

**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**

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**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
<b>Sec. 3702.30.</b> (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 in which inpatient care is provided and the entity that operates the portion of the building where the surgical services are provided is not the entity that operates the remainder of the building.	1979 1980 1981 1982 1983
(c) The facility is held out to any person or government entity as an ambulatory surgical facility or similar facility by means of signage, advertising, or other promotional efforts.	1984 1985 1986
"Ambulatory surgical facility" does not include a hospital emergency department, hospital provider-based department that is otherwise licensed under Chapter 3722. of the Revised Code, or an office of a physician, podiatrist, or dentist.	1987 1988 1989 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 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.	1998 1999 2000 2001 2002 2003

In the case of an ambulatory surgical facility, the 2004  
standards shall require the ambulatory surgical facility to 2005  
maintain an infection control program. The purposes of the 2006  
program are to minimize infections and communicable diseases and 2007  
facilitate a functional and sanitary environment consistent with 2008  
standards of professional practice. To achieve these purposes, 2009  
ambulatory surgical facility staff managing the program shall 2010  
create and administer a plan designed to prevent, identify, and 2011  
manage infections and communicable diseases; ensure that the 2012  
program is directed by a qualified professional trained in 2013  
infection control; ensure that the program is an integral part 2014  
of the ambulatory surgical facility's quality assessment and 2015  
performance improvement program; and implement in an expeditious 2016  
manner corrective and preventive measures that result in 2017  
improvement. 2018

(C) Every ambulatory surgical facility shall require that 2019  
each physician who practices at the facility comply with all 2020  
relevant provisions in the Revised Code that relate to the 2021  
obtaining of informed consent from a patient. 2022

(D) The director shall issue a license to each health care 2023  
facility that makes application for a license and demonstrates 2024  
to the director that it meets the quality standards established 2025  
by the rules adopted under division (B) of this section and 2026  
satisfies the informed consent compliance requirements specified 2027  
in division (C) of this section. 2028

(E) (1) Except as provided in division ~~(H)~~(G) of this 2029  
section and in section 3702.301 of the Revised Code, no health 2030  
care facility shall operate without a license issued under this 2031  
section. 2032

The general assembly does not intend for the provisions of 2033

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  
2175  
2176  
2177  
2178  
2179

(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  
2181  
2182  
2183  
2184

(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  
2186  
2187

(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  
2196  
2197

(1) With the express consent of the individual to whom such information relates; 2198  
2199

(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  
2204  
2205  
2206  
2207  
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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  
2210  
2211  
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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  
2216  
2217

(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  
2219  
2220

(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  
2223

(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  
2228

(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 2258  
that of other mechanisms for communicating or interacting with 2259  
the regulated entity. 2260

(2) It includes an online means of exercising the right 2261  
described under division (B) of this section. 2262

**Sec. 3732.04.** (A) A regulated entity shall maintain a 2263  
privacy policy relating to the practices of the regulated entity 2264  
regarding the collecting, retaining, using, and disclosing of 2265  
personal reproductive or sexual health information. 2266

(B) If a regulated entity has a web site, it shall 2267  
prominently publish the privacy policy on the web site. 2268

(C) The privacy policy shall be clear and conspicuous and 2269  
shall include all of the following: 2270

(1) A description of the practices of the regulated entity 2271  
regarding the collecting, retaining, using, and disclosing of 2272  
personal reproductive or sexual health information; 2273

(2) A clear and concise statement of the categories of the 2274  
information collected, retained, used, or disclosed by the 2275  
regulated entity; 2276

(3) A clear and concise statement of the purposes of the 2277  
regulated entity for the collecting, retaining, using, or 2278  
disclosing of the information; 2279

(4) A list of the specific third parties to which the 2280  
regulated entity discloses the information, and a clear and 2281  
concise statement of the purposes for which the regulated entity 2282  
discloses the information, including how the information may be 2283  
used by each such third party; 2284

(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
<b><u>Sec. 3732.09.</u></b> (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 statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board. 3302  
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 3309  
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(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; 3317  
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(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 3321  
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(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 3325  
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(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of 3328  
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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
<del>(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;</del>	3595 3596 3597 3598
<del>(40)</del> <u>(38)</u> Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	3599 3600 3601 3602
<del>(41)</del> <u>(39)</u> Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	3603 3604 3605 3606
<del>(42)</del> <u>(40)</u> Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	3607 3608 3609 3610
<del>(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;</del>	3611 3612 3613 3614 3615
<del>(44)</del> <u>(41)</u> Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	3616 3617 3618 3619 3620
<del>(45)</del> <u>(42)</u> Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a	3621 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  
3714

(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  
4379

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