

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 376

Representatives Boyd, Sykes

Cosponsors: Representatives Johnson, G., Smith, K., Slesnick, Howse, Lepore-Hagan, Sheehy, Fedor, Bishoff, Celebrezze, Boyce

A BILL

To enact sections 5101.805 and 5101.806 of the 1
Revised Code to require entities funded through 2
the Ohio Parenting and Pregnancy Program to 3
provide only medically accurate information. 4

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

Section 1. That sections 5101.805 and 5101.806 of the 5
Revised Code be enacted to read as follows: 6

Sec. 5101.805. (A) As used in this section and section 7
5101.806 of the Revised Code: 8

(1) "Medically accurate information" means information 9
that is: 10

(a) Verified or supported by the weight of peer-reviewed 11
medical research conducted in compliance with accepted 12
scientific methods; 13

(b) Recognized as medically sound and objective by leading 14
medical organizations with relevant expertise, such as the 15
American medical association, the American congress of 16

obstetricians and gynecologists, the American public health 17
association, the American academy of pediatrics, the American 18
college of physicians, the American academy of family 19
physicians, and the American psychological association; or 20
government agencies such as the United States centers for 21
disease control, the United States food and drug administration, 22
the national cancer institute, and the national institute of 23
health; and scientific advisory groups such as the institute of 24
medicine and the advisory committee on immunization practices; 25
or 26

(c) Recommended by or affirmed in the medical practice 27
guidelines of a nationally recognized accrediting organization. 28

(2) "Funded entity" means an entity funded through the 29
Ohio parenting and pregnancy program established under section 30
5101.804 of the Revised Code. 31

(B) A funded entity shall provide only medically accurate 32
information when providing counseling and other services. 33

Sec. 5101.806. (A) As used in this section, "government 34
attorney" means: 35

(1) The attorney general; 36

(2) The county prosecuting attorney with jurisdiction over 37
the funded entity; 38

(3) The city director of law, township director of law, or 39
legal counsel for a village with jurisdiction over the funded 40
entity. 41

(B) A person served by a funded entity who has reasonable 42
cause to believe that a representative of the entity has failed 43
to comply with division (B) of section 5101.805 of the Revised 44

Code may request any government attorney to bring an action to 45
impose a civil penalty of five hundred dollars for the first 46
failure and one thousand dollars for each subsequent failure. 47

(C) A government attorney shall do the following before 48
bringing an action under division (B) of this section: 49

(1) Provide the funded entity with reasonable notice of 50
noncompliance by informing the entity that it is subject to a 51
civil penalty as provided in division (B) of this section if it 52
does not correct the noncompliance within thirty days from the 53
date the notice is sent to the facility; 54

(2) Require the funded entity to provide to the government 55
attorney new training and informational materials that have 56
removed all references to the information that was not medically 57
accurate information; 58

(3) Verify that the noncompliance was not corrected within 59
the thirty-day period. 60

(D) A civil penalty imposed under this section shall be 61
paid to the state treasurer for deposit into the general revenue 62
fund if the action is brought by the attorney general. If the 63
action is brought by the county prosecuting attorney, the civil 64
penalty shall be paid to the county treasurer for deposit into 65
the county treasury. If the action is brought by a city director 66
of law, township law director, or legal counsel for a village, 67
the civil penalty shall be paid to the general fund of the 68
applicable municipal corporation, township, or village. 69