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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

Substitute Bill Comparative Synopsis

Sub. H.B. 68

135th General Assembly

House Public Health Policy

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_135_0096-6)
Mental health treatment	
<p>Prohibits a mental health professional from diagnosing or treating a minor for a gender-related condition without first obtaining the consent of the minor’s residential parent and legal custodian or the minor’s guardian (<i>R.C. 3129.03(A)(1)</i>).</p> <p>Additionally, prohibits a mental health professional from diagnosing or treating a minor for a gender-related condition without first doing both of the following:</p> <ul style="list-style-type: none"> ▪ Screening the minor for other comorbidities that may be influencing the minor’s gender-related condition such as depression, anxiety, ADHD, autism spectrum disorder, and other mental health conditions; ▪ Screening the minor for any physical, sexual, mental, and emotional abuse or other traumas (<i>R.C. 3129.03(A)(2)</i>). 	<p>Instead, prohibits a mental health professional from diagnosing or treating a minor for a gender-related condition without first obtaining the consent of each residential parent and legal custodian of the minor or the minor’s guardian (<i>R.C. 3129.03(A)</i>).</p> <p>Instead, prohibits a mental health professional from diagnosing or treating a minor for a gender-related condition without doing both of the following during the course of diagnosis and treatment:</p> <ul style="list-style-type: none"> ▪ Screening the minor for other comorbidities that may be influencing the minor’s gender-related condition such as depression, anxiety, ADHD, autism spectrum disorder, and other mental health conditions; ▪ Screening the minor for any physical, sexual, mental, and emotional abuse or other traumas (<i>R.C. 3129.03(B)</i>).

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Reporting requirements	
<p>Requires each mental health professional who diagnoses or treats a minor for a gender-related condition to annually report to ODH by March 1 all of the following information:</p> <ul style="list-style-type: none"> ▪ The number of minors diagnosed or treated for a gender-related condition in the previous year; ▪ The biological sex of the minors diagnosed or treated for a gender-related condition in the previous year; ▪ The age at which each minor’s diagnosis or treatment for a gender-related condition began; ▪ The number of minors diagnosed or treated for gender-related conditions who also presented with comorbidities, abuse, or other traumas; ▪ The number of minors who resumed identification with their biological sex; ▪ The number of minors the mental health professional previously diagnosed or treated for a gender-related condition who have not been treated by that professional for six months or more and who were not included in a previous report (<i>R.C. 3129.06(A)</i>). 	No provision.
<p>Requires mental health professionals to organize reported information by month, when appropriate (<i>R.C. 3129.06(B)(1)</i>).</p>	No provision.
<p>Prohibits a mental health professional from reporting to ODH information that identifies or tends to identify any specific individual (<i>R.C. 3129.06(B)(2)</i>).</p>	No provision.
<p>Requires ODH to report to the General Assembly the information it receives from the mental health professionals by June 1 each year (<i>R.C. 101.68, not in the bill and 3129.06(C)</i>).</p>	No provision.

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Permits the Director of Health to adopt rules relating to reporting, including rules that require additional information to be reported, and exempts those rules from existing law that limits regulatory restrictions adopted by certain agencies (<i>R.C. 3129.06(D)</i>).	No provision.
Enforcement	
Authorizes an individual to bring a claim for a violation of the bill's provisions (<i>R.C. 3129.05(B)</i>).	No provision.
Requires a claim brought under the bill's provisions to be commenced not later than two years after the day the cause of action accrues, but upon a minor reaching the age of majority, allows the minor's individual claim to be brought until 20 years after. Also specifies that a minor may bring an action before reaching age 18 through the minor's parent or guardian (<i>R.C. 3129.05(B)</i>).	No provision.
Political subdivisions- prohibited activities	
Specifies that a political subdivision may not prohibit the use of (1) watchful waiting, (2) treatment and therapies similar to those provided for the treatment of body dysmorphia and eating disorders, or (3) other models of care that assist minors experiencing a gender-related condition in reconciling their gender identity with their biological sex (<i>R.C. 3129.03(B)</i>).	No provision.
Athletic competitions	
No provision.	Requires each school that participates in athletic competitions or events administered by an organization that regulates interscholastic athletic conferences or events to designate separate single-sex athletic teams based on the sex of the participants (<i>R.C. 3313.5319(A)</i>).
No provision.	Requires each state institution of higher education or private, nonprofit college or university that is a member of the NCAA, NAIA, or NJCAA to designate separate single-sex athletic teams and sports based on the sex of the participants (<i>R.C. 3345.562(B)</i>).

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No provision.	Prohibits a state institution, private college, school, interscholastic conference, or organization that regulates interscholastic athletics from knowingly permitting a male athlete to participate in a female athletic competition (<i>R.C. 3313.5319(B) and 3345.562(C)</i>).
No provision.	Authorizes an athletic participant to file a civil action if the participant is deprived of an athletic opportunity or suffers harm as a result of a violation of the bill's single-sex participation requirements or if the participant is subject to retaliation for reporting such a violation (<i>R.C. 3313.5319(E) and 3345.562(F)</i>).
No provision.	Prohibits a state agency or political subdivision, accrediting organization, or athletic association that operates or has business activities in Ohio from taking adverse actions against a school, school district, or college or university that complies with the bill's single-sex participation requirements (<i>R.C. 3313.5319(D) and 3345.562(E)</i>).
No provision.	Authorizes a state institution, private college, school, or school district to file a civil action in response to suffering any direct or indirect harm as a result of adverse action taken against it for complying with the bill's single-sex participation requirements (<i>R.C. 3313.5319(E)(3) and 3345.562(F)(3)</i>).
No provision.	Designates these provisions of the bill the "Save Women's Sports Act" (<i>Section 5</i>).