

**As Reported by the House Community and Family Advancement
Committee**

131st General Assembly

Regular Session

2015-2016

H. B. No. 135

Representatives Hall, LaTourette

**Cosponsors: Representatives Ruhl, Hagan, Retherford, Thompson, Becker, Vitale,
Grossman, Koehler, Hambley, Hood, Amstutz, Blessing, Schaffer, Johnson, T.,
Buchy, Henne, Young, Hayes**

A BILL

To enact sections 2919.20 and 2919.201 of the Revised Code to prohibit a person from performing, inducing, or attempting to perform or induce an abortion on a pregnant woman who is seeking the abortion because of a test result indicating Down Syndrome in an unborn child or a prenatal diagnosis of Down Syndrome in an unborn child.

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

Section 1. That sections 2919.20 and 2919.201 of the Revised Code be enacted to read as follows:

Sec. 2919.20. (A) As used in this section:

(1) "Down syndrome" means a chromosome disorder associated either with an extra chromosome twenty-one, in whole or in part, or an effective trisomy for chromosome twenty-one.

(2) "Physician," "pregnant," and "unborn child" have the same meanings as in section 2919.16 of the Revised Code.

(B) No person shall purposely perform or induce or attempt to perform or induce an abortion on a pregnant woman if the person has knowledge that the pregnant woman is seeking the abortion solely because of a test result indicating Down syndrome in an unborn child or a prenatal diagnosis of Down syndrome in an unborn child. 17
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(C) Whoever violates division (B) of this section is guilty of performing or attempting to perform an abortion that was being sought because of Down syndrome, a felony of the fourth degree. 23
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(D) The state medical board shall revoke a physician's license to practice medicine in this state if the physician violates division (B) of this section. 27
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(E) Any physician who violates division (B) of this section is liable in a civil action for compensatory and exemplary damages and reasonable attorney's fees to any person, or the representative of the estate of any person, who sustains injury, death, or loss to person or property as the result of the performance or inducement or the attempted performance or inducement of the abortion. In any action under this division, the court also may award any injunctive or other equitable relief that the court considers appropriate. 30
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(F) A pregnant woman on whom an abortion is performed or induced or attempted to be performed or induced in violation of division (B) of this section is not guilty of violating division (B) of this section or of attempting to commit, conspiring to commit, or complicity in committing a violation of division (B) of this section. 39
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(G) If any provision of this section is held invalid, or 45

if the application of any provision of this section to any 46
person or circumstance is held invalid, the invalidity of that 47
provision does not affect any other provisions or applications 48
of this section and sections 2919.11 to 2919.193 of the Revised 49
Code that can be given effect without the invalid provision or 50
application, and to this end the provisions of this section and 51
sections 2919.11 to 2919.193 of the Revised Code are severable 52
as provided in section 1.50 of the Revised Code. In particular, 53
it is the intent of the general assembly that any invalidity or 54
potential invalidity of a provision of this section is not to 55
impair the immediate and continuing enforceability of any other 56
provisions of this section and sections 2919.11 to 2919.193 of 57
the Revised Code. It is furthermore the intent of the general 58
assembly that the provisions of this section are not to have the 59
effect of repealing or limiting any other laws of this state. 60

(H) The general assembly may, by joint resolution, appoint 61
one or more of its members who sponsored or cosponsored ...B... 62
of the 131st general assembly to intervene as a matter of right 63
in any case in which the constitutionality of this section is 64
challenged. 65

Sec. 2919.201. (A) In the abortion report required under 66
section 3701.79 of the Revised Code, the attending physician 67
shall indicate that the attending physician does not have 68
knowledge that the pregnant woman was seeking the abortion 69
solely because of a test result indicating Down syndrome in an 70
unborn child or a prenatal diagnosis of Down syndrome in an 71
unborn child. 72

(B) Within ninety days of the effective date of this 73
section, the department of health shall adopt rules pursuant to 74
section 111.15 of the Revised Code to assist in compliance with 75

this section.

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