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Representatives Antonio, Lepore-Hagan

**Cosponsors: Representatives Boggs, Boyd, Clyde, Fedor, Howse, Smith, K., Kelly,
Kent, Miller, Ramos, Sheehy, Strahorn, Sykes, West**

A BILL

To amend sections 2907.29, 3313.60, 3313.6011,
3314.03, 3326.11, 3328.24, and 4729.16 and to
enact sections 1751.49, 3701.049, 3727.61,
3727.611, 3727.612, 3923.86, 4729.47, 4729.48,
4729.49 and 5164.7512 of the Revised Code
regarding coverage for prescription
contraceptive drugs and devices, the provision
of certain hospital and pregnancy prevention
services for victims of sexual assault, the
dispensing of hormonal contraceptives to adults
without a prescription, and comprehensive sexual
health and sexually transmitted infection
education in schools.

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

Section 1. That sections 2907.29, 3313.60, 3313.6011,
3314.03, 3326.11, 3328.24, and 4729.16 be amended and sections
1751.49, 3701.049, 3727.61, 3727.611, 3727.612, 3923.86,
4729.47, 4729.48, 4729.49 and 5164.7512 of the Revised Code be
enacted to read as follows:

Sec. 1751.49. (A) Notwithstanding section 3901.71 of the 19
Revised Code, no individual or group health insuring corporation 20
policy, contract, or agreement that is delivered, issued for 21
delivery, or renewed in this state shall do any of the 22
following: 23

(1) Limit or exclude coverage for prescription 24
contraceptive drugs or devices approved by the United States 25
food and drug administration if the policy, contract, or 26
agreement provides coverage for other prescription drugs or 27
devices; 28

(2) Limit or exclude coverage for physician-directed 29
outpatient services that are related to prescription 30
contraceptive drugs or devices, if the policy, contract, or 31
agreement provides coverage for other outpatient services 32
rendered by a provider; 33

(3) Limit or exclude coverage for male sterilization if 34
the policy, contract, or agreement provides coverage for other 35
outpatient services rendered by a provider. 36

(4) (a) Except as provided in division (A) (4) (b) of this 37
section, limit or exclude coverage for contraceptive drugs and 38
devices approved by the United States food and drug 39
administration and available without a prescription under 40
section 4729.48 of the Revised Code. 41

(b) A policy, contract, or agreement may limit both of the 42
following: 43

(i) Point-of-sale coverage under division (A) (4) (a) of 44
this section to only in-network pharmacies; 45

(ii) The frequency of coverage offered under division (A) 46
(4) (a) of this section. 47

(5) (a) Except as provided in division (A) (5) (b) of this 48
section, impose a copayment or deductible requirement for the 49
coverage specified in division (A) (1), (2), (3), or (4) of this 50
section. 51

(b) A policy, contract, or agreement may impose a 52
copayment or deductible requirement for a contraceptive drug or 53
device described in division (A) (1) of this section if, 54
according to the United States food and drug administration, the 55
drug or device is therapeutically equivalent to another 56
contraceptive drug or device that is available without such a 57
requirement under the same policy, contract, or agreement. 58

(6) (a) Except as provided in division (A) (6) (b) of this 59
section, impose a prior authorization requirement for a 60
prescription contraceptive drug or device that is approved by 61
the United States food and drug administration and is either of 62
the following: 63

(i) An intrauterine device; 64

(ii) An implantable rod. 65

(b) Division (A) (6) (a) of this section does not apply to a 66
contraceptive drug or device for which the United States food 67
and drug administration has issued a warning on the drug or 68
device's label calling attention to serious or life-threatening 69
risks, commonly referred to as a "black box warning." 70

(c) As used in division (A) (6) (a) of this section, "prior 71
authorization requirement" has the same meaning as in section 72
1751.72 of the Revised Code. 73

(B) Except as provided in divisions (B) (1) and (2) of this 74
section and notwithstanding section 3901.71 of the Revised Code, 75
an individual or group health insuring corporation policy, 76

contract, or agreement that is delivered, issued for delivery, 77
or renewed in this state shall provide coverage for a single 78
dispensing to an enrollee of a six-month supply of a 79
contraceptive described in division (A) (1) or (4) of this 80
section. 81

(1) A policy, contract, or agreement may provide coverage 82
for a supply of contraceptives that is less than a six-month 83
supply if a six-month supply would extend beyond the policy, 84
contract, or plan year. 85

(2) A policy, contract, or agreement shall cover a single 86
dispensing to an enrollee of a two-month supply under the 87
initial prescription for the contraceptive. 88

(3) Division (B) (1) of this section does not apply to the 89
first two-month supply of a contraceptive dispensed to an 90
enrollee under the initial prescription for the contraceptive or 91
any subsequent prescription for a contraceptive that is 92
different than the last contraceptive dispensed to the enrollee. 93

Sec. 2907.29. Every hospital of this state that offers 94
organized emergency services shall provide that a physician, a 95
physician assistant, a clinical nurse specialist, a certified 96
nurse practitioner, or a certified nurse-midwife is available on 97
call twenty-four hours each day for the examination of persons 98
reported to any law enforcement agency to be victims of sexual 99
offenses cognizable as violations of any provision of sections 100
2907.02 to 2907.06 of the Revised Code. The physician, physician 101
assistant, clinical nurse specialist, certified nurse 102
practitioner, or certified nurse-midwife, upon the request of 103
any peace officer or prosecuting attorney and with the consent 104
of the reported victim or upon the request of the reported 105
victim, shall examine the person for the purposes of gathering 106

physical evidence and shall complete any written documentation 107
of the physical examination. The director of health shall 108
establish procedures for gathering evidence under this section. 109

Each reported victim shall be informed of available 110
~~venereal disease~~ sexually transmitted infection, pregnancy, 111
medical, and psychiatric services in accordance with section 112
3727.611 of the Revised Code. 113

Notwithstanding any other provision of law, a minor may 114
consent to examination under this section. The consent is not 115
subject to disaffirmance because of minority, and consent of the 116
parent, parents, or guardian of the minor is not required for an 117
examination under this section. However, the hospital shall give 118
written notice to the parent, parents, or guardian of a minor 119
that an examination under this section has taken place. The 120
parent, parents, or guardian of a minor giving consent under 121
this section are not liable for payment for any services 122
provided under this section without their consent. 123

Sec. 3313.60. Notwithstanding division (D) of section 124
3311.52 of the Revised Code, divisions (A) to (E) of this 125
section do not apply to any cooperative education school 126
district established pursuant to divisions (A) to (C) of section 127
3311.52 of the Revised Code. 128

(A) The board of education of each city, exempted village, 129
and local school district and the board of each cooperative 130
education school district established, pursuant to section 131
3311.521 of the Revised Code, shall prescribe a curriculum for 132
all schools under its control. Except as provided in division 133
(E) of this section, in any such curriculum there shall be 134
included the study of the following subjects: 135

(1) The language arts, including reading, writing,	136
spelling, oral and written English, and literature;	137
(2) Geography, the history of the United States and of	138
Ohio, and national, state, and local government in the United	139
States, including a balanced presentation of the relevant	140
contributions to society of men and women of African, Mexican,	141
Puerto Rican, and American Indian descent as well as other	142
ethnic and racial groups in Ohio and the United States;	143
(3) Mathematics;	144
(4) Natural science, including instruction in the	145
conservation of natural resources;	146
(5) Health education, which shall include instruction in:	147
(a) The nutritive value of foods, including natural and	148
organically produced foods, the relation of nutrition to health,	149
and the use and effects of food additives;	150
(b) The harmful effects of and legal restrictions against	151
the use of drugs of abuse, alcoholic beverages, and tobacco;	152
(c) Venereal disease <u>Sexually transmitted infection</u>	153
<u>prevention education, including HIV/AIDS prevention education in</u>	154
<u>accordance with section 3313.6011 of the Revised Code, except</u>	155
<u>that upon written request of the student's parent or guardian, a</u>	156
<u>student shall be excused from taking instruction in venereal</u>	157
<u>disease education; sexually transmitted infection prevention</u>	158
<u>education. Instruction shall stress abstinence but shall not</u>	159
<u>exclude other instruction and materials on contraceptive methods</u>	160
<u>and infection reduction measures.</u>	161
(d) In grades kindergarten through six, instruction in	162
personal safety and assault prevention, except that upon written	163

request of the student's parent or guardian, a student shall be 164
excused from taking instruction in personal safety and assault 165
prevention; 166

(e) In grades seven through twelve, age-appropriate 167
instruction in dating violence prevention education, which shall 168
include instruction in recognizing dating violence warning signs 169
and characteristics of healthy relationships. 170

In order to assist school districts in developing a dating 171
violence prevention education curriculum, the department of 172
education shall provide on its web site links to free curricula 173
addressing dating violence prevention. 174

If the parent or legal guardian of a student less than 175
eighteen years of age submits to the principal of the student's 176
school a written request to examine the dating violence 177
prevention instruction materials used at that school, the 178
principal, within a reasonable period of time after the request 179
is made, shall allow the parent or guardian to examine those 180
materials at that school. 181

(f) Prescription opioid abuse prevention, with an emphasis 182
on the prescription drug epidemic and the connection between 183
prescription opioid abuse and addiction to other drugs, such as 184
heroin; 185

(g) The process of making an anatomical gift under Chapter 186
2108. of the Revised Code, with an emphasis on the life-saving 187
and life-enhancing effects of organ and tissue donation. 188

(6) Physical education; 189

(7) The fine arts, including music; 190

(8) First aid, including a training program in 191

cardiopulmonary resuscitation, which shall comply with section 192
3313.6021 of the Revised Code when offered in any of grades nine 193
through twelve, safety, and fire prevention. However, upon 194
written request of the student's parent or guardian, a student 195
shall be excused from taking instruction in cardiopulmonary 196
resuscitation. 197

(B) Except as provided in division (E) of this section, 198
every school or school district shall include in the 199
requirements for promotion from the eighth grade to the ninth 200
grade one year's course of study of American history. A board 201
may waive this requirement for academically accelerated students 202
who, in accordance with procedures adopted by the board, are 203
able to demonstrate mastery of essential concepts and skills of 204
the eighth grade American history course of study. 205

(C) As specified in divisions (B) (6) and (C) (6) of section 206
3313.603 of the Revised Code, except as provided in division (E) 207
of this section, every high school shall include in the 208
requirements for graduation from any curriculum one-half unit 209
each of American history and government. 210

(D) Except as provided in division (E) of this section, 211
basic instruction or demonstrated mastery in geography, United 212
States history, the government of the United States, the 213
government of the state of Ohio, local government in Ohio, the 214
Declaration of Independence, the United States Constitution, and 215
the Constitution of the state of Ohio shall be required before 216
pupils may participate in courses involving the study of social 217
problems, economics, foreign affairs, United Nations, world 218
government, socialism, and communism. 219

(E) For each cooperative education school district 220
established pursuant to section 3311.521 of the Revised Code and 221

each city, exempted village, and local school district that has 222
territory within such a cooperative district, the curriculum 223
adopted pursuant to divisions (A) to (D) of this section shall 224
only include the study of the subjects that apply to the grades 225
operated by each such school district. The curriculums for such 226
schools, when combined, shall provide to each student of these 227
districts all of the subjects required under divisions (A) to 228
(D) of this section. 229

(F) The board of education of any cooperative education 230
school district established pursuant to divisions (A) to (C) of 231
section 3311.52 of the Revised Code shall prescribe a curriculum 232
for the subject areas and grade levels offered in any school 233
under its control. 234

(G) Upon the request of any parent or legal guardian of a 235
student, the board of education of any school district shall 236
permit the parent or guardian to promptly examine, with respect 237
to the parent's or guardian's own child: 238

(1) Any survey or questionnaire, prior to its 239
administration to the child; 240

(2) Any textbook, workbook, software, video, or other 241
instructional materials being used by the district in connection 242
with the instruction of the child; 243

(3) Any completed and graded test taken or survey or 244
questionnaire filled out by the child; 245

(4) Copies of the statewide academic standards and each 246
model curriculum developed pursuant to section 3301.079 of the 247
Revised Code, which copies shall be available at all times 248
during school hours in each district school building. 249

Sec. 3313.6011. (A) As used in this section, ~~"sexual"~~ 250

activity" has the same meaning as in section 2907.01 of the
Revised Code.

(B) Instruction in venereal disease education pursuant to
division (A) (5) (c) of section 3313.60 of the Revised Code shall
emphasize that abstinence from sexual activity is the only
protection that is one hundred per cent effective against
unwanted pregnancy, sexually transmitted disease, and the sexual
transmission of a virus that causes acquired immunodeficiency
syndrome.

(C) In adopting minimum standards under section 3301.07 of
the Revised Code, the state board of education shall require
course material and instruction in venereal disease education
courses taught pursuant to division (A) (5) (c) of section 3313.60
of the Revised Code to do all of the following:

(1) Stress that students should abstain from sexual
activity until after marriage;

(2) Teach the potential physical, psychological,
emotional, and social side effects of participating in sexual
activity outside of marriage;

(3) Teach that conceiving children out of wedlock is
likely to have harmful consequences for the child, the child's
parents, and society;

(4) Stress that sexually transmitted diseases are serious
possible hazards of sexual activity;

(5) Advise students of the laws pertaining to financial
responsibility of parents to children born in and out of
wedlock;

(6) Advise students of the circumstances under which it is

~~criminal to have sexual contact with a person under the age of~~ 279
~~sixteen pursuant to section 2907.04 of the Revised Code;~~ 280

~~(7) Emphasize adoption as an option for unintended~~ 281
~~pregnancies.~~ 282

~~(D) -:~~ 283

(1) "Age-appropriate" means appropriate for a pupil based 284
on the social, cognitive, and emotional level of the pupil. 285

(2) "Comprehensive sexual health education" means 286
education regarding human development and sexuality that 287
includes education on sexual health, family planning, and 288
sexually transmitted infections. 289

(3) "HIV/AIDS prevention education" means instruction on 290
the nature of HIV/AIDS, methods of transmission, strategies to 291
reduce the risk of HIV infection, and social and public health 292
issues related to HIV/AIDS. "HIV/AIDS prevention education" is 293
not comprehensive sexual health education. 294

(4) "Instructors trained in the appropriate courses" means 295
instructors with knowledge of the most recent medically and 296
scientifically accurate research on human sexuality, pregnancy, 297
and sexually transmitted infections. 298

(5) "Medically and scientifically accurate" means verified 299
or supported by research conducted in compliance with scientific 300
methods and published in peer-reviewed journals, where 301
appropriate, and recognized as accurate and objective by 302
professional organizations and agencies with expertise in the 303
relevant field, such as the United States centers for disease 304
control and prevention and the American college of obstetricians 305
and gynecologists. 306

(B) Any school district or educational service center may 307
offer comprehensive sexual health education. Beginning on the 308
first day of August immediately following the effective date of 309
this amendment, each school district and educational service 310
center that elects to offer comprehensive sexual health 311
education shall ensure that the program meets all of the 312
following requirements: 313

(1) Instruction and materials shall be age-appropriate. 314

(2) All factual information shall be medically and 315
scientifically accurate. 316

(3) Instruction and materials shall be appropriate for use 317
with all pupils regardless of gender, race, ethnic and cultural 318
background, religion, disability, sexual orientation, or gender 319
identity. 320

(4) Instruction and materials shall encourage pupils to 321
communicate with their parents or guardians about human 322
sexuality. 323

(5) Instruction and materials shall teach all of the 324
following: 325

(a) That abstinence from sexual activity is the only 326
certain way to avoid pregnancy, sexually transmitted infections, 327
and other associated health problems; 328

(b) That bearing children outside of a committed 329
relationship is likely to have consequences for the child, the 330
child's parents, and society; 331

(c) How, as young people, to effectively reject sexual 332
advances and how alcohol and drug use increases vulnerability to 333
sexual advances; 334

(d) The importance of attaining self-sufficiency before 335
engaging in sexual activity. 336

(6) Instruction and materials shall stress abstinence but 337
shall not exclude other instruction and materials on 338
contraceptive methods and infection reduction measures. 339

(7) If age-appropriate, instruction and materials shall 340
provide information about the effectiveness and safety, 341
including the health benefits and side effects, of all 342
contraceptive methods in preventing unintended pregnancy and 343
reducing the risk of contracting sexually transmitted 344
infections. 345

(8) Instruction about sexually transmitted infections 346
shall commence not later than grade seven. The instruction shall 347
include information on how sexually transmitted infections are 348
and are not transmitted, the effectiveness and methods of 349
reducing the risk of contracting sexually transmitted 350
infections, and identification of local resources for testing 351
and medical care for sexually transmitted infections and HIV. 352

(9) If age-appropriate, instruction and materials shall 353
provide pupils with skills for negotiating intimate 354
relationships and making and implementing responsible decisions 355
about sexuality. 356

(10) If age-appropriate, instruction and materials shall 357
include a discussion of the possible emotional, physical, and 358
psychological consequences of preadolescent and adolescent 359
sexual activity and the emotional, physical, and psychological 360
consequences of unintended pregnancy. 361

(11) Instruction and materials shall teach pupils to 362
recognize unwanted physical and verbal sexual advances, not to 363

make unwanted physical and verbal sexual advances, and how to 364
effectively reject unwanted sexual advances. The instruction and 365
materials shall cover verbal, physical, and visual sexual 366
harassment, including nonconsensual physical sexual contact and 367
rape by an acquaintance or family member. The course information 368
and materials shall emphasize personal accountability and 369
respect for others and shall encourage youth to resist peer 370
pressure. 371

(12) Comprehensive sexual health education shall not 372
include any instruction or materials that teach or promote 373
religious doctrine. 374

A school district or educational service center may use 375
separate, outside speakers or prepared curricula to teach 376
different content areas or units with the comprehensive sexual 377
health education program, as long as all speakers, curricula, 378
and materials used comply with this section. 379

(C) Each city, local, exempted village, and joint 380
vocational school district shall ensure that each pupil in 381
grades seven through twelve receives HIV/AIDS prevention 382
education from instructors trained in the appropriate courses. 383
Each pupil shall receive this instruction at least once in 384
grades seven through nine, and at least once in grades ten 385
through twelve. HIV/AIDS prevention education, whether taught by 386
school district personnel or outside consultants, shall 387
accurately reflect the latest information and recommendations 388
from the United States surgeon general, the United States 389
centers for disease control and prevention, and the national 390
academy of sciences, and shall include all of the following: 391

(1) Information on the nature of HIV/AIDS and its effects 392
on the human body; 393

(2) Information on the manner in which HIV is and is not 394
transmitted, including information on activities that present 395
the highest risk of HIV infection; 396

(3) Discussion of methods to reduce the risk of HIV 397
infection, which shall emphasize that sexual abstinence, 398
monogamy, and the avoidance of multiple sexual partners, and 399
abstinence from intravenous drug use, are the most effective 400
means for HIV/AIDS prevention, but shall also include statistics 401
based upon the latest medical information citing the success and 402
failure rates of condoms and other contraceptives in preventing 403
sexually transmitted HIV infection, as well as information on 404
other methods that may reduce the risk of HIV transmission from 405
intravenous drug use; 406

(4) Discussion of the public health issues associated with 407
HIV/AIDS; 408

(5) Information on local resources for HIV testing and 409
medical care; 410

(6) Instruction and materials that provide pupils with 411
skills for negotiating intimate relationships and making and 412
implementing responsible decisions about sexuality; 413

(7) Discussion about societal views on HIV/AIDS, including 414
stereotypes and myths regarding persons with HIV/AIDS, which 415
shall emphasize an understanding of the condition and its impact 416
on people's lives; 417

(8) Instruction and materials that teach pupils to 418
recognize unwanted physical and verbal sexual advances, not to 419
make unwanted physical and verbal sexual advances, and how to 420
effectively reject unwanted sexual advances. The instruction and 421
materials shall cover verbal, physical, and visual sexual 422

harassment, including nonconsensual physical sexual contact and 423
rape by an acquaintance or family member. The course information 424
and materials shall emphasize personal accountability and 425
respect for others and shall encourage youth to resist peer 426
pressure. 427

(D) Each school district and educational service center 428
shall cooperatively plan and provide, through regional planning, 429
joint powers agreements, or contract services, in-service 430
training for all school district personnel who provide 431
comprehensive sexual health education or HIV/AIDS prevention 432
education. In doing so, each district and service center shall 433
consult with the department of education. 434

The in-service training shall be conducted periodically to 435
enable district and service center personnel to learn new 436
developments in the scientific understanding of sexual health 437
and HIV/AIDS. The in-service training shall be voluntary for 438
district and service center personnel who have demonstrated 439
expertise or received in-service training from the department or 440
the United States centers for disease control and prevention. 441

A district or service center may contract with outside 442
consultants with expertise in comprehensive sexual health 443
education and HIV/AIDS prevention education, including those who 444
have developed multilingual curricula or curricula accessible to 445
persons with disabilities, to deliver the in-service training to 446
district or service center personnel. 447

(E) At the beginning of each school year, or at the time 448
of enrollment in the case of a pupil who enrolls after the 449
beginning of the school year, each school district shall notify 450
the parent or guardian of each pupil about instruction in 451
comprehensive sexual health education and HIV/AIDS prevention 452

education and about research on pupil health behaviors and 453
health risks planned for that year. The notice shall advise 454
parents and guardians of all of the following: 455

(1) That written and audio-visual educational materials 456
used in comprehensive sexual health education and HIV/AIDS 457
prevention education are available for inspection; 458

(2) Whether comprehensive sexual health education or 459
HIV/AIDS prevention education will be taught by school district 460
personnel or by outside consultants; 461

(3) That a parent or guardian may request a copy of this 462
section; 463

(4) That a parent or guardian may request in writing that 464
the child not receive comprehensive sexual health education or 465
HIV/AIDS prevention education. 466

A school district or educational service center shall not 467
permit a pupil to attend any class in comprehensive sexual 468
health education or HIV/AIDS prevention education if the school 469
has received a written request from the pupil's parent or 470
guardian excusing the pupil from participation. A pupil who is 471
so excused shall not be subject to disciplinary action, academic 472
penalty, or other sanction, and the district or service center 473
shall make an alternative educational activity available for the 474
pupil while comprehensive sexual health education or HIV/AIDS 475
prevention education is conducted. 476

Each school district and educational service center shall 477
make written and audio-visual educational materials used in 478
comprehensive sexual health education and HIV/AIDS prevention 479
education available for inspection by the parents and guardians 480
of pupils. Each school district shall provide a copy of this 481

section upon request to the parent or guardian of a pupil 482
enrolled in the district. 483

(F) Any model education program for health education the 484
state board of education adopts shall conform to the 485
requirements of this section. 486

~~(E) On and after March 18, 1999, and notwithstanding (G)~~ 487
If a school district or educational service center does not 488
elect to offer comprehensive sexual health education under this 489
section, any sexual education that the school district or 490
educational service center offers, including instruction in 491
sexually transmitted infection prevention pursuant to division 492
(A) (5) (c) of section 3313.60 of the Revised Code, shall stress 493
abstinence but shall not exclude other instruction and materials 494
on contraceptive methods and infection reduction measures. 495

(H) Notwithstanding section 3302.07 of the Revised Code, 496
the superintendent of public instruction shall not approve, 497
pursuant to that ~~section 3302.07 of the Revised Code~~, any waiver 498
of any requirement of this section or of any rule adopted by the 499
state board of education pursuant to this section. 500

Sec. 3314.03. A copy of every contract entered into under 501
this section shall be filed with the superintendent of public 502
instruction. The department of education shall make available on 503
its web site a copy of every approved, executed contract filed 504
with the superintendent under this section. 505

(A) Each contract entered into between a sponsor and the 506
governing authority of a community school shall specify the 507
following: 508

(1) That the school shall be established as either of the 509
following: 510

- (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;
- (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.
- (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;
- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;
- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;
- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;
- (6) (a) Dismissal procedures;
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.
- (7) The ways by which the school will achieve racial and

ethnic balance reflective of the community it serves; 539

(8) Requirements for financial audits by the auditor of 540
state. The contract shall require financial records of the 541
school to be maintained in the same manner as are financial 542
records of school districts, pursuant to rules of the auditor of 543
state. Audits shall be conducted in accordance with section 544
117.10 of the Revised Code. 545

(9) An addendum to the contract outlining the facilities 546
to be used that contains at least the following information: 547

(a) A detailed description of each facility used for 548
instructional purposes; 549

(b) The annual costs associated with leasing each facility 550
that are paid by or on behalf of the school; 551

(c) The annual mortgage principal and interest payments 552
that are paid by the school; 553

(d) The name of the lender or landlord, identified as 554
such, and the lender's or landlord's relationship to the 555
operator, if any. 556

(10) Qualifications of teachers, including a requirement 557
that the school's classroom teachers be licensed in accordance 558
with sections 3319.22 to 3319.31 of the Revised Code, except 559
that a community school may engage noncertificated persons to 560
teach up to twelve hours per week pursuant to section 3319.301 561
of the Revised Code. 562

(11) That the school will comply with the following 563
requirements: 564

(a) The school will provide learning opportunities to a 565
minimum of twenty-five students for a minimum of nine hundred 566

twenty hours per school year. 567

(b) The governing authority will purchase liability 568
insurance, or otherwise provide for the potential liability of 569
the school. 570

(c) The school will be nonsectarian in its programs, 571
admission policies, employment practices, and all other 572
operations, and will not be operated by a sectarian school or 573
religious institution. 574

(d) The school will comply with sections 9.90, 9.91, 575
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 576
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 577
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 578
3313.6011, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 579
3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 580
3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 581
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 582
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 583
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 584
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 585
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 586
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 587
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 588
it were a school district and will comply with section 3301.0714 589
of the Revised Code in the manner specified in section 3314.17 590
of the Revised Code. 591

(e) The school shall comply with Chapter 102. and section 592
2921.42 of the Revised Code. 593

(f) The school will comply with sections 3313.61, 594
3313.611, and 3313.614 of the Revised Code, except that for 595

students who enter ninth grade for the first time before July 1, 596
2010, the requirement in sections 3313.61 and 3313.611 of the 597
Revised Code that a person must successfully complete the 598
curriculum in any high school prior to receiving a high school 599
diploma may be met by completing the curriculum adopted by the 600
governing authority of the community school rather than the 601
curriculum specified in Title XXXIII of the Revised Code or any 602
rules of the state board of education. Beginning with students 603
who enter ninth grade for the first time on or after July 1, 604
2010, the requirement in sections 3313.61 and 3313.611 of the 605
Revised Code that a person must successfully complete the 606
curriculum of a high school prior to receiving a high school 607
diploma shall be met by completing the requirements prescribed 608
in division (C) of section 3313.603 of the Revised Code, unless 609
the person qualifies under division (D) or (F) of that section. 610
Each school shall comply with the plan for awarding high school 611
credit based on demonstration of subject area competency, and 612
beginning with the 2017-2018 school year, with the updated plan 613
that permits students enrolled in seventh and eighth grade to 614
meet curriculum requirements based on subject area competency 615
adopted by the state board of education under divisions (J) (1) 616
and (2) of section 3313.603 of the Revised Code. 617

(g) The school governing authority will submit within four 618
months after the end of each school year a report of its 619
activities and progress in meeting the goals and standards of 620
divisions (A) (3) and (4) of this section and its financial 621
status to the sponsor and the parents of all students enrolled 622
in the school. 623

(h) The school, unless it is an internet- or computer- 624
based community school, will comply with section 3313.801 of the 625
Revised Code as if it were a school district. 626

(i) If the school is the recipient of moneys from a grant 627
awarded under the federal race to the top program, Division (A), 628
Title XIV, Sections 14005 and 14006 of the "American Recovery 629
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 630
the school will pay teachers based upon performance in 631
accordance with section 3317.141 and will comply with section 632
3319.111 of the Revised Code as if it were a school district. 633

(j) If the school operates a preschool program that is 634
licensed by the department of education under sections 3301.52 635
to 3301.59 of the Revised Code, the school shall comply with 636
sections 3301.50 to 3301.59 of the Revised Code and the minimum 637
standards for preschool programs prescribed in rules adopted by 638
the state board under section 3301.53 of the Revised Code. 639

(k) The school will comply with sections 3313.6021 and 640
3313.6023 of the Revised Code as if it were a school district 641
unless it is either of the following: 642

(i) An internet- or computer-based community school; 643

(ii) A community school in which a majority of the 644
enrolled students are children with disabilities as described in 645
division (A) (4) (b) of section 3314.35 of the Revised Code. 646

(12) Arrangements for providing health and other benefits 647
to employees; 648

(13) The length of the contract, which shall begin at the 649
beginning of an academic year. No contract shall exceed five 650
years unless such contract has been renewed pursuant to division 651
(E) of this section. 652

(14) The governing authority of the school, which shall be 653
responsible for carrying out the provisions of the contract; 654

(15) A financial plan detailing an estimated school budget 655
for each year of the period of the contract and specifying the 656
total estimated per pupil expenditure amount for each such year. 657

(16) Requirements and procedures regarding the disposition 658
of employees of the school in the event the contract is 659
terminated or not renewed pursuant to section 3314.07 of the 660
Revised Code; 661

(17) Whether the school is to be created by converting all 662
or part of an existing public school or educational service 663
center building or is to be a new start-up school, and if it is 664
a converted public school or service center building, 665
specification of any duties or responsibilities of an employer 666
that the board of education or service center governing board 667
that operated the school or building before conversion is 668
delegating to the governing authority of the community school 669
with respect to all or any specified group of employees provided 670
the delegation is not prohibited by a collective bargaining 671
agreement applicable to such employees; 672

(18) Provisions establishing procedures for resolving 673
disputes or differences of opinion between the sponsor and the 674
governing authority of the community school; 675

(19) A provision requiring the governing authority to 676
adopt a policy regarding the admission of students who reside 677
outside the district in which the school is located. That policy 678
shall comply with the admissions procedures specified in 679
sections 3314.06 and 3314.061 of the Revised Code and, at the 680
sole discretion of the authority, shall do one of the following: 681

(a) Prohibit the enrollment of students who reside outside 682
the district in which the school is located; 683

(b) Permit the enrollment of students who reside in 684
districts adjacent to the district in which the school is 685
located; 686

(c) Permit the enrollment of students who reside in any 687
other district in the state. 688

(20) A provision recognizing the authority of the 689
department of education to take over the sponsorship of the 690
school in accordance with the provisions of division (C) of 691
section 3314.015 of the Revised Code; 692

(21) A provision recognizing the sponsor's authority to 693
assume the operation of a school under the conditions specified 694
in division (B) of section 3314.073 of the Revised Code; 695

(22) A provision recognizing both of the following: 696

(a) The authority of public health and safety officials to 697
inspect the facilities of the school and to order the facilities 698
closed if those officials find that the facilities are not in 699
compliance with health and safety laws and regulations; 700

(b) The authority of the department of education as the 701
community school oversight body to suspend the operation of the 702
school under section 3314.072 of the Revised Code if the 703
department has evidence of conditions or violations of law at 704
the school that pose an imminent danger to the health and safety 705
of the school's students and employees and the sponsor refuses 706
to take such action. 707

(23) A description of the learning opportunities that will 708
be offered to students including both classroom-based and non- 709
classroom-based learning opportunities that is in compliance 710
with criteria for student participation established by the 711
department under division (H) (2) of section 3314.08 of the 712

Revised Code; 713

(24) The school will comply with sections 3302.04 and 714
3302.041 of the Revised Code, except that any action required to 715
be taken by a school district pursuant to those sections shall 716
be taken by the sponsor of the school. However, the sponsor 717
shall not be required to take any action described in division 718
(F) of section 3302.04 of the Revised Code. 719

(25) Beginning in the 2006-2007 school year, the school 720
will open for operation not later than the thirtieth day of 721
September each school year, unless the mission of the school as 722
specified under division (A) (2) of this section is solely to 723
serve dropouts. In its initial year of operation, if the school 724
fails to open by the thirtieth day of September, or within one 725
year after the adoption of the contract pursuant to division (D) 726
of section 3314.02 of the Revised Code if the mission of the 727
school is solely to serve dropouts, the contract shall be void. 728

(26) Whether the school's governing authority is planning 729
to seek designation for the school as a STEM school equivalent 730
under section 3326.032 of the Revised Code; 731

(27) That the school's attendance and participation 732
policies will be available for public inspection; 733

(28) That the school's attendance and participation 734
records shall be made available to the department of education, 735
auditor of state, and school's sponsor to the extent permitted 736
under and in accordance with the "Family Educational Rights and 737
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 738
and any regulations promulgated under that act, and section 739
3319.321 of the Revised Code; 740

(29) If a school operates using the blended learning 741

model, as defined in section 3301.079 of the Revised Code, all 742
of the following information: 743

(a) An indication of what blended learning model or models 744
will be used; 745

(b) A description of how student instructional needs will 746
be determined and documented; 747

(c) The method to be used for determining competency, 748
granting credit, and promoting students to a higher grade level; 749

(d) The school's attendance requirements, including how 750
the school will document participation in learning 751
opportunities; 752

(e) A statement describing how student progress will be 753
monitored; 754

(f) A statement describing how private student data will 755
be protected; 756

(g) A description of the professional development 757
activities that will be offered to teachers. 758

(30) A provision requiring that all moneys the school's 759
operator loans to the school, including facilities loans or cash 760
flow assistance, must be accounted for, documented, and bear 761
interest at a fair market rate; 762

(31) A provision requiring that, if the governing 763
authority contracts with an attorney, accountant, or entity 764
specializing in audits, the attorney, accountant, or entity 765
shall be independent from the operator with which the school has 766
contracted. 767

(B) The community school shall also submit to the sponsor 768

a comprehensive plan for the school. The plan shall specify the 769
following: 770

(1) The process by which the governing authority of the 771
school will be selected in the future; 772

(2) The management and administration of the school; 773

(3) If the community school is a currently existing public 774
school or educational service center building, alternative 775
arrangements for current public school students who choose not 776
to attend the converted school and for teachers who choose not 777
to teach in the school or building after conversion; 778

(4) The instructional program and educational philosophy 779
of the school; 780

(5) Internal financial controls. 781

When submitting the plan under this division, the school 782
shall also submit copies of all policies and procedures 783
regarding internal financial controls adopted by the governing 784
authority of the school. 785

(C) A contract entered into under section 3314.02 of the 786
Revised Code between a sponsor and the governing authority of a 787
community school may provide for the community school governing 788
authority to make payments to the sponsor, which is hereby 789
authorized to receive such payments as set forth in the contract 790
between the governing authority and the sponsor. The total 791
amount of such payments for monitoring, oversight, and technical 792
assistance of the school shall not exceed three per cent of the 793
total amount of payments for operating expenses that the school 794
receives from the state. 795

(D) The contract shall specify the duties of the sponsor 796

which shall be in accordance with the written agreement entered 797
into with the department of education under division (B) of 798
section 3314.015 of the Revised Code and shall include the 799
following: 800

(1) Monitor the community school's compliance with all 801
laws applicable to the school and with the terms of the 802
contract; 803

(2) Monitor and evaluate the academic and fiscal 804
performance and the organization and operation of the community 805
school on at least an annual basis; 806

(3) Report on an annual basis the results of the 807
evaluation conducted under division (D) (2) of this section to 808
the department of education and to the parents of students 809
enrolled in the community school; 810

(4) Provide technical assistance to the community school 811
in complying with laws applicable to the school and terms of the 812
contract; 813

(5) Take steps to intervene in the school's operation to 814
correct problems in the school's overall performance, declare 815
the school to be on probationary status pursuant to section 816
3314.073 of the Revised Code, suspend the operation of the 817
school pursuant to section 3314.072 of the Revised Code, or 818
terminate the contract of the school pursuant to section 3314.07 819
of the Revised Code as determined necessary by the sponsor; 820

(6) Have in place a plan of action to be undertaken in the 821
event the community school experiences financial difficulties or 822
closes prior to the end of a school year. 823

(E) Upon the expiration of a contract entered into under 824
this section, the sponsor of a community school may, with the 825

approval of the governing authority of the school, renew that 826
contract for a period of time determined by the sponsor, but not 827
ending earlier than the end of any school year, if the sponsor 828
finds that the school's compliance with applicable laws and 829
terms of the contract and the school's progress in meeting the 830
academic goals prescribed in the contract have been 831
satisfactory. Any contract that is renewed under this division 832
remains subject to the provisions of sections 3314.07, 3314.072, 833
and 3314.073 of the Revised Code. 834

(F) If a community school fails to open for operation 835
within one year after the contract entered into under this 836
section is adopted pursuant to division (D) of section 3314.02 837
of the Revised Code or permanently closes prior to the 838
expiration of the contract, the contract shall be void and the 839
school shall not enter into a contract with any other sponsor. A 840
school shall not be considered permanently closed because the 841
operations of the school have been suspended pursuant to section 842
3314.072 of the Revised Code. 843

Sec. 3326.11. Each science, technology, engineering, and 844
mathematics school established under this chapter and its 845
governing body shall comply with sections 9.90, 9.91, 109.65, 846
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 847
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 848
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 849
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 850
3313.608, 3313.6011, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 851
3313.6020, 3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 852
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 853
3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 854
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 855
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 856

3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 857
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 858
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 859
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 860
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 861
4123., 4141., and 4167. of the Revised Code as if it were a 862
school district. 863

Sec. 3328.24. A college-preparatory boarding school 864
established under this chapter and its board of trustees shall 865
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 866
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6011, 3313.6013, 867
3313.6021, 3313.6411, 3313.7112, 3313.721, 3313.89, 3319.39, 868
3319.391, and 3319.46 and Chapter 3365. of the Revised Code as 869
if the school were a school district and the school's board of 870
trustees were a district board of education. 871

Sec. 3701.049. (A) There is hereby created the Ohio teen 872
pregnancy prevention task force. The task force shall commence 873
its activities not later than thirty days after the effective 874
date of this section. 875

(B) The task force shall consist of the following members: 876

(1) The director of health or the director's designee; 877

(2) The superintendent of public instruction or the 878
superintendent's designee; 879

(3) Two members of the house of representatives, one 880
appointed by the speaker of the house of representatives and one 881
appointed by the minority leader of the house of 882
representatives; 883

(4) Two members of the senate, one appointed by the 884
president of the senate and one appointed by the minority leader 885

of the senate; 886

(5) One member of the commission on minority health; 887

(6) Two teens who reside in this state, appointed by the 888
director of health; 889

(7) Two parents who reside in this state and are the 890
parents of teens who reside in this state, appointed by the 891
director of health; 892

(8) Two teachers who reside in this state and are employed 893
as classroom teachers in this state, appointed by the director 894
of health; 895

(9) One representative of each of the following, appointed 896
by the director of health: 897

(a) Community-based organizations that provide teen 898
pregnancy prevention services; 899

(b) Public health professionals; 900

(c) Licensed medical practitioners; 901

(d) School nurses. 902

(C) Members shall serve without compensation, but may be 903
reimbursed for actual and necessary expenses incurred in the 904
performance of their duties. The department of health shall 905
provide meeting space for the task force. 906

(D) The director of health or the director's designee 907
shall serve as chairperson of the task force. The task force 908
shall convene at the call of the chairperson. 909

(E) The task force shall do all of the following: 910

(1) Advise the governor and general assembly on strategies 911

to prevent teen pregnancy in this state; 912

(2) Monitor and evaluate the implementation of strategies 913
to prevent teen pregnancy in this state, identify barriers to 914
implementing those strategies, and establish methods to overcome 915
the barriers; 916

(3) Collect and maintain information regarding successful 917
teen pregnancy prevention programs, research, and other relevant 918
materials to guide the governor and general assembly in their 919
efforts to reduce the number of teen pregnancies in this state; 920

(4) Explore the establishment of a program within the 921
department of health that would award grants to federally 922
qualified health centers, as defined in section 3701.047 of the 923
Revised Code, to establish or expand teen pregnancy prevention 924
programs; 925

(5) Collect information provided by local communities 926
regarding successful teen pregnancy prevention programs; 927

(6) Hold meetings and maintain records of the meetings; 928

(7) Perform any other duties specified by the director of 929
health. 930

(F) Not later than the first day of December of each year, 931
the task force shall submit an annual report to the governor 932
and, in accordance with section 101.68 of the Revised Code, the 933
general assembly. The report shall summarize the task force's 934
findings and recommendations for changes to the laws of this 935
state regarding teen pregnancy. The initial report shall also 936
include a comprehensive assessment of teen pregnancy in this 937
state and make recommendations for reducing the number of teen 938
pregnancies. Subsequent reports shall also evaluate the success 939
of programs undertaken to reduce teen pregnancies and make 940

additional recommendations as necessary. 941

Sec. 3727.61. As used in this section and sections 942
3727.611 and 3727.612 of the Revised Code: 943

(A) "Drug" has the same meaning as in the "Federal Food, 944
Drug, and Cosmetic Act," 52 Stat. 1040, 1041 (1938), 21 U.S.C. 945
321(g) (1), as amended. 946

(B) "Device" has the same meaning as in the "Federal Food, 947
Drug, and Cosmetic Act," 52 Stat. 1040, 1041 (1938), 21 U.S.C. 948
321(h), as amended. 949

(C) "Emergency contraception" means any drug, drug 950
regimen, or device intended to prevent pregnancy after 951
unprotected sexual intercourse or contraceptive failure. 952

(D) "Sexual assault" means a violation of sections 2907.02 953
to 2907.06 of the Revised Code. 954

Sec. 3727.611. (A) It shall be the standard of care in 955
this state for hospitals that offer organized emergency services 956
to provide the services specified in divisions (B) and (C) of 957
this section to victims of sexual assault or individuals 958
reported to be victims of sexual assault. The services shall be 959
provided without regard to the ability of the victim or 960
individual reported to be a victim to pay for the services. 961

(B) Except as provided in division (E) of this section, 962
the services specified in divisions (B)(1) and (2) of this 963
section shall be provided by the hospital to a victim of sexual 964
assault or individual reported to be a victim of sexual assault 965
who is female and, as determined by the hospital, is of child- 966
bearing age. 967

(1) The hospital shall provide the victim or individual 968

reported to be a victim with information about emergency 969
contraception. The information shall be medically and factually 970
accurate and unbiased. It shall be provided in clear and concise 971
language in both written and oral formats. The information shall 972
explain all of the following: 973

(a) That emergency contraception has been approved by the 974
United States food and drug administration for use by women of 975
all ages with or without a prescription as a safe and effective 976
means to prevent pregnancy after unprotected sexual intercourse 977
or contraceptive failure if used in a timely manner; 978

(b) That emergency contraception is more effective the 979
sooner it is used following unprotected sexual intercourse or 980
contraceptive failure; 981

(c) That emergency contraception does not cause an 982
abortion and studies have shown that it does not interrupt an 983
established pregnancy. 984

(2) The hospital shall promptly offer emergency 985
contraception to the victim or individual reported to be a 986
victim and provide the emergency contraception if the victim or 987
individual accepts the offer. 988

(C) The services specified in divisions (C) (1) to (4) of 989
this section shall be provided by the hospital to a victim of 990
sexual assault or individual reported to be a victim of sexual 991
assault, regardless of the victim's or individual's age or sex. 992

(1) The hospital shall promptly provide the victim or 993
individual reported to be a victim with an assessment of the 994
victim's or individual's risk of contracting sexually 995
transmitted infections, including gonorrhea, chlamydia, 996
syphilis, and hepatitis. The assessment shall be conducted by a 997

physician, physician assistant, clinical nurse specialist, 998
certified nurse practitioner, certified nurse-midwife, or 999
registered nurse. The assessment shall be based on the 1000
following: 1001

(a) The available information regarding the sexual 1002
assault; 1003

(b) The established standards of risk assessment, 1004
including consideration of any recommendations established by 1005
the United States centers for disease control and prevention, 1006
peer-reviewed clinical studies, and appropriate research using 1007
in vitro and nonhuman primate models of infection. 1008

(2) After conducting the assessment, the hospital shall 1009
provide the victim or individual reported to be a victim with 1010
counseling concerning the significantly prevalent sexually 1011
transmitted infections for which effective postexposure 1012
treatment exists and for which deferral of treatment would 1013
either significantly reduce treatment efficacy or pose 1014
substantial risk to the victim's or individual's health, 1015
including the infections for which prophylactic treatment is 1016
recommended based on guidelines from the centers for disease 1017
control and prevention. The counseling shall be provided by a 1018
physician, physician assistant, clinical nurse specialist, 1019
certified nurse practitioner, certified nurse-midwife, or 1020
registered nurse. The counseling shall be provided in clear and 1021
concise language. 1022

(3) After providing the counseling, the hospital shall 1023
offer treatment for sexually transmitted infections to the 1024
victim or individual reported to be a victim. The hospital shall 1025
provide the treatment if the victim or individual consents to 1026
the treatment. 1027

(4) Before the victim or individual reported to be a 1028
victim leaves the hospital, the hospital shall provide the 1029
victim or individual with counseling on the physical and mental 1030
health benefits of receiving follow-up care from the victim's or 1031
individual's primary care physician or from another medical care 1032
provider capable of providing follow-up care to victims of 1033
sexual assault. The counseling shall include information on 1034
local organizations and relevant health providers capable of 1035
providing either follow-up medical care or other health services 1036
to victims of sexual assault. The counseling shall be provided 1037
by a physician, physician assistant, clinical nurse specialist, 1038
certified nurse practitioner, certified nurse-midwife, or 1039
registered nurse. The counseling shall be provided in clear and 1040
concise language. 1041

(D) In the case of minors, the services specified in this 1042
section shall be provided at the discretion of the treating 1043
physician and in accordance with the guidelines of the centers 1044
for disease control and prevention. 1045

Notwithstanding any other provision of law, a minor may 1046
consent to the services specified in this section. The consent 1047
is not subject to disaffirmance because of minority, and consent 1048
of the parent, parents, or guardian of the minor is not required 1049
for the services to be provided. 1050

(E) In either of the following cases, a hospital is not 1051
required to provide information about emergency contraception, 1052
to offer emergency contraception, or to provide emergency 1053
contraception to a victim of sexual assault or individual 1054
reported to be a victim of sexual assault who is female and, as 1055
determined by the hospital, is of child-bearing age: 1056

(1) The hospital is aware that the victim or individual is 1057

incapable of becoming pregnant. 1058

(2) The hospital is aware that the victim or individual is 1059
pregnant. 1060

If the hospital has a pregnancy test performed to confirm 1061
whether the victim or individual is pregnant, the hospital shall 1062
have the test performed in such a manner that the results of the 1063
test are made available to the victim or individual during the 1064
initial visit to the hospital regarding the sexual assault. 1065

(F) Nothing in this section shall be construed as meaning 1066
any of the following: 1067

(1) That a hospital is required to provide treatment to a 1068
victim or individual reported to be a victim of sexual assault 1069
if the treatment goes against recommendations established by the 1070
United States centers for disease control and prevention; 1071

(2) That a victim or individual reported to be a victim of 1072
sexual assault is required to submit to any testing or 1073
treatment; 1074

(3) That a hospital is prohibited from seeking 1075
reimbursement for the costs of services provided under this 1076
section from the victim's or individual's health insurance or 1077
from medicaid, if applicable, and to the extent permitted by 1078
section 2907.28 of the Revised Code. 1079

Sec. 3727.612. In addition to other remedies under common 1080
law, an individual may file a complaint with the department of 1081
health if the individual believes a hospital has failed to 1082
comply with the requirements of section 3727.611 of the Revised 1083
Code. The department shall investigate the complaint in a timely 1084
manner. 1085

If the department determines that a hospital has failed to 1086
provide the services required by section 3727.611 of the Revised 1087
Code to a victim of sexual assault or individual reported to be 1088
a victim of sexual assault, the department shall, pursuant to an 1089
adjudication under Chapter 119. of the Revised Code, impose a 1090
civil penalty of not less than ten thousand dollars for each 1091
violation. 1092

If the hospital has previously violated section 3727.611 1093
of the Revised Code, the department may ask the attorney general 1094
to bring an action for injunctive relief in any court of 1095
competent jurisdiction. On the filing of an appropriate petition 1096
in the court, the court may conduct a hearing on the petition. 1097
If it is demonstrated in the proceedings that the hospital has 1098
failed to provide the services, the court shall grant a 1099
temporary or permanent injunction enjoining the hospital's 1100
operation. 1101

Sec. 3923.86. (A) Notwithstanding section 3901.71 of the 1102
Revised Code, no individual or group policy of sickness and 1103
accident insurance that is delivered, issued for delivery, or 1104
renewed in this state or public employee benefit plan that is 1105
established or modified shall do any of the following: 1106

(1) Limit or exclude coverage for prescription 1107
contraceptive drugs or devices approved by the United States 1108
food and drug administration if the policy or plan provides 1109
coverage for other prescription drugs or devices; 1110

(2) Limit or exclude coverage for physician-directed 1111
outpatient services that are related to prescription 1112
contraceptive drugs or devices, if the policy or plan provides 1113
coverage for other outpatient services rendered by a provider; 1114

(3) Limit or exclude coverage for male sterilization if 1115
the policy or plan provides coverage for other outpatient 1116
services rendered by a provider. 1117

(4) (a) Except as provided in division (A) (4) (b) of this 1118
section, limit or exclude coverage for contraceptive drugs and 1119
devices approved by the United States food and drug 1120
administration and available without a prescription under 1121
section 4729.48 of the Revised Code. 1122

(b) A policy or plan may limit both of the following: 1123

(i) Point-of-sale coverage under division (A) (4) (a) of this 1124
section to only in-network pharmacies; 1125

(ii) The frequency of coverage offered under division (A) 1126
(4) (a) of this section. 1127

(5) (a) Except as provided in division (A) (5) (b) of this 1128
section, impose a copayment or deductible requirement for the 1129
coverage specified in division (A) (1), (2), (3), or (4) of this 1130
section. 1131

(b) A policy or plan may impose a copayment or deductible 1132
requirement for a contraceptive drug or device described in 1133
division (A) (1) of this section if, according to the United 1134
States food and drug administration, the drug or device is 1135
therapeutically equivalent to another contraceptive drug or 1136
device that is available without such a requirement under the 1137
same policy or plan. 1138

(6) (a) Except as provided in division (A) (6) (b) of this 1139
section, impose a prior authorization requirement for a 1140
prescription contraceptive drug or device that is approved by 1141
the United States food and drug administration and is either of 1142
the following: 1143

(i) An intrauterine device; 1144

(ii) An implantable rod. 1145

(b) Division (A) (6) (a) of this section does not apply to a 1146
contraceptive drug or device for which the United States food 1147
and drug administration has issued a warning on the drug or 1148
device's label calling attention to serious or life-threatening 1149
risks, commonly referred to as a "black box warning." 1150

(c) As used in division (A) (6) (a) of this section, "prior 1151
authorization requirement" has the same meaning as in section 1152
3923.041 of the Revised Code. 1153

(B) Except as provided in divisions (B) (1) and (2) of this 1154
section and notwithstanding section 3901.71 of the Revised Code, 1155
an individual or group policy of sickness and accident insurance 1156
that is delivered, issued for delivery, or renewed in this state 1157
or public employee benefit plan that is established or modified 1158
in this state shall provide coverage for a single dispensing to 1159
an insured of a six-month supply of a contraceptive described in 1160
division (A) (1) or (4) of this section. 1161

(1) A policy or plan may provide coverage for a supply of 1162
contraceptives that is less than a six-month supply if a six- 1163
month supply would extend beyond the policy or plan year. 1164

(2) A policy or plan shall cover a single dispensing to an 1165
insured of a two-month supply under the initial prescription for 1166
the contraceptive. 1167

(3) Division (B) (1) of this section does not apply to the 1168
first two-month supply of a contraceptive dispensed to an 1169
insured under the initial prescription for the contraceptive or 1170
any subsequent prescription for a contraceptive that is 1171
different than the last contraceptive dispensed to the insured. 1172

Sec. 4729.16. (A) (1) The state board of pharmacy, after 1173
notice and hearing in accordance with Chapter 119. of the 1174
Revised Code, may impose any one or more of the following 1175
sanctions on a pharmacist or pharmacy intern if the board finds 1176
the individual engaged in any of the conduct set forth in 1177
division (A) (2) of this section: 1178

(a) Revoke, suspend, restrict, limit, or refuse to grant 1179
or renew a license; 1180

(b) Reprimand or place the license holder on probation; 1181

(c) Impose a monetary penalty or forfeiture not to exceed 1182
in severity any fine designated under the Revised Code for a 1183
similar offense, or in the case of a violation of a section of 1184
the Revised Code that does not bear a penalty, a monetary 1185
penalty or forfeiture of not more than five hundred dollars. 1186

(2) The board may impose the sanctions listed in division 1187
(A) (1) of this section if the board finds a pharmacist or 1188
pharmacy intern: 1189

(a) Has been convicted of a felony, or a crime of moral 1190
turpitude, as defined in section 4776.10 of the Revised Code; 1191

(b) Engaged in dishonesty or unprofessional conduct in the 1192
practice of pharmacy; 1193

(c) Is addicted to or abusing alcohol or drugs or is 1194
impaired physically or mentally to such a degree as to render 1195
the pharmacist or pharmacy intern unfit to practice pharmacy; 1196

(d) Has been convicted of a misdemeanor related to, or 1197
committed in, the practice of pharmacy; 1198

(e) Violated, conspired to violate, attempted to violate, 1199
or aided and abetted the violation of any of the provisions of 1200

this chapter, sections 3715.52 to 3715.72 of the Revised Code, 1201
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 1202
by the board under those provisions; 1203

(f) Permitted someone other than a pharmacist or pharmacy 1204
intern to practice pharmacy; 1205

(g) Knowingly lent the pharmacist's or pharmacy intern's 1206
name to an illegal practitioner of pharmacy or had a 1207
professional connection with an illegal practitioner of 1208
pharmacy; 1209

(h) Divided or agreed to divide remuneration made in the 1210
practice of pharmacy with any other individual, including, but 1211
not limited to, any licensed health professional authorized to 1212
prescribe drugs or any owner, manager, or employee of a health 1213
care facility, residential care facility, or nursing home; 1214

(i) Violated the terms of a consult agreement entered into 1215
pursuant to section 4729.39 of the Revised Code; 1216

(j) Committed fraud, misrepresentation, or deception in 1217
applying for or securing a license or identification card issued 1218
by the board under this chapter or under Chapter 3715. or 3719. 1219
of the Revised Code; 1220

(k) Failed to comply with the requirements of section 1221
4729.49 of the Revised Code; 1222

(l) Failed to comply with an order of the board or a 1223
settlement agreement; 1224

~~(l)~~ (m) Engaged in any other conduct for which the board 1225
may impose discipline as set forth in rules adopted under 1226
section 4729.26 of the Revised Code. 1227

(B) Any individual whose identification card or license is 1228

revoked, suspended, or refused, shall return the identification 1229
card and license to the offices of the state board of pharmacy 1230
within ten days after receipt of notice of such action. 1231

(C) As used in this section: 1232

"Unprofessional conduct in the practice of pharmacy" 1233
includes any of the following: 1234

(1) Advertising or displaying signs that promote dangerous 1235
drugs to the public in a manner that is false or misleading; 1236

(2) Except as provided in section 4729.281 ~~or 4729.44,~~ 1237
4729.48, or 4729.49 of the Revised Code, the dispensing or sale 1238
of any drug for which a prescription is required, without having 1239
received a prescription for the drug; 1240

(3) Knowingly dispensing medication pursuant to false or 1241
forged prescriptions; 1242

(4) Knowingly failing to maintain complete and accurate 1243
records of all dangerous drugs received or dispensed in 1244
compliance with federal laws and regulations and state laws and 1245
rules; 1246

(5) Obtaining any remuneration by fraud, 1247
misrepresentation, or deception; 1248

(6) Failing to conform to prevailing standards of care of 1249
similar pharmacists or pharmacy interns under the same or 1250
similar circumstances, whether or not actual injury to a patient 1251
is established; 1252

(7) Engaging in any other conduct that the board specifies 1253
as unprofessional conduct in the practice of pharmacy in rules 1254
adopted under section 4729.26 of the Revised Code. 1255

(D) The board may suspend a license or identification card 1256
under division (B) of section 3719.121 of the Revised Code by 1257
utilizing a telephone conference call to review the allegations 1258
and take a vote. 1259

(E) For purposes of this division, an individual 1260
authorized to practice as a pharmacist or pharmacy intern 1261
accepts the privilege of practicing in this state subject to 1262
supervision by the board. By filing an application for or 1263
holding a license to practice as a pharmacist or pharmacy 1264
intern, an individual gives consent to submit to a mental or 1265
physical examination when ordered to do so by the board in 1266
writing and waives all objections to the admissibility of 1267
testimony or examination reports that constitute privileged 1268
communications. 1269

If the board has reasonable cause to believe that an 1270
individual who is a pharmacist or pharmacy intern is physically 1271
or mentally impaired, the board may require the individual to 1272
submit to a physical or mental examination, or both. The expense 1273
of the examination is the responsibility of the individual 1274
required to be examined. 1275

Failure of an individual who is a pharmacist or pharmacy 1276
intern to submit to a physical or mental examination ordered by 1277
the board, unless the failure is due to circumstances beyond the 1278
individual's control, constitutes an admission of the 1279
allegations and a suspension order shall be entered without the 1280
taking of testimony or presentation of evidence. Any subsequent 1281
adjudication hearing under Chapter 119. of the Revised Code 1282
concerning failure to submit to an examination is limited to 1283
consideration of whether the failure was beyond the individual's 1284
control. 1285

If, based on the results of an examination ordered under 1286
this division, the board determines that the individual's 1287
ability to practice is impaired, the board shall suspend the 1288
individual's license or deny the individual's application and 1289
shall require the individual, as a condition for an initial, 1290
continued, reinstated, or renewed license to practice, to submit 1291
to a physical or mental examination and treatment. 1292

An order of suspension issued under this division shall 1293
not be subject to suspension by a court during pendency of any 1294
appeal filed under section 119.12 of the Revised Code. 1295

(F) If the board is required under Chapter 119. of the 1296
Revised Code to give notice of an opportunity for a hearing and 1297
the applicant or licensee does not make a timely request for a 1298
hearing in accordance with section 119.07 of the Revised Code, 1299
the board is not required to hold a hearing, but may adopt a 1300
final order that contains the board's findings. In the final 1301
order, the board may impose any of the sanctions listed in 1302
division (A) of this section. 1303

(G) Notwithstanding the provision of division (C) (2) of 1304
section 2953.32 of the Revised Code specifying that if records 1305
pertaining to a criminal case are sealed under that section the 1306
proceedings in the case must be deemed not to have occurred, 1307
sealing of the following records on which the board has based an 1308
action under this section shall have no effect on the board's 1309
action or any sanction imposed by the board under this section: 1310
records of any conviction, guilty plea, judicial finding of 1311
guilt resulting from a plea of no contest, or a judicial finding 1312
of eligibility for a pretrial diversion program or intervention 1313
in lieu of conviction. The board shall not be required to seal, 1314
destroy, redact, or otherwise modify its records to reflect the 1315

court's sealing of conviction records. 1316

(H) No pharmacist or pharmacy intern shall knowingly 1317
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 1318
(e) to (l) of this section. 1319

Sec. 4729.47. (A) Any person who believes that a violation 1320
of section 4729.49 of the Revised Code has occurred may file a 1321
complaint with the state board of pharmacy. Not later than 1322
thirty days after receiving the complaint, the board shall 1323
investigate the complaint and determine whether a violation 1324
occurred. If the board determines a violation occurred, the 1325
board may impose a fine of not more than five thousand dollars 1326
for each violation. 1327

(B) A person who has been injured by a violation of 1328
section 4729.49 of the Revised Code may bring a civil action in 1329
a court of competent jurisdiction to recover damages for the 1330
person's injury, as well as costs and reasonable attorney's 1331
fees. 1332

(C) If the attorney general has cause to believe that a 1333
person or group of persons has been or may be injured by a 1334
violation of section 4729.49 of the Revised Code, the attorney 1335
general may commence a civil action in a court of competent 1336
jurisdiction to compel compliance with that section. In such 1337
action, the court may award appropriate relief on a finding that 1338
a violation or violations have occurred, including compensatory 1339
damages and punitive damages not exceeding five thousand dollars 1340
for each violation. 1341

Sec. 4729.48. (A) The state board of pharmacy shall, after 1342
consulting with the department of health and state medical board 1343
and after considering guidelines established by the American 1344

congress of obstetricians and gynecologists, adopt rules to 1345
specify a protocol under which pharmacists may dispense hormonal 1346
contraceptive patches and self-administered oral hormonal 1347
contraceptives without a prescription. The rules shall be 1348
adopted in accordance with Chapter 119. of the Revised Code. 1349

(B) The rules adopted under division (A) of this section 1350
shall include provisions that require a pharmacist to do all of 1351
the following: 1352

(1) Complete a training program on the protocol that is 1353
approved by the state board of pharmacy; 1354

(2) Provide a self-screening risk assessment tool that an 1355
individual seeking a contraceptive described in division (A) 1356
must complete before being dispensed the contraceptive; 1357

(3) Provide the individual with a written record of the 1358
contraceptive that was dispensed; 1359

(4) If the individual has a primary care practitioner or a 1360
women's health care practitioner, advise the individual to 1361
consult with that practitioner. 1362

(5) If the individual does not have either a primary care 1363
practitioner or a women's health care practitioner, advise the 1364
individual to consult with such a practitioner. 1365

(C) The protocol shall prohibit a pharmacist from 1366
dispensing a contraceptive described in division (A) of this 1367
section to an individual under eighteen years of age without a 1368
prescription unless the individual has evidence of a previous 1369
prescription for such a contraceptive. 1370

Sec. 4729.49. (A) As used in this section: 1371

(1) "Contraception" or "contraceptive" means any drug or 1372

device approved by the United States food and drug 1373
administration to prevent pregnancy. 1374

(2) "Employee" means a person employed by a pharmacy by 1375
contract or any other form of an agreement. 1376

(3) "Product" means a drug or device approved by the 1377
United States food and drug administration. 1378

(4) "Professional judgment" means the use of professional 1379
knowledge and skills to form a clinical judgment in accordance 1380
with prevailing standards of care. 1381

(5) "Without delay" means a pharmacy providing, providing 1382
a referral for, or ordering contraception, or transferring the 1383
prescription for contraception within the usual and customary 1384
timeframe at the pharmacy for providing, providing a referral 1385
for, or ordering other products, or transferring the 1386
prescription for other products. 1387

(B) Subject to division (E) of this section, if a customer 1388
requests a contraceptive that is in stock, the pharmacy shall 1389
ensure that the contraceptive is provided to the customer 1390
without delay. 1391

(C) Subject to division (E) of this section, if a customer 1392
requests a contraceptive that is not in stock and the pharmacy 1393
in the normal course of business stocks contraception, the 1394
pharmacy immediately shall inform the customer that the 1395
contraceptive is not in stock and without delay offer the 1396
customer the following options: 1397

(1) If the customer prefers to obtain the contraceptive 1398
through a referral or transfer, the pharmacy shall do both of 1399
the following: 1400

(a) Locate a pharmacy of the customer's choice or the 1401
closest pharmacy confirmed to have the contraceptive in stock; 1402

(b) Refer the customer or transfer the prescription to 1403
that pharmacy. 1404

(2) If the customer prefers to order the contraceptive 1405
through the pharmacy, the pharmacy shall obtain the 1406
contraceptive under the pharmacy's standard procedure for 1407
expedited ordering of products and notify the customer when the 1408
contraceptive arrives. 1409

(D) The pharmacy shall ensure that its employees do not do 1410
any of the following: 1411

(1) Intimidate, threaten, or harass customers in the 1412
delivery of services relating to a request for contraception; 1413

(2) Interfere with or obstruct the delivery of services 1414
relating to a request for contraception; 1415

(3) Intentionally misrepresent or deceive customers about 1416
the availability of contraception or its mechanism of action; 1417

(4) Breach medical confidentiality with respect to a 1418
request for contraception or threaten to breach such 1419
confidentiality; 1420

(5) Refuse to return a valid, lawful prescription for 1421
contraception on the customer's request. 1422

(E) This section does not prohibit a pharmacy from 1423
refusing to provide a contraceptive to a customer in any of the 1424
following circumstances: 1425

(1) When it is unlawful to dispense the contraceptive to 1426
the customer without a valid, lawful prescription and no such 1427

prescription is presented. 1428

(2) When the customer is unable to pay for the 1429
contraceptive. 1430

(3) When the employee of the pharmacy refuses to provide 1431
the contraceptive to the customer because, in the employee's 1432
professional judgment, a contraindication exists or the 1433
provision of the contraceptive is similarly not in the best 1434
interest of the customer's health. 1435

Sec. 5164.7512. An initial prescription for a prescribed 1436
drug for contraception covered by medicaid may be for a two- 1437
month supply. A prescription for the refill of the same 1438
prescribed drug for contraception may be for a six-month supply. 1439

Section 2. That existing sections 2907.29, 3313.60, 1440
3313.6011, 3314.03, 3326.11, 3328.24, and 4729.16 of the Revised 1441
Code are hereby repealed. 1442

Section 3. Section 1751.49 of the Revised Code shall apply 1443
only to policies, contracts, and agreements that are delivered, 1444
issued for delivery, or renewed in this state on or after the 1445
effective date of this act, and section 3923.86 of the Revised 1446
Code shall apply only to policies of sickness and accident 1447
insurance delivered, issued for delivery, or renewed in this 1448
state and public employee benefit plans that are established or 1449
modified in this state on or after the effective date of this 1450
act. 1451

Section 4. Sections 3727.61, 3727.611, and 3727.612 of the 1452
Revised Code, as enacted by this act, shall be known as the 1453
"Compassionate Assistance for Rape Emergencies Act." 1454

Section 5. Section 3314.03 of the Revised Code is 1455
presented in this act as a composite of the section as amended 1456

by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of 1457
the 131st General Assembly. 1458

Section 3326.11 of the Revised Code is presented in this 1459
act as a composite of the section as amended by Am. Sub. H.B. 1460
410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st 1461
General Assembly. 1462

Section 3328.24 of the Revised Code is presented in this 1463
act as a composite of the section as amended by both Am. Sub. 1464
H.B. 410 and Sub. S.B. 3 of the 131st General Assembly. The 1465
General Assembly, applying the principle stated in division (B) 1466
of section 1.52 of the Revised Code that amendments are to be 1467
harmonized if reasonably capable of simultaneous operation, 1468
finds that the composites are the resulting versions of the 1469
sections in effect prior to the effective date of the section as 1470
presented in this act. 1471