

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 252

Representative Adams, J.

**Cosponsors: Representatives Jordan, Huffman, Blessing, Morgan, Martin,
Maag, Wagner, Hall, Wachtmann, Combs, McClain, Derickson, Goodwin,
Winburn, Uecker**

—

A B I L L

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, information, or other court document that gives the person who is to perform or induce the abortion reasonable cause to believe that the woman became pregnant as the result of rape or incest. 47
48
49
50

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

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

(3) Divisions (B)(1) and (2) of this section do not apply if the father of the fetus is deceased at the time of the abortion. 57
58

(I) The written consent required under division (B)(1) or (2) of this section, the written identification required in division (C)(1) of this section, and the results of a paternity test performed pursuant to division (F) of this section are confidential, are not public records under section 149.43 of the Revised Code, and shall be viewed only by the pregnant woman, the man claiming to be or the man identified as being the father of the fetus, the person who is to perform or induce the abortion, any law enforcement officer investigating a violation of this section, and a court and jury in a criminal case involving an alleged violation of this section. 59
60
61
62
63
64
65
66
67
68
69

(J) Whoever violates this section is guilty of abortion fraud, a misdemeanor of the first degree. If the person previously has pleaded guilty to or has been convicted of a violation of this section, abortion fraud is a felony of the fifth degree. 70
71
72
73