

As Introduced

136th General Assembly

Regular Session

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H. B. No. 435

Representatives Williams, Miller, M.

Cosponsors: Representatives McClain, Deeter, Johnson

To amend sections 3705.01 and 3705.09 of the
Revised Code to require an institution to offer
genetic testing to confirm paternity when a
child is born to unwed parents and to name this
act the Right to Know Act.

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

Section 1. That sections 3705.01 and 3705.09 of the
Revised Code be amended to read as follows:

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Sec. 3705.01. As used in this chapter:

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(A) "Live birth" means the complete expulsion or
extraction from its mother of a product of human conception that
after such expulsion or extraction breathes or shows any other
evidence of life such as beating of the heart, pulsation of the
umbilical cord, or definite movement of voluntary muscles,
whether or not the umbilical cord has been cut or the placenta
is attached.

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(B) (1) "Fetal death" means death prior to the complete
expulsion or extraction from its mother of a product of human
conception, irrespective of the duration of pregnancy, which
after such expulsion or extraction does not breathe or show any

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other evidence of life such as beating of the heart, pulsation 20
of the umbilical cord, or definite movement of voluntary 21
muscles. 22

(2) "Stillborn" means that an infant of at least twenty 23
weeks of gestation suffered a fetal death. 24

(C) "Dead body" means a human body or part of a human body 25
from the condition of which it reasonably may be concluded that 26
death recently occurred. 27

(D) "Physician" means a person licensed pursuant to 28
Chapter 4731. of the Revised Code to practice medicine or 29
surgery or osteopathic medicine and surgery. 30

(E) "Attending physician" means the physician in charge of 31
the patient's care for the illness or condition that resulted in 32
death. 33

(F) "Institution" means any establishment, public or 34
private, that provides medical, surgical, or diagnostic care or 35
treatment, or domiciliary care, to two or more unrelated 36
individuals, or to persons committed by law. 37

(G) "Funeral director" has the meaning given in section 38
4717.01 of the Revised Code. 39

(H) "State registrar" means the head of the office of 40
vital statistics in the department of health. 41

(I) "Medical certification" means completion of the 42
medical certification portion of the certificate of death or 43
fetal death as to the cause of death or fetal death. 44

(J) "Final disposition" means the interment, cremation, 45
removal from the state, donation, or other authorized 46
disposition of a dead body or a fetal death. 47

(K) "Interment" means the final disposition of the remains 48
of a dead body by burial or entombment. 49

(L) "Cremation" means the reduction to ashes of a dead 50
body. 51

(M) "Donation" means gift of a dead body to a research 52
institution or medical school. 53

(N) "System of vital statistics" means the registration, 54
collection, preservation, amendment, and certification of vital 55
records, the collection of other reports required by this 56
chapter, and activities related thereto. 57

(O) "Vital records" means certificates or reports of 58
birth, death, fetal death, marriage, divorce, dissolution of 59
marriage, annulment, and data related thereto and other 60
documents maintained as required by statute. 61

(P) "File" means the presentation of vital records for 62
registration by the office of vital statistics. 63

(Q) "Registration" means the acceptance by the office of 64
vital statistics and the incorporation of vital records into its 65
official records. 66

(R) "Birth record" means a birth certificate that has been 67
registered with the office of vital statistics; or, if 68
registered prior to March 16, 1989, with the division of vital 69
statistics; or, if registered prior to the establishment of the 70
division of vital statistics, with the department of health or a 71
local registrar. 72

(S) "Certification of birth" means a document issued by 73
the director of health or state registrar or a local registrar 74
under division (B) of section 3705.23 of the Revised Code. 75

(T) "Certified nurse-midwife" has the same meaning as in 76
section 4723.01 of the Revised Code. 77

(U) "Genetic testing" has the same meaning as in section 78
3111.09 of the Revised Code. 79

Sec. 3705.09. (A) A birth certificate for each live birth 80
in this state shall be filed in the registration district in 81
which it occurs within ten calendar days after such birth and 82
shall be registered if it has been completed and filed in 83
accordance with this section. 84

(B) When a birth occurs in or en route to an institution, 85
the person in charge of the institution or a designated 86
representative shall obtain the personal data, prepare the 87
certificate, and complete and certify the facts of birth on the 88
certificate within ten calendar days. The physician or certified 89
nurse-midwife in attendance shall be listed on the birth record. 90

(C) When a birth occurs outside an institution, the birth 91
certificate shall be prepared and filed by one of the following 92
in the indicated order of priority: 93

(1) The physician or certified nurse-midwife in attendance 94
at or immediately after the birth; 95

(2) Any other person in attendance at or immediately after 96
the birth; 97

(3) The father; 98

(4) The mother; 99

(5) The person in charge of the premises where the birth 100
occurred. 101

(D) Either of the parents of the child or other informant 102

shall attest to the accuracy of the personal data entered on the 103
birth certificate in time to permit the filing of the 104
certificate within the ten days prescribed in this section. 105

(E) When a birth occurs in a moving conveyance within the 106
United States and the child is first removed from the conveyance 107
in this state, the birth shall be registered in this state and 108
the place where it is first removed shall be considered the 109
place of birth. When a birth occurs on a moving conveyance while 110
in international waters or air space or in a foreign country or 111
its air space and the child is first removed from the conveyance 112
in this state, the birth shall be registered in this state but 113
the record shall show the actual place of birth insofar as can 114
be determined. 115

(F) (1) If the mother of a child was married at the time of 116
either conception or birth or between conception and birth, the 117
child shall be registered in the surname designated by the 118
mother, and the name of the husband shall be entered on the 119
certificate as the father of the child. The presumption of 120
paternity shall be in accordance with section 3111.03 of the 121
Revised Code. 122

~~(2)~~ (2) (a) If the mother was not married at the time of 123
conception or birth or between conception and birth, the child 124
shall be registered by the surname designated by the mother. ~~The~~ 125
Subject to division (F) (2) (b) of this section, the name of the 126
father of such child shall also be inserted on the birth 127
certificate if both the mother and the father sign an 128
~~acknowledgement~~ acknowledgment of paternity affidavit before the 129
birth record has been sent to the local registrar. 130

(b) When a birth occurs in or en route to an institution, 131
the institution shall do the following before providing an 132

<u>acknowledgment of paternity affidavit for the mother and father</u>	133
<u>to sign:</u>	134
<u>(i) Offer to conduct genetic testing on the child and</u>	135
<u>father to confirm the father's status as the father of the</u>	136
<u>child, to be provided free of charge;</u>	137
<u>(ii) If the mother or father decline genetic testing,</u>	138
<u>provide an acknowledgment of the offer to conduct genetic</u>	139
<u>testing at no cost, to be signed by both the mother and father.</u>	140
<u>(c) An institution shall not withhold an acknowledgment of</u>	141
<u>paternity affidavit upon request from the mother or father</u>	142
<u>regardless of the results of any genetic testing conducted under</u>	143
<u>division (F) (2) (b) of this section.</u>	144
<u>(d) (i) An institution shall not bill either the mother or</u>	145
<u>father for any cost associated with the provision of genetic</u>	146
<u>testing under division (F) (2) (b) of this section.</u>	147
<u>(ii) Notwithstanding division (F) (2) (d) (i) of this</u>	148
<u>section, an institution may bill any health benefit plan</u>	149
<u>covering the mother, father, or child for any cost associated</u>	150
<u>with the provision of genetic testing under division (F) (2) (b)</u>	151
<u>of this section.</u>	152
<u>(iii) Any reimbursement made by a health plan issuer shall</u>	153
<u>be considered payment in full, and the institution shall not</u>	154
<u>bill either the mother or father for any difference between the</u>	155
<u>reimbursement and the institution's charge for the genetic</u>	156
<u>testing.</u>	157
<u>(iv) As used in division (F) (2) (d) of this section,</u>	158
<u>"health benefit plan" and "health plan issuer" have the same</u>	159
<u>meanings as in section 3922.01 of the Revised Code.</u>	160

(3) If the father is not named on the birth certificate 161
pursuant to division (F) (1) or (2) of this section, no other 162
information about the father shall be entered on the record. 163

(G) When a man is presumed, found, or declared to be the 164
father of a child, according to section 2105.26, sections 165
3111.01 to 3111.18, former section 3111.21, or sections 3111.38 166
to 3111.54 of the Revised Code, or the father has acknowledged 167
the child as his child in an acknowledgment of paternity, and 168
the acknowledgment has become final pursuant to section 169
2151.232, 3111.25, or 3111.821 of the Revised Code, and 170
documentary evidence of such fact is submitted to the department 171
of health in such form as the director may require, a new birth 172
record shall be issued by the department which shall have the 173
same overall appearance as the record which would have been 174
issued under this section if a marriage had occurred before the 175
birth of such child. Where handwriting is required to effect 176
such appearance, the department shall supply it. Upon the 177
issuance of such new birth record, the original birth record 178
shall cease to be a public record. Except as provided in 179
division (C) of section 3705.091 of the Revised Code, the 180
original record and any documentary evidence supporting the new 181
registration of birth shall be placed in an envelope which shall 182
be sealed by the department and shall not be open to inspection 183
or copy unless so ordered by a court of competent jurisdiction. 184

(H) Every birth certificate filed under this section on or 185
after July 1, 1990, shall be accompanied by all social security 186
numbers that have been issued to the parents of the child, 187
unless the division of child support in the department of job 188
and family services, acting in accordance with regulations 189
prescribed under the "Family Support Act of 1988," 102 Stat. 190
2353, 42 U.S.C.A. 405, as amended, finds good cause for not 191

requiring that the numbers be furnished with the certificate. 192
The parents' social security numbers shall not be recorded on 193
the certificate. No social security number obtained under this 194
division shall be used for any purpose other than the purposes 195
specified in division (B) (1) of section 3705.07 of the Revised 196
Code. 197

Section 2. That existing sections 3705.01 and 3705.09 of 198
the Revised Code are hereby repealed. 199

Section 3. This act shall be known as the Right to Know 200
Act. 201