

As Introduced

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S. B. No. 274

Senators Cirino, Brenner

To amend sections 2151.461, 3129.03, 3313.473, 1
3798.07, and 3798.12 and to repeal section 2
5122.04 of the Revised Code to prohibit the 3
provision of mental health services to minors 4
without parental consent. 5

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

Section 1. That sections 2151.461, 3129.03, 3313.473, 6
3798.07, and 3798.12 of the Revised Code be amended to read as 7
follows: 8

Sec. 2151.461. (A) If a child is under the care and 9
supervision of a residential facility and presents to an 10
emergency department or is admitted to a hospital for an injury 11
or mental health crisis, the emergency department or hospital 12
shall do both of the following: 13

(1) Communicate with the public children services agency 14
or private child placing agency with custody of the child about 15
the visit. Except for care that a child has consented to under 16
section 2108.31, 2151.85, 2907.29, 3701.242, 3709.241, 3719.012, 17
or 5120.172, ~~or 5122.04~~ of the Revised Code, the emergency 18
department or hospital shall discuss the child's medical 19
treatment with and request authorization of care from the 20

agency. 21

(2) Notify the agency of the discharge of the child from 22
the emergency department or hospital. 23

(B) A public children services agency or private child 24
placing agency with custody of a child who is under the care and 25
supervision of a residential facility and presents to an 26
emergency department or is admitted to a hospital for an injury 27
or mental health crisis shall respond to the emergency 28
department or hospital's communication regarding medical care 29
for the child not later than four hours after initial contact. 30

Sec. 3129.03. (A) ~~Notwithstanding section 5122.04 of the~~ 31
~~Revised Code, no~~ No mental health professional shall diagnose or 32
treat a minor individual who presents for the diagnosis or 33
treatment of a gender-related condition without first obtaining 34
the consent of one of the following: 35

(1) At least one parent of the minor individual; 36

(2) At least one legal custodian of the minor individual; 37

(3) The minor individual's guardian. 38

(B) No mental health professional shall diagnose or treat 39
a minor individual who presents for the diagnosis or treatment 40
of a gender-related condition without screening the minor 41
individual for both of the following during the course of 42
diagnosis and treatment: 43

(1) Other comorbidities that may be influencing the minor 44
individual's gender-related condition, including depression, 45
anxiety, attention deficit hyperactivity disorder, autism 46
spectrum disorder, and other mental health conditions; 47

(2) Physical, sexual, mental, and emotional abuse and 48

other traumas. 49

Sec. 3313.473. (A) The general assembly maintains that a 50
parent has a fundamental right to make decisions concerning the 51
upbringing, education, and care of the parent's child. 52

(B) Not later than the first day of July following ~~the~~ 53
~~effective date of this section~~ April 9, 2025, the board of 54
education of each city, local, exempted village, and joint 55
vocational school district shall develop and adopt a policy to 56
promote parental involvement in the public school system. The 57
policy shall require a school district to do all of the 58
following: 59

(1) (a) Ensure that any sexuality content is age- 60
appropriate and developmentally appropriate for the age of the 61
student receiving the instruction, regardless of the age or 62
grade level of the student. 63

(b) Prior to providing instruction that includes sexuality 64
content or permitting a third party to provide such instruction 65
on behalf of the district, provide parents the opportunity to 66
review any instructional material that includes sexuality 67
content. Upon request of the student's parent, a student shall 68
be excused from instruction that includes sexuality content and 69
be permitted to participate in an alternative assignment. 70

(2) Promptly notify a student's parent of any substantial 71
change in the student's services, including counseling services, 72
or monitoring related to the student's mental, emotional, or 73
physical health or well-being or the school's ability to provide 74
a safe and supportive learning environment for the student. The 75
policy shall specify in what manner a student's parent will be 76
notified of any substantial change in the student's services. 77

The policy shall specify that notice to parents shall 78
reinforce the fundamental right of parents to make decisions 79
regarding the upbringing and control of their children, and that 80
the school district shall not inhibit parental access to the 81
student's education and health records maintained by the school. 82

(3) Prohibit school district personnel from directly or 83
indirectly encouraging a student to withhold from a parent 84
information concerning the student's mental, emotional, or 85
physical health or well-being, or a change in related services 86
or monitoring. 87

The policy shall prohibit school district personnel from 88
discouraging or prohibiting parental notification of and 89
involvement in decisions affecting a student's mental, 90
emotional, or physical health or well-being. 91

(4) Adopt a procedure to obtain authorization from parents 92
prior to providing any type of health care service to the 93
student, including physical, mental, and behavioral health care 94
services. Under the procedure, a parent may choose whether to 95
authorize a district to provide a health care service to the 96
parent's child. The procedure shall require the school district 97
to do both of the following: 98

(a) At the beginning of the school year, notify parents of 99
each health care service offered at, or facilitated in 100
cooperation with, their student's school and their option to 101
withhold consent or decline any specified service. Parental 102
consent to health care services does not waive the parent's 103
right to access the parent's student's educational or health 104
records or to be notified about a change in the student's 105
services or monitoring as provided in this section. 106

(b) Prior to providing a health care service to a student, 107
notify a parent whether the service is required to be provided 108
by the school district under state law and if other options for 109
a student to access the service exist. This requirement may be 110
satisfied by an annual notice to parents at the beginning of the 111
school year. 112

Division (B) (4) of this section does not apply to 113
emergency situations, first aid, other unanticipated minor 114
health care services, or health care services provided pursuant 115
to a student's IEP or a school district's obligation under 116
section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794. 117

(5) Permit a parent to file with a school principal or 118
assistant principal a written concern regarding a topic 119
addressed in this section. The policy shall establish a process 120
for a principal or assistant principal to resolve such concerns 121
within thirty days after their receipt. Under the policy, school 122
districts shall notify parents of their right to file a written 123
concern. A parent may appeal a principal's or assistant 124
principal's decision to the superintendent of that district. 125

If a parent appeals the principal's or assistant 126
principal's decision, the superintendent, or a designee of the 127
superintendent, shall conduct a hearing on the decision. Based 128
on the findings of that hearing, the superintendent shall decide 129
whether to affirm the principal's or assistant principal's 130
decision. If the superintendent does not affirm the decision, 131
the superintendent shall determine a resolution to the parent's 132
concern. A parent may appeal the superintendent's decision to 133
the board of education of the school district. The board shall 134
review the superintendent's decision and, if the board 135
determines it necessary, hold a hearing on the decision and, 136

based on that hearing, either affirm the superintendent's 137
decision or determine a new resolution to the parent's concern. 138

Nothing in division (B) (5) of this section shall prevent a 139
parent from contacting a member of a board of education 140
regarding the parent's concerns with the operation of a school 141
under the supervision of that board. 142

(C) Each school district shall make its policy adopted 143
under this section publicly available and post it prominently on 144
its publicly accessible web site, if it has one. 145

(D) This section does not prescribe all rights of parents 146
or preempt or foreclose claims or remedies in support of 147
parental rights that are available under the constitution, 148
statutes, or common law of this state. 149

(E) No school district or third party acting on behalf of 150
a district shall provide instruction that includes sexuality 151
content to students in grades kindergarten through three. 152

(F) (1) Nothing in this section shall require disclosure or 153
activity that is in conflict with or in violation of any of the 154
following: 155

(a) The HIPAA privacy rule; 156

(b) Chapter 3798. of the Revised Code; 157

(c) Section 2317.02, or 4732.19, ~~or 5122.04~~ of the Revised 158
Code; 159

(d) The "Family Educational Rights and Privacy Act of 160
1974," 20 U.S.C. 1232g; 161

(e) Ohio Constitution, Article I, Section 10a and any laws 162
enacted to implement that section, including sections 2930.07 163

and 2930.10 of the Revised Code. 164

(2) Nothing in this section requires disclosure or 165
activity in violation of any court order, including any of the 166
following: 167

(a) A condition of bond; 168

(b) A protection order or consent agreement issued 169
pursuant to section 2151.34, 2903.213, 2903.214, 2919.26, or 170
3113.31 of the Revised Code; 171

(c) A condition of a community control sanction, post- 172
release control sanction, or parole. 173

(3) Nothing in this section requires disclosure or 174
activity in violation of a specific request for nondisclosure 175
made pursuant to a criminal investigation or grand jury subpoena 176
in which the student is the victim and a parent is the alleged 177
perpetrator. 178

(4) Nothing in this section prohibits or prevents 179
mandatory reporting under section 2151.421 of the Revised Code. 180

(5) Nothing in this section prohibits or limits the career 181
and academic mentoring and counseling between teachers and 182
students in the regular course of the school day. 183

(G) As used in this section: 184

(1) "Biological sex" means the biological indication of 185
male and female, including sex chromosomes, naturally occurring 186
sex hormones, gonads, and unambiguous internal and external 187
genitalia present at birth, without regard to an individual's 188
psychological, chosen, or subjective experience of gender. 189

(2) "HIPAA privacy rule" has the same meaning as in 190

section 3798.01 of the Revised Code.	191
(3) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	192 193
(4) "Parent" has the same meaning as in section 3313.98 of the Revised Code.	194 195
(5) "Sexuality content" means any oral or written instruction, presentation, image, or description of sexual concepts or gender ideology provided in a classroom setting.	196 197 198
"Sexuality content" does not mean any of the following:	199
(a) Instruction or presentations in sexually transmitted infection education, child sexual abuse prevention, and sexual violence prevention education provided under division (A) (5) of section 3313.60 or section 3314.0310 or 3326.091 of the Revised Code;	200 201 202 203 204
(b) Instruction or presentations in sexually transmitted infection education emphasizing abstinence provided under section 3313.6011 of the Revised Code;	205 206 207
(c) Incidental references to sexual concepts or gender ideology occurring outside of formal instruction or presentations on such topics, including references made during class participation and in schoolwork.	208 209 210 211
(6) "Student's mental, emotional, or physical health or well-being" includes, at a minimum, any of the following:	212 213
(a) A student's academic performance;	214
(b) Any significant sickness or physical injury, or any psychological trauma suffered by a student;	215 216
(c) Any harassment, intimidation, or bullying, as defined	217

in section 3313.666 of the Revised Code, by or against a student 218
in violation of school district policy; 219

(d) Any request by a student to identify as a gender that 220
does not align with the student's biological sex; 221

(e) Exhibition of suicidal ideation or persistent symptoms 222
of depression, or severe anxiety, or other mental health issues. 223

(7) "Age-appropriate" and "developmentally appropriate" 224
content refers to activities or items that are generally 225
accepted as suitable for children of the same chronological age 226
or level of maturity or that are determined to be 227
developmentally appropriate for a child, based on the 228
development of cognitive, emotional, physical, and behavioral 229
capacities that are typical for an age or age group. 230

Sec. 3798.07. (A) A covered entity shall be subject to the 231
following conditions when it discloses protected health 232
information to a health information exchange: 233

(1) The covered entity shall restrict disclosure 234
consistent with all applicable federal laws governing the 235
disclosure. 236

(2) If the protected health information concerns a minor, 237
the covered entity shall restrict disclosure in a manner that 238
complies with laws of this state pertaining to the circumstances 239
under which a minor may consent to the minor's own receipt of 240
health care or make medical decisions on the minor's own behalf, 241
including sections 2907.29, 3709.241, 3719.012, 5120.172, 242
~~5122.04~~, and 5126.043 of the Revised Code unless the minor 243
authorizes the disclosure. 244

(3) The covered entity shall restrict disclosure in a 245
manner that is consistent with a written request from the 246

individual or the individual's personal representative to 247
restrict disclosure of all of the individual's protected health 248
information. 249

(B) The conditions in division (A) of this section on a 250
covered entity's disclosure of protected health information to a 251
health information exchange do not render unenforceable or 252
restrict in any manner any of the following: 253

(1) A provision of the Revised Code that on September 10, 254
2012, requires a person or governmental entity to disclose 255
protected health information to a state agency, political 256
subdivision, or other governmental entity; 257

(2) The confidential status of proceedings and records 258
within the scope of a peer review committee of a health care 259
entity as described in section 2305.252 of the Revised Code; 260

(3) The confidential status of quality assurance program 261
activities and quality assurance records as described in section 262
5122.32 of the Revised Code; 263

(4) The testimonial privilege established by division (B) 264
of section 2317.02 of the Revised Code; 265

(5) Any of the following items that govern the 266
confidentiality, privacy, security, or privileged status of 267
protected health information in the possession or custody of an 268
agency as defined in section 111.15 of the Revised Code; govern 269
the process for obtaining from a patient consent to the 270
provision of health care or consent for participation in medical 271
or other scientific research; govern the process for determining 272
whether an adult has a physical or mental impairment or an 273
adult's capacity to make health care decisions for purposes of 274
Chapter 5126. of the Revised Code; or govern the process for 275

determining whether a minor has been emancipated:	276
(a) A section of the Revised Code that is not in this chapter;	277 278
(b) A rule as defined in section 119.01 of the Revised Code;	279 280
(c) An internal management rule as defined in section 111.15 of the Revised Code;	281 282
(d) Guidance issued by an agency as defined in section 111.15 of the Revised Code;	283 284
(e) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code;	285 286
(f) Orders or regulations of a board of health of a general health district made under section 3709.21 of the Revised Code;	287 288 289
(g) An ordinance or resolution adopted by a political subdivision;	290 291
(h) A professional code of ethics;	292
(i) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04 , and 5126.043 of the Revised Code.	293 294 295 296 297
Sec. 3798.12. As used in this section, "agency" has the same meaning as in section 111.15 of the Revised Code.	298 299
(A) Except as provided in division (B) of this section, any of the following pertaining to the confidentiality, privacy, security, or privileged status of protected health information	300 301 302

transacted, maintained in, or accessed through a health 303
information exchange is unenforceable if it conflicts with this 304
chapter: 305

(1) A section of the Revised Code that is not in this 306
chapter; 307

(2) A rule as defined in section 119.01 of the Revised 308
Code; 309

(3) An internal management rule as defined in section 310
111.15 of the Revised Code; 311

(4) Guidance issued by an agency; 312

(5) Orders or regulations of a board of health of a city 313
health district made under section 3709.20 of the Revised Code; 314

(6) Orders or regulations of a board of health of a 315
general health district made under section 3709.21 of the 316
Revised Code; 317

(7) An ordinance or resolution adopted by a political 318
subdivision; 319

(8) A professional code of ethics. 320

(B) Division (A) of this section does not render 321
unenforceable or restrict in any manner any of the following: 322

(1) A provision of the Revised Code that ~~on the effective~~ 323
~~date of this section~~ September 10, 2012, requires a person or 324
governmental entity to disclose protected health information to 325
a state agency, political subdivision, or other governmental 326
entity; 327

(2) The confidential status of proceedings and records 328
within the scope of a peer review committee of a health care 329

entity as described in section 2305.252 of the Revised Code; 330

(3) The confidential status of quality assurance program 331
activities and quality assurance records as described in section 332
5122.32 of the Revised Code; 333

(4) The testimonial privilege established by division (B) 334
of section 2317.02 of the Revised Code; 335

(5) An item described in divisions (A) (1) to (8) of this 336
section that governs any of the following: 337

(a) The confidentiality, privacy, security, or privileged 338
status of protected health information in the possession or 339
custody of an agency; 340

(b) The process for obtaining from a patient consent to 341
the provision of health care or consent for participation in 342
medical or other scientific research; 343

(c) The process for determining whether an adult has a 344
physical or mental impairment or an adult's capacity to make 345
health care decisions for purposes of Chapter 5126. of the 346
Revised Code; 347

(d) The process for determining whether a minor has been 348
emancipated. 349

(6) When a minor is authorized to consent to the minor's 350
own receipt of health care or make medical decisions on the 351
minor's own behalf, including the circumstances described in 352
sections 2907.29, 3709.241, 3719.012, 5120.172, ~~5122.04,~~ and 353
5126.043 of the Revised Code. 354

Section 2. That existing sections 2151.461, 3129.03, 355
3313.473, 3798.07, and 3798.12 of the Revised Code are hereby 356
repealed. 357

Section 3. That section 5122.04 of the Revised Code is	358
hereby repealed.	359