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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

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Office

**H.B. 435**  
**136<sup>th</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Williams and M. Miller

Chenwei Zhang, Attorney

### SUMMARY

- Requires an institution to offer genetic testing, at no cost to the parents, to confirm paternity when a child is born to unwed parents.
- Names the act the Right to Know Act

### DETAILED ANALYSIS

#### Right to Know Act

The bill requires an institution to offer to provide genetic testing, free of charge, to confirm the father's status as the father of the child when a birth occurs in or en route to the institution and the mother was not married at the time of conception or birth or in between conception and birth.<sup>1</sup>

Under existing law, when a child is born to unmarried parents, the name of the father must be included on a birth certificate if both the mother and father sign an acknowledgment of paternity affidavit before the birth record is sent to the local registrar. When an acknowledgement is final and enforceable, the child is the child of the man who signed it as though born in lawful wedlock, he assumes the parental duty of support, and he may file a complaint for reasonable parenting time. An acknowledgement is final and enforceable when it is filed with the Office of Child Support, the information is entered into the birth registry maintained by that office, and the acknowledgement is not rescinded. An acknowledgement may be rescinded through an administrative process within 60 days; after that time, the only way to

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<sup>1</sup> R.C. 3705.09(F)(2)(b)(i).

rescind an acknowledgement is to file a court action within one year based on fraud, duress, or material mistake of fact.<sup>2</sup>

The bill requires the institution to offer free genetic testing before providing an acknowledgment of paternity affidavit. If the mother or father decline genetic testing, the institution must provide an acknowledgment of the offer to conduct genetic testing at no cost, which both the mother and father must sign.<sup>3</sup> An institution may not withhold an acknowledgment of paternity affidavit upon request from the mother or father, regardless of the results of any genetic testing that the institution conducts.<sup>4</sup>

### **Costs and billing**

An institution cannot bill the mother or father for any cost associated with providing genetic testing.<sup>5</sup> However, it may bill any health benefit plan covering the mother, father, or child. Any reimbursement made by a health plan issuer must be considered payment in full, and the institution cannot bill the mother or father for any difference between the reimbursement and the institution's charge for the genetic testing.<sup>6</sup>

### **Definitions**

Existing law defines an "institution" as any establishment, public or private, that provides medical, surgical, or diagnostic care or treatment, or domiciliary care, to two or more unrelated individuals, or to persons committed by law, such as a hospital.<sup>7</sup>

The bill maintains an existing law definition of genetic testing, which is either of the following:

- Tissue or blood tests, including tests that identify the presence or absence of common blood group antigens, the red blood cell antigens, human lymphocyte antigens, serum enzymes, serum proteins, or genetic markers;
- Deoxyribonucleic acid (DNA) typing of blood or buccal (cheek) cell samples.

Genetic testing may include the typing and comparison of DNA derived from the blood of one individual and buccal cells of another.<sup>8</sup>

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<sup>2</sup> R.C. 3111.23, 3111.25, 3111.26, 3111.27, and 3111.28.

<sup>3</sup> R.C. 3705.09(F)(2)(a) and (b).

<sup>4</sup> R.C. 3705.09(F)(2)(c).

<sup>5</sup> R.C. 3705.09(F)(2)(d)(i) and (b)(i).

<sup>6</sup> R.C. 3705.09(F)(2)(d)(ii) and (iii).

<sup>7</sup> R.C. 3705.01(F).

<sup>8</sup> R.C. 3705.01(U); R.C. 3111.09, not in the bill.

The bill also maintains existing law definitions of a health benefit plan (a policy, contract, certificate, or agreement offered to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services) and a health plan issuer (an entity that offers a health benefit plan).<sup>9</sup>

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## HISTORY

| Action     | Date     |
|------------|----------|
| Introduced | 09-09-25 |

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<sup>9</sup> R.C. 3705.09(F)(2)(d)(iv); R.C. 3922.01(L) and (P), not in the bill.