

As Introduced

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H. B. No. 783

Representatives Newman, Gross

**Cosponsors: Representatives McClain, Miller, M., John, Click, King, Creech,
Barhorst, Dean, Lear, Williams, Klopfenstein, Bird, Hall, T.**

To enact sections 2317.57 and 2317.571 of the 1
Revised Code regarding notice about the 2
possibility of reversing a chemical abortion. 3

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

Section 1. That sections 2317.57 and 2317.571 of the 4
Revised Code be enacted to read as follows: 5

Sec. 2317.57. (A) As used in this section: 6

(1) "Chemical abortion" means an abortion induced by a 7
medication regimen of mifepristone followed by misoprostol with 8
the intent to cause the death of the unborn child. 9

(2) "Health care provider" means a person, practice, 10
partnership, corporation, professional limited liability 11
company, health care facility, entity, or institution licensed 12
or certified in this state to provide health care services, 13
including a physician, osteopathic physician, physician 14
assistant, advanced practice registered nurse, and hospital. 15

(3) "Health care provider's agent" means any person who 16
acts on behalf of a health care provider at the request of or 17
with the knowledge of the health care provider. 18

(4) "Medical emergency" has the same meaning as in section 2919.16 of the Revised Code. 19
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"Medical emergency" does not include psychological or emotional conditions. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the pregnant woman will engage in conduct that she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function. 21
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(5) "Stable web site" means a web site that, to the extent reasonably practicable, is safeguarded from having its content altered other than by the department of health. 27
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(B) Except in the case of a medical emergency, no health care provider shall knowingly or recklessly perform or induce a chemical abortion without the health care provider or health care provider's agent doing both of the following: 30
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(1) Prior to providing the woman with mifepristone, informing the pregnant woman, either in person or by telephone, of both of the following: 34
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(a) That it may be possible to reverse the intended effects of a chemical abortion before she takes misoprostol if she changes her mind, but that time is of the essence. 37
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(b) That information on and assistance with reversing the effects of a chemical abortion are available on the department of health's stable web site. 40
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(2) Immediately after providing the woman with mifepristone, providing her with printed medical discharge instructions that include the department of health's abortion pill reversal hotline and stable web site and the following statement: 43
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"If you've started a chemical abortion but now regret it, 48
you're not alone. IT MAY NOT BE TOO LATE TO SAVE YOUR PREGNANCY. 49

It may be possible to avoid, cease, or even reverse the 50
intended effects of a chemical abortion if the second pill, 51
misoprostol, has not been taken. Studies suggest that abortion 52
pill reversal is a safe and effective process that gives your 53
baby a second chance at life. It has been shown to increase the 54
chances of allowing the pregnancy to continue; however, the 55
outcome of your particular reversal attempt cannot be 56
guaranteed. 57

The Department of Health's abortion pill reversal web site 58
and hotline is available 24 hours a day and 7 days a week to 59
connect you with a trusted medical professional nearby who can 60
help you take the next step toward reversing the abortion. Time 61
is critical." 62

(C) (1) The following individuals may bring a civil action 63
against the person who performed or induced a chemical abortion 64
in violation of division (B) of this section: 65

(a) The woman on whom the chemical abortion was induced; 66

(b) The biological father of the unborn child, if the 67
biological father's relationship to the unborn child is 68
established by a preponderance of evidence; 69

(c) If the woman has not attained the age of eighteen 70
years at the time of the chemical abortion or has died as a 71
result of the chemical abortion, the unborn child's 72
grandparents. 73

(2) The court shall not award damages to a plaintiff if 74
the pregnancy of the woman on whom the chemical abortion was 75
performed or induced was the result of the plaintiff's criminal 76

conduct. 77

(3) (a) If the plaintiff prevails in an action filed under 78
division (C) of this section, the court shall award the 79
plaintiff actual and punitive damages and reasonable attorney's 80
fees. 81

(b) If the defendant in an action filed under division (C) 82
of this section prevails and the court finds that the 83
commencement of the action constitutes frivolous conduct, as 84
defined in section 2323.51 of the Revised Code, the court shall 85
award reasonable attorney's fees to the defendant. 86

(4) A pregnant woman on whom an abortion is performed or 87
induced is not subject to a civil penalty based on the abortion 88
being performed or induced in violation of this section. 89

(D) (1) The attorney general or a prosecutor with 90
appropriate jurisdiction may conduct an investigation of an 91
alleged violation of division (B) of this section and initiate a 92
civil action on behalf of the state to assess civil penalties 93
against the health care provider and health care provider's 94
agent. Prior to asserting a cause of action, the attorney 95
general or the prosecutor shall provide the health care provider 96
and health care provider's agent with a period of not less than 97
thirty days to comply with the requirements of division (B) of 98
this section. 99

(2) Any health care provider or health care provider's 100
agent that violates division (B) of this section is liable for a 101
civil penalty, to be assessed by the court, of not more than 102
five thousand dollars for each day of the violation. 103

(3) The court may impose an additional civil penalty that 104
shall not exceed ten thousand dollars for each violation of 105

division (B) of this section against any health care provider or 106
health care provider's agent determined by the court to have 107
knowingly violated division (B) of this section. 108

(4) Each violation may be treated as a separate violation 109
or may be combined into one violation at the option of the 110
attorney general or the prosecutor. 111

(5) Civil penalties assessed under divisions (D) (2) and 112
(3) of this section shall include statutory interest as defined 113
in section 1343.03 of the Revised Code from the date that the 114
penalty is assessed by the court to the date that the penalty is 115
paid in full and shall be used to fund entities that meet the 116
conditions set forth in division (B) of section 5180.71 of the 117
Revised Code. 118

(6) Any commercial entity that violates this section may 119
be liable to the attorney general or a prosecutor with 120
appropriate jurisdiction for all costs, expenses, and fees 121
related to investigation and proceedings associated with the 122
violation, including attorney's fees. 123

(E) (1) Not later than ninety days after the effective date 124
of this section, the department of health shall establish a 125
stable web site that provides information regarding reversing a 126
chemical abortion and resources that are available to help women 127
seeking to reverse a chemical abortion. The information shall be 128
published in English and in each language that is the primary 129
language of two per cent or more of this state's population. The 130
web site shall include the following: 131

(a) Easily comprehensible information regarding the 132
possibility of reversing the chemical abortion if a pregnant 133
woman changes her mind, notice that time is of the essence, and 134

<u>the steps for seeking help;</u>	135
<u>(b) The location, hours of operation, and contact</u>	136
<u>information for health care providers who are knowledgeable</u>	137
<u>about abortion pill reversal and agree to be publicly listed;</u>	138
<u>(c) The toll-free hotline established under division (F)</u>	139
<u>(6) of this section;</u>	140
<u>(d) The national abortion pill reversal helpline;</u>	141
<u>(e) A clear statement that seeking emergency medical care</u>	142
<u>will not result in any civil or criminal penalties;</u>	143
<u>(f) Information that directs web site visitors to</u>	144
<u>emergency services when clinically appropriate.</u>	145
<u>(F) (1) Not later than ninety days after the effective date</u>	146
<u>of this section, the department of health shall develop,</u>	147
<u>implement, and maintain a comprehensive public information and</u>	148
<u>awareness program to inform the public about abortion pill</u>	149
<u>reversal, consistent with the informational materials and web</u>	150
<u>site described in division (D) of this section. The department</u>	151
<u>shall review the content of the program annually and update it</u>	152
<u>as it determines necessary.</u>	153
<u>(2) The department shall develop, procure, and disseminate</u>	154
<u>educational and informational materials for the program</u>	155
<u>described in division (F) (1) of this section, including the</u>	156
<u>following:</u>	157
<u>(a) Print materials suitable for public distribution,</u>	158
<u>including brochures, posters, and fact sheets;</u>	159
<u>(b) Audio and electronic materials, including public</u>	160
<u>service announcements, radio spots, social media graphics, and</u>	161
<u>short explanation videos;</u>	162

<u>(c) Materials in alternative formats to ensure</u>	163
<u>accessibility for persons with disabilities.</u>	164
<u>(3) The department shall regularly distribute the</u>	165
<u>program's educational and informational materials described in</u>	166
<u>division (F) (2) of this section for public display and</u>	167
<u>availability at the following:</u>	168
<u>(a) Each state and local health department office;</u>	169
<u>(b) Each county department of job and family services</u>	170
<u>location;</u>	171
<u>(c) Publicly funded clinics and community health centers;</u>	172
<u>(d) The department's stable web site and official social</u>	173
<u>media channels.</u>	174
<u>(4) The department shall invite health care facilities to</u>	175
<u>voluntarily participate and provide educational and</u>	176
<u>informational materials at no charge to the participating</u>	177
<u>facilities.</u>	178
<u>(5) The department shall develop provider-facing resources</u>	179
<u>to inform health care providers, first responders, and relevant</u>	180
<u>social service agencies about the comprehensive public</u>	181
<u>information and awareness program described in divisions (F) (1)</u>	182
<u>and (2) of this section, including referral pathways, applicable</u>	183
<u>informed consent disclosures, and contact points for rapid</u>	184
<u>access.</u>	185
<u>(6) The department shall establish a toll-free hotline</u>	186
<u>that is operated twenty-four hours a day and seven days a week</u>	187
<u>and that provides information on abortion pill reversal and</u>	188
<u>referrals to participating providers.</u>	189
<u>(G) (1) Not later than the thirty-first day of January, the</u>	190

<u>department shall publish on its stable web site an annual report</u>	191
<u>summarizing the comprehensive public information and awareness</u>	192
<u>program's activities for the preceding calendar year that</u>	193
<u>includes the following:</u>	194
<u>(a) The number and types of materials distributed;</u>	195
<u>(b) Usage metrics for the stable web site established</u>	196
<u>under division (E) of this section that are aggregate and non-</u>	197
<u>identifiable;</u>	198
<u>(c) Call volume data for the hotline, established under</u>	199
<u>division (F) (6) of this section that are aggregate and non-</u>	200
<u>identifiable;</u>	201
<u>(d) Participating facilities and geographic coverage;</u>	202
<u>(e) Program expenditures, sorted by category.</u>	203
<u>(2) The report shall not include any personally</u>	204
<u>identifiable information.</u>	205
<u>(H) The department may enter into contracts or grants with</u>	206
<u>public or private entities to assist in producing and</u>	207
<u>distributing the program's educational and informational</u>	208
<u>materials described in division (F) of this section, maintaining</u>	209
<u>the stable web site established in division (E) of this section,</u>	210
<u>operating the hotline established under division (F) (6) of this</u>	211
<u>section, or conducting outreach, provided that the entities and</u>	212
<u>the materials produced by the entities conform to the</u>	213
<u>requirements of this section. The department shall not provide</u>	214
<u>contracts to any individual, entity, or organization that</u>	215
<u>provides, promotes, counsels, or makes referrals for abortion or</u>	216
<u>abortion-related services.</u>	217
<u>(I) Nothing in this section shall be construed to do</u>	218

<u>either of the following:</u>	219
<u>(1) Create a cause of action against any individual for</u>	220
<u>failure to access comprehensive public information and awareness</u>	221
<u>program materials;</u>	222
<u>(2) Require the collection, retention, or disclosure of</u>	223
<u>any personally identifiable information from a member of the</u>	224
<u>public.</u>	225
<u>(J) The department may adopt rules as necessary to</u>	226
<u>implement this section, including standards for listing</u>	227
<u>participating providers and facilities and procedures to verify</u>	228
<u>contact information.</u>	229
<u>(K) The provisions of this section are severable as</u>	230
<u>provided in section 1.50 of the Revised Code.</u>	231
<u>Sec. 2317.571. The unborn child education and public</u>	232
<u>information fund is created in the state treasury. The fund</u>	233
<u>shall consist of appropriations made by the general assembly;</u>	234
<u>donations, gifts, and grants from private individuals or</u>	235
<u>nonprofit organizations; state and federal grants or</u>	236
<u>reimbursements; and any other funds made available for purposes</u>	237
<u>consistent with this section and section 2317.57 of the Revised</u>	238
<u>Code.</u>	239
<u>The department of health shall use the money in the fund</u>	240
<u>only for the following purposes:</u>	241
<u>(A) The development, maintenance, and promotion of the</u>	242
<u>department of health's stable web site, established under</u>	243
<u>division (E) of section 2317.57 of the Revised Code, and</u>	244
<u>hotline, established under division (F) (6) of section 2317.57 of</u>	245
<u>the Revised Code;</u>	246

<u>(B) The development, production, and distribution of</u>	247
<u>materials described in division (F) (1) and (2) of section</u>	248
<u>2317.57 of the Revised Code;</u>	249
<u>(C) Technology infrastructure and digital media tools;</u>	250
<u>(D) Health care provider training and support grants.</u>	251
<u>Any unexpended balance in the fund at the end of the</u>	252
<u>fiscal year shall remain in the fund and be available for</u>	253
<u>expenditure in subsequent years subject to appropriation by the</u>	254
<u>general assembly.</u>	255
Section 2. The prohibition under section 2317.57 of the	256
Revised Code shall not apply until the Department of Health has	257
placed on its web site information on reversing a chemical	258
abortion, as required under division (E) (1) of section 2317.57	259
of the Revised Code.	260