

As Introduced

**128th General Assembly
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H. B. No. 293

Representative Yates

**Cosponsors: Representatives Yuko, Boyd, Williams, S., DeBose, Skindell,
Foley, Patten, Harris, Garland, Celeste, Stewart, Heard, Weddington, Dyer,
Sykes, Slesnick, Koziura, Hagan, Letson, Chandler, Pryor, Domenick**

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A B I L L

To amend sections 2907.29, 3313.60, 3313.6011, 1
3314.03, 3326.11, and 4729.16; to enact sections 2
1751.69, 3701.048, 3701.137, 3727.60, 3727.601, 3
3727.602, 3923.85, 4729.43, and 4729.44; and to 4
repeal section 3701.046 of the Revised Code 5
regarding assistance for pregnancy prevention. 6

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

Section 1. That sections 2907.29, 3313.60, 3313.6011, 7
3314.03, 3326.11, and 4729.16 be amended and sections 1751.69, 8
3701.048, 3701.137, 3727.60, 3727.601, 3727.602, 3923.85, 4729.43, 9
and 4729.44 of the Revised Code be enacted to read as follows: 10
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Sec. 1751.69. (A) Notwithstanding section 3901.71 of the 12
Revised Code, no individual or group health insuring corporation 13
policy, contract, or agreement that is delivered, issued for 14
delivery, or renewed in this state shall do either of the 15
following: 16

(1) Limit or exclude coverage for prescription contraceptive 17

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; 18
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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. 21
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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. 25
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Sec. 2907.29. Every hospital of this state that offers 29
organized emergency services shall provide that a physician, a 30
physician assistant, a clinical nurse specialist, a certified 31
nurse practitioner, or a certified nurse-midwife is available on 32
call twenty-four hours each day for the examination of persons 33
reported to any law enforcement agency to be victims of sexual 34
offenses cognizable as violations of any provision of sections 35
2907.02 to 2907.06 of the Revised Code. The physician, physician 36
assistant, clinical nurse specialist, certified nurse 37
practitioner, or certified nurse-midwife, upon the request of any 38
peace officer or prosecuting attorney and with the consent of the 39
reported victim or upon the request of the reported victim, shall 40
examine the person for the purposes of gathering physical evidence 41
and shall complete any written documentation of the physical 42
examination. The public health council shall establish procedures 43
for gathering evidence under this section. 44

Each reported victim shall be informed of available ~~venereal~~ 45
sexually transmitted disease, pregnancy, medical, and psychiatric 46
services in accordance with section 3727.601 of the Revised Code. 47

Notwithstanding any other provision of law, a minor may 48

consent to examination under this section. The consent is not 49
subject to disaffirmance because of minority, and consent of the 50
parent, parents, or guardian of the minor is not required for an 51
examination under this section. However, the hospital shall give 52
written notice to the parent, parents, or guardian of a minor that 53
an examination under this section has taken place. The parent, 54
parents, or guardian of a minor giving consent under this section 55
are not liable for payment for any services provided under this 56
section without their consent. 57

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 58
of the Revised Code, divisions (A) to (E) of this section do not 59
apply to any cooperative education school district established 60
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 61
Code. 62

(A) The board of education of each city and exempted village 63
school district, the governing board of each educational service 64
center, and the board of each cooperative education school 65
district established pursuant to section 3311.521 of the Revised 66
Code shall prescribe a curriculum for all schools under their 67
control. Except as provided in division (E) of this section, in 68
any such curriculum there shall be included the study of the 69
following subjects: 70

(1) The language arts, including reading, writing, spelling, 71
oral and written English, and literature; 72

(2) Geography, the history of the United States and of Ohio, 73
and national, state, and local government in the United States, 74
including a balanced presentation of the relevant contributions to 75
society of men and women of African, Mexican, Puerto Rican, and 76
American Indian descent as well as other ethnic and racial groups 77
in Ohio and the United States; 78

(3) Mathematics; 79

(4) Natural science, including instruction in the conservation of natural resources;	80 81
(5) Health education, which shall include instruction in:	82
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, the use and effects of food additives;	83 84 85
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;	86 87
(c) Venereal disease <u>Sexually transmitted infection prevention</u> education, <u>including HIV/AIDS prevention education in accordance with section 3313.6011 of the Revised Code</u> , except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education ; <u>sexually transmitted infection prevention</u> . <u>Instruction shall stress, if age-appropriate, the value of abstinence while not ignoring those who have been or are sexually active. Therefore, abstinence shall not be taught to the exclusion of other instruction and materials on contraceptive and disease reduction measures.</u>	88 89 90 91 92 93 94 95 96 97 98
(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention.	99 100 101 102 103
(6) Physical education;	104
(7) The fine arts, including music;	105
(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in	106 107 108 109

cardiopulmonary resuscitation. 110

(B) Except as provided in division (E) of this section, every 111
school or school district shall include in the requirements for 112
promotion from the eighth grade to the ninth grade one year's 113
course of study of American history. A board may waive this 114
requirement for academically accelerated students who, in 115
accordance with procedures adopted by the board, are able to 116
demonstrate mastery of essential concepts and skills of the eighth 117
grade American history course of study. 118

(C) Except as provided in division (E) of this section, every 119
high school shall include in the requirements for graduation from 120
any curriculum one unit of American history and government, 121
including a study of the constitutions of the United States and of 122
Ohio. 123

(D) Except as provided in division (E) of this section, basic 124
instruction in geography, United States history, the government of 125
the United States, the government of the state of Ohio, local 126
government in Ohio, the Declaration of Independence, the United 127
States Constitution, and the Constitution of the state of Ohio 128
shall be required before pupils may participate in courses 129
involving the study of social problems, economics, foreign 130
affairs, United Nations, world government, socialism and 131
communism. 132

(E) For each cooperative education school district 133
established pursuant to section 3311.521 of the Revised Code and 134
each city, exempted village, and local school district that has 135
territory within such a cooperative district, the curriculum 136
adopted pursuant to divisions (A) to (D) of this section shall 137
only include the study of the subjects that apply to the grades 138
operated by each such school district. The curriculums for such 139
schools, when combined, shall provide to each student of these 140
districts all of the subjects required under divisions (A) to (D) 141

of this section.	142
(F) The board of education of any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code shall prescribe a curriculum for the subject areas and grade levels offered in any school under its control.	143 144 145 146 147
(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the parent or guardian to promptly examine, with respect to the parent's or guardian's own child:	148 149 150 151
(1) Any survey or questionnaire, prior to its administration to the child;	152 153
(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;	154 155 156
(3) Any completed and graded test taken or survey or questionnaire filled out by the child;	157 158
(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.	159 160 161 162
Sec. 3313.6011. (A) As used in this section, "sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	163 164 165
(B) Instruction in venereal disease education pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code shall emphasize that abstinence from sexual activity is the only protection that is one hundred per cent effective against unwanted pregnancy, sexually transmitted disease, and the sexual transmission of a virus that causes acquired immunodeficiency	166 167 168 169 170 171

syndrome.	172
(C) In adopting minimum standards under section 3301.07 of	173
the Revised Code, the state board of education shall require	174
course material and instruction in venereal disease education	175
courses taught pursuant to division (A)(5)(c) of section 3313.60	176
of the Revised Code to do all of the following:	177
(1) Stress that students should abstain from sexual activity	178
until after marriage;	179
(2) Teach the potential physical, psychological, emotional,	180
and social side effects of participating in sexual activity	181
outside of marriage;	182
(3) Teach that conceiving children out of wedlock is likely	183
to have harmful consequences for the child, the child's parents,	184
and society;	185
(4) Stress that sexually transmitted diseases are serious	186
possible hazards of sexual activity;	187
(5) Advise students of the laws pertaining to financial	188
responsibility of parents to children born in and out of wedlock;	189
(6) Advise students of the circumstances under which it is	190
criminal to have sexual contact with a person under the age of	191
sixteen pursuant to section 2907.04 of the Revised Code;	192
(7) Emphasize adoption as an option for unintended	193
pregnancies.	194
(D):	195
(1) "Age-appropriate" means designed to teach concepts,	196
information, and skills based on the social, cognitive, emotional,	197
and experience level of pupils.	198
(2) "Comprehensive sexual health education" means education	199
regarding human development and sexuality, including education on	200
sexual health, family planning, and sexually transmitted	201

infections. 202

(3) "HIV/AIDS prevention education" means instruction on the 203
nature of HIV/AIDS, methods of transmission, strategies to reduce 204
the risk of human immunodeficiency virus (HIV) infection, and 205
social and public health issues related to HIV/AIDS. "HIV/AIDS 206
prevention education" is not comprehensive sexual health 207
education. 208

(4) "Instructors trained in the appropriate courses" means 209
instructors with knowledge of the most recent medically and 210
scientifically accurate research on human sexuality, pregnancy, 211
and sexually transmitted infections. 212

(5) "Medically and scientifically accurate" means verified or 213
supported by research conducted in compliance with scientific 214
methods and published in peer-reviewed journals, where 215
appropriate, and recognized as accurate and objective by 216
professional organizations and agencies with expertise in the 217
relevant field, such as the United States centers for disease 218
control and prevention and the American college of obstetricians 219
and gynecologists. 220

(B) Any school district or educational service center may 221
offer comprehensive sexual health education. Beginning August 1, 222
2010, each school district and educational service center that 223
elects to offer comprehensive sexual health education shall ensure 224
that the program meets all of the following requirements: 225

(1) Instruction and materials shall be age-appropriate. 226

(2) All factual information shall be medically and 227
scientifically accurate. 228

(3) Instruction and materials shall be appropriate for use 229
with all pupils regardless of gender, race, ethnic and cultural 230
background, religion, disability, sexual orientation, or gender 231
identity. 232

<u>(4) Instruction and materials shall encourage pupils to</u>	233
<u>communicate with their parents or guardians about human sexuality.</u>	234
<u>(5) Instruction and materials shall teach all of the</u>	235
<u>following:</u>	236
<u>(a) That abstinence from sexual activity is the only certain</u>	237
<u>way to avoid pregnancy, sexually transmitted diseases, and other</u>	238
<u>associated health problems;</u>	239
<u>(b) That bearing children outside of a committed relationship</u>	240
<u>is likely to have consequences for the child, the child's parents,</u>	241
<u>and society;</u>	242
<u>(c) Young people how to effectively reject sexual advances</u>	243
<u>and how alcohol and drug use increases vulnerability to sexual</u>	244
<u>advances;</u>	245
<u>(d) The importance of attaining self-sufficiency before</u>	246
<u>engaging in sexual activity.</u>	247
<u>(6) If age-appropriate, instruction and materials shall</u>	248
<u>stress the value of abstinence while not ignoring those young</u>	249
<u>people who have been or are sexually active. Therefore, abstinence</u>	250
<u>shall not be taught to the exclusion of other instruction and</u>	251
<u>materials on contraceptive and disease reduction measures.</u>	252
	253
<u>(7) If age-appropriate, instruction and materials shall</u>	254
<u>provide information about the effectiveness and safety, including</u>	255
<u>the health benefits and side effects, of all contraceptive methods</u>	256
<u>in preventing unintended pregnancy and reducing the risk of</u>	257
<u>contracting sexually transmitted infections.</u>	258
<u>(8) Instruction about sexually transmitted infections shall</u>	259
<u>commence not later than grade seven. That instruction shall</u>	260
<u>include how sexually transmitted infections are and are not</u>	261
<u>transmitted, the effectiveness and methods of reducing the risk of</u>	262

contracting sexually transmitted infections, and identification of 263
local resources for testing and medical care for sexually 264
transmitted infections and HIV. 265

(9) If age-appropriate, instruction and materials shall 266
provide pupils with skills for negotiating intimate relationships 267
and making and implementing responsible decisions about sexuality. 268

(10) If age-appropriate, instruction and materials shall 269
include a discussion of the possible emotional, physical, and 270
psychological consequences of preadolescent and adolescent sexual 271
activity and the emotional, physical, and psychological 272
consequences of unintended pregnancy. 273

(11) Instruction and materials shall teach pupils to 274
recognize unwanted physical and verbal sexual advances, not to 275
make unwanted physical and verbal sexual advances, and how to 276
effectively reject unwanted sexual advances. The instruction and 277
materials shall cover verbal, physical, and visual sexual 278
harassment, including nonconsensual physical sexual contact and 279
rape by an acquaintance or family member. The course information 280
and materials shall emphasize personal accountability and respect 281
for others and shall encourage youth to resist peer pressure. 282

(12) Comprehensive sexual health education shall not include 283
any instruction or materials that teach or promote religious 284
doctrine. 285

A school district or educational service center may use 286
separate, outside speakers or prepared curricula to teach 287
different content areas or units with the comprehensive sexual 288
health education program, as long as all speakers, curricula, and 289
materials used comply with this section. 290

(C) Each city, local, exempted village, and joint vocational 291
school district shall ensure that each pupil in grades seven 292
through twelve receives HIV/AIDS prevention education from 293

instructors trained in the appropriate courses. Each pupil shall 294
receive this instruction at least once in grades seven through 295
nine, and at least once in grades ten through twelve. HIV/AIDS 296
prevention education, whether taught by school district personnel 297
or outside consultants, shall accurately reflect the latest 298
information and recommendations from the United States surgeon 299
general, the United States centers for disease control and 300
prevention, and the national academy of sciences, and shall 301
include all of the following: 302

(1) Information on the nature of HIV/AIDS and its effects on 303
the human body; 304

(2) Information on the manner in which HIV is and is not 305
transmitted, including information on activities that present the 306
highest risk of HIV infection; 307

(3) Discussion of methods to reduce the risk of HIV 308
infection, which shall emphasize that sexual abstinence, monogamy, 309
and the avoidance of multiple sexual partners, and abstinence from 310
intravenous drug use, are the most effective means for HIV/AIDS 311
prevention, but shall also include statistics based upon the 312
latest medical information citing the success and failure rates of 313
condoms and other contraceptives in preventing sexually 314
transmitted HIV infection, as well as information on other methods 315
that may reduce the risk of HIV transmission from intravenous drug 316
use; 317

(4) Discussion of the public health issues associated with 318
HIV/AIDS; 319

(5) Information on local resources for HIV testing and 320
medical care; 321

(6) Instruction and materials that provide pupils with skills 322
for negotiating intimate relationships and making and implementing 323
responsible decisions about sexuality; 324

(7) Discussion about societal views on HIV/AIDS, including 325
stereotypes and myths regarding persons with HIV/AIDS, which shall 326
emphasize an understanding of the disease and its impact on 327
people's lives; 328

(8) Instruction and materials that teach pupils to recognize 329
unwanted physical and verbal sexual advances, not to make unwanted 330
physical and verbal sexual advances, and how to effectively reject 331
unwanted sexual advances. The instruction and materials shall 332
cover verbal, physical, and visual sexual harassment, including 333
nonconsensual physical sexual contact and rape by an acquaintance 334
or family member. The course information and materials shall 335
emphasize personal accountability and respect for others and shall 336
encourage youth to resist peer pressure. 337

(D) Each school district and educational service center shall 338
cooperatively plan and provide, through regional planning, joint 339
powers agreements, or contract services, in-service training for 340
all school district personnel who provide comprehensive sexual 341
health education or HIV/AIDS prevention education. In doing so, 342
each district and service center shall consult with the department 343
of education. 344

The in-service training shall be conducted periodically to 345
enable district and service center personnel to learn new 346
developments in the scientific understanding of sexual health and 347
HIV/AIDS. The in-service training shall be voluntary for district 348
and service center personnel who have demonstrated expertise or 349
received in-service training from the department or the United 350
States centers for disease control and prevention. 351

A district or service center may contract with outside 352
consultants with expertise in comprehensive sexual health 353
education and HIV/AIDS prevention education, including those who 354
have developed multilingual curricula or curricula accessible to 355
persons with disabilities, to deliver the in-service training to 356

district or service center personnel. 357

(E) At the beginning of each school year, or at the time of 358
enrollment in the case of a pupil who enrolls after the beginning 359
of the school year, each school district shall notify the parent 360
or guardian of each pupil about instruction in comprehensive 361
sexual health education and HIV/AIDS prevention education and 362
about research on pupil health behaviors and health risks planned 363
for that year. The notice shall advise parents and guardians of 364
all of the following: 365

(1) That written and audio-visual educational materials used 366
in comprehensive sexual health education and HIV/AIDS prevention 367
education are available for inspection; 368

(2) Whether comprehensive sexual health education or HIV/AIDS 369
prevention education will be taught by school district personnel 370
or by outside consultants; 371

(3) That a parent or guardian may request a copy of this 372
section; 373

(4) That a parent or guardian may request in writing that the 374
child not receive comprehensive sexual health education or 375
HIV/AIDS prevention education. 376

A school district or educational service center shall not 377
permit a pupil to attend any class in comprehensive sexual health 378
education or HIV/AIDS prevention education if the school has 379
received a written request from the pupil's parent or guardian 380
excusing the pupil from participation. A pupil who is so excused 381
shall not be subject to disciplinary action, academic penalty, or 382
other sanction, and the district or service center shall make an 383
alternative educational activity available for the pupil while 384
comprehensive sexual health education or HIV/AIDS prevention 385
education is conducted. 386

Each school district and educational service center shall 387

make written and audio-visual educational materials used in 388
comprehensive sexual health education and HIV/AIDS prevention 389
education available for inspection by the parents and guardians of 390
pupils. Each school district shall provide a copy of this section 391
upon request to the parent or guardian of a pupil enrolled in the 392
district. 393

(F) Any model education program for health education the 394
state board of education adopts shall conform to the requirements 395
of this section. 396

~~(E) On and after March 18, 1999, and notwithstanding~~ 397
~~(G) If a~~ 398
~~school district or educational service center does not elect to~~ 398
~~offer comprehensive sexual health education under this section,~~ 399
~~any sexual education that the school district or educational~~ 400
~~service center offers, including instruction in sexually~~ 401
~~transmitted infection prevention pursuant to division (A)(5)(c) of~~ 402
~~section 3313.60 of the Revised Code, shall stress, if~~ 403
~~age-appropriate, the value of abstinence while not ignoring those~~ 404
~~who have been or are sexually active. Therefore, abstinence shall~~ 405
~~not be taught to the exclusion of other instruction and materials~~ 406
~~on contraceptive and disease reduction measures.~~ 407

(H) Notwithstanding section 3302.07 of the Revised Code, the 408
superintendent of public instruction shall not approve, pursuant 409
to that section 3302.07 of the Revised Code, any waiver of any 410
requirement of this section or of any rule adopted by the state 411
board of education pursuant to this section. 412

Sec. 3314.03. A copy of every contract entered into under 413
this section shall be filed with the superintendent of public 414
instruction. 415

(A) Each contract entered into between a sponsor and the 416
governing authority of a community school shall specify the 417
following: 418

(1) That the school shall be established as either of the	419
following:	420
(a) A nonprofit corporation established under Chapter 1702.	421
of the Revised Code, if established prior to April 8, 2003;	422
(b) A public benefit corporation established under Chapter	423
1702. of the Revised Code, if established after April 8, 2003;	424
(2) The education program of the school, including the	425
school's mission, the characteristics of the students the school	426
is expected to attract, the ages and grades of students, and the	427
focus of the curriculum;	428
(3) The academic goals to be achieved and the method of	429
measurement that will be used to determine progress toward those	430
goals, which shall include the statewide achievement assessments;	431
(4) Performance standards by which the success of the school	432
will be evaluated by the sponsor;	433
(5) The admission standards of section 3314.06 of the Revised	434
Code and, if applicable, section 3314.061 of the Revised Code;	435
(6)(a) Dismissal procedures;	436
(b) A requirement that the governing authority adopt an	437
attendance policy that includes a procedure for automatically	438
withdrawing a student from the school if the student without a	439
legitimate excuse fails to participate in one hundred five	440
consecutive hours of the learning opportunities offered to the	441
student.	442
(7) The ways by which the school will achieve racial and	443
ethnic balance reflective of the community it serves;	444
(8) Requirements for financial audits by the auditor of	445
state. The contract shall require financial records of the school	446
to be maintained in the same manner as are financial records of	447
school districts, pursuant to rules of the auditor of state.	448

Audits shall be conducted in accordance with section 117.10 of the Revised Code. 449
450

(9) The facilities to be used and their locations; 451

(10) Qualifications of teachers, including a requirement that 452
the school's classroom teachers be licensed in accordance with 453
sections 3319.22 to 3319.31 of the Revised Code, except that a 454
community school may engage noncertificated persons to teach up to 455
twelve hours per week pursuant to section 3319.301 of the Revised 456
Code; 457

(11) That the school will comply with the following 458
requirements: 459

(a) The school will provide learning opportunities to a 460
minimum of twenty-five students for a minimum of nine hundred 461
twenty hours per school year. 462

(b) The governing authority will purchase liability 463
insurance, or otherwise provide for the potential liability of the 464
school. 465

(c) The school will be nonsectarian in its programs, 466
admission policies, employment practices, and all other 467
operations, and will not be operated by a sectarian school or 468
religious institution. 469

(d) The school will comply with sections 9.90, 9.91, 109.65, 470
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 471
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 472
3313.6011, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 473
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 474
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 475
3313.718, 3313.719, 3313.80, 3313.86, 3313.96, 3319.073, 3319.321, 476
3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 477
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 478
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 479

4123., 4141., and 4167. of the Revised Code as if it were a school 480
district and will comply with section 3301.0714 of the Revised 481
Code in the manner specified in section 3314.17 of the Revised 482
Code. 483

(e) The school shall comply with Chapter 102. and section 484
2921.42 of the Revised Code. 485

(f) The school will comply with sections 3313.61, 3313.611, 486
and 3313.614 of the Revised Code, except that for students who 487
enter ninth grade for the first time before July 1, 2010, the 488
requirement in sections 3313.61 and 3313.611 of the Revised Code 489
that a person must successfully complete the curriculum in any 490
high school prior to receiving a high school diploma may be met by 491
completing the curriculum adopted by the governing authority of 492
the community school rather than the curriculum specified in Title 493
XXXIII of the Revised Code or any rules of the state board of 494
education. Beginning with students who enter ninth grade for the 495
first time on or after July 1, 2010, the requirement in sections 496
3313.61 and 3313.611 of the Revised Code that a person must 497
successfully complete the curriculum of a high school prior to 498
receiving a high school diploma shall be met by completing the 499
Ohio core curriculum prescribed in division (C) of section 500
3313.603 of the Revised Code, unless the person qualifies under 501
division (D) or (F) of that section. Each school shall comply with 502
the plan for awarding high school credit based on demonstration of 503
subject area competency, adopted by the state board of education 504
under division (J) of section 3313.603 of the Revised Code. 505

(g) The school governing authority will submit within four 506
months after the end of each school year a report of its 507
activities and progress in meeting the goals and standards of 508
divisions (A)(3) and (4) of this section and its financial status 509
to the sponsor and the parents of all students enrolled in the 510
school. 511

(h) The school, unless it is an internet- or computer-based 512
community school, will comply with section 3313.801 of the Revised 513
Code as if it were a school district. 514

(12) Arrangements for providing health and other benefits to 515
employees; 516

(13) The length of the contract, which shall begin at the 517
beginning of an academic year. No contract shall exceed five years 518
unless such contract has been renewed pursuant to division (E) of 519
this section. 520

(14) The governing authority of the school, which shall be 521
responsible for carrying out the provisions of the contract; 522

(15) A financial plan detailing an estimated school budget 523
for each year of the period of the contract and specifying the 524
total estimated per pupil expenditure amount for each such year. 525
The plan shall specify for each year the base formula amount that 526
will be used for purposes of funding calculations under section 527
3314.08 of the Revised Code. This base formula amount for any year 528
shall not exceed the formula amount defined under section 3317.02 529
of the Revised Code. The plan may also specify for any year a 530
percentage figure to be used for reducing the per pupil amount of 531
the subsidy calculated pursuant to section 3317.029 of the Revised 532
Code the school is to receive that year under section 3314.08 of 533
the Revised Code. 534

(16) Requirements and procedures regarding the disposition of 535
employees of the school in the event the contract is terminated or 536
not renewed pursuant to section 3314.07 of the Revised Code; 537

(17) Whether the school is to be created by converting all or 538
part of an existing public school or educational service center 539
building or is to be a new start-up school, and if it is a 540
converted public school or service center building, specification 541
of any duties or responsibilities of an employer that the board of 542

education or service center governing board that operated the 543
school or building before conversion is delegating to the 544
governing authority of the community school with respect to all or 545
any specified group of employees provided the delegation is not 546
prohibited by a collective bargaining agreement applicable to such 547
employees; 548

(18) Provisions establishing procedures for resolving 549
disputes or differences of opinion between the sponsor and the 550
governing authority of the community school; 551

(19) A provision requiring the governing authority to adopt a 552
policy regarding the admission of students who reside outside the 553
district in which the school is located. That policy shall comply 554
with the admissions procedures specified in sections 3314.06 and 555
3314.061 of the Revised Code and, at the sole discretion of the 556
authority, shall do one of the following: 557

(a) Prohibit the enrollment of students who reside outside 558
the district in which the school is located; 559

(b) Permit the enrollment of students who reside in districts 560
adjacent to the district in which the school is located; 561

(c) Permit the enrollment of students who reside in any other 562
district in the state. 563

(20) A provision recognizing the authority of the department 564
of education to take over the sponsorship of the school in 565
accordance with the provisions of division (C) of section 3314.015 566
of the Revised Code; 567

(21) A provision recognizing the sponsor's authority to 568
assume the operation of a school under the conditions specified in 569
division (B) of section 3314.073 of the Revised Code; 570

(22) A provision recognizing both of the following: 571

(a) The authority of public health and safety officials to 572

inspect the facilities of the school and to order the facilities 573
closed if those officials find that the facilities are not in 574
compliance with health and safety laws and regulations; 575

(b) The authority of the department of education as the 576
community school oversight body to suspend the operation of the 577
school under section 3314.072 of the Revised Code if the 578
department has evidence of conditions or violations of law at the 579
school that pose an imminent danger to the health and safety of 580
the school's students and employees and the sponsor refuses to 581
take such action; 582

(23) A description of the learning opportunities that will be 583
offered to students including both classroom-based and 584
non-classroom-based learning opportunities that is in compliance 585
with criteria for student participation established by the 586
department under division (L)(2) of section 3314.08 of the Revised 587
Code; 588

(24) The school will comply with sections 3302.04 and 589
3302.041 of the Revised Code, except that any action required to 590
be taken by a school district pursuant to those sections shall be 591
taken by the sponsor of the school. However, the sponsor shall not 592
be required to take any action described in division (F) of 593
section 3302.04 of the Revised Code. 594

(25) Beginning in the 2006-2007 school year, the school will 595
open for operation not later than the thirtieth day of September 596
each school year, unless the mission of the school as specified 597
under division (A)(2) of this section is solely to serve dropouts. 598
In its initial year of operation, if the school fails to open by 599
the thirtieth day of September, or within one year after the 600
adoption of the contract pursuant to division (D) of section 601
3314.02 of the Revised Code if the mission of the school is solely 602
to serve dropouts, the contract shall be void. 603

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance 634
and the organization and operation of the community school on at 635
least an annual basis; 636

(3) Report on an annual basis the results of the evaluation 637
conducted under division (D)(2) of this section to the department 638
of education and to the parents of students enrolled in the 639
community school; 640

(4) Provide technical assistance to the community school in 641
complying with laws applicable to the school and terms of the 642
contract; 643

(5) Take steps to intervene in the school's operation to 644
correct problems in the school's overall performance, declare the 645
school to be on probationary status pursuant to section 3314.073 646
of the Revised Code, suspend the operation of the school pursuant 647
to section 3314.072 of the Revised Code, or terminate the contract 648
of the school pursuant to section 3314.07 of the Revised Code as 649
determined necessary by the sponsor; 650

(6) Have in place a plan of action to be undertaken in the 651
event the community school experiences financial difficulties or 652
closes prior to the end of a school year. 653

(E) Upon the expiration of a contract entered into under this 654
section, the sponsor of a community school may, with the approval 655
of the governing authority of the school, renew that contract for 656
a period of time determined by the sponsor, but not ending earlier 657
than the end of any school year, if the sponsor finds that the 658
school's compliance with applicable laws and terms of the contract 659
and the school's progress in meeting the academic goals prescribed 660
in the contract have been satisfactory. Any contract that is 661
renewed under this division remains subject to the provisions of 662
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 663

(F) If a community school fails to open for operation within 664

one year after the contract entered into under this section is 665
adopted pursuant to division (D) of section 3314.02 of the Revised 666
Code or permanently closes prior to the expiration of the 667
contract, the contract shall be void and the school shall not 668
enter into a contract with any other sponsor. A school shall not 669
be considered permanently closed because the operations of the 670
school have been suspended pursuant to section 3314.072 of the 671
Revised Code. Any contract that becomes void under this division 672
shall not count toward any statewide limit on the number of such 673
contracts prescribed by section 3314.013 of the Revised Code. 674

Sec. 3326.11. Each science, technology, engineering, and 675
mathematics school established under this chapter and its 676
governing body shall comply with sections 9.90, 9.91, 109.65, 677
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 678
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 679
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 680
3313.536, 3313.608, 3313.6011, 3313.6012, 3313.6013, 3313.6014, 681
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 682
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 683
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 684
3313.718, 3313.719, 3313.80, 3313.801, 3313.86, 3313.96, 3319.073, 685
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 686
3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 687
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 688
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 689
4112., 4123., 4141., and 4167. of the Revised Code as if it were a 690
school district. 691

Sec. 3701.048. (A) There is hereby created the Ohio teen 693
pregnancy prevention task force. The task force shall commence its 694
activities not later than thirty days after the effective date of 695

<u>this section.</u>	696
<u>(B)(1) The task force shall consist of the following members:</u>	697
<u>(a) The director of health or the director's designee;</u>	698
<u>(b) The superintendent of public instruction or the superintendent's designee;</u>	699 700
<u>(c) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives;</u>	701 702 703
<u>(d) Two members of the senate, one appointed by the president of the senate and one appointed by the minority leader of the senate;</u>	704 705 706
<u>(e) Representatives of the following, appointed by the director of health:</u>	707 708
<u>(i) Community-based organizations that provide teen pregnancy prevention services;</u>	709 710
<u>(ii) Public health professionals;</u>	711
<u>(iii) Licensed medical practitioners;</u>	712
<u>(iv) School nurses.</u>	713
<u>(2) Members shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties. The department of health shall provide meeting space for the task force.</u>	714 715 716 717
<u>(C) The director of health or the director's designee shall serve as chairperson of the task force. The director may appoint additional task force members under division (B)(1)(e) of this section who are relevant to the duties of the task force.</u>	718 719 720 721
<u>(D) The task force shall do all of the following:</u>	722
<u>(1) Convene at the call of the chairperson;</u>	723

(2) Advise the governor and general assembly on strategies to prevent teen pregnancy in this state; 724
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(3) Monitor and evaluate implementation of strategies to prevent teen pregnancy in this state, identify barriers to implementing those strategies, and establish methods to overcome the barriers; 726
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(4) Collect and maintain information regarding successful teen pregnancy prevention programs, research, and other relevant materials to guide the governor and general assembly in their efforts to reduce the number of teen pregnancies in this state; 730
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(5) Explore the establishment of a program within the department of health that would award grants to public and private entities to establish or expand teen pregnancy prevention programs; 734
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(6) Collect information provided by local communities regarding successful teen pregnancy prevention programs; 738
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(7) Hold meetings and maintain records of the meetings; 740

(8) Perform any other duties specified by the director of health. 741
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(E) Not later than December 1 of each year, the task force shall submit an annual report to the governor and general assembly that summarizes its findings and recommendations for changes to the laws of this state regarding teen pregnancy. The initial report shall also include a comprehensive assessment of teen pregnancy in this state and make recommendations for reducing the number of teen pregnancies. Subsequent reports shall also evaluate the success of programs undertaken to reduce teen pregnancies and make additional recommendations as necessary. 743
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Sec. 3701.137. (A) As used in this section, "emergency contraception" means any drug, drug regimen, or device approved by 752
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the United States food and drug administration to prevent pregnancy after unprotected sexual intercourse or contraceptive failure. 754
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(B) The department of health shall create and make available on its web site information explaining emergency contraception. The information shall be made available in a format suitable for downloading. The information shall include an explanation of the use, safety, efficacy, and availability of emergency contraception, and a recommendation regarding the use of emergency contraception in appropriate cases. 757
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Sec. 3727.60. As used in this section and sections 3727.601 and 3727.602 of the Revised Code: 764
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(A) "Drug" has the same meaning as in the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040, 1041 (1938), 21 U.S.C. 321(g)(1), as amended. 766
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(B) "Device" has the same meaning as in the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040, 1041 (1938), 21 U.S.C. 321(h), as amended. 769
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(C) "Emergency contraception" means any drug, drug regimen, or device approved by the United States food and drug administration that is intended to prevent pregnancy after unprotected sexual intercourse or contraceptive failure. 772
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(D) "Sexual assault" means a violation of sections 2907.02 to 2907.06 of the Revised Code. 776
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Sec. 3727.601. (A) It shall be the standard of care in this state for hospitals that offer organized emergency services to provide the services specified in division (B) of this section to victims of sexual assault or individuals believed to be victims of sexual assault. The services shall be provided without regard to the victim's ability to pay for the services. 778
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(B)(1) Except as provided in division (D)(1) of this section, 784
the hospital shall provide the victim or individual believed to be 785
a victim with information about emergency contraception. The 786
information shall be medically and factually accurate and 787
unbiased. It shall be provided in clear and concise language in 788
both written and oral formats. The information shall explain the 789
following: 790

(a) That emergency contraception has been approved by the 791
United States food and drug administration for use by women of all 792
ages with a prescription and as an over-the-counter product for 793
women seventeen years of age or older as a safe and effective 794
means to prevent pregnancy after unprotected sexual intercourse or 795
contraceptive failure if used in a timely manner; 796

(b) That emergency contraception is more effective the sooner 797
it is used following unprotected sexual intercourse or 798
contraceptive failure; 799

(c) That emergency contraception does not cause an abortion 800
and studies have shown that it does not interrupt an established 801
pregnancy. 802

(2) Except as provided in division (D)(1) of this section, 803
the hospital shall promptly offer emergency contraception to the 804
victim or individual believed to be a victim and provide the 805
emergency contraception if the victim or individual accepts the 806
offer. 807

(3) The hospital shall promptly provide the victim or 808
individual believed to be a victim with an assessment of the 809
victim's or individual's risk of contracting sexually transmitted 810
diseases, including gonorrhea, chlamydia, syphilis, and hepatitis. 811
The assessment shall be conducted by a physician, physician 812
assistant, clinical nurse specialist, certified nurse 813
practitioner, or a certified nurse-midwife. The assessment shall 814

be based on the following: 815

(a) The available information regarding the sexual assault; 816

(b) The established standards of risk assessment, including 817
consideration of any recommendations established by the United 818
States centers for disease control and prevention, peer-reviewed 819
clinical studies, and appropriate research using in vitro and 820
nonhuman primate models of infection. 821

(4) After conducting the assessment, the hospital shall 822
provide the victim or individual believed to be a victim with 823
counseling concerning the significantly prevalent sexually 824
transmitted diseases for which effective postexposure treatment 825
exists and for which deferral of treatment would either 826
significantly reduce treatment efficacy or pose substantial risk 827
to the victim's or individual's health, including the diseases for 828
which prophylactic treatment is recommended based on guidelines 829
from the centers for disease control and prevention. The 830
counseling shall be provided by a physician, physician assistant, 831
clinical nurse specialist, certified nurse practitioner, or 832
certified nurse-midwife. The counseling shall be provided in clear 833
and concise language. 834

(5) After providing the counseling, the hospital shall offer 835
treatment for sexually transmitted diseases to the victim or 836
individual believed to be a victim. The hospital shall provide the 837
treatment if the victim or individual accepts the offer. 838

(6) Before the victim or individual believed to be a victim 839
leaves the hospital, the hospital shall provide the victim or 840
individual with counseling on the physical and mental health 841
benefits of seeking follow-up care from the victim's or 842
individual's primary care physician or from another medical care 843
provider capable of providing follow-up care to victims of sexual 844
assault. The counseling shall include information on local 845

organizations and relevant health providers capable of providing 846
either follow-up medical care or other health services to victims 847
of sexual assault. The counseling shall be provided by a 848
physician, physician assistant, clinical nurse specialist, 849
certified nurse practitioner, or certified nurse-midwife. The 850
counseling shall be provided in clear and concise language. 851

(C) In the case of minors, the services specified in this 852
section shall be provided at the discretion of the treating 853
physician and in accordance with the guidelines of the centers for 854
disease control and prevention. 855

Notwithstanding any other provision of law, a minor may 856
consent to the services specified in this section. The consent is 857
not subject to disaffirmance because of minority, and consent of 858
the parent, parents, or guardian of the minor is not required for 859
the services to be provided. The parent, parents, or guardian of a 860
minor giving consent under this section are not liable for payment 861
for any services provided under this section without their 862
consent. 863

(D)(1) In the case of a victim or individual believed to be a 864
victim of sexual assault who is pregnant, as confirmed by a 865
positive pregnancy test, a hospital is not required to provide 866
information about emergency contraception, to offer emergency 867
contraception, or to provide emergency contraception. 868

(2) Nothing in this section shall be construed to mean the 869
following: 870

(a) That a hospital is required to provide treatment to a 871
victim or individual believed to be a victim of sexual assault if 872
the treatment goes against recommendations established by the 873
United States centers for disease control and prevention; 874

(b) That a victim or individual believed to be a victim of 875
sexual assault is required to submit to any testing or treatment; 876

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

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Sec. 3727.602. In addition to other remedies under common law, an individual may file a complaint with the department of health if the individual believes a hospital has failed to comply with the requirements of section 3727.601 of the Revised Code. The department shall investigate the complaint in a timely manner.

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If the department determines that a hospital has failed to provide the care or services required in section 3727.601 of the Revised Code to a sexual assault victim, the department shall, pursuant to an adjudication under Chapter 119. of the Revised Code, impose a civil penalty of not less than ten thousand dollars for each violation.

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If the hospital has previously violated section 3727.601 of the Revised Code, the department may ask the attorney general to bring an action for injunctive relief in any court of competent jurisdiction. On the filing of an appropriate petition in the court, the court shall conduct a hearing on the petition. If it is demonstrated in the proceedings that the hospital has failed to provide the care or services, the court shall grant a temporary or permanent injunction enjoining the hospital's operation.

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Sec. 3923.85. (A) Notwithstanding section 3901.71 of the Revised Code, no individual or group policy of sickness and accident insurance that is delivered, issued for delivery, or renewed in this state or public employee benefit plan that is established or modified in this state shall do either of the

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following: 907

(1) Limit or exclude coverage for prescription contraceptive drugs or devices approved by the United States food and drug administration, if the policy or plan provides coverage for other prescription drugs or devices; 908
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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 or plan provides coverage for other outpatient services rendered by a health care professional. 912
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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 or plan. 917
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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: 921
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(1) Guilty of a felony or gross immorality; 931

(2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy; 932
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(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; 934
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(4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;	937 938
(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;	939 940 941 942 943
(6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;	944 945
(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;	946 947 948
(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;	949 950 951 952 953 954
(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	955 956
(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;	957 958 959 960
<u>(11) Has failed to comply with the requirements of section 4729.43 of the Revised Code.</u>	961 962
(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.	963 964 965 966

(C) As used in this section:	967
"Unprofessional conduct in the practice of pharmacy" includes any of the following:	968
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	969
(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;	970
(3) Knowingly dispensing medication pursuant to false or forged prescriptions;	971
(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;	972
(5) Obtaining any remuneration by fraud, misrepresentation, or deception.	973
(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.	974
(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.	975
<u>Sec. 4729.43.</u> (A) As used in this section:	976
(1) <u>"Contraception" or "contraceptive" means any drug or device approved by the United States food and drug administration to prevent pregnancy.</u>	977
(2) <u>"Employee" means a person employed by a pharmacy by</u>	978

<u>contract or any other form of an agreement.</u>	996
<u>(3) "Product" means a drug or device approved by the United States food and drug administration.</u>	997 998
<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>	999 1000 1001
<u>(5) "Without delay" means a pharmacy providing, providing a referral for, or ordering contraception, or transferring the prescription for contraception within the usual and customary timeframe at the pharmacy for providing, providing a referral for, or ordering other products, or transferring the prescription for other products.</u>	1002 1003 1004 1005 1006 1007
<u>(B) Subject to division (E) of this section, if a customer requests a contraceptive that is in stock, the pharmacy shall ensure that the contraceptive is provided to the customer without delay.</u>	1008 1009 1010 1011
<u>(C) Subject to division (E) of this section, if a customer requests a contraceptive that is not in stock and the pharmacy in the normal course of business stocks contraception, the pharmacy immediately shall inform the customer that the contraceptive is not in stock and without delay offer the customer the following options:</u>	1012 1013 1014 1015 1016 1017
<u>(1) If the customer prefers to obtain the contraceptive through a referral or transfer, the pharmacy shall do both of the following:</u>	1018 1019 1020
<u>(a) Locate a pharmacy of the customer's choice or the closest pharmacy confirmed to have the contraceptive in stock;</u>	1021 1022
<u>(b) Refer the customer or transfer the prescription to that pharmacy.</u>	1023 1024
<u>(2) If the customer prefers to order the contraceptive</u>	1025

through the pharmacy, the pharmacy shall obtain the contraceptive 1026
under the pharmacy's standard procedure for expedited ordering of 1027
products and notify the customer when the contraceptive arrives. 1028

(D) The pharmacy shall ensure that its employees do not do 1029
any of the following: 1030

(1) Intimidate, threaten, or harass customers in the delivery 1031
of services relating to a request for contraception; 1032

(2) Interfere with or obstruct the delivery of services 1033
relating to a request for contraception; 1034

(3) Intentionally misrepresent or deceive customers about the 1035
availability of contraception or its mechanism of action; 1036

(4) Breach medical confidentiality with respect to a request 1037
for contraception or threaten to breach such confidentiality; 1038

(5) Refuse to return a valid, lawful prescription for 1039
contraception on the customer's request. 1040

(E) This section does not prohibit a pharmacy from refusing 1041
to provide a contraceptive to a customer in any of the following 1042
circumstances: 1043

(1) When it is unlawful to dispense the contraceptive to the 1044
customer without a valid, lawful prescription and no such 1045
prescription is presented. 1046

(2) When the customer is unable to pay for the contraceptive. 1047

(3) When the employee of the pharmacy refuses to provide the 1048
contraceptive on the basis of a professional judgment. 1049

Sec. 4729.44. (A) Any person who believes that a violation of 1050
section 4729.43 of the Revised Code has occurred may file a 1051
complaint with the state board of pharmacy. Not later than thirty 1052
days after receiving the complaint, the board shall investigate 1053
the complaint and determine whether a violation occurred. If the 1054

board determines a violation occurred, the board shall impose a 1055
fine of not more than five thousand dollars for each violation. 1056

(B) A person who has been injured by a violation of section 1057
4729.43 of the Revised Code may bring a civil action in a court of 1058
competent jurisdiction to recover damages for the person's injury, 1059
as well as costs and reasonable attorney's fees. 1060

(C) If the attorney general has cause to believe that a 1061
person or group of persons has been or may be injured by a 1062
violation of section 4729.43 of the Revised Code, the attorney 1063
general may commence a civil action in a court of competent 1064
jurisdiction to compel compliance with that section. In such 1065
action, the court may award appropriate relief on a finding that a 1066
violation or violations have occurred, including compensatory 1067
damages and punitive damages not exceeding five thousand dollars 1068
for each violation. 1069

Section 2. That existing sections 2907.29, 3313.60, 1070
3313.6011, 3314.03, 3326.11, and 4729.16 and section 3701.046 of 1071
the Revised Code are hereby repealed. 1072

Section 3. Section 1751.69 of the Revised Code shall apply 1073
only to policies, contracts, and agreements that are delivered, 1074
issued for delivery, or renewed in this state on or after the 1075
effective date of this act, and section 3923.85 of the Revised 1076
Code shall apply to policies of sickness and accident insurance 1077
delivered, issued for delivery, or renewed in this state and 1078
public employee benefit plans that are established or modified in 1079
this state on or after the effective date of this act. 1080