

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**S. B. No. 190**

**Senator Cafaro**

**Cosponsors: Senators Sawyer, Schiavoni, Skindell, Smith, Turner, Tavares**

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**A B I L L**

To amend sections 121.22, 2907.29, 3313.60, 1  
3313.6011, 3314.03, 3326.11, 4729.16, 4729.18, and 2  
4729.35 and to enact sections 1751.69, 3701.048, 3  
3727.60, 3727.601, 3727.602, 3923.85, 4729.43, and 4  
4729.44 of the Revised Code regarding assistance 5  
for pregnancy prevention and hospital services for 6  
victims of sexual assault. 7

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

**Section 1.** That sections 121.22, 2907.29, 3313.60, 3313.6011, 8  
3314.03, 3326.11, 4729.16, 4729.18, and 4729.35 be amended and 9  
sections 1751.69, 3701.048, 3727.60, 3727.601, 3727.602, 3923.85, 10  
4729.43, and 4729.44 of the Revised Code be enacted to read as 11  
follows: 12

**Sec. 121.22.** (A) This section shall be liberally construed to 13  
require public officials to take official action and to conduct 14  
all deliberations upon official business only in open meetings 15  
unless the subject matter is specifically excepted by law. 16

(B) As used in this section: 17

(1) "Public body" means any of the following: 18

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;

(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

(3) "Regulated individual" means either of the following:

(a) A student in a state or local public educational institution;

(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.

(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.

(C) All meetings of any public body are declared to be public

meetings open to the public at all times. A member of a public 49  
body shall be present in person at a meeting open to the public to 50  
be considered present or to vote at the meeting and for purposes 51  
of determining whether a quorum is present at the meeting. 52

The minutes of a regular or special meeting of any public 53  
body shall be promptly prepared, filed, and maintained and shall 54  
be open to public inspection. The minutes need only reflect the 55  
general subject matter of discussions in executive sessions 56  
authorized under division (G) or (J) of this section. 57

(D) This section does not apply to any of the following: 58

(1) A grand jury; 59

(2) An audit conference conducted by the auditor of state or 60  
independent certified public accountants with officials of the 61  
public office that is the subject of the audit; 62

(3) The adult parole authority when its hearings are 63  
conducted at a correctional institution for the sole purpose of 64  
interviewing inmates to determine parole or pardon; 65

(4) The organized crime investigations commission established 66  
under section 177.01 of the Revised Code; 67

(5) Meetings of a child fatality review board established 68  
under section 307.621 of the Revised Code and meetings conducted 69  
pursuant to sections 5153.171 to 5153.173 of the Revised Code; 70

(6) The state medical board when determining whether to 71  
suspend a certificate without a prior hearing pursuant to division 72  
(G) of either section 4730.25 or 4731.22 of the Revised Code; 73

(7) The board of nursing when determining whether to suspend 74  
a license or certificate without a prior hearing pursuant to 75  
division (B) of section 4723.281 of the Revised Code; 76

(8) The state board of pharmacy when determining whether to 77  
suspend a license without a prior hearing pursuant to division 78

<del>(D)</del> <u>(E)</u> of section 4729.16 of the Revised Code;	79
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	80 81 82
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	83 84 85 86
(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof.	87 88 89 90
(E) The controlling board, the development financing advisory council, the industrial technology and enterprise advisory council, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board, council, or authority members present, may close the meeting during consideration of the following information confidentially received by the authority, council, or board from the applicant:	91 92 93 94 95 96 97 98 99 100
(1) Marketing plans;	101
(2) Specific business strategy;	102
(3) Production techniques and trade secrets;	103
(4) Financial projections;	104
(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.	105 106 107 108

The vote by the authority, council, or board to accept or 109  
reject the application, as well as all proceedings of the 110  
authority, council, or board not subject to this division, shall 111  
be open to the public and governed by this section. 112

(F) Every public body, by rule, shall establish a reasonable 113  
method whereby any person may determine the time and place of all 114  
regularly scheduled meetings and the time, place, and purpose of 115  
all special meetings. A public body shall not hold a special 116  
meeting unless it gives at least twenty-four hours' advance notice 117  
to the news media that have requested notification, except in the 118  
event of an emergency requiring immediate official action. In the 119  
event of an emergency, the member or members calling the meeting 120  
shall notify the news media that have requested notification 121  
immediately of the time, place, and purpose of the meeting. 122

The rule shall provide that any person, upon request and 123  
payment of a reasonable fee, may obtain reasonable advance 124  
notification of all meetings at which any specific type of public 125  
business is to be discussed. Provisions for advance notification 126  
may include, but are not limited to, mailing the agenda of 127  
meetings to all subscribers on a mailing list or mailing notices 128  
in self-addressed, stamped envelopes provided by the person. 129

(G) Except as provided in division (J) of this section, the 130  
members of a public body may hold an executive session only after 131  
a majority of a quorum of the public body determines, by a roll 132  
call vote, to hold an executive session and only at a regular or 133  
special meeting for the sole purpose of the consideration of any 134  
of the following matters: 135

(1) To consider the appointment, employment, dismissal, 136  
discipline, promotion, demotion, or compensation of a public 137  
employee or official, or the investigation of charges or 138  
complaints against a public employee, official, licensee, or 139  
regulated individual, unless the public employee, official, 140

licensee, or regulated individual requests a public hearing. 141  
Except as otherwise provided by law, no public body shall hold an 142  
executive session for the discipline of an elected official for 143  
conduct related to the performance of the elected official's 144  
official duties or for the elected official's removal from office. 145  
If a public body holds an executive session pursuant to division 146  
(G)(1) of this section, the motion and vote to hold that executive 147  
session shall state which one or more of the approved purposes 148  
listed in division (G)(1) of this section are the purposes for 149  
which the executive session is to be held, but need not include 150  
the name of any person to be considered at the meeting. 151

(2) To consider the purchase of property for public purposes, 152  
or for the sale of property at competitive bidding, if premature 153  
disclosure of information would give an unfair competitive or 154  
bargaining advantage to a person whose personal, private interest 155  
is adverse to the general public interest. No member of a public 156  
body shall use division (G)(2) of this section as a subterfuge for 157  
providing covert information to prospective buyers or sellers. A 158  
purchase or sale of public property is void if the seller or buyer 159  
of the public property has received covert information from a 160  
member of a public body that has not been disclosed to the general 161  
public in sufficient time for other prospective buyers and sellers 162  
to prepare and submit offers. 163

If the minutes of the public body show that all meetings and 164  
deliberations of the public body have been conducted in compliance 165  
with this section, any instrument executed by the public body 166  
purporting to convey, lease, or otherwise dispose of any right, 167  
title, or interest in any public property shall be conclusively 168  
presumed to have been executed in compliance with this section 169  
insofar as title or other interest of any bona fide purchasers, 170  
lessees, or transferees of the property is concerned. 171

(3) Conferences with an attorney for the public body 172

concerning disputes involving the public body that are the subject 173  
of pending or imminent court action; 174

(4) Preparing for, conducting, or reviewing negotiations or 175  
bargaining sessions with public employees concerning their 176  
compensation or other terms and conditions of their employment; 177

(5) Matters required to be kept confidential by federal law 178  
or regulations or state statutes; 179

(6) Details relative to the security arrangements and 180  
emergency response protocols for a public body or a public office, 181  
if disclosure of the matters discussed could reasonably be 182  
expected to jeopardize the security of the public body or public 183  
office; 184

(7) In the case of a county hospital operated pursuant to 185  
Chapter 339. of the Revised Code, a joint township hospital 186  
operated pursuant to Chapter 513. of the Revised Code, or a 187  
municipal hospital operated pursuant to Chapter 749. of the 188  
Revised Code, to consider trade secrets, as defined in section 189  
1333.61 of the Revised Code. 190

If a public body holds an executive session to consider any 191  
of the matters listed in divisions (G)(2) to (7) of this section, 192  
the motion and vote to hold that executive session shall state 193  
which one or more of the approved matters listed in those 194  
divisions are to be considered at the executive session. 195

A public body specified in division (B)(1)(c) of this section 196  
shall not hold an executive session when meeting for the purposes 197  
specified in that division. 198

(H) A resolution, rule, or formal action of any kind is 199  
invalid unless adopted in an open meeting of the public body. A 200  
resolution, rule, or formal action adopted in an open meeting that 201  
results from deliberations in a meeting not open to the public is 202  
invalid unless the deliberations were for a purpose specifically 203

authorized in division (G) or (J) of this section and conducted at 204  
an executive session held in compliance with this section. A 205  
resolution, rule, or formal action adopted in an open meeting is 206  
invalid if the public body that adopted the resolution, rule, or 207  
formal action violated division (F) of this section. 208

(I)(1) Any person may bring an action to enforce this 209  
section. An action under division (I)(1) of this section shall be 210  
brought within two years after the date of the alleged violation 211  
or threatened violation. Upon proof of a violation or threatened 212  
violation of this section in an action brought by any person, the 213  
court of common pleas shall issue an injunction to compel the 214  
members of the public body to comply with its provisions. 215

(2)(a) If the court of common pleas issues an injunction 216  
pursuant to division (I)(1) of this section, the court shall order 217  
the public body that it enjoins to pay a civil forfeiture of five 218  
hundred dollars to the party that sought the injunction and shall 219  
award to that party all court costs and, subject to reduction as 220  
described in division (I)(2) of this section, reasonable 221  
attorney's fees. The court, in its discretion, may reduce an award 222  
of attorney's fees to the party that sought the injunction or not 223  
award attorney's fees to that party if the court determines both 224  
of the following: 225

(i) That, based on the ordinary application of statutory law 226  
and case law as it existed at the time of violation or threatened 227  
violation that was the basis of the injunction, a well-informed 228  
public body reasonably would believe that the public body was not 229  
violating or threatening to violate this section; 230

(ii) That a well-informed public body reasonably would 231  
believe that the conduct or threatened conduct that was the basis 232  
of the injunction would serve the public policy that underlies the 233  
authority that is asserted as permitting that conduct or 234  
threatened conduct. 235

(b) If the court of common pleas does not issue an injunction pursuant to division (I)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission

conducts as an executive session that pertains to the applicant's, 267  
recipient's, or former recipient's application for financial 268  
assistance. 269

(3) A veterans service commission shall vote on the grant or 270  
denial of financial assistance under sections 5901.01 to 5901.15 271  
of the Revised Code only in an open meeting of the commission. The 272  
minutes of the meeting shall indicate the name, address, and 273  
occupation of the applicant, whether the assistance was granted or 274  
denied, the amount of the assistance if assistance is granted, and 275  
the votes for and against the granting of assistance. 276

Sec. 1751.69. (A) Notwithstanding section 3901.71 of the 277  
Revised Code, no individual or group health insuring corporation 278  
policy, contract, or agreement that is delivered, issued for 279  
delivery, or renewed in this state shall do either of the 280  
following: 281

(1) Limit or exclude coverage for prescription contraceptive 282  
drugs or devices approved by the United States food and drug 283  
administration, if the policy, contract, or agreement provides 284  
coverage for other prescription drugs or devices; 285

(2) Limit or exclude coverage for physician-directed 286  
outpatient services that are related to the provision of such 287  
drugs or devices, if the policy, contract, or agreement provides 288  
coverage for other outpatient services rendered by a provider. 289

(B) The coverage provided under division (A) of this section 290  
shall be subject to the same terms and conditions, including 291  
copayment charges, that apply to similar coverage provided under 292  
the policy, contract, or agreement. 293

**Sec. 2907.29.** Every hospital of this state that offers 294  
organized emergency services shall provide that a physician, a 295  
physician assistant, a clinical nurse specialist, a certified 296

nurse practitioner, or a certified nurse-midwife is available on 297  
call twenty-four hours each day for the examination of persons 298  
reported to any law enforcement agency to be victims of sexual 299  
offenses cognizable as violations of any provision of sections 300  
2907.02 to 2907.06 of the Revised Code. The physician, physician 301  
assistant, clinical nurse specialist, certified nurse 302  
practitioner, or certified nurse-midwife, upon the request of any 303  
peace officer or prosecuting attorney and with the consent of the 304  
reported victim or upon the request of the reported victim, shall 305  
examine the person for the purposes of gathering physical evidence 306  
and shall complete any written documentation of the physical 307  
examination. The public health council shall establish procedures 308  
for gathering evidence under this section. 309

Each reported victim shall be informed of available ~~venereal~~ 310  
~~disease~~ sexually transmitted infection, pregnancy, medical, and 311  
psychiatric services in accordance with section 3727.601 of the 312  
Revised Code. 313

Notwithstanding any other provision of law, a minor may 314  
consent to examination under this section. The consent is not 315  
subject to disaffirmance because of minority, and consent of the 316  
parent, parents, or guardian of the minor is not required for an 317  
examination under this section. However, the hospital shall give 318  
written notice to the parent, parents, or guardian of a minor that 319  
an examination under this section has taken place. The parent, 320  
parents, or guardian of a minor giving consent under this section 321  
are not liable for payment for any services provided under this 322  
section without their consent. 323

**Sec. 3313.60.** Notwithstanding division (D) of section 3311.52 324  
of the Revised Code, divisions (A) to (E) of this section do not 325  
apply to any cooperative education school district established 326  
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 327

Code.	328
(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:	329 330 331 332 333 334 335 336
(1) The language arts, including reading, writing, spelling, oral and written English, and literature;	337 338
(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;	339 340 341 342 343 344
(3) Mathematics;	345
(4) Natural science, including instruction in the conservation of natural resources;	346 347
(5) Health education, which shall include instruction in:	348
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;	349 350 351
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;	352 353
(c) <del>Venereal disease</del> <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	354 355 356 357

student shall be excused from taking instruction in ~~venereal~~ 358  
~~disease education;~~ sexually transmitted infection prevention. 359  
Instruction shall stress abstinence but shall not exclude other 360  
instruction and materials on contraceptive methods and infection 361  
reduction measures. 362

(d) In grades kindergarten through six, instruction in 363  
personal safety and assault prevention, except that upon written 364  
request of the student's parent or guardian, a student shall be 365  
excused from taking instruction in personal safety and assault 366  
prevention; 367

(e) In grades seven through twelve, age-appropriate 368  
instruction in dating violence prevention education, which shall 369  
include instruction in recognizing dating violence warning signs 370  
and characteristics of healthy relationships. 371

In order to assist school districts in developing a dating 372  
violence prevention education curriculum, the department of 373  
education shall provide on its web site links to free curricula 374  
addressing dating violence prevention. 375

If the parent or legal guardian of a student less than 376  
eighteen years of age submits to the principal of the student's 377  
school a written request to examine the dating violence prevention 378  
instruction materials used at that school, the principal, within a 379  
reasonable period of time after the request is made, shall allow 380  
the parent or guardian to examine those materials at that school. 381

(6) Physical education; 382

(7) The fine arts, including music; 383

(8) First aid, including a training program in 384  
cardiopulmonary resuscitation, safety, and fire prevention, except 385  
that upon written request of the student's parent or guardian, a 386  
student shall be excused from taking instruction in 387  
cardiopulmonary resuscitation. 388

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

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

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

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

(F) The board of education of any cooperative education 421  
school district established pursuant to divisions (A) to (C) of 422  
section 3311.52 of the Revised Code shall prescribe a curriculum 423  
for the subject areas and grade levels offered in any school under 424  
its control. 425

(G) Upon the request of any parent or legal guardian of a 426  
student, the board of education of any school district shall 427  
permit the parent or guardian to promptly examine, with respect to 428  
the parent's or guardian's own child: 429

(1) Any survey or questionnaire, prior to its administration 430  
to the child; 431

(2) Any textbook, workbook, software, video, or other 432  
instructional materials being used by the district in connection 433  
with the instruction of the child; 434

(3) Any completed and graded test taken or survey or 435  
questionnaire filled out by the child; 436

(4) Copies of the statewide academic standards and each model 437  
curriculum developed pursuant to section 3301.079 of the Revised 438  
Code, which copies shall be available at all times during school 439  
hours in each district school building. 440

**Sec. 3313.6011.** (A) As used in this section, ~~"sexual~~ 441  
~~activity" has the same meaning as in section 2907.01 of the~~ 442  
~~Revised Code.~~ 443

~~(B) Instruction in venereal disease education pursuant to~~ 444  
~~division (A)(5)(c) of section 3313.60 of the Revised Code shall~~ 445  
~~emphasize that abstinence from sexual activity is the only~~ 446  
~~protection that is one hundred per cent effective against unwanted~~ 447  
~~pregnancy, sexually transmitted disease, and the sexual~~ 448  
~~transmission of a virus that causes acquired immunodeficiency~~ 449  
~~syndrome.~~ 450

~~(C) In adopting minimum standards under section 3301.07 of the Revised Code, the state board of education shall require course material and instruction in venereal disease education courses taught pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code to do all of the following:~~

~~(1) Stress that students should abstain from sexual activity until after marriage;~~

~~(2) Teach the potential physical, psychological, emotional, and social side effects of participating in sexual activity outside of marriage;~~

~~(3) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;~~

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

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

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

~~(7) Emphasize adoption as an option for unintended pregnancies.~~

~~(D):~~

~~(1) "Age-appropriate" means designed to teach concepts, information, and skills based on the social, cognitive, and emotional level of pupils.~~

~~(2) "Comprehensive sexual health education" means education regarding human development and sexuality, including education on sexual health, family planning, and sexually transmitted infections.~~

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

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

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

(B) Any school district or educational service center may offer comprehensive sexual health education. Beginning on the first day August immediately following the effective date of this amendment, each school district and educational service center that elects to offer comprehensive sexual health education shall ensure that the program meets all of the following requirements:

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

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

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

<u>(4) Instruction and materials shall encourage pupils to</u>	512
<u>communicate with their parents or guardians about human sexuality.</u>	513
<u>(5) Instruction and materials shall teach all of the</u>	514
<u>following:</u>	515
<u>(a) That abstinence from sexual activity is the only certain</u>	516
<u>way to avoid pregnancy, sexually transmitted infections, and other</u>	517
<u>associated health problems;</u>	518
<u>(b) That bearing children outside of a committed relationship</u>	519
<u>is likely to have consequences for the child, the child's parents,</u>	520
<u>and society;</u>	521
<u>(c) How, as young people, to effectively reject sexual</u>	522
<u>advances and how alcohol and drug use increases vulnerability to</u>	523
<u>sexual advances;</u>	524
<u>(d) The importance of attaining self-sufficiency before</u>	525
<u>engaging in sexual activity.</u>	526
<u>(6) Instruction and materials shall stress abstinence but</u>	527
<u>shall not exclude other instruction and materials on contraceptive</u>	528
<u>methods and infection reduction measures.</u>	529
<u>(7) If age-appropriate, instruction and materials shall</u>	530
<u>provide information about the effectiveness and safety, including</u>	531
<u>the health benefits and side effects, of all contraceptive methods</u>	532
<u>in preventing unintended pregnancy and reducing the risk of</u>	533
<u>contracting sexually transmitted infections.</u>	534
<u>(8) Instruction about sexually transmitted infections shall</u>	535
<u>commence not later than grade seven. The instruction shall include</u>	536
<u>information on how sexually transmitted infections are and are not</u>	537
<u>transmitted, the effectiveness and methods of reducing the risk of</u>	538
<u>contracting sexually transmitted infections, and identification of</u>	539
<u>local resources for testing and medical care for sexually</u>	540
<u>transmitted infections and HIV.</u>	541

(9) If age-appropriate, instruction and materials shall 542  
provide pupils with skills for negotiating intimate relationships 543  
and making and implementing responsible decisions about sexuality. 544

(10) If age-appropriate, instruction and materials shall 545  
include a discussion of the possible emotional, physical, and 546  
psychological consequences of preadolescent and adolescent sexual 547  
activity and the emotional, physical, and psychological 548  
consequences of unintended pregnancy. 549

(11) Instruction and materials shall teach pupils to 550  
recognize unwanted physical and verbal sexual advances, not to 551  
make unwanted physical and verbal sexual advances, and how to 552  
effectively reject unwanted sexual advances. The instruction and 553  
materials shall cover verbal, physical, and visual sexual 554  
harassment, including nonconsensual physical sexual contact and 555  
rape by an acquaintance or family member. The course information 556  
and materials shall emphasize personal accountability and respect 557  
for others and shall encourage youth to resist peer pressure. 558

(12) Comprehensive sexual health education shall not include 559  
any instruction or materials that teach or promote religious 560  
doctrine. 561

A school district or educational service center may use 562  
separate, outside speakers or prepared curricula to teach 563  
different content areas or units with the comprehensive sexual 564  
health education program, as long as all speakers, curricula, and 565  
materials used comply with this section. 566

(C) Each city, local, exempted village, and joint vocational 567  
school district shall ensure that each pupil in grades seven 568  
through twelve receives HIV/AIDS prevention education from 569  
instructors trained in the appropriate courses. Each pupil shall 570  
receive this instruction at least once in grades seven through 571  
nine, and at least once in grades ten through twelve. HIV/AIDS 572

prevention education, whether taught by school district personnel 573  
or outside consultants, shall accurately reflect the latest 574  
information and recommendations from the United States surgeon 575  
general, the United States centers for disease control and 576  
prevention, and the national academy of sciences, and shall 577  
include all of the following: 578

(1) Information on the nature of HIV/AIDS and its effects on 579  
the human body; 580

(2) Information on the manner in which HIV is and is not 581  
transmitted, including information on activities that present the 582  
highest risk of HIV infection; 583

(3) Discussion of methods to reduce the risk of HIV 584  
infection, which shall emphasize that sexual abstinence, monogamy, 585  
and the avoidance of multiple sexual partners, and abstinence from 586  
intravenous drug use, are the most effective means for HIV/AIDS 587  
prevention, but shall also include statistics based upon the 588  
latest medical information citing the success and failure rates of 589  
condoms and other contraceptives in preventing sexually 590  
transmitted HIV infection, as well as information on other methods 591  
that may reduce the risk of HIV transmission from intravenous drug 592  
use; 593

(4) Discussion of the public health issues associated with 594  
HIV/AIDS; 595

(5) Information on local resources for HIV testing and 596  
medical care; 597

(6) Instruction and materials that provide pupils with skills 598  
for negotiating intimate relationships and making and implementing 599  
responsible decisions about sexuality; 600

(7) Discussion about societal views on HIV/AIDS, including 601  
stereotypes and myths regarding persons with HIV/AIDS, which shall 602  
emphasize an understanding of the condition and its impact on 603

people's lives; 604

(8) Instruction and materials that teach pupils to recognize 605  
unwanted physical and verbal sexual advances, not to make unwanted 606  
physical and verbal sexual advances, and how to effectively reject 607  
unwanted sexual advances. The instruction and materials shall 608  
cover verbal, physical, and visual sexual harassment, including 609  
nonconsensual physical sexual contact and rape by an acquaintance 610  
or family member. The course information and materials shall 611  
emphasize personal accountability and respect for others and shall 612  
encourage youth to resist peer pressure. 613

(D) Each school district and educational service center shall 614  
cooperatively plan and provide, through regional planning, joint 615  
powers agreements, or contract services, in-service training for 616  
all school district personnel who provide comprehensive sexual 617  
health education or HIV/AIDS prevention education. In doing so, 618  
each district and service center shall consult with the department 619  
of education. 620

The in-service training shall be conducted periodically to 621  
enable district and service center personnel to learn new 622  
developments in the scientific understanding of sexual health and 623  
HIV/AIDS. The in-service training shall be voluntary for district 624  
and service center personnel who have demonstrated expertise or 625  
received in-service training from the department or the United 626  
States centers for disease control and prevention. 627

A district or service center may contract with outside 628  
consultants with expertise in comprehensive sexual health 629  
education and HIV/AIDS prevention education, including those who 630  
have developed multilingual curricula or curricula accessible to 631  
persons with disabilities, to deliver the in-service training to 632  
district or service center personnel. 633

(E) At the beginning of each school year, or at the time of 634

enrollment in the case of a pupil who enrolls after the beginning 635  
of the school year, each school district shall notify the parent 636  
or guardian of each pupil about instruction in comprehensive 637  
sexual health education and HIV/AIDS prevention education and 638  
about research on pupil health behaviors and health risks planned 639  
for that year. The notice shall advise parents and guardians of 640  
all of the following: 641

(1) That written and audio-visual educational materials used 642  
in comprehensive sexual health education and HIV/AIDS prevention 643  
education are available for inspection; 644

(2) Whether comprehensive sexual health education or HIV/AIDS 645  
prevention education will be taught by school district personnel 646  
or by outside consultants; 647

(3) That a parent or guardian may request a copy of this 648  
section; 649

(4) That a parent or guardian may request in writing that the 650  
child not receive comprehensive sexual health education or 651  
HIV/AIDS prevention education. 652

A school district or educational service center shall not 653  
permit a pupil to attend any class in comprehensive sexual health 654  
education or HIV/AIDS prevention education if the school has 655  
received a written request from the pupil's parent or guardian 656  
excusing the pupil from participation. A pupil who is so excused 657  
shall not be subject to disciplinary action, academic penalty, or 658  
other sanction, and the district or service center shall make an 659  
alternative educational activity available for the pupil while 660  
comprehensive sexual health education or HIV/AIDS prevention 661  
education is conducted. 662

Each school district and educational service center shall 663  
make written and audio-visual educational materials used in 664  
comprehensive sexual health education and HIV/AIDS prevention 665

education available for inspection by the parents and guardians of 666  
pupils. Each school district shall provide a copy of this section 667  
upon request to the parent or guardian of a pupil enrolled in the 668  
district. 669

(F) Any model education program for health education the 670  
state board of education adopts shall conform to the requirements 671  
of this section. 672

~~(E) On and after March 18, 1999, and notwithstanding~~ (G) If a 673  
school district or educational service center does not elect to 674  
offer comprehensive sexual health education under this section, 675  
any sexual education that the school district or educational 676  
service center offers, including instruction in sexually 677  
transmitted infection prevention pursuant to division (A)(5)(c) of 678  
section 3313.60 of the Revised Code, shall stress abstinence but 679  
shall not exclude other instruction and materials on contraceptive 680  
methods and infection reduction measures. 681

(H) Notwithstanding section 3302.07 of the Revised Code, the 682  
superintendent of public instruction shall not approve, pursuant 683  
to that section 3302.07 ~~of the Revised Code~~, any waiver of any 684  
requirement of this section or of any rule adopted by the state 685  
board of education pursuant to this section. 686

**Sec. 3314.03.** A copy of every contract entered into under 687  
this section shall be filed with the superintendent of public 688  
instruction. 689

(A) Each contract entered into between a sponsor and the 690  
governing authority of a community school shall specify the 691  
following: 692

(1) That the school shall be established as either of the 693  
following: 694

(a) A nonprofit corporation established under Chapter 1702. 695

of the Revised Code, if established prior to April 8, 2003;	696
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	697 698
(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;	699 700 701 702
(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;	703 704 705
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	706 707
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	708 709
(6)(a) Dismissal procedures;	710
(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.	711 712 713 714 715 716
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	717 718
(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. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	719 720 721 722 723 724
(9) The facilities to be used and their locations;	725

(10) Qualifications of teachers, including the following:	726
(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	727 728 729 730 731
(b) A requirement that each classroom teacher initially hired by the school on or after July 1, 2013, and employed to provide instruction in physical education hold a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.	732 733 734 735 736
(11) That the school will comply with the following requirements:	737 738
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	739 740 741
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	742 743 744
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	745 746 747 748
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, <u>3313.6011</u> , 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 3313.816, <del>3314.817</del> <u>3313.817</u> , 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391,	749 750 751 752 753 754 755 756

3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 757  
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 758  
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 759  
and 4167. of the Revised Code as if it were a school district and 760  
will comply with section 3301.0714 of the Revised Code in the 761  
manner specified in section 3314.17 of the Revised Code. 762

(e) The school shall comply with Chapter 102. and section 763  
2921.42 of the Revised Code. 764

(f) The school will comply with sections 3313.61, 3313.611, 765  
and 3313.614 of the Revised Code, except that for students who 766  
enter ninth grade for the first time before July 1, 2010, the 767  
requirement in sections 3313.61 and 3313.611 of the Revised Code 768  
that a person must successfully complete the curriculum in any 769  
high school prior to receiving a high school diploma may be met by 770  
completing the curriculum adopted by the governing authority of 771  
the community school rather than the curriculum specified in Title 772  
XXXIII of the Revised Code or any rules of the state board of 773  
education. Beginning with students who enter ninth grade for the 774  
first time on or after July 1, 2010, the requirement in sections 775  
3313.61 and 3313.611 of the Revised Code that a person must 776  
successfully complete the curriculum of a high school prior to 777  
receiving a high school diploma shall be met by completing the 778  
Ohio core curriculum prescribed in division (C) of section 779  
3313.603 of the Revised Code, unless the person qualifies under 780  
division (D) or (F) of that section. Each school shall comply with 781  
the plan for awarding high school credit based on demonstration of 782  
subject area competency, adopted by the state board of education 783  
under division (J) of section 3313.603 of the Revised Code. 784

(g) The school governing authority will submit within four 785  
months after the end of each school year a report of its 786  
activities and progress in meeting the goals and standards of 787  
divisions (A)(3) and (4) of this section and its financial status 788

to the sponsor and the parents of all students enrolled in the school. 789  
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(h) The school, unless it is an internet- or computer-based community school, will comply with sections 3313.674 and 3313.801 of the Revised Code as if it were a school district. 791  
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(12) Arrangements for providing health and other benefits to employees; 794  
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(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. 796  
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(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 800  
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(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. 802  
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(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; 814  
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(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 817  
818  
819

converted public school or service center building, specification 820  
of any duties or responsibilities of an employer that the board of 821  
education or service center governing board that operated the 822  
school or building before conversion is delegating to the 823  
governing authority of the community school with respect to all or 824  
any specified group of employees provided the delegation is not 825  
prohibited by a collective bargaining agreement applicable to such 826  
employees; 827

(18) Provisions establishing procedures for resolving 828  
disputes or differences of opinion between the sponsor and the 829  
governing authority of the community school; 830

(19) A provision requiring the governing authority to adopt a 831  
policy regarding the admission of students who reside outside the 832  
district in which the school is located. That policy shall comply 833  
with the admissions procedures specified in sections 3314.06 and 834  
3314.061 of the Revised Code and, at the sole discretion of the 835  
authority, shall do one of the following: 836

(a) Prohibit the enrollment of students who reside outside 837  
the district in which the school is located; 838

(b) Permit the enrollment of students who reside in districts 839  
adjacent to the district in which the school is located; 840

(c) Permit the enrollment of students who reside in any other 841  
district in the state. 842

(20) A provision recognizing the authority of the department 843  
of education to take over the sponsorship of the school in 844  
accordance with the provisions of division (C) of section 3314.015 845  
of the Revised Code; 846

(21) A provision recognizing the sponsor's authority to 847  
assume the operation of a school under the conditions specified in 848  
division (B) of section 3314.073 of the Revised Code; 849

(22) A provision recognizing both of the following: 850

(a) The authority of public health and safety officials to 851  
inspect the facilities of the school and to order the facilities 852  
closed if those officials find that the facilities are not in 853  
compliance with health and safety laws and regulations; 854

(b) The authority of the department of education as the 855  
community school oversight body to suspend the operation of the 856  
school under section 3314.072 of the Revised Code if the 857  
department has evidence of conditions or violations of law at the 858  
school that pose an imminent danger to the health and safety of 859  
the school's students and employees and the sponsor refuses to 860  
take such action; 861

(23) A description of the learning opportunities that will be 862  
offered to students including both classroom-based and 863  
non-classroom-based learning opportunities that is in compliance 864  
with criteria for student participation established by the 865  
department under division (L)(2) of section 3314.08 of the Revised 866  
Code; 867

(24) The school will comply with sections 3302.04 and 868  
3302.041 of the Revised Code, except that any action required to 869  
be taken by a school district pursuant to those sections shall be 870  
taken by the sponsor of the school. However, the sponsor shall not 871  
be required to take any action described in division (F) of 872  
section 3302.04 of the Revised Code. 873

(25) Beginning in the 2006-2007 school year, the school will 874  
open for operation not later than the thirtieth day of September 875  
each school year, unless the mission of the school as specified 876  
under division (A)(2) of this section is solely to serve dropouts. 877  
In its initial year of operation, if the school fails to open by 878  
the thirtieth day of September, or within one year after the 879  
adoption of the contract pursuant to division (D) of section 880

3314.02 of the Revised Code if the mission of the school is solely 881  
to serve dropouts, the contract shall be void. 882

(B) The community school shall also submit to the sponsor a 883  
comprehensive plan for the school. The plan shall specify the 884  
following: 885

(1) The process by which the governing authority of the 886  
school will be selected in the future; 887

(2) The management and administration of the school; 888

(3) If the community school is a currently existing public 889  
school or educational service center building, alternative 890  
arrangements for current public school students who choose not to 891  
attend the converted school and for teachers who choose not to 892  
teach in the school or building after conversion; 893

(4) The instructional program and educational philosophy of 894  
the school; 895

(5) Internal financial controls. 896

(C) A contract entered into under section 3314.02 of the 897  
Revised Code between a sponsor and the governing authority of a 898  
community school may provide for the community school governing 899  
authority to make payments to the sponsor, which is hereby 900  
authorized to receive such payments as set forth in the contract 901  
between the governing authority and the sponsor. The total amount 902  
of such payments for oversight and monitoring of the school shall 903  
not exceed three per cent of the total amount of payments for 904  
operating expenses that the school receives from the state. 905

(D) The contract shall specify the duties of the sponsor 906  
which shall be in accordance with the written agreement entered 907  
into with the department of education under division (B) of 908  
section 3314.015 of the Revised Code and shall include the 909  
following: 910

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	911 912
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	913 914 915
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	916 917 918 919
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	920 921 922
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	923 924 925 926 927 928 929
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	930 931 932
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of	933 934 935 936 937 938 939 940 941

sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 942

(F) If a community school fails to open for operation within 943  
one year after the contract entered into under this section is 944  
adopted pursuant to division (D) of section 3314.02 of the Revised 945  
Code or permanently closes prior to the expiration of the 946  
contract, the contract shall be void and the school shall not 947  
enter into a contract with any other sponsor. A school shall not 948  
be considered permanently closed because the operations of the 949  
school have been suspended pursuant to section 3314.072 of the 950  
Revised Code. Any contract that becomes void under this division 951  
shall not count toward any statewide limit on the number of such 952  
contracts prescribed by section 3314.013 of the Revised Code. 953

**Sec. 3326.11.** Each science, technology, engineering, and 954  
mathematics school established under this chapter and its 955  
governing body shall comply with sections 9.90, 9.91, 109.65, 956  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 957  
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 958  
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 959  
3313.536, 3313.608, 3313.6011, 3313.6012, 3313.6013, 3313.6014, 960  
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 961  
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 962  
3313.67, 3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 963  
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 964  
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.21, 3319.32, 965  
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 966  
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 967  
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 968  
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 969  
4167. of the Revised Code as if it were a school district. 970

**Sec. 3701.048.** (A) There is hereby created the Ohio teen 971  
pregnancy prevention task force. The task force shall commence its 972

<u>activities not later than thirty days after the effective date of</u>	973
<u>this section.</u>	974
<u>(B) The task force shall consist of the following members:</u>	975
<u>(1) The director of health or the director's designee;</u>	976
<u>(2) The superintendent of public instruction or the</u>	977
<u>superintendent's designee;</u>	978
<u>(3) Two members of the house of representatives, one</u>	979
<u>appointed by the speaker of the house of representatives and one</u>	980
<u>appointed by the minority leader of the house of representatives;</u>	981
<u>(4) Two members of the senate, one appointed by the president</u>	982
<u>of the senate and one appointed by the minority leader of the</u>	983
<u>senate;</u>	984
<u>(5) One member of the commission on minority health;</u>	985
<u>(6) Two teens who reside in this state, appointed by the</u>	986
<u>director of health;</u>	987
<u>(7) Two parents who reside in this state and are the parents</u>	988
<u>of teens who reside in this state, appointed by the director of</u>	989
<u>health;</u>	990
<u>(8) Two teachers who reside in this state and are employed as</u>	991
<u>classroom teachers in this state, appointed by the director of</u>	992
<u>health;</u>	993
<u>(9) One representative of each of the following, appointed by</u>	994
<u>the director of health:</u>	995
<u>(a) Community-based organizations that provide teen pregnancy</u>	996
<u>prevention services;</u>	997
<u>(b) Public health professionals;</u>	998
<u>(c) Licensed medical practitioners;</u>	999
<u>(d) School nurses.</u>	1000

(C) Members shall serve without compensation, but may be 1001  
reimbursed for actual and necessary expenses incurred in the 1002  
performance of their duties. The department of health shall 1003  
provide meeting space for the task force. 1004

(D) The director of health or the director's designee shall 1005  
serve as chairperson of the task force. The task force shall 1006  
convene at the call of the chairperson. 1007

(E) The task force shall do all of the following: 1008

(1) Advise the governor and general assembly on strategies to 1009  
prevent teen pregnancy in this state; 1010

(2) Monitor and evaluate implementation of strategies to 1011  
prevent teen pregnancy in this state, identify barriers to 1012  
implementing those strategies, and establish methods to overcome 1013  
the barriers; 1014

(3) Collect and maintain information regarding successful 1015  
teen pregnancy prevention programs, research, and other relevant 1016  
materials to guide the governor and general assembly in their 1017  
efforts to reduce the number of teen pregnancies in this state; 1018

(4) Explore the establishment of a program within the 1019  
department of health that would award grants to federally 1020  
qualified health centers, as defined in section 3701.047 of the 1021  
Revised Code, to establish or expand teen pregnancy prevention 1022  
programs; 1023

(5) Collect information provided by local communities 1024  
regarding successful teen pregnancy prevention programs; 1025

(6) Hold meetings and maintain records of the meetings; 1026

(7) Perform any other duties specified by the director of 1027  
health. 1028

(F) Not later than December 1 of each year, the task force 1029  
shall submit an annual report to the governor and, in accordance 1030

with section 101.68 of the Revised Code, the general assembly. The 1031  
report shall summarize the task force's findings and 1032  
recommendations for changes to the laws of this state regarding 1033  
teen pregnancy. The initial report shall also include a 1034  
comprehensive assessment of teen pregnancy in this state and make 1035  
recommendations for reducing the number of teen pregnancies. 1036  
Subsequent reports shall also evaluate the success of programs 1037  
undertaken to reduce teen pregnancies and make additional 1038  
recommendations as necessary. 1039

Sec. 3727.60. As used in this section and sections 3727.601 1040  
and 3727.602 of the Revised Code: 1041

(A) "Drug" has the same meaning as in the "Federal Food, 1042  
Drug, and Cosmetic Act," 52 Stat. 1040, 1041 (1938), 21 U.S.C. 1043  
321(g)(1), as amended. 1044

(B) "Device" has the same meaning as in the "Federal Food, 1045  
Drug, and Cosmetic Act," 52 Stat. 1040, 1041 (1938), 21 U.S.C. 1046  
321(h), as amended. 1047

(C) "Emergency contraception" means any drug, drug regimen, 1048  
or device intended to prevent pregnancy after unprotected sexual 1049  
intercourse or contraceptive failure. 1050

(D) "Sexual assault" means a violation of sections 2907.02 to 1051  
2907.06 of the Revised Code. 1052

Sec. 3727.601. (A) It shall be the standard of care in this 1053  
state for hospitals that offer organized emergency services to 1054  
provide the services specified in divisions (B) and (C) of this 1055  
section to victims of sexual assault or individuals reported to be 1056  
victims of sexual assault. The services shall be provided without 1057  
regard to the ability of the victim or individual reported to be a 1058  
victim to pay for the services. 1059

(B) Except as provided in division (E) of this section, the 1060

services specified in divisions (B)(1) and (2) of this section 1061  
shall be provided by the hospital to a victim of sexual assault or 1062  
individual reported to be a victim of sexual assault who is female 1063  
and, as determined by the hospital, is of child-bearing age. 1064

(1) The hospital shall provide the victim or individual 1065  
reported to be a victim with information about emergency 1066  
contraception. The information shall be medically and factually 1067  
accurate and unbiased. It shall be provided in clear and concise 1068  
language in both written and oral formats. The information shall 1069  
explain all of the following: 1070

(a) That emergency contraception has been approved by the 1071  
United States food and drug administration for use by women of all 1072  
ages with a prescription and as an over-the-counter product for 1073  
women seventeen years of age or older as a safe and effective 1074  
means to prevent pregnancy after unprotected sexual intercourse or 1075  
contraceptive failure if used in a timely manner; 1076

(b) That emergency contraception is more effective the sooner 1077  
it is used following unprotected sexual intercourse or 1078  
contraceptive failure; 1079

(c) That emergency contraception does not cause an abortion 1080  
and studies have shown that it does not interrupt an established 1081  
pregnancy. 1082

(2) The hospital shall promptly offer emergency contraception 1083  
to the victim or individual reported to be a victim and provide 1084  
the emergency contraception if the victim or individual accepts 1085  
the offer. 1086

(C) The services specified in divisions (C)(1) to (4) of this 1087  
section shall be provided by the hospital to a victim of sexual 1088  
assault or individual reported to be a victim of sexual assault 1089  
who is female, regardless of whether the victim or individual is 1090  
of child-bearing age, and to a victim of sexual assault or 1091

individual reported to be a victim of sexual assault who is male. 1092

(1) The hospital shall promptly provide the victim or 1093  
individual reported to be a victim with an assessment of the 1094  
victim's or individual's risk of contracting sexually transmitted 1095  
infections, including gonorrhea, chlamydia, syphilis, and 1096  
hepatitis. The assessment shall be conducted by a physician, 1097  
physician assistant, clinical nurse specialist, certified nurse 1098  
practitioner, certified nurse-midwife, or registered nurse. The 1099  
assessment shall be based on the following: 1100

(a) The available information regarding the sexual assault; 1101

(b) The established standards of risk assessment, including 1102  
consideration of any recommendations established by the United 1103  
States centers for disease control and prevention, peer-reviewed 1104  
clinical studies, and appropriate research using in vitro and 1105  
nonhuman primate models of infection. 1106

(2) After conducting the assessment, the hospital shall 1107  
provide the victim or individual reported to be a victim with 1108  
counseling concerning the significantly prevalent sexually 1109  
transmitted infections for which effective postexposure treatment 1110  
exists and for which deferral of treatment would either 1111  
significantly reduce treatment efficacy or pose substantial risk 1112  
to the victim's or individual's health, including the infections 1113  
for which prophylactic treatment is recommended based on 1114  
guidelines from the centers for disease control and prevention. 1115  
The counseling shall be provided by a physician, physician 1116  
assistant, clinical nurse specialist, certified nurse 1117  
practitioner, certified nurse-midwife, or registered nurse. The 1118  
counseling shall be provided in clear and concise language. 1119

(3) After providing the counseling, the hospital shall offer 1120  
treatment for sexually transmitted infections to the victim or 1121  
individual reported to be a victim. The hospital shall provide the 1122

treatment if the victim or individual accepts the offer. 1123

(4) Before the victim or individual reported to be a victim 1124  
leaves the hospital, the hospital shall provide the victim or 1125  
individual with counseling on the physical and mental health 1126  
benefits of seeking follow-up care from the victim's or 1127  
individual's primary care physician or from another medical care 1128  
provider capable of providing follow-up care to victims of sexual 1129  
assault. The counseling shall include information on local 1130  
organizations and relevant health providers capable of providing 1131  
either follow-up medical care or other health services to victims 1132  
of sexual assault. The counseling shall be provided by a 1133  
physician, physician assistant, clinical nurse specialist, 1134  
certified nurse practitioner, certified nurse-midwife, or 1135  
registered nurse. The counseling shall be provided in clear and 1136  
concise language. 1137

(D) In the case of minors, the services specified in this 1138  
section shall be provided at the discretion of the treating 1139  
physician and in accordance with the guidelines of the centers for 1140  
disease control and prevention. 1141

Notwithstanding any other provision of law, a minor may 1142  
consent to the services specified in this section. The consent is 1143  
not subject to disaffirmance because of minority, and consent of 1144  
the parent, parents, or guardian of the minor is not required for 1145  
the services to be provided. 1146

(E) In either of the following cases, a hospital is not 1147  
required to provide information about emergency contraception, to 1148  
offer emergency contraception, or to provide emergency 1149  
contraception to a victim of sexual assault or individual reported 1150  
to be a victim of sexual assault who is female and, as determined 1151  
by the hospital, is of child-bearing age: 1152

(1) The hospital is aware that the victim or individual is 1153

incapable of becoming pregnant. 1154

(2) The hospital is aware that the victim or individual is pregnant. 1155  
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If the hospital has a pregnancy test performed to confirm whether the victim or individual is pregnant, the hospital shall have the test performed in such a manner that the results of the test are made available to the victim or individual during the initial visit to the hospital regarding the sexual assault. 1157  
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(F) Nothing in this section shall be construed as meaning any of the following: 1162  
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(1) That a hospital is required to provide treatment to a victim or individual reported to be a victim of sexual assault if the treatment goes against recommendations established by the United States centers for disease control and prevention; 1164  
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(2) That a victim or individual reported to be a victim of sexual assault is required to submit to any testing or treatment; 1168  
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(3) 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. 1170  
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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. 1175  
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If the department determines that a hospital has failed to provide the services required by section 3727.601 of the Revised Code to a victim of sexual assault or individual reported to be a victim of sexual assault, the department shall, pursuant to an 1180  
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adjudication under Chapter 119. of the Revised Code, impose a 1184  
civil penalty of not less than ten thousand dollars for each 1185  
violation. 1186

If the hospital has previously violated section 3727.601 of 1187  
the Revised Code, the department may ask the attorney general to 1188  
bring an action for injunctive relief in any court of competent 1189  
jurisdiction. On the filing of an appropriate petition in the 1190  
court, the court may conduct a hearing on the petition. If it is 1191  
demonstrated in the proceedings that the hospital has failed to 1192  
provide the services, the court shall grant a temporary or 1193  
permanent injunction enjoining the hospital's operation. 1194

**Sec. 3923.85.** (A) Notwithstanding section 3901.71 of the 1195  
Revised Code, no individual or group policy of sickness and 1196  
accident insurance that is delivered, issued for delivery, or 1197  
renewed in this state or public employee benefit plan that is 1198  
established or modified in this state shall do either of the 1199  
following: 1200

(1) Limit or exclude coverage for prescription contraceptive 1201  
drugs or devices approved by the United States food and drug 1202  
administration, if the policy or plan provides coverage for other 1203  
prescription drugs or devices; 1204

(2) Limit or exclude coverage for outpatient services 1205  
rendered by a health care professional that are related to the 1206  
provision of such drugs or devices, if the policy or plan provides 1207  
coverage for other outpatient services rendered by a health care 1208  
professional. 1209

(B) The coverage provided under division (A) of this section 1210  
shall be subject to the same terms and conditions, including 1211  
copayments and deductibles, that apply to similar coverage 1212  
provided under the policy or plan. 1213

Sec. 4729.16. (A) The state board of pharmacy, after notice 1214  
and hearing in accordance with Chapter 119. of the Revised Code, 1215  
may ~~revoke~~ do one or more of the following if it finds that a 1216  
pharmacist or pharmacy intern has committed an act described in 1217  
division (B) of this section: 1218

(1) Revoke, suspend, limit, place on probation, or refuse to 1219  
grant or renew an identification card, ~~or may impose;~~ 1220

(2) Impose a monetary penalty or forfeiture not to exceed in 1221  
severity any fine designated under the Revised Code for a similar 1222  
offense, or in the case of a violation of a section of the Revised 1223  
Code that does not bear a penalty, a monetary penalty or 1224  
forfeiture of not more than five hundred dollars. 1225

(B) An action described in division (A) of this section may 1226  
be taken by the board if ~~the board~~ it finds a pharmacist or 1227  
pharmacy intern: 1228

(1) Guilty of a felony or gross immorality; 1229

(2) Guilty of dishonesty or unprofessional conduct in the 1230  
practice of pharmacy; 1231

(3) Addicted to or abusing liquor or drugs or impaired 1232  
physically or mentally to such a degree as to render the 1233  
pharmacist or pharmacy intern unfit to practice pharmacy; 1234

(4) Has been convicted of a misdemeanor related to, or 1235  
committed in, the practice of pharmacy; 1236

(5) Guilty of willfully violating, conspiring to violate, 1237  
attempting to violate, or aiding and abetting the violation of any 1238  
of the provisions of this chapter, sections 3715.52 to 3715.72 of 1239  
the Revised Code, Chapter 2925. or 3719. of the Revised Code, or 1240  
any rule adopted by the board under those provisions; 1241

(6) Guilty of permitting anyone other than a pharmacist or 1242  
pharmacy intern to practice pharmacy; 1243

(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;	1244 1245 1246
(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;	1247 1248 1249 1250 1251 1252
(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	1253 1254
(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;	1255 1256 1257 1258
<u>(11) Has failed to comply with the requirements of section 4729.43 of the Revised Code.</u>	1259 1260
<del>(B)</del> (C) 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.	1261 1262 1263 1264
<del>(C)</del> (D) As used in this section:	1265
"Unprofessional conduct in the practice of pharmacy" includes any of the following:	1266 1267
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	1268 1269
(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;	1270 1271 1272
(3) Knowingly dispensing medication pursuant to false or	1273

forged prescriptions;	1274
(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;	1275 1276 1277
(5) Obtaining any remuneration by fraud, misrepresentation, or deception.	1278 1279
<del>(D)</del> <u>(E)</u> 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.	1280 1281 1282 1283
<del>(E)</del> <u>(F)</u> 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.	1284 1285 1286 1287 1288
<b>Sec. 4729.18.</b> The state board of pharmacy shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for approving and designating physicians and facilities as treatment providers for pharmacists with substance abuse problems and shall approve and designate treatment providers in accordance with the rules. The rules shall include standards for both inpatient and outpatient treatment. The rules shall provide that to be approved, a treatment provider must be capable of making an initial examination to determine the type of treatment required for a pharmacist with substance abuse problems. Subject to the rules, the board shall review and approve treatment providers on a regular basis and may, at its discretion, withdraw or deny approval.	1289 1290 1291 1292 1293 1294 1295 1296 1297 1298 1299 1300 1301
An approved treatment provider shall:	1302
(A) Report to the board the name of any pharmacist suffering	1303

or showing evidence of suffering impairment by reason of being 1304  
addicted to or abusing liquor or drugs as described in division 1305  
~~(A)~~(B)(3) of section 4729.16 of the Revised Code who fails to 1306  
comply within one week with a referral for examination; 1307

(B) Report to the board the name of any impaired pharmacist 1308  
who fails to enter treatment within forty-eight hours following 1309  
the provider's determination that the pharmacist needs treatment; 1310

(C) Require every pharmacist who enters treatment to agree to 1311  
a treatment contract establishing the terms of treatment and 1312  
aftercare, including any required supervision or restrictions of 1313  
practice during treatment or aftercare; 1314

(D) Require a pharmacist to suspend practice on entering any 1315  
required inpatient treatment; 1316

(E) Report to the board any failure by an impaired pharmacist 1317  
to comply with the terms of the treatment contract during 1318  
inpatient or outpatient treatment or aftercare; 1319

(F) Report to the board the resumption of practice of any 1320  
impaired pharmacist before the treatment provider has made a clear 1321  
determination that the pharmacist is capable of practicing 1322  
according to acceptable and prevailing standards; 1323

(G) Require a pharmacist who resumes practice after 1324  
completion of treatment to comply with an aftercare contract that 1325  
meets the requirements of rules adopted by the board for approval 1326  
of treatment providers; 1327

(H) Report to the board any pharmacist who suffers a relapse 1328  
at any time during or following aftercare. 1329

Any pharmacist who enters into treatment by an approved 1330  
treatment provider shall be deemed to have waived any 1331  
confidentiality requirements that would otherwise prevent the 1332  
treatment provider from making reports required under this 1333

section. 1334

In the absence of fraud or bad faith, no professional 1335  
association of pharmacists licensed under this chapter that 1336  
sponsors a committee or program to provide peer assistance to 1337  
pharmacists with substance abuse problems, no representative or 1338  
agent of such a committee or program, and no member of the state 1339  
board of pharmacy shall be liable to any person for damages in a 1340  
civil action by reason of actions taken to refer a pharmacist to a 1341  
treatment provider designated by the board or actions or omissions 1342  
of the provider in treating a pharmacist. 1343

In the absence of fraud or bad faith, no person who reports 1344  
to the board a pharmacist with a suspected substance abuse problem 1345  
shall be liable to any person for damages in a civil action as a 1346  
result of the report. 1347

**Sec. 4729.35.** The violation by a pharmacist or other person 1348  
of any laws of Ohio or of the United ~~State~~ States of America or of 1349  
any rule of the board of pharmacy controlling the distribution of 1350  
a drug of abuse as defined in section 3719.011 of the Revised Code 1351  
or the commission of any act set forth in division ~~(A)~~(B) of 1352  
section 4729.16 of the Revised Code, is hereby declared to be 1353  
inimical, harmful, and adverse to the public welfare of the 1354  
citizens of Ohio and to constitute a public nuisance. The attorney 1355  
general, the prosecuting attorney of any county in which the 1356  
offense was committed or in which the person committing the 1357  
offense resides, or the state board of pharmacy may maintain an 1358  
action in the name of the state to enjoin such person from 1359  
engaging in such violation. Any action under this section shall be 1360  
brought in the common pleas court of the county where the offense 1361  
occurred or the county where the alleged offender resides. 1362

**Sec. 4729.43.** (A) As used in this section: 1363

(1) "Contraception" or "contraceptive" means any drug or device approved by the United States food and drug administration to prevent pregnancy. 1364  
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(2) "Employee" means a person employed by a pharmacy by contract or any other form of an agreement. 1367  
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(3) "Product" means a drug or device approved by the United States food and drug administration. 1369  
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(4) "Professional judgment" means the use of professional knowledge and skills to form a clinical judgment in accordance with prevailing standards of care. 1371  
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(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. 1374  
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(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. 1380  
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(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: 1384  
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(1) If the customer prefers to obtain the contraceptive through a referral or transfer, the pharmacy shall do both of the following: 1390  
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(a) Locate a pharmacy of the customer's choice or the closest 1393

<u>pharmacy confirmed to have the contraceptive in stock;</u>	1394
<u>(b) Refer the customer or transfer the prescription to that pharmacy.</u>	1395
	1396
<u>(2) If the customer prefers to order the contraceptive through the pharmacy, the pharmacy shall obtain the contraceptive under the pharmacy's standard procedure for expedited ordering of products and notify the customer when the contraceptive arrives.</u>	1397
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	1400
<u>(D) The pharmacy shall ensure that its employees do not do any of the following:</u>	1401
	1402
<u>(1) Intimidate, threaten, or harass customers in the delivery of services relating to a request for contraception;</u>	1403
	1404
<u>(2) Interfere with or obstruct the delivery of services relating to a request for contraception;</u>	1405
	1406
<u>(3) Intentionally misrepresent or deceive customers about the availability of contraception or its mechanism of action;</u>	1407
	1408
<u>(4) Breach medical confidentiality with respect to a request for contraception or threaten to breach such confidentiality;</u>	1409
	1410
<u>(5) Refuse to return a valid, lawful prescription for contraception on the customer's request.</u>	1411
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<u>(E) This section does not prohibit a pharmacy from refusing to provide a contraceptive to a customer in any of the following circumstances:</u>	1413
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<u>(1) When it is unlawful to dispense the contraceptive to the customer without a valid, lawful prescription and no such prescription is presented.</u>	1416
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<u>(2) When the customer is unable to pay for the contraceptive.</u>	1419
<u>(3) When the employee of the pharmacy refuses to provide the contraceptive to the customer because, in the employee's professional judgment, a contraindication exists or the provision</u>	1420
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of the contraceptive is similarly not in the best interest of the 1423  
customer's health. 1424

Sec. 4729.44. (A) Any person who believes that a violation of 1425  
section 4729.43 of the Revised Code has occurred may file a 1426  
complaint with the state board of pharmacy. Not later than thirty 1427  
days after receiving the complaint, the board shall investigate 1428  
the complaint and determine whether a violation occurred. If the 1429  
board determines a violation occurred, the board may impose a fine 1430  
of not more than five thousand dollars for each violation. 1431

(B) A person who has been injured by a violation of section 1432  
4729.43 of the Revised Code may bring a civil action in a court of 1433  
competent jurisdiction to recover damages for the person's injury, 1434  
as well as costs and reasonable attorney's fees. 1435

(C) If the attorney general has cause to believe that a 1436  
person or group of persons has been or may be injured by a 1437  
violation of section 4729.43 of the Revised Code, the attorney 1438  
general may commence a civil action in a court of competent 1439  
jurisdiction to compel compliance with that section. In such 1440  
action, the court may award appropriate relief on a finding that a 1441  
violation or violations have occurred, including compensatory 1442  
damages and punitive damages not exceeding five thousand dollars 1443  
for each violation. 1444

**Section 2.** That existing sections 121.22, 2907.29, 3313.60, 1445  
3313.6011, 3314.03, 3326.11, 4729.16, 4729.18, and 4729.35 of the 1446  
Revised Code are hereby repealed. 1447

**Section 3.** Section 1751.69 of the Revised Code shall apply 1448  
only to policies, contracts, and agreements that are delivered, 1449  
issued for delivery, or renewed in this state on or after the 1450  
effective date of this act, and section 3923.85 of the Revised 1451  
Code shall apply to policies of sickness and accident insurance 1452

delivered, issued for delivery, or renewed in this state and 1453  
public employee benefit plans that are established or modified in 1454  
this state on or after the effective date of this act. 1455

**Section 4.** Sections 3314.03 and 3326.11 of the Revised Code 1456  
are amended by this act and were also amended by Sub. S.B. 210 of 1457  
the 128th General Assembly. The amendment by Sub. S.B. 210 to 1458  
sections 3314.03 and 3326.11 of the Revised Code is to take effect 1459  
on July 1, 2011. The amendment of sections 3314.03 and 3326.11 of 1460  
the Revised Code by Sub. S.B. 210 are included in this act to 1461  
confirm the intention to retain them, but are not intended to be 1462  
effective until July 1, 2011. 1463

**Section 5.** Sections 3727.60, 3727.601, and 3727.602 of the 1464  
Revised Code, as enacted by this act, shall be known as the 1465  
"Compassionate Assistance for Rape Emergencies Act." 1466