

**As Passed by the Senate**

**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**

**Senators Obhof, Jordan, Coley, Widener, Bacon, Balderson, Beagle, Burke, Eklund, Faber, Hite, Hottinger, Jones, LaRose, Lehner, Oelslager, Seitz, Uecker**

---

**A BILL**

To enact section 3701.034 of the Revised Code and 1  
to amend Section 289.20 of Am. Sub. H.B. 64 of 2  
the 131st General Assembly to require the 3  
Department of Health to ensure that state funds 4  
and certain federal funds are not used either to 5  
perform or promote nontherapeutic abortions, or 6  
to contract or affiliate with any entity that 7  
performs or promotes nontherapeutic abortions; 8  
to provide for health departments and WIC 9  
clinics to determine presumptive eligibility for 10  
pregnant women and children; and to allocate 11  
existing funding within the Ohio Department of 12  
Health's budget to the Ohio Association of 13  
Community Health Centers for safe sleep, birth 14  
spacing, and smoking cessation initiatives. 15

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

**Section 1.** That section 3701.034 of the Revised Code be 16  
enacted to read as follows: 17

**Sec. 3701.034.** (A) As used in this section: 18

(1) "Affiliate" means an entity that has with another 19  
entity a legal relationship created or governed by at least one 20  
written instrument that demonstrates any of the following: 21

(a) Common ownership, management, or control; 22

(b) A franchise agreement; 23

(c) The granting or extension of a license or other 24  
agreement that authorizes an entity to use the other entity's 25  
brand name, trademark, service mark, or other registered 26  
identification mark. 27

(2) "Violence Against Women Act" means section 1910A of 28  
section 40151 of the "Violent Crime Control and Law Enforcement 29  
Act of 1994," part A of Title XIX of the "Public Health and 30  
Human Services Act," 108 Stat. 1920 (1994), former 42 U.S.C. 31  
300w, 42 U.S.C. 280b-1b, as amended. 32

(3) "Breast and Cervical Cancer Mortality Prevention Act" 33  
means the "Breast and Cervical Cancer Mortality Prevention Act 34  
of 1990," 104 Stat. 409 (1990), 42 U.S.C. 300k, as amended. 35

(4) "Infertility prevention project" means the infertility 36  
prevention project operated by the United States centers for 37  
disease control and prevention. 38

(5) "Minority HIV/AIDS initiative" means the minority 39  
HIV/AIDS initiative operated by the office of minority health in 40  
the United States department of health and human services. 41

(6) "Personal responsibility education program" means the 42

program administered by the administration for children and 43  
families in the United States department of health and human 44  
services to educate adolescents on abstinence and contraception 45  
for the prevention of pregnancy and sexually transmitted 46  
infections. 47

(7) "Nontherapeutic abortion" has the same meaning as in 48  
section 9.04 of the Revised Code. 49

(8) "Promote" means to advocate for, assist with, 50  
encourage, or popularize through advertising or publicity. 51

(B) The department of health shall ensure that all funds 52  
it receives through the Violence Against Women Act to distribute 53  
as grants for the purpose of education and prevention of 54  
violence against women are not used to do any of the following: 55

(1) Perform nontherapeutic abortions; 56

(2) Promote nontherapeutic abortions; 57

(3) Contract with any entity that performs or promotes 58  
nontherapeutic abortions; 59

(4) Become or continue to be an affiliate of any entity 60  
that performs or promotes nontherapeutic abortions. 61

(C) The department shall ensure that all funds it receives 62  
through the Breast and Cervical Cancer Mortality Prevention Act 63  
for a program to provide breast and cervical cancer screening 64  
and diagnostic testing and all federal and state funds that it 65  
uses to operate such a program are not used to do any of the 66  
following: 67

(1) Perform nontherapeutic abortions; 68

(2) Promote nontherapeutic abortions; 69

<u>(3) Contract with any entity that performs or promotes</u>	70
<u>nontherapeutic abortions;</u>	71
<u>(4) Become or continue to be an affiliate of any entity</u>	72
<u>that performs or promotes nontherapeutic abortions.</u>	73
<u>(D) The department shall ensure that all materials it</u>	74
<u>receives through the infertility prevention project are not</u>	75
<u>distributed to entities that do any of the following and shall</u>	76
<u>ensure that all funds it uses for treatment associated with the</u>	77
<u>infertility prevention project are not used to do any of the</u>	78
<u>following:</u>	79
<u>(1) Perform nontherapeutic abortions;</u>	80
<u>(2) Promote nontherapeutic abortions;</u>	81
<u>(3) Contract with any entity that performs or promotes</u>	82
<u>nontherapeutic abortions;</u>	83
<u>(4) Become or continue to be an affiliate of any entity</u>	84
<u>that performs or promotes nontherapeutic abortions.</u>	85
<u>(E) The department shall ensure that all funds it receives</u>	86
<u>through the minority HIV/AIDS initiative to distribute as grants</u>	87
<u>and all other federal and state funds that are part of the</u>	88
<u>grants distributed under this initiative are not used to do any</u>	89
<u>of the following:</u>	90
<u>(1) Perform nontherapeutic abortions;</u>	91
<u>(2) Promote nontherapeutic abortions;</u>	92
<u>(3) Contract with any entity that performs or promotes</u>	93
<u>nontherapeutic abortions;</u>	94
<u>(4) Become or continue to be an affiliate of any entity</u>	95
<u>that performs or promotes nontherapeutic abortions.</u>	96

(F) The department shall ensure that all state funds it receives, including funding for infant mortality reduction or infant vitality initiatives, are not used to do any of the following: 97  
98  
99  
100

(1) Perform nontherapeutic abortions; 101

(2) Promote nontherapeutic abortions; 102

(3) Contract with any entity that performs or promotes nontherapeutic abortions; 103  
104

(4) Become or continue to be an affiliate of any entity that performs or promotes nontherapeutic abortions. 105  
106

(G) The department shall ensure that all funds it receives through an allotment to the state under the personal responsibility education program and all other funds that are part of the grants distributed under this program are not used to do any of the following: 107  
108  
109  
110  
111

(1) Perform nontherapeutic abortions; 112

(2) Promote nontherapeutic abortions; 113

(3) Contract with any entity that performs or promotes nontherapeutic abortions; 114  
115

(4) Become or continue to be an affiliate of any entity that performs or promotes nontherapeutic abortions. 116  
117

**Section 2.** (A) As used in this section: 118

(1) "Local health department" means a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code. 119  
120  
121  
122

(2) "WIC clinic" means a women, infants, and children 123

clinic qualified to administer or provide services pursuant to 124  
the federal special supplemental nutrition program for women, 125  
infants, and children, created under 42 U.S.C. 1786. 126

(B) The Medicaid Director shall authorize local health 127  
departments and WIC clinics to serve as qualified providers for 128  
purposes of presumptive eligibility for pregnant women and 129  
children, pursuant to the Director's powers under sections 130  
5163.10 and 5163.101 of the Revised Code. Not later than one 131  
hundred eighty days after the effective date of this section, 132  
the Director shall establish uniform criteria and processes 133  
governing all qualified providers for purposes of presumptive 134  
eligibility in rules adopted under section 5163.02 of the 135  
Revised Code. 136

**Section 3.** That Section 289.20 of Am. Sub. H.B. 64 of the 137  
131st General Assembly be amended to read as follows: 138

**Sec. 289.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 139

Of the foregoing appropriation item 440416, Mothers and 140  
Children Safety Net Services, \$200,000 in each fiscal year shall 141  
be used to assist families with hearing impaired children under 142  
twenty-one years of age in purchasing hearing aids. The Director 143  
of Health shall adopt rules governing the distribution of these 144  
funds, including rules that do both of the following: (1) 145  
establish eligibility criteria to include families with incomes 146  
at or below four hundred per cent of the federal poverty 147  
guidelines as defined in section 5101.46 of the Revised Code, 148  
and (2) develop a sliding scale of disbursements under this 149  
section based on family income. The Director may adopt other 150  
rules as necessary to implement this section. Rules adopted 151  
under this section shall be adopted in accordance with Chapter 152  
119. of the Revised Code. 153

Of the foregoing appropriation item 440416, Mothers and Children Safety Net Services, \$250,000 in fiscal year 2016 shall be provided to the Ohio Association of Community Health Centers to assist federally qualified health centers and federally qualified health center look-alikes with best practices in safe sleep, birth spacing, and smoking cessation initiatives that are focused on process and system improvements. The Ohio Association of Community Health Centers shall collect learning from the participating centers and share learning with all centers through trainings or other appropriate means.

The Department shall disburse all of the funds appropriated under this section.

HIV/AIDS PREVENTION/TREATMENT

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications and to administer educational prevention initiatives.

PUBLIC HEALTH LABORATORY

A portion of the foregoing appropriation item 440451, Public Health Laboratory, shall be used for coordination and management of prevention program operations and the purchase of drugs for sexually transmitted diseases.

HELP ME GROW

The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459, Help Me Grow, may be used in conjunction with other early

childhood funds and services to promote the optimal development 183  
of young children and family-centered programs and services that 184  
acknowledge and support the social, emotional, cognitive, 185  
intellectual, and physical development of children and the vital 186  
role of families in ensuring the well-being and success of 187  
children. The Department of Health shall enter into interagency 188  
agreements with the Department of Education, Department of 189  
Developmental Disabilities, Department of Job and Family 190  
Services, and Department of Mental Health and Addiction Services 191  
to ensure that all early childhood programs and initiatives are 192  
coordinated and school linked. 193

The foregoing appropriation item 440459, Help Me Grow, may 194  
also be used for the Developmental Autism and Screening Program. 195

FQHC PRIMARY CARE WORKFORCE INITIATIVE 196

The foregoing appropriation item 440465, FQHC Primary Care 197  
Workforce Initiative, shall be provided to the Ohio Association 198  
of Community Health Centers to administer the FQHC Primary Care 199  
Workforce Initiative. The Initiative shall provide medical, 200  
dental, behavioral health, physician assistant, and advanced 201  
practice nursing students with clinical rotations through 202  
federally qualified health centers. 203

TOBACCO PREVENTION CESSATION AND ENFORCEMENT 204

Of the foregoing appropriation item 440473, Tobacco 205  
Prevention Cessation and Enforcement, \$1,000,000 in each fiscal 206  
year shall be used to award grants in accordance with the 207  
section of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 208

INFANT VITALITY 209

The foregoing appropriation item 440474, Infant Vitality, 210  
shall be used to fund initiatives including: 211



(A) The Infant Safe Sleep Campaign to educate parents and 212  
caregivers with a uniform message regarding safe sleep 213  
environments; 214

(B) The Progesterone Prematurity Prevention Project to 215  
enable prenatal care providers to identify, screen, treat, and 216  
track outcomes for women eligible for progesterone 217  
supplementation; and 218

(C) The Prenatal Smoking Cessation Project to enable 219  
prenatal care providers who work with women of reproductive age, 220  
including pregnant women, to have the tools, training, and 221  
technical assistance needed to treat smokers effectively. 222

EMERGENCY PREPARATION AND RESPONSE 223

The foregoing appropriation item 440477, Emergency 224  
Preparation and Response, shall be used to support public health 225  
emergency preparedness and response efforts at the state level 226  
or at a regional sub-level within the state, and may also be 227  
used to support data infrastructure projects related to public 228  
health emergency preparedness/response. 229

LUPUS AWARENESS 230

The foregoing appropriation item 440481, Lupus Awareness, 231  
shall be used for the Lupus Education and Awareness Program 232  
established in section 3701.77 of the Revised Code. 233

TARGETED HEALTH CARE SERVICES OVER 21 234

The foregoing appropriation item 440507, Targeted Health 235  
Care Services Over 21, shall also be used to administer the 236  
Cystic Fibrosis Program and to implement the Hemophilia 237  
Insurance Premium Payment Program. The Department shall expend 238  
\$100,000 in each fiscal year to implement the Hemophilia 239

Insurance Premium Payment Program.	240
The foregoing appropriation item 440507, Targeted Health	241
Care Services Over 21, shall also be used to provide essential	242
medications and to pay the copayments for drugs approved by the	243
Department of Health and covered by Medicare Part D that are	244
dispensed to Bureau for Children with Medical Handicaps (BCMH)	245
participants for the Cystic Fibrosis Program.	246
The Department shall expend all of these funds.	247
 MEDICALLY HANDICAPPED CHILDREN AUDIT	 248
The Medically Handicapped Children Audit Fund (Fund 4770)	249
shall receive revenue from audits of hospitals and recoveries	250
from third-party payers. Moneys may be expended for payment of	251
audit settlements and for costs directly related to obtaining	252
recoveries from third-party payers and for encouraging Medically	253
Handicapped Children's Program recipients to apply for third-	254
party benefits. Moneys also may be expended for payments for	255
diagnostic and treatment services on behalf of medically	256
handicapped children, as defined in division (A) of section	257
3701.022 of the Revised Code, and Ohio residents who are twenty-	258
one or more years of age and who are suffering from cystic	259
fibrosis or hemophilia. Moneys may also be expended for	260
administrative expenses incurred in operating the Medically	261
Handicapped Children's Program.	262
 GENETICS SERVICES	 263
The foregoing appropriation item 440608, Genetics Services	264
(Fund 4D60), shall be used by the Department of Health to	265
administer programs authorized by sections 3701.501 and 3701.502	266
of the Revised Code. None of these funds shall be used to	267
counsel or refer for abortion, except in the case of a medical	268

emergency.	269
MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS	270
The foregoing appropriation item 440607, Medically	271
Handicapped Children - County Assessments (Fund 6660), shall be	272
used to make payments under division (E) of section 3701.023 of	273
the Revised Code.	274
<b>Section 4.</b> That existing Section 289.20 of Am. Sub. H.B.	275
64 of the 131st General Assembly is hereby repealed.	276