



H.B. 280

127th General Assembly
(As Reported by H. Health)

Reps. Schneider, Aslanides, Setzer, Uecker, Brinkman, Flowers, Combs, Huffman, Zehringer, Widener, Adams, Hite, Jones, Hottinger, Wachtmann, Seitz, Evans, Latta, Bulp, J. McGregor, Fessler, Wagner, Wagoner, Collier, Schindel, Wolpert, Coley, Gibbs, Patton, DeGeeter, White, Bolon, Blessing, J. Hagan, Mandel, Goodwin, Batchelder, Distel, Oelslager, Brady, Barrett, Sears, Mecklenborg

BILL SUMMARY

- Increases penalties for domestic violence if at the time of the offense the offender knew the victim was pregnant.
- Requires an office or facility at which abortions are performed or induced, including an ambulatory surgical facility, to post an abortion coercion notice in a conspicuous location and specifies the contents, dimensions, and typeface of the notice.
- Requires the Department of Health to publish the abortion coercion notice on its web site in a manner that can be copied and produced in poster form.
- Requires the State Medical Board to take certain disciplinary action against a physician for performing or inducing an abortion at an office or facility with knowledge that it has not posted the abortion coercion notice.

CONTENT AND OPERATION

Domestic violence penalties

(R.C. 2919.25)

Existing law prohibits a person from doing any of the following: (1) knowingly causing or attempting to cause physical harm to a family or household

member, (2) recklessly causing serious physical harm to a family or household member, or (3) by threat of force, knowingly causing a family or household member to believe that the offender will cause imminent physical harm to the family or household member. Anyone who violates any of these prohibitions is guilty of domestic violence.

Current law

Generally, a violation of the first or second prohibition above is a first-degree misdemeanor, and a violation of the third is a fourth-degree misdemeanor. However, if the offender previously has pleaded guilty to or been convicted of any of the following, a violation of the first or second prohibition is a fourth-degree felony, and a violation of the third is a second-degree misdemeanor:

(1) Domestic violence or a violation of an existing or former municipal ordinance or law of Ohio or any other state or the United States that is substantially similar to domestic violence;

(2) A violation of laws prohibiting negligent assault (R.C. 2903.14), criminal damaging or endangering (R.C. 2909.06), criminal mischief (R.C. 2909.07), burglary (R.C. 2911.12), aggravated trespassing (R.C. 2911.211), or endangering children (R.C. 2919.22) if the victim of the violation was a family or household member¹ at the time of the violation or a violation of an existing or former municipal ordinance or law of Ohio or any other state or the United States that is substantially similar to any of the foregoing, if the victim of the violation was a family or household member at the time of the commission of the violation;

(3) Any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense.

The bill

The bill adds another penalty for a domestic violence offense that applies if the offender knew the victim was pregnant at the time of the offense. In that case, a violation of the prohibitions related to causing physical harm is a fifth-degree felony and a violation of the prohibition related to threatening physical harm is a third-degree misdemeanor.

¹ See **COMMENT** for definitions of terms used in the bill.

Abortion coercion notice

(R.C. 3701.791, 3702.30(G), and 4731.22(B)(38))

Posting the notice

The bill requires an office or facility at which abortions are performed or induced, including an ambulatory surgical facility, to post the following notice in a conspicuous location in the office or facility that is accessible to all patients, employees, and visitors:

"NO ONE CAN FORCE YOU TO HAVE AN ABORTION. NO ONE – NOT A PARENT, NOT A HUSBAND, NOT A BOYFRIEND – NO ONE.

Under Ohio law, an abortion cannot be legally performed on anyone, regardless of her age, unless she VOLUNTARILY CONSENTS to having the abortion.

Ohio law requires that, before an abortion can legally be performed, the pregnant female must sign a form indicating that she consents to having the abortion "voluntarily" and "WITHOUT COERCION BY ANY PERSON."

IF SOMEONE IS TRYING TO FORCE YOU TO HAVE AN ABORTION AGAINST YOUR WILL:

DO NOT SIGN THE CONSENT FORM

IF YOU ARE AT AN ABORTION FACILITY, TELL AN EMPLOYEE OF THE FACILITY THAT SOMEONE IS TRYING TO FORCE YOU TO HAVE AN ABORTION."

An office or facility at which abortions are performed or induced due only to medical emergency is not required to post the notice.

Notice specifications

The notice must be displayed on a poster that is at least 11" x 17." The first two sentences of the notice must be printed in at least a 44-point typeface and the remaining lines must be in at least a 30-point typeface.

Department of Health

The bill requires the Department of Health to publish the notice on its web site in a manner that can be copied and produced in poster form.

Physician discipline

The bill requires the State Medical Board to take any of the following actions against an individual (by an affirmative vote of at least six members and to the extent permitted by law) for performing or inducing an abortion at an office or facility with knowledge that it has not posted the abortion coercion notice: (1) limit, revoke, or suspend the individual's certificate to practice, (2) refuse to register the individual, (3) refuse to reinstate a certificate, or (4) reprimand or place the holder of the certificate on probation.

COMMENT

The bill uses a number of terms that are defined in existing law or in the bill.

Domestic violence penalties

"Family or household member"--either (1) any of the following who is residing or has resided with the offender: (a) a spouse, a "person living as a spouse" (see below), or a former spouse of the offender, (b) a parent or a child of the offender, or another person related by consanguinity or affinity to the offender, or (c) a parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender, or (2) the natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent (existing R.C. 2919.25(F)).

"Person living as a spouse"--a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question (existing R.C. 2919.25(F)).

"Physical harm to persons"--any injury, illness, or other physiological impairment, regardless of its gravity or duration (existing R.C. 2901.01(A)(3), not in the bill).

"Serious physical harm to persons"--any of the following: (a) any mental illness or condition of such gravity as would normally require hospitalization or

prolonged psychiatric treatment, (b) any physical harm that carries a substantial risk of death, (c) any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity, (d) any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement, or (e) any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain (existing R.C. 2901.01(A)(5), not in the bill).

Abortion coercion notice

"Ambulatory surgical facility"--generally, a facility, whether or not part of the same organization as a hospital, that is located in a building distinct from another in which inpatient care is provided in which outpatient surgery is routinely performed. "Ambulatory surgical facility" does not include a physician's private office or a hospital emergency department (existing R.C. 3702.30).

"Medical emergency"--a condition of a pregnant woman that, in the reasonable judgment of the physician who is attending the woman, creates an immediate threat of serious risk to the life or physical health of the woman from the continuation of the pregnancy necessitating the immediate performance or inducement of an abortion (R.C. 3701.791(A)).

HISTORY

ACTION	DATE
Introduced	06-27-07
Reported, H. Health	05-22-08

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