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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

H.B. 693
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Click and Williams

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SUMMARY

- Establishes that affirming a child's sex is not (1) abuse, neglect, or risk thereof, (2) contrary to the best interests of the child, or (3) creating an unsafe environment for the child.
- Applies the above principle to a variety of domains, including allocation of parental rights and responsibilities, investigation of child abuse, child placement, medical care and research, training and educational materials, professional licensing, employment, data collection, and withholding or concealing information.
- Requires various state and local government entities and contractees to certify compliance with the provisions of the bill.
- Establishes a private cause of action for violations of the bill's provisions.
- Expresses the General Assembly's findings regarding parental rights as they relate to affirming a child's sex.
- Designates the bill as the "Affirming Families First Act."

DETAILED ANALYSIS

H.B. 693 specifies that it is Ohio's public policy that a parent has the fundamental right to make decisions concerning the upbringing, education, and care of the parent's minor child, including the right to affirm the minor child's sex.¹ It establishes that affirming a child's sex must not be considered to be (1) abuse, neglect, or risk thereof, (2) contrary to the best interest of the child, or (3) creating an unsafe environment for the child.² Based on these principles, the bill enacts various prohibitions related to affirming a child's sex.

¹ R.C. 3129.14(A).

² R.C. 2151.032.

Affirming a child's sex means guiding, instructing, raising, or referring to (or intending to guide, instruct, raise, or refer to) a minor child in a manner consistent with that minor child's sex and making decisions for the purpose of protecting the minor child's bodily integrity, development, and emotional and mental health, including all of the following:

- Using the minor child's legal name, referring to the minor child with pronouns consistent with the minor child's sex, or refraining from using a name or pronouns inconsistent with the minor child's sex;
- Seeking out and consenting to any lawful mental health service for the minor child to assist the child in living consistent with the child's sex;
- Declining to consent to any medical or surgical gender transition services for the minor child;
- Declining to consent to any physical or mental health services for the minor child for the purpose of gender transition.³

The bill defines "sex" as either male and female as determined by the reproductive capacity, but for a congenital anomaly or intentional or unintentional disruption, to produce, transport, and utilize sperm or eggs.⁴ Existing law unchanged by the bill defines "sex" as the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.⁵

Prohibited acts

General prohibitions

Under the bill, the state and any state agency are prohibited from doing any of the following:⁶

- Taking adverse action against a parent, guardian, or legal custodian for affirming the sex of that person's minor child;
- Requiring a parent, guardian, or legal custodian to deny or refrain from affirming their minor child's sex;
- Imposing any limitations on the right and authority of a parent, guardian, or legal custodian to make physical or mental health care decisions for their minor child, or have physical access to the child;

³ R.C. 3129.10(A).

⁴ R.C. 3129.01(A), (C), and (I). A technical amendment is needed to update an incorrect cross-reference in R.C. 3129.01(A)

⁵ R.C. 9.05, not in the bill.

⁶ R.C. 3129.14.

- Withholding any information concerning a minor child’s mental, emotional, or physical health or well-being from the child’s parent, guardian, or legal custodian, or directly or indirectly encouraging a child to withhold such information, including information related to the child’s claim or request to identify in a way that does not correspond with the child’s sex;
- Aiding or abetting a minor child to run away from a fit parent, guardian, legal custodian, or kinship caregiver;
- Changing a minor child’s name or pronouns in the child’s educational, medical, or state records without the permission of the child’s parent, guardian, or legal custodian.

The Director of Children and Youth is required to certify compliance with these provisions (see “**Certification rules and reports,**” below).⁷

Allocation of parental rights and responsibilities

Continuing law prohibits a court from denying or limiting parental rights and responsibilities or parenting time based on a parent’s decision to refer to and raise his or her child in a manner consistent with the child’s biological sex. The bill expands on this to additionally prohibit a court from taking those actions based on a parent’s decision to affirm his or her child’s sex.⁸ When a court is allocating parental rights and responsibilities, the bill prohibits the court from considering a parent’s act of affirming a child’s sex as contrary to the best interest of the child.⁹

Child abuse or neglect – investigation and removal

The bill prohibits a public children services agency (PCSA) from entertaining or investigating a report of child abuse or neglect if that report is solely based on the child’s parent, guardian, legal custodian, or kinship caregiver affirming the child’s sex. If a report includes a claim of affirming a child’s sex in addition to other claims, affirmation of the child’s sex cannot be the basis for an investigation of a complaint of neglect or abuse made to a juvenile court or for the removal of the child from the parent, guardian, legal custodian, or kinship caregiver.¹⁰

Child placement

The bill prohibits the state and any state agency from taking adverse action against a prospective or current foster caregiver, adoptive parent, or kinship caregiver for affirming the sex of a minor child under their care. This includes denying placement of a child with a prospective or current foster caregiver, adoptive parent, or kinship caregiver or removing a child from such a placement. The state and all state agencies are additionally prohibited from requiring a prospective or current foster caregiver, adoptive parent, or kinship caregiver to deny or refrain

⁷ R.C. 3129.30(A).

⁸ R.C. 3109.054(A)(1).

⁹ R.C. 3109.04(F)(4).

¹⁰ R.C. 3129.11.

from affirming the sex of a minor child in their care.¹¹ The Director of Children and Youth is required to certify compliance with these provisions (see “**Certification rules and reports**,” below).¹²

Case plans

A PCSA or private child placing agency may not implement a case plan for a child in temporary custody that requires a party to the case plan (including the child’s parent, guardian, or legal custodian) to (1) consent to or facilitate social or medical interventions counter to affirming the child’s sex or (2) restrict or prohibit a parent, guardian, or legal custodian from affirming the child’s sex.¹³

Medical care and research

The bill prohibits the state or a state agency from preventing the return of a minor child to the child’s parent, guardian, legal custodian, or kinship caregiver because the parent, guardian, legal custodian, or kinship caregiver affirms the child’s sex in either of the following circumstances: (1) the parent, guardian, legal custodian, or kinship caregiver consented to inpatient or outpatient treatment for the child due to self-harm or the risk or threat of self-harm, or (2) the child was referred to or treated in a manner inconsistent with the child’s sex while receiving inpatient or outpatient treatment.

The state or a state agency may not limit a parent, guardian, or legal custodian’s authority to make decisions about physical or mental health care for a child receiving inpatient or outpatient treatment, or to have physical access to the child in such circumstances, because the parent, guardian, or legal custodian affirms the child’s sex.

The state or a state agency may not limit or waive a parent, guardian, or legal custodian’s right to be informed of and consent to, or withhold consent for, a child’s participation in any research or study because the caregiver affirms the child’s sex.¹⁴

The state or a state agency may not require a parent, guardian, legal custodian, or kinship caregiver to consent to or facilitate social or medical interventions that are counter to affirming a child’s sex. Medical interventions include surgery.¹⁵

Training and educational materials

The bill prohibits the state, a state agency, or a political subdivision from using state funds or contracting with any entity or conducting any educational or training program for any employees, contractors, agents, or volunteers for training, educational materials, or curricula that characterize the act of affirming a child’s sex as abuse, neglect, creating a risk of abuse or

¹¹ R.C. 3129.15.

¹² R.C. 3129.30(A).

¹³ R.C. 2151.412(L).

¹⁴ R.C. 3129.12.

¹⁵ R.C. 3129.13.

neglect, or creating an unsafe environment.¹⁶ A political subdivision includes municipal corporations, townships, counties, school districts, and all other bodies corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state. It includes a county department of job and family services or a PCSA.¹⁷ Similarly, training by or for an employee, contractor, agent, or volunteer of the state, a state agency, or a political subdivision, including the training of a court appointed special advocate, guardian ad litem, foster caregiver, or adoptive parent, may not characterize the act of affirming a child's sex as abuse, neglect, creating a risk of abuse or neglect, or creating an unsafe environment.¹⁸ Every state agency, court, state university, county department of job and family services, and PCSA that conducts educational or training programs related to working with children or oversees such training is required to certify compliance with these provisions (see "**Certification rules and reports**," below).¹⁹

Any entity that contracts with the state, a state agency, or a political subdivision to provide professional child welfare training must provide the following certification as part of the contract:²⁰

[Entity name] certifies that the organization as well as its employees and contractors shall, during the term of this contract, while receiving state funds or carrying out duties as contracted by [the state, political subdivision, or state agency], provide no instruction, training, materials, or curricula to any employee, contractor, agent, or volunteer of the state or any political subdivision thereof stating or suggesting that:

(1) The act of affirming a minor's sex constitutes abuse or neglect, creates a risk of abuse or neglect, or creates an unsafe environment;

(2) Gender transition for a minor is a sound evidence-based treatment for gender dysphoria or that gender transition reduces the risk of suicide in minors struggling with gender dysphoria;

(3) Psychological and mental health treatment that affirms a child's sex constitutes conversion therapy; or

(4) Parents, guardians, legal custodians, and other adult caretakers of minors place children struggling with gender dysphoria at risk of self-harm if they affirm the child's sex.

¹⁶ R.C. 3129.21(A).

¹⁷ R.C. 3129.10(F).

¹⁸ R.C. 3129.21 and R.C. 2151.426(B)(2). A technical amendment is needed to update an incorrect cross-reference in R.C. 2151.426(B)(2).

¹⁹ R.C. 3129.30(C).

²⁰ R.C. 3129.211.

If a person or an entity contracted by the state, a state agency, or a political subdivision uses state funds for services, including training, educational materials, or programming for children, that characterizes the act of affirming a child's sex as abuse, neglect, creating a risk of abuse or neglect, or creating an unsafe environment, the person or entity loses that contract as well as eligibility for future contracts or other funding.²¹

The Director of Administrative Services is tasked with reporting losses of contracts as due to a contractee providing services that characterize the act of affirming a child's sex as abuse, neglect, creating a risk of abuse or neglect, or creating an unsafe environment.²²

Licensure and certification

The bill prohibits a state regulatory entity from requiring that professional licensure or certification for any individual, organization, or agency that works with children be contingent on (1) referring to or treating children in a manner that is inconsistent with the child's sex or (2) denying children care that affirms their sex. A violation of this provision results in the loss of licensure or certification for the responsible person.²³ Because this provision imposes a prohibition on regulatory entities and not individual licensees, it is unclear who the sanction would apply to.

Each board, commission, or agency that regulates occupations and professions is required to certify compliance with these provisions (see "**Certification rules and reports,**" below).²⁴

Employment

The bill prohibits an employee, contractor, agent, or volunteer of the state or a political subdivision from being required to deny or not affirm a child's sex in the course of his or her actions or work involving minor children. The bill further prohibits the state or a political subdivision from taking retaliatory action against an employee, contractor, agent, or volunteer who affirms a child's sex.²⁵

The Director of Administrative Services is required to certify compliance with these provisions (see "**Certification rules and reports,**" below).²⁶

Data collection

The bill establishes the following actions that may not be taken regarding data collection by the state, a state agency, or a political subdivision on behalf of the state or using state funds:²⁷

²¹ R.C. 3129.22.

²² R.C. 3129.30(B)(1).

²³ R.C. 3129.23 and 4743.15.

²⁴ R.C. 3129.30(D).

²⁵ R.C. 3129.25.

²⁶ R.C. 3129.30(B)(2).

²⁷ R.C. 3129.26.

- Soliciting personal information or statements from a child about that child’s perception of his or her sexual orientation or gender identity without a court order or written permission from the child’s parent, guardian, or legal custodian;
- Establishing or maintaining a system of surveillance or monitoring of parents, guardians, legal custodians, and kinship caregivers who affirm a child’s sex, including any system that compiles and stores this information;
- Establishing or maintaining a system of surveillance or monitoring of children based on their perception of their sexual orientation or gender identity, with the exception of legal research settings where written permission to store this information has been granted by each child’s parent, guardian, or legal custodian;
- Requiring or soliciting a child to submit a survey, analysis, or evaluation that reveals information about the child’s sex, behavior, attitudes, or perceived identity without a court order or written permission from the child’s parent, guardian, or legal custodian.

Withholding or concealing information

The state, a state agency, or a political subdivision is not permitted to implement a policy or action that withholds information or requires the concealment of information about a minor child from the child’s parent, guardian, legal custodian, or kinship caregiver because the parent, guardian, legal custodian, or kinship caregiver affirms the child’s sex.²⁸

The Director of Children and Youth is required to certify compliance with this provision (see “**Certification rules and reports**,” below).²⁹

Certification rules and reports

Every state agency responsible for certifying compliance with the provisions of the bill must adopt rules to implement certification requirements, including mechanisms for establishing reporting requirements so the agency can confirm compliance.³⁰

All certifications and the Director of Administrative Services’ report regarding loss of contracts must be provided to the Governor, the General Assembly, and the Attorney General and be made available in a publicly accessible document at the end of each fiscal year.³¹

Private cause of action

The bill establishes that any of the following may initiate a private cause of action against any employee, contractor, agent, or volunteer of the state, agency, institution, or entity that violates the provisions of this bill regarding reports of child abuse, medical care, child placement, training and educational materials, employment, data collection, withholding or concealing information, certifications and reports, or any of the prohibitions listed under the “**General**

²⁸ R.C. 3129.24.

²⁹ R.C. 3129.30(A).

³⁰ R.C. 3129.301.

³¹ R.C. 3129.30.

prohibitions” heading: a (1) parent, guardian, legal custodian, (2) minor child, or (3) employee, contractor, agent, or volunteer of the state or a political subdivision. A court may award damages and equitable relief as it determines to be justified, in addition to reasonable attorney’s fees and court costs to a plaintiff that prevails in an action.³²

As a part of the creation of this private cause of action, the state and any of its political subdivisions waive immunity from liability and consent to be sued with the same rules of law that are applicable to suits between private parties regarding violations of the bill’s prohibitions.³³

Children’s advocacy centers

The bill requires children’s advocacy centers to comply with the bill’s requirements. A children’s advocacy center is a center operated by entities within a county or contiguous counties to perform services regarding reports of child abuse, as specified in the memorandum of understanding that creates the center.

Legislative intent and findings

H.B. 693 expresses the intent of the General Assembly to maintain the long-established constitutional rights of parents to raise, protect, and nurture their children, and to protect children, families, and those who work with them from the harms of wrongful determinations of abuse.³⁴

The General Assembly additionally makes the following findings:³⁵

- Parents possess by law the fundamental right to raise their children and by nature and nurture the greatest love and knowledge of that child.
- The Fourteenth Amendment of the United States Constitution protects the right of parents to direct the care, upbringing, education, and welfare of their children.
- The Supreme Court of the United States has held that “the Due Process Clause does not permit a State to infringe on the fundamental right of parents to make childrearing decisions simply because a state judge believes a ‘better’ decision could be made.” *Troxel v. Granville*, 530 U.S. 57, at 72-73 (plurality op.).
- The Supreme Court has recognized that a state’s notion of what may be “thought to be in the children’s best interest,” without some “showing of unfitness” on the part of parents, offends the Due Process Clause of the Constitution. *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978).
- The Supreme Court has held that “[t]he statist notion that governmental power should supersede parental authority in all cases because some parents abuse and neglect children is repugnant to American tradition. *Simply because the decision of a parent is not*

³² R.C. 3129.35.

³³ R.C. 3129.351.

³⁴ Section 3(A).

³⁵ Section 3(B).

agreeable to a child or because it involves risks does not automatically transfer the power to make that decision from the parents to some agency or officer of the state.” Parham v. J.R., 442 U.S. 584, 603 (1979).

- A parent’s fundamental right to direct the care and upbringing of his or her child includes raising, treating, referring to, and caring for the child in a manner consistent with the child’s sex.
- It is contrary to the best interests of children for the state to remove a child from fit and loving parents simply for raising the child in a manner consistent with the child’s biological sex.
- State child protection systems have wrongfully removed children from the custody of fit and loving parents for refraining from social measures or from medical or surgical procedures that attempt to affirm a child’s feelings of incongruence with the child’s biological sex.
- Child gender transition is an experimental, high-risk process which can turn a physically healthy child into a lifelong medical patient. As established in multiple systematic evidence reviews, including a report published by the United States Department of Health and Human Services in 2025 entitled “Treatment for Pediatric Gender Dysphoria: Review of Evidence and Best Practices” and a report published in 2024 that was commissioned by National Health Service England and National Health Service Improvement entitled “Cass Review,” child gender transition is not supported by evidenced-based medicine or science.
- The concept of a gender identity, often defined circularly as “an internal sense of gender,” or an “authentic self” dissociated from biological reality is neither scientific nor evidence-based, but a dubious metaphysical premise grounded in tendentious gender ideology.
- No sound scientific evidence justifies pediatric gender transition, much less removal of a child by the state from the child’s parents for the purpose of enforcing such a transition.
- Removing a child from the child’s home and family creates trauma for the child and damages familial bonds.
- Except in cases of actual abuse, neglect, or endangerment, removing a child from the child’s home exposes the child to greater risks in state care, including well-documented, vastly higher rates of lifelong harm from sexual assault, human trafficking, and drug use.
- A growing number of educational and professional institutions wrongly train personnel of legal and child protection systems to treat as abuse a parent’s choice to refrain from social, medical, or surgical procedures that affirm a child’s feelings of incongruence with the child’s biological sex.
- A growing number of certification, licensing, and accreditation bodies for health care, legal, and social work professionals wrongly require adherence to the unquestioning and precipitous gender transition of children.

- A growing number of individuals and organizations working with children in legal, educational, and health care settings act in ways that alienate children from the children's parents and families, and from the children's parents' and families' sincerely held convictions and religious beliefs.
- Parental alienation is a well-documented cause of emotional distress and trauma in children, and is contrary to the best interest of the child.
- It is contrary to sound policy and to the best interest of a child under the custody of the state to bar individuals from fostering or adopting children solely on the grounds of moral convictions and religious beliefs concerning sexuality and biological sex. Thousands of such families have been barred by states from fostering or adopting children, thus depriving children in desperate need of safe and loving homes.
- Histories of trauma and abuse correlate strongly with dissociative beliefs. It is contrary to the best interest of a child victim in the custody of the state to limit foster care or adoptive placement to families who will reinforce a child's dissociation from the child's body.
- No child should be reduced to the child's feelings about the child's body, but should be supported in addressing confusion and distress in a manner that does not harm the child.
- Protecting a child's development, health, bodily integrity, and open future is of paramount importance and constitutes a legitimate state interest.
- Raising a girl as a girl or a boy as a boy is never abuse.

HISTORY

Action	Date
Introduced	02-10-26
