

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 249

Representative Hillyer

A BILL

To enact section 2307.48 of the Revised Code to 1
grant a victim of sexual misconduct committed 2
during a specified period by a physician 3
employed by a land grant university a right of 4
action against the university. 5

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

Section 1. That section 2307.48 of the Revised Code be 6
enacted to read as follows: 7

Sec. 2307.48. (A) As used in this section: 8

(1) "Land grant university" means a state institution of 9
higher education that is designated a land grant college under 10
the federal "Morrill Act of 1862," 7 U.S.C. 301 et seq., or the 11
"Agricultural College Act of 1890," 7 U.S.C. 321 et seq., or any 12
subsequent act of the United States congress. 13

(2) "Sexual misconduct" means either of the following: 14

(a) Conduct that would constitute "sexual activity" as 15
defined in section 2907.01 of the Revised Code; 16

(b) Conduct that would constitute a violation of section 17
2907.08 of the Revised Code. 18

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 19
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(4) "Victim" means any person who suffered injury or loss to person or property proximately caused by sexual misconduct that was committed against the person between January 1, 1978, and December 31, 2000, by a physician who was an employee of a land grant university during that period of time. 21
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(B) Any victim may bring a civil action against a land grant university to recover damages for any injury or loss to person or property suffered by the victim and proximately caused by sexual misconduct against the victim that was committed between January 1, 1978, and December 31, 2000, by a physician who was an employee of the university during that period of time and while acting within the scope of the physician's employment or official responsibilities if all of the following conditions, as applicable, are met: 26
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(1) Twenty-five or more victims, including the victim bringing the action under division (B) of this section, seek to bring an action described in that division against the land grant university. 35
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(2) The physician employed by the land grant university as described in division (B) of this section was in a position of authority over the victims as their physician. 39
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(3) If the civil action is based upon sexual misconduct described in division (A)(2)(a) of this section, the physician used the position of authority over the victims to coerce them to submit to the sexual misconduct. 42
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(C) Notwithstanding any section of the Revised Code to the contrary, there is no period of limitations for a civil action 46
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brought by a victim under division (B) of this section. 48

(D) Any damages suffered by a victim who brings a civil 49
action against a land grant university under division (B) of 50
this section are recoverable to the extent provided in section 51
3345.40 of the Revised Code, and against an insurer of that land 52
grant university under section 3345.202 of the Revised Code to 53
the extent of the applicable insurance coverage. 54

(E) Any civil action brought under this section shall be 55
stayed during the time that the parties in the action are 56
engaged in mediation in good faith to resolve the dispute 57
involved. If the mediation results in resolving the dispute 58
among the parties, the court shall enter judgment in accordance 59
with the resolution of the dispute. 60