As Introduced

132nd General Assembly

Regular Session 2017-2018

H. B. No. 725

Representatives Sykes, Boyd

Cosponsors: Representatives Ashford, Ingram, Howse, Lepore-Hagan, Ramos, Celebrezze, Boggs, Antonio, Miller, Smith, K., Kelly, West

A BILL

То	enact sections 5101.805 and 5101.806 of the	1
	Revised Code to require entities funded through	2
	the Ohio Parenting and Pregnancy Program to	3
	provide only medically accurate information.	4

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

Section 1. That sections 5101.805 and 5101.806 of the	5
Revised Code be enacted to read as follows:	6
Sec. 5101.805. (A) As used in this section and section	7
5101.806 of the Revised Code:	8
(1) "Medically accurate information" means information	9
that is:	10
(a) Verified or supported by the weight of peer-reviewed	11
medical research conducted in compliance with accepted	12
scientific methods;	13
(b) Recognized as medically sound and objective by leading	14
medical organizations with relevant expertise, such as the	15
American medical association, the American congress of	16

obstetricians and gynecologists, the American public health	17
association, the American academy of pediatrics, the American	18
college of physicians, the American academy of family	19
physicians, and the American psychological association; or	20
government agencies such as the United States centers for	21
disease control, the United States food and drug administration,	22
the national cancer institute, and the national institute of	23
health; and scientific advisory groups such as the institute of	24
medicine and the advisory committee on immunization practices;	25
<u>or</u>	26
(c) Recommended by or affirmed in the medical practice	27
guidelines of a nationally recognized accrediting organization.	28
(2) "Funded entity" means an entity funded through the	29
Ohio parenting and pregnancy program established under section	30
5101.804 of the Revised Code.	31
(B) A funded entity shall provide only medically accurate	32
information when providing counseling and other services.	33
Sec. 5101.806. (A) As used in this section, "government	34
attorney" means:	35
(1) The attorney general;	36
(2) The county prosecuting attorney with jurisdiction over	37
the funded entity;	38
(3) The city director of law, township director of law, or	39
legal counsel for a village with jurisdiction over the funded	40
entity.	41
(B) A person served by a funded entity who has reasonable	42
cause to believe that a representative of the entity has failed	43
to comply with division (B) of section 5101.805 of the Revised	44

Code may request any government attorney to bring an action to	45	
impose a civil penalty of five hundred dollars for the first		
failure and one thousand dollars for each subsequent failure.		
(C) A government attorney shall do the following before	48	
bringing an action under division (B) of this section:	49	
(1) Provide the funded entity with reasonable notice of	50	
noncompliance by informing the entity that it is subject to a	51	
civil penalty as provided in division (B) of this section if it	52	
does not correct the noncompliance within thirty days from the	53	
date the notice is sent to the facility;		
(2) Require the funded entity to provide to the government	55	
attorney new training and informational materials that have	56	
removed all references to the information that was not medically		
accurate information;	58	
(3) Verify that the noncompliance was not corrected within	59	
the thirty-day period.		
(D) A civil penalty imposed under this section shall be	61	
paid to the state treasurer for deposit into the general revenue	62	
fund if the action is brought by the attorney general. If the		
action is brought by the county prosecuting attorney, the civil	64	
penalty shall be paid to the county treasurer for deposit into	65	
the county treasury. If the action is brought by a city director		
of law, township law director, or legal counsel for a village,		
the civil penalty shall be paid to the general fund of the		
applicable municipal corporation, township, or village.		