



# OHIO LEGISLATIVE SERVICE COMMISSION

## Bill Analysis

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### **H.B. 376**

131st General Assembly  
(As Introduced)

**Reps.** Boyd and Sykes, G. Johnson, K. Smith, Slesnick, Howse, Lepore-Hagan, Sheehy, Fedor, Bishoff, Celebrezze, Boyce

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### **BILL SUMMARY**

- Requires entities funded through the Ohio Parenting and Pregnancy Program ("funded entity" or "entity") to provide only medically accurate information.
- Provides that a person served by a funded entity who reasonably believes that a representative of the entity has failed to provide medically accurate information may request a government attorney to bring an action against the entity.
- Requires a government attorney to do the following before bringing an action:
  - Provide the funded entity with reasonable notice and opportunity to correct the noncompliance within 30 days;
  - Require the entity to provide to the government attorney new training and informational materials that have removed all references to the information that is not medically accurate;
  - Verify that noncompliance was not corrected within the 30-day period.
- Allows a government attorney to bring an action to impose a civil penalty of \$500 for the first failure and \$1,000 for each subsequent failure.

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## CONTENT AND OPERATION

### Requiring funded entities to provide medically accurate information

The bill requires that an entity receiving funding from the Ohio Parenting and Pregnancy Program ("funded entity" or "entity") must provide only medically accurate information (see "**Definitions**").<sup>1</sup>

The Ohio Parenting and Pregnancy Program provides Temporary Assistance to Needy Families ("TANF") block grant funds to certain private, nonprofit entities that (1) promote childbirth, parenting, and alternatives to abortion, (2) provide services to pregnant women and parents or other relatives caring for children 12 months of age or younger, and (3) meet one of the purposes of the TANF block grant. The Ohio Department of Job and Family Services may provide funds to these entities by agreement (to the extent permitted by federal law).<sup>2</sup>

### Consequences of noncompliance

Under the bill, if a person being served by a funded entity reasonably believes that a representative of the entity has failed to provide medically accurate information, that person may request a government attorney (see "**Definitions**") to bring an action against the entity.<sup>3</sup> When a government attorney receives a request for an action, the attorney must first do all of the following:

- Give reasonable notice to the funded entity of the noncompliance and that it is subject to a civil penalty as provided in the bill if it does not correct the noncompliance within 30 days from the date that the notice is sent to the facility;
- Require the funded entity to provide the government attorney with new training and informational materials that have removed all references to the information that was not medically accurate;
- Verify that noncompliance was not corrected within the 30-day period.<sup>4</sup>

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<sup>1</sup> R.C. 5101.805(B).

<sup>2</sup> R.C. 5101.804, not in the bill.

<sup>3</sup> R.C. 5101.806(B).

<sup>4</sup> R.C. 5101.806(C).



After completing the above, the government attorney may bring an action to impose a civil penalty of \$500 for the first failure and \$1,000 for each subsequent failure.<sup>5</sup>

The bill provides three different funds or treasuries under which collected penalties may be deposited, depending on the type of government attorney that brings the action. If the Attorney General brings the action, the penalty must be paid to the State Treasurer for deposit into the General Revenue Fund. If the county prosecuting attorney brings the action, the penalty must be paid to the county treasurer for deposit into the county treasury. If the city director of law, township law director, or legal counsel for a village brings the action, the civil penalty must be paid to the general fund of the applicable municipal corporation, township, or village.<sup>6</sup>

## Definitions

Under the bill, "medically accurate information" is information that meets any of the following:

- Verified or supported by the weight of peer-reviewed medical research that was conducted under accepted scientific methods;
- Recognized as medically sound and objective by:
  - Leading medical organizations with relevant expertise (such as the American Medical Association, the American Congress of Obstetricians and Gynecologists, the American Public Health Association, the American Academy of Pediatrics, the American College of Physicians, the American Academy of Family Physicians, and the American Psychological Association) ;
  - Government agencies (such as the Centers for Disease Control, the Food and Drug Administration, the National Cancer Institute, and the National Institute of Health);
  - Scientific advisory groups (such as the Institute of Medicine and the Advisory Committee on Immunization Practices);

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<sup>5</sup> R.C. 5101.806(B).

<sup>6</sup> R.C. 5101.806(D).



- Recommended by or affirmed in medical practice guidelines of a nationally recognized accrediting organization.<sup>7</sup>

The bill defines "government attorney" as any of the following:

- The Attorney General;
- The county prosecuting attorney with jurisdiction over the funded entity;
- The city director of law, township director of law, or legal counsel for a village with jurisdiction over the funded entity.<sup>8</sup>

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## HISTORY

ACTION	DATE
Introduced	10-19-15

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<sup>7</sup> R.C. 5101.805(A)(1).

<sup>8</sup> R.C. 5101.806(A).

