

## Reproductive Decisions ~ Ohio Laws Affected by Issue One (Nov. 2023)

Issue 1: Listed Reproductive Decision	Ohio Revised Code	Description of current Ohio law
<b>Contraception</b>		Note: Federal Title X funds recipients (e.g. Planned Parenthood) currently provide confidential contraceptive services to minors without parental consent.
	RC 2907.29	Victims of sexual assault must be offered available pregnancy services (e.g. emergency contraception / Plan B).
	RC 2919.123	The sale, dispensing, administering, or otherwise providing RU-486 (Mifeprestone) must conform to federal law.
	RC 2919.19	“Contraceptive” defined as a drug, device, or chemical that prevents conception
	RC 3313.6011(C)(1)(a)	Public schools must teach that students should abstain from sexual activity until after marriage.
	RC 3702.34(B)	Free standing birthing center is permitted to have a faith-based exemption to the requirement to make available to the birthing mom a long-acting reversible contraceptive.
	RC 3727.20(B)	A hospital, that has a maternity unit licensed under RC 3711, is permitted to have a faith-based exemption to the requirement to make available to the birthing mom a long-acting reversible contraceptive.
	RC 5164.721	A hospital or freestanding birthing center may submit a claim to Medicaid to pay for a long-acting reversible contraceptive device.
<b>Fertility Treatment</b>		
	RC 3111.92	Non-spousal artificial insemination of a married woman may occur only if both she and her husband sign a written consent to the artificial insemination.
	RC 3111.93(A)(1)(f) RC 3111.94	Confidentiality of donor and/or recipient in non-spousal artificial insemination
	RC 3111.95	Donor of sperm in a non-spousal artificial insemination shall not be considered the child’s natural father
	RC 5103.17(B)	No person shall hold out inducements (e.g.payments) to parents to part with their offspring

Question		In the absence of state policy would gestational surrogate agreements be able to constitutionally require the surrogate to terminate her parental rights upon the birth of the child(ren)? Gestational surrogate = pregnancy does not involve her own egg J.F. v D.B., 116 Ohio St.3d, 2007-Ohio-6750
<b>Continuing One's Own Pregnancy</b>		
	RC 3313.6011(C)(1)(g)	Public schools must emphasize adoption as an option for unintended pregnancies
	RC 5119.17(A)(3)	The Dept. of Mental Health and Addiction Services shall give priority to the treatment of pregnant women addicted to drugs of abuse
Question		Would it be constitutionally possible to require a pregnant woman (who is addicted to drugs of abuse) to undergo drug treatment/rehabilitation during her pregnancy?
	RC 5101.804 RC 5101.801(B)(3)	Funding for programs administered by nonprofit organizations that promote childbirth instead of abortion
<b>Miscarriage Care</b>		
	RC 4112.01(B) RC 4112.02(A)	Ohio law already prohibits discrimination of a woman who has had a miscarriage for employment-related purposes with respect to terms, conditions, or privileges of employment, including the receipt of benefits.
<b>Abortion</b>		
	RC 9.041	It is the public policy of the state of Ohio to prefer childbirth over abortion to the extent that is is constitutionally permissible.
	RC 9.04	State funds shall not be used to pay for nontherapeutic abortions. However, an individual may pay for a rider to a state funded insurance policy that does pay for nontherapeutic abortions.
	RC 2305.11(B)	Civil action for an unlawful abortion has a statute of limitation of one year
	RC 2317.56	24-hour wait required before performing an abortion and the pregnant woman must be given certain informational materials
	RC 2317.561	If an ultrasound examination is performed, the abortionist must provide the pregnant mother with an opportunity to see the ultrasound of her unborn child prior to performing the abortion.
	RC 2919.10	It is a felony to abort a child believed to be Down syndrome". The abortionist who performs such abortion will lose his/her medical license.

	RC 2919.12 RC 2919.121 RC 2151.85	Informed consent required for an abortion. Parental notification or judicial bypass required for an abortion on a minor
	RC 2919.123	The sale, dispensing, administering, or otherwise providing RU-486 (Mifeprestone) must conform to federal law. One who provides RU-486 must be a physician. A pregnant woman can obtain RU-486 to terminate her own pregnancy.
	RC 2919.124	A physician that furnishes an abortion inducing drug must physically be present when the first dose is consumed at the time it is consumed.
	RC 2919.13	Felony manslaughter to purposefully take the life of an aborted child that is born alive
	RC 2919.14	The experimentation or sale of a product of human conception that has been aborted is illegal (abortion trafficking)
	RC 2919.15	Dismemberment abortion is a crime when not necessary to preserve the life or physical health of the mother
	RC 2919.151	Partial-birth abortion is illegal.
	RC 2919.17	It is illegal to perform an abortion after the unborn child is viable. It is an affirmative defense if the unborn child is not viable OR if the abortion is necessary to prevent the death of the mother or if the mother would be at serious risk of substantial and irreversible impairment of a major bodily function.
	RC 2919.195	It is illegal to perform an abortion after the detection of a fetal heartbeat.
	RC 2919.198	A pregnant woman on whom an abortion is performed is not guilty of a crime associated with the fetal heartbeat law.
	RC 2919.201	It is illegal to perform an abortion after a gestational age of 20 weeks except to save the life or physical health of the mother
	RC 3701.034(A)(2) RC 3701.034(B)	Dept. of Health is prohibited from using federal funds under the <u>Violence Against Women Act</u> to perform nontherapeutic abortions, promote nontherapeutic abortions, contract with any entity that performs or promotes nontherapeutic abortions, become or continue to be an affiliate of any entity that performs or promotes nontherapeutic abortions.
	RC 3701.034(A)(3) RC 3701.034(C)	Dept. of Health is prohibited from using federal funds under the <u>Breast and Cervical Cancer Mortality Prevention Act</u> to perform nontherapeutic abortions, promote nontherapeutic abortions, contract with any entity that performs or promotes nontherapeutic abortions, become or continue to be an affiliate of any entity that performs or promotes nontherapeutic abortions.

	RC 3701.034(A)(4) RC 3701.034(D)	Dept. of Health is prohibited from using federal funds under the <u>infertility prevention project</u> , operated by the US CDC, to perform nontherapeutic abortions, promote nontherapeutic abortions, contract with any entity that performs or promotes nontherapeutic abortions, become or continue to be an affiliate of any entity that performs or promotes nontherapeutic abortions.
	RC 3701.034(A)(5) RC 3701.034(E)	Dept. of Health is prohibited from using federal funds under the <u>Minority HIV/AIDS Initiative</u> , operated by the US HHS, to perform nontherapeutic abortions, promote nontherapeutic abortions, contract with any entity that performs or promotes nontherapeutic abortions, become or continue to be an affiliate of any entity that performs or promotes nontherapeutic abortions.
	RC 3701.034(A)(6) RC 3701.034(G)	Dept. of Health is prohibited from using funds under the <u>personal responsibility education program</u> to perform nontherapeutic abortions, promote nontherapeutic abortions, contract with any entity that performs or promotes nontherapeutic abortions, become or continue to be an affiliate of any entity that performs or promotes nontherapeutic abortions.
	RC 3701.034(F)	Dept. of Health is prohibited from using any state funds to perform nontherapeutic abortions, promote nontherapeutic abortions, contract with any entity that performs or promotes nontherapeutic abortions, become or continue to be an affiliate of any entity that performs or promotes nontherapeutic abortions.
	RC 3701.046	State grants (funding) for women's health services shall not include abortion services or counseling/referrals for abortion services
	RC 3701.511 * RC 3701.501 ** RC 3701.502	None of the funds used to administer the following programs shall be used to counsel or refer for an abortion: * Newborn screening for genetic, endocrine, and metabolic disorders ** Education, detection, and treatment of genetic diseases
	RC 3701.791	Every abortion facility shall post a notice that includes the following in a conspicuous location with at least a 44 point font: NO ONE CAN FORCE YOU TO HAVE AN ABORTION. NO ONE - NOT A PARENT, NOT A HUSBAND, NOT A BOYFRIEND - NO ONE The Dept. of Health must post the same message on its website.
	RC 3727.60	No public hospital shall enter into a written transfer agreement with an ambulatory surgical facility in which nontherapeutic abortions are performed.
	RC 3901.87	No qualified health plan, under the federal Patient Protection and Affordable Care Act, shall provide coverage for a nontherapeutic abortion.
	RC 4112.01(B)	Ohio civil rights law does not require an employer to pay for health insurance benefits for abortion.

	RC 4723.44(B)(6)	No advanced practice registered nurse shall prescribe any drug or device to perform or induce an abortion, nor shall perform or induce an abortion.
	RC 4730.02(E)	No person practicing as a physician assistant shall prescribe any drug or device to perform or induce an abortion, nor shall perform or induce an abortion.
	RC 4731.22(B)(21)(23)(39)(51)	Disciplinary actions against doctors who fail to comply with specified statutes pertaining to abortion
	RC 4731.91	No private / public hospital, hospital director, or hospital governing board is required to permit an abortion.
	RC 4743.10(B)	Medical practitioner, health care institution, or health care payer has the freedom to decline to perform, participate in, or pay for any health care service which violates their moral, ethical, or religious beliefs or principles.
	RC 5101.56	No state or local funds may be used to pay for an abortion with the exception of preserving the life or health of the mother; or in cases of rape or incest.
	RC 5101.57(B)	No public facility shall be used to perform or induce a nontherapeutic abortion
	RC 5101.804	Ohio parenting and pregnancy program promotes childbirth and alternatives to abortion
Question	RC 1751.01 general health insurance	Currently this law defines “basic health services” covered by insurance to include preventive health care service (e.g. family planning services and infertility treatments). Would the proposed rights to make reproductive decisions compel this statute to be amended to include related medical services in private insurance policies?

**Ohio Revised Code:** <https://codes.ohio.gov/ohio-revised-code>

**Note:** Ohio Medicaid may be used to provide services for pregnancy prevention, contraceptive management, and screening for genetic disorders. <https://medicaid.ohio.gov/families-and-individuals/srvcs/family-planning>

Ohio Administrative Code: <https://codes.ohio.gov/ohio-administrative-code/rule-5160-21-02>