.16 be 12
amended and sections 1751.661, 3701.047, 3701.135, 3727.11, 13
3727.12, 3923.602, 3923.611, 4729.43, and 4729.45 of the Revised 14
Code be enacted to read as follows: 15

Sec. 1751.661. (A) No individual or group health insuring 16
corporation policy, contract, or agreement shall do either of the 17
following: 18

(1) Limit or exclude coverage for prescription contraceptive drugs or devices approved by the United States food and drug administration, if the policy, contract, or agreement provides coverage for other prescription drugs or devices; 19
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(2) Limit or exclude coverage for physician-directed outpatient services that are related to the provision of such drugs or devices, if the policy, contract, or agreement provides coverage for other outpatient services rendered by a provider. 23
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(B) The coverage provided under division (A) of this section shall be subject to the same terms and conditions, including copayment charges, that apply to similar coverage provided under the policy, contract, or agreement. 27
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(C) This section applies notwithstanding section 3901.71 of the Revised Code. 31
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Sec. 2907.29. Every hospital of this state that offers 33
organized emergency services shall provide that a physician, a 34
physician assistant, a clinical nurse specialist, a certified 35
nurse practitioner, or a certified nurse-midwife is available on 36
call twenty-four hours each day for the examination of persons 37
reported to any law enforcement agency to be victims of sexual 38
offenses cognizable as violations of any provision of sections 39
2907.02 to 2907.06 of the Revised Code. The physician, physician 40
assistant, clinical nurse specialist, certified nurse 41
practitioner, or certified nurse-midwife, upon the request of any 42
peace officer or prosecuting attorney and with the consent of the 43
reported victim or upon the request of the reported victim, shall 44
examine the person for the purposes of gathering physical evidence 45
and shall complete any written documentation of the physical 46
examination. The public health council shall establish procedures 47
for gathering evidence under this section. 48

Each reported victim shall be informed of available venereal 49

disease, pregnancy, medical, and psychiatric services in 50
accordance with section 3727.11 of the Revised Code. 51

Notwithstanding any other provision of law, a minor may 52
consent to examination under this section. The consent is not 53
subject to disaffirmance because of minority, and consent of the 54
parent, parents, or guardian of the minor is not required for an 55
examination under this section. However, the hospital shall give 56
written notice to the parent, parents, or guardian of a minor that 57
an examination under this section has taken place. The parent, 58
parents, or guardian of a minor giving consent under this section 59
are not liable for payment for any services provided under this 60
section without their consent. 61

Sec. 3313.6011. (A) As used in this section, "sexual 62
activity" has the same meaning as in section 2907.01 of the 63
Revised Code. 64

(B) Instruction in venereal disease education pursuant to 65
division (A)(5)(c) of section 3313.60 of the Revised Code shall 66
~~emphasize that~~ devote equal attention to the following: 67

(1) That abstinence from sexual activity is the only 68
protection that is one hundred per cent effective against unwanted 69
pregnancy, sexually transmitted disease, and the sexual 70
transmission of a virus that causes acquired immunodeficiency 71
syndrome; 72

(2) The benefits and effectiveness of contraception and 73
condom use as a way to prevent unintended pregnancy, sexually 74
transmitted disease, and the sexual transmission of a virus that 75
causes acquired immunodeficiency syndrome. 76

(C) In adopting minimum standards under section 3301.07 of 77
the Revised Code, the state board of education shall require 78
course material and instruction in venereal disease education 79

courses taught pursuant to division (A)(5)(c) of section 3313.60 80
of the Revised Code to do all of the following: 81

(1) ~~Stress that students should abstain from sexual activity~~ 82
~~until after marriage~~ the value of abstinence without ignoring the 83
young people who have engaged in or are engaging in sexual 84
activity; 85

(2) ~~Teach the potential physical, psychological, emotional,~~ 86
~~and social side effects of participating in sexual activity~~ 87
~~outside of marriage~~ Encourage family communication between parent 88
and child about sexuality; 89

(3) ~~Teach that conceiving children out of wedlock is likely~~ 90
~~to have harmful consequences for the child, the child's parents,~~ 91
~~and society~~ Teach contraception and condom use in a medically 92
accurate manner that discusses both the health benefits and 93
effectiveness rates in realistic use; 94

(4) Teach young people the skills necessary to make 95
responsible decisions about sexual activity including how to avoid 96
receiving or making unwanted verbal, physical, and sexual 97
advances; 98

~~(4)(5)~~ Stress that sexually transmitted diseases are serious 99
possible hazards of sexual activity; 100

~~(5)(6)~~ Advise students of the laws pertaining to financial 101
responsibility of parents to children born in and out of wedlock; 102

~~(6)(7)~~ Advise students of the circumstances under which it is 103
criminal to have sexual contact with a person under the age of 104
sixteen pursuant to section 2907.04 of the Revised Code. 105

(D) Any model education program for health education the 106
state board of education adopts shall conform to the requirements 107
of this section. 108

(E) On and after March 18, 1999, and notwithstanding section 109

3302.07 of the Revised Code, the superintendent of public 110
instruction shall not approve, pursuant to section 3302.07 of the 111
Revised Code, any waiver of any requirement of this section or of 112
any rule adopted by the state board of education pursuant to this 113
section. 114

Sec. 3701.047. (A) The department of health shall establish a 115
program to award grants to public and private entities to 116
establish or expand teenage pregnancy prevention programs. The 117
department shall award grants in accordance with this section and 118
any rules adopted by the public health council under division (F) 119
of this section. 120

(B) To be eligible for the grant program, an applicant shall 121
meet the following requirements: 122

(1) Replicate or substantially incorporate elements of one or 123
more teenage pregnancy prevention programs that meet both of the 124
following requirements: 125

(a) Have been proven to delay sexual intercourse or sexual 126
activity, increase contraceptive use without increasing sexual 127
activity, or reduce teenage pregnancy based on scientific research 128
that meets the following requirements: 129

(i) Measured impact on sexual or contraceptive behavior, 130
pregnancy, or childbearing; 131

(ii) Employed an experimental or quasi-experimental design 132
with well-constructed and appropriate comparison groups; 133

(iii) Had a sample size of at least one hundred participants 134
and a follow-up interval of at least six months. 135

(b) Use one or more of the following strategies to prevent 136
teenage pregnancy: encouraging teenagers to delay sexual activity, 137
sex and HIV education, interventions for sexually active 138
teenagers, preventive health services, youth development programs, 139

servicing learning programs, or outreach or media programs. 140

(2) Demonstrate that the applicant will pay at least 141
twenty-five per cent of the cost of the program from funds derived 142
from nonfederal sources. The applicant's share of the cost of the 143
program may be provided in cash or in-kind services. 144

(3) Demonstrate that the grant funds will supplement, not 145
supplant, funds that would otherwise be available to the entity 146
for teenage prevention programs; 147

(4) Meet any other requirements established by the public 148
health council in rules adopted under division (F) of this 149
section. 150

(C)(1) The department shall give priority for awarding grants 151
to applicants who serve one or more of the following communities: 152

(a) Communities with teenage pregnancy or birth rates higher 153
than the state average, or with rising teenage pregnancy or birth 154
rates; 155

(b) Communities with underserved or at-risk populations 156
higher than the state average; 157

(c) Communities located in areas where the applicant may take 158
advantage of other resources and coordinate with other programs 159
servicing youth, such as workforce development or after-school 160
programs. 161

(2) The department shall not deny priority status to any of 162
the following entities: 163

(a) A statewide or local not-for-profit coalition working to 164
prevent teenage pregnancy; 165

(b) A state, local, or tribal agency; 166

(c) A public or private school; 167

(d) An entity that provides after-school programs; 168

(e) A community or faith-based group. 169

(D) A program is ineligible for grants under this section if 170
the program is designated as an abstinence-only program or 171
determined by the department to be an abstinence-only program. 172

(E) Each year, the department shall conduct an evaluation of 173
at least ten per cent of programs to which grants are awarded 174
under this section. As part of this evaluation, the department 175
shall collect basic data on each program. The department shall 176
prepare a report detailing the effectiveness of grants issued 177
under this section. A copy of the report shall be submitted to the 178
general assembly not later than the thirty-first day of December 179
of each year. 180

The recipient of a grant awarded under this section shall 181
provide all information requested by the department for purposes 182
of the evaluation required by this division. 183

(F) The public health council may adopt rules in accordance 184
with Chapter 119. of the Revised Code regarding the following: 185

(1) Any eligibility requirements for grant program applicants 186
that are in addition to those provided in this section; 187

(2) The methodology to be employed by the department in 188
determining which applicants will receive grants; 189

(3) Any other matters necessary for the implementation of 190
this section. 191

Sec. 3701.135. (A) As used in this section: 192

(1) "Emergency contraception" means any drug, drug regimen, 193
or device approved by the United States food and drug 194
administration to prevent pregnancy after unprotected sexual 195
intercourse or contraceptive failure. 196

(2) "Health care practitioner" has the same meaning as in 197

<u>section 3701.74 of the Revised Code.</u>	198
<u>(B) The department of health shall cause to be published materials explaining emergency contraception. The materials shall include, at a minimum, the following information:</u>	199 200 201
<u>(1) An explanation of the use, safety, efficacy, and availability of emergency contraception;</u>	202 203
<u>(2) A recommendation regarding the use of emergency contraception in appropriate cases;</u>	204 205
<u>(3) An explanation of how an individual may obtain additional copies of the materials from the department.</u>	206 207
<u>(C) The department shall furnish copies of the materials published under division (B) of this section to all of the following:</u>	208 209 210
<u>(1) Health care practitioners;</u>	211
<u>(2) Hospitals, ambulatory surgical facilities, long-term care facilities, pharmacies, and emergency medical facilities;</u>	212 213
<u>(3) Any other health care organization providing public health services.</u>	214 215
<u>Sec. 3727.11. (A) As used in this section and section 3727.12 of the Revised Code:</u>	216 217
<u>(1) "Emergency contraception" means any drug, drug regimen, or device approved by the United States food and drug administration to prevent pregnancy after unprotected sexual intercourse or contraceptive failure.</u>	218 219 220 221
<u>(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.</u>	222 223
<u>(3) "Sexual assault" means a violation of any provision of sections 2907.02 to 2907.06 of the Revised Code.</u>	224 225

(B) It shall be the standard of care for hospitals in this 226
state for hospitals that offer organized emergency services to 227
provide the following care to victims of sexual assault or 228
individuals believed to be victims of sexual assault without 229
regard of the victim's ability to pay for the care: 230

(1) The hospital shall provide the victim medically and 231
factually accurate, unbiased, and clear and concise written and 232
oral information about emergency contraception that explains the 233
following: 234

(a) That emergency contraception has been approved by the 235
United States food and drug administration for use by women of all 236
ages with a prescription and as an over-the-counter medication for 237
women eighteen years of age or older as a safe and effective means 238
to prevent pregnancy after unprotected sexual intercourse or 239
contraceptive failure if taken in a timely manner; 240

(b) That emergency contraception is more effective the sooner 241
it is taken following unprotected sexual intercourse or 242
contraceptive failure; 243

(c) That emergency contraception does not cause an abortion 244
and studies have shown that it does not interrupt an established 245
pregnancy. 246

(2) The hospital shall promptly offer the victim emergency 247
contraception and provide the emergency contraception if the 248
victim accepts the offer. 249

(3) The hospital shall promptly provide a victim with an 250
assessment of the victim's risk of contracting sexually 251
transmitted disease, conducted by a physician, physician 252
assistant, clinical nurse specialist, certified nurse 253
practitioner, or a certified nurse-midwife and based on the 254
following: 255

(a) The available information regarding the sexual assault as 256

well as subsequent findings from the medical examinations and any tests conducted; 257
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(b) The established standards of risk assessment, including consideration of any recommendations established by the United States centers for disease control and prevention, peer-reviewed clinical studies, and appropriate research using invitro and nonhuman primate model of infection. 259
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(4) The hospital shall provide the victim with counseling, in clear and concise language, conducted by a physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or a certified nurse-midwife concerning the following: 264
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(a) The significantly prevalent sexually transmitted diseases for which effective post-exposure treatment exists and for which deferral of treatment would either significantly reduce treatment efficacy or pose substantial risk to the victim's health; 269
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(b) The requirement that treatment for diseases described in this section be provided to the victim on request, regardless of the victim's ability to pay for the treatment. 273
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(5) The hospital shall offer to treat the victim for any sexually transmitted diseases to which the victim may have been exposed during the assault and provide the treatment if the victim consents to be treated. 276
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(C) Notwithstanding any other provision of law, a minor may consent to examination under this section. The consent is not subject to disaffirmance because of minority, and consent of the parent, parents, or guardian of the minor is not required for an examination under this section. The parent, parents, or guardian of a minor giving consent under this section are not liable for payment for any services provided under this section without their consent. 280
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(D) Nothing in this section shall be construed to mean the 288
following: 289

(1) That a hospital shall be required to provide treatment to 290
a victim of sexual assault if the treatment goes against 291
recommendations established by the United States centers for 292
disease control and prevention; 293

(2) That a victim shall be required to submit to any testing 294
or treatment; 295

(3) That a hospital is prohibited from seeking reimbursement 296
for the costs of services provided under this section from the 297
victim's health insurance or medicaid, if applicable, and to the 298
extent permitted by section 2907.28 of the Revised Code. 299

Sec. 3727.12. In addition to other remedies under common law, 300
an individual may file a complaint with the department of health 301
if the individual believes a hospital has failed to comply with 302
the requirements of section 3727.11 of the Revised Code. The 303
department shall investigate the complaint in a timely manner. If 304
the department determines a violation has occurred, the department 305
shall do the following: 306

(A) If the hospital fails to provide the care or services 307
required in section 3727.11 of the Revised Code to a sexual 308
assault victim, impose a civil penalty of not less than ten 309
thousand dollars for each violation; 310

(B) If the hospital has previously violated section 3727.11 311
of the Revised Code, the department may ask the attorney general 312
to bring an action for injunctive relief in any court of competent 313
jurisdiction. On the filing of an appropriate petition in the 314
court, the court shall conduct a hearing on the petition. If it is 315
demonstrated in the proceedings that the hospital has failed to 316
provide the care or services, the court shall grant a temporary or 317

permanent injunction enjoining the hospital's operation. 318

Sec. 3923.602. (A) No individual or group policy of sickness and accident insurance shall do either of the following: 319
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(1) Limit or exclude coverage for prescription contraceptive drugs or devices approved by the United States food and drug administration, if the policy provides coverage for other prescription drugs or devices; 321
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(2) Limit or exclude coverage for outpatient services rendered by a health care professional that are related to the provision of such drugs or devices, if the policy provides coverage for other outpatient services rendered by a health care professional. 325
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(B) The coverage provided under division (A) of this section shall be subject to the same terms and conditions, including copayments and deductibles, that apply to similar coverage provided under the policy. 330
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(C) This section applies notwithstanding section 3901.71 of the Revised Code. 334
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Sec. 3923.611. (A) No public employee benefit plan shall do either of the following: 336
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(1) Limit or exclude coverage for prescription contraceptive drugs or devices approved by the United States food and drug administration, if the plan provides coverage for other prescription drugs or devices; 338
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(2) Limit or exclude coverage for outpatient services rendered by a health care professional that are related to the provision of such drugs and devices, if the plan provides coverage for other outpatient services rendered by a health care professional. 342
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(B) The coverage provided under division (A) of this section shall be subject to the same terms and conditions, including copayments and deductibles, that apply to similar coverage provided under the plan.

(C) This section applies notwithstanding section 3901.71 of the Revised Code.

Sec. 4729.16. (A) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars, if the board finds a pharmacist or pharmacy intern:

(1) Guilty of a felony or gross immorality;

(2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;

(3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;

(4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;

(5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;

(6) Guilty of permitting anyone other than a pharmacist or

pharmacy intern to practice pharmacy;	377
(7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;	378 379 380
(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;	381 382 383 384 385 386
(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	387 388
(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code;	389 390 391 392
<u>(11) Has failed to comply with the requirements of section 4729.43 of the Revised Code.</u>	393 394
(B) Any individual whose identification card is revoked, suspended, or refused, shall return the identification card and license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.	395 396 397 398
(C) As used in this section:	399
"Unprofessional conduct in the practice of pharmacy" includes any of the following:	400 401
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	402 403
(2) Except as provided in section 4729.281 of the Revised Code, the sale of any drug for which a prescription is required, without having received a prescription for the drug;	404 405 406

(3) Knowingly dispensing medication pursuant to false or forged prescriptions;	407 408
(4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and rules;	409 410 411
(5) Obtaining any remuneration by fraud, misrepresentation, or deception.	412 413
(D) The board may suspend a license or identification card under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.	414 415 416 417
(E) If, pursuant to an adjudication under Chapter 119. of the Revised Code, the board has reasonable cause to believe that a pharmacist or pharmacy intern is physically or mentally impaired, the board may require the pharmacist or pharmacy intern to submit to a physical or mental examination, or both.	418 419 420 421 422
<u>Sec. 4729.43.</u> (A) As used in this section:	423
<u>(1) "Contraception" or "contraceptive" means any drug or device approved by the United States food and drug administration to prevent pregnancy.</u>	424 425 426
<u>(2) "Employee" means a person employed by a pharmacy by contract or any other form of an agreement.</u>	427 428
<u>(3) "Product" means a drug or device approved by the United States food and drug administration.</u>	429 430
<u>(4) "Professional judgment" means the use of professional knowledge and skills to form a clinical judgment in accordance with the prevailing medical standards.</u>	431 432 433
<u>(5) "Without delay" means a pharmacy providing, providing a referral for, or ordering contraception, or transferring the</u>	434 435

prescription for contraception within the usual and customary 436
timeframe at the pharmacy for providing, providing a referral for, 437
or ordering other products, or transferring the prescription for 438
other products. 439

(B) Subject to division (E) of this section, if a customer 440
requests a contraceptive that is in stock, the pharmacy shall 441
ensure that the contraceptive is provided to the customer without 442
delay. 443

(C) Subject to division (E) of this section, if a customer 444
requests a contraceptive that is not in stock and the pharmacy in 445
the normal course of business stocks contraception, the pharmacy 446
immediately shall inform the customer that the contraceptive is 447
not in stock and without delay offer the customer the following 448
options: 449

(1) If the customer prefers to obtain the contraceptive 450
through a referral or transfer, the pharmacy shall do both of the 451
following: 452

(a) Locate a pharmacy of the customer's choice or the closest 453
pharmacy confirmed to have the contraceptive in stock; 454

(b) Refer the customer or transfer the prescription to that 455
pharmacy. 456

(2) If the customer prefers to order the contraceptive 457
through the pharmacy, the pharmacy shall obtain the contraceptive 458
under the pharmacy's standard procedure for expedited ordering of 459
products and notify the customer when the contraceptive arrives. 460

(D) The pharmacy shall ensure that its employees do not do 461
any of the following: 462

(1) Intimidate, threaten, or harass customers in the delivery 463
of services relating to a request for contraception; 464

(2) Interfere with or obstruct the delivery of services 465

relating to a request for contraception; 466

(3) Intentionally misrepresent or deceive customers about the availability of contraception or its mechanism of action; 467
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(4) Breach medical confidentiality with respect to a request for contraception or threaten to breach such confidentiality; 469
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(5) Refuse to return a valid, lawful prescription for contraception on the customer's request. 471
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(E) This section does not prohibit a pharmacy from refusing to provide a contraceptive to a customer in any of the following circumstances: 473
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(1) It is unlawful to dispense the contraceptive to the customer without a valid, lawful prescription and no such prescription is presented. 476
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(2) The customer is unable to pay for the contraceptive. 479

(3) The employee of the pharmacy refuses to provide the contraceptive on the basis of a professional judgment. 480
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Sec. 4729.45. (A) Any person who believes that a violation of section 4729.43 of the Revised Code has occurred may file a complaint with the state board of pharmacy. Not later than thirty days after receiving the complaint, the board shall investigate the complaint and determine whether a violation occurred. If the board determines a violation occurred, the board shall impose a fine of not more than five thousand dollars for each violation. 482
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(B) A person who has been injured by a violation of section 4729.43 of the Revised Code may bring a civil action in a court of competent jurisdiction to recover damages for the person's injury, as well as costs and reasonable attorney's fees. 489
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(C) If the attorney general has cause to believe that a person or group of persons has been or may be injured by a 493
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violation of section 4729.43 of the Revised Code, the attorney 495
general may commence a civil action in a court of competent 496
jurisdiction to compel compliance with that section. In such 497
action, the court may award appropriate relief on a finding that a 498
violation or violations have occurred, including compensatory 499
damages and punitive damages not exceeding five thousand dollars 500
for each violation. 501

Section 2. That existing sections 2907.29, 3313.6011, and 502
4729.16 and section 3701.046 of the Revised Code are hereby 503
repealed. 504

Section 3. That Section 206.42.03 of Am. Sub. H.B. 66 of the 505
126th General Assembly be amended to read as follows: 506

Sec. 206.42.03. CHILD AND FAMILY HEALTH SERVICES 507

Of the foregoing appropriation item 440-416, Child and Family 508
Health Services, not more than \$1,700,000 in each fiscal year 509
shall be used for ~~women's health services~~ family planning 510
services. None of the funds received through these family planning 511
grants shall be used to provide abortion services. None of the 512
funds received through these family planning grants shall be used 513
for counseling for or referrals for abortion, except in the case 514
of a medical emergency. These funds shall be distributed on the 515
basis of the relative need in the community served by the Director 516
of Health to family planning programs, which shall include family 517
planning programs funded under Title V of the "Social Security 518
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and Title X 519
of the "Public Health Services Act," 58 Stat. 682 (1946), 42 520
U.S.C. 201, as amended, as well as to other family planning 521
programs that the Department of Health also determines will 522
provide services that do not include referrals for abortion, other 523
than in the case of medical emergency, with state moneys, but that 524

otherwise substantially comply with the quality standards for such 525
programs under Title V and Title X. 526

The Director of Health, by rule, shall provide reasonable 527
methods by which a grantee wishing to be eligible for federal 528
funding may comply with these requirements for state funding 529
without losing its eligibility for federal funding. 530

Of the foregoing appropriation item 440-416, Child and Family 531
Health Services, not more than \$270,000 shall be used in each 532
fiscal year for the OPTIONS dental care access program. 533

Of the foregoing appropriation item 440-416, Child and Family 534
Health Services, not more than \$900,000 in each fiscal year shall 535
be used by federally qualified health centers and federally 536
designated look-alikes to provide services to uninsured low-income 537
persons. 538

Of the foregoing appropriation item 440-416, Child and Family 539
Health Services, not more than \$500,000 in each fiscal year shall 540
be used for abstinence-only education. The Director of Health 541
shall develop guidelines for the establishment of abstinence 542
programs for teenagers with the purpose of decreasing unplanned 543
pregnancies and abortion. The guidelines shall be developed 544
pursuant to Title V of the "Social Security Act," 42 U.S.C. 510, 545
and shall include, but are not limited to, advertising campaigns 546
and direct training in schools and other locations. In the future, 547
Ohio shall opt-out of federal Title V money until questions raised 548
about its use in Ohio regarding the program's inefficacy, medical 549
inaccuracies, lack of evaluation, and lack of qualified teachers 550
are answered. 551

Agencies currently designated to receive the funding must 552
complete a programmatic evaluation focused on outcomes, conducted 553
by qualified independent evaluation teams to be determined by the 554
Department. Ten per cent of Title V moneys distributed shall be 555

used for purposes of such evaluation. 556

Of the foregoing appropriation item 440-416, Child and Family 557
Health Services, \$10,000 in each fiscal year shall be allocated to 558
the Jewish Family Services in Cleveland, \$10,000 in each fiscal 559
year shall be allocated to the Jewish Family Services in 560
Cincinnati, \$10,000 shall be allocated in each fiscal year to the 561
Jewish Family Services in Columbus, and \$10,000 in each fiscal 562
year shall be allocated to the Wexner Heritage Village in Columbus 563
for interpreters for health care. 564

Of the foregoing appropriation item 440-416, Child and Family 565
Health Services, \$10,000 in each fiscal year shall be provided to 566
the Jewish Family Services in Dayton, \$5,000 in each fiscal year 567
shall be provided to the Jewish Community Center in Akron, \$5,000 568
in each fiscal year shall be provided to the Jewish Community 569
Center in Sylvania, \$2,500 in each fiscal year shall be provided 570
to the Jewish Community Center in Youngstown, and \$2,500 in each 571
fiscal year shall be provided to the Jewish Community Center in 572
Canton. 573

Of the foregoing appropriation item 440-416, Child and Family 574
Health Services, \$450,000 in each fiscal year shall be allocated 575
to the Visiting Nurse Association. 576

Of the foregoing appropriation item 440-416, Child and Family 577
Health Services, \$16,667 in each fiscal year shall be allocated to 578
the Yassenoff Jewish Community Center, \$16,667 in each fiscal year 579
shall be allocated to the Jewish Community Center in Cincinnati, 580
and \$16,666 in each fiscal year shall be allocated to the Jewish 581
Community Center in Cleveland for children's health and nutrition 582
camp programs. 583

Of the foregoing appropriation item 440-416, Child and Family 584
Health Services, \$25,000 in each fiscal year shall be allocated to 585
Clermont County's Comprehensive Community Suicide Prevention 586

Program.	587
Of the foregoing appropriation item 440-416, Child and Family Health Services, \$100,000 in fiscal year 2006 shall be allocated to People Working Cooperatively in Cincinnati.	588 589 590
Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in each fiscal year shall be allocated to the Mayerson Inclusion Project.	591 592 593
Section 4. That existing Section 206.42.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.	594 595
Section 5. That Section 206.42.09 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Am. Sub. H.B. 530 of the 126th General Assembly, be amended to read as follows:	596 597 598
Sec. 206.42.09. IMMUNIZATIONS	599
Of the foregoing appropriation item 440-418, Immunizations, \$800,000 in fiscal year 2007 shall be used for the purchase of varicella vaccines.	600 601 602
FREE CLINIC LIABILITY INSURANCE	603
Of the foregoing appropriation item 440-431, Free Clinic Liability Insurance, up to \$20,000 in each fiscal year may be used by the Department of Health for administrative expenses related to the Medical Liability Insurance Reimbursement Program. The remainder in each fiscal year shall be used to pay for medical liability insurance for free clinics, including the clinics' staff and volunteer health care professionals and volunteer health care workers. The necessity and feasibility of the program shall be reviewed as part of the next biennial budget.	604 605 606 607 608 609 610 611 612
HIV/AIDS PREVENTION/TREATMENT	613
Of the foregoing appropriation item 440-444, AIDS Prevention	614

and Treatment, not more than \$6.7 million per fiscal year shall be 615
used to assist persons with HIV/AIDS in acquiring HIV-related 616
medications. 617

INFECTIOUS DISEASE PREVENTION 618

The foregoing appropriation item 440-446, Infectious Disease 619
Prevention, shall be used for the purchase of drugs for sexually 620
transmitted diseases. 621

HELP ME GROW 622

The foregoing appropriation item 440-459, Help Me Grow, shall 623
be used by the Department of Health to distribute subsidies to 624
counties to implement the Help Me Grow Program. Appropriation item 625
440-459, Help Me Grow, may be used in conjunction with Temporary 626
Assistance for Needy Families from the Department of Job and 627
Family Services, Early Intervention funding from the Department of 628
Mental Retardation and Developmental Disabilities, and in 629
conjunction with other early childhood funds and services to 630
promote the optimal development of young children. Local contracts 631
shall be developed between local departments of job and family 632
services and family and children first councils for the 633
administration of TANF funding for the Help Me Grow Program. The 634
Department of Health shall enter into an interagency agreement 635
with the Department of Education, Department of Mental Retardation 636
and Developmental Disabilities, Department of Job and Family 637
Services, and Department of Mental Health to ensure that all early 638
childhood programs and initiatives are coordinated and school 639
linked. 640

TARGETED HEALTH CARE SERVICES OVER 21 641

In each fiscal year, of the foregoing appropriation item 642
440-507, Targeted Health Care Services Over 21, \$731,023 shall be 643
used to administer the cystic fibrosis program and implement the 644
Hemophilia Insurance Premium Payment Program. 645

Of the foregoing appropriation item 440-507, Targeted Health Care Services Over 21, \$850,000 in fiscal year 2006 and \$950,000 in fiscal year 2007 shall be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMh) participants, in accordance with the section of ~~this act~~ Am. Sub. H.B. 530 of the 126th General Assembly entitled "BCMh - MEDICARE PART D COPAYMENTS" for the cystic fibrosis program.

MATERNAL CHILD HEALTH BLOCK GRANT

Of the foregoing appropriation item 440-601, Maternal Child Health Block Grant (Fund 320), \$2,091,299 shall be used in each fiscal year 2006 for the purposes of abstinence-only education. The Director of Health shall develop guidelines for the establishment of abstinence programs for teenagers with the purpose of decreasing unplanned pregnancies and abortion. The guidelines shall be developed under Title V of the "Social Security Act," 42 U.S.C. 510, and shall include, but are not limited to, advertising campaigns and direct training in schools and other locations. In the future, Ohio shall opt-out of federal Title V money until questions raised about its use in Ohio regarding the program's inefficacy, medical inaccuracies, lack of evaluation, and lack of qualified teachers are answered.

Agencies currently designated to receive the funding must complete a programmatic evaluation focused on outcomes, conducted by qualified independent evaluation teams to be determined by the Department. Ten per cent of Title V moneys distributed shall be used for purposes of such evaluation.

GENETICS SERVICES

The foregoing appropriation item 440-608, Genetics Services (Fund 4D6), shall be used by the Department of Health to

administer programs authorized by sections 3701.501 and 3701.502 677
of the Revised Code. None of these funds shall be used to counsel 678
or refer for abortion, except in the case of a medical emergency. 679

SAFETY AND QUALITY OF CARE STANDARDS 680

The Department of Health may use Fund 471, Certificate of 681
Need, for administering sections 3702.11 to 3702.20 and 3702.30 of 682
the Revised Code in each fiscal year. 683

MEDICALLY HANDICAPPED CHILDREN AUDIT 684

The Medically Handicapped Children Audit Fund (Fund 477) 685
shall receive revenue from audits of hospitals and recoveries from 686
third-party payers. Moneys may be expended for payment of audit 687
settlements and for costs directly related to obtaining recoveries 688
from third-party payers and for encouraging Medically Handicapped 689
Children's Program recipients to apply for third-party benefits. 690
Moneys also may be expended for payments for diagnostic and 691
treatment services on behalf of medically handicapped children, as 692
defined in division (A) of section 3701.022 of the Revised Code, 693
and Ohio residents who are twenty-one or more years of age and who 694
are suffering from cystic fibrosis or hemophilia. Moneys may also 695
be expended for administrative expenses incurred in operating the 696
Medically Handicapped Children's Program. 697

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 698
PERMIT FUND 699

The Director of Budget and Management, pursuant to a plan 700
submitted by the Department of Health, or as otherwise determined 701
by the Director of Budget and Management, shall set a schedule to 702
transfer cash from the Liquor Control Fund (Fund 043) to the 703
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating 704
needs of the Alcohol Testing and Permit program. 705

The Director of Budget and Management shall transfer to the 706
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control 707

Fund (Fund 043) created in section 4301.12 of the Revised Code 708
such amounts at such times as determined by the transfer schedule. 709

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 710

The foregoing appropriation item 440-607, Medically 711
Handicapped Children - County Assessments (Fund 666), shall be 712
used to make payments under division (E) of section 3701.023 of 713
the Revised Code. 714

Section 6. That existing Section 206.42.09 of Am. Sub. H.B. 715
66 of the 126th General Assembly, as amended by Am. Sub. H.B. 530 716
of the 126th General Assembly, is hereby repealed. 717

Section 7. That Section 206.42.06 of Am. Sub. H.B. 66 of the 718
126th General Assembly is hereby repealed. 719

Section 8. Section 1751.661 of the Revised Code shall apply 720
only to policies, contracts, and agreements that are delivered, 721
issued for delivery, or renewed in this state on or after the 722
effective date of this act; section 3923.602 of the Revised Code 723
shall apply to policies of sickness and accident insurance on or 724
after the effective date of this act in accordance with section 725
3923.01 of the Revised Code; and section 3923.611 of the Revised 726
Code shall apply only to plans that are established or modified in 727
this state on or after the effective date of this act. 728