

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 356

Representatives Celebrezze, Johnson, G.

Cosponsors: Representatives Slesnick, Lepore-Hagan, Bishoff

A BILL

To amend sections 109.921, 3701.046, 3727.60, and 1
5101.55 and to repeal sections 9.04, 3701.511, 2
5101.56, and 5101.57 of the Revised Code to 3
permit using state resources to provide abortion 4
care. 5

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

Section 1. That sections 109.921, 3701.046, 3727.60, and 6
5101.55 of the Revised Code be amended to read as follows: 7

Sec. 109.921. (A) As used in this section: 8

(1) "Rape crisis program" means any of the following: 9

(a) The nonprofit state sexual assault coalition 10
designated by the center for injury prevention and control of 11
the federal centers for disease control and prevention; 12

(b) A victim witness assistance program operated by a 13
prosecuting attorney; 14

(c) A program operated by a government-based or nonprofit 15
entity that provides a full continuum of services to victims of 16
sexual assault, including hotlines, victim advocacy, and support 17

services from the onset of the need for services through the 18
completion of healing, that does not provide medical services, 19
and that may refer victims to physicians for medical care ~~but~~ 20
~~does not engage in or refer for services for which the use of~~ 21
~~genetic services funds is prohibited by section 3701.511 of the~~ 22
~~Revised Code.~~ 23

(2) "Sexual assault" means any of the following: 24

(a) A violation of section 2907.02, 2907.03, 2907.04, 25
2907.05, or former section 2907.12 of the Revised Code; 26

(b) A violation of an existing or former municipal 27
ordinance or law of this or any other state or the United States 28
that is or was substantially equivalent to any section listed in 29
division (A) (2) (a) of this section. 30

(B) There is hereby created in the state treasury the rape 31
crisis program trust fund, consisting of money paid into the 32
fund pursuant to sections 307.515 and 311.172 of the Revised 33
Code and any money appropriated to the fund by the general 34
assembly or donated to the fund. The attorney general shall 35
administer the fund. The attorney general may use not more than 36
five per cent of the money deposited or appropriated into the 37
fund to pay costs associated with administering this section and 38
shall use at least ninety-five per cent of the money deposited 39
or appropriated into the fund for the purpose of providing 40
funding to rape crisis programs under this section. 41

(C) (1) The attorney general shall adopt rules under 42
Chapter 119. of the Revised Code that establish procedures for 43
rape crisis programs to apply to the attorney general for 44
funding out of the rape crisis program trust fund and procedures 45
for the attorney general to distribute money out of the fund to 46

rape crisis programs. 47

(2) The attorney general may decide upon an application 48
for funding out of the rape crisis program trust fund without a 49
hearing. A decision of the attorney general to grant or deny 50
funding is final and not appealable under Chapter 119. or any 51
other provision of the Revised Code. 52

(D) A rape crisis program that receives funding out of the 53
rape crisis program trust fund shall use the money received only 54
for the following purposes: 55

(1) If the program is the nonprofit state sexual assault 56
coalition, to provide training and technical assistance to 57
service providers; 58

(2) If the program is a victim witness assistance program, 59
to provide victims of sexual assault with hotlines, victim 60
advocacy, or support services; 61

(3) If the program is a government-based or nonprofit 62
entity that provides a full continuum of services to victims of 63
sexual assault, to provide those services and education to 64
prevent sexual assault. 65

Sec. 3701.046. The director of health is authorized to 66
make grants for women's health services from funds appropriated 67
for that purpose by the general assembly. 68

~~None of the funds received through grants for women's 69
health services shall be used to provide abortion services. None 70
of the funds received through these grants shall be used for 71
counseling for or referrals for abortion, except in the case of 72
a medical emergency. These funds shall be distributed by the 73
director to programs that the department of health determines 74
will provide services that are physically and financially 75~~

~~separate from abortion providing and abortion promoting~~ 76
~~activities, and that do not include counseling for or referrals~~ 77
~~for abortion, other than in the case of medical emergency.~~ 78

These women's health services include and are limited to 79
the following: pelvic examinations and laboratory testing; 80
breast examinations and patient education on breast cancer; 81
screening for cervical cancer; screening and treatment for 82
sexually transmitted diseases and HIV screening; voluntary 83
choice of contraception, including abstinence and natural family 84
planning; patient education and pre-pregnancy counseling on the 85
dangers of smoking, alcohol, and drug use during pregnancy; 86
education on sexual coercion and violence in relationships; and 87
prenatal care or referral for prenatal care. These health care 88
services shall be provided in a medical clinic setting by 89
persons authorized under Chapter 4731. of the Revised Code to 90
practice medicine and surgery or osteopathic medicine and 91
surgery; authorized under Chapter 4730. of the Revised Code to 92
practice as a physician assistant; licensed under Chapter 4723. 93
of the Revised Code as a registered nurse or licensed practical 94
nurse; or licensed under Chapter 4757. of the Revised Code as a 95
social worker, independent social worker, licensed professional 96
clinical counselor, or licensed professional counselor. 97

The director shall adopt rules under Chapter 119. of the 98
Revised Code specifying reasonable eligibility standards that 99
must be met to receive the state funding and provide reasonable 100
methods by which a grantee wishing to be eligible for federal 101
funding may comply with these requirements for state funding 102
without losing its eligibility for federal funding. 103

Each applicant for these funds shall provide sufficient 104
assurance to the director of all of the following: 105

(A) The program shall not discriminate in the provision of 106
services based on an individual's religion, race, national 107
origin, handicapping condition, age, sex, number of pregnancies, 108
or marital status; 109

(B) The program shall provide services without subjecting 110
individuals to any coercion to accept services or to employ any 111
particular methods of family planning; 112

(C) Acceptance of services shall be solely on a voluntary 113
basis and may not be made a prerequisite to eligibility for, or 114
receipt of, any other service, assistance from, or participation 115
in, any other program of the service provider; 116

(D) Any charges for services provided by the program shall 117
be based on the patient's ability to pay and priority in the 118
provision of services shall be given to persons from low-income 119
families. 120

In distributing these grant funds, the director shall give 121
priority to grant requests from local departments of health for 122
women's health services to be provided directly by personnel of 123
the local department of health. The director shall issue a 124
single request for proposals for all grants for women's health 125
services. The director shall send a notification of this request 126
for proposals to every local department of health in this state 127
and shall place a notification on the department's web site. The 128
director shall allow at least thirty days after issuing this 129
notification before closing the period to receive applications. 130

After the closing date for receiving grant applications, 131
the director shall first consider grant applications from local 132
departments of health that apply for grants for women's health 133
services to be provided directly by personnel of the local 134

department of health. Local departments of health that apply for 135
grants for women's health services to be provided directly by 136
personnel of the local department of health need not provide all 137
the listed women's health services in order to qualify for a 138
grant. However, in prioritizing awards among local departments 139
of health that qualify for funding under this paragraph, the 140
director may consider, among other reasonable factors, the 141
comprehensiveness of the women's health services to be offered, 142
provided that no local department of health shall be 143
discriminated against in the process of awarding these grant 144
funds because the applicant does not provide contraception. 145

If funds remain after awarding grants to all local 146
departments of health that qualify for the priority, the 147
director may make grants to other applicants. Awards to other 148
applicants may be made to those applicants that will offer all 149
eight of the listed women's health services or that will offer 150
all of the services except contraception. No applicant shall be 151
discriminated against in the process of awarding these grant 152
funds because the applicant does not provide contraception. 153

Sec. 3727.60. (A) As used in this section: 154

(1) "Ambulatory surgical facility" has the same meaning as 155
in section 3702.30 of the Revised Code. 156

(2) "~~Nontherapeutic abortion~~" ~~has the same meaning as in~~ 157
~~section 9.04 of the Revised Code~~ means an abortion that is 158
performed or induced when the life of the mother would not be 159
endangered if the fetus were carried to term or when the 160
pregnancy of the mother was not the result of rape or incest 161
reported to a law enforcement agency. 162

(3) "Political subdivision" means any body corporate and 163

politic that is responsible for governmental activities in a 164
geographic area smaller than the state. 165

(4) "Public hospital" means a hospital registered with the 166
department of health under section 3701.07 of the Revised Code 167
that is owned, leased, or controlled by this state or any 168
agency, institution, instrumentality, or political subdivision 169
of this state. "Public hospital" includes any state university 170
hospital, state medical college hospital, joint hospital, or 171
public hospital agency. 172

(5) "Written transfer agreement" means an agreement 173
described in section 3702.303 of the Revised Code. 174

(B) No public hospital shall do either of the following: 175

(1) Enter into a written transfer agreement with an 176
ambulatory surgical facility in which nontherapeutic abortions 177
are performed or induced; 178

(2) Authorize a physician who has been granted staff 179
membership or professional privileges at the public hospital to 180
use that membership or those privileges as a substitution for, 181
or alternative to, a written transfer agreement for purposes of 182
a variance application described in section 3702.304 of the 183
Revised Code that is submitted to the director of health by an 184
ambulatory surgical facility in which nontherapeutic abortions 185
are performed or induced. 186

Sec. 5101.55. (A) No person shall be ordered by a public 187
agency or any person to submit to an abortion. 188

(B) The refusal of any person to submit to an abortion or 189
to give consent therefor shall not result in the loss of public 190
assistance benefits or any other rights or privileges. 191

~~(C) State or local public funds shall not be used to~~ 192
~~subsidize an abortion, except as provided in section 5101.56 of~~ 193
~~the Revised Code.~~ 194

Section 2. That existing sections 109.921, 3701.046, 195
3727.60, and 5101.55 and sections 9.04, 3701.511, 5101.56, and 196
5101.57 of the Revised Code are hereby repealed. 197