



# Ohio Legislative Service Commission

## Bill Analysis

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### Sub. H.B. 294\*

131st General Assembly

(As Reported by S. Government Oversight and Reform)

**Reps.** Patmon and Conditt, Brenner, Hood, Terhar, Roegner, Butler, Perales, Sprague, Blessing, Becker, Antani, Retherford, Brinkman, Hagan, Koehler, Hayes, Schaffer, Maag, Hambley, Thompson, McClain, Hall, Hill, Amstutz, Boose, Buchy, Burkley, Derickson, Dovilla, Ginter, Green, Grossman, Hackett, Huffman, T. Johnson, LaTourette, McColley, Pelanda, Romanchuk, R. Smith, Young, Zeltwanger, Rosenberger

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## BILL SUMMARY

- Requires the Ohio Department of Health to ensure that the funding and materials that are received or used in certain programs are not used to do any of the following:
  - Perform nontherapeutic abortions;
  - Promote nontherapeutic abortions;
  - Contract with an entity that performs or promotes nontherapeutic abortions;
  - Become or continue to be an affiliate of any entity that performs or promotes nontherapeutic abortions.
- Applies the limitations to the following programs:
  - The Violence Against Women Act;
  - The Breast and Cervical Cancer Mortality Prevention Act;
  - The Infertility prevention project;
  - The Minority HIV/AIDS initiative;

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\* This analysis was prepared before the report of the Senate Government Oversight and Reform Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Infant Mortality Reduction or Infant Vitality Initiatives;
- The Personal Responsibility Education Program.
- Requires the Medicaid Director to authorize local health departments and women, infants, and children (WIC) clinics to serve as qualified providers for purposes of presumptive eligibility for pregnant women and children.
- Requires the Medicaid Director, not later than 180 days after the bill's effective date, to establish uniform criteria and processes governing all qualified providers for presumptive eligibility.
- Earmarks an appropriation for the Ohio Association of Community Health Centers for safe sleep, birth spacing, and smoking cessation initiatives.

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## CONTENT AND OPERATION

### Abortion limitations

The bill requires the Ohio Department of Health (ODH) to ensure that funding and materials that are received or used in certain programs or initiatives are not used to do any of the following:

- Perform nontherapeutic abortions;
- Promote nontherapeutic abortions;
- Contract with an entity that performs or promotes nontherapeutic abortions;
- Become or continue to be an affiliate of any entity that performs or promotes nontherapeutic abortions.<sup>1</sup>

Referring to an existing law definition, the bill defines a "nontherapeutic abortion," as an abortion that is performed or induced when the life of the mother would not be endangered if the fetus were carried to term or when the pregnancy of the mother was not the result of rape or incest reported to a law enforcement agency.<sup>2</sup> With respect to those nontherapeutic abortions, the bill defines "promote" to mean

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<sup>1</sup> R.C. 3701.034.

<sup>2</sup> R.C. 3701.034(A)(7); R.C. 9.04, not in the bill.



advocating for, assisting with, encouraging, or popularizing through advertising or publicity.<sup>3</sup>

For purposes of the bill, "affiliate" means an entity that has with another entity a legal relationship created or governed by at least one written instrument that demonstrates (1) common ownership, management, or control, (2) a franchise agreement, or (3) the granting or extension of a license or other agreement that authorizes an entity to use the other entity's brand name, trademark, service mark, or other registered identification mark.<sup>4</sup>

## **Application of abortion limitations**

### **Federal programs**

The bill's limitations apply to the following federal programs:

- The Violence Against Women Act, for grants for the purpose of education and prevention of violence against women;<sup>5</sup>
- The Breast and Cervical Cancer Mortality Prevention Act, for a program to provide breast and cervical cancer screening and diagnostic testing and all state and federal funds that are used to operate such a program;<sup>6</sup>
- The infertility prevention project, for materials received and funds used for treatment associated with the project;<sup>7</sup>
- The minority HIV/AIDS initiative, for grants and all other federal and state funds that are part of the grants under that initiative;<sup>8</sup>
- The Personal Responsibility Education Program, for all funds and grants to educate adolescents on abstinence and contraception for the prevention of pregnancy and sexually transmitted infections.<sup>9</sup>

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<sup>3</sup> R.C. 3701.034(A)(8).

<sup>4</sup> R.C. 3701.034(A)(1).

<sup>5</sup> R.C. 3701.034(A)(2) and (B).

<sup>6</sup> R.C. 3701.034(A)(3) and (C).

<sup>7</sup> R.C. 3701.034(A)(4) and (D).

<sup>8</sup> R.C. 3701.034(A)(5) and (E).

<sup>9</sup> R.C. 3701.034(A)(6) and (G).



## **State infant mortality/vitality initiatives**

The bill also requires ODH to ensure that all state funds it receives, including funding for infant mortality reduction or infant vitality initiatives, are subject to the bill's limitations.<sup>10</sup>

## **Background**

Under continuing Ohio law, unless required by the United States Constitution or by federal statute, regulation, or federal court decisions, state and local funds cannot be used for an abortion, except in the case of rape or incest reported to law enforcement or to preserve the woman's life.<sup>11</sup> Additionally, ODH and Ohio Department of Job and Family Services funds for family planning services are subject to a prioritization schedule. Nonpublic entities that provide family planning services, but do *not* provide comprehensive primary and preventative care services, are at the lowest prioritization level, and may not receive funding if the appropriation has been exhausted.<sup>12</sup>

## **Qualified Medicaid providers for presumptive eligibility**

The bill requires the Medicaid Director to authorize local health departments and women, infants, and children (WIC) clinics to serve as qualified providers for purposes of presumptive eligibility for pregnant women and children. The bill also requires the Director, not later than 180 days after the bill's effective date, to establish uniform criteria and processes governing all qualified providers for purposes of presumptive eligibility in rules adopted under continuing law.<sup>13</sup>

## **Funding for safe sleep, birth spacing, and smoking cessation**

The bill earmarks an appropriation for the Ohio Association of Community Health Centers to assist federally qualified health centers and federally qualified health center look-alikes with best practices in safe sleep, birth spacing, and smoking cessation initiatives that are focused on process and system improvements. The bill requires the Ohio Association of Community Health Centers to collect learning from the participating centers and share learning with all centers through trainings or other appropriate means.<sup>14</sup>

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<sup>10</sup> R.C. 3701.034(F).

<sup>11</sup> R.C. 5101.56, not in the bill.

<sup>12</sup> R.C. 3701.027, 3701.033, 5101.101, and 5101.461, not in the bill.

<sup>13</sup> Section 2.

<sup>14</sup> Sections 3 and 4.



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## HISTORY

ACTION	DATE
Introduced	07-30-15
Reported, H. Community and Family Advancement	11-17-15
Passed House (62-33)	11-17-15
Reported, S. Government Oversight and Reform	---

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