

As Introduced

136th General Assembly

Regular Session

2025-2026

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
Revised Code regarding notice about the
possibility of reversing a chemical abortion.

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

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

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

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

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

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

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(4) "Medical emergency" has the same meaning as in section 19
2919.16 of the Revised Code. 20

"Medical emergency" does not include psychological or 21
emotional conditions. No condition shall be deemed a medical 22
emergency if based on a claim or diagnosis that the pregnant 23
woman will engage in conduct that she intends to result in her 24
death or in substantial and irreversible physical impairment of 25
a major bodily function. 26

(5) "Stable web site" means a web site that, to the extent 27
reasonably practicable, is safeguarded from having its content 28
altered other than by the department of health. 29

(B) Except in the case of a medical emergency, no health 30
care provider shall knowingly or recklessly perform or induce a 31
chemical abortion without the health care provider or health 32
care provider's agent doing both of the following: 33

(1) Prior to providing the woman with mifepristone, 34
informing the pregnant woman, either in person or by telephone, 35
of both of the following: 36

(a) That it may be possible to reverse the intended 37
effects of a chemical abortion before she takes misoprostol if 38
she changes her mind, but that time is of the essence. 39

(b) That information on and assistance with reversing the 40
effects of a chemical abortion are available on the department 41
of health's stable web site. 42

(2) Immediately after providing the woman with 43
mifepristone, providing her with printed medical discharge 44
instructions that include the department of health's abortion 45
pill reversal hotline and stable web site and the following 46
statement: 47

"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

the steps for seeking help; 135

(b) The location, hours of operation, and contact 136
information for health care providers who are knowledgeable 137
about abortion pill reversal and agree to be publicly listed; 138

(c) The toll-free hotline established under division (F) 139
(6) of this section; 140

(d) The national abortion pill reversal helpline; 141

(e) A clear statement that seeking emergency medical care 142
will not result in any civil or criminal penalties; 143

(f) Information that directs web site visitors to 144
emergency services when clinically appropriate. 145

(F) (1) Not later than ninety days after the effective date 146
of this section, the department of health shall develop, 147
implement, and maintain a comprehensive public information and 148
awareness program to inform the public about abortion pill 149
reversal, consistent with the informational materials and web 150
site described in division (D) of this section. The department 151
shall review the content of the program annually and update it 152
as it determines necessary. 153

(2) The department shall develop, procure, and disseminate 154
educational and informational materials for the program 155
described in division (F) (1) of this section, including the 156
following: 157

(a) Print materials suitable for public distribution, 158
including brochures, posters, and fact sheets; 159

(b) Audio and electronic materials, including public 160
service announcements, radio spots, social media graphics, and 161
short explanation videos; 162

(c) Materials in alternative formats to ensure 163
accessibility for persons with disabilities. 164

(3) The department shall regularly distribute the 165
program's educational and informational materials described in 166
division (F) (2) of this section for public display and 167
availability at the following: 168

(a) Each state and local health department office; 169

(b) Each county department of job and family services 170
location; 171

(c) Publicly funded clinics and community health centers; 172

(d) The department's stable web site and official social 173
media channels. 174

(4) The department shall invite health care facilities to 175
voluntarily participate and provide educational and 176
informational materials at no charge to the participating 177
facilities. 178

(5) The department shall develop provider-facing resources 179
to inform health care providers, first responders, and relevant 180
social service agencies about the comprehensive public 181
information and awareness program described in divisions (F) (1) 182
and (2) of this section, including referral pathways, applicable 183
informed consent disclosures, and contact points for rapid 184
access. 185

(6) The department shall establish a toll-free hotline 186
that is operated twenty-four hours a day and seven days a week 187
and that provides information on abortion pill reversal and 188
referrals to participating providers. 189

(G) (1) Not later than the thirty-first day of January, the 190

department shall publish on its stable web site an annual report 191
summarizing the comprehensive public information and awareness 192
program's activities for the preceding calendar year that 193
includes the following: 194

(a) The number and types of materials distributed; 195

(b) Usage metrics for the stable web site established 196
under division (E) of this section that are aggregate and non- 197
identifiable; 198

(c) Call volume data for the hotline, established under 199
division (F) (6) of this section that are aggregate and non- 200
identifiable; 201

(d) Participating facilities and geographic coverage; 202

(e) Program expenditures, sorted by category. 203

(2) The report shall not include any personally 204
identifiable information. 205

(H) The department may enter into contracts or grants with 206
public or private entities to assist in producing and 207
distributing the program's educational and informational 208
materials described in division (F) of this section, maintaining 209
the stable web site established in division (E) of this section, 210
operating the hotline established under division (F) (6) of this 211
section, or conducting outreach, provided that the entities and 212
the materials produced by the entities conform to the 213
requirements of this section. The department shall not provide 214
contracts to any individual, entity, or organization that 215
provides, promotes, counsels, or makes referrals for abortion or 216
abortion-related services. 217

(I) Nothing in this section shall be construed to do 218

either of the following: 219

(1) Create a cause of action against any individual for 220
failure to access comprehensive public information and awareness 221
program materials; 222

(2) Require the collection, retention, or disclosure of 223
any personally identifiable information from a member of the 224
public. 225

(J) The department may adopt rules as necessary to 226
implement this section, including standards for listing 227
participating providers and facilities and procedures to verify 228
contact information. 229

(K) The provisions of this section are severable as 230
provided in section 1.50 of the Revised Code. 231

Sec. 2317.571. The unborn child education and public 232
information fund is created in the state treasury. The fund 233
shall consist of appropriations made by the general assembly; 234
donations, gifts, and grants from private individuals or 235
nonprofit organizations; state and federal grants or 236
reimbursements; and any other funds made available for purposes 237
consistent with this section and section 2317.57 of the Revised 238
Code. 239

The department of health shall use the money in the fund 240
only for the following purposes: 241

(A) The development, maintenance, and promotion of the 242
department of health's stable web site, established under 243
division (E) of section 2317.57 of the Revised Code, and 244
hotline, established under division (F) (6) of section 2317.57 of 245
the Revised Code; 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