A BILL

To amend sections 121.22, 2907.29, 3313.60, 3313.6011, 3314.03, 3326.11, 3328.24, 4729.16, 4729.18, and 4729.35 and to enact sections 1751.68, 3701.049, 3727.61, 3727.611, 3727.612, 3923.84, 4729.44, and 4729.45 of the Revised Code regarding coverage for prescription contraceptive drugs and devices, the provision of certain hospital and pregnancy prevention services for victims of sexual assault, and comprehensive sexual health and sexually transmitted infection education in schools.

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

Section 1. That sections 121.22, 2907.29, 3313.60, 3313.6011, 3314.03, 3326.11, 3328.24, 4729.16, 4729.18, and 4729.35 be amended and sections 1751.68, 3701.049, 3727.61, 3727.611, 3727.612, 3923.84, 4729.44, and 4729.45 of the Revised Code be enacted to read as follows:

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

(B) As used in this section:

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

(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.

(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 body shall be present in person at a meeting open to the
public to be considered present or to vote at the meeting and
for purposes of determining whether a quorum is present at the
meeting.

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

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

(1) A grand jury;

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

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

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

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

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

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

(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D)–(E) of section 4729.16 of the Revised Code;

(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;

(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;

(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;

(12) An audit conference conducted by the audit staff of
the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code;

(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;

(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;

(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (D) of section 4755.64 of the Revised Code.

(E) The controlling board, 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 or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;
(4) Financial projections;

(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.

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

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

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

(G) Except as provided in divisions (G)(8) and (J) of this
section, the members of a public body may hold an executive
session only after a majority of a quorum of the public body
determines, by a roll call vote, to hold an executive session
and only at a regular or special meeting for the sole purpose of
the consideration of any of the following matters:

(1) To consider the appointment, employment, dismissal,
discipline, promotion, demotion, or compensation of a public
employee or official, or the investigation of charges or
complaints against a public employee, official, licensee, or
regulated individual, unless the public employee, official,
licensee, or regulated individual requests a public hearing.
Except as otherwise provided by law, no public body shall hold
an executive session for the discipline of an elected official
for conduct related to the performance of the elected official's
official duties or for the elected official's removal from
office. If a public body holds an executive session pursuant to
division (G)(1) of this section, the motion and vote to hold
that executive session shall state which one or more of the
approved purposes listed in division (G)(1) of this section are
the purposes for which the executive session is to be held, but
need not include the name of any person to be considered at the
meeting.

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

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

(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;

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

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

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

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

(8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(b) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (8) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

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

(H) A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) or (J) of this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated division (F) of this section.

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

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

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

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

   (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, recipient's, or former recipient's application for financial assistance.

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

Sec. 1751.68. (A) Notwithstanding section 3901.71 of the Revised Code, no individual or group health insuring corporation
policy, contract, or agreement that is delivered, issued for delivery, or renewed in this state shall do any of the following:

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

(2) Limit or exclude coverage for physician-directed outpatient services that are related to prescription contraceptive drugs or devices, if the policy, contract, or agreement provides coverage for other outpatient services rendered by a provider.

(B) The coverage specified in division (A) of this section is subject to the same terms and conditions, including copayment charges, that apply to similar coverage provided under the policy, contract, or agreement.

Sec. 2907.29. Every hospital of this state that offers organized emergency services shall provide that a physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife is available on call twenty-four hours each day for the examination of persons reported to any law enforcement agency to be victims of sexual offenses cognizable as violations of any provision of sections 2907.02 to 2907.06 of the Revised Code. The physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife, upon the request of any peace officer or prosecuting attorney and with the consent of the reported victim or upon the request of the reported victim, shall examine the person for the purposes of gathering
physical evidence and shall complete any written documentation
of the physical examination. The director of health shall
establish procedures for gathering evidence under this section.

Each reported victim shall be informed of available
venereal disease sexually transmitted infection, pregnancy,
medical, and psychiatric services in accordance with section
3727.611 of the Revised Code.

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

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

(A) The board of education of each city, exempted village,
and local school district 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 its control. Except as provided in division
(E) of this section, in any such curriculum there shall be
included the study of the following subjects:
(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

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

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;

(5) Health education, which shall include instruction in:

(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;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;

(c) Venereal disease [Sexually transmitted infection prevention education, including HIV/AIDS prevention education in accordance with section 3313.6011 of the Revised Code, except that upon written request of the student’s parent or guardian, a student shall be excused from taking instruction in venereal disease sexually transmitted infection prevention education. Instruction shall stress abstinence but shall not exclude other instruction and materials on contraceptive methods and infection reduction measures;

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

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

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

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

(f) Prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.
(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) As specified in divisions (B)(6) and (C)(6) of section 3313.603 of the Revised Code, except as provided in division (E) of this section, every high school shall include in the requirements for graduation from any curriculum one-half unit each of American history and government.

(D) Except as provided in division (E) of this section, basic instruction or demonstrated mastery 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 school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code shall prescribe a curriculum for the subject areas and grade levels offered in any school under its control.

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

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

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

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

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

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

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

(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 appropriate for a pupil based on the social, cognitive, and emotional level of the pupil.

(2) "Comprehensive sexual health education" means education regarding human development and sexuality that includes 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 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 of 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.

(4) Instruction and materials shall encourage pupils to communicate with their parents or guardians about human sexuality.

(5) Instruction and materials shall teach all of the following:

(a) That abstinence from sexual activity is the only certain way to avoid pregnancy, sexually transmitted infections, and other associated health problems;

(b) That bearing children outside of a committed relationship is likely to have consequences for the child, the child's parents, and society;

(c) How, as young people, to effectively reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances;

(d) The importance of attaining self-sufficiency before engaging in sexual activity.

(6) Instruction and materials shall stress abstinence but shall not exclude other instruction and materials on contraceptive methods and infection reduction measures.
(7) If age-appropriate, instruction and materials shall provide information about the effectiveness and safety, including the health benefits and side effects, of all contraceptive methods in preventing unintended pregnancy and reducing the risk of contracting sexually transmitted infections.

(8) Instruction about sexually transmitted infections shall commence not later than grade seven. The instruction shall include information on how sexually transmitted infections are and are not transmitted, the effectiveness and methods of reducing the risk of contracting sexually transmitted infections, and identification of local resources for testing and medical care for sexually transmitted infections and HIV.

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

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

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

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

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

(C) Each city, local, exempted village, and joint vocational school district shall ensure that each pupil in grades seven through twelve receives HIV/AIDS prevention education from instructors trained in the appropriate courses. Each pupil shall receive this instruction at least once in grades seven through nine, and at least once in grades ten through twelve. HIV/AIDS prevention education, whether taught by school district personnel or outside consultants, shall accurately reflect the latest information and recommendations from the United States surgeon general, the United States centers for disease control and prevention, and the national academy of sciences, and shall include all of the following:

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

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

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

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

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

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

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

(8) Instruction and materials that teach pupils to recognize unwanted physical and verbal sexual advances, not to make unwanted physical and verbal sexual advances, and how to effectively reject unwanted sexual advances. The instruction and materials shall cover verbal, physical, and visual sexual harassment, including nonconsensual physical sexual contact and rape by an acquaintance or family member. The course information and materials shall emphasize personal accountability and respect for others and shall encourage youth to resist peer pressure.
(D) Each school district and educational service center shall cooperatively plan and provide, through regional planning, joint powers agreements, or contract services, in-service training for all school district personnel who provide comprehensive sexual health education or HIV/AIDS prevention education. In doing so, each district and service center shall consult with the department of education.

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

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

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

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

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

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

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

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

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

(F) Any model education program for health education the state board of education adopts shall conform to the requirements of this section.
(E) On and after March 18, 1999, and notwithstanding (G), if a school district or educational service center does not elect to offer comprehensive sexual health education under this section, any sexual education that the school district or educational service center offers, including instruction in sexually transmitted infection prevention pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code, shall stress abstinence but shall not exclude other instruction and materials on contraceptive methods and infection reduction measures.

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

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

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

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

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.
(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;

(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;

(4) Performance standards by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(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.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

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

(10) Qualifications of teachers, including 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.

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

(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.

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

(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.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.608, 3313.609, 3313.6011, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 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, 3313.7112, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01,
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

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

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, adopted by the state board of education under division (J) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four
As Introduced

months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

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

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

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

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

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

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

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

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

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

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

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

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

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

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

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

(22) A provision recognizing both of the following:

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

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

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

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

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

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code.

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

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

(2) The management and administration of the school;

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

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

(5) Internal financial controls.

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

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

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

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

(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;

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

(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;

(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.

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

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its

Sec. 3328.24. A college-preparatory boarding school established under this chapter and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.948, 3313.536, 3313.6011, 3313.6012, 3313.6013, 3313.6411, 3313.7112, 3313.89, 3319.39, 3319.391, and 3319.46 and Chapter 3365. of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

Sec. 3701.049. (A) There is hereby created the Ohio teen pregnancy prevention task force. The task force shall commence its activities not later than thirty days after the effective date of this section.

(B) The task force shall consist of the following members:
(1) The director of health or the director's designee;

(2) The superintendent of public instruction or the superintendent's designee;

(3) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives;

(4) Two members of the senate, one appointed by the president of the senate and one appointed by the minority leader of the senate;

(5) One member of the commission on minority health;

(6) Two teens who reside in this state, appointed by the director of health;

(7) Two parents who reside in this state and are the parents of teens who reside in this state, appointed by the director of health;

(8) Two teachers who reside in this state and are employed as classroom teachers in this state, appointed by the director of health;

(9) One representative of each of the following, appointed by the director of health:

(a) Community-based organizations that provide teen pregnancy prevention services;

(b) Public health professionals;

(c) Licensed medical practitioners;

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

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

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

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

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

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

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

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

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

(7) Perform any other duties specified by the director of health.
(F) Not later than the first day of December of each year, the task force shall submit an annual report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. The report shall summarize the task force's findings and recommendations for changes to the laws of this state regarding teen pregnancy. The initial report shall also include a comprehensive assessment of teen pregnancy in this state and make recommendations for reducing the number of teen pregnancies. Subsequent reports shall also evaluate the success of programs undertaken to reduce teen pregnancies and make additional recommendations as necessary.

Sec. 3727.61. As used in this section and sections 3727.611 and 3727.612 of the Revised Code:

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

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

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

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

Sec. 3727.611. (A) It shall be the standard of care in this state for hospitals that offer organized emergency services to provide the services specified in divisions (B) and (C) of this section to victims of sexual assault or individuals reported to be victims of sexual assault. The services shall be
provided without regard to the ability of the victim or individual reported to be a victim to pay for the services.

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

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

(a) That emergency contraception has been approved by the United States food and drug administration for use by women of all ages with or without a prescription as a safe and effective means to prevent pregnancy after unprotected sexual intercourse or contraceptive failure if used in a timely manner;

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

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

(2) The hospital shall promptly offer emergency contraception to the victim or individual reported to be a victim and provide the emergency contraception if the victim or individual accepts the offer.
(C) The services specified in divisions (C)(1) to (4) of this section shall be provided by the hospital to a victim of sexual assault or individual reported to be a victim of sexual assault, regardless of the victim's or individual's age or sex.

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

(a) The available information regarding the sexual assault;

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

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

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

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

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

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

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

(1) The hospital is aware that the victim or individual is incapable of becoming pregnant.

(2) The hospital is aware that the victim or individual is pregnant.

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.

(F) Nothing in this section shall be construed as meaning any of the following:

(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;

(2) That a victim or individual reported to be a victim of sexual assault is required to submit to any testing or treatment;

(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.

Sec. 3727.612. 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 3727.611 of the Revised
Code. The department shall investigate the complaint in a timely
manner.

If the department determines that a hospital has failed to
provide the services required by section 3727.611 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
adjudication under Chapter 119. of the Revised Code, impose a
civil penalty of not less than ten thousand dollars for each
violation.

If the hospital has previously violated section 3727.611
of the Revised Code, the department may ask the attorney general
to bring an action for injunctive relief in any court of
competent jurisdiction. On the filing of an appropriate petition
in the court, the court may conduct a hearing on the petition.
If it is demonstrated in the proceedings that the hospital has
failed to provide the services, the court shall grant a
temporary or permanent injunction enjoining the hospital's
operation.

Sec. 3923.84. (A) Notwithstanding section 3901.71 of the
Revised Code, no individual or group policy of sickness and
accident insurance that is delivered, issued for delivery, or
renewed in this state or public employee benefit plan that is
established or modified in this state shall do either of the
following:

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

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

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

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

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

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

(B) An action described in division (A) of this section may be taken by the board if the board finds a pharmacist or pharmacy intern:
(1) Guilty of a felony or gross immorality;

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

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

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

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

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

(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;

(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;

(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;
(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;

(11) Has failed to comply with the requirements of section 4729.44 of the Revised Code.

(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.

(D) As used in this section:

"Unprofessional conduct in the practice of pharmacy" includes any of the following:

(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;

(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;

(3) Knowingly dispensing medication pursuant to false or forged prescriptions;

(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;

(5) Obtaining any remuneration by fraud, misrepresentation, or deception.

(E) 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.

(E) (F) 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.

**Sec. 4729.18.** 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.

An approved treatment provider shall:

(A) Report to the board the name of any pharmacist suffering or showing evidence of suffering impairment by reason of being addicted to or abusing alcohol or drugs as described in division (A) (B) (3) of section 4729.16 of the Revised Code who fails to comply within one week with a referral for examination;

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

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

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

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

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

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

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

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

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

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

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

Sec. 4729.44. (A) As used in this section:

(1) "Contraception" or "contraceptive" means any drug or
device approved by the United States food and drug administration to prevent pregnancy.

(2) "Employee" means a person employed by a pharmacy by contract or any other form of an agreement.

(3) "Product" means a drug or device approved by the United States food and drug administration.

(4) "Professional judgment" means the use of professional knowledge and skills to form a clinical judgment in accordance with prevailing standards of care.

(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.

(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.

(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:

(1) If the customer prefers to obtain the contraceptive through a referral or transfer, the pharmacy shall do both of the following:
(a) Locate a pharmacy of the customer's choice or the closest pharmacy confirmed to have the contraceptive in stock;

(b) Refer the customer or transfer the prescription to that pharmacy.

(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.

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

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

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

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

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

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

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

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

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

(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 of the contraceptive is similarly not in the best interest of the customer's health.

Sec. 4729.45. (A) Any person who believes that a violation of section 4729.44 of the Revised Code has occurred may file a complaint with the state board of pharmacy. Not later than thirty days after receiving the complaint, the board shall investigate the complaint and determine whether a violation occurred. If the board determines a violation occurred, the board may impose a fine of not more than five thousand dollars for each violation.

(B) A person who has been injured by a violation of section 4729.44 of the Revised Code may bring a civil action in a court of competent jurisdiction to recover damages for the person's injury, as well as costs and reasonable attorney's fees.

(C) If the attorney general has cause to believe that a person or group of persons has been or may be injured by a violation of section 4729.44 of the Revised Code, the attorney general may commence a civil action in a court of competent jurisdiction to compel compliance with that section. In such action, the court may award appropriate relief on a finding that a violation or violations have occurred, including compensatory damages and punitive damages not exceeding five thousand dollars.
for each violation.

Section 2. That existing sections 121.22, 2907.29, 3313.60, 3313.6011, 3314.03, 3326.11, 3328.24, 4729.16, 4729.18, and 4729.35 of the Revised Code are hereby repealed.

Section 3. Section 1751.68 of the Revised Code shall apply only to policies, contracts, and agreements that are delivered, issued for delivery, or renewed in this state on or after the effective date of this act, and section 3923.84 of the Revised Code shall apply only to policies of sickness and accident insurance delivered, issued for delivery, or renewed in this state and public employee benefit plans that are established or modified in this state on or after the effective date of this act.

Section 4. Sections 3727.61, 3727.611, and 3727.612 of the Revised Code, as enacted by this act, shall be known as the "Compassionate Assistance for Rape Emergencies Act."