

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 128

Representatives Tims, Somani

**Cosponsors: Representatives Upchurch, Denson, Grim, Baker, Brownlee, Rader,
Jarrells, Sweeney**



A BILL

To amend sections 109.572, 2305.11, 2317.02, 1
2919.10, 2919.12, 2953.25, 3701.341, 3701.792, 2
3702.30, 4112.01, 4112.02, 4729.291, 4731.22, 3
4731.223, 4731.281, 4731.293, and 4743.09; to 4
enact sections 2305.2312, 3732.01, 3732.02, 5
3732.03, 3732.04, 3732.05, 3732.06, 3732.07, 6
3732.08, 3732.09, and 3732.11; and to repeal 7
sections 2307.54, 2317.56, 2317.561, 2919.101, 8
2919.124, 2919.171, 2919.19, 2919.191, 2919.192, 9
2919.193, 2919.194, 2919.195, 2919.196, 10
2919.197, 2919.198, 2919.199, 2919.1910, 11
2919.1912, 2919.1913, 2919.20, 2919.201, 12
2919.202, 2919.203, 2919.204, 2919.205, 3701.79, 13
3701.791, 3702.302, 3702.303, 3702.304, 14
3702.305, 3702.306, 3702.307, 3702.308, 15
3702.309, 3702.3010, 3702.3011, 3726.01, 16
3726.02, 3726.03, 3726.04, 3726.041, 3726.042, 17
3726.05, 3726.09, 3726.10, 3726.11, 3726.12, 18
3726.13, 3726.14, 3726.15, 3726.16, 3726.95, 19
3726.99, 3727.60, 4717.271, 5101.57, and 5103.11 20
of the Revised Code to enact the Reproductive 21

Care Act regarding abortion, abortion-related 22
laws, and reproductive health protections. 23

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

Section 1. That sections 109.572, 2305.11, 2317.02, 24
2919.10, 2919.12, 2953.25, 3701.341, 3701.792, 3702.30, 4112.01, 25
4112.02, 4729.291, 4731.22, 4731.223, 4731.281, 4731.293, and 26
4743.09 be amended and sections 2305.2312, 3732.01, 3732.02, 27
3732.03, 3732.04, 3732.05, 3732.06, 3732.07, 3732.08, 3732.09, 28
and 3732.11 of the Revised Code be enacted to read as follows: 29

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 30
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 31
Code, a completed form prescribed pursuant to division (C) (1) of 32
this section, and a set of fingerprint impressions obtained in 33
the manner described in division (C) (2) of this section, the 34
superintendent of the bureau of criminal identification and 35
investigation shall conduct a criminal records check in the 36
manner described in division (B) of this section to determine 37
whether any information exists that indicates that the person 38
who is the subject of the request previously has been convicted 39
of or pleaded guilty to any of the following: 40

(a) A violation of section 2903.01, 2903.02, 2903.03, 41
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 42
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 43
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 44
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 45
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 46
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 47

2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 48
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 49
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 50
of the Revised Code, felonious sexual penetration in violation 51
of former section 2907.12 of the Revised Code, a violation of 52
section 2905.04 of the Revised Code as it existed prior to July 53
1, 1996, a violation of section 2919.23 of the Revised Code that 54
would have been a violation of section 2905.04 of the Revised 55
Code as it existed prior to July 1, 1996, had the violation been 56
committed prior to that date, or a violation of section 2925.11 57
of the Revised Code that is not a minor drug possession offense; 58

(b) A violation of an existing or former law of this 59
state, any other state, or the United States that is 60
substantially equivalent to any of the offenses listed in 61
division (A) (1) (a) of this section; 62

(c) If the request is made pursuant to section 3319.39 of 63
the Revised Code for an applicant who is a teacher, any offense 64
specified under section 9.79 of the Revised Code or in section 65
3319.31 of the Revised Code. 66

(2) On receipt of a request pursuant to section 3712.09 or 67
3721.121 of the Revised Code, a completed form prescribed 68
pursuant to division (C) (1) of this section, and a set of 69
fingerprint impressions obtained in the manner described in 70
division (C) (2) of this section, the superintendent of the 71
bureau of criminal identification and investigation shall 72
conduct a criminal records check with respect to any person who 73
has applied for employment in a position for which a criminal 74
records check is required by those sections. The superintendent 75
shall conduct the criminal records check in the manner described 76
in division (B) of this section to determine whether any 77

information exists that indicates that the person who is the 78
subject of the request previously has been convicted of or 79
pleaded guilty to any of the following: 80

(a) A violation of section 2903.01, 2903.02, 2903.03, 81
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 82
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 83
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 84
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 85
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 86
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 87
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 88
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 89

(b) An existing or former law of this state, any other 90
state, or the United States that is substantially equivalent to 91
any of the offenses listed in division (A)(2)(a) of this 92
section. 93

(3) On receipt of a request pursuant to section 173.27, 94
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 95
5123.081, or 5123.169 of the Revised Code, a completed form 96
prescribed pursuant to division (C)(1) of this section, and a 97
set of fingerprint impressions obtained in the manner described 98
in division (C)(2) of this section, the superintendent of the 99
bureau of criminal identification and investigation shall 100
conduct a criminal records check of the person for whom the 101
request is made. The superintendent shall conduct the criminal 102
records check in the manner described in division (B) of this 103
section to determine whether any information exists that 104
indicates that the person who is the subject of the request 105
previously has been convicted of, has pleaded guilty to, or 106
(except in the case of a request pursuant to section 5164.34, 107

5164.341, or 5164.342 of the Revised Code) has been found 108
eligible for intervention in lieu of conviction for any of the 109
following, regardless of the date of the conviction, the date of 110
entry of the guilty plea, or (except in the case of a request 111
pursuant to section 5164.34, 5164.341, or 5164.342 of the 112
Revised Code) the date the person was found eligible for 113
intervention in lieu of conviction: 114

(a) A violation of section 959.13, 959.131, 2903.01, 115
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 116
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 117
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 118
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 119
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 120
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 121
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 122
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 123
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 124
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 125
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 126
2919.121, 2919.123, ~~2919.124~~, 2919.22, 2919.23, 2919.24, 127
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 128
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 129
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 130
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 131
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 132
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 133
Revised Code; 134

(b) Felonious sexual penetration in violation of former 135
section 2907.12 of the Revised Code; 136

(c) A violation of section 2905.04 of the Revised Code as 137

it existed prior to July 1, 1996;	138
(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A) (3) (a) to (c) of this section;	139 140 141 142
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A) (3) (a) to (d) of this section.	143 144 145 146
(4) On receipt of a request pursuant to section 2151.86 or 2151.904 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	147 148 149 150 151 152 153 154 155 156 157
(a) A violation of section 959.13, 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04,	158 159 160 161 162 163 164 165 166 167

2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 168
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 169
Revised Code, a violation of section 2905.04 of the Revised Code 170
as it existed prior to July 1, 1996, a violation of section 171
2919.23 of the Revised Code that would have been a violation of 172
section 2905.04 of the Revised Code as it existed prior to July 173
1, 1996, had the violation been committed prior to that date, a 174
violation of section 2925.11 of the Revised Code that is not a 175
minor drug possession offense, two or more OVI or OVUAC 176
violations committed within the three years immediately 177
preceding the submission of the application or petition that is 178
the basis of the request, or felonious sexual penetration in 179
violation of former section 2907.12 of the Revised Code, or a 180
violation of Chapter 2919. of the Revised Code that is a felony; 181

(b) A violation of an existing or former law of this 182
state, any other state, or the United States that is 183
substantially equivalent to any of the offenses listed in 184
division (A) (4) (a) of this section. 185

(5) Upon receipt of a request pursuant to section 5104.013 186
of the Revised Code, a completed form prescribed pursuant to 187
division (C) (1) of this section, and a set of fingerprint 188
impressions obtained in the manner described in division (C) (2) 189
of this section, the superintendent of the bureau of criminal 190
identification and investigation shall conduct a criminal 191
records check in the manner described in division (B) of this 192
section to determine whether any information exists that 193
indicates that the person who is the subject of the request has 194
been convicted of or pleaded guilty to any of the following: 195

(a) A violation of section 2151.421, 2903.01, 2903.02, 196
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 197

2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 198
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 199
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 200
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 201
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 202
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 203
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 204
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 205
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 206
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 207
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 208
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 209
3716.11 of the Revised Code, felonious sexual penetration in 210
violation of former section 2907.12 of the Revised Code, a 211
violation of section 2905.04 of the Revised Code as it existed 212
prior to July 1, 1996, a violation of section 2919.23 of the 213
Revised Code that would have been a violation of section 2905.04 214
of the Revised Code as it existed prior to July 1, 1996, had the 215
violation been committed prior to that date, a violation of 216
section 2925.11 of the Revised Code that is not a minor drug 217
possession offense, a violation of section 2923.02 or 2923.03 of 218
the Revised Code that relates to a crime specified in this 219
division, or a second violation of section 4511.19 of the 220
Revised Code within five years of the date of application for 221
licensure or certification. 222

(b) A violation of an existing or former law of this 223
state, any other state, or the United States that is 224
substantially equivalent to any of the offenses or violations 225
described in division (A) (5) (a) of this section. 226

(6) Upon receipt of a request pursuant to section 5153.111 227
of the Revised Code, a completed form prescribed pursuant to 228

division (C) (1) of this section, and a set of fingerprint 229
impressions obtained in the manner described in division (C) (2) 230
of this section, the superintendent of the bureau of criminal 231
identification and investigation shall conduct a criminal 232
records check in the manner described in division (B) of this 233
section to determine whether any information exists that 234
indicates that the person who is the subject of the request 235
previously has been convicted of or pleaded guilty to any of the 236
following: 237

(a) A violation of section 2903.01, 2903.02, 2903.03, 238
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 239
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 240
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 241
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 242
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 243
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 244
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 245
Code, felonious sexual penetration in violation of former 246
section 2907.12 of the Revised Code, a violation of section 247
2905.04 of the Revised Code as it existed prior to July 1, 1996, 248
a violation of section 2919.23 of the Revised Code that would 249
have been a violation of section 2905.04 of the Revised Code as 250
it existed prior to July 1, 1996, had the violation been 251
committed prior to that date, or a violation of section 2925.11 252
of the Revised Code that is not a minor drug possession offense; 253

(b) A violation of an existing or former law of this 254
state, any other state, or the United States that is 255
substantially equivalent to any of the offenses listed in 256
division (A) (6) (a) of this section. 257

(7) On receipt of a request for a criminal records check 258

from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted

of or pleaded guilty to any criminal offense in this state, any 290
other state, or the United States. 291

(9) On receipt of a request for a criminal records check 292
from the treasurer of state under section 113.041 of the Revised 293
Code or from an individual under section 928.03, 4701.08, 294
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 295
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 296
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 297
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 298
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 299
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 300
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 301
accompanied by a completed form prescribed under division (C)(1) 302
of this section and a set of fingerprint impressions obtained in 303
the manner described in division (C)(2) of this section, the 304
superintendent of the bureau of criminal identification and 305
investigation shall conduct a criminal records check in the 306
manner described in division (B) of this section to determine 307
whether any information exists that indicates that the person 308
who is the subject of the request has been convicted of or 309
pleaded guilty to any criminal offense in this state or any 310
other state. Subject to division (F) of this section, the 311
superintendent shall send the results of a check requested under 312
section 113.041 of the Revised Code to the treasurer of state 313
and shall send the results of a check requested under any of the 314
other listed sections to the licensing board specified by the 315
individual in the request. 316

(10) On receipt of a request pursuant to section 124.74, 317
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 318
Code, a completed form prescribed pursuant to division (C)(1) of 319
this section, and a set of fingerprint impressions obtained in 320

the manner described in division (C) (2) of this section, the 321
superintendent of the bureau of criminal identification and 322
investigation shall conduct a criminal records check in the 323
manner described in division (B) of this section to determine 324
whether any information exists that indicates that the person 325
who is the subject of the request previously has been convicted 326
of or pleaded guilty to any criminal offense under any existing 327
or former law of this state, any other state, or the United 328
States. 329

(11) On receipt of a request for a criminal records check 330
from an appointing or licensing authority under section 3772.07 331
of the Revised Code, a completed form prescribed under division 332
(C) (1) of this section, and a set of fingerprint impressions 333
obtained in the manner prescribed in division (C) (2) of this 334
section, the superintendent of the bureau of criminal 335
identification and investigation shall conduct a criminal 336
records check in the manner described in division (B) of this 337
section to determine whether any information exists that 338
indicates that the person who is the subject of the request 339
previously has been convicted of or pleaded guilty or no contest 340
to any offense under any existing or former law of this state, 341
any other state, or the United States that makes the person 342
ineligible for appointment or retention under section 3772.07 of 343
the Revised Code or that is a disqualifying offense as defined 344
in that section or substantially equivalent to a disqualifying 345
offense, as applicable. 346

(12) On receipt of a request pursuant to section 2151.33 347
or 2151.412 of the Revised Code, a completed form prescribed 348
pursuant to division (C) (1) of this section, and a set of 349
fingerprint impressions obtained in the manner described in 350
division (C) (2) of this section, the superintendent of the 351

bureau of criminal identification and investigation shall 352
conduct a criminal records check with respect to any person for 353
whom a criminal records check is required under that section. 354
The superintendent shall conduct the criminal records check in 355
the manner described in division (B) of this section to 356
determine whether any information exists that indicates that the 357
person who is the subject of the request previously has been 358
convicted of or pleaded guilty to any of the following: 359

(a) A violation of section 2903.01, 2903.02, 2903.03, 360
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 361
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 362
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 363
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 364
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 365
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 366
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 367
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 368

(b) An existing or former law of this state, any other 369
state, or the United States that is substantially equivalent to 370
any of the offenses listed in division (A)(12)(a) of this 371
section. 372

(13) On receipt of a request pursuant to section 3796.12 373
of the Revised Code, a completed form prescribed pursuant to 374
division (C)(1) of this section, and a set of fingerprint 375
impressions obtained in a manner described in division (C)(2) of 376
this section, the superintendent of the bureau of criminal 377
identification and investigation shall conduct a criminal 378
records check in the manner described in division (B) of this 379
section to determine whether any information exists that 380
indicates that the person who is the subject of the request 381

previously has been convicted of or pleaded guilty to a 382
disqualifying offense as specified in rules adopted under 383
section 9.79 and division (B)(2)(b) of section 3796.03 of the 384
Revised Code if the person who is the subject of the request is 385
an administrator or other person responsible for the daily 386
operation of, or an owner or prospective owner, officer or 387
prospective officer, or board member or prospective board member 388
of, an entity seeking a license from the department of commerce 389
under Chapter 3796. of the Revised Code. 390

(14) On receipt of a request required by section 3796.13 391
of the Revised Code, a completed form prescribed pursuant to 392
division (C)(1) of this section, and a set of fingerprint 393
impressions obtained in a manner described in division (C)(2) of 394
this section, the superintendent of the bureau of criminal 395
identification and investigation shall conduct a criminal 396
records check in the manner described in division (B) of this 397
section to determine whether any information exists that 398
indicates that the person who is the subject of the request 399
previously has been convicted of or pleaded guilty to a 400
disqualifying offense as specified in rules adopted under 401
division (B)(14)(a) of section 3796.03 of the Revised Code if 402
the person who is the subject of the request is seeking 403
employment with an entity licensed by the department of commerce 404
under Chapter 3796. of the Revised Code. 405

(15) On receipt of a request pursuant to section 4768.06 406
of the Revised Code, a completed form prescribed under division 407
(C)(1) of this section, and a set of fingerprint impressions 408
obtained in the manner described in division (C)(2) of this 409
section, the superintendent of the bureau of criminal 410
identification and investigation shall conduct a criminal 411
records check in the manner described in division (B) of this 412

section to determine whether any information exists indicating 413
that the person who is the subject of the request has been 414
convicted of or pleaded guilty to any criminal offense in this 415
state or in any other state. 416

(16) On receipt of a request pursuant to division (B) of 417
section 4764.07 or division (A) of section 4735.143 of the 418
Revised Code, a completed form prescribed under division (C) (1) 419
of this section, and a set of fingerprint impressions obtained 420
in the manner described in division (C) (2) of this section, the 421
superintendent of the bureau of criminal identification and 422
investigation shall conduct a criminal records check in the 423
manner described in division (B) of this section to determine 424
whether any information exists indicating that the person who is 425
the subject of the request has been convicted of or pleaded 426
guilty to any criminal offense in any state or the United 427
States. 428

(17) On receipt of a request for a criminal records check 429
under section 147.022 of the Revised Code, a completed form 430
prescribed under division (C) (1) of this section, and a set of 431
fingerprint impressions obtained in the manner prescribed in 432
division (C) (2) of this section, the superintendent of the 433
bureau of criminal identification and investigation shall 434
conduct a criminal records check in the manner described in 435
division (B) of this section to determine whether any 436
information exists that indicates that the person who is the 437
subject of the request previously has been convicted of or 438
pleaded guilty or no contest to any criminal offense under any 439
existing or former law of this state, any other state, or the 440
United States. 441

(18) Upon receipt of a request pursuant to division (F) of 442

section 2915.081 or division (E) of section 2915.082 of the Revised Code, a completed form prescribed under division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty or no contest to any offense that is a violation of Chapter 2915. of the Revised Code or to any offense under any existing or former law of this state, any other state, or the United States that is substantially equivalent to such an offense.

(19) On receipt of a request pursuant to section 3775.03 of the Revised Code, a completed form prescribed under division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section and shall request information from the federal bureau of investigation to determine whether any information exists indicating that the person who is the subject of the request has been convicted of any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code.

(B) Subject to division (F) of this section, the superintendent shall conduct any criminal records check to be conducted under this section as follows:

(1) The superintendent shall review or cause to be 474
reviewed any relevant information gathered and compiled by the 475
bureau under division (A) of section 109.57 of the Revised Code 476
that relates to the person who is the subject of the criminal 477
records check, including, if the criminal records check was 478
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 479
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 480
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 481
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 482
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 483
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 484
5123.169, or 5153.111 of the Revised Code, any relevant 485
information contained in records that have been sealed under 486
section 2953.32 of the Revised Code; 487

(2) If the request received by the superintendent asks for 488
information from the federal bureau of investigation, the 489
superintendent shall request from the federal bureau of 490
investigation any information it has with respect to the person 491
who is the subject of the criminal records check, including 492
fingerprint-based checks of national crime information databases 493
as described in 42 U.S.C. 671 if the request is made pursuant to 494
section 2151.86 or 5104.013 of the Revised Code or if any other 495
Revised Code section requires fingerprint-based checks of that 496
nature, and shall review or cause to be reviewed any information 497
the superintendent receives from that bureau. If a request under 498
section 3319.39 of the Revised Code asks only for information 499
from the federal bureau of investigation, the superintendent 500
shall not conduct the review prescribed by division (B) (1) of 501
this section. 502

(3) The superintendent or the superintendent's designee 503
may request criminal history records from other states or the 504

federal government pursuant to the national crime prevention and 505
privacy compact set forth in section 109.571 of the Revised 506
Code. 507

(4) The superintendent shall include in the results of the 508
criminal records check a list or description of the offenses 509
listed or described in the relevant provision of division (A) of 510
this section. The superintendent shall exclude from the results 511
any information the dissemination of which is prohibited by 512
federal law. 513

(5) The superintendent shall send the results of the 514
criminal records check to the person to whom it is to be sent 515
not later than the following number of days after the date the 516
superintendent receives the request for the criminal records 517
check, the completed form prescribed under division (C) (1) of 518
this section, and the set of fingerprint impressions obtained in 519
the manner described in division (C) (2) of this section: 520

(a) If the superintendent is required by division (A) of 521
this section (other than division (A) (3) of this section) to 522
conduct the criminal records check, thirty; 523

(b) If the superintendent is required by division (A) (3) 524
of this section to conduct the criminal records check, sixty. 525

(C) (1) The superintendent shall prescribe a form to obtain 526
the information necessary to conduct a criminal records check 527
from any person for whom a criminal records check is to be 528
conducted under this section. The form that the superintendent 529
prescribes pursuant to this division may be in a tangible 530
format, in an electronic format, or in both tangible and 531
electronic formats. 532

(2) The superintendent shall prescribe standard impression 533

534 sheets to obtain the fingerprint impressions of any person for
535 whom a criminal records check is to be conducted under this
536 section. Any person for whom a records check is to be conducted
537 under this section shall obtain the fingerprint impressions at a
538 county sheriff's office, municipal police department, or any
539 other entity with the ability to make fingerprint impressions on
540 the standard impression sheets prescribed by the superintendent.
541 The office, department, or entity may charge the person a
542 reasonable fee for making the impressions. The standard
543 impression sheets the superintendent prescribes pursuant to this
544 division may be in a tangible format, in an electronic format,
545 or in both tangible and electronic formats.

546 (3) Subject to division (D) of this section, the
547 superintendent shall prescribe and charge a reasonable fee for
548 providing a criminal records check under this section. The
549 person requesting the criminal records check shall pay the fee
550 prescribed pursuant to this division. In the case of a request
551 under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47,
552 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the
553 fee shall be paid in the manner specified in that section.

554 (4) The superintendent of the bureau of criminal
555 identification and investigation may prescribe methods of
556 forwarding fingerprint impressions and information necessary to
557 conduct a criminal records check, which methods shall include,
558 but not be limited to, an electronic method.

559 (D) The results of a criminal records check conducted
560 under this section, other than a criminal records check
561 specified in division (A) (7) of this section, are valid for the
562 person who is the subject of the criminal records check for a
563 period of one year from the date upon which the superintendent

completes the criminal records check. If during that period the 564
superintendent receives another request for a criminal records 565
check to be conducted under this section for that person, the 566
superintendent shall provide the results from the previous 567
criminal records check of the person at a lower fee than the fee 568
prescribed for the initial criminal records check. 569

(E) When the superintendent receives a request for 570
information from a registered private provider, the 571
superintendent shall proceed as if the request was received from 572
a school district board of education under section 3319.39 of 573
the Revised Code. The superintendent shall apply division (A) (1) 574
(c) of this section to any such request for an applicant who is 575
a teacher. 576

(F) (1) Subject to division (F) (2) of this section, all 577
information regarding the results of a criminal records check 578
conducted under this section that the superintendent reports or 579
sends under division (A) (7) or (9) of this section to the 580
director of public safety, the treasurer of state, or the 581
person, board, or entity that made the request for the criminal 582
records check shall relate to the conviction of the subject 583
person, or the subject person's plea of guilty to, a criminal 584
offense. 585

(2) Division (F) (1) of this section does not limit, 586
restrict, or preclude the superintendent's release of 587
information that relates to the arrest of a person who is 588
eighteen years of age or older, to an adjudication of a child as 589
a delinquent child, or to a criminal conviction of a person 590
under eighteen years of age in circumstances in which a release 591
of that nature is authorized under division (E) (2), (3), or (4) 592
of section 109.57 of the Revised Code pursuant to a rule adopted 593

under division (E) (1) of that section. 594

(G) As used in this section: 595

(1) "Criminal records check" means any criminal records 596
check conducted by the superintendent of the bureau of criminal 597
identification and investigation in accordance with division (B) 598
of this section. 599

(2) "Minor drug possession offense" has the same meaning 600
as in section 2925.01 of the Revised Code. 601

(3) "OVI or OVUAC violation" means a violation of section 602
4511.19 of the Revised Code or a violation of an existing or 603
former law of this state, any other state, or the United States 604
that is substantially equivalent to section 4511.19 of the 605
Revised Code. 606

(4) "Registered private provider" means a nonpublic school 607
or entity registered with the department of education and 608
workforce under section 3310.41 of the Revised Code to 609
participate in the autism scholarship program or section 3310.58 610
of the Revised Code to participate in the Jon Peterson special 611
needs scholarship program. 612

Sec. 2305.11. (A) An action for libel, slander, malicious 613
prosecution, or false imprisonment, an action for malpractice 614
other than an action upon a medical, dental, optometric, or 615
chiropractic claim, an action for legal malpractice against an 616
attorney or a law firm or legal professional association, or an 617
action upon a statute for a penalty or forfeiture shall be 618
commenced within one year after the cause of action accrued, 619
provided that an action by an employee for the payment of unpaid 620
minimum wages, unpaid overtime compensation, or liquidated 621
damages by reason of the nonpayment of minimum wages or overtime 622

compensation shall be commenced within two years after the cause
of action accrued. 623
624

(B) A civil action for unlawful abortion pursuant to 625
section 2919.12 of the Revised Code, ~~a civil action authorized~~ 626
~~by division (H) of section 2317.56 of the Revised Code,~~ and a 627
civil action pursuant to division (B) of section 2307.52 of the 628
Revised Code for terminating or attempting to terminate a human 629
pregnancy after viability in violation of division (A) of 630
section 2919.17 of the Revised Code, ~~and a civil action for~~ 631
~~terminating or attempting to terminate a human pregnancy of a~~ 632
~~pain-capable unborn child in violation of division (E) of~~ 633
~~section 2919.201 of the Revised Code~~ shall be commenced within 634
one year after the performance or inducement of the abortion or 635
within one year after the attempt to perform or induce the 636
abortion in violation of division (A) of section 2919.17 of the 637
Revised Code ~~or division (E) of section 2919.201 of the Revised~~ 638
Code. 639

(C) As used in this section, "medical claim," "dental
claim," "optometric claim," and "chiropractic claim" have the 640
same meanings as in section 2305.113 of the Revised Code. 641
642

Sec. 2305.2312. As used in this section, "reproductive 643
health care" and "reproductive health care helper" have the same 644
meanings as in section 3732.07 of the Revised Code. 645

Except as provided in sections 2307.52, 2307.53, 2307.54, 646
2919.12, 2919.121, 2919.123, 2919.13, 2919.14, 2919.15, 647
2919.151, 2919.16, and 2919.17 of the Revised Code, a health 648
care provider providing reproductive health care, a health care 649
facility where reproductive health care is provided, an 650
individual seeking or accessing reproductive health care, or a 651
reproductive health care helper is not liable for or subject to 652

any of the following for injury, death, or loss to person or 653
property that allegedly arises from any act or omission 654
associated with providing reproductive health care: damages in a 655
civil action, prosecution in a criminal proceeding, or 656
professional disciplinary action. This section does not apply if 657
the act or omission constitutes willful or wanton misconduct or 658
reckless disregard for the consequences so as to affect the life 659
or health of the patient. 660

Sec. 2317.02. The following persons shall not testify in 661
certain respects: 662

(A) (1) An attorney, concerning a communication made to the 663
attorney by a client in that relation or concerning the 664
attorney's advice to a client, except that the attorney may 665
testify by express consent of the client or, if the client is 666
deceased, by the express consent of the surviving spouse or the 667
executor or administrator of the estate of the deceased client. 668
However, if the client voluntarily reveals the substance of 669
attorney-client communications in a nonprivileged context or is 670
deemed by section 2151.421 of the Revised Code to have waived 671
any testimonial privilege under this division, the attorney may 672
be compelled to testify on the same subject. 673

The testimonial privilege established under this division 674
does not apply concerning either of the following: 675

(a) A communication between a client in a capital case, as 676
defined in section 2901.02 of the Revised Code, and the client's 677
attorney if the communication is relevant to a subsequent 678
ineffective assistance of counsel claim by the client alleging 679
that the attorney did not effectively represent the client in 680
the case; 681

(b) A communication between a client who has since died 682
and the deceased client's attorney if the communication is 683
relevant to a dispute between parties who claim through that 684
deceased client, regardless of whether the claims are by testate 685
or intestate succession or by inter vivos transaction, and the 686
dispute addresses the competency of the deceased client when the 687
deceased client executed a document that is the basis of the 688
dispute or whether the deceased client was a victim of fraud, 689
undue influence, or duress when the deceased client executed a 690
document that is the basis of the dispute. 691

(2) An attorney, concerning a communication made to the 692
attorney by a client in that relationship or the attorney's 693
advice to a client, except that if the client is an insurance 694
company, the attorney may be compelled to testify, subject to an 695
in camera inspection by a court, about communications made by 696
the client to the attorney or by the attorney to the client that 697
are related to the attorney's aiding or furthering an ongoing or 698
future commission of bad faith by the client, if the party 699
seeking disclosure of the communications has made a prima-facie 700
showing of bad faith, fraud, or criminal misconduct by the 701
client. 702

(B) (1) A physician, advanced practice registered nurse, or 703
dentist concerning a communication made to the physician, 704
advanced practice registered nurse, or dentist by a patient in 705
that relation or the advice of a physician, advanced practice 706
registered nurse, or dentist given to a patient, except as 707
otherwise provided in this division, division (B) (2), and 708
division (B) (3) of this section, and except that, if the patient 709
is deemed by section 2151.421 of the Revised Code to have waived 710
any testimonial privilege under this division, the physician or 711
advanced practice registered nurse may be compelled to testify 712

on the same subject.	713
The testimonial privilege established under this division	714
does not apply, and a physician, advanced practice registered	715
nurse, or dentist may testify or may be compelled to testify, in	716
any of the following circumstances:	717
(a) In any civil action, in accordance with the discovery	718
provisions of the Rules of Civil Procedure in connection with a	719
civil action, or in connection with a claim under Chapter 4123.	720
of the Revised Code, under any of the following circumstances:	721
(i) If the patient or the guardian or other legal	722
representative of the patient gives express consent;	723
(ii) If the patient is deceased, the spouse of the patient	724
or the executor or administrator of the patient's estate gives	725
express consent;	726
(iii) If a medical claim, dental claim, chiropractic	727
claim, or optometric claim, as defined in section 2305.113 of	728
the Revised Code, an action for wrongful death, any other type	729
of civil action, or a claim under Chapter 4123. of the Revised	730
Code is filed by the patient, the personal representative of the	731
estate of the patient if deceased, or the patient's guardian or	732
other legal representative.	733
(b) In any civil action concerning court-ordered treatment	734
or services received by a patient, if the court-ordered	735
treatment or services were ordered as part of a case plan	736
journalized under section 2151.412 of the Revised Code or the	737
court-ordered treatment or services are necessary or relevant to	738
dependency, neglect, or abuse or temporary or permanent custody	739
proceedings under Chapter 2151. of the Revised Code.	740
(c) In any criminal action concerning any test or the	741

results of any test that determines the presence or 742
concentration of alcohol, a drug of abuse, a combination of 743
them, a controlled substance, or a metabolite of a controlled 744
substance in the patient's whole blood, blood serum or plasma, 745
breath, urine, or other bodily substance at any time relevant to 746
the criminal offense in question. 747

(d) In any criminal action against a physician, advanced 748
practice registered nurse, or dentist. In such an action, the 749
testimonial privilege established under this division does not 750
prohibit the admission into evidence, in accordance with the 751
Rules of Evidence, of a patient's medical or dental records or 752
other communications between a patient and the physician, 753
advanced practice registered nurse, or dentist that are related 754
to the action and obtained by subpoena, search warrant, or other 755
lawful means. A court that permits or compels a physician, 756
advanced practice registered nurse, or dentist to testify in 757
such an action or permits the introduction into evidence of 758
patient records or other communications in such an action shall 759
require that appropriate measures be taken to ensure that the 760
confidentiality of any patient named or otherwise identified in 761
the records is maintained. Measures to ensure confidentiality 762
that may be taken by the court include sealing its records or 763
deleting specific information from its records. 764

(e) (i) If the communication was between a patient who has 765
since died and the deceased patient's physician, advanced 766
practice registered nurse, or dentist, the communication is 767
relevant to a dispute between parties who claim through that 768
deceased patient, regardless of whether the claims are by 769
testate or intestate succession or by inter vivos transaction, 770
and the dispute addresses the competency of the deceased patient 771
when the deceased patient executed a document that is the basis 772

of the dispute or whether the deceased patient was a victim of 773
fraud, undue influence, or duress when the deceased patient 774
executed a document that is the basis of the dispute. 775

(ii) If neither the spouse of a patient nor the executor 776
or administrator of that patient's estate gives consent under 777
division (B) (1) (a) (ii) of this section, testimony or the 778
disclosure of the patient's medical records by a physician, 779
advanced practice registered nurse, dentist, or other health 780
care provider under division (B) (1) (e) (i) of this section is a 781
permitted use or disclosure of protected health information, as 782
defined in 45 C.F.R. 160.103, and an authorization or 783
opportunity to be heard shall not be required. 784

(iii) Division (B) (1) (e) (i) of this section does not 785
require a mental health professional to disclose psychotherapy 786
notes, as defined in 45 C.F.R. 164.501. 787

(iv) An interested person who objects to testimony or 788
disclosure under division (B) (1) (e) (i) of this section may seek 789
a protective order pursuant to Civil Rule 26. 790

(v) A person to whom protected health information is 791
disclosed under division (B) (1) (e) (i) of this section shall not 792
use or disclose the protected health information for any purpose 793
other than the litigation or proceeding for which the 794
information was requested and shall return the protected health 795
information to the covered entity or destroy the protected 796
health information, including all copies made, at the conclusion 797
of the litigation or proceeding. 798

(2) (a) If any law enforcement officer submits a written 799
statement to a health care provider that states that an official 800
criminal investigation has begun regarding a specified person or 801

that a criminal action or proceeding has been commenced against 802
a specified person, that requests the provider to supply to the 803
officer copies of any records the provider possesses that 804
pertain to any test or the results of any test administered to 805
the specified person to determine the presence or concentration 806
of alcohol, a drug of abuse, a combination of them, a controlled 807
substance, or a metabolite of a controlled substance in the 808
person's whole blood, blood serum or plasma, breath, or urine at 809
any time relevant to the criminal offense in question, and that 810
conforms to section 2317.022 of the Revised Code, the provider, 811
except to the extent specifically prohibited by any law of this 812
state or of the United States, shall supply to the officer a 813
copy of any of the requested records the provider possesses. If 814
the health care provider does not possess any of the requested 815
records, the provider shall give the officer a written statement 816
that indicates that the provider does not possess any of the 817
requested records. 818

(b) If a health care provider possesses any records of the 819
type described in division (B) (2) (a) of this section regarding 820
the person in question at any time relevant to the criminal 821
offense in question, in lieu of personally testifying as to the 822
results of the test in question, the custodian of the records 823
may submit a certified copy of the records, and, upon its 824
submission, the certified copy is qualified as authentic 825
evidence and may be admitted as evidence in accordance with the 826
Rules of Evidence. Division (A) of section 2317.422 of the 827
Revised Code does not apply to any certified copy of records 828
submitted in accordance with this division. Nothing in this 829
division shall be construed to limit the right of any party to 830
call as a witness the person who administered the test to which 831
the records pertain, the person under whose supervision the test 832

was administered, the custodian of the records, the person who 833
made the records, or the person under whose supervision the 834
records were made. 835

(3) (a) If the testimonial privilege described in division 836
(B) (1) of this section does not apply as provided in division 837
(B) (1) (a) (iii) of this section, a physician, advanced practice 838
registered nurse, or dentist may be compelled to testify or to 839
submit to discovery under the Rules of Civil Procedure only as 840
to a communication made to the physician, advanced practice 841
registered nurse, or dentist by the patient in question in that 842
relation, or the advice of the physician, advanced practice 843
registered nurse, or dentist given to the patient in question, 844
that related causally or historically to physical or mental 845
injuries that are relevant to issues in the medical claim, 846
dental claim, chiropractic claim, or optometric claim, action 847
for wrongful death, other civil action, or claim under Chapter 848
4123. of the Revised Code. 849

(b) If the testimonial privilege described in division (B) 850
(1) of this section does not apply to a physician, advanced 851
practice registered nurse, or dentist as provided in division 852
(B) (1) (c) of this section, the physician, advanced practice 853
registered nurse, or dentist, in lieu of personally testifying 854
as to the results of the test in question, may submit a 855
certified copy of those results, and, upon its submission, the 856
certified copy is qualified as authentic evidence and may be 857
admitted as evidence in accordance with the Rules of Evidence. 858
Division (A) of section 2317.422 of the Revised Code does not 859
apply to any certified copy of results submitted in accordance 860
with this division. Nothing in this division shall be construed 861
to limit the right of any party to call as a witness the person 862
who administered the test in question, the person under whose 863

supervision the test was administered, the custodian of the 864
results of the test, the person who compiled the results, or the 865
person under whose supervision the results were compiled. 866

(4) The testimonial privilege described in division (B)(1) 867
of this section is not waived when a communication is made by a 868
physician or advanced practice registered nurse to a pharmacist 869
or when there is communication between a patient and a 870
pharmacist in furtherance of the physician-patient or advanced 871
practice registered nurse-patient relation. 872

(5) (a) As used in divisions (B)(1) to (4) of this section, 873
"communication" means acquiring, recording, or transmitting any 874
information, in any manner, concerning any facts, opinions, or 875
statements necessary to enable a physician, advanced practice 876
registered nurse, or dentist to diagnose, treat, prescribe, or 877
act for a patient. A "communication" may include, but is not 878
limited to, any medical or dental, office, or hospital 879
communication such as a record, chart, letter, memorandum, 880
laboratory test and results, x-ray, photograph, financial 881
statement, diagnosis, or prognosis. 882

(b) As used in division (B)(2) of this section, "health 883
care provider" means a hospital, ambulatory care facility, long- 884
term care facility, pharmacy, emergency facility, or health care 885
practitioner. 886

(c) As used in division (B)(5)(b) of this section: 887

(i) "Ambulatory care facility" means a facility that 888
provides medical, diagnostic, or surgical treatment to patients 889
who do not require hospitalization, including a dialysis center, 890
ambulatory surgical facility, cardiac catheterization facility, 891
diagnostic imaging center, extracorporeal shock wave lithotripsy 892

center, home health agency, inpatient hospice, birthing center, 893
radiation therapy center, emergency facility, and an urgent care 894
center. "Ambulatory health care facility" does not include the 895
private office of a physician, advanced practice registered 896
nurse, or dentist, whether the office is for an individual or 897
group practice. 898

(ii) "Emergency facility" means a hospital emergency 899
department or any other facility that provides emergency medical 900
services. 901

(iii) "Health care practitioner" has the same meaning as 902
in section 4769.01 of the Revised Code. 903

(iv) "Hospital" has the same meaning as in section 3727.01 904
of the Revised Code. 905

(v) "Long-term care facility" means a nursing home, 906
residential care facility, or home for the aging, as those terms 907
are defined in section 3721.01 of the Revised Code; a 908
residential facility licensed under section 5119.34 of the 909
Revised Code that provides accommodations, supervision, and 910
personal care services for three to sixteen unrelated adults; a 911
nursing facility, as defined in section 5165.01 of the Revised 912
Code; a skilled nursing facility, as defined in section 5165.01 913
of the Revised Code; and an intermediate care facility for 914
individuals with intellectual disabilities, as defined in 915
section 5124.01 of the Revised Code. 916

(vi) "Pharmacy" has the same meaning as in section 4729.01 917
of the Revised Code. 918

(d) As used in divisions (B) (1) and (2) of this section, 919
"drug of abuse" has the same meaning as in section 4506.01 of 920
the Revised Code. 921

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 922
section apply to doctors of medicine, doctors of osteopathic 923
medicine, doctors of podiatry, advanced practice registered 924
nurses, and dentists. 925

(7) Nothing in divisions (B) (1) to (6) of this section 926
affects, or shall be construed as affecting, the immunity from 927
civil liability conferred by section 307.628 of the Revised Code 928
or the immunity from civil liability conferred by section 929
2305.33 of the Revised Code upon physicians or advanced practice 930
registered nurses who report an employee's use of a drug of 931
abuse, or a condition of an employee other than one involving 932
the use of a drug of abuse, to the employer of the employee in 933
accordance with division (B) of that section. As used in 934
division (B) (7) of this section, "employee," "employer," and 935
"physician" have the same meanings as in section 2305.33 of the 936
Revised Code and "advanced practice registered nurse" has the 937
same meaning as in section 4723.01 of the Revised Code. 938

(C) (1) A cleric, when the cleric remains accountable to 939
the authority of that cleric's church, denomination, or sect, 940
concerning a confession made, or any information confidentially 941
communicated, to the cleric for a religious counseling purpose 942
in the cleric's professional character. The cleric may testify 943
by express consent of the person making the communication, 944
except when the disclosure of the information is in violation of 945
a sacred trust and except that, if the person voluntarily 946
testifies or is deemed by division (A) (4) (c) of section 2151.421 947
of the Revised Code to have waived any testimonial privilege 948
under this division, the cleric may be compelled to testify on 949
the same subject except when disclosure of the information is in 950
violation of a sacred trust. 951

(2) As used in division (C) of this section:	952
(a) "Cleric" means a member of the clergy, rabbi, priest, Christian Science practitioner, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect.	953 954 955 956
(b) "Sacred trust" means a confession or confidential communication made to a cleric in the cleric's ecclesiastical capacity in the course of discipline enjoined by the church to which the cleric belongs, including, but not limited to, the Catholic Church, if both of the following apply:	957 958 959 960 961
(i) The confession or confidential communication was made directly to the cleric.	962 963
(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolable by canon law or church doctrine.	964 965 966 967
(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;	968 969 970 971 972 973
(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;	974 975 976
(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the	977 978 979 980

same manner in any action or proceeding concerning the property 981
or thing. 982

(G) (1) A school guidance counselor who holds a valid 983
educator license from the state board of education as provided 984
for in section 3319.22 of the Revised Code, a person licensed 985
under Chapter 4757. of the Revised Code as a licensed 986
professional clinical counselor, licensed professional 987
counselor, social worker, independent social worker, marriage 988
and family therapist or independent marriage and family 989
therapist, or registered under Chapter 4757. of the Revised Code 990
as a social work assistant concerning a confidential 991
communication received from a client in that relation or the 992
person's advice to a client unless any of the following applies: 993

(a) The communication or advice indicates clear and 994
present danger to the client or other persons. For the purposes 995
of this division, cases in which there are indications of 996
present or past child abuse or neglect of the client constitute 997
a clear and present danger. 998

(b) The client gives express consent to the testimony. 999

(c) If the client is deceased, the surviving spouse or the 1000
executor or administrator of the estate of the deceased client 1001
gives express consent. 1002

(d) The client voluntarily testifies, in which case the 1003
school guidance counselor or person licensed or registered under 1004
Chapter 4757. of the Revised Code may be compelled to testify on 1005
the same subject. 1006

(e) The court in camera determines that the information 1007
communicated by the client is not germane to the counselor- 1008
client, marriage and family therapist-client, or social worker- 1009

client relationship. 1010

(f) A court, in an action brought against a school, its 1011
administration, or any of its personnel by the client, rules 1012
after an in-camera inspection that the testimony of the school 1013
guidance counselor is relevant to that action. 1014

(g) The testimony is sought in a civil action and concerns 1015
court-ordered treatment or services received by a patient as 1016
part of a case plan journalized under section 2151.412 of the 1017
Revised Code or the court-ordered treatment or services are 1018
necessary or relevant to dependency, neglect, or abuse or 1019
temporary or permanent custody proceedings under Chapter 2151. 1020
of the Revised Code. 1021

(2) Nothing in division (G)(1) of this section shall 1022
relieve a school guidance counselor or a person licensed or 1023
registered under Chapter 4757. of the Revised Code from the 1024
requirement to report information concerning child abuse or 1025
neglect under section 2151.421 of the Revised Code. 1026

(H) A mediator acting under a mediation order issued under 1027
division (A) of section 3109.052 of the Revised Code or 1028
otherwise issued in any proceeding for divorce, dissolution, 1029
legal separation, annulment, or the allocation of parental 1030
rights and responsibilities for the care of children, in any 1031
action or proceeding, other than a criminal, delinquency, child 1032
abuse, child neglect, or dependent child action or proceeding, 1033
that is brought by or against either parent who takes part in 1034
mediation in accordance with the order and that pertains to the 1035
mediation process, to any information discussed or presented in 1036
the mediation process, to the allocation of parental rights and 1037
responsibilities for the care of the parents' children, or to 1038
the awarding of parenting time rights in relation to their 1039

children; 1040

(I) A communications assistant, acting within the scope of 1041
the communication assistant's authority, when providing 1042
telecommunications relay service pursuant to section 4931.06 of 1043
the Revised Code or Title II of the "Communications Act of 1044
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1045
communication made through a telecommunications relay service. 1046
Nothing in this section shall limit the obligation of a 1047
communications assistant to divulge information or testify when 1048
mandated by federal law or regulation or pursuant to subpoena in 1049
a criminal proceeding. 1050

Nothing in this section shall limit any immunity or 1051
privilege granted under federal law or regulation. 1052

(J) (1) A chiropractor in a civil proceeding concerning a 1053
communication made to the chiropractor by a patient in that 1054
relation or the chiropractor's advice to a patient, except as 1055
otherwise provided in this division. The testimonial privilege 1056
established under this division does not apply, and a 1057
chiropractor may testify or may be compelled to testify, in any 1058
civil action, in accordance with the discovery provisions of the 1059
Rules of Civil Procedure in connection with a civil action, or 1060
in connection with a claim under Chapter 4123. of the Revised 1061
Code, under any of the following circumstances: 1062

(a) If the patient or the guardian or other legal 1063
representative of the patient gives express consent. 1064

(b) If the patient is deceased, the spouse of the patient 1065
or the executor or administrator of the patient's estate gives 1066
express consent. 1067

(c) If a medical claim, dental claim, chiropractic claim, 1068

or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative.

(2) If the testimonial privilege described in division (J) (1) of this section does not apply as provided in division (J) (1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code.

(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding.

(4) As used in this division, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a chiropractor to diagnose, treat, or act for a patient. A communication may include, but is not limited to, any chiropractic, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis.

(K) (1) Except as provided under division (K) (2) of this

section, a critical incident stress management team member 1099
concerning a communication received from an individual who 1100
receives crisis response services from the team member, or the 1101
team member's advice to the individual, during a debriefing 1102
session. 1103

(2) The testimonial privilege established under division 1104
(K) (1) of this section does not apply if any of the following 1105
are true: 1106

(a) The communication or advice indicates clear and 1107
present danger to the individual who receives crisis response 1108
services or to other persons. For purposes of this division, 1109
cases in which there are indications of present or past child 1110
abuse or neglect of the individual constitute a clear and 1111
present danger. 1112

(b) The individual who received crisis response services 1113
gives express consent to the testimony. 1114

(c) If the individual who received crisis response 1115
services is deceased, the surviving spouse or the executor or 1116
administrator of the estate of the deceased individual gives 1117
express consent. 1118

(d) The individual who received crisis response services 1119
voluntarily testifies, in which case the team member may be 1120
compelled to testify on the same subject. 1121

(e) The court in camera determines that the information 1122
communicated by the individual who received crisis response 1123
services is not germane to the relationship between the 1124
individual and the team member. 1125

(f) The communication or advice pertains or is related to 1126
any criminal act. 1127

- (3) As used in division (K) of this section: 1128
- (a) "Crisis response services" means consultation, risk 1129
assessment, referral, and on-site crisis intervention services 1130
provided by a critical incident stress management team to 1131
individuals affected by crisis or disaster. 1132
- (b) "Critical incident stress management team member" or 1133
"team member" means an individual specially trained to provide 1134
crisis response services as a member of an organized community 1135
or local crisis response team that holds membership in the Ohio 1136
critical incident stress management network. 1137
- (c) "Debriefing session" means a session at which crisis 1138
response services are rendered by a critical incident stress 1139
management team member during or after a crisis or disaster. 1140
- (L) (1) Subject to division (L) (2) of this section and 1141
except as provided in division (L) (3) of this section, an 1142
employee assistance professional, concerning a communication 1143
made to the employee assistance professional by a client in the 1144
employee assistance professional's official capacity as an 1145
employee assistance professional. 1146
- (2) Division (L) (1) of this section applies to an employee 1147
assistance professional who meets either or both of the 1148
following requirements: 1149
- (a) Is certified by the employee assistance certification 1150
commission to engage in the employee assistance profession; 1151
- (b) Has education, training, and experience in all of the 1152
following: 1153
- (i) Providing workplace-based services designed to address 1154
employer and employee productivity issues; 1155

(ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance;	1156 1157 1158 1159
(iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues;	1160 1161 1162 1163
(iv) Selecting and evaluating available community resources;	1164 1165
(v) Making appropriate referrals;	1166
(vi) Local and national employee assistance agreements;	1167
(vii) Client confidentiality.	1168
(3) Division (L)(1) of this section does not apply to any of the following:	1169 1170
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	1171 1172 1173 1174 1175
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	1176 1177 1178
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	1179 1180 1181 1182

(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;

(e) A civil or criminal malpractice action brought against the employee assistance professional;

(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;

(g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law.

(M) A patient, concerning the patient's own reproductive health care, including miscarriage and abortion history, unless that patient consents to do so.

Sec. 2919.10. (A) As used in this section:

(1) "Down syndrome" means a chromosome disorder associated either with an extra chromosome twenty-one, in whole or in part, or an effective trisomy for chromosome twenty-one.

(2) "Physician," "pregnant," and "unborn child" have the same meanings as in section 2919.16 of the Revised Code.

(B) No person shall purposely perform or induce or attempt to perform or induce an abortion on a pregnant woman if the person has knowledge that the pregnant woman is seeking the abortion, in whole or in part, because of any of the following:

(1) A test result indicating Down syndrome in an unborn child;

(2) A prenatal diagnosis of Down syndrome in an unborn child;

(3) Any other reason to believe that an unborn child has 1210
Down syndrome. 1211

(C) Whoever violates division (B) of this section is 1212
guilty of performing or attempting to perform an abortion that 1213
was being sought because of Down syndrome, a felony of the 1214
fourth degree. 1215

(D) The state medical board shall revoke a physician's 1216
license to practice medicine in this state if the physician 1217
violates division (B) of this section. 1218

(E) Any physician who violates division (B) of this 1219
section is liable in a civil action for compensatory and 1220
exemplary damages and reasonable attorney's fees to any person, 1221
or the representative of the estate of any person, who sustains 1222
injury, death, or loss to person or property as the result of 1223
the performance or inducement or the attempted performance or 1224
inducement of the abortion. In any action under this division, 1225
the court also may award any injunctive or other equitable 1226
relief that the court considers appropriate. 1227

(F) A pregnant woman on whom an abortion is performed or 1228
induced or attempted to be performed or induced in violation of 1229
division (B) of this section is not guilty of violating division 1230
(B) of this section or of attempting to commit, conspiring to 1231
commit, or complicity in committing a violation of division (B) 1232
of this section. 1233

(G) If any provision of this section is held invalid, or 1234
if the application of any provision of this section to any 1235
person or circumstance is held invalid, the invalidity of that 1236
provision does not affect any other provisions or applications 1237
of this section and sections 2919.11 to ~~2919.193~~2919.18 of the 1238

Revised Code that can be given effect without the invalid 1239
provision or application, and to this end the provisions of this 1240
section and sections 2919.11 to ~~2919.193~~ 2919.18 of the Revised 1241
Code are severable as provided in section 1.50 of the Revised 1242
Code. In particular, it is the intent of the general assembly 1243
that any invalidity or potential invalidity of a provision of 1244
this section is not to impair the immediate and continuing 1245
enforceability of any other provisions of this section and 1246
sections 2919.11 to ~~2919.193~~ 2919.18 of the Revised Code. It is 1247
furthermore the intent of the general assembly that the 1248
provisions of this section are not to have the effect of 1249
repealing or limiting any other laws of this state. 1250

~~(H) The general assembly may, by joint resolution, appoint 1251
one or more of its members who sponsored or cosponsored 1252
B of the 132nd general assembly to intervene as a matter of 1253
right in any case in which the constitutionality of this section 1254
is challenged. 1255~~

Sec. 2919.12. (A) No person shall perform or induce an 1256
abortion without the informed consent of the pregnant woman. 1257

(B) (1) (a) No person shall knowingly perform or induce an 1258
abortion upon a woman who is pregnant, unmarried, under eighteen 1259
years of age, and unemancipated unless at least one of the 1260
following applies: 1261

(i) Subject to division (B) (2) of this section, the person 1262
has given ~~at least twenty-four hours~~ actual notice, in person or 1263
by telephone, to one of the woman's parents, her guardian, or 1264
her custodian as to the intention to perform or induce the 1265
abortion, provided that if the woman has requested, in 1266
accordance with division (B) (1) (b) of this section, that notice 1267
be given to a specified brother or sister of the woman who is 1268

twenty-one years of age or older or to a specified stepparent or 1269
grandparent of the woman instead of to one of her parents, her 1270
guardian, or her custodian, and if the person is notified by a 1271
juvenile court that affidavits of the type described in that 1272
division have been filed with that court, the ~~twenty-four hours~~ 1273
actual notice described in this division as to the intention to 1274
perform or induce the abortion shall be given, in person or by 1275
telephone, to the specified brother, sister, stepparent, or 1276
grandparent instead of to the parent, guardian, or custodian; 1277

(ii) One of the woman's parents, her guardian, or her 1278
custodian has consented in writing to the performance or 1279
inducement of the abortion; 1280

(iii) A juvenile court pursuant to section 2151.85 of the 1281
Revised Code issues an order authorizing the woman to consent to 1282
the abortion without notification of one of her parents, her 1283
guardian, or her custodian; 1284

(iv) A juvenile court or a court of appeals, by its 1285
inaction, constructively has authorized the woman to consent to 1286
the abortion without notification of one of her parents, her 1287
guardian, or her custodian under division (B) (1) of section 1288
2151.85 or division (A) of section 2505.073 of the Revised Code. 1289

(b) If a woman who is pregnant, unmarried, under eighteen 1290
years of age, and unemancipated desires notification as to a 1291
person's intention to perform or induce an abortion on the woman 1292
to be given to a specified brother or sister of the woman who is 1293
twenty-one years of age or older or to a specified stepparent or 1294
grandparent of the woman instead of to one of her parents, her 1295
guardian, or her custodian, the person who intends to perform or 1296
induce the abortion shall notify the specified brother, sister, 1297
stepparent, or grandparent instead of the parent, guardian, or 1298

custodian for purposes of division (B) (1) (a) (i) of this section 1299
if all of the following apply: 1300

(i) The woman has requested the person to provide the 1301
notification to the specified brother, sister, stepparent, or 1302
grandparent, clearly has identified the specified brother, 1303
sister, stepparent, or grandparent and her relation to that 1304
person, and, if the specified relative is a brother or sister, 1305
has indicated the age of the brother or sister; 1306

(ii) The woman has executed an affidavit stating that she 1307
is in fear of physical, sexual, or severe emotional abuse from 1308
the parent, guardian, or custodian who otherwise would be 1309
notified under division (B) (1) (a) (i) of this section, and that 1310
the fear is based on a pattern of physical, sexual, or severe 1311
emotional abuse of her exhibited by that parent, guardian, or 1312
custodian, has filed the affidavit with the juvenile court of 1313
the county in which the woman has a residence or legal 1314
settlement, the juvenile court of any county that borders to any 1315
extent the county in which she has a residence or legal 1316
settlement, or the juvenile court of the county in which the 1317
hospital, clinic, or other facility in which the abortion would 1318
be performed or induced is located, and has given the court 1319
written notice of the name and address of the person who intends 1320
to perform or induce the abortion; 1321

(iii) The specified brother, sister, stepparent, or 1322
grandparent has executed an affidavit stating that the woman has 1323
reason to fear physical, sexual, or severe emotional abuse from 1324
the parent, guardian, or custodian who otherwise would be 1325
notified under division (B) (1) (a) (i) of this section, based on a 1326
pattern of physical, sexual, or severe emotional abuse of her by 1327
that parent, guardian, or custodian, and the woman or the 1328

specified brother, sister, stepparent, or grandparent has filed 1329
the affidavit with the juvenile court in which the affidavit 1330
described in division (B) (1) (b) (ii) of this section was filed; 1331

(iv) The juvenile court in which the affidavits described 1332
in divisions (B) (1) (b) (ii) and (iii) of this section were filed 1333
has notified the person that both of those affidavits have been 1334
filed with the court. 1335

(c) If an affidavit of the type described in division (B) 1336
(1) (b) (ii) of this section and an affidavit of the type 1337
described in division (B) (1) (b) (iii) of this section are filed 1338
with a juvenile court and the court has been provided with 1339
written notice of the name and address of the person who intends 1340
to perform or induce an abortion upon the woman to whom the 1341
affidavits pertain, the court promptly shall notify the person 1342
who intends to perform or induce the abortion that the 1343
affidavits have been filed. If possible, the notice to the 1344
person shall be given in person or by telephone. 1345

(2) If division (B) (1) (a) (ii), (iii), or (iv) of this 1346
section does not apply, and if no parent, guardian, or custodian 1347
can be reached for purposes of division (B) (1) (a) (i) of this 1348
section after a reasonable effort, or if notification is to be 1349
given to a specified brother, sister, stepparent, or grandparent 1350
under that division and the specified brother, sister, 1351
stepparent, or grandparent cannot be reached for purposes of 1352
that division after a reasonable effort, no person shall perform 1353
or induce such an abortion without giving at least forty-eight 1354
hours constructive notice to one of the woman's parents, her 1355
guardian, or her custodian, by both certified and ordinary mail 1356
sent to the last known address of the parent, guardian, or 1357
custodian, or if notification for purposes of division (B) (1) (a) 1358

(i) of this section is to be given to a specified brother, 1359
sister, stepparent, or grandparent, without giving at least 1360
forty-eight hours constructive notice to that specified brother, 1361
sister, stepparent, or grandparent by both certified and 1362
ordinary mail sent to the last known address of that specified 1363
brother, sister, stepparent, or grandparent. The forty-eight- 1364
hour period under this division begins when the certified mail 1365
notice is mailed. If a parent, guardian, or custodian of the 1366
woman, or if notification under division (B) (1) (a) (i) of this 1367
section is to be given to a specified brother, sister, 1368
stepparent, or grandparent, the specified brother, sister, 1369
stepparent, or grandparent, is not reached within the forty- 1370
eight-hour period, the abortion may proceed even if the 1371
certified mail notice is not received. 1372

(3) If a parent, guardian, custodian, or specified 1373
brother, sister, stepparent, or grandparent who has been 1374
notified in accordance with division (B) (1) or (2) of this 1375
section clearly and unequivocally expresses that ~~he or she~~ such 1376
person does not wish to consult with a pregnant woman prior to 1377
her abortion, then the abortion may proceed without any further 1378
waiting period. 1379

(4) For purposes of prosecutions for a violation of 1380
division (B) (1) or (2) of this section, it shall be a rebuttable 1381
presumption that a woman who is unmarried and under eighteen 1382
years of age is unemancipated. 1383

(C) (1) It is an affirmative defense to a charge under 1384
division (B) (1) or (2) of this section that the pregnant woman 1385
provided the person who performed or induced the abortion with 1386
false, misleading, or incorrect information about her age, 1387
marital status, or emancipation, about the age of a brother or 1388

sister to whom she requested notice be given as a specified 1389
relative instead of to one of her parents, her guardian, or her 1390
custodian, or about the last known address of either of her 1391
parents, her guardian, her custodian, or a specified brother, 1392
sister, stepparent, or grandparent to whom she requested notice 1393
be given and the person who performed or induced the abortion 1394
did not otherwise have reasonable cause to believe the pregnant 1395
woman was under eighteen years of age, unmarried, or 1396
unemancipated, to believe that the age of a brother or sister to 1397
whom she requested notice be given as a specified relative 1398
instead of to one of her parents, her guardian, or her custodian 1399
was not twenty-one years of age, or to believe that the last 1400
known address of either of her parents, her guardian, her 1401
custodian, or a specified brother, sister, stepparent, or 1402
grandparent to whom she requested notice be given was incorrect. 1403

(2) It is an affirmative defense to a charge under this 1404
section that compliance with the requirements of this section 1405
was not possible because an immediate threat of serious risk to 1406
the life or physical health of the pregnant woman from the 1407
continuation of her pregnancy created an emergency necessitating 1408
the immediate performance or inducement of an abortion. 1409

(D) Whoever violates this section is guilty of unlawful 1410
abortion. A violation of division (A) of this section is a 1411
misdemeanor of the first degree on the first offense and a 1412
felony of the fourth degree on each subsequent offense. A 1413
violation of division (B) of this section is a misdemeanor of 1414
the first degree on a first offense and a felony of the fifth 1415
degree on each subsequent offense. 1416

(E) Whoever violates this section is liable to the 1417
pregnant woman and her parents, guardian, or custodian for civil 1418

compensatory and exemplary damages. 1419

(F) As used in this section "unemancipated" means that a 1420
woman who is unmarried and under eighteen years of age has not 1421
entered the armed services of the United States, has not become 1422
employed and self-subsisting, or has not otherwise become 1423
independent from the care and control of her parent, guardian, 1424
or custodian. 1425

Sec. 2953.25. (A) As used in this section: 1426

(1) "Collateral sanction" means a penalty, disability, or 1427
disadvantage that is related to employment or occupational 1428
licensing, however denominated, as a result of the individual's 1429
conviction of or plea of guilty to an offense and that applies 1430
by operation of law in this state whether or not the penalty, 1431
disability, or disadvantage is included in the sentence or 1432
judgment imposed. 1433

"Collateral sanction" does not include imprisonment, 1434
probation, parole, supervised release, forfeiture, restitution, 1435
fine, assessment, or costs of prosecution. 1436

(2) "Decision-maker" includes, but is not limited to, the 1437
state acting through a department, agency, board, commission, or 1438
instrumentality established by the law of this state for the 1439
exercise of any function of government, a political subdivision, 1440
an educational institution, or a government contractor or 1441
subcontractor made subject to this section by contract, law, or 1442
ordinance. 1443

(3) "Department-funded program" means a residential or 1444
nonresidential program that is not a term in a state 1445
correctional institution, that is funded in whole or part by the 1446
department of rehabilitation and correction, and that is imposed 1447

as a sanction for an offense, as part of a sanction that is 1448
imposed for an offense, or as a term or condition of any 1449
sanction that is imposed for an offense. 1450

(4) "Designee" means the person designated by the deputy 1451
director of the division of parole and community services to 1452
perform the duties designated in division (B) of this section. 1453

(5) "Division of parole and community services" means the 1454
division of parole and community services of the department of 1455
rehabilitation and correction. 1456

(6) "Offense" means any felony or misdemeanor under the 1457
laws of this state. 1458

(7) "Political subdivision" has the same meaning as in 1459
section 2969.21 of the Revised Code. 1460

(8) "Discretionary civil impact," "licensing agency," and 1461
"mandatory civil impact" have the same meanings as in section 1462
2961.21 of the Revised Code. 1463

(B) (1) An individual who is subject to one or more 1464
collateral sanctions as a result of being convicted of or 1465
pleading guilty to an offense and who either has served a term 1466
in a state correctional institution for any offense or has spent 1467
time in a department-funded program for any offense may file a 1468
petition with the designee of the deputy director of the 1469
division of parole and community services for a certificate of 1470
qualification for employment. 1471

(2) An individual who is subject to one or more collateral 1472
sanctions as a result of being convicted of or pleading guilty 1473
to an offense and who is not in a category described in division 1474
(B) (1) of this section may file for a certificate of 1475
qualification for employment by doing either of the following: 1476

(a) In the case of an individual who resides in this 1477
state, filing a petition with the court of common pleas of the 1478
county in which the person resides or with the designee of the 1479
deputy director of the division of parole and community 1480
services; 1481

(b) In the case of an individual who resides outside of 1482
this state, filing a petition with the court of common pleas of 1483
any county in which any conviction or plea of guilty from which 1484
the individual seeks relief was entered or with the designee of 1485
the deputy director of the division of parole and community 1486
services. 1487

(3) A petition under division (B) (1) or (2) of this 1488
section shall be made on a copy of the form prescribed by the 1489
division of parole and community services under division (J) of 1490
this section, shall contain all of the information described in 1491
division (F) of this section, and, except as provided in 1492
division (B) (6) of this section, shall be accompanied by an 1493
application fee of fifty dollars and may be accompanied by a 1494
local court fee of not more than fifty dollars. 1495

(4) (a) Except as provided in division (B) (4) (b) of this 1496
section, an individual may file a petition under division (B) (1) 1497
or (2) of this section at any time after the expiration of 1498
whichever of the following is applicable: 1499

(i) If the offense that resulted in the collateral 1500
sanction from which the individual seeks relief is a felony, at 1501
any time after the expiration of one year from the date of 1502
release of the individual from any period of incarceration in a 1503
state or local correctional facility that was imposed for that 1504
offense and all periods of supervision imposed after release 1505
from the period of incarceration or, if the individual was not 1506

incarcerated for that offense, at any time after the expiration 1507
of one year from the date of the individual's final release from 1508
all other sanctions imposed for that offense. 1509

(ii) If the offense that resulted in the collateral 1510
sanction from which the individual seeks relief is a 1511
misdemeanor, at any time after the expiration of six months from 1512
the date of release of the individual from any period of 1513
incarceration in a local correctional facility that was imposed 1514
for that offense and all periods of supervision imposed after 1515
release from the period of incarceration or, if the individual 1516
was not incarcerated for that offense, at any time after the 1517
expiration of six months from the date of the final release of 1518
the individual from all sanctions imposed for that offense 1519
including any period of supervision. 1520

(b) The department of rehabilitation and correction may 1521
establish criteria by rule adopted under Chapter 119. of the 1522
Revised Code that, if satisfied by an individual, would allow 1523
the individual to file a petition before the expiration of six 1524
months or one year from the date of final release, whichever is 1525
applicable under division (B) (4) (a) of this section. 1526

(5) (a) A designee that receives a petition for a 1527
certificate of qualification for employment from an individual 1528
under division (B) (1) or (2) of this section shall review the 1529
petition to determine whether it is complete. If the petition is 1530
complete, the designee shall forward the petition, the 1531
application fee, and any other information the designee 1532
possesses that relates to the petition, to the court of common 1533
pleas of the county in which the individual resides if the 1534
individual submitting the petition resides in this state or, if 1535
the individual resides outside of this state, to the court of 1536

common pleas of the county in which the conviction or plea of 1537
guilty from which the individual seeks relief was entered. 1538

(b) A court of common pleas that receives a petition for a 1539
certificate of qualification for employment from an individual 1540
under division (B) (2) of this section, or that is forwarded a 1541
petition for such a certificate under division (B) (5) (a) of this 1542
section, shall attempt to determine all other courts in this 1543
state in which the individual was convicted of or pleaded guilty 1544
to an offense other than the offense from which the individual 1545
is seeking relief. The court that receives or is forwarded the 1546
petition shall notify all other courts in this state that it 1547
determines under this division were courts in which the 1548
individual was convicted of or pleaded guilty to an offense 1549
other than the offense from which the individual is seeking 1550
relief that the individual has filed the petition and that the 1551
court may send comments regarding the possible issuance of the 1552
certificate. 1553

A court of common pleas that receives a petition for a 1554
certificate of qualification for employment under division (B) 1555
(2) of this section shall notify the county's prosecuting 1556
attorney that the individual has filed the petition. 1557

A court of common pleas that receives a petition for a 1558
certificate of qualification for employment under division (B) 1559
(2) of this section, or that is forwarded a petition for 1560
qualification under division (B) (5) (a) of this section may 1561
direct the clerk of court to process and record all notices 1562
required in or under this section. Except as provided in 1563
division (B) (6) of this section, the court shall pay thirty 1564
dollars of the application fee into the state treasury and 1565
twenty dollars of the application fee into the county general 1566

revenue fund. 1567

(6) Upon receiving a petition for a certificate of 1568
qualification for employment filed by an individual under 1569
division (B) (1) or (2) of this section, a court of common pleas 1570
or the designee of the deputy director of the division of parole 1571
and community services who receives the petition may waive all 1572
or part of the application fee of fifty dollars described in 1573
division (B) (3) of this section, for an applicant who presents a 1574
poverty affidavit showing that the applicant is indigent. If an 1575
applicant pays an application fee, the first twenty dollars or 1576
two-fifths of the fee, whichever is greater, that is collected 1577
shall be paid into the county general revenue fund. If an 1578
applicant pays an application fee, the amount collected in 1579
excess of the amount to be paid into the county general revenue 1580
fund shall be paid into the state treasury. 1581

(C) (1) Upon receiving a petition for a certificate of 1582
qualification for employment filed by an individual under 1583
division (B) (2) of this section or being forwarded a petition 1584
for such a certificate under division (B) (5) (a) of this section, 1585
the court shall review the individual's petition, the 1586
individual's criminal history, except for information contained 1587
in any record that has been sealed under section 2953.32 of the 1588
Revised Code, all filings submitted by the prosecutor or by the 1589
victim in accordance with rules adopted by the division of 1590
parole and community services, the applicant's military service 1591
record, if applicable, and whether the applicant has an 1592
emotional, mental, or physical condition that is traceable to 1593
the applicant's military service in the armed forces of the 1594
United States and that was a contributing factor in the 1595
commission of the offense or offenses, and all other relevant 1596
evidence. The court may order any report, investigation, or 1597

disclosure by the individual that the court believes is 1598
necessary for the court to reach a decision on whether to 1599
approve the individual's petition for a certificate of 1600
qualification for employment, except that the court shall not 1601
require an individual to disclose information about any record 1602
sealed under section 2953.32 of the Revised Code. 1603

(2) Upon receiving a petition for a certificate of 1604
qualification for employment filed by an individual under 1605
division (B) (2) of this section or being forwarded a petition 1606
for such a certificate under division (B) (5) (a) of this section, 1607
except as otherwise provided in this division, the court shall 1608
decide whether to issue the certificate within sixty days after 1609
the court receives or is forwarded the completed petition and 1610
all information requested for the court to make that decision. 1611
Upon request of the individual who filed the petition, the court 1612
may extend the sixty-day period specified in this division. 1613

(3) Except as provided in division (C) (5) of this section 1614
and subject to division (C) (7) of this section, a court that 1615
receives an individual's petition for a certificate of 1616
qualification for employment under division (B) (2) of this 1617
section or that is forwarded a petition for such a certificate 1618
under division (B) (5) (a) of this section may issue a certificate 1619
of qualification for employment, at the court's discretion, if 1620
the court finds that the individual has established all of the 1621
following by a preponderance of the evidence: 1622

(a) Granting the petition will materially assist the 1623
individual in obtaining employment or occupational licensing. 1624

(b) The individual has a substantial need for the relief 1625
requested in order to live a law-abiding life. 1626

(c) Granting the petition would not pose an unreasonable 1627
risk to the safety of the public or any individual. 1628

(4) The submission of an incomplete petition by an 1629
individual shall not be grounds for the designee or court to 1630
deny the petition. 1631

(5) Subject to division (C)(6) of this section, an 1632
individual is rebuttably presumed to be eligible for a 1633
certificate of qualification for employment if the court that 1634
receives the individual's petition under division (B)(2) of this 1635
section or that is forwarded a petition under division (B)(5)(a) 1636
of this section finds all of the following: 1637

(a) The application was filed after the expiration of the 1638
applicable waiting period prescribed in division (B)(4) of this 1639
section; 1640

(b) If the offense that resulted in the collateral 1641
sanction from which the individual seeks relief is a felony, at 1642
least three years have elapsed since the date of release of the 1643
individual from any period of incarceration in a state or local 1644
correctional facility that was imposed for that offense and all 1645
periods of supervision imposed after release from the period of 1646
incarceration or, if the individual was not incarcerated for 1647
that offense, at least three years have elapsed since the date 1648
of the individual's final release from all other sanctions 1649
imposed for that offense; 1650

(c) If the offense that resulted in the collateral 1651
sanction from which the individual seeks relief is a 1652
misdemeanor, at least one year has elapsed since the date of 1653
release of the individual from any period of incarceration in a 1654
local correctional facility that was imposed for that offense 1655

and all periods of supervision imposed after release from the 1656
period of incarceration or, if the individual was not 1657
incarcerated for that offense, at least one year has elapsed 1658
since the date of the final release of the individual from all 1659
sanctions imposed for that offense including any period of 1660
supervision. 1661

(6) An application that meets all of the requirements for 1662
the presumption under division (C) (5) of this section shall be 1663
denied only if the court that receives the petition finds that 1664
the evidence reviewed under division (C) (1) of this section 1665
rebutts the presumption of eligibility for issuance by 1666
establishing, by clear and convincing evidence, that the 1667
applicant has not been rehabilitated. 1668

(7) A certificate of qualification for employment shall 1669
not create relief from any of the following collateral 1670
sanctions: 1671

(a) Requirements imposed by Chapter 2950. of the Revised 1672
Code and rules adopted under sections 2950.13 and 2950.132 of 1673
the Revised Code; 1674

(b) A driver's license, commercial driver's license, or 1675
probationary license suspension, cancellation, or revocation 1676
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 1677
the Revised Code if the relief sought is available pursuant to 1678
section 4510.021 or division (B) of section 4510.13 of the 1679
Revised Code; 1680

(c) Restrictions on employment as a prosecutor or law 1681
enforcement officer; 1682

(d) The denial, ineligibility, or automatic suspension of 1683
a license that is imposed upon an individual applying for or 1684

holding a license as a health care professional under Title 1685
XLVII of the Revised Code if the individual is convicted of, 1686
pleads guilty to, is subject to a judicial finding of 1687
eligibility for intervention in lieu of conviction in this state 1688
under section 2951.041 of the Revised Code, or is subject to 1689
treatment or intervention in lieu of conviction for a violation 1690
of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 1691
2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123, ~~or~~ 1692
~~2919.124~~ of the Revised Code; 1693

(e) The immediate suspension of a license, certificate, or 1694
evidence of registration that is imposed upon an individual 1695
holding a license as a health care professional under Title 1696
XLVII of the Revised Code pursuant to division (C) of section 1697
3719.121 of the Revised Code; 1698

(f) The denial or ineligibility for employment in a pain 1699
clinic under division (B) (4) of section 4729.552 of the Revised 1700
Code; 1701

(g) The mandatory suspension of a license that is imposed 1702
on an individual applying for or holding a license as a health 1703
care professional under Title XLVII of the Revised Code pursuant 1704
to section 3123.43 of the Revised Code. 1705

(8) If a court that receives an individual's petition for 1706
a certificate of qualification for employment under division (B) 1707
(2) of this section or that is forwarded a petition for such a 1708
certificate under division (B) (5) (a) of this section denies the 1709
petition, the court shall provide written notice to the 1710
individual of the court's denial. The court may place conditions 1711
on the individual regarding the individual's filing of any 1712
subsequent petition for a certificate of qualification for 1713
employment. The written notice must notify the individual of any 1714

conditions placed on the individual's filing of a subsequent 1715
petition for a certificate of qualification for employment. 1716

If a court of common pleas that receives an individual's 1717
petition for a certificate of qualification for employment under 1718
division (B) (2) of this section or that is forwarded a petition 1719
for such a certificate under division (B) (5) (a) of this section 1720
denies the petition, the individual may appeal the decision to 1721
the court of appeals only if the individual alleges that the 1722
denial was an abuse of discretion on the part of the court of 1723
common pleas. 1724

(D) (1) A certificate of qualification for employment 1725
issued to an individual lifts the automatic bar of a collateral 1726
sanction, and a decision-maker shall consider on a case-by-case 1727
basis whether to grant or deny the issuance or restoration of an 1728
occupational license or an employment opportunity, 1729
notwithstanding the individual's possession of the certificate, 1730
without, however, reconsidering or rejecting any finding made by 1731
a designee or court under division (C) (3) of this section. 1732

(2) The certificate constitutes a rebuttable presumption 1733
that the person's criminal convictions are insufficient evidence 1734
that the person is unfit for the license, employment 1735
opportunity, or certification in question. Notwithstanding the 1736
presumption established under this division, the agency may deny 1737
the license or certification for the person if it determines 1738
that the person is unfit for issuance of the license. 1739

(3) If an employer that has hired a person who has been 1740
issued a certificate of qualification for employment applies to 1741
a licensing agency for a license or certification and the person 1742
has a conviction or guilty plea that otherwise would bar the 1743
person's employment with the employer or licensure for the 1744

employer because of a mandatory civil impact, the agency shall 1745
give the person individualized consideration, notwithstanding 1746
the mandatory civil impact, the mandatory civil impact shall be 1747
considered for all purposes to be a discretionary civil impact, 1748
and the certificate constitutes a rebuttable presumption that 1749
the person's criminal convictions are insufficient evidence that 1750
the person is unfit for the employment, or that the employer is 1751
unfit for the license or certification, in question. 1752

(E) A certificate of qualification for employment does not 1753
grant the individual to whom the certificate was issued relief 1754
from the mandatory civil impacts identified in division (A) (1) 1755
of section 2961.01 or division (B) of section 2961.02 of the 1756
Revised Code. 1757

(F) A petition for a certificate of qualification for 1758
employment filed by an individual under division (B) (1) or (2) 1759
of this section shall include all of the following: 1760

(1) The individual's name, date of birth, and social 1761
security number; 1762

(2) All aliases of the individual and all social security 1763
numbers associated with those aliases; 1764

(3) The individual's residence address, including the 1765
city, county, and state of residence and zip code; 1766

(4) The length of time that the individual has resided in 1767
the individual's current state of residence, expressed in years 1768
and months of residence; 1769

(5) A general statement as to why the individual has filed 1770
the petition and how the certificate of qualification for 1771
employment would assist the individual; 1772

(6) A summary of the individual's criminal history, except 1773
for information contained in any record that has been sealed or 1774
expunged under section 2953.32 or 2953.39 of the Revised Code, 1775
with respect to each offense that is a disqualification from 1776
employment or licensing in an occupation or profession, 1777
including the years of each conviction or plea of guilty for 1778
each of those offenses; 1779

(7) A summary of the individual's employment history, 1780
specifying the name of, and dates of employment with, each 1781
employer; 1782

(8) Verifiable references and endorsements; 1783

(9) The name of one or more immediate family members of 1784
the individual, or other persons with whom the individual has a 1785
close relationship, who support the individual's reentry plan; 1786

(10) A summary of the reason the individual believes the 1787
certificate of qualification for employment should be granted; 1788

(11) Any other information required by rule by the 1789
department of rehabilitation and correction. 1790

(G) (1) In a judicial or administrative proceeding alleging 1791
negligence or other fault, a certificate of qualification for 1792
employment issued to an individual under this section may be 1793
introduced as evidence of a person's due care in hiring, 1794
retaining, licensing, leasing to, admitting to a school or 1795
program, or otherwise transacting business or engaging in 1796
activity with the individual to whom the certificate of 1797
qualification for employment was issued if the person knew of 1798
the certificate at the time of the alleged negligence or other 1799
fault. 1800

(2) In any proceeding on a claim against an employer for 1801

negligent hiring, a certificate of qualification for employment 1802
issued to an individual under this section shall provide 1803
immunity for the employer as to the claim if the employer knew 1804
of the certificate at the time of the alleged negligence. 1805

(3) If an employer hires an individual who has been issued 1806
a certificate of qualification for employment under this 1807
section, if the individual, after being hired, subsequently 1808
demonstrates dangerousness or is convicted of or pleads guilty 1809
to a felony, and if the employer retains the individual as an 1810
employee after the demonstration of dangerousness or the 1811
conviction or guilty plea, the employer may be held liable in a 1812
civil action that is based on or relates to the retention of the 1813
individual as an employee only if it is proved by a 1814
preponderance of the evidence that the person having hiring and 1815
firing responsibility for the employer had actual knowledge that 1816
the employee was dangerous or had been convicted of or pleaded 1817
guilty to the felony and was willful in retaining the individual 1818
as an employee after the demonstration of dangerousness or the 1819
conviction or guilty plea of which the person has actual 1820
knowledge. 1821

(H) A certificate of qualification for employment issued 1822
under this section shall be revoked if the individual to whom 1823
the certificate of qualification for employment was issued is 1824
convicted of or pleads guilty to a felony offense committed 1825
subsequent to the issuance of the certificate of qualification 1826
for employment. The department of rehabilitation and correction 1827
shall periodically review the certificates listed in the 1828
database described in division (K) of this section to identify 1829
those that are subject to revocation under this division. Upon 1830
identifying a certificate of qualification for employment that 1831
is subject to revocation, the department shall note in the 1832

database that the certificate has been revoked, the reason for 1833
revocation, and the effective date of revocation, which shall be 1834
the date of the conviction or plea of guilty subsequent to the 1835
issuance of the certificate. 1836

(I) A designee's forwarding, or failure to forward, a 1837
petition for a certificate of qualification for employment to a 1838
court or a court's issuance, or failure to issue, a petition for 1839
a certificate of qualification for employment to an individual 1840
under division (B) of this section does not give rise to a claim 1841
for damages against the department of rehabilitation and 1842
correction or court. 1843

(J) The division of parole and community services shall 1844
adopt rules in accordance with Chapter 119. of the Revised Code 1845
for the implementation and administration of this section and 1846
shall prescribe the form for the petition to be used under 1847
division (B) (1) or (2) of this section. The form for the 1848
petition shall include places for all of the information 1849
specified in division (F) of this section. 1850

(K) The department of rehabilitation and correction shall 1851
maintain a database that identifies granted certificates and 1852
revoked certificates and tracks the number of certificates 1853
granted and revoked, the industries, occupations, and 1854
professions with respect to which the certificates have been 1855
most applicable, and the types of employers that have accepted 1856
the certificates. The department shall annually create a report 1857
that summarizes the information maintained in the database and 1858
shall make the report available to the public on its internet 1859
web site. 1860

Sec. 3701.341. (A) The director of health, pursuant to 1861
Chapter 119. ~~and consistent with Chapter 3726. and section~~ 1862

~~2317.56~~ of the Revised Code, shall adopt rules relating to 1863
abortions and the following subjects: 1864

(1) Post-abortion procedures to protect the health of the 1865
pregnant woman; 1866

(2) Pathological reports; 1867

(3) Humane disposition of the product of human conception; 1868

(4) Counseling. 1869

(B) The director of health shall implement the rules and 1870
shall apply to the court of common pleas for temporary or 1871
permanent injunctions restraining a violation or threatened 1872
violation of the rules. This action is an additional remedy not 1873
dependent on the adequacy of the remedy at law. 1874

Sec. 3701.792. (A) The director of health shall develop a 1875
child survival form to be submitted to the department of health 1876
in accordance with division (B) of this section each time a 1877
child is born alive after an abortion or attempted abortion. In 1878
developing the form, the director may consult with 1879
obstetricians, maternal-fetal specialists, or any other 1880
professionals the director considers appropriate. The form shall 1881
include areas for all of the following to be provided: 1882

(1) The patient number for the woman on whom the abortion 1883
was performed or attempted; 1884

(2) The name, primary business address, and signature of 1885
the attending physician ~~described in section 3701.79 of the~~ 1886
~~Revised Code~~ who performed or attempted to perform the abortion; 1887

(3) The name and address of the facility in which the 1888
abortion was performed or attempted, and whether the facility is 1889
a hospital, ambulatory surgical facility, physician's office, or 1890

other facility;	1891
(4) The date the abortion was performed or attempted;	1892
(5) The type of abortion procedure that was performed or attempted;	1893 1894
(6) The gestational age of the child who was born;	1895
(7) Complications, by type, for both the woman and child;	1896
(8) Any other information the director considers appropriate.	1897 1898
(B) The attending physician who performed or attempted an abortion in which a child was born alive after that event shall complete a child survival form developed under division (A) of this section. The physician shall submit the completed form to the department of health not later than fifteen days after the woman is discharged from the facility.	1899 1900 1901 1902 1903 1904
A completed child survival form is confidential and not a public record under section 149.43 of the Revised Code.	1905 1906
(C) A copy of the child survival form completed under this section shall be made part of the medical record maintained for the woman by the facility in which the abortion was performed or attempted.	1907 1908 1909 1910
(D) Each facility in which an abortion was performed or attempted and in which a child was born alive after that event shall submit monthly and annual reports to the department of health listing the total number of women on whom an abortion was performed or attempted at the facility and in which a child was born alive after that event, delineated by the type of abortion procedure that was performed or attempted. The annual report shall be submitted following the conclusion of the state's	1911 1912 1913 1914 1915 1916 1917 1918

fiscal year. Each monthly or annual report shall be submitted 1919
not later than thirty days after the end of the applicable 1920
reporting period. 1921

(E) Not later than the first day of October of each year, 1922
the department shall issue an annual report of the data 1923
submitted to the department for the previous calendar year as 1924
required by this section. At a minimum, the annual report shall 1925
specify the number of women on whom an abortion was performed or 1926
attempted and in which a child was born alive after that event, 1927
delineated by the type of abortion procedure that was performed 1928
or attempted and the facility in which the abortion was 1929
performed or attempted. The report shall not contain any 1930
information that would permit the identity of a woman on whom an 1931
abortion was performed or attempted or any child to be 1932
ascertained. 1933

(F) No person shall purposely fail to comply with the 1934
child survival form submission requirement described in division 1935
(B) of this section or the copy maintenance requirement 1936
described in division (C) of this section. 1937

(G) No person shall purposely fail to comply with the 1938
monthly or annual report submission requirements described in 1939
division (D) of this section. 1940

(H) A woman on whom an abortion is performed or attempted 1941
may file a civil action against a person who violates division 1942
(F) or (G) or this section. A woman who prevails in an action 1943
filed under this division shall receive both of the following 1944
from the person who committed the violation: 1945

(1) Damages in the amount of ten thousand dollars; 1946

(2) Court costs and reasonable attorney's fees. 1947

<u>(I) As used in this section:</u>	1948
<u>(1) "Abortion" has the same meaning as in section 2919.11 of the Revised Code.</u>	1949 1950
<u>(2) "Ambulatory surgical facility" has the same meaning as in section 3702.30 of the Revised Code.</u>	1951 1952
<u>(3) "Hospital" means any building, structure, institution, or place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, and medical or surgical care for three or more unrelated individuals having illness, disease, injury, or deformity, and regularly making available at least clinical laboratory services, diagnostic x-ray services, treatment facilities for surgery or obstetrical care, or other definitive medical treatment. "Hospital" does not include a "home" as defined in section 3721.01 of the Revised Code.</u>	1953 1954 1955 1956 1957 1958 1959 1960 1961
<u>(4) "Physician's office" means an office or portion of an office that is used to provide medical or surgical services to the physician's patients. "Physician's office" does not mean an ambulatory surgical facility, a hospital, or a hospital emergency department.</u>	1962 1963 1964 1965 1966
Sec. 3702.30. (A) As used in this section:	1967
(1) "Ambulatory surgical facility" means a facility in which surgical services are provided to patients who do not require hospitalization for inpatient care, the duration of services for any patient does not extend beyond twenty-four hours after the patient's admission, and to which any of the following apply:	1968 1969 1970 1971 1972 1973
(a) The surgical services are provided in a building that is separate from another building in which inpatient care is provided, regardless of whether the separate building is part of	1974 1975 1976

the same organization as the building in which inpatient care is provided. 1977
1978

(b) The surgical services are provided within a building 1979
in which inpatient care is provided and the entity that operates 1980
the portion of the building where the surgical services are 1981
provided is not the entity that operates the remainder of the 1982
building. 1983

(c) The facility is held out to any person or government 1984
entity as an ambulatory surgical facility or similar facility by 1985
means of signage, advertising, or other promotional efforts. 1986

"Ambulatory surgical facility" does not include a hospital 1987
emergency department, hospital provider-based department that is 1988
otherwise licensed under Chapter 3722. of the Revised Code, or 1989
an office of a physician, podiatrist, or dentist. 1990

(2) "Health care facility" means any of the following: 1991

(a) An ambulatory surgical facility; 1992

(b) A freestanding dialysis center; 1993

(c) A freestanding inpatient rehabilitation facility; 1994

(d) A freestanding birthing center; 1995

(e) A freestanding radiation therapy center; 1996

(f) A freestanding or mobile diagnostic imaging center. 1997

(B) By rule adopted in accordance with sections 3702.12 1998
and 3702.13 of the Revised Code, the director of health shall 1999
establish quality standards for health care facilities. The 2000
standards may incorporate accreditation standards or other 2001
quality standards established by any entity recognized by the 2002
director. 2003

In the case of an ambulatory surgical facility, the standards shall require the ambulatory surgical facility to maintain an infection control program. The purposes of the program are to minimize infections and communicable diseases and facilitate a functional and sanitary environment consistent with standards of professional practice. To achieve these purposes, ambulatory surgical facility staff managing the program shall create and administer a plan designed to prevent, identify, and manage infections and communicable diseases; ensure that the program is directed by a qualified professional trained in infection control; ensure that the program is an integral part of the ambulatory surgical facility's quality assessment and performance improvement program; and implement in an expeditious manner corrective and preventive measures that result in improvement.

(C) Every ambulatory surgical facility shall require that each physician who practices at the facility comply with all relevant provisions in the Revised Code that relate to the obtaining of informed consent from a patient.

(D) The director shall issue a license to each health care facility that makes application for a license and demonstrates to the director that it meets the quality standards established by the rules adopted under division (B) of this section and satisfies the informed consent compliance requirements specified in division (C) of this section.

(E) (1) Except as provided in division ~~(H)~~(G) of this section and in section 3702.301 of the Revised Code, no health care facility shall operate without a license issued under this section.

The general assembly does not intend for the provisions of

this section or section 3702.301 of the Revised Code that 2034
establish health care facility licensing requirements or 2035
exemptions to have an effect on any third-party payments that 2036
may be available for the services provided by either a licensed 2037
health care facility or an entity exempt from licensure. 2038

(2) If the department of health finds that a physician who 2039
practices at a health care facility is not complying with any 2040
provision of the Revised Code related to the obtaining of 2041
informed consent from a patient, the department shall report its 2042
finding to the state medical board, the physician, and the 2043
health care facility. 2044

(3) Division (E)(2) of this section does not create, and 2045
shall not be construed as creating, a new cause of action or 2046
substantive legal right against a health care facility and in 2047
favor of a patient who allegedly sustains harm as a result of 2048
the failure of the patient's physician to obtain informed 2049
consent from the patient prior to performing a procedure on or 2050
otherwise caring for the patient in the health care facility. 2051

(F) The rules adopted under division (B) of this section 2052
shall include all of the following: 2053

(1) Provisions governing application for, renewal, 2054
suspension, and revocation of a license under this section; 2055

(2) Provisions governing orders issued pursuant to section 2056
3702.32 of the Revised Code for a health care facility to cease 2057
its operations or to prohibit certain types of services provided 2058
by a health care facility; 2059

(3) Provisions governing the imposition under section 2060
3702.32 of the Revised Code of civil penalties for violations of 2061
this section or the rules adopted under this section, including 2062

a scale for determining the amount of the penalties; 2063

(4) Provisions specifying the form inspectors must use 2064
when conducting inspections of ambulatory surgical facilities. 2065

~~(G) An ambulatory surgical facility that performs or 2066
induces abortions shall comply with section 3701.791 of the 2067
Revised Code. 2068~~

~~(H) The following entities are not required to obtain a 2069
license as a freestanding diagnostic imaging center issued under 2070
this section: 2071~~

(1) A hospital registered under section 3701.07 of the 2072
Revised Code that provides diagnostic imaging; 2073

(2) An entity that is reviewed as part of a hospital 2074
accreditation or certification program and that provides 2075
diagnostic imaging; 2076

(3) An ambulatory surgical facility that provides 2077
diagnostic imaging in conjunction with or during any portion of 2078
a surgical procedure. 2079

Sec. 3732.01. As used in sections 3732.01 to 3732.06 of 2080
the Revised Code: 2081

(A) "Collect" means for a regulated entity to obtain 2082
personal reproductive or sexual health information in any 2083
manner. 2084

(B) "Commerce" has the same meaning as in the "Federal 2085
Trade Commission Act," 15 U.S.C. 44. 2086

(C) "Disclose" means for a regulated entity to release, 2087
transfer, sell, provide access to, license, or divulge personal 2088
reproductive or sexual health information in any manner to a 2089

third party, including the federal government, the state, any 2090
political subdivision, or a law enforcement agency. 2091

(D) (1) "Express consent" means informed, opt-in, 2092
voluntary, specific, and unambiguous written consent, including 2093
by electronic means, to collecting, retaining, using, or 2094
disclosing personal reproductive or sexual health information. 2095

(2) "Express consent" does not include any of the 2096
following: 2097

(a) Consent secured without first providing to the 2098
individual a clear and conspicuous disclosure, apart from any 2099
privacy policy, terms of service, terms of use, general release, 2100
user agreement, or other similar document, of all information 2101
material to the provision of consent; 2102

(b) Hovering over, muting, pausing, or closing a given 2103
piece of content; 2104

(c) Agreement obtained through the use of a user interface 2105
designed or manipulated with the substantial effect of 2106
subverting or impairing user autonomy, decision-making, or 2107
choice. 2108

(E) "Personal information" means information that 2109
identifies, relates to, describes, is reasonably capable of 2110
being associated with, or could reasonably be linked, directly 2111
or indirectly to, a particular individual. 2112

(F) "Personal reproductive or sexual health information" 2113
means personal information relating to the past, present, or 2114
future reproductive or sexual health of an individual, including 2115
any of the following: 2116

(1) Efforts to research or obtain reproductive or sexual 2117

<u>information, services, or supplies, including location</u>	2118
<u>information that might indicate an attempt to acquire or receive</u>	2119
<u>such information, services, or supplies;</u>	2120
<u>(2) Reproductive or sexual health conditions, status,</u>	2121
<u>diseases, or diagnoses, including pregnancy, menstruation,</u>	2122
<u>ovulation, and the ability to conceive a pregnancy, regardless</u>	2123
<u>of whether such individual is sexually active, and whether such</u>	2124
<u>individual is engaging in unprotected sex;</u>	2125
<u>(3) Reproductive and sexual health-related surgeries or</u>	2126
<u>procedures, including the termination of a pregnancy;</u>	2127
<u>(4) Use or purchase of contraceptives, birth control, or</u>	2128
<u>any medication related to reproductive health, including</u>	2129
<u>abortifacients;</u>	2130
<u>(5) Bodily functions, vital signs, measurements, or</u>	2131
<u>symptoms related to menstruation or pregnancy, such as basal</u>	2132
<u>temperature, cramps, bodily discharge, or hormone levels;</u>	2133
<u>(6) Any information about diagnoses or diagnostic testing,</u>	2134
<u>treatment, medications, or the use of any product or service</u>	2135
<u>relating to the matters described in divisions (F)(1) to (5) of</u>	2136
<u>this section;</u>	2137
<u>(7) Any information described in divisions (F)(1) to (6)</u>	2138
<u>of this section that is derived or extrapolated from non-health</u>	2139
<u>information, including proxy, derivative, inferred, emergent, or</u>	2140
<u>algorithmic data.</u>	2141
<u>(G) (1) "Regulated entity" means any entity, to the extent</u>	2142
<u>the entity is engaged in activities in or affecting commerce,</u>	2143
<u>that is either:</u>	2144
<u>(a) A person, partnership, or corporation subject to the</u>	2145

<u>jurisdiction of the federal trade commission under section 5(a)</u>	2146
<u>(2) of the "Federal Trade Commission Act," 15 U.S.C. 45(a) (2);</u>	2147
<u>(b) Notwithstanding section 4, 5(a) (2), or 6 of the</u>	2148
<u>"Federal Trade Commission Act," 15 U.S.C. 44; 45(a) (2); 46, or</u>	2149
<u>any jurisdictional limitation of the commission, either of the</u>	2150
<u>following:</u>	2151
<u>(i) A common carrier subject to the "Communications Act of</u>	2152
<u>1934," 47 U.S.C. 151 et seq.;</u>	2153
<u>(ii) An organization not organized to carry on business</u>	2154
<u>for its own profit or that of its members.</u>	2155
<u>(2) "Regulated entity" does not include any of the</u>	2156
<u>following:</u>	2157
<u>(a) An entity that is a covered entity, as defined in 45</u>	2158
<u>C.F.R. 160.103, to the extent the entity is acting as a covered</u>	2159
<u>entity under the HIPAA privacy regulations, as defined in</u>	2160
<u>section 1180(b) (3) of the "Social Security Act," 42 U.S.C.</u>	2161
<u>1320d-9(b) (3);</u>	2162
<u>(b) An entity that is a business associate, as defined in</u>	2163
<u>45 C.F.R. 160.103, to the extent the entity is acting as a</u>	2164
<u>business associate under the HIPAA privacy regulations, as</u>	2165
<u>defined in section 1180(b) (3) of the "Social Security Act," 42</u>	2166
<u>U.S.C. 1320d-9(b) (3);</u>	2167
<u>(c) An entity that is subject to restrictions on</u>	2168
<u>disclosure of records under section 543 of the "Public Health</u>	2169
<u>Service Act," 42 U.S.C. 290dd-2, to the extent the entity is</u>	2170
<u>acting in a capacity subject to the restrictions.</u>	2171
<u>(H) (1) "Service provider" means a person to whom both of</u>	2172
<u>the following apply:</u>	2173

(a) Collects, retains, uses, or discloses personal reproductive or sexual health information for the sole purpose of, and only to the extent that the person is, conducting business activities on behalf of, for the benefit of, under instruction of, and under contractual agreement with a regulated entity and not any other individual or entity; 2174
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(b) Does not divulge personal reproductive or sexual health information to any individual or entity other than such regulated entity or a contractor to such service provider bound to information processing terms not less restrictive than terms to which the service provider is bound. 2180
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(2) A person shall only be considered a service provider in the course of activities described in division (H) (1) (a) of this section. 2185
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(I) "Third party" means any person who is not any of the following: 2188
2189

(1) The regulated entity that is disclosing or collecting personal reproductive or sexual health information; 2190
2191

(2) The individual to whom the personal reproductive or sexual health information relates; 2192
2193

(3) A service provider. 2194

Sec. 3732.02. (A) A regulated entity shall not collect, retain, use, or disclose personal reproductive or sexual health information, except under either of the following circumstances: 2195
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(1) With the express consent of the individual to whom such information relates; 2198
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(2) As is strictly necessary to provide a product or service that the individual to whom the information relates has 2200
2201

requested from the regulated entity. 2202

(B) A regulated entity shall restrict access to personal reproductive or sexual health information to the employees or service providers of the regulated entity for which access is necessary to provide a product or service that the individual to whom the information relates has requested from the regulated entity. 2203
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(C) For purposes of compliance with this section by a service provider of a regulated entity, a request from an individual to the regulated entity for a product or service, and an express consent from the individual to the regulated entity, shall be treated as having also been provided to the service provider. 2209
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Sec. 3732.03. (A) (1) A regulated entity shall make available a reasonable mechanism by which an individual, upon a verified request, may access both of the following: 2215
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(a) Any personal reproductive or sexual health information relating to the individual that is retained by the regulated entity, including both of the following: 2218
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(i) In the case of the information that the regulated entity collected from third parties, how and from which specific third parties the regulated entity collected the information; 2221
2222
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(ii) The information that the regulated entity inferred about the individual. 2224
2225

(b) A list of the specific third parties to which the regulated entity has disclosed any personal reproductive or sexual health information relating to such individual. 2226
2227
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(2) A regulated entity shall make the information 2229

described in division (A) (1) of this section available in both a 2230
human-readable format and a structured, interoperable, and 2231
machine-readable format. 2232

(B) (1) A regulated entity shall make available a 2233
reasonable mechanism by which an individual, upon a verified 2234
request, may request the deletion of any personal reproductive 2235
or sexual health information relating to the individual that is 2236
retained by the regulated entity, including any information that 2237
the regulated entity collected from a third party or inferred 2238
from other information retained by the regulated entity. 2239

(2) A regulated entity shall comply with a verified 2240
request received under this section without undue delay but not 2241
later than fifteen days after the date on which such regulated 2242
entity receives the verified request. 2243

(3) A regulated entity shall not charge a fee to an 2244
individual for a request made under this section. 2245

(C) Nothing in this section shall be construed to require 2246
a regulated entity to do any of the following: 2247

(1) Take an action that would convert information that is 2248
not personal information into personal information; 2249

(2) Collect or retain personal information that the 2250
regulated entity would otherwise not collect or retain; 2251

(3) Retain personal information longer than the regulated 2252
entity would otherwise retain the information. 2253

(D) For purposes of this section, "reasonable mechanism" 2254
means, with respect to a regulated entity and a right under 2255
division (B) of this section, a mechanism to which both of the 2256
following apply: 2257

(1) It is equivalent in availability and ease of use to that of other mechanisms for communicating or interacting with the regulated entity. 2258
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(2) It includes an online means of exercising the right described under division (B) of this section. 2261
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Sec. 3732.04. (A) A regulated entity shall maintain a privacy policy relating to the practices of the regulated entity regarding the collecting, retaining, using, and disclosing of personal reproductive or sexual health information. 2263
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(B) If a regulated entity has a web site, it shall prominently publish the privacy policy on the web site. 2267
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(C) The privacy policy shall be clear and conspicuous and shall include all of the following: 2269
2270

(1) A description of the practices of the regulated entity regarding the collecting, retaining, using, and disclosing of personal reproductive or sexual health information; 2271
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(2) A clear and concise statement of the categories of the information collected, retained, used, or disclosed by the regulated entity; 2274
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(3) A clear and concise statement of the purposes of the regulated entity for the collecting, retaining, using, or disclosing of the information; 2277
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2279

(4) A list of the specific third parties to which the regulated entity discloses the information, and a clear and concise statement of the purposes for which the regulated entity discloses the information, including how the information may be used by each such third party; 2280
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(5) A list of the specific third parties from which the 2285

regulated entity has collected the information, and a clear and 2286
concise statement of the purposes for which the regulated entity 2287
collects the information; 2288

(6) A clear and concise statement describing the extent to 2289
which individuals may exercise control over the collecting, 2290
retaining, using, and disclosing of personal reproductive or 2291
sexual health information by the regulated entity, and the steps 2292
an individual must take to implement such controls; 2293

(7) A clear and concise statement describing the efforts 2294
of the regulated entity to protect personal reproductive or 2295
sexual health information from unauthorized disclosure. 2296

Sec. 3732.05. (A) Any individual alleging a violation of 2297
sections 3732.02 to 3732.04 of the Revised Code may bring a 2298
civil action in any court of competent jurisdiction. 2299

(B) In a civil action brought under this section in which 2300
the plaintiff prevails, the court may award the following: 2301

(1) An amount not less than one hundred dollars and not 2302
greater than one thousand dollars per violation per day, or 2303
actual damages, whichever is greater; 2304

(2) Punitive damages; 2305

(3) Reasonable attorneys' fees and litigation costs; 2306

(4) Any other relief, including equitable or declaratory 2307
relief, that the court determines appropriate. 2308

(C) A violation of sections 3732.02 to 3732.04 of the 2309
Revised Code constitutes a concrete and particularized injury in 2310
fact to the individual to whom such information relates. 2311

(D) (1) Notwithstanding any other provision of law, no pre- 2312

dispute arbitration agreement or pre-dispute joint-action waiver 2313
is valid or enforceable with respect to a dispute arising under 2314
sections 3732.02 to 3732.04 of the Revised Code. 2315

(2) Any determination as to whether or how division (D) of 2316
this section applies to any dispute shall be made by a court, 2317
rather than an arbitrator, without regard to whether the 2318
agreement purports to delegate the determination to an 2319
arbitrator. 2320

(E) For purposes of this section: 2321

(1) "Pre-dispute arbitration agreement" means any 2322
agreement to arbitrate a dispute that has not arisen at the time 2323
of the making of the agreement. 2324

(2) "Pre-dispute joint-action waiver" means an agreement 2325
that would prohibit a party from participating in a joint, 2326
class, or collective action in a judicial, arbitral, 2327
administrative, or other forum, concerning a dispute that has 2328
not yet arisen at the time of the making of the agreement. 2329

Sec. 3732.06. (A) A violation of sections 3732.02 to 2330
3732.04 of the Revised Code is an unfair or deceptive act or 2331
practice in violation of section 1345.02 of the Revised Code. A 2332
person injured by a violation of those sections has a cause of 2333
action and is entitled to the same relief available to a 2334
consumer under section 1345.09 of the Revised Code. 2335

(B) The attorney general shall enforce sections 3732.02 to 2336
3732.04 of the Revised Code in the same manner, by the same 2337
means, and with the same jurisdiction, powers, and duties as 2338
applicable for violations of sections 1345.01 to 1345.13 of the 2339
Revised Code. Any regulated entity that violates those sections 2340
is subject to the provisions, including penalties, of Chapter 2341

1345. of the Revised Code. 2342

(C) The attorney general may adopt rules as necessary to 2343
implement and enforce sections 3732.02 to 3732.04 of the Revised 2344
Code. Any rules shall be adopted in accordance with Chapter 119. 2345
of the Revised Code. 2346

Sec. 3732.07. As used in sections 3732.07 to 3732.09 of 2347
the Revised Code: 2348

(A) "Abusive litigant" means a person who voluntarily 2349
initiates or intervenes in abusive litigation. 2350

(B) "Abusive litigation" means litigation or other legal 2351
action, whether civil or criminal in nature, that is intended to 2352
deter, prevent, sanction or punish any person providing or 2353
obtaining reproductive health care, or assisting another to 2354
receive or provide reproductive health care by either of the 2355
following: 2356

(1) Filing or prosecuting any action where liability, in 2357
whole or in part, is based on reproductive health care that 2358
occurred in Ohio, was provided in Ohio, or was intended to be 2359
obtained or provided in Ohio, including any action in which 2360
liability is based on any theory of vicarious, joint, or several 2361
liability derived therefrom; 2362

(2) Attempting to enforce any order or judgment issued in 2363
connection with any action described in division (B)(1) of this 2364
section against an Ohio protected party. 2365

(C) "Contraception" means any medication, device, 2366
procedure, or practice designed or employed to prevent 2367
pregnancy, the use of which is lawful in Ohio. 2368

(D) "Protected party" means a reproductive health care 2369

provider, a reproductive health care helper, or an individual 2370
accessing or seeking to access reproductive health care in Ohio. 2371

(E) "Reproductive health care" means all medical, 2372
surgical, counseling, or referral services that are lawful in 2373
Ohio or the receipt of products relating to the human 2374
reproductive system that is lawful in Ohio, including services 2375
or products relating to the use or intended use of a particular 2376
medicine or device, medical service or procedure, practice, or 2377
similar intervention, that are related to the human reproductive 2378
system, including fertility-related medical procedures or 2379
medicines; sexually transmitted disease prevention, testing, or 2380
treatment; gender affirming care; and family planning services 2381
and counseling, such as those related to birth control 2382
medication or supplies, other contraception methods, 2383
sterilization procedures, pregnancy testing, or the intended or 2384
actual initiation or termination of a pregnancy. 2385

(F) "Reproductive health care helper" means a person who 2386
facilitates or otherwise has supported or is supporting an 2387
individual in seeking or receiving reproductive health care in 2388
Ohio, including a person who provides funding, lodging, 2389
transportation, doula services, information, data sharing 2390
services such as electronic medical records programs, or other 2391
financial or practical support to an individual seeking or 2392
receiving reproductive health care. 2393

(G) "Take part in abusive litigation" means to voluntarily 2394
engage in abusive litigation without legal compulsion in a 2395
manner that is intended to deter, prevent, sanction, or punish a 2396
protected party for such party's connection to reproductive 2397
health care in Ohio. 2398

(H) "Wrongful action" means the procurement, initiation, 2399

or continuation of abusive litigation that causes harm to a 2400
protected party where any of the following apply: 2401

(1) An Ohio court definitively concludes that the abusive 2402
litigation is plainly baseless as a matter of law. 2403

(2) The abusive litigation at issue was voluntarily 2404
withdrawn or dismissed and there was no objective basis to 2405
conclude the abusive litigation would result in an enforceable 2406
judgment against the protected party. 2407

(3) The abusive litigation was dismissed by a court and 2408
there was no objective basis to conclude the abusive litigation 2409
would result in an enforceable judgment against the protected 2410
party. 2411

(4) An abusive litigant has obtained a judgment in a 2412
foreign state through abusive litigation and sought to enforce 2413
such judgment in Ohio but enforcement has been refused because 2414
the judgment is penal in nature or proscribes future conduct, 2415
the original court lacked jurisdiction, or the court has 2416
otherwise recognized an exception to recognition of such 2417
judgment, and there was no objective basis to conclude the 2418
judgment would be enforceable against the protected party in 2419
Ohio. 2420

(5) An abusive litigant has collected on a judgment 2421
obtained through abusive litigation predicated, in whole or in 2422
material part, on conduct that occurred in Ohio and to which all 2423
of the following apply: 2424

(a) The conduct was lawful in Ohio at the time it took 2425
place. 2426

(b) There is no comparable cause of action or liability 2427
under Ohio law. 2428

(c) There is no law or legal principle that prevents the 2429
recoupment of damages for the harm caused to the protected party 2430
aggrieved by such abusive litigation. 2431

Sec. 3732.08. (A) No person shall take part in abusive 2432
litigation against any Ohio reproductive health care patient, 2433
that such person knows or should know will constitute a wrongful 2434
action where liability, in whole or in part, is based on an 2435
individual seeking or receiving reproductive health care in Ohio 2436
that is lawful in Ohio. 2437

(B) (1) Except as provided in division (B) (2) of this 2438
section, no person shall take part in abusive litigation against 2439
a reproductive health care provider or reproductive health care 2440
helper that such person knows or should know will constitute a 2441
wrongful action where liability, in whole or in part, is related 2442
to either of the following: 2443

(a) The alleged provision of, the alleged seeking of, or 2444
an individual allegedly receiving reproductive health care in 2445
Ohio; 2446

(b) The alleged aiding or assisting in the provision, 2447
seeking, or receipt of reproductive health care in Ohio that is 2448
lawful in Ohio. 2449

(2) Division (B) (1) of this section does not apply to 2450
either of the following: 2451

(a) A tort, contract, or statute-based litigation, if a 2452
similar claim would exist under Ohio law if brought by the 2453
individual who received the reproductive health care service on 2454
which the original lawsuit was based, or if brought by the 2455
individual's authorized legal representative, for damages 2456
suffered from harm to the individual or another's loss of 2457

<u>consortium with the individual;</u>	2458
<u>(b) A breach of contract litigation, if a similar claim</u>	2459
<u>would exist under Ohio law if brought or sought to be enforced</u>	2460
<u>by a party with a contractual relationship with the person that</u>	2461
<u>is the subject of the action in another state.</u>	2462
<u>(C) Any person aggrieved by a wrongful action in violation</u>	2463
<u>of this section may bring a civil action in a court of competent</u>	2464
<u>jurisdiction against an abusive litigant and may recover, for</u>	2465
<u>each violation, the following:</u>	2466
<u>(1) Actual damages created by the wrongful action,</u>	2467
<u>including money damages in the amount of any judgment awarded in</u>	2468
<u>such wrongful action, and reasonable attorney's fees and costs</u>	2469
<u>incurred to defend against such wrongful action, whether or not</u>	2470
<u>a judgment was awarded;</u>	2471
<u>(2) Reasonable attorneys' fees and costs incurred to bring</u>	2472
<u>an action under this section;</u>	2473
<u>(3) Any other legal or equitable relief as the court may</u>	2474
<u>determine appropriate to remedy the violation.</u>	2475
<u>Sec. 3732.09.</u> (A) <u>Nothing in sections 3732.01 to 3732.09</u>	2476
<u>of the Revised Code shall be construed to do the following:</u>	2477
<u>(1) Apply to a lawsuit brought in another jurisdiction</u>	2478
<u>where no part of the acts that formed the basis for liability</u>	2479
<u>occurred in Ohio or application of sections 3732.01 to 3732.09</u>	2480
<u>of the Revised Code would result in the extraterritorial</u>	2481
<u>application of those sections in a manner that is not</u>	2482
<u>incidental;</u>	2483
<u>(2) Limit the rights of an aggrieved person to recover</u>	2484
<u>damages or seek legal protection under any other applicable law</u>	2485

or legal theory. 2486

(B) The provisions of sections 3732.01 to 3732.09 of the 2487
Revised Code shall be interpreted consistently with the United 2488
States Constitution and other applicable law and shall not 2489
unlawfully prohibit constitutionally protected activity. 2490

Sec. 3732.11. (A) No health care provider or health care 2491
facility shall be required or compelled to provide patient 2492
records to any out-of-state third party, including the federal 2493
government, another state, any political subdivision, or a law 2494
enforcement agency. 2495

(B) For purposes of this section: 2496

(1) "Health care facility" has the same meaning as in 2497
section 2925.11 of the Revised Code. 2498

(2) "Health care provider" has the same meaning as in 2499
section 2305.2311 of the Revised Code. 2500

Sec. 4112.01. (A) As used in this chapter: 2501

(1) "Person" includes one or more individuals, 2502
partnerships, associations, organizations, corporations, legal 2503
representatives, trustees, trustees in bankruptcy, receivers, 2504
and other organized groups of persons. "Person" also includes, 2505
but is not limited to, any owner, lessor, assignor, builder, 2506
manager, broker, salesperson, appraiser, agent, employee, 2507
lending institution, and the state and all political 2508
subdivisions, authorities, agencies, boards, and commissions of 2509
the state. 2510

(2) "Employer" means the state, any political subdivision 2511
of the state, or a person employing four or more persons within 2512
the state, and any agent of the state, political subdivision, or 2513

person.	2514
(3) "Employee" means an individual employed by any employer but does not include any individual employed in the domestic service of any person.	2515 2516 2517
(4) "Labor organization" includes any organization that exists, in whole or in part, for the purpose of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment.	2518 2519 2520 2521 2522
(5) "Employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer, or place employees.	2523 2524 2525 2526
(6) "Commission" means the Ohio civil rights commission created by section 4112.03 of the Revised Code.	2527 2528
(7) "Discriminate" includes segregate or separate.	2529
(8) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, or 4112.022 of the Revised Code.	2530 2531 2532
(9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public.	2533 2534 2535 2536 2537 2538
(10) "Housing accommodations" includes any building or structure, or portion of a building or structure, that is used or occupied or is intended, arranged, or designed to be used or	2539 2540 2541

occupied as the home residence, dwelling, dwelling unit, or 2542
sleeping place of one or more individuals, groups, or families 2543
whether or not living independently of each other; and any 2544
vacant land offered for sale or lease. "Housing accommodations" 2545
also includes any housing accommodations held or offered for 2546
sale or rent by a real estate broker, salesperson, or agent, by 2547
any other person pursuant to authorization of the owner, by the 2548
owner, or by the owner's legal representative. 2549

(11) "Restrictive covenant" means any specification 2550
limiting the transfer, rental, lease, or other use of any 2551
housing accommodations because of race, color, religion, sex, 2552
military status, familial status, national origin, disability, 2553
or ancestry, or any limitation based upon affiliation with or 2554
approval by any person, directly or indirectly, employing race, 2555
color, religion, sex, military status, familial status, national 2556
origin, disability, or ancestry as a condition of affiliation or 2557
approval. 2558

(12) "Burial lot" means any lot for the burial of deceased 2559
persons within any public burial ground or cemetery, including, 2560
but not limited to, cemeteries owned and operated by municipal 2561
corporations, townships, or companies or associations 2562
incorporated for cemetery purposes. 2563

(13) "Disability" means a physical or mental impairment 2564
that substantially limits one or more major life activities, 2565
including the functions of caring for one's self, performing 2566
manual tasks, walking, seeing, hearing, speaking, breathing, 2567
learning, and working; a record of a physical or mental 2568
impairment; or being regarded as having a physical or mental 2569
impairment. 2570

(14) Except as otherwise provided in section 4112.021 of 2571

the Revised Code, "age" means an individual aged forty years or older. 2572
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(15) "Familial status" means either of the following: 2574

(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian; 2575
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(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age. 2580
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(16) (a) Except as provided in division (A) (16) (b) of this section, "physical or mental impairment" includes any of the following: 2583
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(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; 2586
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(ii) Any mental or psychological disorder, including, but not limited to, intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities; 2592
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(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, intellectual disability, emotional illness, drug addiction, and alcoholism. 2595
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(b) "Physical or mental impairment" does not include any	2601
of the following:	2602
(i) Homosexuality and bisexuality;	2603
(ii) Transvestism, transsexualism, pedophilia,	2604
exhibitionism, voyeurism, gender identity disorders not	2605
resulting from physical impairments, or other sexual behavior	2606
disorders;	2607
(iii) Compulsive gambling, kleptomania, or pyromania;	2608
(iv) Psychoactive substance use disorders resulting from	2609
the current illegal use of a controlled substance or the current	2610
use of alcoholic beverages.	2611
(17) "Dwelling unit" means a single unit of residence for	2612
a family of one or more persons.	2613
(18) "Common use areas" means rooms, spaces, or elements	2614
inside or outside a building that are made available for the use	2615
of residents of the building or their guests, and includes, but	2616
is not limited to, hallways, lounges, lobbies, laundry rooms,	2617
refuse rooms, mail rooms, recreational areas, and passageways	2618
among and between buildings.	2619
(19) "Public use areas" means interior or exterior rooms	2620
or spaces of a privately or publicly owned building that are	2621
made available to the general public.	2622
(20) "Controlled substance" has the same meaning as in	2623
section 3719.01 of the Revised Code.	2624
(21) "Disabled tenant" means a tenant or prospective	2625
tenant who is a person with a disability.	2626
(22) "Military status" means a person's status in "service	2627

in the uniformed services" as defined in section 5923.05 of the Revised Code. 2628
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(23) "Aggrieved person" includes both of the following: 2630

(a) Any person who claims to have been injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code; 2631
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(b) Any person who believes that the person will be injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code that is about to occur. 2634
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(24) "Unlawful discriminatory practice relating to employment" means both of the following: 2638
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(a) An unlawful discriminatory practice that is prohibited by division (A), (B), (C), (D), (E), or (F) of section 4112.02 of the Revised Code; 2640
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(b) An unlawful discriminatory practice that is prohibited by division (I) or (J) of section 4112.02 of the Revised Code that is related to employment. 2643
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(25) "Notice of right to sue" means a notice sent by the commission to a person who files a charge under section 4112.051 of the Revised Code that states that the person who filed the charge may bring a civil action related to the charge pursuant to section 4112.052 or 4112.14 of the Revised Code, in accordance with section 4112.052 of the Revised Code. 2646
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(B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and 2652
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occurring during the course of a pregnancy, childbirth, 2656
abortion, miscarriage, family planning, or related medical 2657
conditions. Women affected by pregnancy, childbirth, abortion, 2658
miscarriage, family planning, or related medical conditions 2659
shall be treated the same for all employment-related purposes, 2660
including receipt of benefits under fringe benefit programs, as 2661
other persons not so affected but similar in their ability or 2662
inability to work, and nothing in division (B) of section 2663
4111.17 of the Revised Code shall be interpreted to permit 2664
otherwise. This division shall not be construed to require an 2665
employer to pay for health insurance benefits for abortion, 2666
except where the life of the mother would be endangered if the 2667
fetus were carried to term or except where medical complications 2668
have arisen from the abortion, provided that nothing in this 2669
division precludes an employer from providing abortion benefits 2670
or otherwise affects bargaining agreements in regard to 2671
abortion. 2672

Sec. 4112.02. It shall be an unlawful discriminatory 2673
practice: 2674

(A) For any employer, ~~because of the race, color,~~ 2675
~~religion, sex, military status, national origin, disability,~~ 2676
~~age, or ancestry of any person,~~ to discharge without just cause, 2677
to refuse to hire, or otherwise to discriminate against ~~that any~~ 2678
person with respect to hire, tenure, terms, conditions, or 2679
privileges of employment, or any matter directly or indirectly 2680
related to employment because of any of the following: 2681

(1) The race, color, religion, sex, military status, 2682
national origin, disability, age, or ancestry of the person; 2683

(2) Any reproductive health decision made by the person, 2684
including a decision to use a particular drug, device, or 2685

<u>medical service, including abortion and services related to a</u>	2686
<u>miscarriage or family planning.</u>	2687
(B) For an employment agency or personnel placement	2688
service, because of race, color, religion, sex, military status,	2689
national origin, disability, age, or ancestry, to do any of the	2690
following:	2691
(1) Refuse or fail to accept, register, classify properly,	2692
or refer for employment, or otherwise discriminate against any	2693
person;	2694
(2) Comply with a request from an employer for referral of	2695
applicants for employment if the request directly or indirectly	2696
indicates that the employer fails to comply with the provisions	2697
of sections 4112.01 to 4112.07 of the Revised Code.	2698
(C) For any labor organization to do any of the following:	2699
(1) Limit or classify its membership on the basis of race,	2700
color, religion, sex, military status, national origin,	2701
disability, age, or ancestry;	2702
(2) Discriminate against, limit the employment	2703
opportunities of, or otherwise adversely affect the employment	2704
status, wages, hours, or employment conditions of any person as	2705
an employee because of race, color, religion, sex, military	2706
status, national origin, disability, age, or ancestry.	2707
(D) For any employer, labor organization, or joint labor-	2708
management committee controlling apprentice training programs to	2709
discriminate against any person because of race, color,	2710
religion, sex, military status, national origin, disability, or	2711
ancestry in admission to, or employment in, any program	2712
established to provide apprentice training.	2713

(E) Except where based on a bona fide occupational 2714
qualification certified in advance by the commission, for any 2715
employer, employment agency, personnel placement service, or 2716
labor organization, prior to employment or admission to 2717
membership, to do any of the following: 2718

(1) Elicit or attempt to elicit any information concerning 2719
the race, color, religion, sex, military status, national 2720
origin, disability, age, or ancestry of an applicant for 2721
employment or membership; 2722

(2) Make or keep a record of the race, color, religion, 2723
sex, military status, national origin, disability, age, or 2724
ancestry of any applicant for employment or membership; 2725

(3) Use any form of application for employment, or 2726
personnel or membership blank, seeking to elicit information 2727
regarding race, color, religion, sex, military status, national 2728
origin, disability, age, or ancestry; but an employer holding a 2729
contract containing a nondiscrimination clause with the 2730
government of the United States, or any department or agency of 2731
that government, may require an employee or applicant for 2732
employment to furnish documentary proof of United States 2733
citizenship and may retain that proof in the employer's 2734
personnel records and may use photographic or fingerprint 2735
identification for security purposes; 2736

(4) Print or publish or cause to be printed or published 2737
any notice or advertisement relating to employment or membership 2738
indicating any preference, limitation, specification, or 2739
discrimination, based upon race, color, religion, sex, military 2740
status, national origin, disability, age, or ancestry; 2741

(5) Announce or follow a policy of denying or limiting, 2742

through a quota system or otherwise, employment or membership 2743
opportunities of any group because of the race, color, religion, 2744
sex, military status, national origin, disability, age, or 2745
ancestry of that group; 2746

(6) Utilize in the recruitment or hiring of persons any 2747
employment agency, personnel placement service, training school 2748
or center, labor organization, or any other employee-referring 2749
source known to discriminate against persons because of their 2750
race, color, religion, sex, military status, national origin, 2751
disability, age, or ancestry. 2752

(F) For any person seeking employment to publish or cause 2753
to be published any advertisement that specifies or in any 2754
manner indicates that person's race, color, religion, sex, 2755
military status, national origin, disability, age, or ancestry, 2756
or expresses a limitation or preference as to the race, color, 2757
religion, sex, military status, national origin, disability, 2758
age, or ancestry of any prospective employer. 2759

(G) For any proprietor or any employee, keeper, or manager 2760
of a place of public accommodation to deny to any person, except 2761
for reasons applicable alike to all persons regardless of race, 2762
color, religion, sex, military status, national origin, 2763
disability, age, or ancestry, the full enjoyment of the 2764
accommodations, advantages, facilities, or privileges of the 2765
place of public accommodation. 2766

(H) Subject to section 4112.024 of the Revised Code, for 2767
any person to do any of the following: 2768

(1) Refuse to sell, transfer, assign, rent, lease, 2769
sublease, or finance housing accommodations, refuse to negotiate 2770
for the sale or rental of housing accommodations, or otherwise 2771

deny or make unavailable housing accommodations because of race, 2772
color, religion, sex, military status, familial status, 2773
ancestry, disability, or national origin; 2774

(2) Represent to any person that housing accommodations 2775
are not available for inspection, sale, or rental, when in fact 2776
they are available, because of race, color, religion, sex, 2777
military status, familial status, ancestry, disability, or 2778
national origin; 2779

(3) Discriminate against any person in the making or 2780
purchasing of loans or the provision of other financial 2781
assistance for the acquisition, construction, rehabilitation, 2782
repair, or maintenance of housing accommodations, or any person 2783
in the making or purchasing of loans or the provision of other 2784
financial assistance that is secured by residential real estate, 2785
because of race, color, religion, sex, military status, familial 2786
status, ancestry, disability, or national origin or because of 2787
the racial composition of the neighborhood in which the housing 2788
accommodations are located, provided that the person, whether an 2789
individual, corporation, or association of any type, lends money 2790
as one of the principal aspects or incident to the person's 2791
principal business and not only as a part of the purchase price 2792
of an owner-occupied residence the person is selling nor merely 2793
casually or occasionally to a relative or friend; 2794

(4) Discriminate against any person in the terms or 2795
conditions of selling, transferring, assigning, renting, 2796
leasing, or subleasing any housing accommodations or in 2797
furnishing facilities, services, or privileges in connection 2798
with the ownership, occupancy, or use of any housing 2799
accommodations, including the sale of fire, extended coverage, 2800
or homeowners insurance, because of race, color, religion, sex, 2801

military status, familial status, ancestry, disability, or 2802
national origin or because of the racial composition of the 2803
neighborhood in which the housing accommodations are located; 2804

(5) Discriminate against any person in the terms or 2805
conditions of any loan of money, whether or not secured by 2806
mortgage or otherwise, for the acquisition, construction, 2807
rehabilitation, repair, or maintenance of housing accommodations 2808
because of race, color, religion, sex, military status, familial 2809
status, ancestry, disability, or national origin or because of 2810
the racial composition of the neighborhood in which the housing 2811
accommodations are located; 2812

(6) Refuse to consider without prejudice the combined 2813
income of both husband and wife for the purpose of extending 2814
mortgage credit to a married couple or either member of a 2815
married couple; 2816

(7) Print, publish, or circulate any statement or 2817
advertisement, or make or cause to be made any statement or 2818
advertisement, relating to the sale, transfer, assignment, 2819
rental, lease, sublease, or acquisition of any housing 2820
accommodations, or relating to the loan of money, whether or not 2821
secured by mortgage or otherwise, for the acquisition, 2822
construction, rehabilitation, repair, or maintenance of housing 2823
accommodations, that indicates any preference, limitation, 2824
specification, or discrimination based upon race, color, 2825
religion, sex, military status, familial status, ancestry, 2826
disability, or national origin, or an intention to make any such 2827
preference, limitation, specification, or discrimination; 2828

(8) Except as otherwise provided in division (H) (8) or 2829
(17) of this section, make any inquiry, elicit any information, 2830
make or keep any record, or use any form of application 2831

containing questions or entries concerning race, color, 2832
religion, sex, military status, familial status, ancestry, 2833
disability, or national origin in connection with the sale or 2834
lease of any housing accommodations or the loan of any money, 2835
whether or not secured by mortgage or otherwise, for the 2836
acquisition, construction, rehabilitation, repair, or 2837
maintenance of housing accommodations. Any person may make 2838
inquiries, and make and keep records, concerning race, color, 2839
religion, sex, military status, familial status, ancestry, 2840
disability, or national origin for the purpose of monitoring 2841
compliance with this chapter. 2842

(9) Include in any transfer, rental, or lease of housing 2843
accommodations any restrictive covenant, or honor or exercise, 2844
or attempt to honor or exercise, any restrictive covenant; 2845

(10) Induce or solicit, or attempt to induce or solicit, a 2846
housing accommodations listing, sale, or transaction by 2847
representing that a change has occurred or may occur with 2848
respect to the racial, religious, sexual, military status, 2849
familial status, or ethnic composition of the block, 2850
neighborhood, or other area in which the housing accommodations 2851
are located, or induce or solicit, or attempt to induce or 2852
solicit, a housing accommodations listing, sale, or transaction 2853
by representing that the presence or anticipated presence of 2854
persons of any race, color, religion, sex, military status, 2855
familial status, ancestry, disability, or national origin, in 2856
the block, neighborhood, or other area will or may have results 2857
including, but not limited to, the following: 2858

(a) The lowering of property values; 2859

(b) A change in the racial, religious, sexual, military 2860
status, familial status, or ethnic composition of the block, 2861

neighborhood, or other area;	2862
(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area;	2863 2864
(d) A decline in the quality of the schools serving the block, neighborhood, or other area.	2865 2866
(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, on account of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry;	2867 2868 2869 2870 2871 2872 2873 2874
(12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section;	2875 2876 2877 2878 2879
(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, military status, familial status, or ethnic composition;	2880 2881 2882 2883 2884
(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;	2885 2886 2887 2888 2889
(15) Discriminate in the sale or rental of, or otherwise	2890

make unavailable or deny, housing accommodations to any buyer or	2891
renter because of a disability of any of the following:	2892
(a) The buyer or renter;	2893
(b) A person residing in or intending to reside in the	2894
housing accommodations after they are sold, rented, or made	2895
available;	2896
(c) Any individual associated with the person described in	2897
division (H) (15) (b) of this section.	2898
(16) Discriminate in the terms, conditions, or privileges	2899
of the sale or rental of housing accommodations to any person or	2900
in the provision of services or facilities to any person in	2901
connection with the housing accommodations because of a	2902
disability of any of the following:	2903
(a) That person;	2904
(b) A person residing in or intending to reside in the	2905
housing accommodations after they are sold, rented, or made	2906
available;	2907
(c) Any individual associated with the person described in	2908
division (H) (16) (b) of this section.	2909
(17) Except as otherwise provided in division (H) (17) of	2910
this section, make an inquiry to determine whether an applicant	2911
for the sale or rental of housing accommodations, a person	2912
residing in or intending to reside in the housing accommodations	2913
after they are sold, rented, or made available, or any	2914
individual associated with that person has a disability, or make	2915
an inquiry to determine the nature or severity of a disability	2916
of the applicant or such a person or individual. The following	2917
inquiries may be made of all applicants for the sale or rental	2918

of housing accommodations, regardless of whether they have	2919
disabilities:	2920
(a) An inquiry into an applicant's ability to meet the	2921
requirements of ownership or tenancy;	2922
(b) An inquiry to determine whether an applicant is	2923
qualified for housing accommodations available only to persons	2924
with disabilities or persons with a particular type of	2925
disability;	2926
(c) An inquiry to determine whether an applicant is	2927
qualified for a priority available to persons with disabilities	2928
or persons with a particular type of disability;	2929
(d) An inquiry to determine whether an applicant currently	2930
uses a controlled substance in violation of section 2925.11 of	2931
the Revised Code or a substantively comparable municipal	2932
ordinance;	2933
(e) An inquiry to determine whether an applicant at any	2934
time has been convicted of or pleaded guilty to any offense, an	2935
element of which is the illegal sale, offer to sell,	2936
cultivation, manufacture, other production, shipment,	2937
transportation, delivery, or other distribution of a controlled	2938
substance.	2939
(18) (a) Refuse to permit, at the expense of a person with	2940
a disability, reasonable modifications of existing housing	2941
accommodations that are occupied or to be occupied by the person	2942
with a disability, if the modifications may be necessary to	2943
afford the person with a disability full enjoyment of the	2944
housing accommodations. This division does not preclude a	2945
landlord of housing accommodations that are rented or to be	2946
rented to a tenant with a disability from conditioning	2947

permission for a proposed modification upon the tenant with a disability doing one or more of the following: 2948
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(i) Providing a reasonable description of the proposed modification and reasonable assurances that the proposed modification will be made in a workerlike manner and that any required building permits will be obtained prior to the commencement of the proposed modification; 2950
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(ii) Agreeing to restore at the end of the tenancy the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if it is reasonable for the landlord to condition permission for the proposed modification upon the agreement; 2955
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(iii) Paying into an interest-bearing escrow account that is in the landlord's name, over a reasonable period of time, a reasonable amount of money not to exceed the projected costs at the end of the tenancy of the restoration of the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if the landlord finds the account reasonably necessary to ensure the availability of funds for the restoration work. The interest earned in connection with an escrow account described in this division shall accrue to the benefit of the tenant with a disability who makes payments into the account. 2961
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(b) A landlord shall not condition permission for a proposed modification upon a tenant with a disability's payment of a security deposit that exceeds the customarily required security deposit of all tenants of the particular housing accommodations. 2973
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(19) Refuse to make reasonable accommodations in rules,	2978
policies, practices, or services when necessary to afford a	2979
person with a disability equal opportunity to use and enjoy a	2980
dwelling unit, including associated public and common use areas;	2981
(20) Fail to comply with the standards and rules adopted	2982
under division (A) of section 3781.111 of the Revised Code;	2983
(21) Discriminate against any person in the selling,	2984
brokering, or appraising of real property because of race,	2985
color, religion, sex, military status, familial status,	2986
ancestry, disability, or national origin;	2987
(22) Fail to design and construct covered multifamily	2988
dwellings for first occupancy on or after June 30, 1992, in	2989
accordance with the following conditions:	2990
(a) The dwellings shall have at least one building	2991
entrance on an accessible route, unless it is impractical to do	2992
so because of the terrain or unusual characteristics of the	2993
site.	2994
(b) With respect to dwellings that have a building	2995
entrance on an accessible route, all of the following apply:	2996
(i) The public use areas and common use areas of the	2997
dwellings shall be readily accessible to and usable by persons	2998
with a disability.	2999
(ii) All the doors designed to allow passage into and	3000
within all premises shall be sufficiently wide to allow passage	3001
by persons with a disability who are in wheelchairs.	3002
(iii) All premises within covered multifamily dwelling	3003
units shall contain an accessible route into and through the	3004
dwelling; all light switches, electrical outlets, thermostats,	3005

and other environmental controls within such units shall be in 3006
accessible locations; the bathroom walls within such units shall 3007
contain reinforcements to allow later installation of grab bars; 3008
and the kitchens and bathrooms within such units shall be 3009
designed and constructed in a manner that enables an individual 3010
in a wheelchair to maneuver about such rooms. 3011

For purposes of division (H) (22) of this section, "covered 3012
multifamily dwellings" means buildings consisting of four or 3013
more units if such buildings have one or more elevators and 3014
ground floor units in other buildings consisting of four or more 3015
units. 3016

(I) For any person to discriminate in any manner against 3017
any other person because that person has opposed any unlawful 3018
discriminatory practice defined in this section or because that 3019
person has made a charge, testified, assisted, or participated 3020
in any manner in any investigation, proceeding, or hearing under 3021
sections 4112.01 to 4112.07 of the Revised Code. 3022

(J) For any person to aid, abet, incite, compel, or coerce 3023
the doing of any act declared by this section to be an unlawful 3024
discriminatory practice, to obstruct or prevent any person from 3025
complying with this chapter or any order issued under it, or to 3026
attempt directly or indirectly to commit any act declared by 3027
this section to be an unlawful discriminatory practice. 3028

(K) Nothing in divisions (A) to (E) of this section shall 3029
be construed to require a person with a disability to be 3030
employed or trained under circumstances that would significantly 3031
increase the occupational hazards affecting either the person 3032
with a disability, other employees, the general public, or the 3033
facilities in which the work is to be performed, or to require 3034
the employment or training of a person with a disability in a 3035

job that requires the person with a disability routinely to 3036
undertake any task, the performance of which is substantially 3037
and inherently impaired by the person's disability. 3038

(L) With regard to age, it shall not be an unlawful 3039
discriminatory practice and it shall not constitute a violation 3040
of division (A) of section 4112.14 of the Revised Code for any 3041
employer, employment agency, joint labor-management committee 3042
controlling apprenticeship training programs, or labor 3043
organization to do any of the following: 3044

(1) Establish bona fide employment qualifications 3045
reasonably related to the particular business or occupation that 3046
may include standards for skill, aptitude, physical capability, 3047
intelligence, education, maturation, and experience; 3048

(2) Observe the terms of a bona fide seniority system or 3049
any bona fide employee benefit plan, including, but not limited 3050
to, a retirement, pension, or insurance plan, that is not a 3051
subterfuge to evade the purposes of this section. However, no 3052
such employee benefit plan shall excuse the failure to hire any 3053
individual, and no such seniority system or employee benefit 3054
plan shall require or permit the involuntary retirement of any 3055
individual, because of the individual's age except as provided 3056
for in the "Age Discrimination in Employment Act Amendment of 3057
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 3058
Discrimination in Employment Act Amendments of 1986," 100 Stat. 3059
3342, 29 U.S.C.A. 623, as amended. 3060

(3) Retire an employee who has attained sixty-five years 3061
of age who, for the two-year period immediately before 3062
retirement, is employed in a bona fide executive or a high 3063
policymaking position, if the employee is entitled to an 3064
immediate nonforfeitable annual retirement benefit from a 3065

pension, profit-sharing, savings, or deferred compensation plan, 3066
or any combination of those plans, of the employer of the 3067
employee, which equals, in the aggregate, at least forty-four 3068
thousand dollars, in accordance with the conditions of the "Age 3069
Discrimination in Employment Act Amendment of 1978," 92 Stat. 3070
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 3071
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 3072
631, as amended; 3073

(4) Observe the terms of any bona fide apprenticeship 3074
program if the program is registered with the Ohio 3075
apprenticeship council pursuant to sections 4139.01 to 4139.06 3076
of the Revised Code and is approved by the federal committee on 3077
apprenticeship of the United States department of labor. 3078

(M) Nothing in this chapter prohibiting age discrimination 3079
and nothing in division (A) of section 4112.14 of the Revised 3080
Code shall be construed to prohibit the following: 3081

(1) The designation of uniform age the attainment of which 3082
is necessary for public employees to receive pension or other 3083
retirement benefits pursuant to Chapter 145., 742., 3307., 3084
3309., or 5505. of the Revised Code; 3085

(2) The mandatory retirement of uniformed patrol officers 3086
of the state highway patrol as provided in section 5505.16 of 3087
the Revised Code; 3088

(3) The maximum age requirements for appointment as a 3089
patrol officer in the state highway patrol established by 3090
section 5503.01 of the Revised Code; 3091

(4) The maximum age requirements established for original 3092
appointment to a police department or fire department in 3093
sections 124.41 and 124.42 of the Revised Code; 3094

(5) Any maximum age not in conflict with federal law that 3095
may be established by a municipal charter, municipal ordinance, 3096
or resolution of a board of township trustees for original 3097
appointment as a police officer or firefighter; 3098

(6) Any mandatory retirement provision not in conflict 3099
with federal law of a municipal charter, municipal ordinance, or 3100
resolution of a board of township trustees pertaining to police 3101
officers and firefighters; 3102

(7) Until January 1, 1994, the mandatory retirement of any 3103
employee who has attained seventy years of age and who is 3104
serving under a contract of unlimited tenure, or similar 3105
arrangement providing for unlimited tenure, at an institution of 3106
higher education as defined in the "Education Amendments of 3107
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 3108

(N) (1) (a) Except as provided in division (N) (1) (b) of this 3109
section, for purposes of divisions (A) to (E) of this section, a 3110
disability does not include any physiological disorder or 3111
condition, mental or psychological disorder, or disease or 3112
condition caused by an illegal use of any controlled substance 3113
by an employee, applicant, or other person, if an employer, 3114
employment agency, personnel placement service, labor 3115
organization, or joint labor-management committee acts on the 3116
basis of that illegal use. 3117

(b) Division (N) (1) (a) of this section does not apply to 3118
an employee, applicant, or other person who satisfies any of the 3119
following: 3120

(i) The employee, applicant, or other person has 3121
successfully completed a supervised drug rehabilitation program 3122
and no longer is engaging in the illegal use of any controlled 3123

substance, or the employee, applicant, or other person otherwise 3124
successfully has been rehabilitated and no longer is engaging in 3125
that illegal use. 3126

(ii) The employee, applicant, or other person is 3127
participating in a supervised drug rehabilitation program and no 3128
longer is engaging in the illegal use of any controlled 3129
substance. 3130

(iii) The employee, applicant, or other person is 3131
erroneously regarded as engaging in the illegal use of any 3132
controlled substance, but the employee, applicant, or other 3133
person is not engaging in that illegal use. 3134

(2) Divisions (A) to (E) of this section do not prohibit 3135
an employer, employment agency, personnel placement service, 3136
labor organization, or joint labor-management committee from 3137
doing any of the following: 3138

(a) Adopting or administering reasonable policies or 3139
procedures, including, but not limited to, testing for the 3140
illegal use of any controlled substance, that are designed to 3141
ensure that an individual described in division (N) (1) (b) (i) or 3142
(ii) of this section no longer is engaging in the illegal use of 3143
any controlled substance; 3144

(b) Prohibiting the illegal use of controlled substances 3145
and the use of alcohol at the workplace by all employees; 3146

(c) Requiring that employees not be under the influence of 3147
alcohol or not be engaged in the illegal use of any controlled 3148
substance at the workplace; 3149

(d) Requiring that employees behave in conformance with 3150
the requirements established under "The Drug-Free Workplace Act 3151
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 3152

(e) Holding an employee who engages in the illegal use of 3153
any controlled substance or who has alcoholism to the same 3154
qualification standards for employment or job performance, and 3155
the same behavior, to which the employer, employment agency, 3156
personnel placement service, labor organization, or joint labor- 3157
management committee holds other employees, even if any 3158
unsatisfactory performance or behavior is related to an 3159
employee's illegal use of a controlled substance or alcoholism; 3160

(f) Exercising other authority recognized in the 3161
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 3162
U.S.C.A. 12101, as amended, including, but not limited to, 3163
requiring employees to comply with any applicable federal 3164
standards. 3165

(3) For purposes of this chapter, a test to determine the 3166
illegal use of any controlled substance does not include a 3167
medical examination. 3168

(4) Division (N) of this section does not encourage, 3169
prohibit, or authorize, and shall not be construed as 3170
encouraging, prohibiting, or authorizing, the conduct of testing 3171
for the illegal use of any controlled substance by employees, 3172
applicants, or other persons, or the making of employment 3173
decisions based on the results of that type of testing. 3174

(O) This section does not apply to a religious 3175
corporation, association, educational institution, or society 3176
with respect to the employment of an individual of a particular 3177
religion to perform work connected with the carrying on by that 3178
religious corporation, association, educational institution, or 3179
society of its activities. 3180

The unlawful discriminatory practices defined in this 3181

section do not make it unlawful for a person or an appointing 3182
authority administering an examination under section 124.23 of 3183
the Revised Code to obtain information about an applicant's 3184
military status for the purpose of determining if the applicant 3185
is eligible for the additional credit that is available under 3186
that section. 3187

Sec. 4729.291. (A) Except when provided under section 3188
4731.97 of the Revised Code, when a licensed health professional 3189
authorized to prescribe drugs personally furnishes drugs to a 3190
patient pursuant to division (B) of section 4729.29 of the 3191
Revised Code, the prescriber shall ensure that the drugs are 3192
labeled and packaged in accordance with state and federal drug 3193
laws and any rules and regulations adopted pursuant to those 3194
laws. Records of purchase and disposition of all drugs 3195
personally furnished to patients shall be maintained by the 3196
prescriber in accordance with state and federal drug statutes 3197
and any rules adopted pursuant to those statutes. 3198

(B) When personally furnishing to a patient RU-486 3199
(mifepristone), a prescriber is subject to ~~sections~~ section 3200
2919.123 ~~and 2919.124~~ of the Revised Code. 3201

(C) (1) Except as provided in divisions (D) and (E) of this 3202
section, no prescriber shall do either of the following: 3203

(a) In any thirty-day period, personally furnish to or for 3204
patients, taken as a whole, controlled substances in an amount 3205
that exceeds a total of two thousand five hundred dosage units; 3206

(b) In any seventy-two-hour period, personally furnish to 3207
or for a patient an amount of a controlled substance that 3208
exceeds the amount necessary for the patient's use in a seventy- 3209
two-hour period. 3210

(2) The state board of pharmacy may impose a fine of not 3211
more than five thousand dollars on a prescriber who fails to 3212
comply with the limits established under division (C) (1) of this 3213
section. A separate fine may be imposed for each instance of 3214
failing to comply with the limits. In imposing the fine, the 3215
board's actions shall be taken in accordance with Chapter 119. 3216
of the Revised Code. 3217

(D) None of the following shall be counted in determining 3218
whether the amounts specified in division (C) (1) of this section 3219
have been exceeded: 3220

(1) Methadone personally furnished to patients for the 3221
purpose of treating drug dependence or addiction, if the 3222
prescriber meets the conditions specified in 21 C.F.R. 1306.07; 3223

(2) Buprenorphine personally furnished to patients for the 3224
purpose of treating drug dependence or addiction as part of an 3225
opioid treatment program licensed under section 5119.37 of the 3226
Revised Code. 3227

(3) Controlled substances personally furnished to research 3228
subjects by a facility conducting clinical research in studies 3229
approved by a hospital-based institutional review board or an 3230
institutional review board accredited by the association for the 3231
accreditation of human research protection programs. 3232

(E) Division (C) (1) of this section does not apply to a 3233
prescriber who is a veterinarian. 3234

Sec. 4731.22. (A) The state medical board, by an 3235
affirmative vote of not fewer than six of its members, may 3236
limit, revoke, or suspend a license or certificate to practice 3237
or certificate to recommend, refuse to grant a license or 3238
certificate, refuse to renew a license or certificate, refuse to 3239

reinstate a license or certificate, or reprimand or place on 3240
probation the holder of a license or certificate if the 3241
individual applying for or holding the license or certificate is 3242
found by the board to have committed fraud during the 3243
administration of the examination for a license or certificate 3244
to practice or to have committed fraud, misrepresentation, or 3245
deception in applying for, renewing, or securing any license or 3246
certificate to practice or certificate to recommend issued by 3247
the board. 3248

(B) Except as provided in division (P) of this section, 3249
the board, by an affirmative vote of not fewer than six members, 3250
shall, to the extent permitted by law, limit, revoke, or suspend 3251
a license or certificate to practice or certificate to 3252
recommend, refuse to issue a license or certificate, refuse to 3253
renew a license or certificate, refuse to reinstate a license or 3254
certificate, or reprimand or place on probation the holder of a 3255
license or certificate for one or more of the following reasons: 3256

(1) Permitting one's name or one's license or certificate 3257
to practice to be used by a person, group, or corporation when 3258
the individual concerned is not actually directing the treatment 3259
given; 3260

(2) Failure to maintain minimal standards applicable to 3261
the selection or administration of drugs, or failure to employ 3262
acceptable scientific methods in the selection of drugs or other 3263
modalities for treatment of disease; 3264

(3) Except as provided in section 4731.97 of the Revised 3265
Code, selling, giving away, personally furnishing, prescribing, 3266
or administering drugs for other than legal and legitimate 3267
therapeutic purposes or a plea of guilty to, a judicial finding 3268
of guilt of, or a judicial finding of eligibility for 3269

intervention in lieu of conviction of, a violation of any 3270
federal or state law regulating the possession, distribution, or 3271
use of any drug; 3272

(4) Willfully betraying a professional confidence. 3273

For purposes of this division, "willfully betraying a 3274
professional confidence" does not include providing any 3275
information, documents, or reports under sections 307.621 to 3276
307.629 of the Revised Code to a child fatality review board; 3277
does not include providing any information, documents, or 3278
reports under sections 307.631 to 307.6410 of the Revised Code 3279
to a drug overdose fatality review committee, a suicide fatality 3280
review committee, or hybrid drug overdose fatality and suicide 3281
fatality review committee; does not include providing any 3282
information, documents, or reports under sections 307.651 to 3283
307.659 of the Revised Code to a domestic violence fatality 3284
review board; does not include providing any information, 3285
documents, or reports to the director of health pursuant to 3286
guidelines established under section 3701.70 of the Revised 3287
Code; does not include written notice to a mental health 3288
professional under section 4731.62 of the Revised Code; and does 3289
not include the making of a report of an employee's use of a 3290
drug of abuse, or a report of a condition of an employee other 3291
than one involving the use of a drug of abuse, to the employer 3292
of the employee as described in division (B) of section 2305.33 3293
of the Revised Code. Nothing in this division affects the 3294
immunity from civil liability conferred by section 2305.33 or 3295
4731.62 of the Revised Code upon a physician who makes a report 3296
in accordance with section 2305.33 or notifies a mental health 3297
professional in accordance with section 4731.62 of the Revised 3298
Code. As used in this division, "employee," "employer," and 3299
"physician" have the same meanings as in section 2305.33 of the 3300

Revised Code. 3301

(5) Making a false, fraudulent, deceptive, or misleading 3302
statement in the solicitation of or advertising for patients; in 3303
relation to the practice of medicine and surgery, osteopathic 3304
medicine and surgery, podiatric medicine and surgery, or a 3305
limited branch of medicine; or in securing or attempting to 3306
secure any license or certificate to practice issued by the 3307
board. 3308

As used in this division, "false, fraudulent, deceptive, 3309
or misleading statement" means a statement that includes a 3310
misrepresentation of fact, is likely to mislead or deceive 3311
because of a failure to disclose material facts, is intended or 3312
is likely to create false or unjustified expectations of 3313
favorable results, or includes representations or implications 3314
that in reasonable probability will cause an ordinarily prudent 3315
person to misunderstand or be deceived. 3316

(6) A departure from, or the failure to conform to, 3317
minimal standards of care of similar practitioners under the 3318
same or similar circumstances, whether or not actual injury to a 3319
patient is established; 3320

(7) Representing, with the purpose of obtaining 3321
compensation or other advantage as personal gain or for any 3322
other person, that an incurable disease or injury, or other 3323
incurable condition, can be permanently cured; 3324

(8) The obtaining of, or attempting to obtain, money or 3325
anything of value by fraudulent misrepresentations in the course 3326
of practice; 3327

(9) A plea of guilty to, a judicial finding of guilt of, 3328
or a judicial finding of eligibility for intervention in lieu of 3329

conviction for, a felony;	3330
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	3331 3332 3333
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	3334 3335 3336 3337
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	3338 3339 3340
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	3341 3342 3343
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	3344 3345 3346
(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;	3347 3348
(16) Failure to pay license renewal fees specified in this chapter;	3349 3350
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	3351 3352 3353 3354 3355
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American	3356 3357

medical association, the American osteopathic association, the 3358
American podiatric medical association, or any other national 3359
professional organizations that the board specifies by rule. The 3360
state medical board shall obtain and keep on file current copies 3361
of the codes of ethics of the various national professional 3362
organizations. The individual whose license or certificate is 3363
being suspended or revoked shall not be found to have violated 3364
any provision of a code of ethics of an organization not 3365
appropriate to the individual's profession. 3366

For purposes of this division, a "provision of a code of 3367
ethics of a national professional organization" does not include 3368
any provision that would preclude the making of a report by a 3369
physician of an employee's use of a drug of abuse, or of a 3370
condition of an employee other than one involving the use of a 3371
drug of abuse, to the employer of the employee as described in 3372
division (B) of section 2305.33 of the Revised Code. Nothing in 3373
this division affects the immunity from civil liability 3374
conferred by that section upon a physician who makes either type 3375
of report in accordance with division (B) of that section. As 3376
used in this division, "employee," "employer," and "physician" 3377
have the same meanings as in section 2305.33 of the Revised 3378
Code. 3379

(19) Inability to practice according to acceptable and 3380
prevailing standards of care by reason of mental illness or 3381
physical illness, including, but not limited to, physical 3382
deterioration that adversely affects cognitive, motor, or 3383
perceptive skills. 3384

In enforcing this division, the board, upon a showing of a 3385
possible violation, shall refer any individual who is authorized 3386
to practice by this chapter or who has submitted an application 3387

pursuant to this chapter to the monitoring organization that 3388
conducts the confidential monitoring program established under 3389
section 4731.25 of the Revised Code. The board also may compel 3390
the individual to submit to a mental examination, physical 3391
examination, including an HIV test, or both a mental and a 3392
physical examination. The expense of the examination is the 3393
responsibility of the individual compelled to be examined. 3394
Failure to submit to a mental or physical examination or consent 3395
to an HIV test ordered by the board constitutes an admission of 3396
the allegations against the individual unless the failure is due 3397
to circumstances beyond the individual's control, and a default 3398
and final order may be entered without the taking of testimony 3399
or presentation of evidence. If the board finds an individual 3400
unable to practice because of the reasons set forth in this 3401
division, the board shall require the individual to submit to 3402
care, counseling, or treatment by physicians approved or 3403
designated by the board, as a condition for initial, continued, 3404
reinstated, or renewed authority to practice. An individual 3405
affected under this division shall be afforded an opportunity to 3406
demonstrate to the board the ability to resume practice in 3407
compliance with acceptable and prevailing standards under the 3408
provisions of the individual's license or certificate. For the 3409
purpose of this division, any individual who applies for or 3410
receives a license or certificate to practice under this chapter 3411
accepts the privilege of practicing in this state and, by so 3412
doing, shall be deemed to have given consent to submit to a 3413
mental or physical examination when directed to do so in writing 3414
by the board, and to have waived all objections to the 3415
admissibility of testimony or examination reports that 3416
constitute a privileged communication. 3417

(20) Except as provided in division (F) (1) (b) of section 3418

4731.282 of the Revised Code or when civil penalties are imposed 3419
under section 4731.225 of the Revised Code, and subject to 3420
section 4731.226 of the Revised Code, violating or attempting to 3421
violate, directly or indirectly, or assisting in or abetting the 3422
violation of, or conspiring to violate, any provisions of this 3423
chapter or any rule promulgated by the board. 3424

This division does not apply to a violation or attempted 3425
violation of, assisting in or abetting the violation of, or a 3426
conspiracy to violate, any provision of this chapter or any rule 3427
adopted by the board that would preclude the making of a report 3428
by a physician of an employee's use of a drug of abuse, or of a 3429
condition of an employee other than one involving the use of a 3430
drug of abuse, to the employer of the employee as described in 3431
division (B) of section 2305.33 of the Revised Code. Nothing in 3432
this division affects the immunity from civil liability 3433
conferred by that section upon a physician who makes either type 3434
of report in accordance with division (B) of that section. As 3435
used in this division, "employee," "employer," and "physician" 3436
have the same meanings as in section 2305.33 of the Revised 3437
Code. 3438

(21) The violation of ~~section 3701.79 of the Revised Code~~ 3439
~~or of any~~ abortion rule adopted by the director of health 3440
pursuant to section 3701.341 of the Revised Code; 3441

(22) Any of the following actions taken by an agency 3442
responsible for authorizing, certifying, or regulating an 3443
individual to practice a health care occupation or provide 3444
health care services in this state or another jurisdiction, for 3445
any reason other than the nonpayment of fees: the limitation, 3446
revocation, or suspension of an individual's license to 3447
practice; acceptance of an individual's license surrender; 3448

denial of a license; refusal to renew or reinstate a license; 3449
imposition of probation; or issuance of an order of censure or 3450
other reprimand; 3451

(23) The violation of section 2919.12 of the Revised Code— 3452
~~or the performance or inducement of an abortion upon a pregnant—~~ 3453
~~woman with actual knowledge that the conditions specified in—~~ 3454
~~division (B) of section 2317.56 of the Revised Code have not—~~ 3455
~~been satisfied or with a heedless indifference as to whether—~~ 3456
~~those conditions have been satisfied, unless an affirmative—~~ 3457
~~defense as specified in division (H) (2) of that section would—~~ 3458
~~apply in a civil action authorized by division (H) (1) of that—~~ 3459
~~section;~~ 3460

(24) The revocation, suspension, restriction, reduction, 3461
or termination of clinical privileges by the United States 3462
department of defense or department of veterans affairs or the 3463
termination or suspension of a certificate of registration to 3464
prescribe drugs by the drug enforcement administration of the 3465
United States department of justice; 3466

(25) Termination or suspension from participation in the 3467
medicare or medicaid programs by the department of health and 3468
human services or other responsible agency; 3469

(26) Impairment of ability to practice according to 3470
acceptable and prevailing standards of care because of substance 3471
use disorder or excessive use or abuse of drugs, alcohol, or 3472
other substances that may impair ability to practice. 3473

For the purposes of this division, any individual 3474
authorized to practice by this chapter accepts the privilege of 3475
practicing in this state subject to supervision by the board. By 3476
filing an application for or holding a license or certificate to 3477

practice under this chapter, an individual shall be deemed to 3478
have given consent to submit to a mental or physical examination 3479
when ordered to do so by the board in writing, and to have 3480
waived all objections to the admissibility of testimony or 3481
examination reports that constitute privileged communications. 3482

If it has reason to believe that any individual authorized 3483
to practice by this chapter or any applicant for licensure or 3484
certification to practice suffers such impairment, the board 3485
shall refer the individual to the monitoring organization that 3486
conducts the confidential monitoring program established under 3487
section 4731.25 of the Revised Code. The board also may compel 3488
the individual to submit to a mental or physical examination, or 3489
both. The expense of the examination is the responsibility of 3490
the individual compelled to be examined. Any mental or physical 3491
examination required under this division shall be undertaken by 3492
a treatment provider or physician who is qualified to conduct 3493
the examination and who is approved under section 4731.251 of 3494
the Revised Code. 3495

Failure to submit to a mental or physical examination 3496
ordered by the board constitutes an admission of the allegations 3497
against the individual unless the failure is due to 3498
circumstances beyond the individual's control, and a default and 3499
final order may be entered without the taking of testimony or 3500
presentation of evidence. If the board determines that the 3501
individual's ability to practice is impaired, the board shall 3502
suspend the individual's license or certificate or deny the 3503
individual's application and shall require the individual, as a 3504
condition for initial, continued, reinstated, or renewed 3505
licensure or certification to practice, to submit to treatment. 3506

Before being eligible to apply for reinstatement of a 3507

license or certificate suspended under this division, the 3508
impaired practitioner shall demonstrate to the board the ability 3509
to resume practice in compliance with acceptable and prevailing 3510
standards of care under the provisions of the practitioner's 3511
license or certificate. The demonstration shall include, but 3512
shall not be limited to, the following: 3513

(a) Certification from a treatment provider approved under 3514
section 4731.251 of the Revised Code that the individual has 3515
successfully completed any required inpatient treatment; 3516

(b) Evidence of continuing full compliance with an 3517
aftercare contract or consent agreement; 3518

(c) Two written reports indicating that the individual's 3519
ability to practice has been assessed and that the individual 3520
has been found capable of practicing according to acceptable and 3521
prevailing standards of care. The reports shall be made by 3522
individuals or providers approved by the board for making the 3523
assessments and shall describe the basis for their 3524
determination. 3525

The board may reinstate a license or certificate suspended 3526
under this division after that demonstration and after the 3527
individual has entered into a written consent agreement. 3528

When the impaired practitioner resumes practice, the board 3529
shall require continued monitoring of the individual. The 3530
monitoring shall include, but not be limited to, compliance with 3531
the written consent agreement entered into before reinstatement 3532
or with conditions imposed by board order after a hearing, and, 3533
upon termination of the consent agreement, submission to the 3534
board for at least two years of annual written progress reports 3535
made under penalty of perjury stating whether the individual has 3536

maintained sobriety.	3537
(27) A second or subsequent violation of section 4731.66	3538
or 4731.69 of the Revised Code;	3539
(28) Except as provided in division (N) of this section:	3540
(a) Waiving the payment of all or any part of a deductible	3541
or copayment that a patient, pursuant to a health insurance or	3542
health care policy, contract, or plan that covers the	3543
individual's services, otherwise would be required to pay if the	3544
waiver is used as an enticement to a patient or group of	3545
patients to receive health care services from that individual;	3546
(b) Advertising that the individual will waive the payment	3547
of all or any part of a deductible or copayment that a patient,	3548
pursuant to a health insurance or health care policy, contract,	3549
or plan that covers the individual's services, otherwise would	3550
be required to pay.	3551
(29) Failure to use universal blood and body fluid	3552
precautions established by rules adopted under section 4731.051	3553
of the Revised Code;	3554
(30) Failure to provide notice to, and receive	3555
acknowledgment of the notice from, a patient when required by	3556
section 4731.143 of the Revised Code prior to providing	3557
nonemergency professional services, or failure to maintain that	3558
notice in the patient's medical record;	3559
(31) Failure of a physician supervising a physician	3560
assistant to maintain supervision in accordance with the	3561
requirements of Chapter 4730. of the Revised Code and the rules	3562
adopted under that chapter;	3563
(32) Failure of a physician or podiatrist to enter into a	3564

standard care arrangement with a clinical nurse specialist, 3565
certified nurse-midwife, or certified nurse practitioner with 3566
whom the physician or podiatrist is in collaboration pursuant to 3567
section 4731.27 of the Revised Code or failure to fulfill the 3568
responsibilities of collaboration after entering into a standard 3569
care arrangement; 3570

(33) Failure to comply with the terms of a consult 3571
agreement entered into with a pharmacist pursuant to section 3572
4729.39 of the Revised Code; 3573

(34) Failure to cooperate in an investigation conducted by 3574
the board under division (F) of this section, including failure 3575
to comply with a subpoena or order issued by the board or 3576
failure to answer truthfully a question presented by the board 3577
in an investigative interview, an investigative office 3578
conference, at a deposition, or in written interrogatories, 3579
except that failure to cooperate with an investigation shall not 3580
constitute grounds for discipline under this section if a court 3581
of competent jurisdiction has issued an order that either 3582
quashes a subpoena or permits the individual to withhold the 3583
testimony or evidence in issue; 3584

(35) Failure to supervise an anesthesiologist assistant in 3585
accordance with Chapter 4760. of the Revised Code and the 3586
board's rules for supervision of an anesthesiologist assistant; 3587

(36) Assisting suicide, as defined in section 3795.01 of 3588
the Revised Code; 3589

~~(37) Failure to comply with the requirements of section~~ 3590
~~2317.561 of the Revised Code;~~ 3591

~~(38)~~ (37) Failure to supervise a radiologist assistant in 3592
accordance with Chapter 4774. of the Revised Code and the 3593

board's rules for supervision of radiologist assistants; 3594

~~(39) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;~~ 3595
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~~(40)~~ (38) Failure to comply with the standards and 3599
procedures established in rules under section 4731.054 of the 3600
Revised Code for the operation of or the provision of care at a 3601
pain management clinic; 3602

~~(41)~~ (39) Failure to comply with the standards and 3603
procedures established in rules under section 4731.054 of the 3604
Revised Code for providing supervision, direction, and control 3605
of individuals at a pain management clinic; 3606

~~(42)~~ (40) Failure to comply with the requirements of 3607
section 4729.79 or 4731.055 of the Revised Code, unless the 3608
state board of pharmacy no longer maintains a drug database 3609
pursuant to section 4729.75 of the Revised Code; 3610

~~(43) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;~~ 3611
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~~(44)~~ (41) Practicing at a facility that is subject to 3616
licensure as a category III terminal distributor of dangerous 3617
drugs with a pain management clinic classification unless the 3618
person operating the facility has obtained and maintains the 3619
license with the classification; 3620

~~(45)~~ (42) Owning a facility that is subject to licensure 3621
as a category III terminal distributor of dangerous drugs with a 3622

pain management clinic classification unless the facility is 3623
licensed with the classification; 3624

~~(46) Failure to comply with any of the requirements 3625
regarding making or maintaining medical records or documents 3626
described in division (A) of section 2919.192, division (C) of 3627
section 2919.193, division (B) of section 2919.195, or division 3628
(A) of section 2919.196 of the Revised Code; 3629~~

~~(47)~~ (43) Failure to comply with the requirements in 3630
section 3719.061 of the Revised Code before issuing for a minor 3631
a prescription for an opioid analgesic, as defined in section 3632
3719.01 of the Revised Code; 3633

~~(48)~~ (44) Failure to comply with the requirements of 3634
section 4731.30 of the Revised Code or rules adopted under 3635
section 4731.301 of the Revised Code when recommending treatment 3636
with medical marijuana; 3637

~~(49)~~ (45) A pattern of continuous or repeated violations 3638
of division (E) (2) or (3) of section 3963.02 of the Revised 3639
Code; 3640

~~(50)~~ (46) Failure to fulfill the responsibilities of a 3641
collaboration agreement entered into with an athletic trainer as 3642
described in section 4755.621 of the Revised Code; 3643

~~(51)~~ (47) Failure to take the steps specified in section 3644
4731.911 of the Revised Code following an abortion or attempted 3645
abortion in an ambulatory surgical facility or other location 3646
that is not a hospital when a child is born alive. 3647

(C) Disciplinary actions taken by the board under 3648
divisions (A) and (B) of this section shall be taken pursuant to 3649
an adjudication under Chapter 119. of the Revised Code, except 3650
that in lieu of an adjudication, the board may enter into a 3651

consent agreement with an individual to resolve an allegation of 3652
a violation of this chapter or any rule adopted under it. A 3653
consent agreement, when ratified by an affirmative vote of not 3654
fewer than six members of the board, shall constitute the 3655
findings and order of the board with respect to the matter 3656
addressed in the agreement. If the board refuses to ratify a 3657
consent agreement, the admissions and findings contained in the 3658
consent agreement shall be of no force or effect. 3659

A telephone conference call may be utilized for 3660
ratification of a consent agreement that revokes or suspends an 3661
individual's license or certificate to practice or certificate 3662
to recommend. The telephone conference call shall be considered 3663
a special meeting under division (F) of section 121.22 of the 3664
Revised Code. 3665

If the board takes disciplinary action against an 3666
individual under division (B) of this section for a second or 3667
subsequent plea of guilty to, or judicial finding of guilt of, a 3668
violation of section 2919.123 ~~or 2919.124~~ of the Revised Code, 3669
the disciplinary action shall consist of a suspension of the 3670
individual's license or certificate to practice for a period of 3671
at least one year or, if determined appropriate by the board, a 3672
more serious sanction involving the individual's license or 3673
certificate to practice. Any consent agreement entered into 3674
under this division with an individual that pertains to a second 3675
or subsequent plea of guilty to, or judicial finding of guilt 3676
of, a violation of that section shall provide for a suspension 3677
of the individual's license or certificate to practice for a 3678
period of at least one year or, if determined appropriate by the 3679
board, a more serious sanction involving the individual's 3680
license or certificate to practice. 3681

(D) For purposes of divisions (B) (10), (12), and (14) of 3682
this section, the commission of the act may be established by a 3683
finding by the board, pursuant to an adjudication under Chapter 3684
119. of the Revised Code, that the individual committed the act. 3685
The board does not have jurisdiction under those divisions if 3686
the trial court renders a final judgment in the individual's 3687
favor and that judgment is based upon an adjudication on the 3688
merits. The board has jurisdiction under those divisions if the 3689
trial court issues an order of dismissal upon technical or 3690
procedural grounds. 3691

(E) The sealing or expungement of conviction records by 3692
any court shall have no effect upon a prior board order entered 3693
under this section or upon the board's jurisdiction to take 3694
action under this section if, based upon a plea of guilty, a 3695
judicial finding of guilt, or a judicial finding of eligibility 3696
for intervention in lieu of conviction, the board issued a 3697
notice of opportunity for a hearing prior to the court's order 3698
to seal or expunge the records. The board shall not be required 3699
to seal, expunge, destroy, redact, or otherwise modify its 3700
records to reflect the court's sealing of conviction records. 3701

(F) (1) The board shall investigate evidence that appears 3702
to show that a person has violated any provision of this chapter 3703
or any rule adopted under it. Any person may report to the board 3704
in a signed writing any information that the person may have 3705
that appears to show a violation of any provision of this 3706
chapter or any rule adopted under it. In the absence of bad 3707
faith, any person who reports information of that nature or who 3708
testifies before the board in any adjudication conducted under 3709
Chapter 119. of the Revised Code shall not be liable in damages 3710
in a civil action as a result of the report or testimony. Each 3711
complaint or allegation of a violation received by the board 3712

shall be assigned a case number and shall be recorded by the board. 3713
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(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case. 3715
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(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary of the board. 3724
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(a) Before issuance of a subpoena for patient record information, the secretary shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation. 3735
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(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under

division (E) of section 4731.054 of the Revised Code is 3773
confidential and not subject to discovery in any civil action. 3774

The board shall conduct all investigations or inspections 3775
and proceedings in a manner that protects the confidentiality of 3776
patients and persons who file complaints with the board. The 3777
board shall not make public the names or any other identifying 3778
information about patients or complainants unless proper consent 3779
is given or, in the case of a patient, a waiver of the patient 3780
privilege exists under division (B) of section 2317.02 of the 3781
Revised Code, except that consent or a waiver of that nature is 3782
not required if the board possesses reliable and substantial 3783
evidence that no bona fide physician-patient relationship 3784
exists. 3785

The board may share any information it receives pursuant 3786
to an investigation or inspection, including patient records and 3787
patient record information, with law enforcement agencies, other 3788
licensing boards, and other governmental agencies that are 3789
prosecuting, adjudicating, or investigating alleged violations 3790
of statutes or administrative rules. An agency or board that 3791
receives the information shall comply with the same requirements 3792
regarding confidentiality as those with which the state medical 3793
board must comply, notwithstanding any conflicting provision of 3794
the Revised Code or procedure of the agency or board that 3795
applies when it is dealing with other information in its 3796
possession. In a judicial proceeding, the information may be 3797
admitted into evidence only in accordance with the Rules of 3798
Evidence, but the court shall require that appropriate measures 3799
are taken to ensure that confidentiality is maintained with 3800
respect to any part of the information that contains names or 3801
other identifying information about patients or complainants 3802
whose confidentiality was protected by the state medical board 3803

when the information was in the board's possession. Measures to 3804
ensure confidentiality that may be taken by the court include 3805
sealing its records or deleting specific information from its 3806
records. 3807

(6) On a quarterly basis, the board shall prepare a report 3808
that documents the disposition of all cases during the preceding 3809
three months. The report shall contain the following information 3810
for each case with which the board has completed its activities: 3811

(a) The case number assigned to the complaint or alleged 3812
violation; 3813

(b) The type of license or certificate to practice, if 3814
any, held by the individual against whom the complaint is 3815
directed; 3816

(c) A description of the allegations contained in the 3817
complaint; 3818

(d) The disposition of the case. 3819

The report shall state how many cases are still pending 3820
and shall be prepared in a manner that protects the identity of 3821
each person involved in each case. The report shall be a public 3822
record under section 149.43 of the Revised Code. 3823

(G) If the secretary and supervising member determine both 3824
of the following, they may recommend that the board suspend an 3825
individual's license or certificate to practice or certificate 3826
to recommend without a prior hearing: 3827

(1) That there is clear and convincing evidence that an 3828
individual has violated division (B) of this section; 3829

(2) That the individual's continued practice presents a 3830
danger of immediate and serious harm to the public. 3831

Written allegations shall be prepared for consideration by 3832
the board. The board, upon review of those allegations and by an 3833
affirmative vote of not fewer than six of its members, excluding 3834
the secretary and supervising member, may suspend a license or 3835
certificate without a prior hearing. A telephone conference call 3836
may be utilized for reviewing the allegations and taking the 3837
vote on the summary suspension. 3838

The board shall serve a written order of suspension in 3839
accordance with sections 119.05 and 119.07 of the Revised Code. 3840
The order shall not be subject to suspension by the court during 3841
pendency of any appeal filed under section 119.12 of the Revised 3842
Code. If the individual subject to the summary suspension 3843
requests an adjudicatory hearing by the board, the date set for 3844
the hearing shall be within fifteen days, but not earlier than 3845
seven days, after the individual requests the hearing, unless 3846
otherwise agreed to by both the board and the individual. 3847

Any summary suspension imposed under this division shall 3848
remain in effect, unless reversed on appeal, until a final 3849
adjudicative order issued by the board pursuant to this section 3850
and Chapter 119. of the Revised Code becomes effective. The 3851
board shall issue its final adjudicative order within seventy- 3852
five days after completion of its hearing. A failure to issue 3853
the order within seventy-five days shall result in dissolution 3854
of the summary suspension order but shall not invalidate any 3855
subsequent, final adjudicative order. 3856

(H) If the board takes action under division (B) (9), (11), 3857
or (13) of this section and the judicial finding of guilt, 3858
guilty plea, or judicial finding of eligibility for intervention 3859
in lieu of conviction is overturned on appeal, upon exhaustion 3860
of the criminal appeal, a petition for reconsideration of the 3861

order may be filed with the board along with appropriate court 3862
documents. Upon receipt of a petition of that nature and 3863
supporting court documents, the board shall reinstate the 3864
individual's license or certificate to practice. The board may 3865
then hold an adjudication under Chapter 119. of the Revised Code 3866
to determine whether the individual committed the act in 3867
question. Notice of an opportunity for a hearing shall be given 3868
in accordance with Chapter 119. of the Revised Code. If the 3869
board finds, pursuant to an adjudication held under this 3870
division, that the individual committed the act or if no hearing 3871
is requested, the board may order any of the sanctions 3872
identified under division (B) of this section. 3873

(I) The license or certificate to practice issued to an 3874
individual under this chapter and the individual's practice in 3875
this state are automatically suspended as of the date of the 3876
individual's second or subsequent plea of guilty to, or judicial 3877
finding of guilt of, a violation of section 2919.123 ~~or 2919.124~~ 3878
of the Revised Code. In addition, the license or certificate to 3879
practice or certificate to recommend issued to an individual 3880
under this chapter and the individual's practice in this state 3881
are automatically suspended as of the date the individual pleads 3882
guilty to, is found by a judge or jury to be guilty of, or is 3883
subject to a judicial finding of eligibility for intervention in 3884
lieu of conviction in this state or treatment or intervention in 3885
lieu of conviction in another jurisdiction for any of the 3886
following criminal offenses in this state or a substantially 3887
equivalent criminal offense in another jurisdiction: aggravated 3888
murder, murder, voluntary manslaughter, felonious assault, 3889
kidnapping, rape, sexual battery, gross sexual imposition, 3890
aggravated arson, aggravated robbery, or aggravated burglary. 3891
Continued practice after suspension shall be considered 3892

practicing without a license or certificate. 3893

The board shall notify the individual subject to the 3894
suspension in accordance with sections 119.05 and 119.07 of the 3895
Revised Code. If an individual whose license or certificate is 3896
automatically suspended under this division fails to make a 3897
timely request for an adjudication under Chapter 119. of the 3898
Revised Code, the board shall do whichever of the following is 3899
applicable: 3900

(1) If the automatic suspension under this division is for 3901
a second or subsequent plea of guilty to, or judicial finding of 3902
guilt of, a violation of section 2919.123 ~~or 2919.124~~ of the 3903
Revised Code, the board shall enter an order suspending the 3904
individual's license or certificate to practice for a period of 3905
at least one year or, if determined appropriate by the board, 3906
imposing a more serious sanction involving the individual's 3907
license or certificate to practice. 3908

(2) In all circumstances in which division (I)(1) of this 3909
section does not apply, enter a final order permanently revoking 3910
the individual's license or certificate to practice. 3911

(J) If the board is required by Chapter 119. of the 3912
Revised Code to give notice of an opportunity for a hearing and 3913
if the individual subject to the notice does not timely request 3914
a hearing in accordance with section 119.07 of the Revised Code, 3915
the board is not required to hold a hearing, but may adopt, by 3916
an affirmative vote of not fewer than six of its members, a 3917
final order that contains the board's findings. In that final 3918
order, the board may order any of the sanctions identified under 3919
division (A) or (B) of this section. 3920

(K) Any action taken by the board under division (B) of 3921

this section resulting in a suspension from practice shall be 3922
accompanied by a written statement of the conditions under which 3923
the individual's license or certificate to practice may be 3924
reinstated. The board shall adopt rules governing conditions to 3925
be imposed for reinstatement. Reinstatement of a license or 3926
certificate suspended pursuant to division (B) of this section 3927
requires an affirmative vote of not fewer than six members of 3928
the board. 3929

(L) When the board refuses to grant or issue a license or 3930
certificate to practice to an applicant, revokes an individual's 3931
license or certificate to practice, refuses to renew an 3932
individual's license or certificate to practice, or refuses to 3933
reinstatement an individual's license or certificate to practice, 3934
the board may specify that its action is permanent. An 3935
individual subject to a permanent action taken by the board is 3936
forever thereafter ineligible to hold a license or certificate 3937
to practice and the board shall not accept an application for 3938
reinstatement of the license or certificate or for issuance of a 3939
new license or certificate. 3940

(M) Notwithstanding any other provision of the Revised 3941
Code, all of the following apply: 3942

(1) The surrender of a license or certificate issued under 3943
this chapter shall not be effective unless or until accepted by 3944
the board. A telephone conference call may be utilized for 3945
acceptance of the surrender of an individual's license or 3946
certificate to practice. The telephone conference call shall be 3947
considered a special meeting under division (F) of section 3948
121.22 of the Revised Code. Reinstatement of a license or 3949
certificate surrendered to the board requires an affirmative 3950
vote of not fewer than six members of the board. 3951

(2) An application for a license or certificate made under 3952
the provisions of this chapter may not be withdrawn without 3953
approval of the board. 3954

(3) Failure by an individual to renew a license or 3955
certificate to practice in accordance with this chapter or a 3956
certificate to recommend in accordance with rules adopted under 3957
section 4731.301 of the Revised Code does not remove or limit 3958
the board's jurisdiction to take any disciplinary action under 3959
this section against the individual. 3960

(4) The placement of an individual's license on retired 3961
status, as described in section 4731.283 of the Revised Code, 3962
does not remove or limit the board's jurisdiction to take any 3963
disciplinary action against the individual with regard to the 3964
license as it existed before being placed on retired status. 3965

(5) At the request of the board, a license or certificate 3966
holder shall immediately surrender to the board a license or 3967
certificate that the board has suspended, revoked, or 3968
permanently revoked. 3969

(N) Sanctions shall not be imposed under division (B) (28) 3970
of this section against any person who waives deductibles and 3971
copayments as follows: 3972

(1) In compliance with the health benefit plan that 3973
expressly allows such a practice. Waiver of the deductibles or 3974
copayments shall be made only with the full knowledge and 3975
consent of the plan purchaser, payer, and third-party 3976
administrator. Documentation of the consent shall be made 3977
available to the board upon request. 3978

(2) For professional services rendered to any other person 3979
authorized to practice pursuant to this chapter, to the extent 3980

allowed by this chapter and rules adopted by the board. 3981

(0) Under the board's investigative duties described in 3982
this section and subject to division (F) of this section, the 3983
board shall develop and implement a quality intervention program 3984
designed to improve through remedial education the clinical and 3985
communication skills of individuals authorized under this 3986
chapter to practice medicine and surgery, osteopathic medicine 3987
and surgery, and podiatric medicine and surgery. In developing 3988
and implementing the quality intervention program, the board may 3989
do all of the following: 3990

(1) Offer in appropriate cases as determined by the board 3991
an educational and assessment program pursuant to an 3992
investigation the board conducts under this section; 3993

(2) Select providers of educational and assessment 3994
services, including a quality intervention program panel of case 3995
reviewers; 3996

(3) Make referrals to educational and assessment service 3997
providers and approve individual educational programs 3998
recommended by those providers. The board shall monitor the 3999
progress of each individual undertaking a recommended individual 4000
educational program. 4001

(4) Determine what constitutes successful completion of an 4002
individual educational program and require further monitoring of 4003
the individual who completed the program or other action that 4004
the board determines to be appropriate; 4005

(5) Adopt rules in accordance with Chapter 119. of the 4006
Revised Code to further implement the quality intervention 4007
program. 4008

An individual who participates in an individual 4009

educational program pursuant to this division shall pay the 4010
financial obligations arising from that educational program. 4011

(P) The board shall not refuse to issue a license to an 4012
applicant because of a conviction, plea of guilty, judicial 4013
finding of guilt, judicial finding of eligibility for 4014
intervention in lieu of conviction, or the commission of an act 4015
that constitutes a criminal offense, unless the refusal is in 4016
accordance with section 9.79 of the Revised Code. 4017

Sec. 4731.223. (A) As used in this section, "prosecutor" 4018
has the same meaning as in section 2935.01 of the Revised Code. 4019

(B) Whenever any person holding a valid license or 4020
certificate issued pursuant to this chapter pleads guilty to, is 4021
subject to a judicial finding of guilt of, or is subject to a 4022
judicial finding of eligibility for intervention in lieu of 4023
conviction for a violation of Chapter 2907., 2925., or 3719. of 4024
the Revised Code or of any substantively comparable ordinance of 4025
a municipal corporation in connection with the person's 4026
practice, or for a second or subsequent time pleads guilty to, 4027
or is subject to a judicial finding of guilt of, a violation of 4028
section 2919.123 or ~~2919.124~~ of the Revised Code, the prosecutor 4029
in the case, on forms prescribed and provided by the state 4030
medical board, shall promptly notify the board of the conviction 4031
or guilty plea. Within thirty days of receipt of that 4032
information, the board shall initiate action in accordance with 4033
Chapter 119. of the Revised Code to determine whether to suspend 4034
or revoke the license or certificate under section 4731.22 of 4035
the Revised Code. 4036

(C) The prosecutor in any case against any person holding 4037
a valid license or certificate issued pursuant to this chapter, 4038
on forms prescribed and provided by the state medical board, 4039

shall notify the board of any of the following: 4040

(1) A plea of guilty to, a finding of guilt by a jury or 4041
court of, or judicial finding of eligibility for intervention in 4042
lieu of conviction for a felony, or a case in which the trial 4043
court issues an order of dismissal upon technical or procedural 4044
grounds of a felony charge; 4045

(2) A plea of guilty to, a finding of guilt by a jury or 4046
court of, or judicial finding of eligibility for intervention in 4047
lieu of conviction for a misdemeanor committed in the course of 4048
practice, or a case in which the trial court issues an order of 4049
dismissal upon technical or procedural grounds of a charge of a 4050
misdemeanor, if the alleged act was committed in the course of 4051
practice; 4052

(3) A plea of guilty to, a finding of guilt by a jury or 4053
court of, or judicial finding of eligibility for intervention in 4054
lieu of conviction for a misdemeanor involving moral turpitude, 4055
or a case in which the trial court issues an order of dismissal 4056
upon technical or procedural grounds of a charge of a 4057
misdemeanor involving moral turpitude. 4058

The report shall include the name and address of the 4059
license or certificate holder, the nature of the offense for 4060
which the action was taken, and the certified court documents 4061
recording the action. 4062

Sec. 4731.281. (A) (1) A license issued under this chapter 4063
to practice medicine and surgery, osteopathic medicine and 4064
surgery, or podiatric medicine and surgery shall be valid for a 4065
two-year period unless revoked or suspended. A license shall 4066
expire on the date that is two years from the date of issuance 4067
and may be renewed for additional two-year periods. Applications 4068

for renewal shall be submitted to the state medical board in a 4069
manner prescribed by the board. 4070

Each application shall be accompanied by a biennial 4071
renewal fee of three hundred five dollars. 4072

The board shall deposit the fee in accordance with section 4073
4731.24 of the Revised Code, except that the board shall deposit 4074
twenty dollars of the fee into the state treasury to the credit 4075
of the physician loan repayment fund created by section 3702.78 4076
of the Revised Code. 4077

(2) The board shall provide a renewal notice to every 4078
person holding a license to practice medicine and surgery, 4079
osteopathic medicine and surgery, or podiatric medicine and 4080
surgery, a renewal notice. The board may provide the notice to 4081
the person through the secretary of any recognized medical, 4082
osteopathic, or podiatric society. The notice shall be provided 4083
to the person at least one month prior to the date on which the 4084
person's license expires. 4085

(3) Failure of any person to receive a notice of renewal 4086
from the board shall not excuse the person from the requirements 4087
contained in this section. 4088

(4) The board's notice shall inform the applicant of the 4089
renewal procedure. The board shall provide the application for 4090
renewal in a form determined by the board. 4091

(5) The applicant shall provide in the application the 4092
applicant's full name; the applicant's residence address, 4093
business address, and electronic mail address; the number of the 4094
applicant's license to practice; and any other information 4095
required by the board. 4096

(6) (a) Except as provided in division (A) (6) (b) of this 4097

section, in the case of an applicant who prescribes or 4098
personally furnishes opioid analgesics or benzodiazepines, as 4099
defined in section 3719.01 of the Revised Code, the applicant 4100
shall certify to the board whether the applicant has been 4101
granted access to the drug database established and maintained 4102
by the state board of pharmacy pursuant to section 4729.75 of 4103
the Revised Code. 4104

(b) The requirement described in division (A) (6) (a) of 4105
this section does not apply if any of the following is the case: 4106

(i) The state board of pharmacy notifies the state medical 4107
board pursuant to section 4729.861 of the Revised Code that the 4108
applicant has been restricted from obtaining further information 4109
from the drug database. 4110

(ii) The state board of pharmacy no longer maintains the 4111
drug database. 4112

(iii) The applicant does not practice medicine and 4113
surgery, osteopathic medicine and surgery, or podiatric medicine 4114
and surgery in this state. 4115

(c) If an applicant certifies to the state medical board 4116
that the applicant has been granted access to the drug database 4117
and the board finds through an audit or other means that the 4118
applicant has not been granted access, the board may take action 4119
under section 4731.22 of the Revised Code. 4120

(7) The applicant shall indicate whether the applicant 4121
currently collaborates, as that term is defined in section 4122
4723.01 of the Revised Code, with any clinical nurse 4123
specialists, certified nurse-midwives, or certified nurse 4124
practitioners. 4125

(8) The applicant shall report any criminal offense to 4126

which the applicant has pleaded guilty, of which the applicant 4127
has been found guilty, or for which the applicant has been found 4128
eligible for intervention in lieu of conviction, since last 4129
submitting an application for a license to practice or renewal 4130
of a license. 4131

(9) The applicant shall execute and deliver the 4132
application to the board in a manner prescribed by the board. 4133

(B) The board shall renew a license under this chapter to 4134
practice medicine and surgery, osteopathic medicine and surgery, 4135
or podiatric medicine and surgery upon application and 4136
qualification therefor in accordance with this section. A 4137
renewal shall be valid for a two-year period. 4138

(C) Failure of any license holder to renew and comply with 4139
this section shall operate automatically to suspend the holder's 4140
license to practice and if applicable, the holder's certificate 4141
to recommend issued under section 4731.30 of the Revised Code. 4142
Continued practice after the suspension shall be considered as 4143
practicing in violation of section 4731.41, 4731.43, or 4731.60 4144
of the Revised Code. 4145

If the license has been suspended pursuant to this 4146
division for two years or less, it may be reinstated. The board 4147
shall reinstate a license to practice suspended for failure to 4148
renew upon an applicant's submission of a renewal application 4149
and payment of a reinstatement fee of four hundred five dollars. 4150

If the license has been suspended pursuant to this 4151
division for more than two years, it may be restored. Subject to 4152
section 4731.222 of the Revised Code, the board may restore a 4153
license to practice suspended for failure to renew upon an 4154
applicant's submission of a restoration application, payment of 4155

a restoration fee of five hundred five dollars, and compliance 4156
with sections 4776.01 to 4776.04 of the Revised Code. The board 4157
shall not restore to an applicant a license unless the board, in 4158
its discretion, decides that the results of the criminal records 4159
check do not make the applicant ineligible for a license issued 4160
pursuant to section 4731.14 or 4731.56 of the Revised Code. 4161

Any reinstatement or restoration of a license to practice 4162
under this section shall operate automatically to renew the 4163
holder's certificate to recommend. 4164

(D) The state medical board may obtain information not 4165
protected by statutory or common law privilege from courts and 4166
other sources concerning malpractice claims against any person 4167
holding a license to practice under this chapter or practicing 4168
as provided in section 4731.36 of the Revised Code. 4169

~~(E) Each renewal notice provided by the board under 4170
division (A) (2) of this section to a person holding a license to 4171
practice medicine and surgery or osteopathic medicine and 4172
surgery shall inform the applicant of the reporting requirement 4173
established by division (H) of section 3701.79 of the Revised 4174
Code. At the discretion of the board, the information may be 4175
included on the application for renewal or on an accompanying 4176
page. 4177~~

~~(F) Each person holding a license to practice medicine and 4178
surgery, osteopathic medicine and surgery, or podiatric medicine 4179
and surgery shall give notice to the board of a change in the 4180
license holder's residence address, business address, or 4181
electronic mail address not later than thirty days after the 4182
change occurs. 4183~~

Sec. 4731.293. (A) The state medical board shall issue, 4184

without examination, a clinical research faculty certificate to 4185
practice medicine and surgery, osteopathic medicine and surgery, 4186
or podiatric medicine and surgery to any person who applies for 4187
the certificate and provides to the board satisfactory evidence 4188
of both of the following: 4189

(1) That the applicant holds a current, unrestricted 4190
license to practice medicine and surgery, osteopathic medicine 4191
and surgery, or podiatric medicine and surgery issued by another 4192
state or country; 4193

(2) That the applicant has been appointed to serve in this 4194
state on the academic staff of a medical school accredited by 4195
the liaison committee on medical education, an osteopathic 4196
medical school accredited by the American osteopathic 4197
association, or a college of podiatric medicine and surgery in 4198
good standing with the board. 4199

(B) The holder of a clinical research faculty certificate 4200
may do one of the following, as applicable: 4201

(1) Practice medicine and surgery or osteopathic medicine 4202
and surgery only as is incidental to the certificate holder's 4203
teaching or research duties at the medical school or a teaching 4204
hospital affiliated with the school; 4205

(2) Practice podiatric medicine and surgery only as is 4206
incidental to the certificate holder's teaching or research 4207
duties at the college of podiatric medicine and surgery or a 4208
teaching hospital affiliated with the college. 4209

(C) The board may revoke a certificate on receiving proof 4210
satisfactory to the board that the certificate holder has 4211
engaged in practice in this state outside the scope of the 4212
certificate or that there are grounds for action against the 4213

certificate holder under section 4731.22 of the Revised Code. 4214

(D) A clinical research faculty certificate is valid for 4215
three years, except that the certificate ceases to be valid if 4216
the holder's academic staff appointment described in division 4217
(A) (2) of this section is no longer valid or the certificate is 4218
revoked pursuant to division (C) of this section. 4219

(E) (1) The board shall provide a renewal notice to the 4220
certificate holder at least one month before the certificate 4221
expires. Failure of a certificate holder to receive a notice of 4222
renewal from the board shall not excuse the certificate holder 4223
from the requirements contained in this section. The notice 4224
shall inform the certificate holder of the renewal procedure. 4225
~~The notice also shall inform the certificate holder of the~~ 4226
~~reporting requirement established by division (H) of section~~ 4227
~~3701.79 of the Revised Code.~~ At the discretion of the board, the 4228
information may be included on the application for renewal or on 4229
an accompanying page. 4230

(2) A clinical research faculty certificate may be renewed 4231
for an additional three-year period. There is no limit on the 4232
number of times a certificate may be renewed. A person seeking 4233
renewal of a certificate shall apply to the board. The board 4234
shall provide the application for renewal in a form determined 4235
by the board. 4236

(3) An applicant is eligible for renewal if the applicant 4237
does all of the following: 4238

(a) Reports any criminal offense to which the applicant 4239
has pleaded guilty, of which the applicant has been found 4240
guilty, or for which the applicant has been found eligible for 4241
intervention in lieu of conviction, since last filing an 4242

application for a clinical research faculty certificate; 4243

(b) Provides evidence satisfactory to the board of both of 4244
the following: 4245

(i) That the applicant continues to maintain a current, 4246
unrestricted license to practice medicine and surgery, 4247
osteopathic medicine and surgery, or podiatric medicine and 4248
surgery issued by another state or country; 4249

(ii) That the applicant's initial appointment to serve in 4250
this state on the academic staff of a school or college is still 4251
valid or has been renewed. 4252

(4) Regardless of whether the certificate has expired, a 4253
person who was granted a visiting medical faculty certificate 4254
under this section as it existed immediately prior to June 6, 4255
2012, may apply for a clinical research faculty certificate as a 4256
renewal. The board may issue the clinical research faculty 4257
certificate if the applicant meets the requirements of division 4258
(E) (3) of this section. The board may not issue a clinical 4259
research faculty certificate if the visiting medical faculty 4260
certificate was revoked. 4261

(F) A person holding a clinical research faculty 4262
certificate issued under this section shall not be required to 4263
obtain a certificate under Chapter 4796. of the Revised Code. 4264

(G) The board may adopt any rules it considers necessary 4265
to implement this section. The rules shall be adopted in 4266
accordance with Chapter 119. of the Revised Code. 4267

Sec. 4743.09. (A) As used in this section: 4268

(1) "Durable medical equipment" means a type of equipment, 4269
such as a remote monitoring device utilized by a physician, 4270

physician assistant, or advanced practice registered nurse in 4271
accordance with this section, that can withstand repeated use, 4272
is primarily and customarily used to serve a medical purpose, 4273
and generally is not useful to a person in the absence of 4274
illness or injury and, in addition, includes repair and 4275
replacement parts for the equipment. 4276

(2) "Facility fee" means any fee charged or billed for 4277
telehealth services provided in a facility that is intended to 4278
compensate the facility for its operational expenses and is 4279
separate and distinct from a professional fee. 4280

(3) "Health care professional" means: 4281

(a) An advanced practice registered nurse, as defined in 4282
section 4723.01 of the Revised Code; 4283

(b) An optometrist licensed under Chapter 4725. of the 4284
Revised Code to practice optometry; 4285

(c) A pharmacist licensed under Chapter 4729. of the 4286
Revised Code; 4287

(d) A physician assistant licensed under Chapter 4730. of 4288
the Revised Code; 4289

(e) A physician licensed under Chapter 4731. of the 4290
Revised Code to practice medicine and surgery, osteopathic 4291
medicine and surgery, or podiatric medicine and surgery; 4292

(f) A psychologist, independent school psychologist, or 4293
school psychologist licensed under Chapter 4732. of the Revised 4294
Code; 4295

(g) A chiropractor licensed under Chapter 4734. of the 4296
Revised Code; 4297

(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	4298 4299
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	4300 4301
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	4302 4303 4304
(k) A professional clinical counselor, independent social worker, independent marriage and family therapist, art therapist, or music therapist licensed under Chapter 4757. of the Revised Code;	4305 4306 4307 4308
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	4309 4310
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	4311 4312
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	4313 4314
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	4315 4316
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code.	4317 4318
(4) "Health care professional licensing board" means any of the following:	4319 4320
(a) The board of nursing;	4321
(b) The state vision professionals board;	4322
(c) The state board of pharmacy;	4323

(d) The state medical board;	4324
(e) The state board of psychology;	4325
(f) The state chiropractic board;	4326
(g) The state speech and hearing professionals board;	4327
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	4328 4329
(i) The counselor, social worker, and marriage and family therapist board;	4330 4331
(j) The chemical dependency professionals board.	4332
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	4333 4334
(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located:	4335 4336 4337 4338 4339
(a) The patient receiving the services;	4340
(b) Another health care professional with whom the provider of the services is consulting regarding the patient.	4341 4342
(B) (1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B) (2) of this section, a board may adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by a board are not subject to the	4343 4344 4345 4346 4347 4348 4349 4350

requirements of division (F) of section 121.95 of the Revised Code. 4351
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(2) (a) Except as provided in division (B) (2) (b) of this section, the rules adopted by a health care professional licensing board under this section shall establish a standard of care for telehealth services that is equal to the standard of care for in-person services. 4353
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(b) Subject to division (B) (2) (c) of this section, a board may require an initial in-person visit prior to prescribing a schedule II controlled substance to a new patient, equivalent to applicable state and federal requirements. 4358
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(c) (i) A board shall not require an initial in-person visit for a new patient whose medical record indicates that the patient is receiving hospice or palliative care, who is receiving medication-assisted treatment or any other medication for opioid-use disorder, who is a patient with a mental health condition, or who, as determined by the clinical judgment of a health care professional, is in an emergency situation. 4362
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(ii) Notwithstanding division (B) of section 3796.01 of the Revised Code, medical marijuana shall not be considered a schedule II controlled substance. 4369
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(C) With respect to the provision of telehealth services, all of the following apply: 4372
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(1) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an initial visit if the appropriate standard of care for an initial visit is satisfied. 4374
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(2) A health care professional may deny a patient telehealth services and, instead, require the patient to undergo 4378
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an in-person visit. 4380

(3) When providing telehealth services in accordance with 4381
this section, a health care professional shall comply with all 4382
requirements under state and federal law regarding the 4383
protection of patient information. A health care professional 4384
shall ensure that any username or password information and any 4385
electronic communications between the professional and a patient 4386
are securely transmitted and stored. 4387

(4) A health care professional may use synchronous or 4388
asynchronous technology to provide telehealth services to a 4389
patient during an annual visit if the appropriate standard of 4390
care for an annual visit is satisfied. 4391

(5) In the case of a health care professional who is a 4392
physician, physician assistant, or advanced practice registered 4393
nurse, both of the following apply: 4394

(a) The professional may provide telehealth services to a 4395
patient located outside of this state if permitted by the laws 4396
of the state in which the patient is located. 4397

(b) The professional may provide telehealth services 4398
through the use of medical devices that enable remote 4399
monitoring, including such activities as monitoring a patient's 4400
blood pressure, heart rate, or glucose level. 4401

(D) When a patient has consented to receiving telehealth 4402
services, the health care professional who provides those 4403
services is not liable in damages under any claim made on the 4404
basis that the services do not meet the same standard of care 4405
that would apply if the services were provided in-person. 4406

(E) (1) A health care professional providing telehealth 4407
services shall not charge a patient or a health plan issuer 4408

covering telehealth services under section 3902.30 of the Revised Code any of the following: a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.

A health care professional providing telehealth services may charge a health plan issuer for durable medical equipment used at a patient or client site.

(2) A health care professional may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred in providing telehealth services as long as a patient is not responsible for any portion of the fee.

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the cost of providing the services, but the requirement to do so applies only once.

(F) Nothing in this section limits or otherwise affects any other provision of the Revised Code that requires a health care professional who is not a physician to practice under the supervision of, in collaboration with, in consultation with, or pursuant to the referral of another health care professional.

(G) It is the intent of the general assembly, through the amendments to this section, to expand access to and investment in telehealth services in this state in congruence with the expansion and investment in telehealth services made during the COVID-19 pandemic.

(H) Reproductive health care and related services may be provided as telehealth services in accordance with this section.

Section 2. That existing sections 109.572, 2305.11, 4438
2317.02, 2919.10, 2919.12, 2953.25, 3701.341, 3701.792, 3702.30, 4439
4112.01, 4112.02, 4729.291, 4731.22, 4731.223, 4731.281, 4440
4731.293, and 4743.09 of the Revised Code are hereby repealed. 4441

Section 3. That sections 2307.54, 2317.56, 2317.561, 4442
2919.101, 2919.124, 2919.171, 2919.19, 2919.191, 2919.192, 4443
2919.193, 2919.194, 2919.195, 2919.196, 2919.197, 2919.198, 4444
2919.199, 2919.1910, 2919.1912, 2919.1913, 2919.20, 2919.201, 4445
2919.202, 2919.203, 2919.204, 2919.205, 3701.79, 3701.791, 4446
3702.302, 3702.303, 3702.304, 3702.305, 3702.306, 3702.307, 4447
3702.308, 3702.309, 3702.3010, 3702.3011, 3726.01, 3726.02, 4448
3726.03, 3726.04, 3726.041, 3726.042, 3726.05, 3726.09, 3726.10, 4449
3726.11, 3726.12, 3726.13, 3726.14, 3726.15, 3726.16, 3726.95, 4450
3726.99, 3727.60, 4717.271, 5101.57, and 5103.11 of the Revised 4451
Code are hereby repealed. 4452

Section 4. This act shall be known as the Reproductive 4453
Care Act. 4454