

**As Passed by the House**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 294**

**Representatives Patmon, Conditt**

**Cosponsors: Representatives Brenner, Hood, Terhar, Roegner, Butler, Perales, Sprague, Blessing, Becker, Antani, Retherford, Brinkman, Hagan, Koehler, Hayes, Schaffer, Maag, Hambley, Thompson, McClain, Hall, Hill, Amstutz, Boose, Buchy, Burkley, Derickson, Dovilla, Ginter, Green, Grossman, Hackett, Huffman, Johnson, T., LaTourette, McColley, Pelanda, Romanchuk, Smith, R., Young, Zeltwanger, Speaker Rosenberger**

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**A BILL**

To enact section 3701.034 of the Revised Code to  
require the Department of Health to ensure that  
state funds and certain federal funds are not  
used either to perform or promote nontherapeutic  
abortions, or to contract or affiliate with any  
entity that performs or promotes nontherapeutic  
abortions. 1 2 3 4 5 6 7

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

**Section 1.** That section 3701.034 of the Revised Code be  
enacted to read as follows: 8 9

**Sec. 3701.034.** (A) As used in this section: 10

(1) "Affiliate" means an entity that has with another  
entity a legal relationship created or governed by at least one  
written instrument that demonstrates any of the following: 11 12 13

(a) Common ownership, management, or control; 14

- (b) A franchise agreement; 15
- (c) The granting or extension of a license or other 16  
agreement that authorizes an entity to use the other entity's 17  
brand name, trademark, service mark, or other registered 18  
identification mark. 19
- (2) "Violence Against Women Act" means section 1910A of 20  
section 40151 of the "Violent Crime Control and Law Enforcement 21  
Act of 1994," part A of Title XIX of the "Public Health and 22  
Human Services Act," 108 Stat. 1920 (1994), former 42 U.S.C. 23  
300w, 42 U.S.C. 280b-1b, as amended. 24
- (3) "Breast and Cervical Cancer Mortality Prevention Act" 25  
means the "Breast and Cervical Cancer Mortality Prevention Act 26  
of 1990," 104 Stat. 409 (1990), 42 U.S.C. 300k, as amended. 27
- (4) "Infertility prevention project" means the infertility 28  
prevention project operated by the United States centers for 29  
disease control and prevention. 30
- (5) "Minority HIV/AIDS initiative" means the minority 31  
HIV/AIDS initiative operated by the office of minority health in 32  
the United States department of health and human services. 33
- (6) "Personal responsibility education program" means the 34  
program administered by the administration for children and 35  
families in the United States department of health and human 36  
services to educate adolescents on abstinence and contraception 37  
for the prevention of pregnancy and sexually transmitted 38  
infections. 39
- (7) "Nontherapeutic abortion" has the same meaning as in 40  
section 9.04 of the Revised Code. 41
- (8) "Promote" means to advocate for, assist with, 42

encourage, or popularize through advertising or publicity. 43

(B) The department of health shall ensure that all funds 44  
it receives through the Violence Against Women Act to distribute 45  
as grants for the purpose of education and prevention of 46  
violence against women are not used to do any of the following: 47

(1) Perform nontherapeutic abortions; 48

(2) Promote nontherapeutic abortions; 49

(3) Contract with any entity that performs or promotes 50  
nontherapeutic abortions; 51

(4) Become or continue to be an affiliate of any entity 52  
that performs or promotes nontherapeutic abortions. 53

(C) The department shall ensure that all funds it receives 54  
through the Breast and Cervical Cancer Mortality Prevention Act 55  
for a program to provide breast and cervical cancer screening 56  
and diagnostic testing and all federal and state funds that it 57  
uses to operate such a program are not used to do any of the 58  
following: 59

(1) Perform nontherapeutic abortions; 60

(2) Promote nontherapeutic abortions; 61

(3) Contract with any entity that performs or promotes 62  
nontherapeutic abortions; 63

(4) Become or continue to be an affiliate of any entity 64  
that performs or promotes nontherapeutic abortions. 65

(D) The department shall ensure that all materials it 66  
receives through the infertility prevention project are not 67  
distributed to entities that do any of the following and shall 68  
ensure that all funds it uses for treatment associated with the 69

<u>infertility prevention project are not used to do any of the</u>	70
<u>following:</u>	71
<u>(1) Perform nontherapeutic abortions;</u>	72
<u>(2) Promote nontherapeutic abortions;</u>	73
<u>(3) Contract with any entity that performs or promotes</u> <u>nontherapeutic abortions;</u>	74 75
<u>(4) Become or continue to be an affiliate of any entity</u> <u>that performs or promotes nontherapeutic abortions.</u>	76 77
<u>(E) The department shall ensure that all funds it receives</u> <u>through the minority HIV/AIDS initiative to distribute as grants</u> <u>and all other federal and state funds that are part of the</u> <u>grants distributed under this initiative are not used to do any</u> <u>of the following:</u>	78 79 80 81 82
<u>(1) Perform nontherapeutic abortions;</u>	83
<u>(2) Promote nontherapeutic abortions;</u>	84
<u>(3) Contract with any entity that performs or promotes</u> <u>nontherapeutic abortions;</u>	85 86
<u>(4) Become or continue to be an affiliate of any entity</u> <u>that performs or promotes nontherapeutic abortions.</u>	87 88
<u>(F) The department shall ensure that all state funds it</u> <u>receives, including funding for infant mortality reduction or</u> <u>infant vitality initiatives, are not used to do any of the</u> <u>following:</u>	89 90 91 92
<u>(1) Perform nontherapeutic abortions;</u>	93
<u>(2) Promote nontherapeutic abortions;</u>	94
<u>(3) Contract with any entity that performs or promotes</u>	95

<u>nontherapeutic abortions;</u>	96
<u>(4) Become or continue to be an affiliate of any entity</u>	97
<u>that performs or promotes nontherapeutic abortions.</u>	98
<u>(G) The department shall ensure that all funds it receives</u>	99
<u>through an allotment to the state under the personal</u>	100
<u>responsibility education program and all other funds that are</u>	101
<u>part of the grants distributed under this program are not used</u>	102
<u>to do any of the following:</u>	103
<u>(1) Perform nontherapeutic abortions;</u>	104
<u>(2) Promote nontherapeutic abortions;</u>	105
<u>(3) Contract with any entity that performs or promotes</u>	106
<u>nontherapeutic abortions;</u>	107
<u>(4) Become or continue to be an affiliate of any entity</u>	108
<u>that performs or promotes nontherapeutic abortions.</u>	109