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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 90**  
**(I\_133\_0211-4)**  
**133rd General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for H.B. 90's Bill Analysis](#)

**Version:** In House Health

**Primary Sponsor:** Rep. Antani

**Local Impact Statement Procedure Required:** No

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### **Highlights**

- The Ohio Department of Health (ODH) will realize an increase in costs to develop an instructional program regarding the humanity of an unborn child, a pregnancy and child services database, as well as educational materials concerning gestation, pregnancy, and abortion, and materials addressing maternal behaviors during pregnancy that are helpful to an unborn child.
- The bill also increases the administrative costs of the Ohio Department of Education (ODE) to develop the instructional program regarding the humanity of the unborn child.
- The bill may minimally increase costs for public districts and schools to update science and health course curriculum to implement the bill's required instruction.
- The bill increases the workload of the Joint Committee on Agency Rule Review to review and either approve or disapprove the instructional program and other materials ODH must produce.

### **Detailed Analysis**

The bill requires the creation of a public school instructional program and the dissemination of materials regarding the humanity of unborn children. Provisions with a notable fiscal effect are discussed below.

#### **Ohio Department of Education and public schools**

The administrative costs of the Ohio Department of Education (ODE) and Ohio Department of Health (ODH) will increase to develop an instructional program regarding the humanity of the unborn child and other related topics consistent with various educational and informational materials ODH is required to develop (see below). In FY 2019, \$3.8 million in GRF funding is specifically appropriated to ODE to develop and communicate to school districts

academic content standards and curriculum models. The bill's requirement for public districts and schools to implement the program may minimally increase costs for districts and schools to update curriculum and provide professional development to teachers. The bill requires the age-appropriate instruction on the material to be taught as part of each year's science curriculum in grades 3-8 and in the health course for grades 9-12.

## **Department of Health**

As mentioned above, ODH will incur costs to develop the instructional program, a pregnancy and child services database, discussed below, as well as educational materials concerning gestation, pregnancy, and abortion, and materials addressing maternal behaviors during pregnancy that are helpful to an unborn child.

ODH is required to develop, maintain, and update annually a pregnancy and child services database containing a list of agencies that offer services available to assist women through pregnancy and childbirth and while their children are dependent. The database is to include a comprehensive list of public and private agencies, including adoption agencies.

Under the bill, ODH is required to develop and make available information concerning the probable characteristics of an unborn child at specified gestational ages, as well as information about pregnancy and abortion. ODH is required to distribute the materials to the public through public service announcements, as well as print and broadcast media. ODH is also required to distribute educational and informational materials addressing maternal behavior during pregnancy that is helpful to an unborn child and to recommend to ODE information regarding an unborn child for the state's academic standards for science, family and consumer sciences, and health classes.

Additionally, ODH is required to provide technical assistance to community-based organizations to help them plan and implement abortion prevention and alternatives-to-abortion referral programs, as well as education programs. ODH is also required to provide outreach, training, consultation, and alternatives-to-abortion services to organizations, communities, etc. ODH may incur costs to provide this assistance.

ODH is also required to submit an annual report describing its efforts to meet the requirements of the bill to the chairpersons and vice-chairpersons of the standing committees of the House of Representatives and the Senate that are primarily responsible for considering public health issues. Lastly, ODH is required to adopt rules necessary to implement the provisions of the bill.

## **Joint Committee on Agency Rule Review**

The bill increases the administrative workload of the Joint Committee on Agency Rule Review (JCARR), which is responsible for oversight of proposed new, amended, or rescinded rules from state agencies, boards, and commissions. Specifically, the bill requires, no later than 120 days after the bill's effective date, the State Board of Education to submit the instructional program to JCARR for approval. Additionally, the bill requires ODH to submit all materials developed as required under the bill to JCARR. JCARR is required to review and either approve or disapprove the program and the ODH materials. The bill prohibits the program or ODH materials from being subject to review by the Common Sense Initiative Office and provides that JCARR's review satisfies the requirement that the General Assembly pass a concurrent

resolution approving the adoption or revision of health standards or curriculum by the State Board of Education.

## **Synopsis of Fiscal Effect Changes**

The substitute bill, I\_133\_0211-4, removes the bill's appropriation of \$500,000 within ODH's budget to carry out certain provisions of the bill in FY 2020. Funds were to be used to develop the instructional program, the pregnancy and child services database, as well as the educational materials concerning gestation, pregnancy, and abortion, and materials addressing maternal behaviors during pregnancy that are helpful to an unborn child. The substitute bill also removes a provision that makes the development of the program subject to the appropriation of funds and requires the unborn child's humanity/abortion-free society duties to be carried out by ODH to the extent sufficient funds are appropriated. Thus, ODH will incur costs to develop the instructional program and to carry out other requirements of the bill.

The substitute bill, I\_133\_0211-4, removes the bill's appropriation of \$500,000 within ODH's budget in FY 2021 to distribute to organizations providing instruction in venereal disease education emphasizing abstinence.

The substitute bill, I\_133\_0211-4, requires, rather than permits, school boards and governing authorities to implement the unborn child's humanity instructional program, and requires the program to be taught as part of each year's science curriculum in grades 3-8 and the health curriculum in grades 9-12.

The substitute bill, I\_133\_0211-4, adds the requirement for the State Board of Education to submit the instructional program to the Joint Committee on Agency Rule Review (JCARR) for approval. The As Introduced version of the bill did not include this provision.

The substitute bill, I\_133\_0211-4, removes a provision that would have required facilities that are open to the public, have a public restroom, and are an educational setting, a health care facility, or a retail food establishment to display in its public restrooms a statement created by ODH and made downloadable on its website.