

**As Introduced**

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

**S. B. No. 176**

**Senator Fedor**

**Cosponsors: Senators Miller, D., Kearney, Turner, Morano, Cafaro, Strahorn,  
Miller, R., Wilson, Schiavoni, Sawyer, Smith**

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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

**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 18

administration, if the policy, contract, or agreement provides 19  
coverage for other prescription drugs or devices; 20

(2) Limit or exclude coverage for physician-directed 21  
outpatient services that are related to the provision of such 22  
drugs or devices, if the policy, contract, or agreement provides 23  
coverage for other outpatient services rendered by a provider. 24

(B) The coverage provided under division (A) of this section 25  
shall be subject to the same terms and conditions, including 26  
copayment charges, that apply to similar coverage provided under 27  
the policy, contract, or agreement. 28

**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 parent, parents, or guardian of the minor is not required for an examination under this section. However, the hospital shall give written notice to the parent, parents, or guardian of a minor that an examination under this section has taken place. 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.

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

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

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

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

(3) Mathematics;

(4) Natural science, including instruction in the	80
conservation of natural resources;	81
(5) Health education, which shall include instruction in:	82
(a) The nutritive value of foods, including natural and	83
organically produced foods, the relation of nutrition to health,	84
the use and effects of food additives;	85
(b) The harmful effects of and legal restrictions against the	86
use of drugs of abuse, alcoholic beverages, and tobacco;	87
(c) <del>Venereal disease</del> <u>Sexually transmitted infection</u>	88
<u>prevention</u> education, <u>including HIV/AIDS prevention education in</u>	89
<u>accordance with section 3313.6011 of the Revised Code</u> , except that	90
upon written request of the student's parent or guardian, a	91
student shall be excused from taking instruction in <del>venereal</del>	92
<del>disease education</del> ; <u>sexually transmitted infection prevention.</u>	93
<u>Instruction shall stress, if age-appropriate, the value of</u>	94
<u>abstinence while not ignoring those who have been or are sexually</u>	95
<u>active. Therefore, abstinence shall not be taught to the exclusion</u>	96
<u>of other instruction and materials on contraceptive and disease</u>	97
<u>reduction measures.</u>	98
(d) In grades kindergarten through six, instruction in	99
personal safety and assault prevention, except that upon written	100
request of the student's parent or guardian, a student shall be	101
excused from taking instruction in personal safety and assault	102
prevention.	103
(6) Physical education;	104
(7) The fine arts, including music;	105
(8) First aid, including a training program in	106
cardiopulmonary resuscitation, safety, and fire prevention, except	107
that upon written request of the student's parent or guardian, a	108
student shall be excused from taking instruction in	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
<b>Sec. 3313.6011.</b> (A) As used in this section, <del>"sexual activity" has the same meaning as in section 2907.01 of the Revised Code.</del>	163 164 165
<del>(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</del>	166 167 168 169 170 171

<del>syndrome.</del>	172
<del>(C) In adopting minimum standards under section 3301.07 of</del>	173
<del>the Revised Code, the state board of education shall require</del>	174
<del>course material and instruction in venereal disease education</del>	175
<del>courses taught pursuant to division (A)(5)(c) of section 3313.60</del>	176
<del>of the Revised Code to do all of the following:</del>	177
<del>(1) Stress that students should abstain from sexual activity</del>	178
<del>until after marriage;</del>	179
<del>(2) Teach the potential physical, psychological, emotional,</del>	180
<del>and social side effects of participating in sexual activity</del>	181
<del>outside of marriage;</del>	182
<del>(3) Teach that conceiving children out of wedlock is likely</del>	183
<del>to have harmful consequences for the child, the child's parents,</del>	184
<del>and society;</del>	185
<del>(4) Stress that sexually transmitted diseases are serious</del>	186
<del>possible hazards of sexual activity;</del>	187
<del>(5) Advise students of the laws pertaining to financial</del>	188
<del>responsibility of parents to children born in and out of wedlock;</del>	189
<del>(6) Advise students of the circumstances under which it is</del>	190
<del>criminal to have sexual contact with a person under the age of</del>	191
<del>sixteen pursuant to section 2907.04 of the Revised Code;</del>	192
<del>(7) Emphasize adoption as an option for unintended</del>	193
<del>pregnancies.</del>	194
<del>(D):</del>	195
<del>(1) "Age-appropriate" means designed to teach concepts,</del>	196
<del>information, and skills based on the social, cognitive, emotional,</del>	197
<del>and experience level of pupils.</del>	198
<del>(2) "Comprehensive sexual health education" means education</del>	199
<del>regarding human development and sexuality, including education on</del>	200
<del>sexual health, family planning, and sexually transmitted</del>	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
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<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 stereotypes and myths regarding persons with HIV/AIDS, which shall emphasize an understanding of the disease and its impact on people's lives; 325  
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(8) Instruction and materials that teach pupils to recognize unwanted physical and verbal sexual advances, not to make unwanted physical and verbal sexual advances, and how to effectively reject unwanted sexual advances. The instruction and materials shall cover verbal, physical, and visual sexual harassment, including nonconsensual physical sexual contact and rape by an acquaintance or family member. The course information and materials shall emphasize personal accountability and respect for others and shall encourage youth to resist peer pressure. 329  
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(D) Each school district and educational service center shall cooperatively plan and provide, through regional planning, joint powers agreements, or contract services, in-service training for all school district personnel who provide comprehensive sexual health education or HIV/AIDS prevention education. In doing so, each district and service center shall consult with the department of education. 338  
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The in-service training shall be conducted periodically to enable district and service center personnel to learn new developments in the scientific understanding of sexual health and HIV/AIDS. The in-service training shall be voluntary for district and service center personnel who have demonstrated expertise or received in-service training from the department or the United States centers for disease control and prevention. 345  
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A district or service center may contract with outside consultants with expertise in comprehensive sexual health education and HIV/AIDS prevention education, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver the in-service training to 352  
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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 (G) If a~~ 397  
~~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 following:	419 420
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	421 422
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;	423 424
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	425 426 427 428
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	429 430 431
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	432 433
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	434 435
(6)(a) Dismissal procedures;	436
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	437 438 439 440 441 442
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	443 444
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state.	445 446 447 448

Audits shall be conducted in accordance with section 117.10 of the Revised Code. 449  
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(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 community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

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

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

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

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

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

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

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). 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). 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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<u>following:</u>	907
<u>(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;</u>	908 909 910 911
<u>(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.</u>	912 913 914 915 916
<u>(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.</u>	917 918 919 920
<b>Sec. 4729.16.</b> (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:	921 922 923 924 925 926 927 928 929 930
(1) Guilty of a felony or gross immorality;	931
(2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;	932 933
(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;	934 935 936

(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
<b><u>Sec. 4729.43.</u></b> (A) As used in this section:	976
<u>(1) "Contraception" or "contraceptive" means any drug or device approved by the United States food and drug administration to prevent pregnancy.</u>	977
<u>(2) "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