

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 343

Representatives Somani, Liston

**Cosponsors: Representatives Galonski, Russo, Denson, Brown, Miller, A.,
Sweeney, Brewer, Brent, Isaacsohn, Grim, Weinstein, Miranda, Miller, J.,
Lightbody, Upchurch, McNally, Skindell, Forhan, Mohamed, Blackshear, Baker,
Abdullahi, Robinson, Jarrells, Humphrey, Thomas, C.**

A BILL

To amend sections 109.572, 2305.11, 2317.02, 1
2919.10, 2919.12, 2953.25, 3701.341, 3701.792, 2
3702.30, 4112.01, 4112.02, 4729.291, 4731.22, 3
4731.223, 4731.281, 4731.293, and 4743.09; to 4
enact sections 2305.2312, 3732.01, 3732.02, 5
3732.03, 3732.04, 3732.05, 3732.06, 3732.07, 6
3732.08, 3732.09, and 3732.11; and to repeal 7
sections 2307.54, 2317.56, 2317.561, 2919.101, 8
2919.124, 2919.171, 2919.19, 2919.191, 2919.192, 9
2919.193, 2919.194, 2919.195, 2919.196, 10
2919.197, 2919.198, 2919.199, 2919.1910, 11
2919.1912, 2919.1913, 2919.20, 2919.201, 12
2919.202, 2919.203, 2919.204, 2919.205, 3701.79, 13
3701.791, 3702.302, 3702.303, 3702.304, 14
3702.305, 3702.306, 3702.307, 3702.308, 15
3702.309, 3702.3010, 3702.3011, 3726.01, 16
3726.02, 3726.03, 3726.04, 3726.041, 3726.042, 17
3726.05, 3726.09, 3726.10, 3726.11, 3726.12, 18
3726.13, 3726.14, 3726.15, 3726.16, 3726.95, 19
3726.99, 3727.60, 4717.271, 5101.57, and 5103.11 20
of the Revised Code to enact the Reproductive 21

Care Act regarding abortion, abortion-related 22
laws, and reproductive health protections; to 23
amend the version of section 3702.30 of the 24
Revised Code that is scheduled to take effect 25
September 30, 2024; and to repeal the version of 26
section 5103.11 of the Revised Code that is 27
scheduled to take effect January 1, 2025, to 28
continue the changes on and after those dates. 29

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

Section 1. That sections 109.572, 2305.11, 2317.02, 30
2919.10, 2919.12, 2953.25, 3701.341, 3701.792, 3702.30, 4112.01, 31
4112.02, 4729.291, 4731.22, 4731.223, 4731.281, 4731.293, and 32
4743.09 be amended and sections 2305.2312, 3732.01, 3732.02, 33
3732.03, 3732.04, 3732.05, 3732.06, 3732.07, 3732.08, 3732.09, 34
and 3732.11 of the Revised Code be enacted to read as follows: 35

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 36
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 37
Code, a completed form prescribed pursuant to division (C) (1) of 38
this section, and a set of fingerprint impressions obtained in 39
the manner described in division (C) (2) of this section, the 40
superintendent of the bureau of criminal identification and 41
investigation shall conduct a criminal records check in the 42
manner described in division (B) of this section to determine 43
whether any information exists that indicates that the person 44
who is the subject of the request previously has been convicted 45
of or pleaded guilty to any of the following: 46

(a) A violation of section 2903.01, 2903.02, 2903.03, 47

2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 48
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 49
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 50
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 51
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 52
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 53
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 54
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 55
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 56
of the Revised Code, felonious sexual penetration in violation 57
of former section 2907.12 of the Revised Code, a violation of 58
section 2905.04 of the Revised Code as it existed prior to July 59
1, 1996, a violation of section 2919.23 of the Revised Code that 60
would have been a violation of section 2905.04 of the Revised 61
Code as it existed prior to July 1, 1996, had the violation been 62
committed prior to that date, or a violation of section 2925.11 63
of the Revised Code that is not a minor drug possession offense; 64

(b) A violation of an existing or former law of this 65
state, any other state, or the United States that is 66
substantially equivalent to any of the offenses listed in 67
division (A) (1) (a) of this section; 68

(c) If the request is made pursuant to section 3319.39 of 69
the Revised Code for an applicant who is a teacher, any offense 70
specified under section 9.79 of the Revised Code or in section 71
3319.31 of the Revised Code. 72

(2) On receipt of a request pursuant to section 3712.09 or 73
3721.121 of the Revised Code, a completed form prescribed 74
pursuant to division (C) (1) of this section, and a set of 75
fingerprint impressions obtained in the manner described in 76
division (C) (2) of this section, the superintendent of the 77

bureau of criminal identification and investigation shall 78
conduct a criminal records check with respect to any person who 79
has applied for employment in a position for which a criminal 80
records check is required by those sections. The superintendent 81
shall conduct the criminal records check in the manner described 82
in division (B) of this section to determine whether any 83
information exists that indicates that the person who is the 84
subject of the request previously has been convicted of or 85
pleaded guilty to any of the following: 86

(a) A violation of section 2903.01, 2903.02, 2903.03, 87
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 88
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 89
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 90
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 91
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 92
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 93
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 94
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 95

(b) An existing or former law of this state, any other 96
state, or the United States that is substantially equivalent to 97
any of the offenses listed in division (A)(2)(a) of this 98
section. 99

(3) On receipt of a request pursuant to section 173.27, 100
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 101
5123.081, or 5123.169 of the Revised Code, a completed form 102
prescribed pursuant to division (C)(1) of this section, and a 103
set of fingerprint impressions obtained in the manner described 104
in division (C)(2) of this section, the superintendent of the 105
bureau of criminal identification and investigation shall 106
conduct a criminal records check of the person for whom the 107

request is made. The superintendent shall conduct the criminal 108
records check in the manner described in division (B) of this 109
section to determine whether any information exists that 110
indicates that the person who is the subject of the request 111
previously has been convicted of, has pleaded guilty to, or 112
(except in the case of a request pursuant to section 5164.34, 113
5164.341, or 5164.342 of the Revised Code) has been found 114
eligible for intervention in lieu of conviction for any of the 115
following, regardless of the date of the conviction, the date of 116
entry of the guilty plea, or (except in the case of a request 117
pursuant to section 5164.34, 5164.341, or 5164.342 of the 118
Revised Code) the date the person was found eligible for 119
intervention in lieu of conviction: 120

(a) A violation of section 959.13, 959.131, 2903.01, 121
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 122
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 123
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 124
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 125
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 126
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 127
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 128
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 129
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 130
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 131
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 132
2919.121, 2919.123, ~~2919.124~~, 2919.22, 2919.23, 2919.24, 133
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 134
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 135
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 136
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 137
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 138

2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	139 140
(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;	141 142
(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;	143 144
(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A) (3) (a) to (c) of this section;	145 146 147 148
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A) (3) (a) to (d) of this section.	149 150 151 152
(4) On receipt of a request pursuant to section 2151.86 or 2151.904 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	153 154 155 156 157 158 159 160 161 162 163
(a) A violation of section 959.13, 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02,	164 165 166 167

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 168
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 169
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 170
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 171
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 172
2923.13, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 173
2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 174
2925.31, 2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the 175
Revised Code, a violation of section 2905.04 of the Revised Code 176
as it existed prior to July 1, 1996, a violation of section 177
2919.23 of the Revised Code that would have been a violation of 178
section 2905.04 of the Revised Code as it existed prior to July 179
1, 1996, had the violation been committed prior to that date, a 180
violation of section 2925.11 of the Revised Code that is not a 181
minor drug possession offense, two or more OVI or OVUAC 182
violations committed within the three years immediately 183
preceding the submission of the application or petition that is 184
the basis of the request, or felonious sexual penetration in 185
violation of former section 2907.12 of the Revised Code, or a 186
violation of Chapter 2919. of the Revised Code that is a felony; 187

(b) A violation of an existing or former law of this 188
state, any other state, or the United States that is 189
substantially equivalent to any of the offenses listed in 190
division (A) (4) (a) of this section. 191

(5) Upon receipt of a request pursuant to section 5104.013 192
of the Revised Code, a completed form prescribed pursuant to 193
division (C) (1) of this section, and a set of fingerprint 194
impressions obtained in the manner described in division (C) (2) 195
of this section, the superintendent of the bureau of criminal 196
identification and investigation shall conduct a criminal 197
records check in the manner described in division (B) of this 198

section to determine whether any information exists that 199
indicates that the person who is the subject of the request has 200
been convicted of or pleaded guilty to any of the following: 201

(a) A violation of section 2151.421, 2903.01, 2903.02, 202
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 203
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 204
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 205
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 206
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 207
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 208
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 209
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 210
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 211
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 212
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 213
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 214
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 215
3716.11 of the Revised Code, felonious sexual penetration in 216
violation of former section 2907.12 of the Revised Code, a 217
violation of section 2905.04 of the Revised Code as it existed 218
prior to July 1, 1996, a violation of section 2919.23 of the 219
Revised Code that would have been a violation of section 2905.04 220
of the Revised Code as it existed prior to July 1, 1996, had the 221
violation been committed prior to that date, a violation of 222
section 2925.11 of the Revised Code that is not a minor drug 223
possession offense, a violation of section 2923.02 or 2923.03 of 224
the Revised Code that relates to a crime specified in this 225
division, or a second violation of section 4511.19 of the 226
Revised Code within five years of the date of application for 227
licensure or certification. 228

(b) A violation of an existing or former law of this 229

state, any other state, or the United States that is 230
substantially equivalent to any of the offenses or violations 231
described in division (A) (5) (a) of this section. 232

(6) Upon receipt of a request pursuant to section 5153.111 233
of the Revised Code, a completed form prescribed pursuant to 234
division (C) (1) of this section, and a set of fingerprint 235
impressions obtained in the manner described in division (C) (2) 236
of this section, the superintendent of the bureau of criminal 237
identification and investigation shall conduct a criminal 238
records check in the manner described in division (B) of this 239
section to determine whether any information exists that 240
indicates that the person who is the subject of the request 241
previously has been convicted of or pleaded guilty to any of the 242
following: 243

(a) A violation of section 2903.01, 2903.02, 2903.03, 244
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 245
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 246
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 247
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 248
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 249
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 250
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 251
Code, felonious sexual penetration in violation of former 252
section 2907.12 of the Revised Code, a violation of section 253
2905.04 of the Revised Code as it existed prior to July 1, 1996, 254
a violation of section 2919.23 of the Revised Code that would 255
have been a violation of section 2905.04 of the Revised Code as 256
it existed prior to July 1, 1996, had the violation been 257
committed prior to that date, or a violation of section 2925.11 258
of the Revised Code that is not a minor drug possession offense; 259

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) (6) (a) of this section.

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C) (1) of this section and a set of fingerprint impressions obtained in a manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B) (2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the

department of commerce or a division in the department. The 291
superintendent shall conduct the criminal records check in the 292
manner described in division (B) of this section to determine 293
whether any information exists that indicates that the person 294
who is the subject of the request previously has been convicted 295
of or pleaded guilty to any criminal offense in this state, any 296
other state, or the United States. 297

(9) On receipt of a request for a criminal records check 298
from the treasurer of state under section 113.041 of the Revised 299
Code or from an individual under section 928.03, 4701.08, 300
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 301
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 302
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 303
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 304
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 305
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 306
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 307
accompanied by a completed form prescribed under division (C) (1) 308
of this section and a set of fingerprint impressions obtained in 309
the manner described in division (C) (2) of this section, the 310
superintendent of the bureau of criminal identification and 311
investigation shall conduct a criminal records check in the 312
manner described in division (B) of this section to determine 313
whether any information exists that indicates that the person 314
who is the subject of the request has been convicted of or 315
pleaded guilty to any criminal offense in this state or any 316
other state. Subject to division (F) of this section, the 317
superintendent shall send the results of a check requested under 318
section 113.041 of the Revised Code to the treasurer of state 319
and shall send the results of a check requested under any of the 320
other listed sections to the licensing board specified by the 321

individual in the request. 322

(10) On receipt of a request pursuant to section 124.74, 323
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 324
Code, a completed form prescribed pursuant to division (C)(1) of 325
this section, and a set of fingerprint impressions obtained in 326
the manner described in division (C)(2) of this section, the 327
superintendent of the bureau of criminal identification and 328
investigation shall conduct a criminal records check in the 329
manner described in division (B) of this section to determine 330
whether any information exists that indicates that the person 331
who is the subject of the request previously has been convicted 332
of or pleaded guilty to any criminal offense under any existing 333
or former law of this state, any other state, or the United 334
States. 335

(11) On receipt of a request for a criminal records check 336
from an appointing or licensing authority under section 3772.07 337
of the Revised Code, a completed form prescribed under division 338
(C)(1) of this section, and a set of fingerprint impressions 339
obtained in the manner prescribed in division (C)(2) of this 340
section, the superintendent of the bureau of criminal 341
identification and investigation shall conduct a criminal 342
records check in the manner described in division (B) of this 343
section to determine whether any information exists that 344
indicates that the person who is the subject of the request 345
previously has been convicted of or pleaded guilty or no contest 346
to any offense under any existing or former law of this state, 347
any other state, or the United States that makes the person 348
ineligible for appointment or retention under section 3772.07 of 349
the Revised Code or that is a disqualifying offense as defined 350
in that section or substantially equivalent to a disqualifying 351
offense, as applicable. 352

(12) On receipt of a request pursuant to section 2151.33 353
or 2151.412 of the Revised Code, a completed form prescribed 354
pursuant to division (C)(1) of this section, and a set of 355
fingerprint impressions obtained in the manner described in 356
division (C)(2) of this section, the superintendent of the 357
bureau of criminal identification and investigation shall 358
conduct a criminal records check with respect to any person for 359
whom a criminal records check is required under that section. 360
The superintendent shall conduct the criminal records check in 361
the manner described in division (B) of this section to 362
determine whether any information exists that indicates that the 363
person who is the subject of the request previously has been 364
convicted of or pleaded guilty to any of the following: 365

(a) A violation of section 2903.01, 2903.02, 2903.03, 366
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 367
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 368
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 369
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 370
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 371
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 372
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 373
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 374

(b) An existing or former law of this state, any other 375
state, or the United States that is substantially equivalent to 376
any of the offenses listed in division (A)(12)(a) of this 377
section. 378

(13) On receipt of a request pursuant to section 3796.12 379
of the Revised Code, a completed form prescribed pursuant to 380
division (C)(1) of this section, and a set of fingerprint 381
impressions obtained in a manner described in division (C)(2) of 382

this section, the superintendent of the bureau of criminal 383
identification and investigation shall conduct a criminal 384
records check in the manner described in division (B) of this 385
section to determine whether any information exists that 386
indicates that the person who is the subject of the request 387
previously has been convicted of or pleaded guilty to a 388
disqualifying offense as specified in rules adopted under 389
section 9.79 and division (B) (2) (b) of section 3796.03 of the 390
Revised Code if the person who is the subject of the request is 391
an administrator or other person responsible for the daily 392
operation of, or an owner or prospective owner, officer or 393
prospective officer, or board member or prospective board member 394
of, an entity seeking a license from the department of commerce 395
under Chapter 3796. of the Revised Code. 396

(14) On receipt of a request required by section 3796.13 397
of the Revised Code, a completed form prescribed pursuant to 398
division (C) (1) of this section, and a set of fingerprint 399
impressions obtained in a manner described in division (C) (2) of 400
this section, the superintendent of the bureau of criminal 401
identification and investigation shall conduct a criminal 402
records check in the manner described in division (B) of this 403
section to determine whether any information exists that 404
indicates that the person who is the subject of the request 405
previously has been convicted of or pleaded guilty to a 406
disqualifying offense as specified in rules adopted under 407
division (B) (14) (a) of section 3796.03 of the Revised Code if 408
the person who is the subject of the request is seeking 409
employment with an entity licensed by the department of commerce 410
under Chapter 3796. of the Revised Code. 411

(15) On receipt of a request pursuant to section 4768.06 412
of the Revised Code, a completed form prescribed under division 413

(C) (1) of this section, and a set of fingerprint impressions 414
obtained in the manner described in division (C) (2) of this 415
section, the superintendent of the bureau of criminal 416
identification and investigation shall conduct a criminal 417
records check in the manner described in division (B) of this 418
section to determine whether any information exists indicating 419
that the person who is the subject of the request has been 420
convicted of or pleaded guilty to any criminal offense in this 421
state or in any other state. 422

(16) On receipt of a request pursuant to division (B) of 423
section 4764.07 or division (A) of section 4735.143 of the 424
Revised Code, a completed form prescribed under division (C) (1) 425
of this section, and a set of fingerprint impressions obtained 426
in the manner described in division (C) (2) of this section, the 427
superintendent of the bureau of criminal identification and 428
investigation shall conduct a criminal records check in the 429
manner described in division (B) of this section to determine 430
whether any information exists indicating that the person who is 431
the subject of the request has been convicted of or pleaded 432
guilty to any criminal offense in any state or the United 433
States. 434

(17) On receipt of a request for a criminal records check 435
under section 147.022 of the Revised Code, a completed form 436
prescribed under division (C) (1) of this section, and a set of 437
fingerprint impressions obtained in the manner prescribed in 438
division (C) (2) of this section, the superintendent of the 439
bureau of criminal identification and investigation shall 440
conduct a criminal records check in the manner described in 441
division (B) of this section to determine whether any 442
information exists that indicates that the person who is the 443
subject of the request previously has been convicted of or 444

pleaded guilty or no contest to any criminal offense under any 445
existing or former law of this state, any other state, or the 446
United States. 447

(18) Upon receipt of a request pursuant to division (F) of 448
section 2915.081 or division (E) of section 2915.082 of the 449
Revised Code, a completed form prescribed under division (C) (1) 450
of this section, and a set of fingerprint impressions obtained 451
in the manner described in division (C) (2) of this section, the 452
superintendent of the bureau of criminal identification and 453
investigation shall conduct a criminal records check in the 454
manner described in division (B) of this section to determine 455
whether any information exists indicating that the person who is 456
the subject of the request has been convicted of or pleaded 457
guilty or no contest to any offense that is a violation of 458
Chapter 2915. of the Revised Code or to any offense under any 459
existing or former law of this state, any other state, or the 460
United States that is substantially equivalent to such an 461
offense. 462

(19) On receipt of a request pursuant to section 3775.03 463
of the Revised Code, a completed form prescribed under division 464
(C) (1) of this section, and a set of fingerprint impressions 465
obtained in the manner described in division (C) (2) of this 466
section, the superintendent of the bureau of criminal 467
identification and investigation shall conduct a criminal 468
records check in the manner described in division (B) of this 469
section and shall request information from the federal bureau of 470
investigation to determine whether any information exists 471
indicating that the person who is the subject of the request has 472
been convicted of any offense under any existing or former law 473
of this state, any other state, or the United States that is a 474
disqualifying offense as defined in section 3772.07 of the 475

Revised Code. 476

(B) Subject to division (F) of this section, the 477
superintendent shall conduct any criminal records check to be 478
conducted under this section as follows: 479

(1) The superintendent shall review or cause to be 480
reviewed any relevant information gathered and compiled by the 481
bureau under division (A) of section 109.57 of the Revised Code 482
that relates to the person who is the subject of the criminal 483
records check, including, if the criminal records check was 484
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 485
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 486
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 487
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 488
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 489
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 490
5123.169, or 5153.111 of the Revised Code, any relevant 491
information contained in records that have been sealed under 492
section 2953.32 of the Revised Code; 493

(2) If the request received by the superintendent asks for 494
information from the federal bureau of investigation, the 495
superintendent shall request from the federal bureau of 496
investigation any information it has with respect to the person 497
who is the subject of the criminal records check, including 498
fingerprint-based checks of national crime information databases 499
as described in 42 U.S.C. 671 if the request is made pursuant to 500
section 2151.86 or 5104.013 of the Revised Code or if any other 501
Revised Code section requires fingerprint-based checks of that 502
nature, and shall review or cause to be reviewed any information 503
the superintendent receives from that bureau. If a request under 504
section 3319.39 of the Revised Code asks only for information 505

from the federal bureau of investigation, the superintendent 506
shall not conduct the review prescribed by division (B) (1) of 507
this section. 508

(3) The superintendent or the superintendent's designee 509
may request criminal history records from other states or the 510
federal government pursuant to the national crime prevention and 511
privacy compact set forth in section 109.571 of the Revised 512
Code. 513

(4) The superintendent shall include in the results of the 514
criminal records check a list or description of the offenses 515
listed or described in the relevant provision of division (A) of 516
this section. The superintendent shall exclude from the results 517
any information the dissemination of which is prohibited by 518
federal law. 519

(5) The superintendent shall send the results of the 520
criminal records check to the person to whom it is to be sent 521
not later than the following number of days after the date the 522
superintendent receives the request for the criminal records 523
check, the completed form prescribed under division (C) (1) of 524
this section, and the set of fingerprint impressions obtained in 525
the manner described in division (C) (2) of this section: 526

(a) If the superintendent is required by division (A) of 527
this section (other than division (A) (3) of this section) to 528
conduct the criminal records check, thirty; 529

(b) If the superintendent is required by division (A) (3) 530
of this section to conduct the criminal records check, sixty. 531

(C) (1) The superintendent shall prescribe a form to obtain 532
the information necessary to conduct a criminal records check 533
from any person for whom a criminal records check is to be 534

conducted under this section. The form that the superintendent 535
prescribes pursuant to this division may be in a tangible 536
format, in an electronic format, or in both tangible and 537
electronic formats. 538

(2) The superintendent shall prescribe standard impression 539
sheets to obtain the fingerprint impressions of any person for 540
whom a criminal records check is to be conducted under this 541
section. Any person for whom a records check is to be conducted 542
under this section shall obtain the fingerprint impressions at a 543
county sheriff's office, municipal police department, or any 544
other entity with the ability to make fingerprint impressions on 545
the standard impression sheets prescribed by the superintendent. 546
The office, department, or entity may charge the person a 547
reasonable fee for making the impressions. The standard 548
impression sheets the superintendent prescribes pursuant to this 549
division may be in a tangible format, in an electronic format, 550
or in both tangible and electronic formats. 551

(3) Subject to division (D) of this section, the 552
superintendent shall prescribe and charge a reasonable fee for 553
providing a criminal records check under this section. The 554
person requesting the criminal records check shall pay the fee 555
prescribed pursuant to this division. In the case of a request 556
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 557
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 558
fee shall be paid in the manner specified in that section. 559

(4) The superintendent of the bureau of criminal 560
identification and investigation may prescribe methods of 561
forwarding fingerprint impressions and information necessary to 562
conduct a criminal records check, which methods shall include, 563
but not be limited to, an electronic method. 564

(D) The results of a criminal records check conducted 565
under this section, other than a criminal records check 566
specified in division (A) (7) of this section, are valid for the 567
person who is the subject of the criminal records check for a 568
period of one year from the date upon which the superintendent 569
completes the criminal records check. If during that period the 570
superintendent receives another request for a criminal records 571
check to be conducted under this section for that person, the 572
superintendent shall provide the results from the previous 573
criminal records check of the person at a lower fee than the fee 574
prescribed for the initial criminal records check. 575

(E) When the superintendent receives a request for 576
information from a registered private provider, the 577
superintendent shall proceed as if the request was received from 578
a school district board of education under section 3319.39 of 579
the Revised Code. The superintendent shall apply division (A) (1) 580
(c) of this section to any such request for an applicant who is 581
a teacher. 582

(F) (1) Subject to division (F) (2) of this section, all 583
information regarding the results of a criminal records check 584
conducted under this section that the superintendent reports or 585
sends under division (A) (7) or (9) of this section to the 586
director of public safety, the treasurer of state, or the 587
person, board, or entity that made the request for the criminal 588
records check shall relate to the conviction of the subject 589
person, or the subject person's plea of guilty to, a criminal 590
offense. 591

(2) Division (F) (1) of this section does not limit, 592
restrict, or preclude the superintendent's release of 593
information that relates to the arrest of a person who is 594

eighteen years of age or older, to an adjudication of a child as 595
a delinquent child, or to a criminal conviction of a person 596
under eighteen years of age in circumstances in which a release 597
of that nature is authorized under division (E) (2), (3), or (4) 598
of section 109.57 of the Revised Code pursuant to a rule adopted 599
under division (E) (1) of that section. 600

(G) As used in this section: 601

(1) "Criminal records check" means any criminal records 602
check conducted by the superintendent of the bureau of criminal 603
identification and investigation in accordance with division (B) 604
of this section. 605

(2) "Minor drug possession offense" has the same meaning 606
as in section 2925.01 of the Revised Code. 607

(3) "OVI or OVUAC violation" means a violation of section 608
4511.19 of the Revised Code or a violation of an existing or 609
former law of this state, any other state, or the United States 610
that is substantially equivalent to section 4511.19 of the 611
Revised Code. 612

(4) "Registered private provider" means a nonpublic school 613
or entity registered with the department of education and 614
workforce under section 3310.41 of the Revised Code to 615
participate in the autism scholarship program or section 3310.58 616
of the Revised Code to participate in the Jon Peterson special 617
needs scholarship program. 618

Sec. 2305.11. (A) An action for libel, slander, malicious 619
prosecution, or false imprisonment, an action for malpractice 620
other than an action upon a medical, dental, optometric, or 621
chiropractic claim, an action for legal malpractice against an 622
attorney or a law firm or legal professional association, or an 623

action upon a statute for a penalty or forfeiture shall be 624
commenced within one year after the cause of action accrued, 625
provided that an action by an employee for the payment of unpaid 626
minimum wages, unpaid overtime compensation, or liquidated 627
damages by reason of the nonpayment of minimum wages or overtime 628
compensation shall be commenced within two years after the cause 629
of action accrued. 630

(B) A civil action for unlawful abortion pursuant to 631
section 2919.12 of the Revised Code, ~~a civil action authorized~~ 632
~~by division (H) of section 2317.56 of the Revised Code, and a~~ 633
civil action pursuant to division (B) of section 2307.52 of the 634
Revised Code for terminating or attempting to terminate a human 635
pregnancy after viability in violation of division (A) of 636
section 2919.17 of the Revised Code, ~~and a civil action for~~ 637
~~terminating or attempting to terminate a human pregnancy of a~~ 638
~~pain capable unborn child in violation of division (E) of~~ 639
~~section 2919.201 of the Revised Code shall be commenced within~~ 640
one year after the performance or inducement of the abortion or 641
within one year after the attempt to perform or induce the 642
abortion in violation of division (A) of section 2919.17 of the 643
Revised Code ~~or division (E) of section 2919.201 of the Revised~~ 644
Code. 645

(C) As used in this section, "medical claim," "dental 646
claim," "optometric claim," and "chiropractic claim" have the 647
same meanings as in section 2305.113 of the Revised Code. 648

Sec. 2305.2312. As used in this section, "reproductive 649
health care" and "reproductive health care helper" have the same 650
meanings as in section 3732.07 of the Revised Code. 651

Except as provided in sections 2307.52, 2307.53, 2307.54, 652
2919.12, 2919.121, 2919.123, 2919.13, 2919.14, 2919.15, 653

2919.151, 2919.16, and 2919.17 of the Revised Code, a health 654
care provider providing reproductive health care, a health care 655
facility where reproductive health care is provided, an 656
individual seeking or accessing reproductive health care, or a 657
reproductive health care helper is not liable for or subject to 658
any of the following for injury, death, or loss to person or 659
property that allegedly arises from any act or omission 660
associated with providing reproductive health care: damages in a 661
civil action, prosecution in a criminal proceeding, or 662
professional disciplinary action. This section does not apply if 663
the act or omission constitutes willful or wanton misconduct or 664
reckless disregard for the consequences so as to affect the life 665
or health of the patient. 666

Sec. 2317.02. The following persons shall not testify in 667
certain respects: 668

(A) (1) An attorney, concerning a communication made to the 669
attorney by a client in that relation or concerning the 670
attorney's advice to a client, except that the attorney may 671
testify by express consent of the client or, if the client is 672
deceased, by the express consent of the surviving spouse or the 673
executor or administrator of the estate of the deceased client. 674
However, if the client voluntarily reveals the substance of 675
attorney-client communications in a nonprivileged context or is 676
deemed by section 2151.421 of the Revised Code to have waived 677
any testimonial privilege under this division, the attorney may 678
be compelled to testify on the same subject. 679

The testimonial privilege established under this division 680
does not apply concerning either of the following: 681

(a) A communication between a client in a capital case, as 682
defined in section 2901.02 of the Revised Code, and the client's 683

attorney if the communication is relevant to a subsequent 684
ineffective assistance of counsel claim by the client alleging 685
that the attorney did not effectively represent the client in 686
the case; 687

(b) A communication between a client who has since died 688
and the deceased client's attorney if the communication is 689
relevant to a dispute between parties who claim through that 690
deceased client, regardless of whether the claims are by testate 691
or intestate succession or by inter vivos transaction, and the 692
dispute addresses the competency of the deceased client when the 693
deceased client executed a document that is the basis of the 694
dispute or whether the deceased client was a victim of fraud, 695
undue influence, or duress when the deceased client executed a 696
document that is the basis of the dispute. 697

(2) An attorney, concerning a communication made to the 698
attorney by a client in that relationship or the attorney's 699
advice to a client, except that if the client is an insurance 700
company, the attorney may be compelled to testify, subject to an 701
in camera inspection by a court, about communications made by 702
the client to the attorney or by the attorney to the client that 703
are related to the attorney's aiding or furthering an ongoing or 704
future commission of bad faith by the client, if the party 705
seeking disclosure of the communications has made a prima-facie 706
showing of bad faith, fraud, or criminal misconduct by the 707
client. 708

(B) (1) A physician, advanced practice registered nurse, or 709
dentist concerning a communication made to the physician, 710
advanced practice registered nurse, or dentist by a patient in 711
that relation or the advice of a physician, advanced practice 712
registered nurse, or dentist given to a patient, except as 713

otherwise provided in this division, division (B) (2), and 714
division (B) (3) of this section, and except that, if the patient 715
is deemed by section 2151.421 of the Revised Code to have waived 716
any testimonial privilege under this division, the physician or 717
advanced practice registered nurse may be compelled to testify 718
on the same subject. 719

The testimonial privilege established under this division 720
does not apply, and a physician, advanced practice registered 721
nurse, or dentist may testify or may be compelled to testify, in 722
any of the following circumstances: 723

(a) In any civil action, in accordance with the discovery 724
provisions of the Rules of Civil Procedure in connection with a 725
civil action, or in connection with a claim under Chapter 4123. 726
of the Revised Code, under any of the following circumstances: 727

(i) If the patient or the guardian or other legal 728
representative of the patient gives express consent; 729

(ii) If the patient is deceased, the spouse of the patient 730
or the executor or administrator of the patient's estate gives 731
express consent; 732

(iii) If a medical claim, dental claim, chiropractic 733
claim, or optometric claim, as defined in section 2305.113 of 734
the Revised Code, an action for wrongful death, any other type 735
of civil action, or a claim under Chapter 4123. of the Revised 736
Code is filed by the patient, the personal representative of the 737
estate of the patient if deceased, or the patient's guardian or 738
other legal representative. 739

(b) In any civil action concerning court-ordered treatment 740
or services received by a patient, if the court-ordered 741
treatment or services were ordered as part of a case plan 742

journalized under section 2151.412 of the Revised Code or the 743
court-ordered treatment or services are necessary or relevant to 744
dependency, neglect, or abuse or temporary or permanent custody 745
proceedings under Chapter 2151. of the Revised Code. 746

(c) In any criminal action concerning any test or the 747
results of any test that determines the presence or 748
concentration of alcohol, a drug of abuse, a combination of 749
them, a controlled substance, or a metabolite of a controlled 750
substance in the patient's whole blood, blood serum or plasma, 751
breath, urine, or other bodily substance at any time relevant to 752
the criminal offense in question. 753

(d) In any criminal action against a physician, advanced 754
practice registered nurse, or dentist. In such an action, the 755
testimonial privilege established under this division does not 756
prohibit the admission into evidence, in accordance with the 757
Rules of Evidence, of a patient's medical or dental records or 758
other communications between a patient and the physician, 759
advanced practice registered nurse, or dentist that are related 760
to the action and obtained by subpoena, search warrant, or other 761
lawful means. A court that permits or compels a physician, 762
advanced practice registered nurse, or dentist to testify in 763
such an action or permits the introduction into evidence of 764
patient records or other communications in such an action shall 765
require that appropriate measures be taken to ensure that the 766
confidentiality of any patient named or otherwise identified in 767
the records is maintained. Measures to ensure confidentiality 768
that may be taken by the court include sealing its records or 769
deleting specific information from its records. 770

(e) (i) If the communication was between a patient who has 771
since died and the deceased patient's physician, advanced 772

practice registered nurse, or dentist, the communication is 773
relevant to a dispute between parties who claim through that 774
deceased patient, regardless of whether the claims are by 775
testate or intestate succession or by inter vivos transaction, 776
and the dispute addresses the competency of the deceased patient 777
when the deceased patient executed a document that is the basis 778
of the dispute or whether the deceased patient was a victim of 779
fraud, undue influence, or duress when the deceased patient 780
executed a document that is the basis of the dispute. 781

(ii) If neither the spouse of a patient nor the executor 782
or administrator of that patient's estate gives consent under 783
division (B) (1) (a) (ii) of this section, testimony or the 784
disclosure of the patient's medical records by a physician, 785
advanced practice registered nurse, dentist, or other health 786
care provider under division (B) (1) (e) (i) of this section is a 787
permitted use or disclosure of protected health information, as 788
defined in 45 C.F.R. 160.103, and an authorization or 789
opportunity to be heard shall not be required. 790

(iii) Division (B) (1) (e) (i) of this section does not 791
require a mental health professional to disclose psychotherapy 792
notes, as defined in 45 C.F.R. 164.501. 793

(iv) An interested person who objects to testimony or 794
disclosure under division (B) (1) (e) (i) of this section may seek 795
a protective order pursuant to Civil Rule 26. 796

(v) A person to whom protected health information is 797
disclosed under division (B) (1) (e) (i) of this section shall not 798
use or disclose the protected health information for any purpose 799
other than the litigation or proceeding for which the 800
information was requested and shall return the protected health 801
information to the covered entity or destroy the protected 802

health information, including all copies made, at the conclusion 803
of the litigation or proceeding. 804

(2) (a) If any law enforcement officer submits a written 805
statement to a health care provider that states that an official 806
criminal investigation has begun regarding a specified person or 807
that a criminal action or proceeding has been commenced against 808
a specified person, that requests the provider to supply to the 809
officer copies of any records the provider possesses that 810
pertain to any test or the results of any test administered to 811
the specified person to determine the presence or concentration 812
of alcohol, a drug of abuse, a combination of them, a controlled 813
substance, or a metabolite of a controlled substance in the 814
person's whole blood, blood serum or plasma, breath, or urine at 815
any time relevant to the criminal offense in question, and that 816
conforms to section 2317.022 of the Revised Code, the provider, 817
except to the extent specifically prohibited by any law of this 818
state or of the United States, shall supply to the officer a 819
copy of any of the requested records the provider possesses. If 820
the health care provider does not possess any of the requested 821
records, the provider shall give the officer a written statement 822
that indicates that the provider does not possess any of the 823
requested records. 824

(b) If a health care provider possesses any records of the 825
type described in division (B) (2) (a) of this section regarding 826
the person in question at any time relevant to the criminal 827
offense in question, in lieu of personally testifying as to the 828
results of the test in question, the custodian of the records 829
may submit a certified copy of the records, and, upon its 830
submission, the certified copy is qualified as authentic 831
evidence and may be admitted as evidence in accordance with the 832
Rules of Evidence. Division (A) of section 2317.422 of the 833

Revised Code does not apply to any certified copy of records 834
submitted in accordance with this division. Nothing in this 835
division shall be construed to limit the right of any party to 836
call as a witness the person who administered the test to which 837
the records pertain, the person under whose supervision the test 838
was administered, the custodian of the records, the person who 839
made the records, or the person under whose supervision the 840
records were made. 841

(3) (a) If the testimonial privilege described in division 842
(B) (1) of this section does not apply as provided in division 843
(B) (1) (a) (iii) of this section, a physician, advanced practice 844
registered nurse, or dentist may be compelled to testify or to 845
submit to discovery under the Rules of Civil Procedure only as 846
to a communication made to the physician, advanced practice 847
registered nurse, or dentist by the patient in question in that 848
relation, or the advice of the physician, advanced practice 849
registered nurse, or dentist given to the patient in question, 850
that related causally or historically to physical or mental 851
injuries that are relevant to issues in the medical claim, 852
dental claim, chiropractic claim, or optometric claim, action 853
for wrongful death, other civil action, or claim under Chapter 854
4123. of the Revised Code. 855

(b) If the testimonial privilege described in division (B) 856
(1) of this section does not apply to a physician, advanced 857
practice registered nurse, or dentist as provided in division 858
(B) (1) (c) of this section, the physician, advanced practice 859
registered nurse, or dentist, in lieu of personally testifying 860
as to the results of the test in question, may submit a 861
certified copy of those results, and, upon its submission, the 862
certified copy is qualified as authentic evidence and may be 863
admitted as evidence in accordance with the Rules of Evidence. 864

Division (A) of section 2317.422 of the Revised Code does not 865
apply to any certified copy of results submitted in accordance 866
with this division. Nothing in this division shall be construed 867
to limit the right of any party to call as a witness the person 868
who administered the test in question, the person under whose 869
supervision the test was administered, the custodian of the 870
results of the test, the person who compiled the results, or the 871
person under whose supervision the results were compiled. 872

(4) The testimonial privilege described in division (B) (1) 873
of this section is not waived when a communication is made by a 874
physician or advanced practice registered nurse to a pharmacist 875
or when there is communication between a patient and a 876
pharmacist in furtherance of the physician-patient or advanced 877
practice registered nurse-patient relation. 878

(5) (a) As used in divisions (B) (1) to (4) of this section, 879
"communication" means acquiring, recording, or transmitting any 880
information, in any manner, concerning any facts, opinions, or 881
statements necessary to enable a physician, advanced practice 882
registered nurse, or dentist to diagnose, treat, prescribe, or 883
act for a patient. A "communication" may include, but is not 884
limited to, any medical or dental, office, or hospital 885
communication such as a record, chart, letter, memorandum, 886
laboratory test and results, x-ray, photograph, financial 887
statement, diagnosis, or prognosis. 888

(b) As used in division (B) (2) of this section, "health 889
care provider" means a hospital, ambulatory care facility, long- 890
term care facility, pharmacy, emergency facility, or health care 891
practitioner. 892

(c) As used in division (B) (5) (b) of this section: 893

(i) "Ambulatory care facility" means a facility that 894
provides medical, diagnostic, or surgical treatment to patients 895
who do not require hospitalization, including a dialysis center, 896
ambulatory surgical facility, cardiac catheterization facility, 897
diagnostic imaging center, extracorporeal shock wave lithotripsy 898
center, home health agency, inpatient hospice, birthing center, 899
radiation therapy center, emergency facility, and an urgent care 900
center. "Ambulatory health care facility" does not include the 901
private office of a physician, advanced practice registered 902
nurse, or dentist, whether the office is for an individual or 903
group practice. 904

(ii) "Emergency facility" means a hospital emergency 905
department or any other facility that provides emergency medical 906
services. 907

(iii) "Health care practitioner" has the same meaning as 908
in section 4769.01 of the Revised Code. 909

(iv) "Hospital" has the same meaning as in section 3727.01 910
of the Revised Code. 911

(v) "Long-term care facility" means a nursing home, 912
residential care facility, or home for the aging, as those terms 913
are defined in section 3721.01 of the Revised Code; a 914
residential facility licensed under section 5119.34 of the 915
Revised Code that provides accommodations, supervision, and 916
personal care services for three to sixteen unrelated adults; a 917
nursing facility, as defined in section 5165.01 of the Revised 918
Code; a skilled nursing facility, as defined in section 5165.01 919
of the Revised Code; and an intermediate care facility for 920
individuals with intellectual disabilities, as defined in 921
section 5124.01 of the Revised Code. 922

(vi) "Pharmacy" has the same meaning as in section 4729.01	923
of the Revised Code.	924
(d) As used in divisions (B) (1) and (2) of this section,	925
"drug of abuse" has the same meaning as in section 4506.01 of	926
the Revised Code.	927
(6) Divisions (B) (1), (2), (3), (4), and (5) of this	928
section apply to doctors of medicine, doctors of osteopathic	929
medicine, doctors of podiatry, advanced practice registered	930
nurses, and dentists.	931
(7) Nothing in divisions (B) (1) to (6) of this section	932
affects, or shall be construed as affecting, the immunity from	933
civil liability conferred by section 307.628 of the Revised Code	934
or the immunity from civil liability conferred by section	935
2305.33 of the Revised Code upon physicians or advanced practice	936
registered nurses who report an employee's use of a drug of	937
abuse, or a condition of an employee other than one involving	938
the use of a drug of abuse, to the employer of the employee in	939
accordance with division (B) of that section. As used in	940
division (B) (7) of this section, "employee," "employer," and	941
"physician" have the same meanings as in section 2305.33 of the	942
Revised Code and "advanced practice registered nurse" has the	943
same meaning as in section 4723.01 of the Revised Code.	944
(C) (1) A cleric, when the cleric remains accountable to	945
the authority of that cleric's church, denomination, or sect,	946
concerning a confession made, or any information confidentially	947
communicated, to the cleric for a religious counseling purpose	948
in the cleric's professional character. The cleric may testify	949
by express consent of the person making the communication,	950
except when the disclosure of the information is in violation of	951
a sacred trust and except that, if the person voluntarily	952

testifies or is deemed by division (A) (4) (c) of section 2151.421 953
of the Revised Code to have waived any testimonial privilege 954
under this division, the cleric may be compelled to testify on 955
the same subject except when disclosure of the information is in 956
violation of a sacred trust. 957

(2) As used in division (C) of this section: 958

(a) "Cleric" means a member of the clergy, rabbi, priest, 959
Christian Science practitioner, or regularly ordained, 960
accredited, or licensed minister of an established and legally 961
cognizable church, denomination, or sect. 962

(b) "Sacred trust" means a confession or confidential 963
communication made to a cleric in the cleric's ecclesiastical 964
capacity in the course of discipline enjoined by the church to 965
which the cleric belongs, including, but not limited to, the 966
Catholic Church, if both of the following apply: 967

(i) The confession or confidential communication was made 968
directly to the cleric. 969

(ii) The confession or confidential communication was made 970
in the manner and context that places the cleric specifically 971
and strictly under a level of confidentiality that is considered 972
inviolable by canon law or church doctrine. 973

(D) Husband or wife, concerning any communication made by 974
one to the other, or an act done by either in the presence of 975
the other, during coverture, unless the communication was made, 976
or act done, in the known presence or hearing of a third person 977
competent to be a witness; and such rule is the same if the 978
marital relation has ceased to exist; 979

(E) A person who assigns a claim or interest, concerning 980
any matter in respect to which the person would not, if a party, 981

be permitted to testify;	982
(F) A person who, if a party, would be restricted under	983
section 2317.03 of the Revised Code, when the property or thing	984
is sold or transferred by an executor, administrator, guardian,	985
trustee, heir, devisee, or legatee, shall be restricted in the	986
same manner in any action or proceeding concerning the property	987
or thing.	988
(G) (1) A school guidance counselor who holds a valid	989
educator license from the state board of education as provided	990
for in section 3319.22 of the Revised Code, a person licensed	991
under Chapter 4757. of the Revised Code as a licensed	992
professional clinical counselor, licensed professional	993
counselor, social worker, independent social worker, marriage	994
and family therapist or independent marriage and family	995
therapist, or registered under Chapter 4757. of the Revised Code	996
as a social work assistant concerning a confidential	997
communication received from a client in that relation or the	998
person's advice to a client unless any of the following applies:	999
(a) The communication or advice indicates clear and	1000
present danger to the client or other persons. For the purposes	1001
of this division, cases in which there are indications of	1002
present or past child abuse or neglect of the client constitute	1003
a clear and present danger.	1004
(b) The client gives express consent to the testimony.	1005
(c) If the client is deceased, the surviving spouse or the	1006
executor or administrator of the estate of the deceased client	1007
gives express consent.	1008
(d) The client voluntarily testifies, in which case the	1009
school guidance counselor or person licensed or registered under	1010

Chapter 4757. of the Revised Code may be compelled to testify on 1011
the same subject. 1012

(e) The court in camera determines that the information 1013
communicated by the client is not germane to the counselor- 1014
client, marriage and family therapist-client, or social worker- 1015
client relationship. 1016

(f) A court, in an action brought against a school, its 1017
administration, or any of its personnel by the client, rules 1018
after an in-camera inspection that the testimony of the school 1019
guidance counselor is relevant to that action. 1020

(g) The testimony is sought in a civil action and concerns 1021
court-ordered treatment or services received by a patient as 1022
part of a case plan journalized under section 2151.412 of the 1023
Revised Code or the court-ordered treatment or services are 1024
necessary or relevant to dependency, neglect, or abuse or 1025
temporary or permanent custody proceedings under Chapter 2151. 1026
of the Revised Code. 1027

(2) Nothing in division (G) (1) of this section shall 1028
relieve a school guidance counselor or a person licensed or 1029
registered under Chapter 4757. of the Revised Code from the 1030
requirement to report information concerning child abuse or 1031
neglect under section 2151.421 of the Revised Code. 1032

(H) A mediator acting under a mediation order issued under 1033
division (A) of section 3109.052 of the Revised Code or 1034
otherwise issued in any proceeding for divorce, dissolution, 1035
legal separation, annulment, or the allocation of parental 1036
rights and responsibilities for the care of children, in any 1037
action or proceeding, other than a criminal, delinquency, child 1038
abuse, child neglect, or dependent child action or proceeding, 1039

that is brought by or against either parent who takes part in 1040
mediation in accordance with the order and that pertains to the 1041
mediation process, to any information discussed or presented in 1042
the mediation process, to the allocation of parental rights and 1043
responsibilities for the care of the parents' children, or to 1044
the awarding of parenting time rights in relation to their 1045
children; 1046

(I) A communications assistant, acting within the scope of 1047
the communication assistant's authority, when providing 1048
telecommunications relay service pursuant to section 4931.06 of 1049
the Revised Code or Title II of the "Communications Act of 1050
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1051
communication made through a telecommunications relay service. 1052
Nothing in this section shall limit the obligation of a 1053
communications assistant to divulge information or testify when 1054
mandated by federal law or regulation or pursuant to subpoena in 1055
a criminal proceeding. 1056

Nothing in this section shall limit any immunity or 1057
privilege granted under federal law or regulation. 1058

(J) (1) A chiropractor in a civil proceeding concerning a 1059
communication made to the chiropractor by a patient in that 1060
relation or the chiropractor's advice to a patient, except as 1061
otherwise provided in this division. The testimonial privilege 1062
established under this division does not apply, and a 1063
chiropractor may testify or may be compelled to testify, in any 1064
civil action, in accordance with the discovery provisions of the 1065
Rules of Civil Procedure in connection with a civil action, or 1066
in connection with a claim under Chapter 4123. of the Revised 1067
Code, under any of the following circumstances: 1068

(a) If the patient or the guardian or other legal 1069

representative of the patient gives express consent. 1070

(b) If the patient is deceased, the spouse of the patient 1071
or the executor or administrator of the patient's estate gives 1072
express consent. 1073

(c) If a medical claim, dental claim, chiropractic claim, 1074
or optometric claim, as defined in section 2305.113 of the 1075
Revised Code, an action for wrongful death, any other type of 1076
civil action, or a claim under Chapter 4123. of the Revised Code 1077
is filed by the patient, the personal representative of the 1078
estate of the patient if deceased, or the patient's guardian or 1079
other legal representative. 1080

(2) If the testimonial privilege described in division (J) 1081
(1) of this section does not apply as provided in division (J) 1082
(1)(c) of this section, a chiropractor may be compelled to 1083
testify or to submit to discovery under the Rules of Civil 1084
Procedure only as to a communication made to the chiropractor by 1085
the patient in question in that relation, or the chiropractor's 1086
advice to the patient in question, that related causally or 1087
historically to physical or mental injuries that are relevant to 1088
issues in the medical claim, dental claim, chiropractic claim, 1089
or optometric claim, action for wrongful death, other civil 1090
action, or claim under Chapter 4123. of the Revised Code. 1091

(3) The testimonial privilege established under this 1092
division does not apply, and a chiropractor may testify or be 1093
compelled to testify, in any criminal action or administrative 1094
proceeding. 1095

(4) As used in this division, "communication" means 1096
acquiring, recording, or transmitting any information, in any 1097
manner, concerning any facts, opinions, or statements necessary 1098

to enable a chiropractor to diagnose, treat, or act for a 1099
patient. A communication may include, but is not limited to, any 1100
chiropractic, office, or hospital communication such as a 1101
record, chart, letter, memorandum, laboratory test and results, 1102
x-ray, photograph, financial statement, diagnosis, or prognosis. 1103

(K) (1) Except as provided under division (K) (2) of this 1104
section, a critical incident stress management team member 1105
concerning a communication received from an individual who 1106
receives crisis response services from the team member, or the 1107
team member's advice to the individual, during a debriefing 1108
session. 1109

(2) The testimonial privilege established under division 1110
(K) (1) of this section does not apply if any of the following 1111
are true: 1112

(a) The communication or advice indicates clear and 1113
present danger to the individual who receives crisis response 1114
services or to other persons. For purposes of this division, 1115
cases in which there are indications of present or past child 1116
abuse or neglect of the individual constitute a clear and 1117
present danger. 1118

(b) The individual who received crisis response services 1119
gives express consent to the testimony. 1120

(c) If the individual who received crisis response 1121
services is deceased, the surviving spouse or the executor or 1122
administrator of the estate of the deceased individual gives 1123
express consent. 1124

(d) The individual who received crisis response services 1125
voluntarily testifies, in which case the team member may be 1126
compelled to testify on the same subject. 1127

(e) The court in camera determines that the information 1128
communicated by the individual who received crisis response 1129
services is not germane to the relationship between the 1130
individual and the team member. 1131

(f) The communication or advice pertains or is related to 1132
any criminal act. 1133

(3) As used in division (K) of this section: 1134

(a) "Crisis response services" means consultation, risk 1135
assessment, referral, and on-site crisis intervention services 1136
provided by a critical incident stress management team to 1137
individuals affected by crisis or disaster. 1138

(b) "Critical incident stress management team member" or 1139
"team member" means an individual specially trained to provide 1140
crisis response services as a member of an organized community 1141
or local crisis response team that holds membership in the Ohio 1142
critical incident stress management network. 1143

(c) "Debriefing session" means a session at which crisis 1144
response services are rendered by a critical incident stress 1145
management team member during or after a crisis or disaster. 1146

(L) (1) Subject to division (L) (2) of this section and 1147
except as provided in division (L) (3) of this section, an 1148
employee assistance professional, concerning a communication 1149
made to the employee assistance professional by a client in the 1150
employee assistance professional's official capacity as an 1151
employee assistance professional. 1152

(2) Division (L) (1) of this section applies to an employee 1153
assistance professional who meets either or both of the 1154
following requirements: 1155

(a) Is certified by the employee assistance certification commission to engage in the employee assistance profession;	1156 1157
(b) Has education, training, and experience in all of the following:	1158 1159
(i) Providing workplace-based services designed to address employer and employee productivity issues;	1160 1161
(ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance;	1162 1163 1164 1165
(iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues;	1166 1167 1168 1169
(iv) Selecting and evaluating available community resources;	1170 1171
(v) Making appropriate referrals;	1172
(vi) Local and national employee assistance agreements;	1173
(vii) Client confidentiality.	1174
(3) Division (L)(1) of this section does not apply to any of the following:	1175 1176
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	1177 1178 1179 1180 1181
(b) A communication made by a client to an employee	1182

assistance professional that reveals the contemplation or 1183
commission of a crime or serious, harmful act; 1184

(c) A communication that is made by a client who is an 1185
unemancipated minor or an adult adjudicated to be incompetent 1186
and indicates that the client was the victim of a crime or 1187
abuse; 1188

(d) A civil proceeding to determine an individual's mental 1189
competency or a criminal action in which a plea of not guilty by 1190
reason of insanity is entered; 1191

(e) A civil or criminal malpractice action brought against 1192
the employee assistance professional; 1193

(f) When the employee assistance professional has the 1194
express consent of the client or, if the client is deceased or 1195
disabled, the client's legal representative; 1196

(g) When the testimonial privilege otherwise provided by 1197
division (L) (1) of this section is abrogated under law. 1198

(M) A patient, concerning the patient's own reproductive 1199
health care, including miscarriage and abortion history, unless 1200
that patient consents to do so. 1201

Sec. 2919.10. (A) As used in this section: 1202

(1) "Down syndrome" means a chromosome disorder associated 1203
either with an extra chromosome twenty-one, in whole or in part, 1204
or an effective trisomy for chromosome twenty-one. 1205

(2) "Physician," "pregnant," and "unborn child" have the 1206
same meanings as in section 2919.16 of the Revised Code. 1207

(B) No person shall purposely perform or induce or attempt 1208
to perform or induce an abortion on a pregnant woman if the 1209

person has knowledge that the pregnant woman is seeking the 1210
abortion, in whole or in part, because of any of the following: 1211

(1) A test result indicating Down syndrome in an unborn 1212
child; 1213

(2) A prenatal diagnosis of Down syndrome in an unborn 1214
child; 1215

(3) Any other reason to believe that an unborn child has 1216
Down syndrome. 1217

(C) Whoever violates division (B) of this section is 1218
guilty of performing or attempting to perform an abortion that 1219
was being sought because of Down syndrome, a felony of the 1220
fourth degree. 1221

(D) The state medical board shall revoke a physician's 1222
license to practice medicine in this state if the physician 1223
violates division (B) of this section. 1224

(E) Any physician who violates division (B) of this 1225
section is liable in a civil action for compensatory and 1226
exemplary damages and reasonable attorney's fees to any person, 1227
or the representative of the estate of any person, who sustains 1228
injury, death, or loss to person or property as the result of 1229
the performance or inducement or the attempted performance or 1230
inducement of the abortion. In any action under this division, 1231
the court also may award any injunctive or other equitable 1232
relief that the court considers appropriate. 1233

(F) A pregnant woman on whom an abortion is performed or 1234
induced or attempted to be performed or induced in violation of 1235
division (B) of this section is not guilty of violating division 1236
(B) of this section or of attempting to commit, conspiring to 1237
commit, or complicity in committing a violation of division (B) 1238

of this section. 1239

(G) If any provision of this section is held invalid, or 1240
if the application of any provision of this section to any 1241
person or circumstance is held invalid, the invalidity of that 1242
provision does not affect any other provisions or applications 1243
of this section and sections 2919.11 to ~~2919.193~~2919.18 of the 1244
Revised Code that can be given effect without the invalid 1245
provision or application, and to this end the provisions of this 1246
section and sections 2919.11 to ~~2919.193~~2919.18 of the Revised 1247
Code are severable as provided in section 1.50 of the Revised 1248
Code. In particular, it is the intent of the general assembly 1249
that any invalidity or potential invalidity of a provision of 1250
this section is not to impair the immediate and continuing 1251
enforceability of any other provisions of this section and 1252
sections 2919.11 to ~~2919.193~~2919.18 of the Revised Code. It is 1253
furthermore the intent of the general assembly that the 1254
provisions of this section are not to have the effect of 1255
repealing or limiting any other laws of this state. 1256

~~(H) The general assembly may, by joint resolution, appoint 1257
one or more of its members who sponsored or cosponsored 1258
B of the 132nd general assembly to intervene as a matter of 1259
right in any case in which the constitutionality of this section 1260
is challenged. 1261~~

Sec. 2919.12. (A) No person shall perform or induce an 1262
abortion without the informed consent of the pregnant woman. 1263

(B) (1) (a) No person shall knowingly perform or induce an 1264
abortion upon a woman who is pregnant, unmarried, under eighteen 1265
years of age, and unemancipated unless at least one of the 1266
following applies: 1267

(i) Subject to division (B) (2) of this section, the person 1268
has given ~~at least twenty-four hours~~ actual notice, in person or 1269
by telephone, to one of the woman's parents, her guardian, or 1270
her custodian as to the intention to perform or induce the 1271
abortion, provided that if the woman has requested, in 1272
accordance with division (B) (1) (b) of this section, that notice 1273
be given to a specified brother or sister of the woman who is 1274
twenty-one years of age or older or to a specified stepparent or 1275
grandparent of the woman instead of to one of her parents, her 1276
guardian, or her custodian, and if the person is notified by a 1277
juvenile court that affidavits of the type described in that 1278
division have been filed with that court, the ~~twenty-four hours~~ 1279
actual notice described in this division as to the intention to 1280
perform or induce the abortion shall be given, in person or by 1281
telephone, to the specified brother, sister, stepparent, or 1282
grandparent instead of to the parent, guardian, or custodian; 1283

(ii) One of the woman's parents, her guardian, or her 1284
custodian has consented in writing to the performance or 1285
inducement of the abortion; 1286

(iii) A juvenile court pursuant to section 2151.85 of the 1287
Revised Code issues an order authorizing the woman to consent to 1288
the abortion without notification of one of her parents, her 1289
guardian, or her custodian; 1290

(iv) A juvenile court or a court of appeals, by its 1291
inaction, constructively has authorized the woman to consent to 1292
the abortion without notification of one of her parents, her 1293
guardian, or her custodian under division (B) (1) of section 1294
2151.85 or division (A) of section 2505.073 of the Revised Code. 1295

(b) If a woman who is pregnant, unmarried, under eighteen 1296
years of age, and unemancipated desires notification as to a 1297

person's intention to perform or induce an abortion on the woman 1298
to be given to a specified brother or sister of the woman who is 1299
twenty-one years of age or older or to a specified stepparent or 1300
grandparent of the woman instead of to one of her parents, her 1301
guardian, or her custodian, the person who intends to perform or 1302
induce the abortion shall notify the specified brother, sister, 1303
stepparent, or grandparent instead of the parent, guardian, or 1304
custodian for purposes of division (B)(1)(a)(i) of this section 1305
if all of the following apply: 1306

(i) The woman has requested the person to provide the 1307
notification to the specified brother, sister, stepparent, or 1308
grandparent, clearly has identified the specified brother, 1309
sister, stepparent, or grandparent and her relation to that 1310
person, and, if the specified relative is a brother or sister, 1311
has indicated the age of the brother or sister; 1312

(ii) The woman has executed an affidavit stating that she 1313
is in fear of physical, sexual, or severe emotional abuse from 1314
the parent, guardian, or custodian who otherwise would be 1315
notified under division (B)(1)(a)(i) of this section, and that 1316
the fear is based on a pattern of physical, sexual, or severe 1317
emotional abuse of her exhibited by that parent, guardian, or 1318
custodian, has filed the affidavit with the juvenile court of 1319
the county in which the woman has a residence or legal 1320
settlement, the juvenile court of any county that borders to any 1321
extent the county in which she has a residence or legal 1322
settlement, or the juvenile court of the county in which the 1323
hospital, clinic, or other facility in which the abortion would 1324
be performed or induced is located, and has given the court 1325
written notice of the name and address of the person who intends 1326
to perform or induce the abortion; 1327

(iii) The specified brother, sister, stepparent, or grandparent has executed an affidavit stating that the woman has reason to fear physical, sexual, or severe emotional abuse from the parent, guardian, or custodian who otherwise would be notified under division (B) (1) (a) (i) of this section, based on a pattern of physical, sexual, or severe emotional abuse of her by that parent, guardian, or custodian, and the woman or the specified brother, sister, stepparent, or grandparent has filed the affidavit with the juvenile court in which the affidavit described in division (B) (1) (b) (ii) of this section was filed;

(iv) The juvenile court in which the affidavits described in divisions (B) (1) (b) (ii) and (iii) of this section were filed has notified the person that both of those affidavits have been filed with the court.

(c) If an affidavit of the type described in division (B) (1) (b) (ii) of this section and an affidavit of the type described in division (B) (1) (b) (iii) of this section are filed with a juvenile court and the court has been provided with written notice of the name and address of the person who intends to perform or induce an abortion upon the woman to whom the affidavits pertain, the court promptly shall notify the person who intends to perform or induce the abortion that the affidavits have been filed. If possible, the notice to the person shall be given in person or by telephone.

(2) If division (B) (1) (a) (ii), (iii), or (iv) of this section does not apply, and if no parent, guardian, or custodian can be reached for purposes of division (B) (1) (a) (i) of this section after a reasonable effort, or if notification is to be given to a specified brother, sister, stepparent, or grandparent under that division and the specified brother, sister,

stepparent, or grandparent cannot be reached for purposes of 1358
that division after a reasonable effort, no person shall perform 1359
or induce such an abortion without giving at least forty-eight 1360
hours constructive notice to one of the woman's parents, her 1361
guardian, or her custodian, by both certified and ordinary mail 1362
sent to the last known address of the parent, guardian, or 1363
custodian, or if notification for purposes of division (B) (1) (a) 1364
(i) of this section is to be given to a specified brother, 1365
sister, stepparent, or grandparent, without giving at least 1366
forty-eight hours constructive notice to that specified brother, 1367
sister, stepparent, or grandparent by both certified and 1368
ordinary mail sent to the last known address of that specified 1369
brother, sister, stepparent, or grandparent. The forty-eight- 1370
hour period under this division begins when the certified mail 1371
notice is mailed. If a parent, guardian, or custodian of the 1372
woman, or if notification under division (B) (1) (a) (i) of this 1373
section is to be given to a specified brother, sister, 1374
stepparent, or grandparent, the specified brother, sister, 1375
stepparent, or grandparent, is not reached within the forty- 1376
eight-hour period, the abortion may proceed even if the 1377
certified mail notice is not received. 1378

(3) If a parent, guardian, custodian, or specified 1379
brother, sister, stepparent, or grandparent who has been 1380
notified in accordance with division (B) (1) or (2) of this 1381
section clearly and unequivocally expresses that ~~he or she~~ such 1382
person does not wish to consult with a pregnant woman prior to 1383
her abortion, then the abortion may proceed without any further 1384
waiting period. 1385

(4) For purposes of prosecutions for a violation of 1386
division (B) (1) or (2) of this section, it shall be a rebuttable 1387
presumption that a woman who is unmarried and under eighteen 1388

years of age is unemancipated. 1389

(C) (1) It is an affirmative defense to a charge under 1390
division (B) (1) or (2) of this section that the pregnant woman 1391
provided the person who performed or induced the abortion with 1392
false, misleading, or incorrect information about her age, 1393
marital status, or emancipation, about the age of a brother or 1394
sister to whom she requested notice be given as a specified 1395
relative instead of to one of her parents, her guardian, or her 1396
custodian, or about the last known address of either of her 1397
parents, her guardian, her custodian, or a specified brother, 1398
sister, stepparent, or grandparent to whom she requested notice 1399
be given and the person who performed or induced the abortion 1400
did not otherwise have reasonable cause to believe the pregnant 1401
woman was under eighteen years of age, unmarried, or 1402
unemancipated, to believe that the age of a brother or sister to 1403
whom she requested notice be given as a specified relative 1404
instead of to one of her parents, her guardian, or her custodian 1405
was not twenty-one years of age, or to believe that the last 1406
known address of either of her parents, her guardian, her 1407
custodian, or a specified brother, sister, stepparent, or 1408
grandparent to whom she requested notice be given was incorrect. 1409

(2) It is an affirmative defense to a charge under this 1410
section that compliance with the requirements of this section 1411
was not possible because an immediate threat of serious risk to 1412
the life or physical health of the pregnant woman from the 1413
continuation of her pregnancy created an emergency necessitating 1414
the immediate performance or inducement of an abortion. 1415

(D) Whoever violates this section is guilty of unlawful 1416
abortion. A violation of division (A) of this section is a 1417
misdemeanor of the first degree on the first offense and a 1418

felony of the fourth degree on each subsequent offense. A 1419
violation of division (B) of this section is a misdemeanor of 1420
the first degree on a first offense and a felony of the fifth 1421
degree on each subsequent offense. 1422

(E) Whoever violates this section is liable to the 1423
pregnant woman and her parents, guardian, or custodian for civil 1424
compensatory and exemplary damages. 1425

(F) As used in this section "unemancipated" means that a 1426
woman who is unmarried and under eighteen years of age has not 1427
entered the armed services of the United States, has not become 1428
employed and self-subsisting, or has not otherwise become 1429
independent from the care and control of her parent, guardian, 1430
or custodian. 1431

Sec. 2953.25. (A) As used in this section: 1432

(1) "Collateral sanction" means a penalty, disability, or 1433
disadvantage that is related to employment or occupational 1434
licensing, however denominated, as a result of the individual's 1435
conviction of or plea of guilty to an offense and that applies 1436
by operation of law in this state whether or not the penalty, 1437
disability, or disadvantage is included in the sentence or 1438
judgment imposed. 1439

"Collateral sanction" does not include imprisonment, 1440
probation, parole, supervised release, forfeiture, restitution, 1441
fine, assessment, or costs of prosecution. 1442

(2) "Decision-maker" includes, but is not limited to, the 1443
state acting through a department, agency, board, commission, or 1444
instrumentality established by the law of this state for the 1445
exercise of any function of government, a political subdivision, 1446
an educational institution, or a government contractor or 1447

subcontractor made subject to this section by contract, law, or ordinance. 1448
1449

(3) "Department-funded program" means a residential or 1450
nonresidential program that is not a term in a state 1451
correctional institution, that is funded in whole or part by the 1452
department of rehabilitation and correction, and that is imposed 1453
as a sanction for an offense, as part of a sanction that is 1454
imposed for an offense, or as a term or condition of any 1455
sanction that is imposed for an offense. 1456

(4) "Designee" means the person designated by the deputy 1457
director of the division of parole and community services to 1458
perform the duties designated in division (B) of this section. 1459

(5) "Division of parole and community services" means the 1460
division of parole and community services of the department of 1461
rehabilitation and correction. 1462

(6) "Offense" means any felony or misdemeanor under the 1463
laws of this state. 1464

(7) "Political subdivision" has the same meaning as in 1465
section 2969.21 of the Revised Code. 1466

(8) "Discretionary civil impact," "licensing agency," and 1467
"mandatory civil impact" have the same meanings as in section 1468
2961.21 of the Revised Code. 1469

(B) (1) An individual who is subject to one or more 1470
collateral sanctions as a result of being convicted of or 1471
pleading guilty to an offense and who either has served a term 1472
in a state correctional institution for any offense or has spent 1473
time in a department-funded program for any offense may file a 1474
petition with the designee of the deputy director of the 1475
division of parole and community services for a certificate of 1476

qualification for employment. 1477

(2) An individual who is subject to one or more collateral 1478
sanctions as a result of being convicted of or pleading guilty 1479
to an offense and who is not in a category described in division 1480
(B) (1) of this section may file for a certificate of 1481
qualification for employment by doing either of the following: 1482

(a) In the case of an individual who resides in this 1483
state, filing a petition with the court of common pleas of the 1484
county in which the person resides or with the designee of the 1485
deputy director of the division of parole and community 1486
services; 1487

(b) In the case of an individual who resides outside of 1488
this state, filing a petition with the court of common pleas of 1489
any county in which any conviction or plea of guilty from which 1490
the individual seeks relief was entered or with the designee of 1491
the deputy director of the division of parole and community 1492
services. 1493

(3) A petition under division (B) (1) or (2) of this 1494
section shall be made on a copy of the form prescribed by the 1495
division of parole and community services under division (J) of 1496
this section, shall contain all of the information described in 1497
division (F) of this section, and, except as provided in 1498
division (B) (6) of this section, shall be accompanied by an 1499
application fee of fifty dollars and may be accompanied by a 1500
local court fee of not more than fifty dollars. 1501

(4) (a) Except as provided in division (B) (4) (b) of this 1502
section, an individual may file a petition under division (B) (1) 1503
or (2) of this section at any time after the expiration of 1504
whichever of the following is applicable: 1505

(i) If the offense that resulted in the collateral 1506
sanction from which the individual seeks relief is a felony, at 1507
any time after the expiration of one year from the date of 1508
release of the individual from any period of incarceration in a 1509
state or local correctional facility that was imposed for that 1510
offense and all periods of supervision imposed after release 1511
from the period of incarceration or, if the individual was not 1512
incarcerated for that offense, at any time after the expiration 1513
of one year from the date of the individual's final release from 1514
all other sanctions imposed for that offense. 1515

(ii) If the offense that resulted in the collateral 1516
sanction from which the individual seeks relief is a 1517
misdemeanor, at any time after the expiration of six months from 1518
the date of release of the individual from any period of 1519
incarceration in a local correctional facility that was imposed 1520
for that offense and all periods of supervision imposed after 1521
release from the period of incarceration or, if the individual 1522
was not incarcerated for that offense, at any time after the 1523
expiration of six months from the date of the final release of 1524
the individual from all sanctions imposed for that offense 1525
including any period of supervision. 1526

(b) The department of rehabilitation and correction may 1527
establish criteria by rule adopted under Chapter 119. of the 1528
Revised Code that, if satisfied by an individual, would allow 1529
the individual to file a petition before the expiration of six 1530
months or one year from the date of final release, whichever is 1531
applicable under division (B) (4) (a) of this section. 1532

(5) (a) A designee that receives a petition for a 1533
certificate of qualification for employment from an individual 1534
under division (B) (1) or (2) of this section shall review the 1535

petition to determine whether it is complete. If the petition is 1536
complete, the designee shall forward the petition, the 1537
application fee, and any other information the designee 1538
possesses that relates to the petition, to the court of common 1539
pleas of the county in which the individual resides if the 1540
individual submitting the petition resides in this state or, if 1541
the individual resides outside of this state, to the court of 1542
common pleas of the county in which the conviction or plea of 1543
guilty from which the individual seeks relief was entered. 1544

(b) A court of common pleas that receives a petition for a 1545
certificate of qualification for employment from an individual 1546
under division (B) (2) of this section, or that is forwarded a 1547
petition for such a certificate under division (B) (5) (a) of this 1548
section, shall attempt to determine all other courts in this 1549
state in which the individual was convicted of or pleaded guilty 1550
to an offense other than the offense from which the individual 1551
is seeking relief. The court that receives or is forwarded the 1552
petition shall notify all other courts in this state that it 1553
determines under this division were courts in which the 1554
individual was convicted of or pleaded guilty to an offense 1555
other than the offense from which the individual is seeking 1556
relief that the individual has filed the petition and that the 1557
court may send comments regarding the possible issuance of the 1558
certificate. 1559

A court of common pleas that receives a petition for a 1560
certificate of qualification for employment under division (B) 1561
(2) of this section shall notify the county's prosecuting 1562
attorney that the individual has filed the petition. 1563

A court of common pleas that receives a petition for a 1564
certificate of qualification for employment under division (B) 1565

(2) of this section, or that is forwarded a petition for 1566
qualification under division (B) (5) (a) of this section may 1567
direct the clerk of court to process and record all notices 1568
required in or under this section. Except as provided in 1569
division (B) (6) of this section, the court shall pay thirty 1570
dollars of the application fee into the state treasury and 1571
twenty dollars of the application fee into the county general 1572
revenue fund. 1573

(6) Upon receiving a petition for a certificate of 1574
qualification for employment filed by an individual under 1575
division (B) (1) or (2) of this section, a court of common pleas 1576
or the designee of the deputy director of the division of parole 1577
and community services who receives the petition may waive all 1578
or part of the application fee of fifty dollars described in 1579
division (B) (3) of this section, for an applicant who presents a 1580
poverty affidavit showing that the applicant is indigent. If an 1581
applicant pays an application fee, the first twenty dollars or 1582
two-fifths of the fee, whichever is greater, that is collected 1583
shall be paid into the county general revenue fund. If an 1584
applicant pays an application fee, the amount collected in 1585
excess of the amount to be paid into the county general revenue 1586
fund shall be paid into the state treasury. 1587

(C) (1) Upon receiving a petition for a certificate of 1588
qualification for employment filed by an individual under 1589
division (B) (2) of this section or being forwarded a petition 1590
for such a certificate under division (B) (5) (a) of this section, 1591
the court shall review the individual's petition, the 1592
individual's criminal history, except for information contained 1593
in any record that has been sealed under section 2953.32 of the 1594
Revised Code, all filings submitted by the prosecutor or by the 1595
victim in accordance with rules adopted by the division of 1596

parole and community services, the applicant's military service 1597
record, if applicable, and whether the applicant has an 1598
emotional, mental, or physical condition that is traceable to 1599
the applicant's military service in the armed forces of the 1600
United States and that was a contributing factor in the 1601
commission of the offense or offenses, and all other relevant 1602
evidence. The court may order any report, investigation, or 1603
disclosure by the individual that the court believes is 1604
necessary for the court to reach a decision on whether to 1605
approve the individual's petition for a certificate of 1606
qualification for employment, except that the court shall not 1607
require an individual to disclose information about any record 1608
sealed under section 2953.32 of the Revised Code. 1609

(2) Upon receiving a petition for a certificate of 1610
qualification for employment filed by an individual under 1611
division (B) (2) of this section or being forwarded a petition 1612
for such a certificate under division (B) (5) (a) of this section, 1613
except as otherwise provided in this division, the court shall 1614
decide whether to issue the certificate within sixty days after 1615
the court receives or is forwarded the completed petition and 1616
all information requested for the court to make that decision. 1617
Upon request of the individual who filed the petition, the court 1618
may extend the sixty-day period specified in this division. 1619

(3) Except as provided in division (C) (5) of this section 1620
and subject to division (C) (7) of this section, a court that 1621
receives an individual's petition for a certificate of 1622
qualification for employment under division (B) (2) of this 1623
section or that is forwarded a petition for such a certificate 1624
under division (B) (5) (a) of this section may issue a certificate 1625
of qualification for employment, at the court's discretion, if 1626
the court finds that the individual has established all of the 1627

following by a preponderance of the evidence: 1628

(a) Granting the petition will materially assist the 1629
individual in obtaining employment or occupational licensing. 1630

(b) The individual has a substantial need for the relief 1631
requested in order to live a law-abiding life. 1632

(c) Granting the petition would not pose an unreasonable 1633
risk to the safety of the public or any individual. 1634

(4) The submission of an incomplete petition by an 1635
individual shall not be grounds for the designee or court to 1636
deny the petition. 1637

(5) Subject to division (C) (6) of this section, an 1638
individual is rebuttably presumed to be eligible for a 1639
certificate of qualification for employment if the court that 1640
receives the individual's petition under division (B) (2) of this 1641
section or that is forwarded a petition under division (B) (5) (a) 1642
of this section finds all of the following: 1643

(a) The application was filed after the expiration of the 1644
applicable waiting period prescribed in division (B) (4) of this 1645
section; 1646

(b) If the offense that resulted in the collateral 1647
sanction from which the individual seeks relief is a felony, at 1648
least three years have elapsed since the date of release of the 1649
individual from any period of incarceration in a state or local 1650
correctional facility that was imposed for that offense and all 1651
periods of supervision imposed after release from the period of 1652
incarceration or, if the individual was not incarcerated for 1653
that offense, at least three years have elapsed since the date 1654
of the individual's final release from all other sanctions 1655
imposed for that offense; 1656

(c) If the offense that resulted in the collateral 1657
sanction from which the individual seeks relief is a 1658
misdemeanor, at least one year has elapsed since the date of 1659
release of the individual from any period of incarceration in a 1660
local correctional facility that was imposed for that offense 1661
and all periods of supervision imposed after release from the 1662
period of incarceration or, if the individual was not 1663
incarcerated for that offense, at least one year has elapsed 1664
since the date of the final release of the individual from all 1665
sanctions imposed for that offense including any period of 1666
supervision. 1667

(6) An application that meets all of the requirements for 1668
the presumption under division (C) (5) of this section shall be 1669
denied only if the court that receives the petition finds that 1670
the evidence reviewed under division (C) (1) of this section 1671
rebutts the presumption of eligibility for issuance by 1672
establishing, by clear and convincing evidence, that the 1673
applicant has not been rehabilitated. 1674

(7) A certificate of qualification for employment shall 1675
not create relief from any of the following collateral 1676
sanctions: 1677

(a) Requirements imposed by Chapter 2950. of the Revised 1678
Code and rules adopted under sections 2950.13 and 2950.132 of 1679
the Revised Code; 1680

(b) A driver's license, commercial driver's license, or 1681
probationary license suspension, cancellation, or revocation 1682
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of 1683
the Revised Code if the relief sought is available pursuant to 1684
section 4510.021 or division (B) of section 4510.13 of the 1685
Revised Code; 1686

(c) Restrictions on employment as a prosecutor or law enforcement officer; 1687
1688

(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123, ~~or~~ ~~2919.124~~ of the Revised Code; 1689
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(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code; 1700
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(f) The denial or ineligibility for employment in a pain clinic under division (B) (4) of section 4729.552 of the Revised Code; 1705
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(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code. 1708
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(8) If a court that receives an individual's petition for a certificate of qualification for employment under division (B) (2) of this section or that is forwarded a petition for such a certificate under division (B) (5) (a) of this section denies the 1712
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petition, the court shall provide written notice to the 1716
individual of the court's denial. The court may place conditions 1717
on the individual regarding the individual's filing of any 1718
subsequent petition for a certificate of qualification for 1719
employment. The written notice must notify the individual of any 1720
conditions placed on the individual's filing of a subsequent 1721
petition for a certificate of qualification for employment. 1722

If a court of common pleas that receives an individual's 1723
petition for a certificate of qualification for employment under 1724
division (B) (2) of this section or that is forwarded a petition 1725
for such a certificate under division (B) (5) (a) of this section 1726
denies the petition, the individual may appeal the decision to 1727
the court of appeals only if the individual alleges that the 1728
denial was an abuse of discretion on the part of the court of 1729
common pleas. 1730

(D) (1) A certificate of qualification for employment 1731
issued to an individual lifts the automatic bar of a collateral 1732
sanction, and a decision-maker shall consider on a case-by-case 1733
basis whether to grant or deny the issuance or restoration of an 1734
occupational license or an employment opportunity, 1735
notwithstanding the individual's possession of the certificate, 1736
without, however, reconsidering or rejecting any finding made by 1737
a designee or court under division (C) (3) of this section. 1738

(2) The certificate constitutes a rebuttable presumption 1739
that the person's criminal convictions are insufficient evidence 1740
that the person is unfit for the license, employment 1741
opportunity, or certification in question. Notwithstanding the 1742
presumption established under this division, the agency may deny 1743
the license or certification for the person if it determines 1744
that the person is unfit for issuance of the license. 1745

(3) If an employer that has hired a person who has been 1746
issued a certificate of qualification for employment applies to 1747
a licensing agency for a license or certification and the person 1748
has a conviction or guilty plea that otherwise would bar the 1749
person's employment with the employer or licensure for the 1750
employer because of a mandatory civil impact, the agency shall 1751
give the person individualized consideration, notwithstanding 1752
the mandatory civil impact, the mandatory civil impact shall be 1753
considered for all purposes to be a discretionary civil impact, 1754
and the certificate constitutes a rebuttable presumption that 1755
the person's criminal convictions are insufficient evidence that 1756
the person is unfit for the employment, or that the employer is 1757
unfit for the license or certification, in question. 1758

(E) A certificate of qualification for employment does not 1759
grant the individual to whom the certificate was issued relief 1760
from the mandatory civil impacts identified in division (A) (1) 1761
of section 2961.01 or division (B) of section 2961.02 of the 1762
Revised Code. 1763

(F) A petition for a certificate of qualification for 1764
employment filed by an individual under division (B) (1) or (2) 1765
of this section shall include all of the following: 1766

(1) The individual's name, date of birth, and social 1767
security number; 1768

(2) All aliases of the individual and all social security 1769
numbers associated with those aliases; 1770

(3) The individual's residence address, including the 1771
city, county, and state of residence and zip code; 1772

(4) The length of time that the individual has resided in 1773
the individual's current state of residence, expressed in years 1774

and months of residence;	1775
(5) A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;	1776 1777 1778
(6) A summary of the individual's criminal history, except for information contained in any record that has been sealed or expunged under section 2953.32 or 2953.39 of the Revised Code, with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	1779 1780 1781 1782 1783 1784 1785
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	1786 1787 1788
(8) Verifiable references and endorsements;	1789
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	1790 1791 1792
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	1793 1794
(11) Any other information required by rule by the department of rehabilitation and correction.	1795 1796
(G) (1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in	1797 1798 1799 1800 1801 1802

activity with the individual to whom the certificate of 1803
qualification for employment was issued if the person knew of 1804
the certificate at the time of the alleged negligence or other 1805
fault. 1806

(2) In any proceeding on a claim against an employer for 1807
negligent hiring, a certificate of qualification for employment 1808
issued to an individual under this section shall provide 1809
immunity for the employer as to the claim if the employer knew 1810
of the certificate at the time of the alleged negligence. 1811

(3) If an employer hires an individual who has been issued 1812
a certificate of qualification for employment under this 1813
section, if the individual, after being hired, subsequently 1814
demonstrates dangerousness or is convicted of or pleads guilty 1815
to a felony, and if the employer retains the individual as an 1816
employee after the demonstration of dangerousness or the 1817
conviction or guilty plea, the employer may be held liable in a 1818
civil action that is based on or relates to the retention of the 1819
individual as an employee only if it is proved by a 1820
preponderance of the evidence that the person having hiring and 1821
firing responsibility for the employer had actual knowledge that 1822
the employee was dangerous or had been convicted of or pleaded 1823
guilty to the felony and was willful in retaining the individual 1824
as an employee after the demonstration of dangerousness or the 1825
conviction or guilty plea of which the person has actual 1826
knowledge. 1827

(H) A certificate of qualification for employment issued 1828
under this section shall be revoked if the individual to whom 1829
the certificate of qualification for employment was issued is 1830
convicted of or pleads guilty to a felony offense committed 1831
subsequent to the issuance of the certificate of qualification 1832

for employment. The department of rehabilitation and correction 1833
shall periodically review the certificates listed in the 1834
database described in division (K) of this section to identify 1835
those that are subject to revocation under this division. Upon 1836
identifying a certificate of qualification for employment that 1837
is subject to revocation, the department shall note in the 1838
database that the certificate has been revoked, the reason for 1839
revocation, and the effective date of revocation, which shall be 1840
the date of the conviction or plea of guilty subsequent to the 1841
issuance of the certificate. 1842

(I) A designee's forwarding, or failure to forward, a 1843
petition for a certificate of qualification for employment to a 1844
court or a court's issuance, or failure to issue, a petition for 1845
a certificate of qualification for employment to an individual 1846
under division (B) of this section does not give rise to a claim 1847
for damages against the department of rehabilitation and 1848
correction or court. 1849

(J) The division of parole and community services shall 1850
adopt rules in accordance with Chapter 119. of the Revised Code 1851
for the implementation and administration of this section and 1852
shall prescribe the form for the petition to be used under 1853
division (B)(1) or (2) of this section. The form for the 1854
petition shall include places for all of the information 1855
specified in division (F) of this section. 1856

(K) The department of rehabilitation and correction shall 1857
maintain a database that identifies granted certificates and 1858
revoked certificates and tracks the number of certificates 1859
granted and revoked, the industries, occupations, and 1860
professions with respect to which the certificates have been 1861
most applicable, and the types of employers that have accepted 1862

the certificates. The department shall annually create a report 1863
that summarizes the information maintained in the database and 1864
shall make the report available to the public on its internet 1865
web site. 1866

Sec. 3701.341. (A) The director of health, pursuant to 1867
Chapter 119. ~~and consistent with Chapter 3726. and section~~ 1868
~~2317.56~~ of the Revised Code, shall adopt rules relating to 1869
abortions and the following subjects: 1870

(1) Post-abortion procedures to protect the health of the 1871
pregnant woman; 1872

(2) Pathological reports; 1873

(3) Humane disposition of the product of human conception; 1874

(4) Counseling. 1875

(B) The director of health shall implement the rules and 1876
shall apply to the court of common pleas for temporary or 1877
permanent injunctions restraining a violation or threatened 1878
violation of the rules. This action is an additional remedy not 1879
dependent on the adequacy of the remedy at law. 1880

Sec. 3701.792. (A) The director of health shall develop a 1881
child survival form to be submitted to the department of health 1882
in accordance with division (B) of this section each time a 1883
child is born alive after an abortion or attempted abortion. In 1884
developing the form, the director may consult with 1885
obstetricians, maternal-fetal specialists, or any other 1886
professionals the director considers appropriate. The form shall 1887
include areas for all of the following to be provided: 1888

(1) The patient number for the woman on whom the abortion 1889
was performed or attempted; 1890

- (2) The name, primary business address, and signature of the attending physician ~~described in section 3701.79 of the Revised Code~~ who performed or attempted to perform the abortion; 1891
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- (3) The name and address of the facility in which the abortion was performed or attempted, and whether the facility is a hospital, ambulatory surgical facility, physician's office, or other facility; 1894
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- (4) The date the abortion was performed or attempted; 1898
- (5) The type of abortion procedure that was performed or attempted; 1899
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- (6) The gestational age of the child who was born; 1901
- (7) Complications, by type, for both the woman and child; 1902
- (8) Any other information the director considers appropriate. 1903
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- (B) The attending physician who performed or attempted an abortion in which a child was born alive after that event shall complete a child survival form developed under division (A) of this section. The physician shall submit the completed form to the department of health not later than fifteen days after the woman is discharged from the facility. 1905
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- A completed child survival form is confidential and not a public record under section 149.43 of the Revised Code. 1911
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- (C) A copy of the child survival form completed under this section shall be made part of the medical record maintained for the woman by the facility in which the abortion was performed or attempted. 1913
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- (D) Each facility in which an abortion was performed or 1917

attempted and in which a child was born alive after that event 1918
shall submit monthly and annual reports to the department of 1919
health listing the total number of women on whom an abortion was 1920
performed or attempted at the facility and in which a child was 1921
born alive after that event, delineated by the type of abortion 1922
procedure that was performed or attempted. The annual report 1923
shall be submitted following the conclusion of the state's 1924
fiscal year. Each monthly or annual report shall be submitted 1925
not later than thirty days after the end of the applicable 1926
reporting period. 1927

(E) Not later than the first day of October of each year, 1928
the department shall issue an annual report of the data 1929
submitted to the department for the previous calendar year as 1930
required by this section. At a minimum, the annual report shall 1931
specify the number of women on whom an abortion was performed or 1932
attempted and in which a child was born alive after that event, 1933
delineated by the type of abortion procedure that was performed 1934
or attempted and the facility in which the abortion was 1935
performed or attempted. The report shall not contain any 1936
information that would permit the identity of a woman on whom an 1937
abortion was performed or attempted or any child to be 1938
ascertained. 1939

(F) No person shall purposely fail to comply with the 1940
child survival form submission requirement described in division 1941
(B) of this section or the copy maintenance requirement 1942
described in division (C) of this section. 1943

(G) No person shall purposely fail to comply with the 1944
monthly or annual report submission requirements described in 1945
division (D) of this section. 1946

(H) A woman on whom an abortion is performed or attempted 1947

may file a civil action against a person who violates division 1948
(F) or (G) or this section. A woman who prevails in an action 1949
filed under this division shall receive both of the following 1950
from the person who committed the violation: 1951

(1) Damages in the amount of ten thousand dollars; 1952

(2) Court costs and reasonable attorney's fees. 1953

(I) As used in this section: 1954

(1) "Abortion" has the same meaning as in section 2919.11 1955
of the Revised Code. 1956

(2) "Ambulatory surgical facility" has the same meaning as 1957
in section 3702.30 of the Revised Code. 1958

(3) "Hospital" means any building, structure, institution, 1959
or place devoted primarily to the maintenance and operation of 1960
facilities for the diagnosis, treatment, and medical or surgical 1961
care for three or more unrelated individuals having illness, 1962
disease, injury, or deformity, and regularly making available at 1963
least clinical laboratory services, diagnostic x-ray services, 1964
treatment facilities for surgery or obstetrical care, or other 1965
definitive medical treatment. "Hospital" does not include a 1966
"home" as defined in section 3721.01 of the Revised Code. 1967

(4) "Physician's office" means an office or portion of an 1968
office that is used to provide medical or surgical services to 1969
the physician's patients. "Physician's office" does not mean an 1970
ambulatory surgical facility, a hospital, or a hospital 1971
emergency department. 1972

Sec. 3702.30. (A) As used in this section: 1973

(1) "Ambulatory surgical facility" means a facility in 1974
which surgical services are provided to patients who do not 1975

require hospitalization for inpatient care, the duration of 1976
services for any patient does not extend beyond twenty-four 1977
hours after the patient's admission, and to which any of the 1978
following apply: 1979

(a) The surgical services are provided in a building that 1980
is separate from another building in which inpatient care is 1981
provided, regardless of whether the separate building is part of 1982
the same organization as the building in which inpatient care is 1983
provided. 1984

(b) The surgical services are provided within a building 1985
in which inpatient care is provided and the entity that operates 1986
the portion of the building where the surgical services are 1987
provided is not the entity that operates the remainder of the 1988
building. 1989

(c) The facility is held out to any person or government 1990
entity as an ambulatory surgical facility or similar facility by 1991
means of signage, advertising, or other promotional efforts. 1992

"Ambulatory surgical facility" does not include a hospital 1993
emergency department or an office of a physician, podiatrist, or 1994
dentist. 1995

(2) "Health care facility" means any of the following: 1996

(a) An ambulatory surgical facility; 1997

(b) A freestanding dialysis center; 1998

(c) A freestanding inpatient rehabilitation facility; 1999

(d) A freestanding birthing center; 2000

(e) A freestanding radiation therapy center; 2001

(f) A freestanding or mobile diagnostic imaging center. 2002

(B) By rule adopted in accordance with sections 3702.12 2003
and 3702.13 of the Revised Code, the director of health shall 2004
establish quality standards for health care facilities. The 2005
standards may incorporate accreditation standards or other 2006
quality standards established by any entity recognized by the 2007
director. 2008

In the case of an ambulatory surgical facility, the 2009
standards shall require the ambulatory surgical facility to 2010
maintain an infection control program. The purposes of the 2011
program are to minimize infections and communicable diseases and 2012
facilitate a functional and sanitary environment consistent with 2013
standards of professional practice. To achieve these purposes, 2014
ambulatory surgical facility staff managing the program shall 2015
create and administer a plan designed to prevent, identify, and 2016
manage infections and communicable diseases; ensure that the 2017
program is directed by a qualified professional trained in 2018
infection control; ensure that the program is an integral part 2019
of the ambulatory surgical facility's quality assessment and 2020
performance improvement program; and implement in an expeditious 2021
manner corrective and preventive measures that result in 2022
improvement. 2023

(C) Every ambulatory surgical facility shall require that 2024
each physician who practices at the facility comply with all 2025
relevant provisions in the Revised Code that relate to the 2026
obtaining of informed consent from a patient. 2027

(D) The director shall issue a license to each health care 2028
facility that makes application for a license and demonstrates 2029
to the director that it meets the quality standards established 2030
by the rules adopted under division (B) of this section and 2031
satisfies the informed consent compliance requirements specified 2032

in division (C) of this section. 2033

(E) (1) Except as provided in division (H) of this section 2034
and in section 3702.301 of the Revised Code, no health care 2035
facility shall operate without a license issued under this 2036
section. 2037

The general assembly does not intend for the provisions of 2038
this section or section 3702.301 of the Revised Code that 2039
establish health care facility licensing requirements or 2040
exemptions to have an effect on any third-party payments that 2041
may be available for the services provided by either a licensed 2042
health care facility or an entity exempt from licensure. 2043

(2) If the department of health finds that a physician who 2044
practices at a health care facility is not complying with any 2045
provision of the Revised Code related to the obtaining of 2046
informed consent from a patient, the department shall report its 2047
finding to the state medical board, the physician, and the 2048
health care facility. 2049

(3) Division (E) (2) of this section does not create, and 2050
shall not be construed as creating, a new cause of action or 2051
substantive legal right against a health care facility and in 2052
favor of a patient who allegedly sustains harm as a result of 2053
the failure of the patient's physician to obtain informed 2054
consent from the patient prior to performing a procedure on or 2055
otherwise caring for the patient in the health care facility. 2056

(F) The rules adopted under division (B) of this section 2057
shall include all of the following: 2058

(1) Provisions governing application for, renewal, 2059
suspension, and revocation of a license under this section; 2060

(2) Provisions governing orders issued pursuant to section 2061

3702.32 of the Revised Code for a health care facility to cease 2062
its operations or to prohibit certain types of services provided 2063
by a health care facility; 2064

(3) Provisions governing the imposition under section 2065
3702.32 of the Revised Code of civil penalties for violations of 2066
this section or the rules adopted under this section, including 2067
a scale for determining the amount of the penalties; 2068

(4) Provisions specifying the form inspectors must use 2069
when conducting inspections of ambulatory surgical facilities. 2070

~~(G) An ambulatory surgical facility that performs or 2071
induces abortions shall comply with section 3701.791 of the 2072
Revised Code. 2073~~

~~(H) The following entities are not required to obtain a 2074
license as a freestanding diagnostic imaging center issued under 2075
this section: 2076~~

(1) A hospital registered under section 3701.07 of the 2077
Revised Code that provides diagnostic imaging; 2078

(2) An entity that is reviewed as part of a hospital 2079
accreditation or certification program and that provides 2080
diagnostic imaging; 2081

(3) An ambulatory surgical facility that provides 2082
diagnostic imaging in conjunction with or during any portion of 2083
a surgical procedure. 2084

Sec. 3732.01. As used in sections 3732.01 to 3732.06 of 2085
the Revised Code: 2086

(A) "Collect" means for a regulated entity to obtain 2087
personal reproductive or sexual health information in any 2088
manner. 2089

(B) "Commerce" has the same meaning as in the "Federal Trade Commission Act," 15 U.S.C. 44. 2090
2091

(C) "Disclose" means for a regulated entity to release, transfer, sell, provide access to, license, or divulge personal reproductive or sexual health information in any manner to a third party, including the federal government, the state, any political subdivision, or a law enforcement agency. 2092
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(D) (1) "Express consent" means informed, opt-in, voluntary, specific, and unambiguous written consent, including by electronic means, to collecting, retaining, using, or disclosing personal reproductive or sexual health information. 2097
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(2) "Express consent" does not include any of the following: 2101
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(a) Consent secured without first providing to the individual a clear and conspicuous disclosure, apart from any privacy policy, terms of service, terms of use, general release, user agreement, or other similar document, of all information material to the provision of consent; 2103
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(b) Hovering over, muting, pausing, or closing a given piece of content; 2108
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(c) Agreement obtained through the use of a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision-making, or choice. 2110
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(E) "Personal information" means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly to, a particular individual. 2114
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<u>(F) "Personal reproductive or sexual health information"</u>	2118
<u>means personal information relating to the past, present, or</u>	2119
<u>future reproductive or sexual health of an individual, including</u>	2120
<u>any of the following:</u>	2121
<u>(1) Efforts to research or obtain reproductive or sexual</u>	2122
<u>information, services, or supplies, including location</u>	2123
<u>information that might indicate an attempt to acquire or receive</u>	2124
<u>such information, services, or supplies;</u>	2125
<u>(2) Reproductive or sexual health conditions, status,</u>	2126
<u>diseases, or diagnoses, including pregnancy, menstruation,</u>	2127
<u>ovulation, and the ability to conceive a pregnancy, regardless</u>	2128
<u>of whether such individual is sexually active, and whether such</u>	2129
<u>individual is engaging in unprotected sex;</u>	2130
<u>(3) Reproductive and sexual health-related surgeries or</u>	2131
<u>procedures, including the termination of a pregnancy;</u>	2132
<u>(4) Use or purchase of contraceptives, birth control, or</u>	2133
<u>any medication related to reproductive health, including</u>	2134
<u>abortifacients;</u>	2135
<u>(5) Bodily functions, vital signs, measurements, or</u>	2136
<u>symptoms related to menstruation or pregnancy, such as basal</u>	2137
<u>temperature, cramps, bodily discharge, or hormone levels;</u>	2138
<u>(6) Any information about diagnoses or diagnostic testing,</u>	2139
<u>treatment, medications, or the use of any product or service</u>	2140
<u>relating to the matters described in divisions (F) (1) to (5) of</u>	2141
<u>this section;</u>	2142
<u>(7) Any information described in divisions (F) (1) to (6)</u>	2143
<u>of this section that is derived or extrapolated from non-health</u>	2144
<u>information, including proxy, derivative, inferred, emergent, or</u>	2145
<u>algorithmic data.</u>	2146

(G) (1) "Regulated entity" means any entity, to the extent 2147
the entity is engaged in activities in or affecting commerce, 2148
that is either: 2149

(a) A person, partnership, or corporation subject to the 2150
jurisdiction of the federal trade commission under section 5(a) 2151
(2) of the "Federal Trade Commission Act," 15 U.S.C. 45(a) (2); 2152

(b) Notwithstanding section 4, 5(a) (2), or 6 of the 2153
"Federal Trade Commission Act," 15 U.S.C. 44; 45(a) (2); 46, or 2154
any jurisdictional limitation of the commission, either of the 2155
following: 2156

(i) A common carrier subject to the "Communications Act of 2157
1934," 47 U.S.C. 151 et seq.; 2158

(ii) An organization not organized to carry on business 2159
for its own profit or that of its members. 2160

(2) "Regulated entity" does not include any of the 2161
following: 2162

(a) An entity that is a covered entity, as defined in 45 2163
C.F.R. 160.103, to the extent the entity is acting as a covered 2164
entity under the HIPAA privacy regulations, as defined in 2165
section 1180(b) (3) of the "Social Security Act," 42 U.S.C. 2166
1320d-9(b) (3); 2167

(b) An entity that is a business associate, as defined in 2168
45 C.F.R. 160.103, to the extent the entity is acting as a 2169
business associate under the HIPAA privacy regulations, as 2170
defined in section 1180(b) (3) of the "Social Security Act," 42 2171
U.S.C. 1320d-9(b) (3); 2172

(c) An entity that is subject to restrictions on 2173
disclosure of records under section 543 of the "Public Health 2174

Service Act," 42 U.S.C. 290dd-2, to the extent the entity is 2175
acting in a capacity subject to the restrictions. 2176

(H) (1) "Service provider" means a person to whom both of 2177
the following apply: 2178

(a) Collects, retains, uses, or discloses personal 2179
reproductive or sexual health information for the sole purpose 2180
of, and only to the extent that the person is, conducting 2181
business activities on behalf of, for the benefit of, under 2182
instruction of, and under contractual agreement with a regulated 2183
entity and not any other individual or entity; 2184

(b) Does not divulge personal reproductive or sexual 2185
health information to any individual or entity other than such 2186
regulated entity or a contractor to such service provider bound 2187
to information processing terms not less restrictive than terms 2188
to which the service provider is bound. 2189

(2) A person shall only be considered a service provider 2190
in the course of activities described in division (H) (1) (a) of 2191
this section. 2192

(I) "Third party" means any person who is not any of the 2193
following: 2194

(1) The regulated entity that is disclosing or collecting 2195
personal reproductive or sexual health information; 2196

(2) The individual to whom the personal reproductive or 2197
sexual health information relates; 2198

(3) A service provider. 2199

Sec. 3732.02. (A) A regulated entity shall not collect, 2200
retain, use, or disclose personal reproductive or sexual health 2201
information, except under either of the following circumstances: 2202

(1) With the express consent of the individual to whom 2203
such information relates; 2204

(2) As is strictly necessary to provide a product or 2205
service that the individual to whom the information relates has 2206
requested from the regulated entity. 2207

(B) A regulated entity shall restrict access to personal 2208
reproductive or sexual health information to the employees or 2209
service providers of the regulated entity for which access is 2210
necessary to provide a product or service that the individual to 2211
whom the information relates has requested from the regulated 2212
entity. 2213

(C) For purposes of compliance with this section by a 2214
service provider of a regulated entity, a request from an 2215
individual to the regulated entity for a product or service, and 2216
an express consent from the individual to the regulated entity, 2217
shall be treated as having also been provided to the service 2218
provider. 2219

Sec. 3732.03. (A) (1) A regulated entity shall make 2220
available a reasonable mechanism by which an individual, upon a 2221
verified request, may access both of the following: 2222

(a) Any personal reproductive or sexual health information 2223
relating to the individual that is retained by the regulated 2224
entity, including both of the following: 2225

(i) In the case of the information that the regulated 2226
entity collected from third parties, how and from which specific 2227
third parties the regulated entity collected the information; 2228

(ii) The information that the regulated entity inferred 2229
about the individual. 2230

(b) A list of the specific third parties to which the regulated entity has disclosed any personal reproductive or sexual health information relating to such individual. 2231
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(2) A regulated entity shall make the information described in division (A)(1) of this section available in both a human-readable format and a structured, interoperable, and machine-readable format. 2234
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(B)(1) A regulated entity shall make available a reasonable mechanism by which an individual, upon a verified request, may request the deletion of any personal reproductive or sexual health information relating to the individual that is retained by the regulated entity, including any information that the regulated entity collected from a third party or inferred from other information retained by the regulated entity. 2238
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(2) A regulated entity shall comply with a verified request received under this section without undue delay but not later than fifteen days after the date on which such regulated entity receives the verified request. 2245
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(3) A regulated entity shall not charge a fee to an individual for a request made under this section. 2249
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(C) Nothing in this section shall be construed to require a regulated entity to do any of the following: 2251
2252

(1) Take an action that would convert information that is not personal information into personal information; 2253
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(2) Collect or retain personal information that the regulated entity would otherwise not collect or retain; 2255
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(3) Retain personal information longer than the regulated entity would otherwise retain the information. 2257
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(D) For purposes of this section, "reasonable mechanism" means, with respect to a regulated entity and a right under division (B) of this section, a mechanism to which both of the following apply: 2259
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(1) It is equivalent in availability and ease of use to that of other mechanisms for communicating or interacting with the regulated entity. 2263
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(2) It includes an online means of exercising the right described under division (B) of this section. 2266
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Sec. 3732.04. (A) A regulated entity shall maintain a privacy policy relating to the practices of the regulated entity regarding the collecting, retaining, using, and disclosing of personal reproductive or sexual health information. 2268
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(B) If a regulated entity has a web site, it shall prominently publish the privacy policy on the web site. 2272
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(C) The privacy policy shall be clear and conspicuous and shall include all of the following: 2274
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(1) A description of the practices of the regulated entity regarding the collecting, retaining, using, and disclosing of personal reproductive or sexual health information; 2276
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(2) A clear and concise statement of the categories of the information collected, retained, used, or disclosed by the regulated entity; 2279
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(3) A clear and concise statement of the purposes of the regulated entity for the collecting, retaining, using, or disclosing of the information; 2282
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(4) A list of the specific third parties to which the regulated entity discloses the information, and a clear and 2285
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concise statement of the purposes for which the regulated entity 2287
discloses the information, including how the information may be 2288
used by each such third party; 2289

(5) A list of the specific third parties from which the 2290
regulated entity has collected the information, and a clear and 2291
concise statement of the purposes for which the regulated entity 2292
collects the information; 2293

(6) A clear and concise statement describing the extent to 2294
which individuals may exercise control over the collecting, 2295
retaining, using, and disclosing of personal reproductive or 2296
sexual health information by the regulated entity, and the steps 2297
an individual must take to implement such controls; 2298

(7) A clear and concise statement describing the efforts 2299
of the regulated entity to protect personal reproductive or 2300
sexual health information from unauthorized disclosure. 2301

Sec. 3732.05. (A) Any individual alleging a violation of 2302
sections 3732.02 to 3732.04 of the Revised Code may bring a 2303
civil action in any court of competent jurisdiction. 2304

(B) In a civil action brought under this section in which 2305
the plaintiff prevails, the court may award the following: 2306

(1) An amount not less than one hundred dollars and not 2307
greater than one thousand dollars per violation per day, or 2308
actual damages, whichever is greater; 2309

(2) Punitive damages; 2310

(3) Reasonable attorneys' fees and litigation costs; 2311

(4) Any other relief, including equitable or declaratory 2312
relief, that the court determines appropriate. 2313

(C) A violation of sections 3732.02 to 3732.04 of the Revised Code constitutes a concrete and particularized injury in fact to the individual to whom such information relates. 2314
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(D) (1) Notwithstanding any other provision of law, no pre-dispute arbitration agreement or pre-dispute joint-action waiver is valid or enforceable with respect to a dispute arising under sections 3732.02 to 3732.04 of the Revised Code. 2317
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(2) Any determination as to whether or how division (D) of this section applies to any dispute shall be made by a court, rather than an arbitrator, without regard to whether the agreement purports to delegate the determination to an arbitrator. 2321
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(E) For purposes of this section: 2326

(1) "Pre-dispute arbitration agreement" means any agreement to arbitrate a dispute that has not arisen at the time of the making of the agreement. 2327
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(2) "Pre-dispute joint-action waiver" means an agreement that would prohibit a party from participating in a joint, class, or collective action in a judicial, arbitral, administrative, or other forum, concerning a dispute that has not yet arisen at the time of the making of the agreement. 2330
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Sec. 3732.06. (A) A violation of sections 3732.02 to 3732.04 of the Revised Code is an unfair or deceptive act or practice in violation of section 1345.02 of the Revised Code. A person injured by a violation of those sections has a cause of action and is entitled to the same relief available to a consumer under section 1345.09 of the Revised Code. 2335
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(B) The attorney general shall enforce sections 3732.02 to 3732.04 of the Revised Code in the same manner, by the same 2341
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means, and with the same jurisdiction, powers, and duties as 2343
applicable for violations of sections 1345.01 to 1345.13 of the 2344
Revised Code. Any regulated entity that violates those sections 2345
is subject to the provisions, including penalties, of Chapter 2346
1345. of the Revised Code. 2347

(C) The attorney general may adopt rules as necessary to 2348
implement and enforce sections 3732.02 to 3732.04 of the Revised 2349
Code. Any rules shall be adopted in accordance with Chapter 119. 2350
of the Revised Code. 2351

Sec. 3732.07. As used in sections 3732.07 to 3732.09 of 2352
the Revised Code: 2353

(A) "Abusive litigant" means a person who voluntarily 2354
initiates or intervenes in abusive litigation. 2355

(B) "Abusive litigation" means litigation or other legal 2356
action, whether civil or criminal in nature, that is intended to 2357
deter, prevent, sanction or punish any person providing or 2358
obtaining reproductive health care, or assisting another to 2359
receive or provide reproductive health care by either of the 2360
following: 2361

(1) Filing or prosecuting any action where liability, in 2362
whole or in part, is based on reproductive health care that 2363
occurred in Ohio, was provided in Ohio, or was intended to be 2364
obtained or provided in Ohio, including any action in which 2365
liability is based on any theory of vicarious, joint, or several 2366
liability derived therefrom; 2367

(2) Attempting to enforce any order or judgment issued in 2368
connection with any action described in division (B)(1) of this 2369
section against an Ohio protected party. 2370

(C) "Contraception" means any medication, device, 2371

procedure, or practice designed or employed to prevent 2372
pregnancy, the use of which is lawful in Ohio. 2373

(D) "Protected party" means a reproductive health care 2374
provider, a reproductive health care helper, or an individual 2375
accessing or seeking to access reproductive health care in Ohio. 2376

(E) "Reproductive health care" means all medical, 2377
surgical, counseling, or referral services that are lawful in 2378
Ohio or the receipt of products relating to the human 2379
reproductive system that is lawful in Ohio, including services 2380
or products relating to the use or intended use of a particular 2381
medicine or device, medical service or procedure, practice, or 2382
similar intervention, that are related to the human reproductive 2383
system, including fertility-related medical procedures or 2384
medicines; sexually transmitted disease prevention, testing, or 2385
treatment; gender affirming care; and family planning services 2386
and counseling, such as those related to birth control 2387
medication or supplies, other contraception methods, 2388
sterilization procedures, pregnancy testing, or the intended or 2389
actual initiation or termination of a pregnancy. 2390

(F) "Reproductive health care helper" means a person who 2391
facilitates or otherwise has supported or is supporting an 2392
individual in seeking or receiving reproductive health care in 2393
Ohio, including a person who provides funding, lodging, 2394
transportation, doula services, information, data sharing 2395
services such as electronic medical records programs, or other 2396
financial or practical support to an individual seeking or 2397
receiving reproductive health care. 2398

(G) "Take part in abusive litigation" means to voluntarily 2399
engage in abusive litigation without legal compulsion in a 2400
manner that is intended to deter, prevent, sanction, or punish a 2401

protected party for such party's connection to reproductive 2402
health care in Ohio. 2403

(H) "Wrongful action" means the procurement, initiation, 2404
or continuation of abusive litigation that causes harm to a 2405
protected party where any of the following apply: 2406

(1) An Ohio court definitively concludes that the abusive 2407
litigation is plainly baseless as a matter of law. 2408

(2) The abusive litigation at issue was voluntarily 2409
withdrawn or dismissed and there was no objective basis to 2410
conclude the abusive litigation would result in an enforceable 2411
judgment against the protected party. 2412

(3) The abusive litigation was dismissed by a court and 2413
there was no objective basis to conclude the abusive litigation 2414
would result in an enforceable judgment against the protected 2415
party. 2416

(4) An abusive litigant has obtained a judgment in a 2417
foreign state through abusive litigation and sought to enforce 2418
such judgment in Ohio but enforcement has been refused because 2419
the judgment is penal in nature or proscribes future conduct, 2420
the original court lacked jurisdiction, or the court has 2421
otherwise recognized an exception to recognition of such 2422
judgment, and there was no objective basis to conclude the 2423
judgment would be enforceable against the protected party in 2424
Ohio. 2425

(5) An abusive litigant has collected on a judgment 2426
obtained through abusive litigation predicated, in whole or in 2427
material part, on conduct that occurred in Ohio and to which all 2428
of the following apply: 2429

(a) The conduct was lawful in Ohio at the time it took 2430

place. 2431

(b) There is no comparable cause of action or liability 2432
under Ohio law. 2433

(c) There is no law or legal principle that prevents the 2434
recoupment of damages for the harm caused to the protected party 2435
aggrieved by such abusive litigation. 2436

Sec. 3732.08. (A) No person shall take part in abusive 2437
litigation against any Ohio reproductive health care patient, 2438
that such person knows or should know will constitute a wrongful 2439
action where liability, in whole or in part, is based on an 2440
individual seeking or receiving reproductive health care in Ohio 2441
that is lawful in Ohio. 2442

(B)(1) Except as provided in division (B)(2) of this 2443
section, no person shall take part in abusive litigation against 2444
a reproductive health care provider or reproductive health care 2445
helper that such person knows or should know will constitute a 2446
wrongful action where liability, in whole or in part, is related 2447
to either of the following: 2448

(a) The alleged provision of, the alleged seeking of, or 2449
an individual allegedly receiving reproductive health care in 2450
Ohio; 2451

(b) The alleged aiding or assisting in the provision, 2452
seeking, or receipt of reproductive health care in Ohio that is 2453
lawful in Ohio. 2454

(2) Division (B)(1) of this section does not apply to 2455
either of the following: 2456

(a) A tort, contract, or statute-based litigation, if a 2457
similar claim would exist under Ohio law if brought by the 2458

individual who received the reproductive health care service on 2459
which the original lawsuit was based, or if brought by the 2460
individual's authorized legal representative, for damages 2461
suffered from harm to the individual or another's loss of 2462
consortium with the individual; 2463

(b) A breach of contract litigation, if a similar claim 2464
would exist under Ohio law if brought or sought to be enforced 2465
by a party with a contractual relationship with the person that 2466
is the subject of the action in another state. 2467

(C) Any person aggrieved by a wrongful action in violation 2468
of this section may bring a civil action in a court of competent 2469
jurisdiction against an abusive litigant and may recover, for 2470
each violation, the following: 2471

(1) Actual damages created by the wrongful action, 2472
including money damages in the amount of any judgment awarded in 2473
such wrongful action, and reasonable attorney's fees and costs 2474
incurred to defend against such wrongful action, whether or not 2475
a judgment was awarded; 2476

(2) Reasonable attorneys' fees and costs incurred to bring 2477
an action under this section; 2478

(3) Any other legal or equitable relief as the court may 2479
determine appropriate to remedy the violation. 2480

Sec. 3732.09. (A) Nothing in sections 3732.01 to 3732.09 2481
of the Revised Code shall be construed to do the following: 2482

(1) Apply to a lawsuit brought in another jurisdiction 2483
where no part of the acts that formed the basis for liability 2484
occurred in Ohio or application of sections 3732.01 to 3732.09 2485
of the Revised Code would result in the extraterritorial 2486
application of those sections in a manner that is not 2487

<u>incidental;</u>	2488
<u>(2) Limit the rights of an aggrieved person to recover</u>	2489
<u>damages or seek legal protection under any other applicable law</u>	2490
<u>or legal theory.</u>	2491
<u>(B) The provisions of sections 3732.01 to 3732.09 of the</u>	2492
<u>Revised Code shall be interpreted consistently with the United</u>	2493
<u>States Constitution and other applicable law and shall not</u>	2494
<u>unlawfully prohibit constitutionally protected activity.</u>	2495
<u>Sec. 3732.11.</u> (A) <u>No health care provider or health care</u>	2496
<u>facility shall be required or compelled to provide patient</u>	2497
<u>records to any out-of-state third party, including the federal</u>	2498
<u>government, another state, any political subdivision, or a law</u>	2499
<u>enforcement agency.</u>	2500
<u>(B) For purposes of this section:</u>	2501
<u>(1) "Health care facility" has the same meaning as in</u>	2502
<u>section 2925.11 of the Revised Code.</u>	2503
<u>(2) "Health care provider" has the same meaning as in</u>	2504
<u>section 2305.2311 of the Revised Code.</u>	2505
<u>Sec. 4112.01.</u> (A) As used in this chapter:	2506
(1) "Person" includes one or more individuals,	2507
partnerships, associations, organizations, corporations, legal	2508
representatives, trustees, trustees in bankruptcy, receivers,	2509
and other organized groups of persons. "Person" also includes,	2510
but is not limited to, any owner, lessor, assignor, builder,	2511
manager, broker, salesperson, appraiser, agent, employee,	2512
lending institution, and the state and all political	2513
subdivisions, authorities, agencies, boards, and commissions of	2514
the state.	2515

- (2) "Employer" means the state, any political subdivision of the state, or a person employing four or more persons within the state, and any agent of the state, political subdivision, or person. 2516
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- (3) "Employee" means an individual employed by any employer but does not include any individual employed in the domestic service of any person. 2520
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- (4) "Labor organization" includes any organization that exists, in whole or in part, for the purpose of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in relation to employment. 2523
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- (5) "Employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer, or place employees. 2528
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- (6) "Commission" means the Ohio civil rights commission created by section 4112.03 of the Revised Code. 2532
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- (7) "Discriminate" includes segregate or separate. 2534
- (8) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, or 4112.022 of the Revised Code. 2535
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- (9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public. 2538
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(10) "Housing accommodations" includes any building or structure, or portion of a building or structure, that is used or occupied or is intended, arranged, or designed to be used or occupied as the home residence, dwelling, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other; and any vacant land offered for sale or lease. "Housing accommodations" also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesperson, or agent, by any other person pursuant to authorization of the owner, by the owner, or by the owner's legal representative.

(11) "Restrictive covenant" means any specification limiting the transfer, rental, lease, or other use of any housing accommodations because of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry, or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, sex, military status, familial status, national origin, disability, or ancestry as a condition of affiliation or approval.

(12) "Burial lot" means any lot for the burial of deceased persons within any public burial ground or cemetery, including, but not limited to, cemeteries owned and operated by municipal corporations, townships, or companies or associations incorporated for cemetery purposes.

(13) "Disability" means a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental

impairment; or being regarded as having a physical or mental 2574
impairment. 2575

(14) Except as otherwise provided in section 4112.021 of 2576
the Revised Code, "age" means an individual aged forty years or 2577
older. 2578

(15) "Familial status" means either of the following: 2579

(a) One or more individuals who are under eighteen years 2580
of age and who are domiciled with a parent or guardian having 2581
legal custody of the individual or domiciled, with the written 2582
permission of the parent or guardian having legal custody, with 2583
a designee of the parent or guardian; 2584

(b) Any person who is pregnant or in the process of 2585
securing legal custody of any individual who is under eighteen 2586
years of age. 2587

(16) (a) Except as provided in division (A) (16) (b) of this 2588
section, "physical or mental impairment" includes any of the 2589
following: 2590

(i) Any physiological disorder or condition, cosmetic 2591
disfigurement, or anatomical loss affecting one or more of the 2592
following body systems: neurological; musculoskeletal; special 2593
sense organs; respiratory, including speech organs; 2594
cardiovascular; reproductive; digestive; genito-urinary; hemic 2595
and lymphatic; skin; and endocrine; 2596

(ii) Any mental or psychological disorder, including, but 2597
not limited to, intellectual disability, organic brain syndrome, 2598
emotional or mental illness, and specific learning disabilities; 2599

(iii) Diseases and conditions, including, but not limited 2600
to, orthopedic, visual, speech, and hearing impairments, 2601

cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 2602
sclerosis, cancer, heart disease, diabetes, human 2603
immunodeficiency virus infection, intellectual disability, 2604
emotional illness, drug addiction, and alcoholism. 2605

(b) "Physical or mental impairment" does not include any 2606
of the following: 2607

(i) Homosexuality and bisexuality; 2608

(ii) Transvestism, transsexualism, pedophilia, 2609
exhibitionism, voyeurism, gender identity disorders not 2610
resulting from physical impairments, or other sexual behavior 2611
disorders; 2612

(iii) Compulsive gambling, kleptomania, or pyromania; 2613

(iv) Psychoactive substance use disorders resulting from 2614
the current illegal use of a controlled substance or the current 2615
use of alcoholic beverages. 2616

(17) "Dwelling unit" means a single unit of residence for 2617
a family of one or more persons. 2618

(18) "Common use areas" means rooms, spaces, or elements 2619
inside or outside a building that are made available for the use 2620
of residents of the building or their guests, and includes, but 2621
is not limited to, hallways, lounges, lobbies, laundry rooms, 2622
refuse rooms, mail rooms, recreational areas, and passageways 2623
among and between buildings. 2624

(19) "Public use areas" means interior or exterior rooms 2625
or spaces of a privately or publicly owned building that are 2626
made available to the general public. 2627

(20) "Controlled substance" has the same meaning as in 2628
section 3719.01 of the Revised Code. 2629

(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability. 2630
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(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code. 2632
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(23) "Aggrieved person" includes both of the following: 2635

(a) Any person who claims to have been injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code; 2636
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(b) Any person who believes that the person will be injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code that is about to occur. 2639
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(24) "Unlawful discriminatory practice relating to employment" means both of the following: 2643
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(a) An unlawful discriminatory practice that is prohibited by division (A), (B), (C), (D), (E), or (F) of section 4112.02 of the Revised Code; 2645
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(b) An unlawful discriminatory practice that is prohibited by division (I) or (J) of section 4112.02 of the Revised Code that is related to employment. 2648
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(25) "Notice of right to sue" means a notice sent by the commission to a person who files a charge under section 4112.051 of the Revised Code that states that the person who filed the charge may bring a civil action related to the charge pursuant to section 4112.052 or 4112.14 of the Revised Code, in accordance with section 4112.052 of the Revised Code. 2651
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(B) For the purposes of divisions (A) to (F) of section 2657

4112.02 of the Revised Code, the terms "because of sex" and "on 2658
the basis of sex" include, but are not limited to, because of or 2659
on the basis of pregnancy, any illness arising out of and 2660
occurring during the course of a pregnancy, childbirth, 2661
abortion, miscarriage, family planning, or related medical 2662
conditions. Women affected by pregnancy, childbirth, abortion, 2663
miscarriage, family planning, or related medical conditions 2664
shall be treated the same for all employment-related purposes, 2665
including receipt of benefits under fringe benefit programs, as 2666
other persons not so affected but similar in their ability or 2667
inability to work, and nothing in division (B) of section 2668
4111.17 of the Revised Code shall be interpreted to permit 2669
otherwise. This division shall not be construed to require an 2670
employer to pay for health insurance benefits for abortion, 2671
except where the life of the mother would be endangered if the 2672
fetus were carried to term or except where medical complications 2673
have arisen from the abortion, provided that nothing in this 2674
division precludes an employer from providing abortion benefits 2675
or otherwise affects bargaining agreements in regard to 2676
abortion. 2677

Sec. 4112.02. It shall be an unlawful discriminatory 2678
practice: 2679

(A) For any employer, ~~because of the race, color,~~ 2680
~~religion, sex, military status, national origin, disability,~~ 2681
~~age, or ancestry of any person,~~ to discharge without just cause, 2682
to refuse to hire, or otherwise to discriminate against ~~that any~~ 2683
person with respect to hire, tenure, terms, conditions, or 2684
privileges of employment, or any matter directly or indirectly 2685
related to employment because of any of the following: 2686

(1) The race, color, religion, sex, military status, 2687

<u>national origin, disability, age, or ancestry of the person;</u>	2688
<u>(2) Any reproductive health decision made by the person,</u>	2689
<u>including a decision to use a particular drug, device, or</u>	2690
<u>medical service, including abortion and services related to a</u>	2691
<u>miscarriage or family planning.</u>	2692
(B) For an employment agency or personnel placement	2693
service, because of race, color, religion, sex, military status,	2694
national origin, disability, age, or ancestry, to do any of the	2695
following:	2696
(1) Refuse or fail to accept, register, classify properly,	2697
or refer for employment, or otherwise discriminate against any	2698
person;	2699
(2) Comply with a request from an employer for referral of	2700
applicants for employment if the request directly or indirectly	2701
indicates that the employer fails to comply with the provisions	2702
of sections 4112.01 to 4112.07 of the Revised Code.	2703
(C) For any labor organization to do any of the following:	2704
(1) Limit or classify its membership on the basis of race,	2705
color, religion, sex, military status, national origin,	2706
disability, age, or ancestry;	2707
(2) Discriminate against, limit the employment	2708
opportunities of, or otherwise adversely affect the employment	2709
status, wages, hours, or employment conditions of any person as	2710
an employee because of race, color, religion, sex, military	2711
status, national origin, disability, age, or ancestry.	2712
(D) For any employer, labor organization, or joint labor-	2713
management committee controlling apprentice training programs to	2714
discriminate against any person because of race, color,	2715

religion, sex, military status, national origin, disability, or 2716
ancestry in admission to, or employment in, any program 2717
established to provide apprentice training. 2718

(E) Except where based on a bona fide occupational 2719
qualification certified in advance by the commission, for any 2720
employer, employment agency, personnel placement service, or 2721
labor organization, prior to employment or admission to 2722
membership, to do any of the following: 2723

(1) Elicit or attempt to elicit any information concerning 2724
the race, color, religion, sex, military status, national 2725
origin, disability, age, or ancestry of an applicant for 2726
employment or membership; 2727

(2) Make or keep a record of the race, color, religion, 2728
sex, military status, national origin, disability, age, or 2729
ancestry of any applicant for employment or membership; 2730

(3) Use any form of application for employment, or 2731
personnel or membership blank, seeking to elicit information 2732
regarding race, color, religion, sex, military status, national 2733
origin, disability, age, or ancestry; but an employer holding a 2734
contract containing a nondiscrimination clause with the 2735
government of the United States, or any department or agency of 2736
that government, may require an employee or applicant for 2737
employment to furnish documentary proof of United States 2738
citizenship and may retain that proof in the employer's 2739
personnel records and may use photographic or fingerprint 2740
identification for security purposes; 2741

(4) Print or publish or cause to be printed or published 2742
any notice or advertisement relating to employment or membership 2743
indicating any preference, limitation, specification, or 2744

discrimination, based upon race, color, religion, sex, military status, national origin, disability, age, or ancestry; 2745
2746

(5) Announce or follow a policy of denying or limiting, 2747
through a quota system or otherwise, employment or membership 2748
opportunities of any group because of the race, color, religion, 2749
sex, military status, national origin, disability, age, or 2750
ancestry of that group; 2751

(6) Utilize in the recruitment or hiring of persons any 2752
employment agency, personnel placement service, training school 2753
or center, labor organization, or any other employee-referring 2754
source known to discriminate against persons because of their 2755
race, color, religion, sex, military status, national origin, 2756
disability, age, or ancestry. 2757

(F) For any person seeking employment to publish or cause 2758
to be published any advertisement that specifies or in any 2759
manner indicates that person's race, color, religion, sex, 2760
military status, national origin, disability, age, or ancestry, 2761
or expresses a limitation or preference as to the race, color, 2762
religion, sex, military status, national origin, disability, 2763
age, or ancestry of any prospective employer. 2764

(G) For any proprietor or any employee, keeper, or manager 2765
of a place of public accommodation to deny to any person, except 2766
for reasons applicable alike to all persons regardless of race, 2767
color, religion, sex, military status, national origin, 2768
disability, age, or ancestry, the full enjoyment of the 2769
accommodations, advantages, facilities, or privileges of the 2770
place of public accommodation. 2771

(H) Subject to section 4112.024 of the Revised Code, for 2772
any person to do any of the following: 2773

(1) Refuse to sell, transfer, assign, rent, lease, 2774
sublease, or finance housing accommodations, refuse to negotiate 2775
for the sale or rental of housing accommodations, or otherwise 2776
deny or make unavailable housing accommodations because of race, 2777
color, religion, sex, military status, familial status, 2778
ancestry, disability, or national origin; 2779

(2) Represent to any person that housing accommodations 2780
are not available for inspection, sale, or rental, when in fact 2781
they are available, because of race, color, religion, sex, 2782
military status, familial status, ancestry, disability, or 2783
national origin; 2784

(3) Discriminate against any person in the making or 2785
purchasing of loans or the provision of other financial 2786
assistance for the acquisition, construction, rehabilitation, 2787
repair, or maintenance of housing accommodations, or any person 2788
in the making or purchasing of loans or the provision of other 2789
financial assistance that is secured by residential real estate, 2790
because of race, color, religion, sex, military status, familial 2791
status, ancestry, disability, or national origin or because of 2792
the racial composition of the neighborhood in which the housing 2793
accommodations are located, provided that the person, whether an 2794
individual, corporation, or association of any type, lends money 2795
as one of the principal aspects or incident to the person's 2796
principal business and not only as a part of the purchase price 2797
of an owner-occupied residence the person is selling nor merely 2798
casually or occasionally to a relative or friend; 2799

(4) Discriminate against any person in the terms or 2800
conditions of selling, transferring, assigning, renting, 2801
leasing, or subleasing any housing accommodations or in 2802
furnishing facilities, services, or privileges in connection 2803

with the ownership, occupancy, or use of any housing 2804
accommodations, including the sale of fire, extended coverage, 2805
or homeowners insurance, because of race, color, religion, sex, 2806
military status, familial status, ancestry, disability, or 2807
national origin or because of the racial composition of the 2808
neighborhood in which the housing accommodations are located; 2809

(5) Discriminate against any person in the terms or 2810
conditions of any loan of money, whether or not secured by 2811
mortgage or otherwise, for the acquisition, construction, 2812
rehabilitation, repair, or maintenance of housing accommodations 2813
because of race, color, religion, sex, military status, familial 2814
status, ancestry, disability, or national origin or because of 2815
the racial composition of the neighborhood in which the housing 2816
accommodations are located; 2817

(6) Refuse to consider without prejudice the combined 2818
income of both husband and wife for the purpose of extending 2819
mortgage credit to a married couple or either member of a 2820
married couple; 2821

(7) Print, publish, or circulate any statement or 2822
advertisement, or make or cause to be made any statement or 2823
advertisement, relating to the sale, transfer, assignment, 2824
rental, lease, sublease, or acquisition of any housing 2825
accommodations, or relating to the loan of money, whether or not 2826
secured by mortgage or otherwise, for the acquisition, 2827
construction, rehabilitation, repair, or maintenance of housing 2828
accommodations, that indicates any preference, limitation, 2829
specification, or discrimination based upon race, color, 2830
religion, sex, military status, familial status, ancestry, 2831
disability, or national origin, or an intention to make any such 2832
preference, limitation, specification, or discrimination; 2833

(8) Except as otherwise provided in division (H) (8) or 2834
(17) of this section, make any inquiry, elicit any information, 2835
make or keep any record, or use any form of application 2836
containing questions or entries concerning race, color, 2837
religion, sex, military status, familial status, ancestry, 2838
disability, or national origin in connection with the sale or 2839
lease of any housing accommodations or the loan of any money, 2840
whether or not secured by mortgage or otherwise, for the 2841
acquisition, construction, rehabilitation, repair, or 2842
maintenance of housing accommodations. Any person may make 2843
inquiries, and make and keep records, concerning race, color, 2844
religion, sex, military status, familial status, ancestry, 2845
disability, or national origin for the purpose of monitoring 2846
compliance with this chapter. 2847

(9) Include in any transfer, rental, or lease of housing 2848
accommodations any restrictive covenant, or honor or exercise, 2849
or attempt to honor or exercise, any restrictive covenant; 2850

(10) Induce or solicit, or attempt to induce or solicit, a 2851
housing accommodations listing, sale, or transaction by 2852
representing that a change has occurred or may occur with 2853
respect to the racial, religious, sexual, military status, 2854
familial status, or ethnic composition of the block, 2855
neighborhood, or other area in which the housing accommodations 2856
are located, or induce or solicit, or attempt to induce or 2857
solicit, a housing accommodations listing, sale, or transaction 2858
by representing that the presence or anticipated presence of 2859
persons of any race, color, religion, sex, military status, 2860
familial status, ancestry, disability, or national origin, in 2861
the block, neighborhood, or other area will or may have results 2862
including, but not limited to, the following: 2863

(a) The lowering of property values;	2864
(b) A change in the racial, religious, sexual, military status, familial status, or ethnic composition of the block, neighborhood, or other area;	2865 2866 2867
(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area;	2868 2869
(d) A decline in the quality of the schools serving the block, neighborhood, or other area.	2870 2871
(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, on account of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry;	2872 2873 2874 2875 2876 2877 2878 2879
(12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section;	2880 2881 2882 2883 2884
(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, military status, familial status, or ethnic composition;	2885 2886 2887 2888 2889
(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military	2890 2891 2892

status, familial status, age, ancestry, disability, or national	2893
origin of any prospective owner or user of the lot;	2894
(15) Discriminate in the sale or rental of, or otherwise	2895
make unavailable or deny, housing accommodations to any buyer or	2896
renter because of a disability of any of the following:	2897
(a) The buyer or renter;	2898
(b) A person residing in or intending to reside in the	2899
housing accommodations after they are sold, rented, or made	2900
available;	2901
(c) Any individual associated with the person described in	2902
division (H) (15) (b) of this section.	2903
(16) Discriminate in the terms, conditions, or privileges	2904
of the sale or rental of housing accommodations to any person or	2905
in the provision of services or facilities to any person in	2906
connection with the housing accommodations because of a	2907
disability of any of the following:	2908
(a) That person;	2909
(b) A person residing in or intending to reside in the	2910
housing accommodations after they are sold, rented, or made	2911
available;	2912
(c) Any individual associated with the person described in	2913
division (H) (16) (b) of this section.	2914
(17) Except as otherwise provided in division (H) (17) of	2915
this section, make an inquiry to determine whether an applicant	2916
for the sale or rental of housing accommodations, a person	2917
residing in or intending to reside in the housing accommodations	2918
after they are sold, rented, or made available, or any	2919
individual associated with that person has a disability, or make	2920

an inquiry to determine the nature or severity of a disability 2921
of the applicant or such a person or individual. The following 2922
inquiries may be made of all applicants for the sale or rental 2923
of housing accommodations, regardless of whether they have 2924
disabilities: 2925

(a) An inquiry into an applicant's ability to meet the 2926
requirements of ownership or tenancy; 2927

(b) An inquiry to determine whether an applicant is 2928
qualified for housing accommodations available only to persons 2929
with disabilities or persons with a particular type of 2930
disability; 2931

(c) An inquiry to determine whether an applicant is 2932
qualified for a priority available to persons with disabilities 2933
or persons with a particular type of disability; 2934

(d) An inquiry to determine whether an applicant currently 2935
uses a controlled substance in violation of section 2925.11 of 2936
the Revised Code or a substantively comparable municipal 2937
ordinance; 2938

(e) An inquiry to determine whether an applicant at any 2939
time has been convicted of or pleaded guilty to any offense, an 2940
element of which is the illegal sale, offer to sell, 2941
cultivation, manufacture, other production, shipment, 2942
transportation, delivery, or other distribution of a controlled 2943
substance. 2944

(18) (a) Refuse to permit, at the expense of a person with 2945
a disability, reasonable modifications of existing housing 2946
accommodations that are occupied or to be occupied by the person 2947
with a disability, if the modifications may be necessary to 2948
afford the person with a disability full enjoyment of the 2949

housing accommodations. This division does not preclude a 2950
landlord of housing accommodations that are rented or to be 2951
rented to a tenant with a disability from conditioning 2952
permission for a proposed modification upon the tenant with a 2953
disability doing one or more of the following: 2954

(i) Providing a reasonable description of the proposed 2955
modification and reasonable assurances that the proposed 2956
modification will be made in a workerlike manner and that any 2957
required building permits will be obtained prior to the 2958
commencement of the proposed modification; 2959

(ii) Agreeing to restore at the end of the tenancy the 2960
interior of the housing accommodations to the condition they 2961
were in prior to the proposed modification, but subject to 2962
reasonable wear and tear during the period of occupancy, if it 2963
is reasonable for the landlord to condition permission for the 2964
proposed modification upon the agreement; 2965

(iii) Paying into an interest-bearing escrow account that 2966
is in the landlord's name, over a reasonable period of time, a 2967
reasonable amount of money not to exceed the projected costs at 2968
the end of the tenancy of the restoration of the interior of the 2969
housing accommodations to the condition they were in prior to 2970
the proposed modification, but subject to reasonable wear and 2971
tear during the period of occupancy, if the landlord finds the 2972
account reasonably necessary to ensure the availability of funds 2973
for the restoration work. The interest earned in connection with 2974
an escrow account described in this division shall accrue to the 2975
benefit of the tenant with a disability who makes payments into 2976
the account. 2977

(b) A landlord shall not condition permission for a 2978
proposed modification upon a tenant with a disability's payment 2979

of a security deposit that exceeds the customarily required 2980
security deposit of all tenants of the particular housing 2981
accommodations. 2982

(19) Refuse to make reasonable accommodations in rules, 2983
policies, practices, or services when necessary to afford a 2984
person with a disability equal opportunity to use and enjoy a 2985
dwelling unit, including associated public and common use areas; 2986

(20) Fail to comply with the standards and rules adopted 2987
under division (A) of section 3781.111 of the Revised Code; 2988

(21) Discriminate against any person in the selling, 2989
brokering, or appraising of real property because of race, 2990
color, religion, sex, military status, familial status, 2991
ancestry, disability, or national origin; 2992

(22) Fail to design and construct covered multifamily 2993
dwellings for first occupancy on or after June 30, 1992, in 2994
accordance with the following conditions: 2995

(a) The dwellings shall have at least one building 2996
entrance on an accessible route, unless it is impractical to do 2997
so because of the terrain or unusual characteristics of the 2998
site. 2999

(b) With respect to dwellings that have a building 3000
entrance on an accessible route, all of the following apply: 3001

(i) The public use areas and common use areas of the 3002
dwellings shall be readily accessible to and usable by persons 3003
with a disability. 3004

(ii) All the doors designed to allow passage into and 3005
within all premises shall be sufficiently wide to allow passage 3006
by persons with a disability who are in wheelchairs. 3007

(iii) All premises within covered multifamily dwelling units shall contain an accessible route into and through the dwelling; all light switches, electrical outlets, thermostats, and other environmental controls within such units shall be in accessible locations; the bathroom walls within such units shall contain reinforcements to allow later installation of grab bars; and the kitchens and bathrooms within such units shall be designed and constructed in a manner that enables an individual in a wheelchair to maneuver about such rooms.

For purposes of division (H) (22) of this section, "covered multifamily dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

(I) For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code.

(J) For any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, to obstruct or prevent any person from complying with this chapter or any order issued under it, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.

(K) Nothing in divisions (A) to (E) of this section shall be construed to require a person with a disability to be employed or trained under circumstances that would significantly increase the occupational hazards affecting either the person

with a disability, other employees, the general public, or the facilities in which the work is to be performed, or to require the employment or training of a person with a disability in a job that requires the person with a disability routinely to undertake any task, the performance of which is substantially and inherently impaired by the person's disability.

(L) With regard to age, it shall not be an unlawful discriminatory practice and it shall not constitute a violation of division (A) of section 4112.14 of the Revised Code for any employer, employment agency, joint labor-management committee controlling apprenticeship training programs, or labor organization to do any of the following:

(1) Establish bona fide employment qualifications reasonably related to the particular business or occupation that may include standards for skill, aptitude, physical capability, intelligence, education, maturation, and experience;

(2) Observe the terms of a bona fide seniority system or any bona fide employee benefit plan, including, but not limited to, a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this section. However, no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual, because of the individual's age except as provided for in the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 623, as amended.

(3) Retire an employee who has attained sixty-five years of age who, for the two-year period immediately before

retirement, is employed in a bona fide executive or a high 3068
policymaking position, if the employee is entitled to an 3069
immediate nonforfeitable annual retirement benefit from a 3070
pension, profit-sharing, savings, or deferred compensation plan, 3071
or any combination of those plans, of the employer of the 3072
employee, which equals, in the aggregate, at least forty-four 3073
thousand dollars, in accordance with the conditions of the "Age 3074
Discrimination in Employment Act Amendment of 1978," 92 Stat. 3075
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 3076
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 3077
631, as amended; 3078

(4) Observe the terms of any bona fide apprenticeship 3079
program if the program is registered with the Ohio 3080
apprenticeship council pursuant to sections 4139.01 to 4139.06 3081
of the Revised Code and is approved by the federal committee on 3082
apprenticeship of the United States department of labor. 3083

(M) Nothing in this chapter prohibiting age discrimination 3084
and nothing in division (A) of section 4112.14 of the Revised 3085
Code shall be construed to prohibit the following: 3086

(1) The designation of uniform age the attainment of which 3087
is necessary for public employees to receive pension or other 3088
retirement benefits pursuant to Chapter 145., 742., 3307., 3089
3309., or 5505. of the Revised Code; 3090

(2) The mandatory retirement of uniformed patrol officers 3091
of the state highway patrol as provided in section 5505.16 of 3092
the Revised Code; 3093

(3) The maximum age requirements for appointment as a 3094
patrol officer in the state highway patrol established by 3095
section 5503.01 of the Revised Code; 3096

(4) The maximum age requirements established for original 3097
appointment to a police department or fire department in 3098
sections 124.41 and 124.42 of the Revised Code; 3099

(5) Any maximum age not in conflict with federal law that 3100
may be established by a municipal charter, municipal ordinance, 3101
or resolution of a board of township trustees for original 3102
appointment as a police officer or firefighter; 3103

(6) Any mandatory retirement provision not in conflict 3104
with federal law of a municipal charter, municipal ordinance, or 3105
resolution of a board of township trustees pertaining to police 3106
officers and firefighters; 3107

(7) Until January 1, 1994, the mandatory retirement of any 3108
employee who has attained seventy years of age and who is 3109
serving under a contract of unlimited tenure, or similar 3110
arrangement providing for unlimited tenure, at an institution of 3111
higher education as defined in the "Education Amendments of 3112
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 3113

(N) (1) (a) Except as provided in division (N) (1) (b) of this 3114
section, for purposes of divisions (A) to (E) of this section, a 3115
disability does not include any physiological disorder or 3116
condition, mental or psychological disorder, or disease or 3117
condition caused by an illegal use of any controlled substance 3118
by an employee, applicant, or other person, if an employer, 3119
employment agency, personnel placement service, labor 3120
organization, or joint labor-management committee acts on the 3121
basis of that illegal use. 3122

(b) Division (N) (1) (a) of this section does not apply to 3123
an employee, applicant, or other person who satisfies any of the 3124
following: 3125

(i) The employee, applicant, or other person has 3126
successfully completed a supervised drug rehabilitation program 3127
and no longer is engaging in the illegal use of any controlled 3128
substance, or the employee, applicant, or other person otherwise 3129
successfully has been rehabilitated and no longer is engaging in 3130
that illegal use. 3131

(ii) The employee, applicant, or other person is 3132
participating in a supervised drug rehabilitation program and no 3133
longer is engaging in the illegal use of any controlled 3134
substance. 3135

(iii) The employee, applicant, or other person is 3136
erroneously regarded as engaging in the illegal use of any 3137
controlled substance, but the employee, applicant, or other 3138
person is not engaging in that illegal use. 3139

(2) Divisions (A) to (E) of this section do not prohibit 3140
an employer, employment agency, personnel placement service, 3141
labor organization, or joint labor-management committee from 3142
doing any of the following: 3143

(a) Adopting or administering reasonable policies or 3144
procedures, including, but not limited to, testing for the 3145
illegal use of any controlled substance, that are designed to 3146
ensure that an individual described in division (N) (1) (b) (i) or 3147
(ii) of this section no longer is engaging in the illegal use of 3148
any controlled substance; 3149

(b) Prohibiting the illegal use of controlled substances 3150
and the use of alcohol at the workplace by all employees; 3151

(c) Requiring that employees not be under the influence of 3152
alcohol or not be engaged in the illegal use of any controlled 3153
substance at the workplace; 3154

(d) Requiring that employees behave in conformance with 3155
the requirements established under "The Drug-Free Workplace Act 3156
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 3157

(e) Holding an employee who engages in the illegal use of 3158
any controlled substance or who has alcoholism to the same 3159
qualification standards for employment or job performance, and 3160
the same behavior, to which the employer, employment agency, 3161
personnel placement service, labor organization, or joint labor- 3162
management committee holds other employees, even if any 3163
unsatisfactory performance or behavior is related to an 3164
employee's illegal use of a controlled substance or alcoholism; 3165

(f) Exercising other authority recognized in the 3166
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 3167
U.S.C.A. 12101, as amended, including, but not limited to, 3168
requiring employees to comply with any applicable federal 3169
standards. 3170

(3) For purposes of this chapter, a test to determine the 3171
illegal use of any controlled substance does not include a 3172
medical examination. 3173

(4) Division (N) of this section does not encourage, 3174
prohibit, or authorize, and shall not be construed as 3175
encouraging, prohibiting, or authorizing, the conduct of testing 3176
for the illegal use of any controlled substance by employees, 3177
applicants, or other persons, or the making of employment 3178
decisions based on the results of that type of testing. 3179

(O) This section does not apply to a religious 3180
corporation, association, educational institution, or society 3181
with respect to the employment of an individual of a particular 3182
religion to perform work connected with the carrying on by that 3183

religious corporation, association, educational institution, or 3184
society of its activities. 3185

The unlawful discriminatory practices defined in this 3186
section do not make it unlawful for a person or an appointing 3187
authority administering an examination under section 124.23 of 3188
the Revised Code to obtain information about an applicant's 3189
military status for the purpose of determining if the applicant 3190
is eligible for the additional credit that is available under 3191
that section. 3192

Sec. 4729.291. (A) Except when provided under section 3193
4731.97 of the Revised Code, when a licensed health professional 3194
authorized to prescribe drugs personally furnishes drugs to a 3195
patient pursuant to division (B) of section 4729.29 of the 3196
Revised Code, the prescriber shall ensure that the drugs are 3197
labeled and packaged in accordance with state and federal drug 3198
laws and any rules and regulations adopted pursuant to those 3199
laws. Records of purchase and disposition of all drugs 3200
personally furnished to patients shall be maintained by the 3201
prescriber in accordance with state and federal drug statutes 3202
and any rules adopted pursuant to those statutes. 3203

(B) When personally furnishing to a patient RU-486 3204
(mifepristone), a prescriber is subject to ~~sections~~ section 3205
2919.123 ~~and 2919.124~~ of the Revised Code. 3206

(C) (1) Except as provided in divisions (D) and (E) of this 3207
section, no prescriber shall do either of the following: 3208

(a) In any thirty-day period, personally furnish to or for 3209
patients, taken as a whole, controlled substances in an amount 3210
that exceeds a total of two thousand five hundred dosage units; 3211

(b) In any seventy-two-hour period, personally furnish to 3212

or for a patient an amount of a controlled substance that 3213
exceeds the amount necessary for the patient's use in a seventy- 3214
two-hour period. 3215

(2) The state board of pharmacy may impose a fine of not 3216
more than five thousand dollars on a prescriber who fails to 3217
comply with the limits established under division (C) (1) of this 3218
section. A separate fine may be imposed for each instance of 3219
failing to comply with the limits. In imposing the fine, the 3220
board's actions shall be taken in accordance with Chapter 119. 3221
of the Revised Code. 3222

(D) None of the following shall be counted in determining 3223
whether the amounts specified in division (C) (1) of this section 3224
have been exceeded: 3225

(1) Methadone personally furnished to patients for the 3226
purpose of treating drug dependence or addiction, if the 3227
prescriber meets the conditions specified in 21 C.F.R. 1306.07; 3228

(2) Buprenorphine personally furnished to patients for the 3229
purpose of treating drug dependence or addiction as part of an 3230
opioid treatment program licensed under section 5119.37 of the 3231
Revised Code. 3232

(3) Controlled substances personally furnished to research 3233
subjects by a facility conducting clinical research in studies 3234
approved by a hospital-based institutional review board or an 3235
institutional review board accredited by the association for the 3236
accreditation of human research protection programs. 3237

(E) Division (C) (1) of this section does not apply to a 3238
prescriber who is a veterinarian. 3239

Sec. 4731.22. (A) The state medical board, by an 3240
affirmative vote of not fewer than six of its members, may 3241

limit, revoke, or suspend a license or certificate to practice 3242
or certificate to recommend, refuse to grant a license or 3243
certificate, refuse to renew a license or certificate, refuse to 3244
reinstate a license or certificate, or reprimand or place on 3245
probation the holder of a license or certificate if the 3246
individual applying for or holding the license or certificate is 3247
found by the board to have committed fraud during the 3248
administration of the examination for a license or certificate 3249
to practice or to have committed fraud, misrepresentation, or 3250
deception in applying for, renewing, or securing any license or 3251
certificate to practice or certificate to recommend issued by 3252
the board. 3253

(B) Except as provided in division (P) of this section, 3254
the board, by an affirmative vote of not fewer than six members, 3255
shall, to the extent permitted by law, limit, revoke, or suspend 3256
a license or certificate to practice or certificate to 3257
recommend, refuse to issue a license or certificate, refuse to 3258
renew a license or certificate, refuse to reinstate a license or 3259
certificate, or reprimand or place on probation the holder of a 3260
license or certificate for one or more of the following reasons: 3261

(1) Permitting one's name or one's license or certificate 3262
to practice to be used by a person, group, or corporation when 3263
the individual concerned is not actually directing the treatment 3264
given; 3265

(2) Failure to maintain minimal standards applicable to 3266
the selection or administration of drugs, or failure to employ 3267
acceptable scientific methods in the selection of drugs or other 3268
modalities for treatment of disease; 3269

(3) Except as provided in section 4731.97 of the Revised 3270
Code, selling, giving away, personally furnishing, prescribing, 3271

or administering drugs for other than legal and legitimate 3272
therapeutic purposes or a plea of guilty to, a judicial finding 3273
of guilt of, or a judicial finding of eligibility for 3274
intervention in lieu of conviction of, a violation of any 3275
federal or state law regulating the possession, distribution, or 3276
use of any drug; 3277

(4) Willfully betraying a professional confidence. 3278

For purposes of this division, "willfully betraying a 3279
professional confidence" does not include providing any 3280
information, documents, or reports under sections 307.621 to 3281
307.629 of the Revised Code to a child fatality review board; 3282
does not include providing any information, documents, or 3283
reports under sections 307.631 to 307.6410 of the Revised Code 3284
to a drug overdose fatality review committee, a suicide fatality 3285
review committee, or hybrid drug overdose fatality and suicide 3286
fatality review committee; does not include providing any 3287
information, documents, or reports under sections 307.651 to 3288
307.659 of the Revised Code to a domestic violence fatality 3289
review board; does not include providing any information, 3290
documents, or reports to the director of health pursuant to 3291
guidelines established under section 3701.70 of the Revised 3292
Code; does not include written notice to a mental health 3293
professional under section 4731.62 of the Revised Code; and does 3294
not include the making of a report of an employee's use of a 3295
drug of abuse, or a report of a condition of an employee other 3296
than one involving the use of a drug of abuse, to the employer 3297
of the employee as described in division (B) of section 2305.33 3298
of the Revised Code. Nothing in this division affects the 3299
immunity from civil liability conferred by section 2305.33 or 3300
4731.62 of the Revised Code upon a physician who makes a report 3301
in accordance with section 2305.33 or notifies a mental health 3302

professional in accordance with section 4731.62 of the Revised 3303
Code. As used in this division, "employee," "employer," and 3304
"physician" have the same meanings as in section 2305.33 of the 3305
Revised Code. 3306

(5) Making a false, fraudulent, deceptive, or misleading 3307
statement in the solicitation of or advertising for patients; in 3308
relation to the practice of medicine and surgery, osteopathic 3309
medicine and surgery, podiatric medicine and surgery, or a 3310
limited branch of medicine; or in securing or attempting to 3311
secure any license or certificate to practice issued by the 3312
board. 3313

As used in this division, "false, fraudulent, deceptive, 3314
or misleading statement" means a statement that includes a 3315
misrepresentation of fact, is likely to mislead or deceive 3316
because of a failure to disclose material facts, is intended or 3317
is likely to create false or unjustified expectations of 3318
favorable results, or includes representations or implications 3319
that in reasonable probability will cause an ordinarily prudent 3320
person to misunderstand or be deceived. 3321

(6) A departure from, or the failure to conform to, 3322
minimal standards of care of similar practitioners under the 3323
same or similar circumstances, whether or not actual injury to a 3324
patient is established; 3325

(7) Representing, with the purpose of obtaining 3326
compensation or other advantage as personal gain or for any 3327
other person, that an incurable disease or injury, or other 3328
incurable condition, can be permanently cured; 3329

(8) The obtaining of, or attempting to obtain, money or 3330
anything of value by fraudulent misrepresentations in the course 3331

of practice;	3332
(9) A plea of guilty to, a judicial finding of guilt of,	3333
or a judicial finding of eligibility for intervention in lieu of	3334
conviction for, a felony;	3335
(10) Commission of an act that constitutes a felony in	3336
this state, regardless of the jurisdiction in which the act was	3337
committed;	3338
(11) A plea of guilty to, a judicial finding of guilt of,	3339
or a judicial finding of eligibility for intervention in lieu of	3340
conviction for, a misdemeanor committed in the course of	3341
practice;	3342
(12) Commission of an act in the course of practice that	3343
constitutes a misdemeanor in this state, regardless of the	3344
jurisdiction in which the act was committed;	3345
(13) A plea of guilty to, a judicial finding of guilt of,	3346
or a judicial finding of eligibility for intervention in lieu of	3347
conviction for, a misdemeanor involving moral turpitude;	3348
(14) Commission of an act involving moral turpitude that	3349
constitutes a misdemeanor in this state, regardless of the	3350
jurisdiction in which the act was committed;	3351
(15) Violation of the conditions of limitation placed by	3352
the board upon a license or certificate to practice;	3353
(16) Failure to pay license renewal fees specified in this	3354
chapter;	3355
(17) Except as authorized in section 4731.31 of the	3356
Revised Code, engaging in the division of fees for referral of	3357
patients, or the receiving of a thing of value in return for a	3358
specific referral of a patient to utilize a particular service	3359

or business; 3360

(18) Subject to section 4731.226 of the Revised Code, 3361
violation of any provision of a code of ethics of the American 3362
medical association, the American osteopathic association, the 3363
American podiatric medical association, or any other national 3364
professional organizations that the board specifies by rule. The 3365
state medical board shall obtain and keep on file current copies 3366
of the codes of ethics of the various national professional 3367
organizations. The individual whose license or certificate is 3368
being suspended or revoked shall not be found to have violated 3369
any provision of a code of ethics of an organization not 3370
appropriate to the individual's profession. 3371

For purposes of this division, a "provision of a code of 3372
ethics of a national professional organization" does not include 3373
any provision that would preclude the making of a report by a 3374
physician of an employee's use of a drug of abuse, or of a 3375
condition of an employee other than one involving the use of a 3376
drug of abuse, to the employer of the employee as described in 3377
division (B) of section 2305.33 of the Revised Code. Nothing in 3378
this division affects the immunity from civil liability 3379
conferred by that section upon a physician who makes either type 3380
of report in accordance with division (B) of that section. As 3381
used in this division, "employee," "employer," and "physician" 3382
have the same meanings as in section 2305.33 of the Revised 3383
Code. 3384

(19) Inability to practice according to acceptable and 3385
prevailing standards of care by reason of mental illness or 3386
physical illness, including, but not limited to, physical 3387
deterioration that adversely affects cognitive, motor, or 3388
perceptive skills. 3389

In enforcing this division, the board, upon a showing of a possible violation, shall refer any individual who is authorized to practice by this chapter or who has submitted an application pursuant to this chapter to the monitoring organization that conducts the confidential monitoring program established under section 4731.25 of the Revised Code. The board also may compel the individual to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in this division, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that

constitute a privileged communication. 3422

(20) Except as provided in division (F) (1) (b) of section 3423
4731.282 of the Revised Code or when civil penalties are imposed 3424
under section 4731.225 of the Revised Code, and subject to 3425
section 4731.226 of the Revised Code, violating or attempting to 3426
violate, directly or indirectly, or assisting in or abetting the 3427
violation of, or conspiring to violate, any provisions of this 3428
chapter or any rule promulgated by the board. 3429

This division does not apply to a violation or attempted 3430
violation of, assisting in or abetting the violation of, or a 3431
conspiracy to violate, any provision of this chapter or any rule 3432
adopted by the board that would preclude the making of a report 3433
by a physician of an employee's use of a drug of abuse, or of a 3434
condition of an employee other than one involving the use of a 3435
drug of abuse, to the employer of the employee as described in 3436
division (B) of section 2305.33 of the Revised Code. Nothing in 3437
this division affects the immunity from civil liability 3438
conferred by that section upon a physician who makes either type 3439
of report in accordance with division (B) of that section. As 3440
used in this division, "employee," "employer," and "physician" 3441
have the same meanings as in section 2305.33 of the Revised 3442
Code. 3443

(21) The violation of ~~section 3701.79 of the Revised Code~~ 3444
~~or of any abortion rule adopted by the director of health~~ 3445
pursuant to section 3701.341 of the Revised Code; 3446

(22) Any of the following actions taken by an agency 3447
responsible for authorizing, certifying, or regulating an 3448
individual to practice a health care occupation or provide 3449
health care services in this state or another jurisdiction, for 3450
any reason other than the nonpayment of fees: the limitation, 3451

revocation, or suspension of an individual's license to 3452
practice; acceptance of an individual's license surrender; 3453
denial of a license; refusal to renew or reinstate a license; 3454
imposition of probation; or issuance of an order of censure or 3455
other reprimand; 3456

(23) The violation of section 2919.12 of the Revised Code 3457
~~or the performance or inducement of an abortion upon a pregnant~~ 3458
~~woman with actual knowledge that the conditions specified in~~ 3459
~~division (B) of section 2317.56 of the Revised Code have not~~ 3460
~~been satisfied or with a heedless indifference as to whether~~ 3461
~~those conditions have been satisfied, unless an affirmative~~ 3462
~~defense as specified in division (H) (2) of that section would~~ 3463
~~apply in a civil action authorized by division (H) (1) of that~~ 3464
~~section;~~ 3465

(24) The revocation, suspension, restriction, reduction, 3466
or termination of clinical privileges by the United States 3467
department of defense or department of veterans affairs or the 3468
termination or suspension of a certificate of registration to 3469
prescribe drugs by the drug enforcement administration of the 3470
United States department of justice; 3471

(25) Termination or suspension from participation in the 3472
medicare or medicaid programs by the department of health and 3473
human services or other responsible agency; 3474

(26) Impairment of ability to practice according to 3475
acceptable and prevailing standards of care because of substance 3476
use disorder or excessive use or abuse of drugs, alcohol, or 3477
other substances that may impair ability to practice. 3478

For the purposes of this division, any individual 3479
authorized to practice by this chapter accepts the privilege of 3480

practicing in this state subject to supervision by the board. By 3481
filing an application for or holding a license or certificate to 3482
practice under this chapter, an individual shall be deemed to 3483
have given consent to submit to a mental or physical examination 3484
when ordered to do so by the board in writing, and to have 3485
waived all objections to the admissibility of testimony or 3486
examination reports that constitute privileged communications. 3487

If it has reason to believe that any individual authorized 3488
to practice by this chapter or any applicant for licensure or 3489
certification to practice suffers such impairment, the board 3490
shall refer the individual to the monitoring organization that 3491
conducts the confidential monitoring program established under 3492
section 4731.25 of the Revised Code. The board also may compel 3493
the individual to submit to a mental or physical examination, or 3494
both. The expense of the examination is the responsibility of 3495
the individual compelled to be examined. Any mental or physical 3496
examination required under this division shall be undertaken by 3497
a treatment provider or physician who is qualified to conduct 3498
the examination and who is approved under section 4731.251 of 3499
the Revised Code. 3500

Failure to submit to a mental or physical examination 3501
ordered by the board constitutes an admission of the allegations 3502
against the individual unless the failure is due to 3503
circumstances beyond the individual's control, and a default and 3504
final order may be entered without the taking of testimony or 3505
presentation of evidence. If the board determines that the 3506
individual's ability to practice is impaired, the board shall 3507
suspend the individual's license or certificate or deny the 3508
individual's application and shall require the individual, as a 3509
condition for initial, continued, reinstated, or renewed 3510
licensure or certification to practice, to submit to treatment. 3511

Before being eligible to apply for reinstatement of a 3512
license or certificate suspended under this division, the 3513
impaired practitioner shall demonstrate to the board the ability 3514
to resume practice in compliance with acceptable and prevailing 3515
standards of care under the provisions of the practitioner's 3516
license or certificate. The demonstration shall include, but 3517
shall not be limited to, the following: 3518

(a) Certification from a treatment provider approved under 3519
section 4731.251 of the Revised Code that the individual has 3520
successfully completed any required inpatient treatment; 3521

(b) Evidence of continuing full compliance with an 3522
aftercare contract or consent agreement; 3523

(c) Two written reports indicating that the individual's 3524
ability to practice has been assessed and that the individual 3525
has been found capable of practicing according to acceptable and 3526
prevailing standards of care. The reports shall be made by 3527
individuals or providers approved by the board for making the 3528
assessments and shall describe the basis for their 3529
determination. 3530

The board may reinstate a license or certificate suspended 3531
under this division after that demonstration and after the 3532
individual has entered into a written consent agreement. 3533

When the impaired practitioner resumes practice, the board 3534
shall require continued monitoring of the individual. The 3535
monitoring shall include, but not be limited to, compliance with 3536
the written consent agreement entered into before reinstatement 3537
or with conditions imposed by board order after a hearing, and, 3538
upon termination of the consent agreement, submission to the 3539
board for at least two years of annual written progress reports 3540

made under penalty of perjury stating whether the individual has 3541
maintained sobriety. 3542

(27) A second or subsequent violation of section 4731.66 3543
or 4731.69 of the Revised Code; 3544

(28) Except as provided in division (N) of this section: 3545

(a) Waiving the payment of all or any part of a deductible 3546
or copayment that a patient, pursuant to a health insurance or 3547
health care policy, contract, or plan that covers the 3548
individual's services, otherwise would be required to pay if the 3549
waiver is used as an enticement to a patient or group of 3550
patients to receive health care services from that individual; 3551

(b) Advertising that the individual will waive the payment 3552
of all or any part of a deductible or copayment that a patient, 3553
pursuant to a health insurance or health care policy, contract, 3554
or plan that covers the individual's services, otherwise would 3555
be required to pay. 3556

(29) Failure to use universal blood and body fluid 3557
precautions established by rules adopted under section 4731.051 3558
of the Revised Code; 3559

(30) Failure to provide notice to, and receive 3560
acknowledgment of the notice from, a patient when required by 3561
section 4731.143 of the Revised Code prior to providing 3562
nonemergency professional services, or failure to maintain that 3563
notice in the patient's medical record; 3564

(31) Failure of a physician supervising a physician 3565
assistant to maintain supervision in accordance with the 3566
requirements of Chapter 4730. of the Revised Code and the rules 3567
adopted under that chapter; 3568

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;

(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(35) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;

(36) Assisting suicide, as defined in section 3795.01 of the Revised Code;

~~(37) Failure to comply with the requirements of section 2317.561 of the Revised Code;~~

~~(38)~~ (37) Failure to supervise a radiologist assistant in

accordance with Chapter 4774. of the Revised Code and the 3598
board's rules for supervision of radiologist assistants; 3599

~~(39) Performing or inducing an abortion at an office or 3600
facility with knowledge that the office or facility fails to 3601
post the notice required under section 3701.791 of the Revised 3602
Code;— 3603~~

~~(40)—(38) Failure to comply with the standards and 3604
procedures established in rules under section 4731.054 of the 3605
Revised Code for the operation of or the provision of care at a 3606
pain management clinic; 3607~~

~~(41)—(39) Failure to comply with the standards and 3608
procedures established in rules under section 4731.054 of the 3609
Revised Code for providing supervision, direction, and control 3610
of individuals at a pain management clinic; 3611~~

~~(42)—(40) Failure to comply with the requirements of 3612
section 4729.79 or 4731.055 of the Revised Code, unless the 3613
state board of pharmacy no longer maintains a drug database 3614
pursuant to section 4729.75 of the Revised Code; 3615~~

~~(43) Failure to comply with the requirements of section 3616
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 3617
to submit to the department of health in accordance with a court 3618
order a complete report as described in section 2919.171 or 3619
2919.202 of the Revised Code;— 3620~~

~~(44)—(41) Practicing at a facility that is subject to 3621
licensure as a category III terminal distributor of dangerous 3622
drugs with a pain management clinic classification unless the 3623
person operating the facility has obtained and maintains the 3624
license with the classification; 3625~~

~~(45)—(42) Owning a facility that is subject to licensure 3626~~

as a category III terminal distributor of dangerous drugs with a 3627
pain management clinic classification unless the facility is 3628
licensed with the classification; 3629

~~(46) Failure to comply with any of the requirements 3630
regarding making or maintaining medical records or documents 3631
described in division (A) of section 2919.192, division (C) of 3632
section 2919.193, division (B) of section 2919.195, or division 3633
(A) of section 2919.196 of the Revised Code; 3634~~

~~(47)~~ (43) Failure to comply with the requirements in 3635
section 3719.061 of the Revised Code before issuing for a minor 3636
a prescription for an opioid analgesic, as defined in section 3637
3719.01 of the Revised Code; 3638

~~(48)~~ (44) Failure to comply with the requirements of 3639
section 4731.30 of the Revised Code or rules adopted under 3640
section 4731.301 of the Revised Code when recommending treatment 3641
with medical marijuana; 3642

~~(49)~~ (45) A pattern of continuous or repeated violations 3643
of division (E) (2) or (3) of section 3963.02 of the Revised 3644
Code; 3645

~~(50)~~ (46) Failure to fulfill the responsibilities of a 3646
collaboration agreement entered into with an athletic trainer as 3647
described in section 4755.621 of the Revised Code; 3648

~~(51)~~ (47) Failure to take the steps specified in section 3649
4731.911 of the Revised Code following an abortion or attempted 3650
abortion in an ambulatory surgical facility or other location 3651
that is not a hospital when a child is born alive. 3652

(C) Disciplinary actions taken by the board under 3653
divisions (A) and (B) of this section shall be taken pursuant to 3654
an adjudication under Chapter 119. of the Revised Code, except 3655

that in lieu of an adjudication, the board may enter into a 3656
consent agreement with an individual to resolve an allegation of 3657
a violation of this chapter or any rule adopted under it. A 3658
consent agreement, when ratified by an affirmative vote of not 3659
fewer than six members of the board, shall constitute the 3660
findings and order of the board with respect to the matter 3661
addressed in the agreement. If the board refuses to ratify a 3662
consent agreement, the admissions and findings contained in the 3663
consent agreement shall be of no force or effect. 3664

A telephone conference call may be utilized for 3665
ratification of a consent agreement that revokes or suspends an 3666
individual's license or certificate to practice or certificate 3667
to recommend. The telephone conference call shall be considered 3668
a special meeting under division (F) of section 121.22 of the 3669
Revised Code. 3670

If the board takes disciplinary action against an 3671
individual under division (B) of this section for a second or 3672
subsequent plea of guilty to, or judicial finding of guilt of, a 3673
violation of section 2919.123 ~~or 2919.124~~ of the Revised Code, 3674
the disciplinary action shall consist of a suspension of the 3675
individual's license or certificate to practice for a period of 3676
at least one year or, if determined appropriate by the board, a 3677
more serious sanction involving the individual's license or 3678
certificate to practice. Any consent agreement entered into 3679
under this division with an individual that pertains to a second 3680
or subsequent plea of guilty to, or judicial finding of guilt 3681
of, a violation of that section shall provide for a suspension 3682
of the individual's license or certificate to practice for a 3683
period of at least one year or, if determined appropriate by the 3684
board, a more serious sanction involving the individual's 3685
license or certificate to practice. 3686

(D) For purposes of divisions (B) (10), (12), and (14) of 3687
this section, the commission of the act may be established by a 3688
finding by the board, pursuant to an adjudication under Chapter 3689
119. of the Revised Code, that the individual committed the act. 3690
The board does not have jurisdiction under those divisions if 3691
the trial court renders a final judgment in the individual's 3692
favor and that judgment is based upon an adjudication on the 3693
merits. The board has jurisdiction under those divisions if the 3694
trial court issues an order of dismissal upon technical or 3695
procedural grounds. 3696

(E) The sealing or expungement of conviction records by 3697
any court shall have no effect upon a prior board order entered 3698
under this section or upon the board's jurisdiction to take 3699
action under this section if, based upon a plea of guilty, a 3700
judicial finding of guilt, or a judicial finding of eligibility 3701
for intervention in lieu of conviction, the board issued a 3702
notice of opportunity for a hearing prior to the court's order 3703
to seal or expunge the records. The board shall not be required 3704
to seal, expunge, destroy, redact, or otherwise modify its 3705
records to reflect the court's sealing of conviction records. 3706

(F) (1) The board shall investigate evidence that appears 3707
to show that a person has violated any provision of this chapter 3708
or any rule adopted under it. Any person may report to the board 3709
in a signed writing any information that the person may have 3710
that appears to show a violation of any provision of this 3711
chapter or any rule adopted under it. In the absence of bad 3712
faith, any person who reports information of that nature or who 3713
testifies before the board in any adjudication conducted under 3714
Chapter 119. of the Revised Code shall not be liable in damages 3715
in a civil action as a result of the report or testimony. Each 3716
complaint or allegation of a violation received by the board 3717

shall be assigned a case number and shall be recorded by the board. 3718
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(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case. 3720
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(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary of the board. 3729
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(a) Before issuance of a subpoena for patient record information, the secretary shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation. 3740
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(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under

division (E) of section 4731.054 of the Revised Code is 3778
confidential and not subject to discovery in any civil action. 3779

The board shall conduct all investigations or inspections 3780
and proceedings in a manner that protects the confidentiality of 3781
patients and persons who file complaints with the board. The 3782
board shall not make public the names or any other identifying 3783
information about patients or complainants unless proper consent 3784
is given or, in the case of a patient, a waiver of the patient 3785
privilege exists under division (B) of section 2317.02 of the 3786
Revised Code, except that consent or a waiver of that nature is 3787
not required if the board possesses reliable and substantial 3788
evidence that no bona fide physician-patient relationship 3789
exists. 3790

The board may share any information it receives pursuant 3791
to an investigation or inspection, including patient records and 3792
patient record information, with law enforcement agencies, other 3793
licensing boards, and other governmental agencies that are 3794
prosecuting, adjudicating, or investigating alleged violations 3795
of statutes or administrative rules. An agency or board that 3796
receives the information shall comply with the same requirements 3797
regarding confidentiality as those with which the state medical 3798
board must comply, notwithstanding any conflicting provision of 3799
the Revised Code or procedure of the agency or board that 3800
applies when it is dealing with other information in its 3801
possession. In a judicial proceeding, the information may be 3802
admitted into evidence only in accordance with the Rules of 3803
Evidence, but the court shall require that appropriate measures 3804
are taken to ensure that confidentiality is maintained with 3805
respect to any part of the information that contains names or 3806
other identifying information about patients or complainants 3807
whose confidentiality was protected by the state medical board 3808

when the information was in the board's possession. Measures to 3809
ensure confidentiality that may be taken by the court include 3810
sealing its records or deleting specific information from its 3811
records. 3812

(6) On a quarterly basis, the board shall prepare a report 3813
that documents the disposition of all cases during the preceding 3814
three months. The report shall contain the following information 3815
for each case with which the board has completed its activities: 3816

(a) The case number assigned to the complaint or alleged 3817
violation; 3818

(b) The type of license or certificate to practice, if 3819
any, held by the individual against whom the complaint is 3820
directed; 3821

(c) A description of the allegations contained in the 3822
complaint; 3823

(d) The disposition of the case. 3824

The report shall state how many cases are still pending 3825
and shall be prepared in a manner that protects the identity of 3826
each person involved in each case. The report shall be a public 3827
record under section 149.43 of the Revised Code. 3828

(G) If the secretary and supervising member determine both 3829
of the following, they may recommend that the board suspend an 3830
individual's license or certificate to practice or certificate 3831
to recommend without a prior hearing: 3832

(1) That there is clear and convincing evidence that an 3833
individual has violated division (B) of this section; 3834

(2) That the individual's continued practice presents a 3835
danger of immediate and serious harm to the public. 3836

Written allegations shall be prepared for consideration by 3837
the board. The board, upon review of those allegations and by an 3838
affirmative vote of not fewer than six of its members, excluding 3839
the secretary and supervising member, may suspend a license or 3840
certificate without a prior hearing. A telephone conference call 3841
may be utilized for reviewing the allegations and taking the 3842
vote on the summary suspension. 3843

The board shall serve a written order of suspension in 3844
accordance with sections 119.05 and 119.07 of the Revised Code. 3845
The order shall not be subject to suspension by the court during 3846
pendency of any appeal filed under section 119.12 of the Revised 3847
Code. If the individual subject to the summary suspension 3848
requests an adjudicatory hearing by the board, the date set for 3849
the hearing shall be within fifteen days, but not earlier than 3850
seven days, after the individual requests the hearing, unless 3851
otherwise agreed to by both the board and the individual. 3852

Any summary suspension imposed under this division shall 3853
remain in effect, unless reversed on appeal, until a final 3854
adjudicative order issued by the board pursuant to this section 3855
and Chapter 119. of the Revised Code becomes effective. The 3856
board shall issue its final adjudicative order within seventy- 3857
five days after completion of its hearing. A failure to issue 3858
the order within seventy-five days shall result in dissolution 3859
of the summary suspension order but shall not invalidate any 3860
subsequent, final adjudicative order. 3861

(H) If the board takes action under division (B) (9), (11), 3862
or (13) of this section and the judicial finding of guilt, 3863
guilty plea, or judicial finding of eligibility for intervention 3864
in lieu of conviction is overturned on appeal, upon exhaustion 3865
of the criminal appeal, a petition for reconsideration of the 3866

order may be filed with the board along with appropriate court 3867
documents. Upon receipt of a petition of that nature and 3868
supporting court documents, the board shall reinstate the 3869
individual's license or certificate to practice. The board may 3870
then hold an adjudication under Chapter 119. of the Revised Code 3871
to determine whether the individual committed the act in 3872
question. Notice of an opportunity for a hearing shall be given 3873
in accordance with Chapter 119. of the Revised Code. If the 3874
board finds, pursuant to an adjudication held under this 3875
division, that the individual committed the act or if no hearing 3876
is requested, the board may order any of the sanctions 3877
identified under division (B) of this section. 3878

(I) The license or certificate to practice issued to an 3879
individual under this chapter and the individual's practice in 3880
this state are automatically suspended as of the date of the 3881
individual's second or subsequent plea of guilty to, or judicial 3882
finding of guilt of, a violation of section 2919.123 ~~or 2919.124~~ 3883
of the Revised Code. In addition, the license or certificate to 3884
practice or certificate to recommend issued to an individual 3885
under this chapter and the individual's practice in this state 3886
are automatically suspended as of the date the individual pleads 3887
guilty to, is found by a judge or jury to be guilty of, or is 3888
subject to a judicial finding of eligibility for intervention in 3889
lieu of conviction in this state or treatment or intervention in 3890
lieu of conviction in another jurisdiction for any of the 3891
following criminal offenses in this state or a substantially 3892
equivalent criminal offense in another jurisdiction: aggravated 3893
murder, murder, voluntary manslaughter, felonious assault, 3894
kidnapping, rape, sexual battery, gross sexual imposition, 3895
aggravated arson, aggravated robbery, or aggravated burglary. 3896
Continued practice after suspension shall be considered 3897

practicing without a license or certificate. 3898

The board shall notify the individual subject to the 3899
suspension in accordance with sections 119.05 and 119.07 of the 3900
Revised Code. If an individual whose license or certificate is 3901
automatically suspended under this division fails to make a 3902
timely request for an adjudication under Chapter 119. of the 3903
Revised Code, the board shall do whichever of the following is 3904
applicable: 3905

(1) If the automatic suspension under this division is for 3906
a second or subsequent plea of guilty to, or judicial finding of 3907
guilt of, a violation of section 2919.123 ~~or 2919.124~~ of the 3908
Revised Code, the board shall enter an order suspending the 3909
individual's license or certificate to practice for a period of 3910
at least one year or, if determined appropriate by the board, 3911
imposing a more serious sanction involving the individual's 3912
license or certificate to practice. 3913

(2) In all circumstances in which division (I)(1) of this 3914
section does not apply, enter a final order permanently revoking 3915
the individual's license or certificate to practice. 3916

(J) If the board is required by Chapter 119. of the 3917
Revised Code to give notice of an opportunity for a hearing and 3918
if the individual subject to the notice does not timely request 3919
a hearing in accordance with section 119.07 of the Revised Code, 3920
the board is not required to hold a hearing, but may adopt, by 3921
an affirmative vote of not fewer than six of its members, a 3922
final order that contains the board's findings. In that final 3923
order, the board may order any of the sanctions identified under 3924
division (A) or (B) of this section. 3925

(K) Any action taken by the board under division (B) of 3926

this section resulting in a suspension from practice shall be 3927
accompanied by a written statement of the conditions under which 3928
the individual's license or certificate to practice may be 3929
reinstated. The board shall adopt rules governing conditions to 3930
be imposed for reinstatement. Reinstatement of a license or 3931
certificate suspended pursuant to division (B) of this section 3932
requires an affirmative vote of not fewer than six members of 3933
the board. 3934

(L) When the board refuses to grant or issue a license or 3935
certificate to practice to an applicant, revokes an individual's 3936
license or certificate to practice, refuses to renew an 3937
individual's license or certificate to practice, or refuses to 3938
reinstatement an individual's license or certificate to practice, 3939
the board may specify that its action is permanent. An 3940
individual subject to a permanent action taken by the board is 3941
forever thereafter ineligible to hold a license or certificate 3942
to practice and the board shall not accept an application for 3943
reinstatement of the license or certificate or for issuance of a 3944
new license or certificate. 3945

(M) Notwithstanding any other provision of the Revised 3946
Code, all of the following apply: 3947

(1) The surrender of a license or certificate issued under 3948
this chapter shall not be effective unless or until accepted by 3949
the board. A telephone conference call may be utilized for 3950
acceptance of the surrender of an individual's license or 3951
certificate to practice. The telephone conference call shall be 3952
considered a special meeting under division (F) of section 3953
121.22 of the Revised Code. Reinstatement of a license or 3954
certificate surrendered to the board requires an affirmative 3955
vote of not fewer than six members of the board. 3956

(2) An application for a license or certificate made under 3957
the provisions of this chapter may not be withdrawn without 3958
approval of the board. 3959

(3) Failure by an individual to renew a license or 3960
certificate to practice in accordance with this chapter or a 3961
certificate to recommend in accordance with rules adopted under 3962
section 4731.301 of the Revised Code does not remove or limit 3963
the board's jurisdiction to take any disciplinary action under 3964
this section against the individual. 3965

(4) The placement of an individual's license on retired 3966
status, as described in section 4731.283 of the Revised Code, 3967
does not remove or limit the board's jurisdiction to take any 3968
disciplinary action against the individual with regard to the 3969
license as it existed before being placed on retired status. 3970

(5) At the request of the board, a license or certificate 3971
holder shall immediately surrender to the board a license or 3972
certificate that the board has suspended, revoked, or 3973
permanently revoked. 3974

(N) Sanctions shall not be imposed under division (B) (28) 3975
of this section against any person who waives deductibles and 3976
copayments as follows: 3977

(1) In compliance with the health benefit plan that 3978
expressly allows such a practice. Waiver of the deductibles or 3979
copayments shall be made only with the full knowledge and 3980
consent of the plan purchaser, payer, and third-party 3981
administrator. Documentation of the consent shall be made 3982
available to the board upon request. 3983

(2) For professional services rendered to any other person 3984
authorized to practice pursuant to this chapter, to the extent 3985

allowed by this chapter and rules adopted by the board.	3986
(0) Under the board's investigative duties described in	3987
this section and subject to division (F) of this section, the	3988
board shall develop and implement a quality intervention program	3989
designed to improve through remedial education the clinical and	3990
communication skills of individuals authorized under this	3991
chapter to practice medicine and surgery, osteopathic medicine	3992
and surgery, and podiatric medicine and surgery. In developing	3993
and implementing the quality intervention program, the board may	3994
do all of the following:	3995
(1) Offer in appropriate cases as determined by the board	3996
an educational and assessment program pursuant to an	3997
investigation the board conducts under this section;	3998
(2) Select providers of educational and assessment	3999
services, including a quality intervention program panel of case	4000
reviewers;	4001
(3) Make referrals to educational and assessment service	4002
providers and approve individual educational programs	4003
recommended by those providers. The board shall monitor the	4004
progress of each individual undertaking a recommended individual	4005
educational program.	4006
(4) Determine what constitutes successful completion of an	4007
individual educational program and require further monitoring of	4008
the individual who completed the program or other action that	4009
the board determines to be appropriate;	4010
(5) Adopt rules in accordance with Chapter 119. of the	4011
Revised Code to further implement the quality intervention	4012
program.	4013
An individual who participates in an individual	4014

educational program pursuant to this division shall pay the 4015
financial obligations arising from that educational program. 4016

(P) The board shall not refuse to issue a license to an 4017
applicant because of a conviction, plea of guilty, judicial 4018
finding of guilt, judicial finding of eligibility for 4019
intervention in lieu of conviction, or the commission of an act 4020
that constitutes a criminal offense, unless the refusal is in 4021
accordance with section 9.79 of the Revised Code. 4022

Sec. 4731.223. (A) As used in this section, "prosecutor" 4023
has the same meaning as in section 2935.01 of the Revised Code. 4024

(B) Whenever any person holding a valid license or 4025
certificate issued pursuant to this chapter pleads guilty to, is 4026
subject to a judicial finding of guilt of, or is subject to a 4027
judicial finding of eligibility for intervention in lieu of 4028
conviction for a violation of Chapter 2907., 2925., or 3719. of 4029
the Revised Code or of any substantively comparable ordinance of 4030
a municipal corporation in connection with the person's 4031
practice, or for a second or subsequent time pleads guilty to, 4032
or is subject to a judicial finding of guilt of, a violation of 4033
section 2919.123 ~~or 2919.124~~ of the Revised Code, the prosecutor 4034
in the case, on forms prescribed and provided by the state 4035
medical board, shall promptly notify the board of the conviction 4036
or guilty plea. Within thirty days of receipt of that 4037
information, the board shall initiate action in accordance with 4038
Chapter 119. of the Revised Code to determine whether to suspend 4039
or revoke the license or certificate under section 4731.22 of 4040
the Revised Code. 4041

(C) The prosecutor in any case against any person holding 4042
a valid license or certificate issued pursuant to this chapter, 4043
on forms prescribed and provided by the state medical board, 4044

shall notify the board of any of the following: 4045

(1) A plea of guilty to, a finding of guilt by a jury or 4046
court of, or judicial finding of eligibility for intervention in 4047
lieu of conviction for a felony, or a case in which the trial 4048
court issues an order of dismissal upon technical or procedural 4049
grounds of a felony charge; 4050

(2) A plea of guilty to, a finding of guilt by a jury or 4051
court of, or judicial finding of eligibility for intervention in 4052
lieu of conviction for a misdemeanor committed in the course of 4053
practice, or a case in which the trial court issues an order of 4054
dismissal upon technical or procedural grounds of a charge of a 4055
misdemeanor, if the alleged act was committed in the course of 4056
practice; 4057

(3) A plea of guilty to, a finding of guilt by a jury or 4058
court of, or judicial finding of eligibility for intervention in 4059
lieu of conviction for a misdemeanor involving moral turpitude, 4060
or a case in which the trial court issues an order of dismissal 4061
upon technical or procedural grounds of a charge of a 4062
misdemeanor involving moral turpitude. 4063

The report shall include the name and address of the 4064
license or certificate holder, the nature of the offense for 4065
which the action was taken, and the certified court documents 4066
recording the action. 4067

Sec. 4731.281. (A) (1) A license issued under this chapter 4068
to practice medicine and surgery, osteopathic medicine and 4069
surgery, or podiatric medicine and surgery shall be valid for a 4070
two-year period unless revoked or suspended. A license shall 4071
expire on the date that is two years from the date of issuance 4072
and may be renewed for additional two-year periods. Applications 4073

for renewal shall be submitted to the state medical board in a 4074
manner prescribed by the board. 4075

Each application shall be accompanied by a biennial 4076
renewal fee of three hundred five dollars. 4077

The board shall deposit the fee in accordance with section 4078
4731.24 of the Revised Code, except that the board shall deposit 4079
twenty dollars of the fee into the state treasury to the credit 4080
of the physician loan repayment fund created by section 3702.78 4081
of the Revised Code. 4082

(2) The board shall provide a renewal notice to every 4083
person holding a license to practice medicine and surgery, 4084
osteopathic medicine and surgery, or podiatric medicine and 4085
surgery, a renewal notice. The board may provide the notice to 4086
the person through the secretary of any recognized medical, 4087
osteopathic, or podiatric society. The notice shall be provided 4088
to the person at least one month prior to the date on which the 4089
person's license expires. 4090

(3) Failure of any person to receive a notice of renewal 4091
from the board shall not excuse the person from the requirements 4092
contained in this section. 4093

(4) The board's notice shall inform the applicant of the 4094
renewal procedure. The board shall provide the application for 4095
renewal in a form determined by the board. 4096

(5) The applicant shall provide in the application the 4097
applicant's full name; the applicant's residence address, 4098
business address, and electronic mail address; the number of the 4099
applicant's license to practice; and any other information 4100
required by the board. 4101

(6) (a) Except as provided in division (A) (6) (b) of this 4102

section, in the case of an applicant who prescribes or 4103
personally furnishes opioid analgesics or benzodiazepines, as 4104
defined in section 3719.01 of the Revised Code, the applicant 4105
shall certify to the board whether the applicant has been 4106
granted access to the drug database established and maintained 4107
by the state board of pharmacy pursuant to section 4729.75 of 4108
the Revised Code. 4109

(b) The requirement described in division (A) (6) (a) of 4110
this section does not apply if any of the following is the case: 4111

(i) The state board of pharmacy notifies the state medical 4112
board pursuant to section 4729.861 of the Revised Code that the 4113
applicant has been restricted from obtaining further information 4114
from the drug database. 4115

(ii) The state board of pharmacy no longer maintains the 4116
drug database. 4117

(iii) The applicant does not practice medicine and 4118
surgery, osteopathic medicine and surgery, or podiatric medicine 4119
and surgery in this state. 4120

(c) If an applicant certifies to the state medical board 4121
that the applicant has been granted access to the drug database 4122
and the board finds through an audit or other means that the 4123
applicant has not been granted access, the board may take action 4124
under section 4731.22 of the Revised Code. 4125

(7) The applicant shall indicate whether the applicant 4126
currently collaborates, as that term is defined in section 4127
4723.01 of the Revised Code, with any clinical nurse 4128
specialists, certified nurse-midwives, or certified nurse 4129
practitioners. 4130

(8) The applicant shall report any criminal offense to 4131

which the applicant has pleaded guilty, of which the applicant 4132
has been found guilty, or for which the applicant has been found 4133
eligible for intervention in lieu of conviction, since last 4134
submitting an application for a license to practice or renewal 4135
of a license. 4136

(9) The applicant shall execute and deliver the 4137
application to the board in a manner prescribed by the board. 4138

(B) The board shall renew a license under this chapter to 4139
practice medicine and surgery, osteopathic medicine and surgery, 4140
or podiatric medicine and surgery upon application and 4141
qualification therefor in accordance with this section. A 4142
renewal shall be valid for a two-year period. 4143

(C) Failure of any license holder to renew and comply with 4144
this section shall operate automatically to suspend the holder's 4145
license to practice and if applicable, the holder's certificate 4146
to recommend issued under section 4731.30 of the Revised Code. 4147
Continued practice after the suspension shall be considered as 4148
practicing in violation of section 4731.41, 4731.43, or 4731.60 4149
of the Revised Code. 4150

If the license has been suspended pursuant to this 4151
division for two years or less, it may be reinstated. The board 4152
shall reinstate a license to practice suspended for failure to 4153
renew upon an applicant's submission of a renewal application 4154
and payment of a reinstatement fee of four hundred five dollars. 4155

If the license has been suspended pursuant to this 4156
division for more than two years, it may be restored. Subject to 4157
section 4731.222 of the Revised Code, the board may restore a 4158
license to practice suspended for failure to renew upon an 4159
applicant's submission of a restoration application, payment of 4160

a restoration fee of five hundred five dollars, and compliance 4161
with sections 4776.01 to 4776.04 of the Revised Code. The board 4162
shall not restore to an applicant a license unless the board, in 4163
its discretion, decides that the results of the criminal records 4164
check do not make the applicant ineligible for a license issued 4165
pursuant to section 4731.14 or 4731.56 of the Revised Code. 4166

Any reinstatement or restoration of a license to practice 4167
under this section shall operate automatically to renew the 4168
holder's certificate to recommend. 4169

(D) The state medical board may obtain information not 4170
protected by statutory or common law privilege from courts and 4171
other sources concerning malpractice claims against any person 4172
holding a license to practice under this chapter or practicing 4173
as provided in section 4731.36 of the Revised Code. 4174

~~(E) Each renewal notice provided by the board under 4175
division (A) (2) of this section to a person holding a license to 4176
practice medicine and surgery or osteopathic medicine and 4177
surgery shall inform the applicant of the reporting requirement 4178
established by division (H) of section 3701.79 of the Revised 4179
Code. At the discretion of the board, the information may be 4180
included on the application for renewal or on an accompanying 4181
page.~~ 4182

~~(F)~~ Each person holding a license to practice medicine and 4183
surgery, osteopathic medicine and surgery, or podiatric medicine 4184
and surgery shall give notice to the board of a change in the 4185
license holder's residence address, business address, or 4186
electronic mail address not later than thirty days after the 4187
change occurs. 4188

Sec. 4731.293. (A) The state medical board shall issue, 4189

without examination, a clinical research faculty certificate to 4190
practice medicine and surgery, osteopathic medicine and surgery, 4191
or podiatric medicine and surgery to any person who applies for 4192
the certificate and provides to the board satisfactory evidence 4193
of both of the following: 4194

(1) That the applicant holds a current, unrestricted 4195
license to practice medicine and surgery, osteopathic medicine 4196
and surgery, or podiatric medicine and surgery issued by another 4197
state or country; 4198

(2) That the applicant has been appointed to serve in this 4199
state on the academic staff of a medical school accredited by 4200
the liaison committee on medical education, an osteopathic 4201
medical school accredited by the American osteopathic 4202
association, or a college of podiatric medicine and surgery in 4203
good standing with the board. 4204

(B) The holder of a clinical research faculty certificate 4205
may do one of the following, as applicable: 4206

(1) Practice medicine and surgery or osteopathic medicine 4207
and surgery only as is incidental to the certificate holder's 4208
teaching or research duties at the medical school or a teaching 4209
hospital affiliated with the school; 4210

(2) Practice podiatric medicine and surgery only as is 4211
incidental to the certificate holder's teaching or research 4212
duties at the college of podiatric medicine and surgery or a 4213
teaching hospital affiliated with the college. 4214

(C) The board may revoke a certificate on receiving proof 4215
satisfactory to the board that the certificate holder has 4216
engaged in practice in this state outside the scope of the 4217
certificate or that there are grounds for action against the 4218

certificate holder under section 4731.22 of the Revised Code. 4219

(D) A clinical research faculty certificate is valid for 4220
three years, except that the certificate ceases to be valid if 4221
the holder's academic staff appointment described in division 4222
(A) (2) of this section is no longer valid or the certificate is 4223
revoked pursuant to division (C) of this section. 4224

(E) (1) The board shall provide a renewal notice to the 4225
certificate holder at least one month before the certificate 4226
expires. Failure of a certificate holder to receive a notice of 4227
renewal from the board shall not excuse the certificate holder 4228
from the requirements contained in this section. The notice 4229
shall inform the certificate holder of the renewal procedure. 4230
~~The notice also shall inform the certificate holder of the~~ 4231
~~reporting requirement established by division (H) of section~~ 4232
~~3701.79 of the Revised Code.~~ At the discretion of the board, the 4233
information may be included on the application for renewal or on 4234
an accompanying page. 4235

(2) A clinical research faculty certificate may be renewed 4236
for an additional three-year period. There is no limit on the 4237
number of times a certificate may be renewed. A person seeking 4238
renewal of a certificate shall apply to the board. The board 4239
shall provide the application for renewal in a form determined 4240
by the board. 4241

(3) An applicant is eligible for renewal if the applicant 4242
does all of the following: 4243

(a) Reports any criminal offense to which the applicant 4244
has pleaded guilty, of which the applicant has been found 4245
guilty, or for which the applicant has been found eligible for 4246
intervention in lieu of conviction, since last filing an 4247

application for a clinical research faculty certificate; 4248

(b) Provides evidence satisfactory to the board of both of 4249
the following: 4250

(i) That the applicant continues to maintain a current, 4251
unrestricted license to practice medicine and surgery, 4252
osteopathic medicine and surgery, or podiatric medicine and 4253
surgery issued by another state or country; 4254

(ii) That the applicant's initial appointment to serve in 4255
this state on the academic staff of a school or college is still 4256
valid or has been renewed. 4257

(4) Regardless of whether the certificate has expired, a 4258
person who was granted a visiting medical faculty certificate 4259
under this section as it existed immediately prior to June 6, 4260
2012, may apply for a clinical research faculty certificate as a 4261
renewal. The board may issue the clinical research faculty 4262
certificate if the applicant meets the requirements of division 4263
(E) (3) of this section. The board may not issue a clinical 4264
research faculty certificate if the visiting medical faculty 4265
certificate was revoked. 4266

(F) A person holding a clinical research faculty 4267
certificate issued under this section shall not be required to 4268
obtain a certificate under Chapter 4796. of the Revised Code. 4269

(G) The board may adopt any rules it considers necessary 4270
to implement this section. The rules shall be adopted in 4271
accordance with Chapter 119. of the Revised Code. 4272

Sec. 4743.09. (A) As used in this section: 4273

(1) "Durable medical equipment" means a type of equipment, 4274
such as a remote monitoring device utilized by a physician, 4275

physician assistant, or advanced practice registered nurse in 4276
accordance with this section, that can withstand repeated use, 4277
is primarily and customarily used to serve a medical purpose, 4278
and generally is not useful to a person in the absence of 4279
illness or injury and, in addition, includes repair and 4280
replacement parts for the equipment. 4281

(2) "Facility fee" means any fee charged or billed for 4282
telehealth services provided in a facility that is intended to 4283
compensate the facility for its operational expenses and is 4284
separate and distinct from a professional fee. 4285

(3) "Health care professional" means: 4286

(a) An advanced practice registered nurse, as defined in 4287
section 4723.01 of the Revised Code; 4288

(b) An optometrist licensed under Chapter 4725. of the 4289
Revised Code to practice optometry; 4290

(c) A pharmacist licensed under Chapter 4729. of the 4291
Revised Code; 4292

(d) A physician assistant licensed under Chapter 4730. of 4293
the Revised Code; 4294

(e) A physician licensed under Chapter 4731. of the 4295
Revised Code to practice medicine and surgery, osteopathic 4296
medicine and surgery, or podiatric medicine and surgery; 4297

(f) A psychologist, independent school psychologist, or 4298
school psychologist licensed under Chapter 4732. of the Revised 4299
Code; 4300

(g) A chiropractor licensed under Chapter 4734. of the 4301
Revised Code; 4302

(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	4303 4304
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	4305 4306
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	4307 4308 4309
(k) A professional clinical counselor, independent social worker, independent marriage and family therapist, art therapist, or music therapist licensed under Chapter 4757. of the Revised Code;	4310 4311 4312 4313
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	4314 4315
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	4316 4317
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	4318 4319
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	4320 4321
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code.	4322 4323
(4) "Health care professional licensing board" means any of the following:	4324 4325
(a) The board of nursing;	4326
(b) The state vision professionals board;	4327
(c) The state board of pharmacy;	4328

(d) The state medical board;	4329
(e) The state board of psychology;	4330
(f) The state chiropractic board;	4331
(g) The state speech and hearing professionals board;	4332
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	4333 4334
(i) The counselor, social worker, and marriage and family therapist board;	4335 4336
(j) The chemical dependency professionals board.	4337
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	4338 4339
(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located:	4340 4341 4342 4343 4344
(a) The patient receiving the services;	4345
(b) Another health care professional with whom the provider of the services is consulting regarding the patient.	4346 4347
(B) (1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B) (2) of this section, a board may adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by a board are not subject to the	4348 4349 4350 4351 4352 4353 4354 4355

requirements of division (F) of section 121.95 of the Revised Code. 4356
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(2) (a) Except as provided in division (B) (2) (b) of this section, the rules adopted by a health care professional licensing board under this section shall establish a standard of care for telehealth services that is equal to the standard of care for in-person services. 4358
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(b) Subject to division (B) (2) (c) of this section, a board may require an initial in-person visit prior to prescribing a schedule II controlled substance to a new patient, equivalent to applicable state and federal requirements. 4363
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(c) (i) A board shall not require an initial in-person visit for a new patient whose medical record indicates that the patient is receiving hospice or palliative care, who is receiving medication-assisted treatment or any other medication for opioid-use disorder, who is a patient with a mental health condition, or who, as determined by the clinical judgment of a health care professional, is in an emergency situation. 4367
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(ii) Notwithstanding division (B) of section 3796.01 of the Revised Code, medical marijuana shall not be considered a schedule II controlled substance. 4374
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(C) With respect to the provision of telehealth services, all of the following apply: 4377
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(1) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an initial visit if the appropriate standard of care for an initial visit is satisfied. 4379
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(2) A health care professional may deny a patient telehealth services and, instead, require the patient to undergo 4383
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an in-person visit. 4385

(3) When providing telehealth services in accordance with 4386
this section, a health care professional shall comply with all 4387
requirements under state and federal law regarding the 4388
protection of patient information. A health care professional 4389
shall ensure that any username or password information and any 4390
electronic communications between the professional and a patient 4391
are securely transmitted and stored. 4392

(4) A health care professional may use synchronous or 4393
asynchronous technology to provide telehealth services to a 4394
patient during an annual visit if the appropriate standard of 4395
care for an annual visit is satisfied. 4396

(5) In the case of a health care professional who is a 4397
physician, physician assistant, or advanced practice registered 4398
nurse, both of the following apply: 4399

(a) The professional may provide telehealth services to a 4400
patient located outside of this state if permitted by the laws 4401
of the state in which the patient is located. 4402

(b) The professional may provide telehealth services 4403
through the use of medical devices that enable remote 4404
monitoring, including such activities as monitoring a patient's 4405
blood pressure, heart rate, or glucose level. 4406

(D) When a patient has consented to receiving telehealth 4407
services, the health care professional who provides those 4408
services is not liable in damages under any claim made on the 4409
basis that the services do not meet the same standard of care 4410
that would apply if the services were provided in-person. 4411

(E) (1) A health care professional providing telehealth 4412
services shall not charge a patient or a health plan issuer 4413

covering telehealth services under section 3902.30 of the Revised Code any of the following: a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.

A health care professional providing telehealth services may charge a health plan issuer for durable medical equipment used at a patient or client site.

(2) A health care professional may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred in providing telehealth services as long as a patient is not responsible for any portion of the fee.

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the cost of providing the services, but the requirement to do so applies only once.

(F) Nothing in this section limits or otherwise affects any other provision of the Revised Code that requires a health care professional who is not a physician to practice under the supervision of, in collaboration with, in consultation with, or pursuant to the referral of another health care professional.

(G) It is the intent of the general assembly, through the amendments to this section, to expand access to and investment in telehealth services in this state in congruence with the expansion and investment in telehealth services made during the COVID-19 pandemic.

(H) Reproductive health care and related services may be provided as telehealth services in accordance with this section.

Section 2. That existing sections 109.572, 2305.11, 4443
2317.02, 2919.10, 2919.12, 2953.25, 3701.341, 3701.792, 3702.30, 4444
4112.01, 4112.02, 4729.291, 4731.22, 4731.223, 4731.281, 4445
4731.293, and 4743.09 of the Revised Code are hereby repealed. 4446

Section 3. That sections 2307.54, 2317.56, 2317.561, 4447
2919.101, 2919.124, 2919.171, 2919.19, 2919.191, 2919.192, 4448
2919.193, 2919.194, 2919.195, 2919.196, 2919.197, 2919.198, 4449
2919.199, 2919.1910, 2919.1912, 2919.1913, 2919.20, 2919.201, 4450
2919.202, 2919.203, 2919.204, 2919.205, 3701.79, 3701.791, 4451
3702.302, 3702.303, 3702.304, 3702.305, 3702.306, 3702.307, 4452
3702.308, 3702.309, 3702.3010, 3702.3011, 3726.01, 3726.02, 4453
3726.03, 3726.04, 3726.041, 3726.042, 3726.05, 3726.09, 3726.10, 4454
3726.11, 3726.12, 3726.13, 3726.14, 3726.15, 3726.16, 3726.95, 4455
3726.99, 3727.60, 4717.271, 5101.57, and 5103.11 of the Revised 4456
Code are hereby repealed. 4457

Section 4. That the version of section 5103.11 of the 4458
Revised Code scheduled to take effect January 1, 2025, is hereby 4459
repealed. 4460

Section 5. Section 4 of this act takes effect January 1, 4461
2025. 4462

Section 6. That the version of section 3702.30 of the 4463
Revised Code scheduled to take effect September 30, 2024, be 4464
amended to read as follows: 4465

Sec. 3702.30. (A) As used in this section: 4466

(1) "Ambulatory surgical facility" means a facility in 4467
which surgical services are provided to patients who do not 4468
require hospitalization for inpatient care, the duration of 4469
services for any patient does not extend beyond twenty-four 4470
hours after the patient's admission, and to which any of the 4471

following apply: 4472

(a) The surgical services are provided in a building that 4473
is separate from another building in which inpatient care is 4474
provided, regardless of whether the separate building is part of 4475
the same organization as the building in which inpatient care is 4476
provided. 4477

(b) The surgical services are provided within a building 4478
in which inpatient care is provided and the entity that operates 4479
the portion of the building where the surgical services are 4480
provided is not the entity that operates the remainder of the 4481
building. 4482

(c) The facility is held out to any person or government 4483
entity as an ambulatory surgical facility or similar facility by 4484
means of signage, advertising, or other promotional efforts. 4485

"Ambulatory surgical facility" does not include a hospital 4486
emergency department, hospital provider-based department that is 4487
otherwise licensed under Chapter 3722. of the Revised Code, or 4488
an office of a physician, podiatrist, or dentist. 4489

(2) "Health care facility" means any of the following: 4490

(a) An ambulatory surgical facility; 4491

(b) A freestanding dialysis center; 4492

(c) A freestanding inpatient rehabilitation facility; 4493

(d) A freestanding birthing center; 4494

(e) A freestanding radiation therapy center; 4495

(f) A freestanding or mobile diagnostic imaging center. 4496

(B) By rule adopted in accordance with sections 3702.12 4497
and 3702.13 of the Revised Code, the director of health shall 4498

establish quality standards for health care facilities. The 4499
standards may incorporate accreditation standards or other 4500
quality standards established by any entity recognized by the 4501
director. 4502

In the case of an ambulatory surgical facility, the 4503
standards shall require the ambulatory surgical facility to 4504
maintain an infection control program. The purposes of the 4505
program are to minimize infections and communicable diseases and 4506
facilitate a functional and sanitary environment consistent with 4507
standards of professional practice. To achieve these purposes, 4508
ambulatory surgical facility staff managing the program shall 4509
create and administer a plan designed to prevent, identify, and 4510
manage infections and communicable diseases; ensure that the 4511
program is directed by a qualified professional trained in 4512
infection control; ensure that the program is an integral part 4513
of the ambulatory surgical facility's quality assessment and 4514
performance improvement program; and implement in an expeditious 4515
manner corrective and preventive measures that result in 4516
improvement. 4517

(C) Every ambulatory surgical facility shall require that 4518
each physician who practices at the facility comply with all 4519
relevant provisions in the Revised Code that relate to the 4520
obtaining of informed consent from a patient. 4521

(D) The director shall issue a license to each health care 4522
facility that makes application for a license and demonstrates 4523
to the director that it meets the quality standards established 4524
by the rules adopted under division (B) of this section and 4525
satisfies the informed consent compliance requirements specified 4526
in division (C) of this section. 4527

(E) (1) Except as provided in division ~~(H)~~ (G) of this 4528

section and in section 3702.301 of the Revised Code, no health 4529
care facility shall operate without a license issued under this 4530
section. 4531

The general assembly does not intend for the provisions of 4532
this section or section 3702.301 of the Revised Code that 4533
establish health care facility licensing requirements or 4534
exemptions to have an effect on any third-party payments that 4535
may be available for the services provided by either a licensed 4536
health care facility or an entity exempt from licensure. 4537

(2) If the department of health finds that a physician who 4538
practices at a health care facility is not complying with any 4539
provision of the Revised Code related to the obtaining of 4540
informed consent from a patient, the department shall report its 4541
finding to the state medical board, the physician, and the 4542
health care facility. 4543

(3) Division (E)(2) of this section does not create, and 4544
shall not be construed as creating, a new cause of action or 4545
substantive legal right against a health care facility and in 4546
favor of a patient who allegedly sustains harm as a result of 4547
the failure of the patient's physician to obtain informed 4548
consent from the patient prior to performing a procedure on or 4549
otherwise caring for the patient in the health care facility. 4550

(F) The rules adopted under division (B) of this section 4551
shall include all of the following: 4552

(1) Provisions governing application for, renewal, 4553
suspension, and revocation of a license under this section; 4554

(2) Provisions governing orders issued pursuant to section 4555
3702.32 of the Revised Code for a health care facility to cease 4556
its operations or to prohibit certain types of services provided 4557

by a health care facility; 4558

(3) Provisions governing the imposition under section 4559
3702.32 of the Revised Code of civil penalties for violations of 4560
this section or the rules adopted under this section, including 4561
a scale for determining the amount of the penalties; 4562

(4) Provisions specifying the form inspectors must use 4563
when conducting inspections of ambulatory surgical facilities. 4564

~~(G) An ambulatory surgical facility that performs or 4565
induces abortions shall comply with section 3701.791 of the 4566
Revised Code. 4567~~

~~(H) The following entities are not required to obtain a 4568
license as a freestanding diagnostic imaging center issued under 4569
this section: 4570~~

(1) A hospital registered under section 3701.07 of the 4571
Revised Code that provides diagnostic imaging; 4572

(2) An entity that is reviewed as part of a hospital 4573
accreditation or certification program and that provides 4574
diagnostic imaging; 4575

(3) An ambulatory surgical facility that provides 4576
diagnostic imaging in conjunction with or during any portion of 4577
a surgical procedure. 4578

Section 7. That the existing version of section 3702.30 of 4579
the Revised Code that is scheduled to take effect September 30, 4580
2024, is hereby repealed. 4581

Section 8. Sections 6 and 7 of this act take effect 4582
September 30, 2024. 4583

Section 9. This act shall be known as the Reproductive 4584

Care Act.

4585