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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 347  
136<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 347's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Reps. Odioso and Williams

**Local Impact Statement Procedure Required:** No

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### Highlights

- Government-owned hospitals could experience an increase in administrative costs to comply with the bill's informed consent provisions or to update hospital policies. However, the vast majority of abortions are performed outside of the hospital setting; thus, any costs are likely to be minimal.
- The State Medical Board could realize an increase in investigation or hearing costs if any violations of the bill's provisions occur. However, it is likely that the number of violations will be minimal. The Board could also realize a minimal increase in rule promulgation costs.
- Courts of common pleas could see a minimal at most increase in civil case filings if additional actions are filed related to the performance of an abortion. Any increase in cases and resultant workload will be absorbed using existing staff and appropriated resources and offset in part by revenues in the form of court costs and fees.

### Detailed Analysis

#### Informed consent

The bill requires that three conditions be met before an elective abortion is performed or induced: (1) a meeting between the physician and the pregnant woman, either in person, by telephone, or by virtual meeting, at least 24 hours before an elective abortion, (2) disclosure of specified information to the pregnant woman, and (3) that the woman provides written informed consent on a form that certifies that she has received the required specified information and that she consents to the abortion. If those conditions are satisfied, consent to an abortion must be presumed valid and effective. The bill's informed consent requirements do not apply if a pregnant woman is experiencing a medical emergency. However, if a medical emergency requires an

abortion, the physician must inform her of the medical indications supporting the physician's judgement that an immediate abortion is necessary, prior to the abortion if possible. The physician must enter the reason for that conclusion in her medical record. The bill prohibits payment from being required for any service provided in relation to an elective abortion until the bill's informed consent requirements are met. Additionally, the State Medical Board may adopt rules specifying adverse physical or psychological conditions arising from abortion that a physician must disclose as possible complications when meeting with the pregnant woman as part of the informed consent process the bill establishes.

Government-owned hospitals may experience some administrative costs to comply with the bill's informed consent provisions or to update hospital policies. However, of the approximately 21,800 abortions performed in Ohio in 2024, approximately 200 (0.9%) were performed in hospitals.<sup>1</sup> This includes all hospitals (e.g., nonprofit, for-profit, etc.). Additionally, abortions may only be performed in government-owned facilities under certain circumstances, such as medical emergencies. The bill's informed consent requirements do not apply in cases of medical emergencies. Thus, any costs to these entities are likely to be minimal.

## **Professional liability**

The bill states that the failure of a physician to comply with the bill's informed consent requirements may result in disciplinary action by the State Medical Board. If any violations occur, the Board could realize an increase in costs related to any investigations or hearings. However, it is likely that the number of violations will be minimal.

## **Civil liability**

Any physician who performs or induces an abortion with actual knowledge that the conditions specified in the bill have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied or who causes any person to sustain injury, death, or loss to person or property as a result of negligent, reckless, or intentional conduct is liable under the bill for statutory, compensatory, and exemplary damages, court costs, and attorney's fees in a civil action to any interested party as defined by the bill.

Courts of common pleas may see a minimal at most increase in civil cases filed if the bill results in additional actions related to the performance of an abortion. Any increase in cases and workload will be absorbed using existing staff and appropriated resources and offset in part by revenues in the form of court costs and fees assessed to parties in the case.

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<sup>1</sup> [Induced Abortions in Ohio 2024 Report \(PDF\)](#), which can be accessed by conducting a keyword "abortion" search on the Ohio Department of Health's website: [odh.ohio.gov](https://odh.ohio.gov).