

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 248**

**Representatives Antonio, Lepore-Hagan**

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

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**A BILL**

To amend sections 2907.29, 3313.60, 3313.6011, 1  
3314.03, 3326.11, 3328.24, and 4729.16 and to 2  
enact sections 1751.49, 3701.049, 3727.61, 3  
3727.611, 3727.612, 3923.86, 4729.47, 4729.48, 4  
4729.49 and 5164.7512 of the Revised Code 5  
regarding coverage for prescription 6  
contraceptive drugs and devices, the provision 7  
of certain hospital and pregnancy prevention 8  
services for victims of sexual assault, the 9  
dispensing of hormonal contraceptives to adults 10  
without a prescription, and comprehensive sexual 11  
health and sexually transmitted infection 12  
education in schools. 13

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

**Section 1.** That sections 2907.29, 3313.60, 3313.6011, 14  
3314.03, 3326.11, 3328.24, and 4729.16 be amended and sections 15  
1751.49, 3701.049, 3727.61, 3727.611, 3727.612, 3923.86, 16  
4729.47, 4729.48, 4729.49 and 5164.7512 of the Revised Code be 17  
enacted to read as follows: 18

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 section, impose a copayment or deductible requirement for the coverage specified in division (A) (1), (2), (3), or (4) of this section. 48  
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(b) A policy, contract, or agreement may impose a copayment or deductible requirement for a contraceptive drug or device described in division (A) (1) of this section if, according to the United States food and drug administration, the drug or device is therapeutically equivalent to another contraceptive drug or device that is available without such a requirement under the same policy, contract, or agreement. 52  
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(6) (a) Except as provided in division (A) (6) (b) of this section, impose a prior authorization requirement for a prescription contraceptive drug or device that is approved by the United States food and drug administration and is either of the following: 59  
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(i) An intrauterine device; 64

(ii) An implantable rod. 65

(b) Division (A) (6) (a) of this section does not apply to a contraceptive drug or device for which the United States food and drug administration has issued a warning on the drug or device's label calling attention to serious or life-threatening risks, commonly referred to as a "black box warning." 66  
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(c) As used in division (A) (6) (a) of this section, "prior authorization requirement" has the same meaning as in section 1751.72 of the Revised Code. 71  
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(B) Except as provided in divisions (B) (1) and (2) of this section and notwithstanding section 3901.71 of the Revised Code, an individual or group health insuring corporation policy, 74  
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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) <del>Venereal disease</del> <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
that upon written request of the student's parent or guardian, a	156
student shall be excused from taking instruction in <del>venereal-</del>	157
<del>disease education;</del> <u>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.~~ 251  
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~~(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.~~ 253  
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~~(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:~~ 260  
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~~(1) Stress that students should abstain from sexual activity until after marriage;~~ 265  
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~~(2) Teach the potential physical, psychological, emotional, and social side effects of participating in sexual activity outside of marriage;~~ 267  
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~~(3) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;~~ 270  
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~~(4) Stress that sexually transmitted diseases are serious possible hazards of sexual activity;~~ 273  
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~~(5) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;~~ 275  
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~~(6) Advise students of the circumstances under which it is~~ 278

~~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 offer comprehensive sexual health education. Beginning on the first day of August immediately following the effective date of this amendment, each school district and educational service center that elects to offer comprehensive sexual health education shall ensure that the program meets all of the following requirements: 307  
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(1) Instruction and materials shall be age-appropriate. 314

(2) All factual information shall be medically and scientifically accurate. 315  
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(3) Instruction and materials shall be appropriate for use with all pupils regardless of gender, race, ethnic and cultural background, religion, disability, sexual orientation, or gender identity. 317  
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(4) Instruction and materials shall encourage pupils to communicate with their parents or guardians about human sexuality. 321  
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(5) Instruction and materials shall teach all of the following: 324  
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(a) That abstinence from sexual activity is the only certain way to avoid pregnancy, sexually transmitted infections, and other associated health problems; 326  
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(b) That bearing children outside of a committed relationship is likely to have consequences for the child, the child's parents, and society; 329  
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(c) How, as young people, to effectively reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances; 332  
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- (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 transmitted, including information on activities that present the highest risk of HIV infection; 394  
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(3) Discussion of methods to reduce the risk of HIV infection, which shall emphasize that sexual abstinence, monogamy, and the avoidance of multiple sexual partners, and abstinence from intravenous drug use, are the most effective means for HIV/AIDS prevention, but shall also include statistics based upon the latest medical information citing the success and failure rates of condoms and other contraceptives in preventing sexually transmitted HIV infection, as well as information on other methods that may reduce the risk of HIV transmission from intravenous drug use; 397  
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(4) Discussion of the public health issues associated with HIV/AIDS; 407  
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(5) Information on local resources for HIV testing and medical care; 409  
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(6) Instruction and materials that provide pupils with skills for negotiating intimate relationships and making and implementing responsible decisions about sexuality; 411  
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(7) Discussion about societal views on HIV/AIDS, including stereotypes and myths regarding persons with HIV/AIDS, which shall emphasize an understanding of the condition and its impact on people's lives; 414  
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(8) Instruction and materials that teach pupils to recognize unwanted physical and verbal sexual advances, not to make unwanted physical and verbal sexual advances, and how to effectively reject unwanted sexual advances. The instruction and materials shall cover verbal, physical, and visual sexual 418  
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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;	511 512 513
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	514 515
(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;	516 517 518 519
(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;	520 521 522 523
(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;	524 525 526 527
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	528 529 530
(6) (a) Dismissal procedures;	531
(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.	532 533 534 535 536 537
(7) The ways by which the school will achieve racial and	538

ethnic balance reflective of the community it serves;	539
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	540 541 542 543 544 545
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	546 547
(a) A detailed description of each facility used for instructional purposes;	548 549
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	550 551
(c) The annual mortgage principal and interest payments that are paid by the school;	552 553
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	554 555 556
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	557 558 559 560 561 562
(11) That the school will comply with the following requirements:	563 564
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred	565 566

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 following: 769  
770

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

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

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

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

(5) Internal financial controls. 781

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school. 782  
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784  
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(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. 786  
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(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

<u>of the senate;</u>	886
<u>(5) One member of the commission on minority health;</u>	887
<u>(6) Two teens who reside in this state, appointed by the</u> <u>director of health;</u>	888 889
<u>(7) Two parents who reside in this state and are the</u> <u>parents of teens who reside in this state, appointed by the</u> <u>director of health;</u>	890 891 892
<u>(8) Two teachers who reside in this state and are employed</u> <u>as classroom teachers in this state, appointed by the director</u> <u>of health;</u>	893 894 895
<u>(9) One representative of each of the following, appointed</u> <u>by the director of health:</u>	896 897
<u>(a) Community-based organizations that provide teen</u> <u>pregnancy prevention services;</u>	898 899
<u>(b) Public health professionals;</u>	900
<u>(c) Licensed medical practitioners;</u>	901
<u>(d) School nurses.</u>	902
<u>(C) Members shall serve without compensation, but may be</u> <u>reimbursed for actual and necessary expenses incurred in the</u> <u>performance of their duties. The department of health shall</u> <u>provide meeting space for the task force.</u>	903 904 905 906
<u>(D) The director of health or the director's designee</u> <u>shall serve as chairperson of the task force. The task force</u> <u>shall convene at the call of the chairperson.</u>	907 908 909
<u>(E) The task force shall do all of the following:</u>	910
<u>(1) Advise the governor and general assembly on strategies</u>	911



<u>to prevent teen pregnancy in this state;</u>	912
<u>(2) Monitor and evaluate the implementation of strategies</u>	913
<u>to prevent teen pregnancy in this state, identify barriers to</u>	914
<u>implementing those strategies, and establish methods to overcome</u>	915
<u>the barriers;</u>	916
<u>(3) Collect and maintain information regarding successful</u>	917
<u>teen pregnancy prevention programs, research, and other relevant</u>	918
<u>materials to guide the governor and general assembly in their</u>	919
<u>efforts to reduce the number of teen pregnancies in this state;</u>	920
<u>(4) Explore the establishment of a program within the</u>	921
<u>department of health that would award grants to federally</u>	922
<u>qualified health centers, as defined in section 3701.047 of the</u>	923
<u>Revised Code, to establish or expand teen pregnancy prevention</u>	924
<u>programs;</u>	925
<u>(5) Collect information provided by local communities</u>	926
<u>regarding successful teen pregnancy prevention programs;</u>	927
<u>(6) Hold meetings and maintain records of the meetings;</u>	928
<u>(7) Perform any other duties specified by the director of</u>	929
<u>health.</u>	930
<u>(F) Not later than the first day of December of each year,</u>	931
<u>the task force shall submit an annual report to the governor</u>	932
<u>and, in accordance with section 101.68 of the Revised Code, the</u>	933
<u>general assembly. The report shall summarize the task force's</u>	934
<u>findings and recommendations for changes to the laws of this</u>	935
<u>state regarding teen pregnancy. The initial report shall also</u>	936
<u>include a comprehensive assessment of teen pregnancy in this</u>	937
<u>state and make recommendations for reducing the number of teen</u>	938
<u>pregnancies. Subsequent reports shall also evaluate the success</u>	939
<u>of programs undertaken to reduce teen pregnancies and make</u>	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 pregnant. 1059  
1060

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

(F) Nothing in this section shall be construed as meaning any of the following: 1066  
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(1) That a hospital is required to provide treatment to a victim or individual reported to be a victim of sexual assault if the treatment goes against recommendations established by the United States centers for disease control and prevention; 1068  
1069  
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(2) That a victim or individual reported to be a victim of sexual assault is required to submit to any testing or treatment; 1072  
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(3) That a hospital is prohibited from seeking reimbursement for the costs of services provided under this section from the victim's or individual's health insurance or from medicaid, if applicable, and to the extent permitted by section 2907.28 of the Revised Code. 1075  
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**Sec. 3727.612.** In addition to other remedies under common law, an individual may file a complaint with the department of health if the individual believes a hospital has failed to comply with the requirements of section 3727.611 of the Revised Code. The department shall investigate the complaint in a timely manner. 1080  
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If the department determines that a hospital has failed to provide the services required by section 3727.611 of the Revised Code to a victim of sexual assault or individual reported to be a victim of sexual assault, the department shall, pursuant to an adjudication under Chapter 119. of the Revised Code, impose a civil penalty of not less than ten thousand dollars for each violation. 1086  
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If the hospital has previously violated section 3727.611 of the Revised Code, the department may ask the attorney general to bring an action for injunctive relief in any court of competent jurisdiction. On the filing of an appropriate petition in the court, the court may conduct a hearing on the petition. If it is demonstrated in the proceedings that the hospital has failed to provide the services, the court shall grant a temporary or permanent injunction enjoining the hospital's operation. 1093  
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**Sec. 3923.86.** (A) Notwithstanding section 3901.71 of the Revised Code, no individual or group policy of sickness and accident insurance that is delivered, issued for delivery, or renewed in this state or public employee benefit plan that is established or modified shall do any of the following: 1102  
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(1) Limit or exclude coverage for prescription contraceptive drugs or devices approved by the United States food and drug administration if the policy or plan provides coverage for other prescription drugs or devices; 1107  
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(2) Limit or exclude coverage for physician-directed outpatient services that are related to prescription contraceptive drugs or devices, if the policy or plan provides coverage for other outpatient services rendered by a provider; 1111  
1112  
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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



<u>(i) An intrauterine device;</u>	1144
<u>(ii) An implantable rod.</u>	1145
<u>(b) Division (A) (6) (a) of this section does not apply to a</u>	1146
<u>contraceptive drug or device for which the United States food</u>	1147
<u>and drug administration has issued a warning on the drug or</u>	1148
<u>device's label calling attention to serious or life-threatening</u>	1149
<u>risks, commonly referred to as a "black box warning."</u>	1150
<u>(c) As used in division (A) (6) (a) of this section, "prior</u>	1151
<u>authorization requirement" has the same meaning as in section</u>	1152
<u>3923.041 of the Revised Code.</u>	1153
<u>(B) Except as provided in divisions (B) (1) and (2) of this</u>	1154
<u>section and notwithstanding section 3901.71 of the Revised Code,</u>	1155
<u>an individual or group policy of sickness and accident insurance</u>	1156
<u>that is delivered, issued for delivery, or renewed in this state</u>	1157
<u>or public employee benefit plan that is established or modified</u>	1158
<u>in this state shall provide coverage for a single dispensing to</u>	1159
<u>an insured of a six-month supply of a contraceptive described in</u>	1160
<u>division (A) (1) or (4) of this section.</u>	1161
<u>(1) A policy or plan may provide coverage for a supply of</u>	1162
<u>contraceptives that is less than a six-month supply if a six-</u>	1163
<u>month supply would extend beyond the policy or plan year.</u>	1164
<u>(2) A policy or plan shall cover a single dispensing to an</u>	1165
<u>insured of a two-month supply under the initial prescription for</u>	1166
<u>the contraceptive.</u>	1167
<u>(3) Division (B) (1) of this section does not apply to the</u>	1168
<u>first two-month supply of a contraceptive dispensed to an</u>	1169
<u>insured under the initial prescription for the contraceptive or</u>	1170
<u>any subsequent prescription for a contraceptive that is</u>	1171
<u>different than the last contraceptive dispensed to the insured.</u>	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 closest pharmacy confirmed to have the contraceptive in stock; 1401  
1402
- (b) Refer the customer or transfer the prescription to that pharmacy. 1403  
1404
- (2) If the customer prefers to order the contraceptive through the pharmacy, the pharmacy shall obtain the contraceptive under the pharmacy's standard procedure for expedited ordering of products and notify the customer when the contraceptive arrives. 1405  
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1407  
1408  
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- (D) The pharmacy shall ensure that its employees do not do any of the following: 1410  
1411
- (1) Intimidate, threaten, or harass customers in the delivery of services relating to a request for contraception; 1412  
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- (2) Interfere with or obstruct the delivery of services relating to a request for contraception; 1414  
1415
- (3) Intentionally misrepresent or deceive customers about the availability of contraception or its mechanism of action; 1416  
1417
- (4) Breach medical confidentiality with respect to a request for contraception or threaten to breach such confidentiality; 1418  
1419  
1420
- (5) Refuse to return a valid, lawful prescription for contraception on the customer's request. 1421  
1422
- (E) This section does not prohibit a pharmacy from refusing to provide a contraceptive to a customer in any of the following circumstances: 1423  
1424  
1425
- (1) When it is unlawful to dispense the contraceptive to the customer without a valid, lawful prescription and no such 1426  
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