



Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

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S.B. 254

131st General Assembly
(S. Gov't Oversight & Reform)

This table summarizes how the latest substitute version of S.B. 254 of the 131st General Assembly differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (LSC 131 1767-4)
Scope	Regulates the final disposition of fetal remains from an abortion (<i>R.C. Chapter 3728</i>).	Regulates the final disposition of fetal remains from a <i>surgical</i> abortion (<i>R.C. Chapter 3728</i>).
Definition of fetal remains	Defines "fetal remains" to mean the entire fetus or any of its parts that are removed from the pregnant woman's uterus by an abortion (<i>R.C. 3728.01(C)</i>).	Defines "fetal remains" to mean the entire fetus or any of its parts that are removed from the pregnant woman's uterus by an abortion, <i>irrespective of the duration of the pregnancy</i> (<i>R.C. 3728.01(C)</i>).
Performance of cremation of fetal remains	No provision.	Requires the cremation of fetal remains from a surgical abortion to be performed in a crematory facility, in compliance with Chapter 4717 (<i>R.C. 3728.02</i>).
Cremated remains go to a grave, crypt, or niche	No provision.	Prohibits the operator of a crematory facility from disposing or arranging for the transfer or disposal of cremated fetal remains anywhere other than in a grave, crypt, or niche (<i>R.C. 4717.271</i>).

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Pregnant woman's right to determine the location for final disposition	No provision.	Provides that a pregnant woman who has a surgical abortion has the right to determine the location for the final disposition and requires the final disposition to clearly indicate whether the final disposition will be at a location other than the one provided by the abortion facility (<i>R.C. 3728.03(B) and 3728.04(A)(2)</i>)
Underage consent form	Requires the Director of Health to create a parental consent form to permit the parent of a pregnant woman who is under 18 years old, unmarried, and unemancipated to consent to the final disposition of the fetal remains (<i>R.C. 3728.04(B)(1) and 3728.14(B)</i>).	Requires the Director of Health to create a form to permit the parent, guardian, or custodian of a pregnant woman who is under 18 years old, unmarried, and unemancipated to consent to the final disposition of the fetal remains made in writing using the detachable supplemental form to the abortion "informed consent" form (<i>R.C. 3728.04(A) and (B)(1) and 3728.14 (B)</i>).
Release or arrangement of disposal if final disposition not made	Permits an abortion facility to release or arrange for disposal of fetal remains if no final disposition determination is made or consented to within a reasonable time after the abortion was induced or performed. (<i>R.C. 3728.05 and 3728.08.</i>)	No provision.
Payment of disposition expenses (<i>R.C. 3728.09</i>)	An abortion facility must pay the costs of cremation or final interment, unless the disposition determination indicates a method or process of cremation or interment that involves extraordinary expense, in which case it must be paid by the woman.	An abortion facility must pay for and provide for the cremation or interment of the fetal remains, unless the disposition determination indicates a location for final disposition that is not offered by the abortion facility, in which case the woman is responsible for the costs related to the disposition at her chosen location.

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Abortion facility's list of locations	No provision.	Requires an abortion facility to develop and maintain a written list of locations at which it provides or arranges for the final disposition of fetal remains from surgical abortions (<i>R.C. 3728.13</i>).
Informing pregnant women about locations	No provision.	Requires the disposition notification rules the Director of Health adopts to inform the women of the available options for locations for the disposition (<i>R.C. 3728.14(A)(2)</i>).
Form for final disposition	Requires the Director to create a form that the pregnant woman is required to use to determine her preferred method of disposition of fetal remains (<i>R.C. 3728.04(A) and 3728.14(B)</i>).	Requires the Director to create a form that indicates the pregnant woman's preferred method of disposition of fetal remains but does not expressly require the form to be used by the pregnant woman (<i>R.C. 3728.04(A) and 3728.14(B)</i>).
Detachable supplemental form	No provision.	Requires the Director to create a detachable supplemental form to the existing law abortion "informed consent" form to be used when making a disposition determination regarding fetal remains that includes the following: <ul style="list-style-type: none"> • Indicates whether the pregnant woman has indicated a preference as to the method of disposition, and the preferred method selected; • Indicates whether the pregnant woman has indicated a preference as to the location of disposition of the fetal remains; • Provides for the signature of the

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		<p>physician who is to perform or induce the abortion;</p> <ul style="list-style-type: none"> Provides for a medical identification number for the woman, but does not provide for her printed name or signature (<i>R.C. 3728.04(A) and 3728.14(C)(1)</i>).
Certification of compliance	No provision.	Requires the pregnant woman, prior to the performance of a surgical abortion, if she desires to exercise her right to determine the method and location of final disposition, to certify that she made a determination in writing using the detachable supplemental form, or the parent, guardian, or custodian consent form, or both, as applicable (<i>R.C. 2317.56(B)(4)(c)</i>).
Medical emergency prevents signature - rules	No provision.	Requires the Director, as part of the requirement to create the detachable supplemental form, to also create procedures to complete the detachable supplemental form a reasonable time after a medical emergency or necessity, that prevents the form's completion, has ended (<i>R.C. 3728.14(C)(2)</i>).
Deadline for creating rules	No provision.	Requires the Director of Health to adopt the rules to carry out the fetal remains requirements under the bill not later than 90 days after the effective date of the bill (<i>R.C. 3728.14</i>).
Immunity for pregnant woman	No provision.	Provides that a pregnant woman whose fetal remains from a surgical abortion are not disposed of as provided

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		by the bill is not guilty of committing, attempting to commit, complicity in the commission of, or conspiracy in the commission of the bill's criminal prohibition (<i>R.C. 3728.95</i>).
General immunity	No provision.	Provides that a person who buries or cremates fetal remains from a surgical abortion is not liable for or subject to damages in a civil action, prosecution in a criminal proceeding, or professional disciplinary action related to the disposal of fetal remains if the person does all of the following: <ul style="list-style-type: none"> • Acts in good faith compliance with the bill's provisions; • Receives a copy of a properly executed detachable supplemental form; • Acts in furtherance of the final disposition of the fetal remains. (<i>R.C. 3728.15.</i>)
Delayed enforcement of criminal prohibition	No provision.	Provides that the criminal prohibition and the crematory facility prohibition do not apply until the rules are adopted as required under the bill (<i>Section 3</i>).
Abortion Report	No provision.	Requires the attending physician for the abortion, when completing an "abortion report" under continuing law, to include the method of final disposition of the fetal remains from a surgical abortion (<i>R.C. 3701.79(C)(4)</i>).