

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 309

Senator Koehler

Cosponsors: Senators Cirino, Huffman, Manchester, Roegner

To enact section 2317.57 of the Revised Code to
enact the Abortion Pill Provider Liability
Education (APPLE) Act.

1
2
3

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

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

4
5

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

6

(1) "Abortion-inducing drug" means the drug RU-486
(mifepristone) when taken for the purpose of terminating a
clinically diagnosable pregnancy.

7
8
9

(2) "Health care provider" means any provider authorized to
prescribe an abortion-inducing drug in accordance with state and
federal law.

10
11
12

(B) Except in the case of a medical emergency, as defined
in section 2919.16 of the Revised Code, a health care provider
shall ensure that the following conditions are met before
prescribing an abortion-inducing drug for the purpose of
terminating a pregnancy:

13
14
15
16
17

(1) The health care provider or the health care provider's

18

agent provides the pregnant woman with written instructions and
information on the abortion-inducing drug. The information shall
include all known complications associated with the use of the
abortion-inducing drug and the following statement:

"If you decide to take an abortion-inducing drug to end
your pregnancy, the state of Ohio wants you to be aware that you
and your family may hold the manufacturer, distributor, your
health care provider, and the health care facility financially
accountable if you die, suffer injury, complication, or any
debilitating side effects, including infection, excessive
bleeding, and the rupture of a previously undiscovered ectopic
pregnancy, if the provider fails to address the side effects of
the abortion-inducing drug, or if the medication fails to
terminate the pregnancy which results in a failed abortion or
requires surgical intervention. You and your family also may
hold the health care provider, the health care provider's agent,
and the health care facility accountable for failing to inform
you of complications.

If you experience complications from the abortion-inducing
drug and are in need of medical attention, you have the right to
tell the health care provider treating the complications that
you have had a chemical abortion. Providing this information
will not result in any criminal or civil penalty and may help
save your life."

(2) The pregnant woman certifies in writing that the
information described in division (B)(1) of this section has
been provided to her and that she has had the opportunity to
review it.

(3) The health care provider or health care provider's
agent receives a copy of the certification described in division

(B) (2) of this section.

49

(C) The health care provider or health care provider's
agent shall retain a copy of the written certification described
in division (B) (3) of this section. The health care provider or
health care provider's agent shall keep the certification in the
pregnant woman's medical file for a period of at least seven
years or, in the case of a pregnant minor, for a period of at
least seven years or at least five years after the minor reaches
the age of majority, whichever is longer.

50

51

52

53

54

55

56

57

(D) (1) Any health care provider, health care provider's
agent, or health care facility that prescribes an abortion-
inducing drug to a pregnant woman before meeting the conditions
described in division (B) of this section is liable in a civil
action brought by any of the following:

58

59

60

61

62

(a) The woman who was prescribed the abortion-inducing
drug;

63

64

(b) The father of the unborn child, if the father is
married to the woman at the time the abortion-inducing drug was
prescribed;

65

66

67

(c) The maternal grandparents of the unborn child, if the
woman was a minor when she was prescribed the abortion-inducing
drug or she has died due to the abortion or a complication
related to the abortion;

68

69

70

71

(d) The woman's next of kin, if she has died due to the
abortion or a complication related to the abortion.

72

73

(2) No damages shall be awarded to a plaintiff if the
pregnancy was caused by the plaintiff's criminal conduct.

74

75

(3) In the event the claimant prevails in an action

76

brought under this section, the court shall award both of the 77
following: 78

(a) Damages for injuries and loss resulting to the 79
claimant by reason of the prescription of the abortion-inducing 80
drug; 81

(b) Statutory damages equal to three times the cost of the 82
abortion-inducing drug. 83

(E) (1) The attorney general or a prosecutor with 84
appropriate jurisdiction may conduct an investigation of an 85
alleged violation of division (B) of this section and initiate a 86
civil action on behalf of the state to assess civil penalties 87
against the health care provider, health care provider's agent, 88
and the health care facility. Prior to asserting a cause of 89
action, the attorney general or the prosecutor shall provide the 90
health care provider, health care provider's agent, or health 91
care facility where the abortion-inducing drug was prescribed 92
with a period of not less than thirty days to comply with the 93
requirements of division (B) of this section. 94

(2) Any health care provider, health care provider's 95
agent, or health care facility that violates division (B) of 96
this section may be liable for a civil penalty, to be assessed 97
by the court, of not more than five thousand dollars for each 98
day of violation. 99

(3) The court may impose an additional civil penalty that 100
shall not exceed ten thousand dollars for each violation of 101
division (B) of this section against any health care provider or 102
health care facility found by the court to have knowingly 103
violated division (B) of this section. 104

(4) Each violation may be treated as a separate violation 105

or may be combined into one violation at the option of the 106
attorney general or the prosecutor. 107

(5) Civil penalties assessed under divisions (E) (2) and 108
(3) of this section shall include statutory interest as defined 109
in section 1343.03 of the Revised Code from the date that the 110
penalty is assessed by the court to the date that the penalty is 111
paid in full and shall be used to fund entities that meet the 112
conditions set forth in division (B) of section 5101.804 of the 113
Revised Code. 114

(6) Any commercial entity that violates this section may 115
be liable to the attorney general or a prosecutor with 116
appropriate jurisdiction for all costs, expenses, and fees 117
related to investigations and proceedings associated with the 118
violation, including attorney's fees. 119

(F) The department of health shall create a form for 120
health care providers to use to provide the information required 121
by division (B) (1) of this section, including the certification 122
described in division (B) (2) of this section. The department 123
shall make the form available to health care providers. 124

(G) A woman who is prescribed an abortion-inducing drug is 125
not liable under this section. 126

Section 2. This act shall be known as the Abortion Pill 127
Provider Liability Education (APPLE) Act. 128