

As Introduced

CORRECTED BY SPONSORS

136th General Assembly

Regular Session

2025-2026

H. B. No. 370

Representatives Dean, Newman

Cosponsors: Representatives McClain, Barhorst, Gross, Mullins, Ritter, Hall, T.

A BILL

To enact sections 2903.24 and 2903.241 of the
Revised Code to enact the Ohio Prenatal Equal
Protection Act.

1
2
3

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

Section 1. That sections 2903.24 and 2903.241 of the
Revised Code be enacted to read as follows:

4
5

Sec. 2903.24. The following is the intent of the general
assembly in enacting this section and section 2903.241 of the
Revised Code:

6
7
8

(A) To acknowledge the sanctity of innocent human life,
created in the image of God, which should be equally protected
from the beginning of biological development to natural death;

9
10
11

(B) To acknowledge the United States Constitution as
overriding anything in the Ohio Constitution contrary to it, as
it provides in Article VI, Clause 2, "This Constitution, and the
Laws of the United States which shall be made in Pursuance
thereof...shall be the supreme Law of the Land; and the Judges
in every State shall be bound thereby, any Thing in the

12
13
14
15
16
17

Constitution or Laws of any State to the Contrary 18
notwithstanding"; 19

(C) To follow the Constitution of the United States, which 20
requires in Section 1 of the Fourteenth Amendment that "[n]o 21
state shall...deny to any person within its jurisdiction the 22
equal protection of the laws"; 23

(D) To fulfill that constitutional requirement by 24
protecting the lives of preborn persons with the same criminal 25
and civil laws protecting the lives of born persons by repealing 26
provisions that permit willful prenatal homicide or assault; 27

(E) To protect pregnant mothers from being pressured to 28
abort by repealing provisions that may otherwise allow a person 29
to direct, advise, encourage, or solicit a mother to abort her 30
child; 31

(F) To ensure that all persons potentially subject to such 32
laws are entitled to due process protections; 33

(G) Therefore, to entirely abolish abortion in this state. 34

Sec. 2903.241. (A) As used in this chapter and 35
notwithstanding section 2901.01 of the Revised Code or any other 36
provision of law, "person" or "another" includes an individual 37
living human child before birth from the beginning of biological 38
development at the moment of fertilization upon the fusion of a 39
human spermatozoon with a human ovum. 40

(B) Enforcement pursuant to this section is subject to the 41
same presumptions, defenses, justifications, immunities, 42
clemencies, and other due process protections that would apply 43
to the homicide or assault of a person who had been born alive. 44

(C) Nothing in this chapter shall apply to the 45

unintentional death of an unborn child when such death results 46
from either of the following: 47

(1) The undertaking of life-saving procedures on a 48
pregnant woman when such procedures are accompanied by 49
reasonable steps, if available, to save the life of her unborn 50
child; 51

(2) A spontaneous miscarriage. 52

(D) The common law defense of duress is a valid defense to 53
homicide where the victim is an unborn child and the defendant 54
is the child's mother if the defendant is the object of the 55
threat and the elements of duress otherwise exist. 56

(E) The provisions of this section shall be in addition to 57
any other provisions relating to the death or injury of an 58
unborn child, and this section prevails over other law to the 59
extent of any conflict. 60

Section 2. This act shall be known as the Ohio Prenatal 61
Equal Protection Act. 62