

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 184**

**Representative Lepore-Hagan**

**Cosponsors: Representatives Boyd, Clites, Liston, Russo, Upchurch, West**

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**A BILL**

To amend sections 2907.29, 3313.60, 3313.6011, 1  
3314.03, 3326.11, 3328.24, and 4729.16 and to 2  
enact sections 1751.49, 3701.049, 3727.61, 3  
3727.611, 3727.612, 3923.87, 4729.49, 4729.491, 4  
4729.492, and 5164.7515 of the Revised Code 5  
regarding access to contraceptive drugs and 6  
devices, hospital services for victims of sexual 7  
assault, and sexual health education in schools. 8

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

**Section 1.** That sections 2907.29, 3313.60, 3313.6011, 9  
3314.03, 3326.11, 3328.24, and 4729.16 be amended and sections 10  
1751.49, 3701.049, 3727.61, 3727.611, 3727.612, 3923.87, 11  
4729.49, 4729.491, 4729.492, and 5164.7515 of the Revised Code 12  
be enacted to read as follows: 13

**Sec. 1751.49.** (A) Notwithstanding section 3901.71 of the 14  
Revised Code, no individual or group health insuring corporation 15  
policy, contract, or agreement that is delivered, issued for 16  
delivery, or renewed in this state shall do any of the 17  
following: 18

(1) Limit or exclude coverage for prescription 19  
contraceptive drugs or devices approved by the United States 20  
food and drug administration if the policy, contract, or 21  
agreement provides coverage for other prescription drugs or 22  
devices; 23

(2) Limit or exclude coverage for physician-directed 24  
outpatient services that are related to prescription 25  
contraceptive drugs or devices, if the policy, contract, or 26  
agreement provides coverage for other outpatient services 27  
rendered by a provider; 28

(3) Limit or exclude coverage for male sterilization if 29  
the policy, contract, or agreement provides coverage for other 30  
outpatient services rendered by a provider. 31

(4) (a) Except as provided in division (A) (4) (b) of this 32  
section, limit or exclude coverage for contraceptive drugs and 33  
devices approved by the United States food and drug 34  
administration and available without a prescription under 35  
section 4729.492 of the Revised Code. 36

(b) A policy, contract, or agreement may limit both of the 37  
following: 38

(i) Point-of-sale coverage under division (A) (4) (a) of 39  
this section to only in-network pharmacies; 40

(ii) The frequency of coverage offered under division (A) 41  
(4) (a) of this section. 42

(5) (a) Except as provided in division (A) (5) (b) of this 43  
section, impose a copayment or deductible requirement for the 44  
coverage specified in division (A) (1), (2), (3), or (4) of this 45  
section. 46

(b) A policy, contract, or agreement may impose a 47  
copayment or deductible requirement for a contraceptive drug or 48  
device described in division (A)(1) of this section if, 49  
according to the United States food and drug administration, the 50  
drug or device is therapeutically equivalent to another 51  
contraceptive drug or device that is available without such a 52  
requirement under the same policy, contract, or agreement. 53

(6) (a) Except as provided in division (A)(6) (b) of this 54  
section, impose a prior authorization requirement for a 55  
prescription contraceptive drug or device that is approved by 56  
the United States food and drug administration and is either of 57  
the following: 58

(i) An intrauterine device; 59

(ii) An implantable rod. 60

(b) Division (A)(6) (a) of this section does not apply to a 61  
contraceptive drug or device for which the United States food 62  
and drug administration has issued a warning on the drug or 63  
device's label calling attention to serious or life-threatening 64  
risks, commonly referred to as a "black box warning." 65

(c) As used in division (A)(6) (a) of this section, "prior 66  
authorization requirement" has the same meaning as in section 67  
1751.72 of the Revised Code. 68

(B) Except as provided in divisions (B)(1) and (2) of this 69  
section and notwithstanding section 3901.71 of the Revised Code, 70  
an individual or group health insuring corporation policy, 71  
contract, or agreement that is delivered, issued for delivery, 72  
or renewed in this state shall provide coverage for a single 73  
dispensing to an enrollee of a six-month supply of a 74  
contraceptive described in division (A)(1) or (4) of this 75

section. 76

(1) A policy, contract, or agreement may provide coverage 77  
for a supply of contraceptives that is less than a six-month 78  
supply if a six-month supply would extend beyond the policy, 79  
contract, or plan year. 80

(2) A policy, contract, or agreement shall cover a single 81  
dispensing to an enrollee of a two-month supply under the 82  
initial prescription for the contraceptive. 83

(3) Division (B) (1) of this section does not apply to the 84  
first two-month supply of a contraceptive dispensed to an 85  
enrollee under the initial prescription for the contraceptive or 86  
any subsequent prescription for a contraceptive that is 87  
different than the last contraceptive dispensed to the enrollee. 88

**Sec. 2907.29.** Every hospital of this state that offers 89  
organized emergency services shall provide that a physician, a 90  
physician assistant, a clinical nurse specialist, a certified 91  
nurse practitioner, or a certified nurse-midwife is available on 92  
call twenty-four hours each day for the examination of persons 93  
reported to any law enforcement agency to be victims of sexual 94  
offenses cognizable as violations of any provision of sections 95  
2907.02 to 2907.06 of the Revised Code. The physician, physician 96  
assistant, clinical nurse specialist, certified nurse 97  
practitioner, or certified nurse-midwife, upon the request of 98  
any peace officer or prosecuting attorney and with the consent 99  
of the reported victim or upon the request of the reported 100  
victim, shall examine the person for the purposes of gathering 101  
physical evidence and shall complete any written documentation 102  
of the physical examination. The director of health shall 103  
establish procedures for gathering evidence under this section. 104

Each reported victim shall be informed of ~~available~~ 105  
~~venereal disease~~ the sexually transmitted infection, pregnancy, 106  
medical, and psychiatric services made available in accordance 107  
with section 3727.611 of the Revised Code. 108

Notwithstanding any other provision of law, a minor may 109  
consent to examination under this section. The consent is not 110  
subject to disaffirmance because of minority, and consent of the 111  
parent, parents, or guardian of the minor is not required for an 112  
examination under this section. However, the hospital shall give 113  
written notice to the parent, parents, or guardian of a minor 114  
that an examination under this section has taken place. The 115  
parent, parents, or guardian of a minor giving consent under 116  
this section are not liable for payment for any services 117  
provided under this section without their consent. 118

**Sec. 3313.60.** Notwithstanding division (D) of section 119  
3311.52 of the Revised Code, divisions (A) to (E) of this 120  
section do not apply to any cooperative education school 121  
district established pursuant to divisions (A) to (C) of section 122  
3311.52 of the Revised Code. 123

(A) The board of education of each city, exempted village, 124  
and local school district and the board of each cooperative 125  
education school district established, pursuant to section 126  
3311.521 of the Revised Code, shall prescribe a curriculum for 127  
all schools under its control. Except as provided in division 128  
(E) of this section, in any such curriculum there shall be 129  
included the study of the following subjects: 130

(1) The language arts, including reading, writing, 131  
spelling, oral and written English, and literature; 132

(2) Geography, the history of the United States and of 133

Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;	134 135 136 137 138
(3) Mathematics;	139
(4) Natural science, including instruction in the conservation of natural resources;	140 141
(5) Health education, which shall include instruction in:	142
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;	143 144 145
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;	146 147
(c) <u>Venereal disease</u> <del>Sexually transmitted infection</del> <u>prevention education, including HIV/AIDS prevention education in accordance with section 3313.6011 of the Revised Code, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in <del>venereal disease</del> education; <del>sexually transmitted infection prevention</del> education. Instruction shall stress abstinence but shall not exclude other instruction and materials on contraceptive methods and infection reduction measures.</u>	148 149 150 151 152 153 154 155 156
(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;	157 158 159 160 161

(e) In grades seven through twelve, age-appropriate 162  
instruction in dating violence prevention education, which shall 163  
include instruction in recognizing dating violence warning signs 164  
and characteristics of healthy relationships. 165

In order to assist school districts in developing a dating 166  
violence prevention education curriculum, the department of 167  
education shall provide on its web site links to free curricula 168  
addressing dating violence prevention. 169

If the parent or legal guardian of a student less than 170  
eighteen years of age submits to the principal of the student's 171  
school a written request to examine the dating violence 172  
prevention instruction materials used at that school, the 173  
principal, within a reasonable period of time after the request 174  
is made, shall allow the parent or guardian to examine those 175  
materials at that school. 176

(f) Prescription opioid abuse prevention, with an emphasis 177  
on the prescription drug epidemic and the connection between 178  
prescription opioid abuse and addiction to other drugs, such as 179  
heroin; 180

(g) The process of making an anatomical gift under Chapter 181  
2108. of the Revised Code, with an emphasis on the life-saving 182  
and life-enhancing effects of organ and tissue donation. 183

(6) Physical education; 184

(7) The fine arts, including music; 185

(8) First aid, including a training program in 186  
cardiopulmonary resuscitation, which shall comply with section 187  
3313.6021 of the Revised Code when offered in any of grades nine 188  
through twelve, safety, and fire prevention. However, upon 189  
written request of the student's parent or guardian, a student 190

shall be excused from taking instruction in cardiopulmonary 191  
resuscitation. 192

(B) Except as provided in division (E) of this section, 193  
every school or school district shall include in the 194  
requirements for promotion from the eighth grade to the ninth 195  
grade one year's course of study of American history. A board 196  
may waive this requirement for academically accelerated students 197  
who, in accordance with procedures adopted by the board, are 198  
able to demonstrate mastery of essential concepts and skills of 199  
the eighth grade American history course of study. 200

(C) As specified in divisions (B) (6) and (C) (6) of section 201  
3313.603 of the Revised Code, except as provided in division (E) 202  
of this section, every high school shall include in the 203  
requirements for graduation from any curriculum one-half unit 204  
each of American history and government. 205

(D) Except as provided in division (E) of this section, 206  
basic instruction or demonstrated mastery in geography, United 207  
States history, the government of the United States, the 208  
government of the state of Ohio, local government in Ohio, the 209  
Declaration of Independence, the United States Constitution, and 210  
the Constitution of the state of Ohio shall be required before 211  
pupils may participate in courses involving the study of social 212  
problems, economics, foreign affairs, United Nations, world 213  
government, socialism, and communism. 214

(E) For each cooperative education school district 215  
established pursuant to section 3311.521 of the Revised Code and 216  
each city, exempted village, and local school district that has 217  
territory within such a cooperative district, the curriculum 218  
adopted pursuant to divisions (A) to (D) of this section shall 219  
only include the study of the subjects that apply to the grades 220



operated by each such school district. The ~~curriculums~~curricula 221  
for such schools, when combined, shall provide to each student 222  
of these districts all of the subjects required under divisions 223  
(A) to (D) of this section. 224

(F) The board of education of any cooperative education 225  
school district established pursuant to divisions (A) to (C) of 226  
section 3311.52 of the Revised Code shall prescribe a curriculum 227  
for the subject areas and grade levels offered in any school 228  
under its control. 229

(G) Upon the request of any parent or legal guardian of a 230  
student, the board of education of any school district shall 231  
permit the parent or guardian to promptly examine, with respect 232  
to the parent's or guardian's own child: 233

(1) Any survey or questionnaire, prior to its 234  
administration to the child; 235

(2) Any textbook, workbook, software, video, or other 236  
instructional materials being used by the district in connection 237  
with the instruction of the child; 238

(3) Any completed and graded test taken or survey or 239  
questionnaire filled out by the child; 240

(4) Copies of the statewide academic standards and each 241  
model curriculum developed pursuant to section 3301.079 of the 242  
Revised Code, which copies shall be available at all times 243  
during school hours in each district school building. 244

**Sec. 3313.6011.** (A) As used in this section, ~~"sexual-~~ 245  
~~activity"~~ has the same meaning as in section 2907.01 of the 246  
~~Revised Code.~~ 247

~~(B) Instruction in venereal disease education pursuant to~~ 248

~~division (A) (5) (c) of section 3313.60 of the Revised Code shall~~ 249  
~~emphasize that abstinence from sexual activity is the only~~ 250  
~~protection that is one hundred per cent effective against~~ 251  
~~unwanted pregnancy, sexually transmitted disease, and the sexual~~ 252  
~~transmission of a virus that causes acquired immunodeficiency~~ 253  
~~syndrome.~~ 254

~~(C) In adopting minimum standards under section 3301.07 of~~ 255  
~~the Revised Code, the state board of education shall require~~ 256  
~~course material and instruction in venereal disease education~~ 257  
~~courses taught pursuant to division (A) (5) (c) of section 3313.60~~ 258  
~~of the Revised Code to do all of the following:~~ 259

~~(1) Stress that students should abstain from sexual~~ 260  
~~activity until after marriage;~~ 261

~~(2) Teach the potential physical, psychological,~~ 262  
~~emotional, and social side effects of participating in sexual~~ 263  
~~activity outside of marriage;~~ 264

~~(3) Teach that conceiving children out of wedlock is~~ 265  
~~likely to have harmful consequences for the child, the child's~~ 266  
~~parents, and society;~~ 267

~~(4) Stress that sexually transmitted diseases are serious~~ 268  
~~possible hazards of sexual activity;~~ 269

~~(5) Advise students of the laws pertaining to financial~~ 270  
~~responsibility of parents to children born in and out of~~ 271  
~~wedlock;~~ 272

~~(6) Advise students of the circumstances under which it is~~ 273  
~~criminal to have sexual contact with a person under the age of~~ 274  
~~sixteen pursuant to section 2907.04 of the Revised Code;~~ 275

~~(7) Emphasize adoption as an option for unintended~~ 276

<del>pregnancies.</del>	277
<del>(D):</del>	278
<u>(1) "Age-appropriate" means appropriate for a pupil based</u>	279
<u>on the social, cognitive, and emotional level of the pupil.</u>	280
<u>(2) "Comprehensive sexual health education" means</u>	281
<u>education regarding human development and sexuality that</u>	282
<u>includes education on sexual health, family planning, and</u>	283
<u>sexually transmitted infections.</u>	284
<u>(3) "HIV/AIDS prevention education" means instruction on</u>	285
<u>the nature of HIV/AIDS, methods of transmission, strategies to</u>	286
<u>reduce the risk of HIV infection, and social and public health</u>	287
<u>issues related to HIV/AIDS. "HIV/AIDS prevention education" is</u>	288
<u>not comprehensive sexual health education.</u>	289
<u>(4) "Instructors trained in the appropriate courses" means</u>	290
<u>instructors with knowledge of the most recent medically and</u>	291
<u>scientifically accurate research on human sexuality, pregnancy,</u>	292
<u>and sexually transmitted infections.</u>	293
<u>(5) "Medically and scientifically accurate" means verified</u>	294
<u>or supported by research conducted in compliance with scientific</u>	295
<u>methods and published in peer-reviewed journals, where</u>	296
<u>appropriate, and recognized as accurate and objective by</u>	297
<u>professional organizations and agencies with expertise in the</u>	298
<u>relevant field, such as the United States centers for disease</u>	299
<u>control and prevention and the American college of obstetricians</u>	300
<u>and gynecologists.</u>	301
<u>(B) Any school district or educational service center may</u>	302
<u>offer comprehensive sexual health education. Beginning on the</u>	303
<u>first day of August immediately following the effective date of</u>	304
<u>this amendment, each school district and educational service</u>	305

center that elects to offer comprehensive sexual health 306  
education shall ensure that the program meets all of the 307  
following requirements: 308

(1) Instruction and materials shall be age-appropriate. 309

(2) All factual information shall be medically and 310  
scientifically accurate. 311

(3) Instruction and materials shall be appropriate for use 312  
with all pupils regardless of gender, race, ethnic and cultural 313  
background, religion, disability, sexual orientation, or gender 314  
identity. 315

(4) Instruction and materials shall encourage pupils to 316  
communicate with their parents or guardians about human 317  
sexuality. 318

(5) Instruction and materials shall teach all of the 319  
following: 320

(a) That abstinence from sexual activity is the only 321  
certain way to avoid pregnancy, sexually transmitted infections, 322  
and other associated health problems; 323

(b) That bearing children outside of a committed 324  
relationship is likely to have consequences for the child, the 325  
child's parents, and society; 326

(c) How, as young people, to effectively reject sexual 327  
advances and how alcohol and drug use increases vulnerability to 328  
sexual advances; 329

(d) The importance of attaining self-sufficiency before 330  
engaging in sexual activity. 331

(6) Instruction and materials shall stress abstinence but 332

shall not exclude other instruction and materials on 333  
contraceptive methods and infection reduction measures. 334

(7) If age-appropriate, instruction and materials shall 335  
provide information about the effectiveness and safety, 336  
including the health benefits and side effects, of all 337  
contraceptive methods in preventing unintended pregnancy and 338  
reducing the risk of contracting sexually transmitted 339  
infections. 340

(8) Instruction about sexually transmitted infections 341  
shall commence not later than grade seven. The instruction shall 342  
include information on how sexually transmitted infections are 343  
and are not transmitted, the effectiveness and methods of 344  
reducing the risk of contracting sexually transmitted 345  
infections, and identification of local resources for testing 346  
and medical care for sexually transmitted infections and HIV. 347

(9) If age-appropriate, instruction and materials shall 348  
provide pupils with skills for negotiating intimate 349  
relationships and making and implementing responsible decisions 350  
about sexuality. 351

(10) If age-appropriate, instruction and materials shall 352  
include a discussion of the possible emotional, physical, and 353  
psychological consequences of preadolescent and adolescent 354  
sexual activity and the emotional, physical, and psychological 355  
consequences of unintended pregnancy. 356

(11) Instruction and materials shall teach pupils to 357  
recognize unwanted physical and verbal sexual advances, not to 358  
make unwanted physical and verbal sexual advances, and how to 359  
effectively reject unwanted sexual advances. The instruction and 360  
materials shall cover verbal, physical, and visual sexual 361

harassment, including nonconsensual physical sexual contact and 362  
rape by an acquaintance or family member. The course information 363  
and materials shall emphasize personal accountability and 364  
respect for others and shall encourage youth to resist peer 365  
pressure. 366

(12) Comprehensive sexual health education shall not 367  
include any instruction or materials that teach or promote 368  
religious doctrine. 369

A school district or educational service center may use 370  
separate, outside speakers or prepared curricula to teach 371  
different content areas or units with the comprehensive sexual 372  
health education program, as long as all speakers, curricula, 373  
and materials used comply with this section. 374

(C) Each city, local, exempted village, and joint 375  
vocational school district shall ensure that each pupil in 376  
grades seven through twelve receives HIV/AIDS prevention 377  
education from instructors trained in the appropriate courses. 378  
Each pupil shall receive this instruction at least once in 379  
grades seven through nine, and at least once in grades ten 380  
through twelve. HIV/AIDS prevention education, whether taught by 381  
school district personnel or outside consultants, shall 382  
accurately reflect the latest information and recommendations 383  
from the United States surgeon general, the United States 384  
centers for disease control and prevention, and the national 385  
academy of sciences, and shall include all of the following: 386

(1) Information on the nature of HIV/AIDS and its effects 387  
on the human body; 388

(2) Information on the manner in which HIV is and is not 389  
transmitted, including information on activities that present 390

<u>the highest risk of HIV infection;</u>	391
<u>(3) Discussion of methods to reduce the risk of HIV</u>	392
<u>infection, which shall emphasize that sexual abstinence,</u>	393
<u>monogamy, and the avoidance of multiple sexual partners, and</u>	394
<u>abstinence from intravenous drug use, are the most effective</u>	395
<u>means for HIV/AIDS prevention, but shall also include statistics</u>	396
<u>based upon the latest medical information citing the success and</u>	397
<u>failure rates of condoms and other contraceptives in preventing</u>	398
<u>sexually transmitted HIV infection, as well as information on</u>	399
<u>other methods that may reduce the risk of HIV transmission from</u>	400
<u>intravenous drug use;</u>	401
<u>(4) Discussion of the public health issues associated with</u>	402
<u>HIV/AIDS;</u>	403
<u>(5) Information on local resources for HIV testing and</u>	404
<u>medical care;</u>	405
<u>(6) Instruction and materials that provide pupils with</u>	406
<u>skills for negotiating intimate relationships and making and</u>	407
<u>implementing responsible decisions about sexuality;</u>	408
<u>(7) Discussion about societal views on HIV/AIDS, including</u>	409
<u>stereotypes and myths regarding persons with HIV/AIDS, which</u>	410
<u>shall emphasize an understanding of the condition and its impact</u>	411
<u>on people's lives;</u>	412
<u>(8) Instruction and materials that teach pupils to</u>	413
<u>recognize unwanted physical and verbal sexual advances, not to</u>	414
<u>make unwanted physical and verbal sexual advances, and how to</u>	415
<u>effectively reject unwanted sexual advances. The instruction and</u>	416
<u>materials shall cover verbal, physical, and visual sexual</u>	417
<u>harassment, including nonconsensual physical sexual contact and</u>	418
<u>rape by an acquaintance or family member. The course information</u>	419

and materials shall emphasize personal accountability and 420  
respect for others and shall encourage youth to resist peer 421  
pressure. 422

(D) Each school district and educational service center 423  
shall cooperatively plan and provide, through regional planning, 424  
joint powers agreements, or contract services, in-service 425  
training for all school district personnel who provide 426  
comprehensive sexual health education or HIV/AIDS prevention 427  
education. In doing so, each district and service center shall 428  
consult with the department of education. 429

The in-service training shall be conducted periodically to 430  
enable district and service center personnel to learn new 431  
developments in the scientific understanding of sexual health 432  
and HIV/AIDS. The in-service training shall be voluntary for 433  
district and service center personnel who have demonstrated 434  
expertise or received in-service training from the department or 435  
the United States centers for disease control and prevention. 436

A district or service center may contract with outside 437  
consultants with expertise in comprehensive sexual health 438  
education and HIV/AIDS prevention education, including those who 439  
have developed multilingual curricula or curricula accessible to 440  
persons with disabilities, to deliver the in-service training to 441  
district or service center personnel. 442

(E) At the beginning of each school year, or at the time 443  
of enrollment in the case of a pupil who enrolls after the 444  
beginning of the school year, each school district shall notify 445  
the parent or guardian of each pupil about instruction in 446  
comprehensive sexual health education and HIV/AIDS prevention 447  
education and about research on pupil health behaviors and 448  
health risks planned for that year. The notice shall advise 449



parents and guardians of all of the following: 450

(1) That written and audiovisual educational materials 451  
used in comprehensive sexual health education and HIV/AIDS 452  
prevention education are available for inspection; 453

(2) Whether comprehensive sexual health education or 454  
HIV/AIDS prevention education will be taught by school district 455  
personnel or by outside consultants; 456

(3) That a parent or guardian may request a copy of this 457  
section; 458

(4) That a parent or guardian may request in writing that 459  
the child not receive comprehensive sexual health education or 460  
HIV/AIDS prevention education. 461

A school district or educational service center shall not 462  
permit a pupil to attend any class in comprehensive sexual 463  
health education or HIV/AIDS prevention education if the school 464  
has received a written request from the pupil's parent or 465  
guardian excusing the pupil from participation. A pupil who is 466  
so excused shall not be subject to disciplinary action, academic 467  
penalty, or other sanction, and the district or service center 468  
shall make an alternative educational activity available for the 469  
pupil while comprehensive sexual health education or HIV/AIDS 470  
prevention education is conducted. 471

Each school district and educational service center shall 472  
make written and audiovisual educational materials used in 473  
comprehensive sexual health education and HIV/AIDS prevention 474  
education available for inspection by the parents and guardians 475  
of pupils. Each school district shall provide a copy of this 476  
section upon request to the parent or guardian of a pupil 477  
enrolled in the district. 478

(F) Any model education program for health education the 479  
state board of education adopts shall conform to the 480  
requirements of this section. 481

~~(E) On and after March 18, 1999, and notwithstanding (G)~~ 482  
If a school district or educational service center does not 483  
elect to offer comprehensive sexual health education under this 484  
section, any sexual education that the school district or 485  
educational service center offers, including instruction in 486  
sexually transmitted infection prevention pursuant to division 487  
(A) (5) (c) of section 3313.60 of the Revised Code, shall stress 488  
abstinence but shall not exclude other instruction and materials 489  
on contraceptive methods and infection reduction measures. 490

(H) Notwithstanding section 3302.07 of the Revised Code, 491  
the superintendent of public instruction shall not approve, 492  
pursuant to that ~~section 3302.07 of the Revised Code~~, any waiver 493  
of any requirement of this section or of any rule adopted by the 494  
state board of education pursuant to this section. 495

**Sec. 3314.03.** A copy of every contract entered into under 496  
this section shall be filed with the superintendent of public 497  
instruction. The department of education shall make available on 498  
its web site a copy of every approved, executed contract filed 499  
with the superintendent under this section. 500

(A) Each contract entered into between a sponsor and the 501  
governing authority of a community school shall specify the 502  
following: 503

(1) That the school shall be established as either of the 504  
following: 505

(a) A nonprofit corporation established under Chapter 506  
1702. of the Revised Code, if established prior to April 8, 507

2003;	508
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	509 510
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	511 512 513 514
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	515 516 517 518
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	519 520 521 522
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	523 524 525
(6) (a) Dismissal procedures;	526
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	527 528 529 530 531 532
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	533 534
(8) Requirements for financial audits by the auditor of	535

state. The contract shall require financial records of the 536  
school to be maintained in the same manner as are financial 537  
records of school districts, pursuant to rules of the auditor of 538  
state. Audits shall be conducted in accordance with section 539  
117.10 of the Revised Code. 540

(9) An addendum to the contract outlining the facilities 541  
to be used that contains at least the following information: 542

(a) A detailed description of each facility used for 543  
instructional purposes; 544

(b) The annual costs associated with leasing each facility 545  
that are paid by or on behalf of the school; 546

(c) The annual mortgage principal and interest payments 547  
that are paid by the school; 548

(d) The name of the lender or landlord, identified as 549  
such, and the lender's or landlord's relationship to the 550  
operator, if any. 551

(10) Qualifications of teachers, including a requirement 552  
that the school's classroom teachers be licensed in accordance 553  
with sections 3319.22 to 3319.31 of the Revised Code, except 554  
that a community school may engage noncertificated persons to 555  
teach up to twelve hours per week pursuant to section 3319.301 556  
of the Revised Code. 557

(11) That the school will comply with the following 558  
requirements: 559

(a) The school will provide learning opportunities to a 560  
minimum of twenty-five students for a minimum of nine hundred 561  
twenty hours per school year. 562

(b) The governing authority will purchase liability 563

insurance, or otherwise provide for the potential liability of 564  
the school. 565

(c) The school will be nonsectarian in its programs, 566  
admission policies, employment practices, and all other 567  
operations, and will not be operated by a sectarian school or 568  
religious institution. 569

(d) The school will comply with sections 9.90, 9.91, 570  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 571  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 572  
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 573  
3313.6011, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 574  
3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 575  
3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 576  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 577  
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 578  
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.074, 579  
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 580  
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 581  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 582  
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 583  
of the Revised Code as if it were a school district and will 584  
comply with section 3301.0714 of the Revised Code in the manner 585  
specified in section 3314.17 of the Revised Code. 586

(e) The school shall comply with Chapter 102. and section 587  
2921.42 of the Revised Code. 588

(f) The school will comply with sections 3313.61, 589  
3313.611, and 3313.614 of the Revised Code, except that for 590  
students who enter ninth grade for the first time before July 1, 591  
2010, the requirement in sections 3313.61 and 3313.611 of the 592  
Revised Code that a person must successfully complete the 593

curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXVIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J) (1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J) (3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A) (3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer- 625  
based community school, will comply with section 3313.801 of the 626  
Revised Code as if it were a school district. 627

(i) If the school is the recipient of moneys from a grant 628  
awarded under the federal race to the top program, Division (A), 629  
Title XIV, Sections 14005 and 14006 of the "American Recovery 630  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 631  
the school will pay teachers based upon performance in 632  
accordance with section 3317.141 and will comply with section 633  
3319.111 of the Revised Code as if it were a school district. 634

(j) If the school operates a preschool program that is 635  
licensed by the department of education under sections 3301.52 636  
to 3301.59 of the Revised Code, the school shall comply with 637  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 638  
standards for preschool programs prescribed in rules adopted by 639  
the state board under section 3301.53 of the Revised Code. 640

(k) The school will comply with sections 3313.6021 and 641  
3313.6023 of the Revised Code as if it were a school district 642  
unless it is either of the following: 643

(i) An internet- or computer-based community school; 644

(ii) A community school in which a majority of the 645  
enrolled students are children with disabilities as described in 646  
division (A) (4) (b) of section 3314.35 of the Revised Code. 647

(12) Arrangements for providing health and other benefits 648  
to employees; 649

(13) The length of the contract, which shall begin at the 650  
beginning of an academic year. No contract shall exceed five 651  
years unless such contract has been renewed pursuant to division 652  
(E) of this section. 653

- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 654  
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- (15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. 656  
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- (16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code; 659  
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- (17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 663  
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- (18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 674  
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- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 677  
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	683 684
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	685 686 687
(c) Permit the enrollment of students who reside in any other district in the state.	688 689
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	690 691 692 693
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	694 695 696
(22) A provision recognizing both of the following:	697
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	698 699 700 701
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	702 703 704 705 706 707 708
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-	709 710

classroom-based learning opportunities that is in compliance 711  
with criteria for student participation established by the 712  
department under division (H) (2) of section 3314.08 of the 713  
Revised Code; 714

(24) The school will comply with sections 3302.04 and 715  
3302.041 of the Revised Code, except that any action required to 716  
be taken by a school district pursuant to those sections shall 717  
be taken by the sponsor of the school. However, the sponsor 718  
shall not be required to take any action described in division 719  
(F) of section 3302.04 of the Revised Code. 720

(25) Beginning in the 2006-2007 school year, the school 721  
will open for operation not later than the thirtieth day of 722  
September each school year, unless the mission of the school as 723  
specified under division (A) (2) of this section is solely to 724  
serve dropouts. In its initial year of operation, if the school 725  
fails to open by the thirtieth day of September, or within one 726  
year after the adoption of the contract pursuant to division (D) 727  
of section 3314.02 of the Revised Code if the mission of the 728  
school is solely to serve dropouts, the contract shall be void. 729

(26) Whether the school's governing authority is planning 730  
to seek designation for the school as a STEM school equivalent 731  
under section 3326.032 of the Revised Code; 732

(27) That the school's attendance and participation 733  
policies will be available for public inspection; 734

(28) That the school's attendance and participation 735  
records shall be made available to the department of education, 736  
auditor of state, and school's sponsor to the extent permitted 737  
under and in accordance with the "Family Educational Rights and 738  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 739

and any regulations promulgated under that act, and section	740
3319.321 of the Revised Code;	741
(29) If a school operates using the blended learning	742
model, as defined in section 3301.079 of the Revised Code, all	743
of the following information:	744
(a) An indication of what blended learning model or models	745
will be used;	746
(b) A description of how student instructional needs will	747
be determined and documented;	748
(c) The method to be used for determining competency,	749
granting credit, and promoting students to a higher grade level;	750
(d) The school's attendance requirements, including how	751
the school will document participation in learning	752
opportunities;	753
(e) A statement describing how student progress will be	754
monitored;	755
(f) A statement describing how private student data will	756
be protected;	757
(g) A description of the professional development	758
activities that will be offered to teachers.	759
(30) A provision requiring that all moneys the school's	760
operator loans to the school, including facilities loans or cash	761
flow assistance, must be accounted for, documented, and bear	762
interest at a fair market rate;	763
(31) A provision requiring that, if the governing	764
authority contracts with an attorney, accountant, or entity	765
specializing in audits, the attorney, accountant, or entity	766

shall be independent from the operator with which the school has 767  
contracted. 768

(32) A provision requiring the governing authority to 769  
adopt an enrollment and attendance policy that requires a 770  
student's parent to notify the community school in which the 771  
student is enrolled when there is a change in the location of 772  
the parent's or student's primary residence. 773

(33) A provision requiring the governing authority to 774  
adopt a student residence and address verification policy for 775  
students enrolling in or attending the school. 776

(B) The community school shall also submit to the sponsor 777  
a comprehensive plan for the school. The plan shall specify the 778  
following: 779

(1) The process by which the governing authority of the 780  
school will be selected in the future; 781

(2) The management and administration of the school; 782

(3) If the community school is a currently existing public 783  
school or educational service center building, alternative 784  
arrangements for current public school students who choose not 785  
to attend the converted school and for teachers who choose not 786  
to teach in the school or building after conversion; 787

(4) The instructional program and educational philosophy 788  
of the school; 789

(5) Internal financial controls. 790

When submitting the plan under this division, the school 791  
shall also submit copies of all policies and procedures 792  
regarding internal financial controls adopted by the governing 793  
authority of the school. 794

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to

correct problems in the school's overall performance, declare 824  
the school to be on probationary status pursuant to section 825  
3314.073 of the Revised Code, suspend the operation of the 826  
school pursuant to section 3314.072 of the Revised Code, or 827  
terminate the contract of the school pursuant to section 3314.07 828  
of the Revised Code as determined necessary by the sponsor; 829

(6) Have in place a plan of action to be undertaken in the 830  
event the community school experiences financial difficulties or 831  
closes prior to the end of a school year. 832

(E) Upon the expiration of a contract entered into under 833  
this section, the sponsor of a community school may, with the 834  
approval of the governing authority of the school, renew that 835  
contract for a period of time determined by the sponsor, but not 836  
ending earlier than the end of any school year, if the sponsor 837  
finds that the school's compliance with applicable laws and 838  
terms of the contract and the school's progress in meeting the 839  
academic goals prescribed in the contract have been 840  
satisfactory. Any contract that is renewed under this division 841  
remains subject to the provisions of sections 3314.07, 3314.072, 842  
and 3314.073 of the Revised Code. 843

(F) If a community school fails to open for operation 844  
within one year after the contract entered into under this 845  
section is adopted pursuant to division (D) of section 3314.02 846  
of the Revised Code or permanently closes prior to the 847  
expiration of the contract, the contract shall be void and the 848  
school shall not enter into a contract with any other sponsor. A 849  
school shall not be considered permanently closed because the 850  
operations of the school have been suspended pursuant to section 851  
3314.072 of the Revised Code. 852

**Sec. 3326.11.** Each science, technology, engineering, and 853

mathematics school established under this chapter and its 854  
governing body shall comply with sections 9.90, 9.91, 109.65, 855  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 856  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 857  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 858  
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 859  
3313.608, 3313.6011, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 860  
3313.6020, 3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 861  
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 862  
3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 863  
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 864  
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 865  
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 866  
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 867  
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 868  
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 869  
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 870  
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 871  
as if it were a school district. 872

**Sec. 3328.24.** A college-preparatory boarding school 873  
established under this chapter and its board of trustees shall 874  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 875  
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6011, 3313.6013, 876  
3313.6021, 3313.6411, 3313.7112, 3313.721, 3313.89, 3319.39, 877  
3319.391, and 3319.46 and Chapter 3365. of the Revised Code as 878  
if the school were a school district and the school's board of 879  
trustees were a district board of education. 880

**Sec. 3701.049.** (A) There is hereby created the Ohio teen 881  
pregnancy prevention task force. The task force shall commence 882  
its activities not later than thirty days after the effective 883  
date of this section. 884

<u>(B) The task force shall consist of the following members:</u>	885
<u>(1) The director of health or the director's designee;</u>	886
<u>(2) The superintendent of public instruction or the superintendent's designee;</u>	887 888
<u>(3) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader of the house of representatives;</u>	889 890 891 892
<u>(4) Two members of the senate, one appointed by the president of the senate and one appointed by the minority leader of the senate;</u>	893 894 895
<u>(5) One member of the commission on minority health;</u>	896
<u>(6) Two teens who reside in this state, appointed by the director of health;</u>	897 898
<u>(7) Two parents who reside in this state and are the parents of teens who reside in this state, appointed by the director of health;</u>	899 900 901
<u>(8) Two teachers who reside in this state and are employed as classroom teachers in this state, appointed by the director of health;</u>	902 903 904
<u>(9) One representative of each of the following, appointed by the director of health:</u>	905 906
<u>(a) Community-based organizations that provide teen pregnancy prevention services;</u>	907 908
<u>(b) Public health professionals;</u>	909
<u>(c) Licensed medical practitioners;</u>	910



<u>(d) School nurses.</u>	911
<u>(C) Members shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties. The department of health shall provide meeting space for the task force.</u>	912 913 914 915
<u>(D) The director of health or the director's designee shall serve as chairperson of the task force. The task force shall convene at the call of the chairperson.</u>	916 917 918
<u>(E) The task force shall do all of the following:</u>	919
<u>(1) Advise the governor and general assembly on strategies to prevent teen pregnancy in this state;</u>	920 921
<u>(2) Monitor and evaluate the implementation of strategies to prevent teen pregnancy in this state, identify barriers to implementing those strategies, and establish methods to overcome the barriers;</u>	922 923 924 925
<u>(3) Collect and maintain information regarding successful teen pregnancy prevention programs, research, and other relevant materials to guide the governor and general assembly in their efforts to reduce the number of teen pregnancies in this state;</u>	926 927 928 929
<u>(4) Explore the establishment of a program within the department of health that would award grants to federally qualified health centers, as defined in section 3701.047 of the Revised Code, to establish or expand teen pregnancy prevention programs;</u>	930 931 932 933 934
<u>(5) Collect information provided by local communities regarding successful teen pregnancy prevention programs;</u>	935 936
<u>(6) Hold meetings and maintain records of the meetings;</u>	937

(7) Perform any other duties specified by the director of health. 938  
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(F) Not later than the first day of December of each year, the task force shall submit an annual report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. The report shall summarize the task force's findings and recommendations for changes to the laws of this state regarding teen pregnancy. The initial report shall also include a comprehensive assessment of teen pregnancy in this state and make recommendations for reducing the number of teen pregnancies. Subsequent reports shall also evaluate the success of programs undertaken to reduce teen pregnancies and make additional recommendations as necessary. 940  
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**Sec. 3727.61.** As used in this section and in sections 3727.611 and 3727.612 of the Revised Code: 951  
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(A) "Drug" has the same meaning as in the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 321(g)(1), as amended. 953  
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(B) "Device" has the same meaning as in the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 321(h), as amended. 955  
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(C) "Emergency contraception" means any drug, drug regimen, or device intended to prevent pregnancy after unprotected sexual intercourse or contraceptive failure. 957  
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(D) "Sexual assault" means a violation of sections 2907.02 to 2907.06 of the Revised Code. 960  
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**Sec. 3727.611.** (A) It shall be the standard of care in this state for hospitals that offer organized emergency services to provide the services specified in divisions (B) and (C) of this section to victims of sexual assault and individuals reported to be victims of sexual assault. The services shall be 962  
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provided without regard to the ability of the victim or 967  
individual reported to be a victim to pay for the services. 968

(B) Except as provided in division (E) of this section, 969  
the services specified in divisions (B)(1) and (2) of this 970  
section shall be provided by a hospital to each victim of sexual 971  
assault or individual reported to be a victim of sexual assault 972  
who is female and, as determined by the hospital, is of child- 973  
bearing age. 974

(1) The hospital shall provide the victim or individual 975  
reported to be a victim with information about emergency 976  
contraception. The information shall be medically and factually 977  
accurate and unbiased. It shall be provided in clear and concise 978  
language in both written and oral formats. The information shall 979  
explain all of the following: 980

(a) That emergency contraception has been approved by the 981  
United States food and drug administration for use by women of 982  
all ages with or without a prescription as a safe and effective 983  
means to prevent pregnancy after unprotected sexual intercourse 984  
or contraceptive failure if used in a timely manner; 985

(b) That emergency contraception is more effective the 986  
sooner it is used following unprotected sexual intercourse or 987  
contraceptive failure; 988

(c) That emergency contraception does not cause an 989  
abortion and studies have shown that it does not interrupt an 990  
established pregnancy. 991

(2) The hospital shall promptly offer emergency 992  
contraception to the victim or individual reported to be a 993  
victim and provide the emergency contraception if the victim or 994  
individual accepts the offer. 995

(C) The services specified in divisions (C) (1) to (4) of 996  
this section shall be provided by a hospital to each victim of 997  
sexual assault or individual reported to be a victim of sexual 998  
assault, regardless of the victim's or individual's age or sex. 999

(1) The hospital shall promptly provide the victim or 1000  
individual reported to be a victim with an assessment of the 1001  
victim's or individual's risk of contracting sexually 1002  
transmitted infections, including gonorrhea, chlamydia, 1003  
syphilis, and hepatitis. The assessment shall be conducted by a 1004  
physician, physician assistant, clinical nurse specialist, 1005  
certified nurse practitioner, certified nurse-midwife, or 1006  
registered nurse. The assessment shall be based on the 1007  
following: 1008

(a) The available information regarding the sexual 1009  
assault; 1010

(b) The established standards of risk assessment, 1011  
including consideration of any recommendations established by 1012  
the United States centers for disease control and prevention, 1013  
peer-reviewed clinical studies, and appropriate research using 1014  
in vitro and nonhuman primate models of infection. 1015

(2) After conducting the assessment, the hospital shall 1016  
provide the victim or individual reported to be a victim with 1017  
counseling concerning the significantly prevalent sexually 1018  
transmitted infections for which effective postexposure 1019  
treatment exists and for which deferral of treatment would 1020  
either significantly reduce treatment efficacy or pose 1021  
substantial risk to the victim's or individual's health, 1022  
including the infections for which prophylactic treatment is 1023  
recommended based on guidelines from the United States centers 1024  
for disease control and prevention. The counseling shall be 1025

provided by a physician, physician assistant, clinical nurse 1026  
specialist, certified nurse practitioner, certified nurse- 1027  
midwife, or registered nurse. The counseling shall be provided 1028  
in clear and concise language. 1029

(3) After providing the counseling, the hospital shall 1030  
offer treatment for sexually transmitted infections to the 1031  
victim or individual reported to be a victim. The hospital shall 1032  
provide the treatment if the victim or individual consents to 1033  
the treatment. 1034

(4) Before the victim or individual reported to be a 1035  
victim leaves the hospital, the hospital shall provide the 1036  
victim or individual with counseling on the physical and mental 1037  
health benefits of receiving follow-up care from the victim's or 1038  
individual's primary care physician or from another medical care 1039  
provider capable of providing follow-up care to victims of 1040  
sexual assault. The counseling shall include information on 1041  
local organizations and relevant health providers capable of 1042  
providing either follow-up medical care or other health services 1043  
to victims of sexual assault. The counseling shall be provided 1044  
by a physician, physician assistant, clinical nurse specialist, 1045  
certified nurse practitioner, certified nurse-midwife, or 1046  
registered nurse. The counseling shall be provided in clear and 1047  
concise language. 1048

(D) In the case of minors, the services specified in this 1049  
section shall be provided at the discretion of the treating 1050  
physician and in accordance with the guidelines of the United 1051  
States centers for disease control and prevention. 1052

Notwithstanding any other provision of law, a minor may 1053  
consent to the services specified in this section. The consent 1054  
is not subject to disaffirmance because of minority, and consent 1055

of the parent, parents, or guardian of the minor is not required 1056  
for the services to be provided. 1057

(E) In either of the following cases, a hospital is not 1058  
required to provide information about emergency contraception, 1059  
to offer emergency contraception, or to provide emergency 1060  
contraception to a victim of sexual assault or individual 1061  
reported to be a victim of sexual assault who is female and, as 1062  
determined by the hospital, is of child-bearing age: 1063

(1) The hospital is aware that the victim or individual is 1064  
incapable of becoming pregnant. 1065

(2) The hospital is aware that the victim or individual is 1066  
pregnant. 1067

If the hospital has a pregnancy test performed to confirm 1068  
whether the victim or individual is pregnant, the hospital shall 1069  
have the test performed in such a manner that the results of the 1070  
test are made available to the victim or individual during the 1071  
initial visit to the hospital regarding the sexual assault. 1072

(F) Nothing in this section shall be construed as meaning 1073  
any of the following: 1074

(1) That a hospital is required to provide treatment to a 1075  
victim of sexual assault or individual reported to be a victim 1076  
of sexual assault if the treatment is contrary to 1077  
recommendations established by the United States centers for 1078  
disease control and prevention; 1079

(2) That a victim of sexual assault or individual reported 1080  
to be a victim of sexual assault is required to submit to any 1081  
testing or treatment; 1082

(3) That a hospital is prohibited from seeking 1083

reimbursement for the costs of services provided under this 1084  
section from the victim's or individual's health insurance or 1085  
from medicaid, if applicable, and to the extent permitted by 1086  
section 2907.28 of the Revised Code. 1087

**Sec. 3727.612.** In addition to other remedies under common 1088  
law, an individual may file a complaint with the department of 1089  
health if the individual believes that a hospital has failed to 1090  
comply with the requirements of section 3727.611 of the Revised 1091  
Code. The department shall investigate the complaint in a timely 1092  
manner. 1093

If the department determines that a hospital has failed to 1094  
provide the services required by section 3727.611 of the Revised 1095  
Code to a victim of sexual assault or individual reported to be 1096  
a victim of sexual assault, the department shall impose a civil 1097  
penalty of not less than ten thousand dollars for each 1098  
violation. The department's actions shall be taken pursuant to 1099  
adjudication under Chapter 119. of the Revised Code. 1100

If the hospital has previously violated section 3727.611 1101  
of the Revised Code, the department may ask the attorney general 1102  
to bring an action for injunctive relief in any court of 1103  
competent jurisdiction. On the filing of an appropriate petition 1104  
in the court, the court may conduct a hearing on the petition. 1105  
If it is demonstrated in the proceedings that the hospital has 1106  
failed to provide the services, the court shall grant a 1107  
temporary or permanent injunction enjoining the hospital's 1108  
operation. 1109

**Sec. 3923.87.** (A) Notwithstanding section 3901.71 of the 1110  
Revised Code, no individual or group policy of sickness and 1111  
accident insurance that is delivered, issued for delivery, or 1112  
renewed in this state or public employee benefit plan that is 1113

established or modified shall do any of the following: 1114

(1) Limit or exclude coverage for prescription 1115  
contraceptive drugs or devices approved by the United States 1116  
food and drug administration if the policy or plan provides 1117  
coverage for other prescription drugs or devices; 1118

(2) Limit or exclude coverage for physician-directed 1119  
outpatient services that are related to prescription 1120  
contraceptive drugs or devices, if the policy or plan provides 1121  
coverage for other outpatient services rendered by a provider; 1122

(3) Limit or exclude coverage for male sterilization if 1123  
the policy or plan provides coverage for other outpatient 1124  
services rendered by a provider. 1125

(4) (a) Except as provided in division (A) (4) (b) of this 1126  
section, limit or exclude coverage for contraceptive drugs and 1127  
devices approved by the United States food and drug 1128  
administration and available without a prescription under 1129  
section 4729.492 of the Revised Code. 1130

(b) A policy or plan may limit both of the following: 1131

(i) Point-of-sale coverage under division (A) (4) (a) of 1132  
this section to only in-network pharmacies; 1133

(ii) The frequency of coverage offered under division (A) 1134  
(4) (a) of this section. 1135

(5) (a) Except as provided in division (A) (5) (b) of this 1136  
section, impose a copayment or deductible requirement for the 1137  
coverage specified in division (A) (1), (2), (3), or (4) of this 1138  
section. 1139

(b) A policy or plan may impose a copayment or deductible 1140  
requirement for a contraceptive drug or device described in 1141



division (A) (1) of this section if, according to the United 1142  
States food and drug administration, the drug or device is 1143  
therapeutically equivalent to another contraceptive drug or 1144  
device that is available without such a requirement under the 1145  
same policy or plan. 1146

(6) (a) Except as provided in division (A) (6) (b) of this 1147  
section, impose a prior authorization requirement for a 1148  
prescription contraceptive drug or device that is approved by 1149  
the United States food and drug administration and is either of 1150  
the following: 1151

(i) An intrauterine device; 1152

(ii) An implantable rod. 1153

(b) Division (A) (6) (a) of this section does not apply to a 1154  
contraceptive drug or device for which the United States food 1155  
and drug administration has issued a warning on the drug or 1156  
device's label calling attention to serious or life-threatening 1157  
risks, commonly referred to as a "black box warning." 1158

(c) As used in division (A) (6) (a) of this section, "prior 1159  
authorization requirement" has the same meaning as in section 1160  
3923.041 of the Revised Code. 1161

(B) Except as provided in divisions (B) (1) and (2) of this 1162  
section and notwithstanding section 3901.71 of the Revised Code, 1163  
an individual or group policy of sickness and accident insurance 1164  
that is delivered, issued for delivery, or renewed in this state 1165  
or public employee benefit plan that is established or modified 1166  
in this state shall provide coverage for a single dispensing to 1167  
an insured of a six-month supply of a contraceptive described in 1168  
division (A) (1) or (4) of this section. 1169

(1) A policy or plan may provide coverage for a supply of 1170

contraceptives that is less than a six-month supply if a six- 1171  
month supply would extend beyond the policy or plan year. 1172

(2) A policy or plan shall cover a single dispensing to an 1173  
insured of a two-month supply under the initial prescription for 1174  
the contraceptive. 1175

(3) Division (B) (1) of this section does not apply to the 1176  
first two-month supply of a contraceptive dispensed to an 1177  
insured under the initial prescription for the contraceptive or 1178  
any subsequent prescription for a contraceptive that is 1179  
different than the last contraceptive dispensed to the insured. 1180

**Sec. 4729.16.** (A) (1) The state board of pharmacy, after 1181  
notice and hearing in accordance with Chapter 119. of the 1182  
Revised Code, may impose any one or more of the following 1183  
sanctions on a pharmacist or pharmacy intern if the board finds 1184  
the individual engaged in any of the conduct set forth in 1185  
division (A) (2) of this section: 1186

(a) Revoke, suspend, restrict, limit, or refuse to grant 1187  
or renew a license; 1188

(b) Reprimand or place the license holder on probation; 1189

(c) Impose a monetary penalty or forfeiture not to exceed 1190  
in severity any fine designated under the Revised Code for a 1191  
similar offense, or in the case of a violation of a section of 1192  
the Revised Code that does not bear a penalty, a monetary 1193  
penalty or forfeiture of not more than five hundred dollars. 1194

(2) The board may impose the sanctions listed in division 1195  
(A) (1) of this section if the board finds a pharmacist or 1196  
pharmacy intern: 1197

(a) Has been convicted of a felony, or a crime of moral 1198

turpitude, as defined in section 4776.10 of the Revised Code;	1199
(b) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy;	1200 1201
(c) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;	1202 1203 1204
(d) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;	1205 1206
(e) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;	1207 1208 1209 1210 1211
(f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy;	1212 1213
(g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;	1214 1215 1216 1217
(h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;	1218 1219 1220 1221 1222
(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	1223 1224
(j) Committed fraud, misrepresentation, or deception in applying for or securing a license issued by the board under	1225 1226

this chapter or under Chapter 3715. or 3719. of the Revised Code; 1227  
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(k) Failed to comply with the requirements of section 4729.49 of the Revised Code; 1229  
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(l) Failed to comply with an order of the board or a settlement agreement; 1231  
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~~(l)~~ (m) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code. 1233  
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(B) Any individual whose license is revoked, suspended, or refused, shall return the license to the offices of the state board of pharmacy within ten days after receipt of notice of such action. 1236  
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(C) As used in this section: 1240

"Unprofessional conduct in the practice of pharmacy" includes any of the following: 1241  
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(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading; 1243  
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(2) Except as provided in section 4729.281, 4729.44, ~~or~~ 4729.47, or 4729.492 of the Revised Code, the dispensing or sale of any drug for which a prescription is required, without having received a prescription for the drug; 1245  
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(3) Knowingly dispensing medication pursuant to false or forged prescriptions; 1249  
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(4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and 1251  
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1253

rules; 1254

(5) Obtaining any remuneration by fraud, 1255  
misrepresentation, or deception; 1256

(6) Failing to conform to prevailing standards of care of 1257  
similar pharmacists or pharmacy interns under the same or 1258  
similar circumstances, whether or not actual injury to a patient 1259  
is established; 1260

(7) Engaging in any other conduct that the board specifies 1261  
as unprofessional conduct in the practice of pharmacy in rules 1262  
adopted under section 4729.26 of the Revised Code. 1263

(D) The board may suspend a license under division (B) of 1264  
section 3719.121 of the Revised Code by utilizing a telephone 1265  
conference call to review the allegations and take a vote. 1266

(E) For purposes of this division, an individual 1267  
authorized to practice as a pharmacist or pharmacy intern 1268  
accepts the privilege of practicing in this state subject to 1269  
supervision by the board. By filing an application for or 1270  
holding a license to practice as a pharmacist or pharmacy 1271  
intern, an individual gives consent to submit to a mental or 1272  
physical examination when ordered to do so by the board in 1273  
writing and waives all objections to the admissibility of 1274  
testimony or examination reports that constitute privileged 1275  
communications. 1276

If the board has reasonable cause to believe that an 1277  
individual who is a pharmacist or pharmacy intern is physically 1278  
or mentally impaired, the board may require the individual to 1279  
submit to a physical or mental examination, or both. The expense 1280  
of the examination is the responsibility of the individual 1281  
required to be examined. 1282

Failure of an individual who is a pharmacist or pharmacy intern to submit to a physical or mental examination ordered by the board, unless the failure is due to circumstances beyond the individual's control, constitutes an admission of the allegations and a suspension order shall be entered without the taking of testimony or presentation of evidence. Any subsequent adjudication hearing under Chapter 119. of the Revised Code concerning failure to submit to an examination is limited to consideration of whether the failure was beyond the individual's control.

If, based on the results of an examination ordered under this division, the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to practice, to submit to a physical or mental examination and treatment.

An order of suspension issued under this division shall not be subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code.

(F) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or licensee does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section.

(G) Notwithstanding the provision of division (C) (2) of section 2953.32 of the Revised Code specifying that if records

pertaining to a criminal case are sealed under that section the 1313  
proceedings in the case must be deemed not to have occurred, 1314  
sealing of the following records on which the board has based an 1315  
action under this section shall have no effect on the board's 1316  
action or any sanction imposed by the board under this section: 1317  
records of any conviction, guilty plea, judicial finding of 1318  
guilt resulting from a plea of no contest, or a judicial finding 1319  
of eligibility for a pretrial diversion program or intervention 1320  
in lieu of conviction. The board shall not be required to seal, 1321  
destroy, redact, or otherwise modify its records to reflect the 1322  
court's sealing of conviction records. 1323

(H) No pharmacist or pharmacy intern shall knowingly 1324  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 1325  
(e) to (l) of this section. 1326

**Sec. 4729.49.** (A) As used in this section: 1327

(1) "Contraception" or "contraceptive" means any drug or 1328  
device approved by the United States food and drug 1329  
administration to prevent pregnancy. 1330

(2) "Employee" means a person employed by a pharmacy by 1331  
contract or any other form of an agreement. 1332

(3) "Product" means a drug or device approved by the 1333  
United States food and drug administration. 1334

(4) "Professional judgment" means the use of professional 1335  
knowledge and skills to form a clinical judgment in accordance 1336  
with prevailing standards of care. 1337

(5) "Without delay" means a pharmacy providing 1338  
contraception, providing a referral for contraception, ordering 1339  
contraception, or transferring a prescription for contraception 1340  
within the usual and customary timeframe at the pharmacy for 1341

providing, providing a referral for, ordering, or transferring a 1342  
prescription for other products. 1343

(B) Subject to division (E) of this section, if a customer 1344  
of a pharmacy requests a contraceptive that is in stock, the 1345  
pharmacy shall ensure that the contraceptive is provided to the 1346  
customer without delay. 1347

(C) Subject to division (E) of this section, if a customer 1348  
of a pharmacy requests a contraceptive that is not in stock and 1349  
the pharmacy in the normal course of business stocks 1350  
contraception, the pharmacy immediately shall inform the 1351  
customer that the contraceptive is not in stock and without 1352  
delay offer the customer the following options: 1353

(1) If the customer prefers to obtain the contraceptive 1354  
through a referral or transfer, the pharmacy shall do both of 1355  
the following: 1356

(a) Locate a pharmacy of the customer's choice or the 1357  
closest pharmacy confirmed to have the contraceptive in stock; 1358

(b) Refer the customer or transfer the prescription to 1359  
that pharmacy. 1360

(2) If the customer prefers to order the contraceptive 1361  
through the pharmacy, the pharmacy shall obtain the 1362  
contraceptive under the pharmacy's standard procedure for 1363  
expedited ordering of products and notify the customer when the 1364  
contraceptive arrives. 1365

(D) A pharmacy shall ensure that its employees do not do 1366  
any of the following: 1367

(1) Intimidate, threaten, or harass customers in the 1368  
delivery of services relating to a request for contraception; 1369



<u>(2) Interfere with or obstruct the delivery of services</u>	1370
<u>relating to a request for contraception;</u>	1371
<u>(3) Intentionally misrepresent or deceive customers about</u>	1372
<u>the availability of contraception or its mechanism of action;</u>	1373
<u>(4) Breach medical confidentiality with respect to a</u>	1374
<u>request for contraception or threaten to breach confidentiality;</u>	1375
<u>(5) Refuse to return a valid, lawful prescription for</u>	1376
<u>contraception on the customer's request.</u>	1377
<u>(E) This section does not prohibit a pharmacy from</u>	1378
<u>refusing to provide a contraceptive to a customer in any of the</u>	1379
<u>following circumstances:</u>	1380
<u>(1) When it is unlawful to dispense the contraceptive to</u>	1381
<u>the customer without a valid, lawful prescription and no such</u>	1382
<u>prescription is presented.</u>	1383
<u>(2) When the customer is unable to pay for the</u>	1384
<u>contraceptive.</u>	1385
<u>(3) When the employee of the pharmacy refuses to provide</u>	1386
<u>the contraceptive to the customer because, in the employee's</u>	1387
<u>professional judgment, a contraindication exists or the</u>	1388
<u>provision of the contraceptive is similarly not in the best</u>	1389
<u>interest of the customer's health.</u>	1390
<b><u>Sec. 4729.491.</u></b> (A) <u>Any person who believes that a</u>	1391
<u>violation of section 4729.49 of the Revised Code has occurred</u>	1392
<u>may file a complaint with the state board of pharmacy. Not later</u>	1393
<u>than thirty days after receiving the complaint, the board shall</u>	1394
<u>investigate the complaint and determine whether a violation</u>	1395
<u>occurred. If the board determines a violation occurred, the</u>	1396
<u>board may impose a fine of not more than five thousand dollars</u>	1397

for each violation. The board's actions shall be taken pursuant 1398  
to an adjudication under Chapter 119. of the Revised Code. 1399

(B) A person who has been injured by a violation of 1400  
section 4729.49 of the Revised Code may bring a civil action in 1401  
a court of competent jurisdiction to recover damages for the 1402  
person's injury, as well as costs and reasonable attorney's 1403  
fees. 1404

**Sec. 4729.492.** (A) The state board of pharmacy shall, 1405  
after consulting with the department of health and state medical 1406  
board and after considering guidelines established by the 1407  
American congress of obstetricians and gynecologists, adopt 1408  
rules specifying a protocol under which pharmacists may dispense 1409  
hormonal contraceptive patches and self-administered oral 1410  
hormonal contraceptives without a prescription. The rules shall 1411  
be adopted in accordance with Chapter 119. of the Revised Code. 1412

(B) The rules adopted under division (A) of this section 1413  
shall include provisions that require a pharmacist to do all of 1414  
the following: 1415

(1) Complete a program that provides training on the 1416  
protocol and has been approved by the state board of pharmacy; 1417

(2) Provide a self-screening risk assessment tool that an 1418  
individual seeking a contraceptive described in division (A) of 1419  
this section must complete before the contraceptive is 1420  
dispensed; 1421

(3) Provide the individual with a written record of the 1422  
contraceptive that is dispensed; 1423

(4) If the individual has a primary care practitioner or a 1424  
women's health care practitioner, advise the individual to 1425  
consult with that practitioner. 1426

(5) If the individual does not have either a primary care practitioner or a women's health care practitioner, advise the individual to consult with such a practitioner. 1427  
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(C) The protocol shall prohibit a pharmacist from dispensing a contraceptive described in division (A) of this section to an individual under eighteen years of age without a prescription unless the individual has evidence of a previous prescription for such a contraceptive. 1430  
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Sec. 5164.7515. An initial prescription issued for a prescribed drug for contraception covered by medicaid may authorize the dispensing of a two-month supply. A prescription issued for the purpose of refilling the initial prescription may authorize the dispensing of a six-month supply. 1435  
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**Section 2.** That existing sections 2907.29, 3313.60, 3313.6011, 3314.03, 3326.11, 3328.24, and 4729.16 of the Revised Code are hereby repealed. 1440  
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**Section 3.** Section 1751.49 of the Revised Code shall apply only to policies, contracts, and agreements that are delivered, issued for delivery, or renewed in this state on or after the effective date of this act, and section 3923.87 of the Revised Code shall apply only to policies of sickness and accident insurance delivered, issued for delivery, or renewed in this state and public employee benefit plans that are established or modified in this state on or after the effective date of this act. 1443  
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**Section 4.** Sections 3727.61, 3727.611, and 3727.612 of the Revised Code, as enacted by this act, shall be known as the "Compassionate Assistance for Rape Emergencies Act." 1452  
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**Section 5.** Section 3328.24 of the Revised Code is 1455

presented in this act as a composite of the section as amended 1456  
by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General 1457  
Assembly. The General Assembly, applying the principle stated in 1458  
division (B) of section 1.52 of the Revised Code that amendments 1459  
are to be harmonized if reasonably capable of simultaneous 1460  
operation, finds that the composites are the resulting versions 1461  
of the sections in effect prior to the effective date of the 1462  
section as presented in this act. 1463