As Introduced

132nd General Assembly Regular Session

H. B. No. 658

2017-2018

Representatives Brinkman, Zeltwanger

A BILL

То	enact sections 2131.14, 2131.141, 2131.142,	1
	2131.143, 2131.144, 2131.145, 2131.146,	2
	2131.147, 2131.148, 2131.149, and 2919.30 of the	3
	Revised Code to prohibit a court from using a	4
	parent, guardian, or custodian's refusal to	5
	allow a child to undergo gender-based treatment	6
	as a basis for determining custody of the child.	7

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

Section 1. That sections 2131.14, 2131.141, 2131.142,	8
2131.143, 2131.144, 2131.145, 2131.146, 2131.147, 2131.148,	9
2131.149, and 2919.30 of the Revised Code be enacted to read as	10
follows:	11
Sec. 2131.14. As used in sections 2131.14 to 2131.149 of	12
the Revised Code:	13
(A) "Gender dysphoria" means the condition of feeling	14
one's emotional and psychological identity as male or female to	15
be opposite to one's biological sex.	16
(B) "Gender dysphoria treatment" includes any of the	17
following used to treat the condition or symptoms of gender	18
dysphoria:	19

(1) Educational materials, classes, or programs;	20
(2) Medical, psychological, social, or other professional	21
treatment, therapy, counseling, or other services.	22
(C) "Government agent or entity" means either of the	23
<pre>following:</pre>	24
(1) A person who has supervisory authority or care over	25
children as an agent, employee, contractor, or volunteer for a	26
public children services agency, private child placing agency,	27
<pre>court, or school district;</pre>	28
(2) A public children services agency, private child	29
placing agency, court, or school district.	30
Sec. 2131.141. The parents, guardian, or custodian, in	31
exercising the fundamental right to care for their child, may	32
withhold consent for gender dysphoria treatment or activities	33
that are designed and intended to form a child's conceptions of	34
sex and gender. The state, its agents, and political	35
subdivisions shall not infringe upon or impede the exercise of	36
this right.	37
Sec. 2131.142. (A) It is the policy of this state that the	38
parents, guardian, or custodian of a child retain the right to	39
determine what is in the best interest of the child regarding	40
<pre>the following:</pre>	41
(1) The child is diagnosed with gender dysphoria.	42
(2) The child exhibits symptoms of gender dysphoria.	43
(3) Whether the child should participate in classes or	44
programs, with or without accompanying educational materials,	45
classes, or programs related to sex and gender.	46

(4) Any counseling, therapy, or treatment provided to the	47
child regarding the child's gender dysphoria.	48
(B) Sections 2131.14 to 2131.149 of the Revised Code shall_	49
be liberally construed to effectuate that policy.	50
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Sec. 2131.143. If a government agent or entity has	51
knowledge that a child under its care or supervision has	52
<pre>exhibited symptoms of gender dysphoria or otherwise demonstrates</pre>	53
a desire to be treated in a manner opposite of the child's	54
biological sex, the government agent or entity with knowledge of	55
that circumstance shall immediately notify, in writing, each of	56
the child's parents and the child's guardian or custodian. The	57
notice shall describe the total circumstances with reasonable	58
specificity.	59
Sec. 2131.144. A government agent or entity may authorize	60
or provide gender dysphoria treatment for a child only after	61
receiving the written, informed consent of each of the child's	62
parents and the child's guardian or custodian. Consent, to be	63
valid, shall include a statement that each of the parents and	64
the quardian or custodian received the information described in	65
section 2131.145 of the Revised Code.	66
Sec. 2131.145. In order to obtain written, informed	67
consent under section 2131.144 of the Revised Code, a government	68
agent or entity shall provide full and complete disclosure of	69
all of the following, with regard to the proposed gender	70
dysphoria treatment:	71
(A) Short- and long-term effects of the treatment;	72
(B) A comprehensive review of the safety and efficacy of	73
the treatment, supported by controlled, randomized research;	74
(C) A review of whether relevant agencies have approved	75

the treatment for the purpose for which it is to be	76
administered.	77
Sec. 2131.146. The parents, guardian, or custodian of a	78
child shall not be subject to adverse action as a result of the	79
refusal to permit gender dysphoria treatment, or refusal to	80
provide written, informed consent for such treatment, for the	81
child, including adverse action under any of the following:	82
(A) Allocation of parental rights and responsibilities	83
regarding the child under section 3109.04 of the Revised Code;	84
(B) A determination of custody by a juvenile court under	85
division (A)(2) of section 2151.23 of the Revised Code;	86
(C) A complaint, adjudication, or disposition that the	87
child is an abused, neglected, or dependent child under Chapter	
2151. of the Revised Code.	89
Sec. 2131.147. (A) As used in this section, "off-label"	90
means using a medication for a purpose or in a manner that is	91
contrary to any provision of federal law or regulation that	92
governs the use of that medication.	93
(B) Notwithstanding a written, informed consent provided	94
by the parents, guardian, or custodian, there is a rebuttable	95
presumption of negligence when a medication is administered off-	96
label to a child to treat gender dysphoria or its symptoms and	97
an adverse physical or psychological reaction or injury to the	98
<pre>child results.</pre>	99
Sec. 2131.148. A person injured for a failure to comply	100
with sections 2131.14 to 2131.149 of the Revised Code may bring	101
an action for damages and equitable relief against the	102
government agent or entity.	103

Sec. 2131.149. Nothing in sections 2131.14 to 2131.149 of	104
the Revised Code shall be construed to require any person or	105
entity to engage in affirmative acts, or speech, or to affirm	106
any particular viewpoint.	107
Sec. 2919.30. (A) As used in this section, "gender	108
dysphoria treatment" and "government agent or entity" have the	109
same meanings as in section 2131.14 of the Revised Code.	110
(B) No government agent or entity shall purposely or	111
knowingly authorize or provide gender dysphoria treatment for a	112
child without the written, informed consent of each of the	113
child's parents and the child's quardian or custodian, as	114
required in section 2131.144 of the Revised Code. A violation of	115
this section is gender dysphoria treatment without parental	116
consent, a felony of the fourth degree.	117