As Introduced

133rd General Assembly
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H. B. No. 184

Representative Lepore-Hagan

Cosponsors: Representatives Boyd, Clites, Liston, Russo, Upchurch, West

A BILL

To amend sections 2907.29, 3313.60, 3313.6011, 3314.03, 3326.11, 3328.24, and 4729.16 and to enact sections 1751.49, 3701.049, 3727.61, 3727.611, 3727.612, 3923.87, 4729.49, 4729.491, 4729.492, and 5164.7515 of the Revised Code regarding access to contraceptive drugs and devices, hospital services for victims of sexual assault, and sexual health education in schools.

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

Section 1. That sections 2907.29, 3313.60, 3313.6011, 3314.03, 3326.11, 3328.24, and 4729.16 be amended and sections 1751.49, 3701.049, 3727.61, 3727.611, 3727.612, 3923.87, 4729.49, 4729.491, 4729.492, and 5164.7515 of the Revised Code be enacted to read as follows:

Sec. 1751.49. (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;

(3) Limit or exclude coverage for male sterilization if the policy, contract, or agreement provides coverage for other outpatient services rendered by a provider.

(4)(a) Except as provided in division (A)(4)(b) of this section, limit or exclude coverage for contraceptive drugs and devices approved by the United States food and drug administration and available without a prescription under section 4729.492 of the Revised Code.

(b) A policy, contract, or agreement may limit both of the following:

(i) Point-of-sale coverage under division (A)(4)(a) of this section to only in-network pharmacies;

(ii) The frequency of coverage offered under division (A)(4)(a) of this section.

(5)(a) Except as provided in division (A)(5)(b) of this section, impose a copayment or deductible requirement for the coverage specified in division (A)(1), (2), (3), or (4) of this section.
(b) A policy, contract, or agreement may impose a copayment or deductible requirement for a contraceptive drug or device described in division (A)(1) of this section if, according to the United States food and drug administration, the drug or device is therapeutically equivalent to another contraceptive drug or device that is available without such a requirement under the same policy, contract, or agreement.

(6)(a) Except as provided in division (A)(6)(b) of this section, impose a prior authorization requirement for a prescription contraceptive drug or device that is approved by the United States food and drug administration and is either of the following:

(i) An intrauterine device;

(ii) An implantable rod.

(b) Division (A)(6)(a) of this section does not apply to a contraceptive drug or device for which the United States food and drug administration has issued a warning on the drug or device's label calling attention to serious or life-threatening risks, commonly referred to as a "black box warning."

(c) As used in division (A)(6)(a) of this section, "prior authorization requirement" has the same meaning as in section 1751.72 of the Revised Code.

(B) Except as provided in divisions (B)(1) and (2) of this section and notwithstanding section 3901.71 of the Revised Code, an individual or group health insuring corporation policy, contract, or agreement that is delivered, issued for delivery, or renewed in this state shall provide coverage for a single dispensing to an enrollee of a six-month supply of a contraceptive described in division (A)(1) or (4) of this
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section.

(1) A policy, contract, or agreement may provide coverage for a supply of contraceptives that is less than a six-month supply if a six-month supply would extend beyond the policy, contract, or plan year.

(2) A policy, contract, or agreement shall cover a single dispensing to an enrollee of a two-month supply under the initial prescription for the contraceptive.

(3) Division (B)(1) of this section does not apply to the first two-month supply of a contraceptive dispensed to an enrollee under the initial prescription for the contraceptive or any subsequent prescription for a contraceptive that is different than the last contraceptive dispensed to the enrollee.

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, the sexually transmitted infection, pregnancy, medical, and psychiatric services made available 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 education; 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;

(g) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, which shall comply with section 3313.6021 of the Revised Code when offered in any of grades nine through twelve, safety, and fire prevention. However, 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 curricula 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
(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 audiovisual 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 audiovisual 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.

(G) On and after March 18, 1999, and notwithstanding section 3302.07 of the Revised Code, 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,
(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, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, 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 seventy-two 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) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(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, 3301.0713, 3301.0729, 3301.948, 3313.472,
3313.50, 3313.536, 3313.539, 3313.5310, 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, 3313.668, 3313.67, 3313.671,
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718,
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816,
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.074,
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01,
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19,
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters
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
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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, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four 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.

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

   (i) An internet- or computer-based community school;

   (ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.

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

   (m) 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;

(27) That the school's attendance and participation policies will be available for public inspection;

(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended,
and any regulations promulgated under that act, and section 3319.321 of the Revised Code;

(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:

(a) An indication of what blended learning model or models will be used;

(b) A description of how student instructional needs will be determined and documented;

(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;

(e) A statement describing how student progress will be monitored;

(f) A statement describing how private student data will be protected;

(g) A description of the professional development activities that will be offered to teachers.

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity
shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(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.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.
(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 monitoring, oversight, and technical assistance 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

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, 3301.0729, 3301.948, 3313.536, 3313.6011, 3313.6013, 3313.6021, 3313.6411, 3313.7112, 3313.721, 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 in 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," 21 U.S.C. 321(g)(1), as amended.

(B) "Device" has the same meaning as in the "Federal Food, Drug, and Cosmetic Act," 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 and 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 a hospital to each 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 childbearing 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 a hospital to each 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 United States 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 United
States 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 of sexual assault or individual reported to be a victim of sexual assault if the treatment is contrary to recommendations established by the United States centers for disease control and prevention;

(2) That a victim of sexual assault 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 that 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 impose a civil penalty of not less than ten thousand dollars for each violation. The department's actions shall be taken pursuant to adjudication under Chapter 119. of the Revised Code.

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. 3923.87. (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 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 or plan 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 or plan provides coverage for other outpatient services rendered by a provider;

(3) Limit or exclude coverage for male sterilization if the policy or plan provides coverage for other outpatient services rendered by a provider.

(4)(a) Except as provided in division (A)(4)(b) of this section, limit or exclude coverage for contraceptive drugs and devices approved by the United States food and drug administration and available without a prescription under section 4729.492 of the Revised Code.

(b) A policy or plan may limit both of the following:

(i) Point-of-sale coverage under division (A)(4)(a) of this section to only in-network pharmacies;

(ii) The frequency of coverage offered under division (A)(4)(a) of this section.

(5)(a) Except as provided in division (A)(5)(b) of this section, impose a copayment or deductible requirement for the coverage specified in division (A)(1), (2), (3), or (4) of this section.

(b) A policy or plan may impose a copayment or deductible requirement for a contraceptive drug or device described in
division (A)(1) of this section if, according to the United States food and drug administration, the drug or device is therapeutically equivalent to another contraceptive drug or device that is available without such a requirement under the same policy or plan.

(6)(a) Except as provided in division (A)(6)(b) of this section, impose a prior authorization requirement for a prescription contraceptive drug or device that is approved by the United States food and drug administration and is either of the following:

(i) An intrauterine device;

(ii) An implantable rod.

(b) Division (A)(6)(a) of this section does not apply to a contraceptive drug or device for which the United States food and drug administration has issued a warning on the drug or device's label calling attention to serious or life-threatening risks, commonly referred to as a "black box warning."

(c) As used in division (A)(6)(a) of this section, "prior authorization requirement" has the same meaning as in section 3923.041 of the Revised Code.

(B) Except as provided in divisions (B)(1) and (2) of this section and notwithstanding section 3901.71 of the Revised Code, an 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 provide coverage for a single dispensing to an insured of a six-month supply of a contraceptive described in division (A)(1) or (4) of this section.

(1) A policy or plan may provide coverage for a supply of
contraceptives that is less than a six-month supply if a six-month supply would extend beyond the policy or plan year.

(2) A policy or plan shall cover a single dispensing to an insured of a two-month supply under the initial prescription for the contraceptive.

(3) Division (B)(1) of this section does not apply to the first two-month supply of a contraceptive dispensed to an insured under the initial prescription for the contraceptive or any subsequent prescription for a contraceptive that is different than the last contraceptive dispensed to the insured.

Sec. 4729.16. (A)(1) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the board finds the individual engaged in any of the conduct set forth in division (A)(2) of this section:

(a) Revoke, suspend, restrict, limit, or refuse to grant or renew a license;

(b) Reprimand or place the license holder on probation;

(c) 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.

(2) The board may impose the sanctions listed in division (A)(1) of this section if the board finds a pharmacist or pharmacy intern:

(a) Has been convicted of a felony, or a crime of moral
turpitude, as defined in section 4776.10 of the Revised Code;

(b) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy;

(c) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;

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

(e) Violated, conspired to violate, attempted to violate, or aided and abetted 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;

(f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy;

(g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;

(h) Divided or agreed 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;

(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

(j) Committed fraud, misrepresentation, or deception in applying for or securing a license issued by the board under
As Introduced

this chapter or under Chapter 3715. or 3719. of the Revised Code;

(k) Failed to comply with the requirements of section 4729.49 of the Revised Code;

(l) Failed to comply with an order of the board or a settlement agreement;

(m) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code.

(B) Any individual whose license is revoked, suspended, or refused, shall return the license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.

(C) 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, 4729.44, or 4729.47, or 4729.492 of the Revised Code, the dispensing or 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;

(6) Failing to conform to prevailing standards of care of similar pharmacists or pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Engaging in any other conduct that the board specifies as unprofessional conduct in the practice of pharmacy in rules adopted under section 4729.26 of the Revised Code.

(D) The board may suspend a license 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) For purposes of this division, an individual authorized to practice as a pharmacist or pharmacy intern accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license to practice as a pharmacist or pharmacy intern, an individual gives consent to submit to a mental or physical examination when ordered to do so by the board in writing and waives all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If the board has reasonable cause to believe that an individual who is a pharmacist or pharmacy intern is physically or mentally impaired, the board may require the individual to submit to a physical or mental examination, or both. The expense of the examination is the responsibility of the individual required to be examined.
Failure of an individual who is a pharmacist or pharmacy intern to submit to a physical or mental examination ordered by the board, unless the failure is due to circumstances beyond the individual's control, constitutes an admission of the allegations and a suspension order shall be entered without the taking of testimony or presentation of evidence. Any subsequent adjudication hearing under Chapter 119. of the Revised Code concerning failure to submit to an examination is limited to consideration of whether the failure was beyond the individual's control.

If, based on the results of an examination ordered under this division, the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to practice, to submit to a physical or mental examination and treatment.

An order of suspension issued under this division shall not be subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code.

(F) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or licensee does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.

(G) Notwithstanding the provision of division (C)(2) of section 2953.32 of the Revised Code specifying that if records
pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(H) No pharmacist or pharmacy intern shall knowingly engage in any conduct described in divisions (A)(2)(b) or (A)(2)(e) to (1) of this section.

Sec. 4729.49. (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 contraception, providing a referral for contraception, ordering contraception, or transferring a prescription for contraception within the usual and customary timeframe at the pharmacy for
providing, providing a referral for, ordering, or transferring a
prescription for other products.

(B) Subject to division (E) of this section, if a customer
of a pharmacy 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
of a pharmacy 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) A 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 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. 4729.491. (A) Any person who believes that a violation of section 4729.49 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. The board's actions shall be taken pursuant
to an adjudication under Chapter 119. of the Revised Code.

(B) A person who has been injured by a violation of
section 4729.49 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.

Sec. 4729.492. (A) The state board of pharmacy shall,
after consulting with the department of health and state medical
board and after considering guidelines established by the
American congress of obstetricians and gynecologists, adopt
rules specifying a protocol under which pharmacists may dispense
hormonal contraceptive patches and self-administered oral
hormonal contraceptives without a prescription. The rules shall
be adopted in accordance with Chapter 119. of the Revised Code.

(B) The rules adopted under division (A) of this section
shall include provisions that require a pharmacist to do all of
the following:

(1) Complete a program that provides training on the
protocol and has been approved by the state board of pharmacy;

(2) Provide a self-screening risk assessment tool that an
individual seeking a contraceptive described in division (A) of
this section must complete before the contraceptive is
dispensed;

(3) Provide the individual with a written record of the
contraceptive that is dispensed;

(4) If the individual has a primary care practitioner or a
women's health care practitioner, advise the individual to
consult with that practitioner.
(5) If the individual does not have either a primary care practitioner or a women's health care practitioner, advise the individual to consult with such a practitioner.

(C) The protocol shall prohibit a pharmacist from dispensing a contraceptive described in division (A) of this section to an individual under eighteen years of age without a prescription unless the individual has evidence of a previous prescription for such a contraceptive.

Sec. 5164.7515. An initial prescription issued for a prescribed drug for contraception covered by medicaid may authorize the dispensing of a two-month supply. A prescription issued for the purpose of refilling the initial prescription may authorize the dispensing of a six-month supply.

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

Section 3. Section 1751.49 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 3923.87 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."

Section 5. Section 3328.24 of the Revised Code is
presented in this act as a composite of the section as amended by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composites are the resulting versions of the sections in effect prior to the effective date of the section as presented in this act.