

**As Introduced**

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**H. B. No. 172**

**Representative Newman**

**Cosponsors: Representatives Click, Dean, Lear, John, Klopfenstein, Ritter,  
Ferguson, Mullins, Mathews, T., Creech, Miller, M., Workman, Salvo, Fowler  
Arthur, Williams**

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To amend sections 2151.461, 3129.03, 3313.473, 1  
3798.07, and 3798.12 and to repeal section 2  
5122.04 of the Revised Code to prohibit the 3  
provision of mental health services to minors 4  
without parental consent. 5

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

**Section 1.** That sections 2151.461, 3129.03, 3313.473, 6  
3798.07, and 3798.12 of the Revised Code be amended to read as 7  
follows: 8

**Sec. 2151.461.** (A) If a child is under the care and 9  
supervision of a residential facility and presents to an 10  
emergency department or is admitted to a hospital for an injury 11  
or mental health crisis, the emergency department or hospital 12  
shall do both of the following: 13

(1) Communicate with the public children services agency 14  
or private child placing agency with custody of the child about 15  
the visit. Except for care that a child has consented to under 16  
section 2108.31, 2151.85, 2907.29, 3701.242, 3709.241, 3719.012, 17  
or 5120.172, ~~or 5122.04~~ of the Revised Code, the emergency 18

department or hospital shall discuss the child's medical 19  
treatment with and request authorization of care from the 20  
agency. 21

(2) Notify the agency of the discharge of the child from 22  
the emergency department or hospital. 23

(B) A public children services agency or private child 24  
placing agency with custody of a child who is under the care and 25  
supervision of a residential facility and presents to an 26  
emergency department or is admitted to a hospital for an injury 27  
or mental health crisis shall respond to the emergency 28  
department or hospital's communication regarding medical care 29  
for the child not later than four hours after initial contact. 30

**Sec. 3129.03.** (A) ~~Notwithstanding section 5122.04 of the~~ 31  
~~Revised Code, no~~ No mental health professional shall diagnose or 32  
treat a minor individual who presents for the diagnosis or 33  
treatment of a gender-related condition without first obtaining 34  
the consent of one of the following: 35

(1) At least one parent of the minor individual; 36

(2) At least one legal custodian of the minor individual; 37

(3) The minor individual's guardian. 38

(B) No mental health professional shall diagnose or treat 39  
a minor individual who presents for the diagnosis or treatment 40  
of a gender-related condition without screening the minor 41  
individual for both of the following during the course of 42  
diagnosis and treatment: 43

(1) Other comorbidities that may be influencing the minor 44  
individual's gender-related condition, including depression, 45  
anxiety, attention deficit hyperactivity disorder, autism 46

spectrum disorder, and other mental health conditions; 47

(2) Physical, sexual, mental, and emotional abuse and 48  
other traumas. 49

**Sec. 3313.473.** (A) The general assembly maintains that a 50  
parent has a fundamental right to make decisions concerning the 51  
upbringing, education, and care of the parent's child. 52

(B) Not later than the first day of July following ~~the~~ 53  
~~effective date of this section~~April 9, 2025, the board of 54  
education of each city, local, exempted village, and joint 55  
vocational school district shall develop and adopt a policy to 56  
promote parental involvement in the public school system. The 57  
policy shall require a school district to do all of the 58  
following: 59

(1) (a) Ensure that any sexuality content is age- 60  
appropriate and developmentally appropriate for the age of the 61  
student receiving the instruction, regardless of the age or 62  
grade level of the student. 63

(b) Prior to providing instruction that includes sexuality 64  
content or permitting a third party to provide such instruction 65  
on behalf of the district, provide parents the opportunity to 66  
review any instructional material that includes sexuality 67  
content. Upon request of the student's parent, a student shall 68  
be excused from instruction that includes sexuality content and 69  
be permitted to participate in an alternative assignment. 70

(2) Promptly notify a student's parent of any substantial 71  
change in the student's services, including counseling services, 72  
or monitoring related to the student's mental, emotional, or 73  
physical health or well-being or the school's ability to provide 74  
a safe and supportive learning environment for the student. The 75

policy shall specify in what manner a student's parent will be notified of any substantial change in the student's services.

The policy shall specify that notice to parents shall reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children, and that the school district shall not inhibit parental access to the student's education and health records maintained by the school.

(3) Prohibit school district personnel from directly or indirectly encouraging a student to withhold from a parent information concerning the student's mental, emotional, or physical health or well-being, or a change in related services or monitoring.

The policy shall prohibit school district personnel from discouraging or prohibiting parental notification of and involvement in decisions affecting a student's mental, emotional, or physical health or well-being.

(4) Adopt a procedure to obtain authorization from parents prior to providing any type of health care service to the student, including physical, mental, and behavioral health care services. Under the procedure, a parent may choose whether to authorize a district to provide a health care service to the parent's child. The procedure shall require the school district to do both of the following:

(a) At the beginning of the school year, notify parents of each health care service offered at, or facilitated in cooperation with, their student's school and their option to withhold consent or decline any specified service. Parental consent to health care services does not waive the parent's right to access the parent's student's educational or health

records or to be notified about a change in the student's 105  
services or monitoring as provided in this section. 106

(b) Prior to providing a health care service to a student, 107  
notify a parent whether the service is required to be provided 108  
by the school district under state law and if other options for 109  
a student to access the service exist. This requirement may be 110  
satisfied by an annual notice to parents at the beginning of the 111  
school year. 112

Division (B) (4) of this section does not apply to 113  
emergency situations, first aid, other unanticipated minor 114  
health care services, or health care services provided pursuant 115  
to a student's IEP or a school district's obligation under 116  
section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794. 117

(5) Permit a parent to file with a school principal or 118  
assistant principal a written concern regarding a topic 119  
addressed in this section. The policy shall establish a process 120  
for a principal or assistant principal to resolve such concerns 121  
within thirty days after their receipt. Under the policy, school 122  
districts shall notify parents of their right to file a written 123  
concern. A parent may appeal a principal's or assistant 124  
principal's decision to the superintendent of that district. 125

If a parent appeals the principal's or assistant 126  
principal's decision, the superintendent, or a designee of the 127  
superintendent, shall conduct a hearing on the decision. Based 128  
on the findings of that hearing, the superintendent shall decide 129  
whether to affirm the principal's or assistant principal's 130  
decision. If the superintendent does not affirm the decision, 131  
the superintendent shall determine a resolution to the parent's 132  
concern. A parent may appeal the superintendent's decision to 133  
the board of education of the school district. The board shall 134

review the superintendent's decision and, if the board 135  
determines it necessary, hold a hearing on the decision and, 136  
based on that hearing, either affirm the superintendent's 137  
decision or determine a new resolution to the parent's concern. 138

Nothing in division (B) (5) of this section shall prevent a 139  
parent from contacting a member of a board of education 140  
regarding the parent's concerns with the operation of a school 141  
under the supervision of that board. 142

(C) Each school district shall make its policy adopted 143  
under this section publicly available and post it prominently on 144  
its publicly accessible web site, if it has one. 145

(D) This section does not prescribe all rights of parents 146  
or preempt or foreclose claims or remedies in support of 147  
parental rights that are available under the constitution, 148  
statutes, or common law of this state. 149

(E) No school district or third party acting on behalf of 150  
a district shall provide instruction that includes sexuality 151  
content to students in grades kindergarten through three. 152

(F) (1) Nothing in this section shall require disclosure or 153  
activity that is in conflict with or in violation of any of the 154  
following: 155

(a) The HIPAA privacy rule; 156

(b) Chapter 3798. of the Revised Code; 157

(c) Section 2317.02, or 4732.19, ~~or 5122.04~~ of the Revised 158  
Code; 159

(d) The "Family Educational Rights and Privacy Act of 160  
1974," 20 U.S.C. 1232g; 161

(e) Ohio Constitution, Article I, Section 10a and any laws enacted to implement that section, including sections 2930.07 and 2930.10 of the Revised Code.	162 163 164
(2) Nothing in this section requires disclosure or activity in violation of any court order, including any of the following:	165 166 167
(a) A condition of bond;	168
(b) A protection order or consent agreement issued pursuant to section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised Code;	169 170 171
(c) A condition of a community control sanction, post-release control sanction, or parole.	172 173
(3) Nothing in this section requires disclosure or activity in violation of a specific request for nondisclosure made pursuant to a criminal investigation or grand jury subpoena in which the student is the victim and a parent is the alleged perpetrator.	174 175 176 177 178
(4) Nothing in this section prohibits or prevents mandatory reporting under section 2151.421 of the Revised Code.	179 180
(5) Nothing in this section prohibits or limits the career and academic mentoring and counseling between teachers and students in the regular course of the school day.	181 182 183
(G) As used in this section:	184
(1) "Biological sex" means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and unambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.	185 186 187 188 189

(2) "HIPAA privacy rule" has the same meaning as in section 3798.01 of the Revised Code.	190 191
(3) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	192 193
(4) "Parent" has the same meaning as in section 3313.98 of the Revised Code.	194 195
(5) "Sexuality content" means any oral or written instruction, presentation, image, or description of sexual concepts or gender ideology provided in a classroom setting.	196 197 198
"Sexuality content" does not mean any of the following:	199
(a) Instruction or presentations in sexually transmitted infection education, child sexual abuse prevention, and sexual violence prevention education provided under division (A)(5) of section 3313.60 or section 3314.0310 or 3326.091 of the Revised Code;	200 201 202 203 204
(b) Instruction or presentations in sexually transmitted infection education emphasizing abstinence provided under section 3313.6011 of the Revised Code;	205 206 207
(c) Incidental references to sexual concepts or gender ideology occurring outside of formal instruction or presentations on such topics, including references made during class participation and in schoolwork.	208 209 210 211
(6) "Student's mental, emotional, or physical health or well-being" includes, at a minimum, any of the following:	212 213
(a) A student's academic performance;	214
(b) Any significant sickness or physical injury, or any psychological trauma suffered by a student;	215 216



(c) Any harassment, intimidation, or bullying, as defined 217  
in section 3313.666 of the Revised Code, by or against a student 218  
in violation of school district policy; 219

(d) Any request by a student to identify as a gender that 220  
does not align with the student's biological sex; 221

(e) Exhibition of suicidal ideation or persistent symptoms 222  
of depression, or severe anxiety, or other mental health issues. 223

(7) "Age-appropriate" and "developmentally appropriate" 224  
content refers to activities or items that are generally 225  
accepted as suitable for children of the same chronological age 226  
or level of maturity or that are determined to be 227  
developmentally appropriate for a child, based on the 228  
development of cognitive, emotional, physical, and behavioral 229  
capacities that are typical for an age or age group. 230

**Sec. 3798.07.** (A) A covered entity shall be subject to the 231  
following conditions when it discloses protected health 232  
information to a health information exchange: 233

(1) The covered entity shall restrict disclosure 234  
consistent with all applicable federal laws governing the 235  
disclosure. 236

(2) If the protected health information concerns a minor, 237  
the covered entity shall restrict disclosure in a manner that 238  
complies with laws of this state pertaining to the circumstances 239  
under which a minor may consent to the minor's own receipt of 240  
health care or make medical decisions on the minor's own behalf, 241  
including sections 2907.29, 3709.241, 3719.012, 5120.172, 242  
~~5122.04,~~ and 5126.043 of the Revised Code unless the minor 243  
authorizes the disclosure. 244

(3) The covered entity shall restrict disclosure in a 245

manner that is consistent with a written request from the 246  
individual or the individual's personal representative to 247  
restrict disclosure of all of the individual's protected health 248  
information. 249

(B) The conditions in division (A) of this section on a 250  
covered entity's disclosure of protected health information to a 251  
health information exchange do not render unenforceable or 252  
restrict in any manner any of the following: 253

(1) A provision of the Revised Code that on September 10, 254  
2012, requires a person or governmental entity to disclose 255  
protected health information to a state agency, political 256  
subdivision, or other governmental entity; 257

(2) The confidential status of proceedings and records 258  
within the scope of a peer review committee of a health care 259  
entity as described in section 2305.252 of the Revised Code; 260

(3) The confidential status of quality assurance program 261  
activities and quality assurance records as described in section 262  
5122.32 of the Revised Code; 263

(4) The testimonial privilege established by division (B) 264  
of section 2317.02 of the Revised Code; 265

(5) Any of the following items that govern the 266  
confidentiality, privacy, security, or privileged status of 267  
protected health information in the possession or custody of an 268  
agency as defined in section 111.15 of the Revised Code; govern 269  
the process for obtaining from a patient consent to the 270  
provision of health care or consent for participation in medical 271  
or other scientific research; govern the process for determining 272  
whether an adult has a physical or mental impairment or an 273  
adult's capacity to make health care decisions for purposes of 274

Chapter 5126. of the Revised Code; or govern the process for	275
determining whether a minor has been emancipated:	276
(a) A section of the Revised Code that is not in this	277
chapter;	278
(b) A rule as defined in section 119.01 of the Revised	279
Code;	280
(c) An internal management rule as defined in section	281
111.15 of the Revised Code;	282
(d) Guidance issued by an agency as defined in section	283
111.15 of the Revised Code;	284
(e) Orders or regulations of a board of health of a city	285
health district made under section 3709.20 of the Revised Code;	286
(f) Orders or regulations of a board of health of a	287
general health district made under section 3709.21 of the	288
Revised Code;	289
(g) An ordinance or resolution adopted by a political	290
subdivision;	291
(h) A professional code of ethics;	292
(i) When a minor is authorized to consent to the minor's	293
own receipt of health care or make medical decisions on the	294
minor's own behalf, including the circumstances described in	295
sections 2907.29, 3709.241, 3719.012, 5120.172, <del>5122.04</del> , and	296
5126.043 of the Revised Code.	297
<b>Sec. 3798.12.</b> As used in this section, "agency" has the	298
same meaning as in section 111.15 of the Revised Code.	299
(A) Except as provided in division (B) of this section,	300
any of the following pertaining to the confidentiality, privacy,	301

security, or privileged status of protected health information	302
transacted, maintained in, or accessed through a health	303
information exchange is unenforceable if it conflicts with this	304
chapter:	305
(1) A section of the Revised Code that is not in this	306
chapter;	307
(2) A rule as defined in section 119.01 of the Revised	308
Code;	309
(3) An internal management rule as defined in section	310
111.15 of the Revised Code;	311
(4) Guidance issued by an agency;	312
(5) Orders or regulations of a board of health of a city	313
health district made under section 3709.20 of the Revised Code;	314
(6) Orders or regulations of a board of health of a	315
general health district made under section 3709.21 of the	316
Revised Code;	317
(7) An ordinance or resolution adopted by a political	318
subdivision;	319
(8) A professional code of ethics.	320
(B) Division (A) of this section does not render	321
unenforceable or restrict in any manner any of the following:	322
(1) A provision of the Revised Code that <del>on the effective</del>	323
<del>date of this section</del> <u>September 10, 2012</u> , requires a person or	324
governmental entity to disclose protected health information to	325
a state agency, political subdivision, or other governmental	326
entity;	327
(2) The confidential status of proceedings and records	328

within the scope of a peer review committee of a health care	329
entity as described in section 2305.252 of the Revised Code;	330
(3) The confidential status of quality assurance program	331
activities and quality assurance records as described in section	332
5122.32 of the Revised Code;	333
(4) The testimonial privilege established by division (B)	334
of section 2317.02 of the Revised Code;	335
(5) An item described in divisions (A) (1) to (8) of this	336
section that governs any of the following:	337
(a) The confidentiality, privacy, security, or privileged	338
status of protected health information in the possession or	339
custody of an agency;	340
(b) The process for obtaining from a patient consent to	341
the provision of health care or consent for participation in	342
medical or other scientific research;	343
(c) The process for determining whether an adult has a	344
physical or mental impairment or an adult's capacity to make	345
health care decisions for purposes of Chapter 5126. of the	346
Revised Code;	347
(d) The process for determining whether a minor has been	348
emancipated.	349
(6) When a minor is authorized to consent to the minor's	350
own receipt of health care or make medical decisions on the	351
minor's own behalf, including the circumstances described in	352
sections 2907.29, 3709.241, 3719.012, 5120.172, <del>5122.04</del> , and	353
5126.043 of the Revised Code.	354
<b>Section 2.</b> That existing sections 2151.461, 3129.03,	355
3313.473, 3798.07, and 3798.12 of the Revised Code are hereby	356

repealed. 357

**Section 3.** That section 5122.04 of the Revised Code is 358  
hereby repealed. 359