

**As Reported by the House Health Committee**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 347**

**Representatives Odioso, Williams**

**Cosponsors: Representatives Mathews, A., Craig, Deeter, John, Schmidt, Gross,  
King, Miller, M., Stewart**

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|                                                    |   |
|----------------------------------------------------|---|
| To amend sections 2305.11 and 2307.46 and to enact | 1 |
| section 2317.58 of the Revised Code to enact the   | 2 |
| Share the Health and Empower With Informed         | 3 |
| Notices (SHE WINS) Act regarding abortion          | 4 |
| informed consent.                                  | 5 |

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

|                                                                |   |
|----------------------------------------------------------------|---|
| <b>Section 1.</b> That sections 2305.11 and 2307.46 be amended | 6 |
| and section 2317.58 of the Revised Code be enacted to read as  | 7 |
| follows:                                                       | 8 |

|                                                                  |    |
|------------------------------------------------------------------|----|
| <b>Sec. 2305.11.</b> (A) An action for libel, slander, malicious | 9  |
| prosecution, or false imprisonment, an action for malpractice    | 10 |
| other than an action upon a medical, dental, optometric, or      | 11 |
| chiropractic claim, an action for legal malpractice against an   | 12 |
| attorney or a law firm or legal professional association, or an  | 13 |
| action upon a statute for a penalty or forfeiture shall be       | 14 |
| commenced within one year after the cause of action accrued,     | 15 |
| provided that an action by an employee for the payment of unpaid | 16 |
| minimum wages, unpaid overtime compensation, or liquidated       | 17 |
| damages by reason of the nonpayment of minimum wages or overtime | 18 |
| compensation shall be commenced within two years after the cause | 19 |

of action accrued. 20

(B) A civil action for unlawful abortion pursuant to 21  
section 2919.12 of the Revised Code, a civil action authorized 22  
by division (H) of section 2317.56 of the Revised Code, a civil 23  
action authorized by division (G) of section 2317.58 of the 24  
Revised Code, a civil action pursuant to division (B) of section 25  
2307.52 of the Revised Code for terminating or attempting to 26  
terminate a human pregnancy after viability in violation of 27  
division (A) of section 2919.17 of the Revised Code, and a civil 28  
action for terminating or attempting to terminate a human 29  
pregnancy of a pain-capable unborn child in violation of 30  
division (E) of section 2919.201 of the Revised Code shall be 31  
commenced within one year after the performance or inducement of 32  
the abortion or within one year after the attempt to perform or 33  
induce the abortion in violation of division (A) of section 34  
2919.17 of the Revised Code or division (E) of section 2919.201 35  
of the Revised Code. 36

(C) A civil action authorized by division (G) of section 37  
2317.58 of the Revised Code shall be commenced within one year 38  
after the performance or inducement of the abortion or within 39  
one year after the reasonable discovery by the harmed party of 40  
the harm incurred as a result of the breach of duties obligated 41  
by that division, whichever is later. 42

(D) As used in this section, "medical claim," "dental 43  
claim," "optometric claim," and "chiropractic claim" have the 44  
same meanings as in section 2305.113 of the Revised Code. 45

**Sec. 2307.46.** (A) In any civil action based on or related 46  
to any injury, death, or loss to person or property suffered as 47  
a result of the performance or inducement of an abortion or 48  
suffered as a result of an attempt to perform or induce an 49

abortion, the woman upon whom the abortion was allegedly 50  
performed, induced, or attempted, at the time of the filing of 51  
the complaint in the civil action, may file a motion with the 52  
court requesting that her identity only be revealed to the 53  
defendant and to the court and that in all other respects the 54  
civil action be conducted in a manner that maintains her 55  
confidentiality. The motion shall set forth the reasons for the 56  
requested confidentiality. Prior to service of the complaint, 57  
the court shall conduct an ex parte hearing in a timely manner 58  
to determine whether sufficient cause exists to require that the 59  
confidentiality of the movant be maintained in the civil action. 60  
~~The decision of the court on the motion is final and is not~~ 61  
~~subject to appeal.~~An order denying such a motion shall be a basis 62  
for immediate interlocutory appeal. 63

(B) The supreme court shall prescribe rules to implement 64  
division (A) of this section. 65

**Sec. 2317.58.** (A) As used in this section: 66

(1) "Abortion-inducing drug" has the same meaning as in 67  
section 2919.124 of the Revised Code and includes any drug 68  
prescribed or dispensed for off-label use to terminate a 69  
pregnancy that is prescribed without a diagnosed pregnancy for 70  
the purpose of terminating a pregnancy on a future date. 71

"Abortion-inducing drug" does not include any drug that 72  
may be known to have the effect of terminating a pregnancy, but 73  
that is prescribed for the purpose of treating a medical 74  
condition and not for terminating a pregnancy, so long as the 75  
medical indication is clearly specified on the prescription. 76

(2) "Complication" means any adverse physical or 77  
psychological condition arising from the performance or 78

inducement of an abortion the state medical board may specify in 79  
rules adopted under this section, including the following: 80  
uterine perforation; cervical perforation; infection; bleeding; 81  
hemorrhage; blood clots; failure to actually terminate the 82  
pregnancy; incomplete abortion (retained tissue); pelvic 83  
inflammatory disease; endometritis; missed ectopic pregnancy; 84  
cardiac arrest; respiratory arrest; renal failure; metabolic 85  
disorder; shock; embolism; coma; placenta previa in subsequent 86  
pregnancies; preterm birth in subsequent pregnancies; free fluid 87  
in the abdomen; adverse reactions to anesthesia and other drugs; 88  
any psychological or emotional complications, such as 89  
depression, anxiety, suicidal ideation, post-traumatic stress 90  
disorder, and sleeping disorders; and any other adverse event as 91  
defined under 21 C.F.R. 251.2. 92

(3) "Elective abortion" means the use of an instrument, 93  
medicine, drug, or other substance or device with intent to 94  
terminate the pregnancy of a woman known or believed to be 95  
pregnant for purposes other than a medical emergency. 96

"Elective abortion" does not include any medical procedure 97  
used to address or resolve a miscarriage, ectopic pregnancy, or 98  
medical emergency. 99

(4) "Fertilization" has the same meaning as in section 100  
2919.16 of the Revised Code. 101

(5) "Interested party" means all of the following: 102

(a) A woman on whom an elective abortion was performed or 103  
induced; 104

(b) Except as provided in division (A) (5) (d) of this 105  
section, in the case of the woman's death, any of the following 106  
individuals: 107

|                                                                         |     |
|-------------------------------------------------------------------------|-----|
| <u>(i) The deceased woman's estate;</u>                                 | 108 |
| <u>(ii) The deceased woman's spouse or, if she was unmarried,</u>       | 109 |
| <u>the biological father of the unborn child if the biological</u>      | 110 |
| <u>father's relationship has been proven by a preponderance of</u>      | 111 |
| <u>evidence;</u>                                                        | 112 |
| <u>(iii) The deceased woman's parent, custodian, or legal</u>           | 113 |
| <u>guardian.</u>                                                        | 114 |
| <u>(c) If the woman has been determined to be an</u>                    | 115 |
| <u>incapacitated person, as defined in section 2305.41 of the</u>       | 116 |
| <u>Revised Code, by a court of competent jurisdiction, her court-</u>   | 117 |
| <u>appointed guardian;</u>                                              | 118 |
| <u>(d) No individual described in division (A) (5) (b) of this</u>      | 119 |
| <u>section shall be considered an interested party under this</u>       | 120 |
| <u>section if the individual has been convicted of or pleaded</u>       | 121 |
| <u>guilty to a violation of section 2903.01, 2903.02, 2903.03,</u>      | 122 |
| <u>2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12,</u>  | 123 |
| <u>2903.13, 2903.14, 2903.18, 2903.21, 2903.211, 2903.216, 2903.22,</u> | 124 |
| <u>2905.01, 2905.02, 2905.03, 2905.11, 2905.12, 2905.32, 2917.21,</u>   | 125 |
| <u>2919.22, 2919.25, 2925.02, a violation of any section in Chapter</u> | 126 |
| <u>2907. of the Revised Code, or a violation of an existing or</u>      | 127 |
| <u>former municipal ordinance or law of this or any other state or</u>  | 128 |
| <u>the United States that is substantially similar to any of those</u>  | 129 |
| <u>sections, and the victim of the violation was the deceased</u>       | 130 |
| <u>woman.</u>                                                           | 131 |
| <u>(6) "Medical emergency" means a condition which, based on</u>        | 132 |
| <u>the physician's reasonable medical judgment, so complicates a</u>    | 133 |
| <u>pregnant woman's medical condition as to necessitate the</u>         | 134 |
| <u>immediate separation of the mother and her unborn child to</u>       | 135 |
| <u>prevent the death of the pregnant woman or a serious risk of the</u> | 136 |

substantial and irreversible impairment of a major bodily 137  
function of the pregnant woman. 138

(7) "Physician" has the same meaning as in section 139  
2305.113 of the Revised Code. 140

(8) "Unborn child" has the same meaning as in section 141  
2919.16 of the Revised Code. 142

(9) "Pregnant" has the same meaning as in section 2919.16 143  
of the Revised Code. 144

(10) "Reasonable medical judgment" means a medical 145  
judgment that would be made by a reasonably prudent physician 146  
who is knowledgeable about the pregnant woman's case and the 147  
treatment possibilities for her medical condition. 148

(11) "Serious risk of the substantial and irreversible 149  
impairment of a major bodily function" has the same meaning as 150  
in section 2919.16 of the Revised Code. 151

(B) Notwithstanding any other provision of the Revised 152  
Code, and except when there is a medical emergency, an elective 153  
abortion shall be performed or induced only if all of the 154  
following conditions are satisfied: 155

(1) At least twenty-four hours prior to the performance or 156  
inducement of the abortion, a physician meets with the pregnant 157  
woman, in person, by telephone, or by virtual meeting, in a 158  
manner that protects the pregnant woman's privacy and the 159  
confidentiality of her decision, ensures the provided 160  
information focuses on her individual circumstances and her 161  
ability to understand the provided information, gives her an 162  
adequate opportunity to ask questions about the abortion that 163  
will be performed or induced, and provides her with complete, 164  
accurate, and satisfactory answers to her questions. 165

Furthermore, at this meeting, the physician shall inform the 166  
pregnant woman and document of all of the following: 167

(a) The name of the physician who is scheduled to perform 168  
or induce the abortion; 169

(b) Medically accurate information that a reasonable 170  
patient would consider material to the decision of whether to 171  
undergo the elective abortion, including the following: 172

(i) The nature and purpose of the particular abortion 173  
procedure to be used; 174

(ii) The immediate and long-term medical risks associated 175  
with that procedure, including all possible complications. 176

(c) The medical risks associated with the pregnant woman 177  
carrying the pregnancy to term; 178

(d) Alternatives to abortion, including adoption and 179  
parenting; 180

(e) For a pregnant woman who is Rh negative, the need for 181  
anti-Rh immune globulin therapy, the likely consequences of 182  
refusing the therapy, and the cost of the therapy. 183

(2) At least twenty-four hours prior to the performance or 184  
inducement of the abortion, the physician who is to perform or 185  
induce the abortion or the physician's qualified agent does each 186  
of the following verbally, in person, by telephone, or by 187  
virtual meeting, and in writing, by certified mail, return 188  
receipt requested, by regular mail evidenced by a certificate of 189  
mailing, or by electronic mail to the pregnant woman's correct 190  
electronic mail address, and in a manner the pregnant woman 191  
understands, based on her ability to understand according to her 192  
own individual circumstances: 193

(a) Inform the pregnant woman of any medical assistance 194  
benefits that may be available for prenatal care, childbirth, 195  
and neonatal care; 196

(b) Except in the case that the pregnancy is the result of 197  
rape or incest, inform the pregnant woman that the unborn 198  
child's father has a child support obligation, even if the 199  
father has offered to pay for the elective abortion; 200

(c) Inform the pregnant woman that she is free to withhold 201  
or withdraw her consent to the abortion at any time without 202  
affecting her right to future care or treatment or the status of 203  
any state or federally funded benefits to which she is or may be 204  
entitled; 205

(d) For an abortion being performed or induced by 206  
abortion-inducing drugs, inform the pregnant woman that it may 207  
be possible to reverse the effects of the abortion-inducing drug 208  
if she changes her mind, but that time is of the essence. 209

(3) Prior to the performance or inducement of the 210  
abortion, the pregnant woman signs a form providing her informed 211  
consent to the abortion and certifies all of the following on 212  
that form: 213

(a) She has received the information described in 214  
divisions (B) (1) and (2) of this section, and her questions 215  
about the abortion that will be performed or induced have been 216  
answered in a complete, accurate, and satisfactory manner and in 217  
a manner that she understands. 218

(b) She consents to the particular abortion voluntarily, 219  
knowingly, intelligently, and without coercion by any person, 220  
and she is not under the influence of any drug of abuse or 221  
alcohol. 222

(4) Prior to the performance or inducement of the 223  
abortion, the physician who is performing or inducing the 224  
abortion or the physician's agent must receive a copy of the 225  
pregnant woman's signed form on which she has knowingly and 226  
voluntarily provided her informed consent to the abortion and 227  
that includes the certification required by division (B)(3) of 228  
this section. 229

(C) If a medical emergency compels the performance or 230  
inducement of an abortion, the physician who will perform or 231  
induce the abortion, prior to its performance or inducement if 232  
possible, shall inform the pregnant woman of the medical 233  
indications supporting the physician's judgment that an 234  
immediate abortion is necessary. Any physician who performs or 235  
induces an abortion without the prior satisfaction of the 236  
conditions specified in division (B) of this section because of 237  
a medical emergency shall enter the reasons for the conclusion 238  
that a medical emergency exists in the medical record of the 239  
pregnant woman. 240

(D) If the conditions specified in division (B) of this 241  
section are satisfied, consent to an abortion shall be presumed 242  
to be valid and effective. 243

(E) The performance or inducement of an abortion without 244  
the prior satisfaction of the conditions specified in division 245  
(B) of this section does not constitute, and shall not be 246  
construed as constituting, a violation of division (A) of 247  
section 2919.12 of the Revised Code. The failure of a physician 248  
to satisfy the conditions of division (B) of this section prior 249  
to performing or inducing an abortion upon a pregnant woman may 250  
be the basis of both of the following: 251

(1) A civil action for compensatory and exemplary damages 252

as described in division (G) of this section; 253

(2) Disciplinary action under section 4731.22 of the 254  
Revised Code. 255

(F) No payment shall be required for any service provided 256  
in relation to an elective abortion until the informed consent 257  
requirements are met in accordance with this section. 258

(G) (1) Subject to divisions (G) (3) and (4) of this 259  
section, any physician who performs or induces an abortion with 260  
actual knowledge that the conditions specified in division (B) 261  
of this section have not been satisfied or with a heedless 262  
indifference as to whether those conditions have been satisfied 263  
or who causes any person to sustain injury, death, or loss to 264  
person or property as a result of negligent, reckless, or 265  
intentional conduct is liable in statutory, compensatory, and 266  
exemplary damages, court costs, and attorney's fees in a civil 267  
action to any interested party. 268

(2) (a) In the event the claimant prevails in an action 269  
brought under this section, the court shall award the following: 270

(i) Statutory damages in the amount of at least one 271  
hundred thousand dollars for each claim brought by the 272  
interested party in which the interested party prevailed; 273

(ii) Compensatory damages authorized under section 2315.18 274  
of the Revised Code; 275

(iii) Punitive or exemplary damages authorized under 276  
section 2315.21 of the Revised Code; 277

(iv) Court costs and attorney's fees. 278

(b) The court additionally may enter any injunctive or 279  
other equitable relief that it considers appropriate. 280

(c) Notwithstanding any other provision of law to the 281  
contrary, no court shall award costs or attorney's fees to a 282  
defendant in an action brought under this section. 283

(3) The following shall be affirmative defenses in a civil 284  
action authorized under this section: 285

(a) The physician performed or induced the abortion under 286  
the circumstances described in division (C) of this section. 287

(b) The physician made an objectively reasonable and good 288  
faith effort to satisfy the conditions specified in division (B) 289  
of this section. 290

(c) For an action brought in relation to a drug-induced 291  
abortion in which informed consent requirements were not met, 292  
the defendant reasonably believed, after conducting a reasonable 293  
investigation, that the drug was intended for lawful, on-label 294  
use rather than for the purpose of inducing an abortion. 295

(4) The following are not affirmative defenses in a civil 296  
action authorized under this section: 297

(a) Ignorance or mistake of the law; 298

(b) A defendant's belief that the requirements under this 299  
section are or were unconstitutional; 300

(c) A defendant's reliance on any state or federal court 301  
decision that is not binding on the court in which the action 302  
has been brought; 303

(d) Non-mutual issue preclusion or non-mutual claim 304  
preclusion; 305

(e) If the informed consent requirements have not been 306  
met, the voluntary consent of the unborn child's mother to the 307

elective abortion; 308

(f) Any claim that the enforcement of this chapter or the 309  
imposition of civil liability against the defendant violates a 310  
third party's constitutional rights. 311

(5) Nothing in this section shall preclude an interested 312  
party from either of the following: 313

(a) Bringing any additional civil action or claim arising 314  
out of the circumstances that are the basis for an action under 315  
this section; 316

(b) Being awarded statutory damages pursuant to additional 317  
civil actions or claims. 318

(6) Nothing in this section shall be construed to impose 319  
liability on any speech or conduct protected by the first 320  
amendment to the United States Constitution, as made applicable 321  
to the states through interpretation of the Fourteenth Amendment 322  
to the United States Constitution by the supreme court of the 323  
United States, or by the Ohio Constitution. 324

(7) A pregnant woman on whom an elective abortion is 325  
performed or induced or attempted to be performed or induced is 326  
not liable under this section. 327

(H) Any provision of this section held to be invalid or 328  
unenforceable by its terms, or as applied to any person or 329  
circumstance held invalid or unenforceable by its terms, shall 330  
be construed so as to give it the maximum effect permitted by 331  
law. If such holding wholly invalidates or renders the provision 332  
unenforceable, the provision is severable and does not affect 333  
the remainder of the provisions of this section or how the 334  
remainder of the provisions in this section apply to any other 335  
person not similarly situated or to other, dissimilar 336

circumstances. 337

(I) To the extent that the provisions in section 2317.56 338  
of the Revised Code conflict with this section, the provisions 339  
of this section supersede the provisions under section 2317.56 340  
of the Revised Code. 341

(J) The state medical board may adopt rules in accordance 342  
with Chapter 119. of the Revised Code to specify any adverse 343  
physical or psychological condition arising from the performance 344  
or inducement of an abortion for the purpose of the definition 345  
of complications as set forth in division (A) (2) of this 346  
section. 347

**Section 2.** That existing sections 2305.11 and 2307.46 of 348  
the Revised Code are hereby repealed. 349

**Section 3.** This act shall be known as the Share the Health 350  
and Empower With Informed Notices (SHE WINS) Act. 351