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Bill Analysis

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Primary Sponsor: Rep. Antani

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Summary

Unborn child's humanity/abortion-free society

- Requires the Department of Health (ODH), to the extent sufficient funds are appropriated, to provide information about the humanity of an unborn child and achieving an abortion-free society.
- Requires ODH to develop, maintain, and make accessible via the ODH website, a pregnancy and child services database.
- Requires ODH to include on its website a statement on the availability of pregnancy and child services to help a woman carry her child to term and assist her after birth and make it available for download.
- Requires schools and other educational institutions and programs, health care facilities, and retail food establishments that are open to the public and located in Ohio to download and display the pregnancy and child services statement in their public restrooms.
- Requires ODH to develop and make available materials on (1) the probable characteristics of an unborn child at specified gestational ages, and (2) pregnancy and abortion.
- Requires ODH to distribute the pregnancy and abortion materials to the public.
- Requires ODH to distribute educational material addressing maternal behaviors helpful to an unborn child.
- Requires ODH to provide services and technical assistance to community-based organizations to plan and implement abortion prevention referral programs and educational programs on unborn children's humanity.
- Requires ODH to recommend to the Department of Education information regarding an unborn child's humanity for state's academic standards in certain classes.

- Requires ODH to submit an annual report describing its efforts to meet the unborn child's humanity/abortion-free society duties to the chairpersons and vice-chairpersons of the standing committees of the General Assembly responsible for considering public health issues.
- Requires ODH to adopt rules necessary to implement the bills requirements regarding the unborn child's humanity/abortion-free society duties.

Unborn child's humanity instructional program

- Requires State Board of Education (BOE), with ODH collaboration, to develop an unborn child's humanity instructional program that is consistent with some of the materials developed by ODH to comply with its unborn child's humanity/abortion-free society duties.
- Prohibits the State Board and ODH from consulting with an organization that provides abortions in developing the instructional program.
- Grants discretion to each (1) city, local, and exempted school district's board of education, (2) chartered nonpublic, community, and STEM school's governing authority, and (3) college preparatory boarding school's board of trustees on whether to implement the instructional program.
- Permits a board or governing authority that chooses to implement the instructional program to determine the program's instructional content, if the content meets certain requirements.
- Prohibits the program or any employee of a school district, nonchartered public school, community school, STEM school, or college preparatory boarding school implementing the program from referring a student to an abortion provider.

Appropriation

- Makes a \$500,000 appropriation to ODH for fiscal year 2020 to fund the unborn child's humanity/abortion-free society duties and develop the unborn child's humanity instructional program.
- Makes a \$500,000 appropriation to ODH for fiscal year 2021 for distribution to organizations providing instruction in venereal disease education emphasizing abstinence.

Detailed Analysis

Unborn child's humanity/abortion-free society

The bill requires the Department of Health (ODH), to the extent sufficient funds are appropriated by the General Assembly, to perform certain duties for the purpose of providing information about the humanity of an unborn child and achieving an abortion-free society.¹ For

¹ R.C. 3708.02.

purposes of these duties, an “unborn child” means an individual organism of the species *Homo sapiens* from fertilization to live birth.²

Pregnancy and child services database

Under the bill, ODH must develop and maintain a pregnancy and child services database containing a list of agencies that offer services available to assist women through pregnancy and childbirth and while their children are dependent. The database must contain a comprehensive list of public and private agencies, including adoption agencies. The database must include the following information for each agency: (1) agency name, (2) address, (3) telephone number, (4) electronic mail address, and (5) a description of services offered by the agency. The database must be accessible to the public on ODH’s website, indexed geographically, and updated annually.³

Pregnancy and child services statement

Accessible online

The bill requires ODH to include the following statement, which must include an electronic link to the pregnancy and child services database, on ODH’s website:

“There are many public and private agencies willing and able to help you carry your child to term and assist you and your child after your child is born, whether you choose to keep your child or place your child for adoption. If you are pregnant, the State of Ohio strongly urges you to contact an agency listed on the Department of Health’s pregnancy and child services database.”⁴

Public posting

ODH must create a version of the statement that is in a format a facility may download and use for display. Not later than six months after the bill’s effective date, each facility located in this state must download and display the statement in its public restrooms.⁵

Facility required to post statement

Under the bill, “facility” means a building located in the state that is open to the public, has a public restroom, and is one of the following: (1) an educational setting, (2) a health care facility or location, or (3) a licensed retail food establishment.⁶ “Educational setting” includes a public or private school for any grades kindergarten through 12, a post-secondary educational institution, and any other setting that offers any type of educational program.⁷

² R.C. 3708.01(C). The definition of “unborn child” is applicable to R.C. Chapter 3708, as enacted by the bill, but is not expressly applicable to the use of that term in R.C. 3301.0730, as enacted by the bill.

³ R.C. 3708.03.

⁴ R.C. 3708.05(A) and (B).

⁵ R.C. 3708.05(C) and 3708.07.

⁶ R.C. 3708.01(B).

⁷ R.C. 3708.01(A).

Educational materials on gestation

The bill requires ODH to develop and make available materials that provide accurate, scientifically verifiable information concerning the probable anatomical and physiological characteristics of an unborn child at the following gestational ages: one to two weeks, three weeks, four weeks, five weeks, six to seven weeks, eight weeks, nine weeks, 10 weeks, 11 to 14 weeks, 15 to 18 weeks, 19 to 21 weeks, 22 weeks, 23 to 25 weeks, 26 weeks, 27 to 30 weeks, 31 to 34 weeks, 35 to 37 weeks, and 38 to 40 weeks.⁸

Educational materials on pregnancy and abortion

The bill requires ODH to develop and make available educational and informational materials about pregnancy and abortion that (1) include the most readily available, accurate, scientifically verifiable, up-to-date information, and (2) must clearly and consistently state that abortion kills a living human being. ODH must distribute the materials to the public through public service announcements, print and broadcast media, and otherwise.⁹

Educational materials on maternal behavior

The bill requires ODH to distribute educational and informational materials addressing maternal behavior during pregnancy that is helpful to an unborn child. The materials must provide information on the following:¹⁰

- Avoiding tobacco, alcohol, and other drugs during pregnancy;
- The importance of proper nutrition and prenatal vitamins;
- Resources available for prenatal medical and wellness care.

Outreach and technical assistance

The bill requires ODH to provide outreach, training, consultation, and alternatives-to-abortion referral services to organizations, communities, and educational settings within the state. ODH must also provide technical assistance to community-based organizations to help them plan and implement abortion prevention and alternatives-to-abortion referral programs and education programs regarding an unborn child's humanity.¹¹

Recommendations to the Department of Education

Under the bill, ODH must recommend to the Department of Education accurate, scientifically verifiable information regarding an unborn child for the state's academic standards for science, family and consumer sciences, and health classes.¹²

⁸ R.C. 3301.0730(B)(1) and 3708.09(A).

⁹ R.C. 3708.09(B).

¹⁰ R.C. 3708.15.

¹¹ R.C. 3708.13.

¹² R.C. 3708.17.

Annual report

The bill requires ODH to submit an annual report describing its efforts to meet its duties as required under the bill. The report must be submitted to the chairpersons and vice-chairpersons of the standing committees of the House of Representatives and the Senate that are primarily responsible for considering public health issues.¹³

ODH rules

The bill requires ODH, in accordance with the Administrative Procedure Act (R.C. Chapter 119) to adopt rules necessary to implement the above duties.¹⁴

Unborn child's humanity instructional program

The bill requires the State Board of Education (BOE), in collaboration with ODH, and subject to the appropriation of funds, to develop an instructional program regarding the humanity of the unborn child. The program must be consistent with the educational materials ODH develops regarding gestation and pregnancy and abortion (see "**Educational materials on gestation**," and "**Educational materials on pregnancy and abortion**," above). In developing the program, neither BOE nor ODH may consult any organization that provides abortions.¹⁵

Discretionary implementation of instructional program

Under the bill, the following may choose to implement the instructional program:¹⁶

1. The board of education for each city, local, and exempted village school district;
2. The governing authority of each chartered nonpublic school, community school, and science, technology, engineering, and mathematics (STEM) school;
3. The board of trustees of a college preparatory boarding school.

Instructional program requirements

A board or governing authority that chooses to implement the instructional program may determine the content of the program's instruction, as long as it does all of the following:¹⁷

- Provides accurate, scientifically verifiable information concerning the probable anatomical and physiological characteristics of the unborn child at each gestational interval discussed above (see "**Educational materials on gestation**," above);
- Includes information on accessing prenatal healthcare;

¹³ R.C. 3708.11.

¹⁴ R.C. 3708.19.

¹⁵ R.C. 3301.0730(A).

¹⁶ R.C. 3301.0739(B), 3314.03(A)(11)(d), 3326.11, and 3328.24.

¹⁷ R.C. 3301.0730(B)(1) to (3).

- Includes no component of human sexuality education that does not comply with continuing law on instruction in venereal disease education emphasizing abstinence.

Instructional program limitation

The bill prohibits the program or any employee of a school district, nonchartered public school, community school, STEM school, or college preparatory boarding school that is implementing the program from referring a student to a medical facility or any provider for the performance of an abortion.¹⁸

Appropriation

The bill makes a \$500,000 appropriation to ODH for fiscal year 2020 to fund the unborn child's humanity/abortion-free society duties and develop the unborn child's humanity instructional program. Further, the bill makes a \$500,000 appropriation to ODH for fiscal year 2021 for distribution to organizations providing instruction in venereal disease education emphasizing abstinence.¹⁹

History

Action	Date
Introduced	02-20-19

H0090-I-133/ts

¹⁸ R.C. 3301.0730(C).

¹⁹ Section 3.