

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 376**

**Representatives Boyd, Sykes**

**Cosponsors: Representatives Johnson, G., Smith, K., Slesnick, Howse, Lepore-Hagan, Sheehy, Fedor, Bishoff, Celebrezze, Boyce**

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**A BILL**

To enact sections 5101.805 and 5101.806 of the 1  
Revised Code to require entities funded through 2  
the Ohio Parenting and Pregnancy Program to 3  
provide only medically accurate information. 4

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

**Section 1.** That sections 5101.805 and 5101.806 of the 5  
Revised Code be enacted to read as follows: 6

**Sec. 5101.805.** (A) As used in this section and section 7  
5101.806 of the Revised Code: 8

(1) "Medically accurate information" means information 9  
that is: 10

(a) Verified or supported by the weight of peer-reviewed 11  
medical research conducted in compliance with accepted 12  
scientific methods; 13

(b) Recognized as medically sound and objective by leading 14  
medical organizations with relevant expertise, such as the 15  
American medical association, the American congress of 16

obstetricians and gynecologists, the American public health 17  
association, the American academy of pediatrics, the American 18  
college of physicians, the American academy of family 19  
physicians, and the American psychological association; or 20  
government agencies such as the United States centers for 21  
disease control, the United States food and drug administration, 22  
the national cancer institute, and the national institute of 23  
health; and scientific advisory groups such as the institute of 24  
medicine and the advisory committee on immunization practices; 25  
or 26

(c) Recommended by or affirmed in the medical practice 27  
guidelines of a nationally recognized accrediting organization. 28

(2) "Funded entity" means an entity funded through the 29  
Ohio parenting and pregnancy program established under section 30  
5101.804 of the Revised Code. 31

(B) A funded entity shall provide only medically accurate 32  
information when providing counseling and other services. 33

**Sec. 5101.806.** (A) As used in this section, "government 34  
attorney" means: 35

(1) The attorney general; 36

(2) The county prosecuting attorney with jurisdiction over 37  
the funded entity; 38

(3) The city director of law, township director of law, or 39  
legal counsel for a village with jurisdiction over the funded 40  
entity. 41

(B) A person served by a funded entity who has reasonable 42  
cause to believe that a representative of the entity has failed 43  
to comply with division (B) of section 5101.805 of the Revised 44

Code may request any government attorney to bring an action to 45  
impose a civil penalty of five hundred dollars for the first 46  
failure and one thousand dollars for each subsequent failure. 47

(C) A government attorney shall do the following before 48  
bringing an action under division (B) of this section: 49

(1) Provide the funded entity with reasonable notice of 50  
noncompliance by informing the entity that it is subject to a 51  
civil penalty as provided in division (B) of this section if it 52  
does not correct the noncompliance within thirty days from the 53  
date the notice is sent to the facility; 54

(2) Require the funded entity to provide to the government 55  
attorney new training and informational materials that have 56  
removed all references to the information that was not medically 57  
accurate information; 58

(3) Verify that the noncompliance was not corrected within 59  
the thirty-day period. 60

(D) A civil penalty imposed under this section shall be 61  
paid to the state treasurer for deposit into the general revenue 62  
fund if the action is brought by the attorney general. If the 63  
action is brought by the county prosecuting attorney, the civil 64  
penalty shall be paid to the county treasurer for deposit into 65  
the county treasury. If the action is brought by a city director 66  
of law, township law director, or legal counsel for a village, 67  
the civil penalty shall be paid to the general fund of the 68  
applicable municipal corporation, township, or village. 69