



# WHAT DOES OHIO'S HEARTBEAT BILL MEAN?

**DISCLAIMER: THIS GUIDE IS A SOURCE OF GENERAL INFORMATION AND IS NOT INTENDED AS LEGAL ADVICE OR AS A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY. INDIVIDUALS SEEKING LEGAL ADVICE OR ANSWERS TO SPECIFIC LEGAL QUESTIONS SHOULD CONSULT WITH AN ATTORNEY.**

**THERE ARE NO CRIMINAL CONSEQUENCES FOR PREGNANT INDIVIDUALS.  
ONLY ABORTION PROVIDERS ARE SUBJECT TO CRIMINAL CONSEQUENCES.  
(ORC 2929.198)**

The Heartbeat Bill emphasizes the fetal heartbeat by citing statistics showing that the likelihood of carrying a baby to term is extremely high once a heartbeat is detected. The legislature also emphasizes the importance of informing pregnant individuals about these statistics. The burden is put on abortion providers, who must check to see if a heartbeat is detected.

## **THE HEARTBEAT BILL ADDED CERTAIN DEFINITIONS TO THE LAW PERTAINING TO ABORTION:**

1. *Conception*: means fertilization.
2. *Contraceptive*: means a drug, device, or chemical that prevents conception.
  - a. The law does not ban the sale, use, prescription, or administration of a drug device or chemical that is designed for contraceptives purposes.
3. *Intrauterine pregnancy*: means a pregnancy in which the fetus is attached to the placenta within the uterus of the pregnant individual.
4. *Spontaneous miscarriage*: means the natural or accidental termination of a pregnancy and the expulsion of the fetus, typically caused by genetic defects in the fetus or physical abnormalities in the pregnant individual.

## **THE HEARTBEAT BILL MAKES IT GENERALLY ILLEGAL FOR AN ABORTION PROVIDER TO PERFORM AN ABORTION AFTER A FETAL HEARTBEAT IS DETECTED.**

- This only applies to “intrauterine pregnancies.”
  - This means ectopic pregnancies are excluded.
- The provider **MUST** determine whether a detectable fetal heartbeat is present.
  - The method used to detect whether a heartbeat exists must be consistent with standard medical practices.
- The person detecting the presence or absence of the heartbeat must put in the pregnant individual’s medical record:
  - The estimated gestational age;
  - The method used to determine whether a heartbeat exists;
  - The date/time of the test; and
  - The results of the test.
- Providers must keep their records for seven years and make them available to the Department of Health.
- Pregnant individuals who are prevented from having abortions shall be provided information on adoptions.



# OHIO HEARTBEAT BILL CRIMINAL CONSEQUENCES

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## **CRIMINAL CONSEQUENCE 1: THE FAILURE TO CHECK FOR A HEARTBEAT.**

- No one can knowingly and purposefully perform an abortion without first determining whether a detectible fetal heartbeat exists.
- If convicted, they are guilty of a felony of the fifth degree.
  - This does not apply if after checking, no heartbeat was detected.
  - This section does not apply if a medical emergency exists that prevents compliance with the law.
    - Doctors must put in the pregnant individual's medical record of both (1) the physician's belief that a medical emergency necessitating the abortion existed; and (2) the medical condition of the pregnant individual that prevented compliance.

## **CRIMINAL CONSEQUENCE 2: THE FAILURE TO GET INFORMED CONSENT.**

- No one can perform an abortion without obtaining informed consent when there is a detectible heartbeat.
- If convicted, they are guilty of a misdemeanor of the first degree on a first offense and a felony of the fourth degree on a second offense.
- Informed consent means:
  - Informing the pregnant individual in writing that there is a detectible heartbeat.
  - Informing the pregnant individual of the statistical probabilities of bringing the fetus to term based on the gestational age; and
  - Having the pregnant individual sign a form acknowledging:
    - They have received the statistical information from the abortion provider;
    - They know the unborn has a fetal heartbeat; and
    - They are aware of the statistical probability of bringing the fetus to term.
  - Waiting 24 hours after obtaining the signed form from the pregnant individual.

## **CRIMINAL CONSEQUENCE 3: PERFORMING AN ABORTION AFTER A FETAL HEARTBEAT IS DETECTED.**

- No one can knowingly and purposefully perform an abortion on a pregnant individual after a heartbeat has been detected.
- If convicted, they are guilty of a felony of the fifth degree.
  - This does not apply to a doctor if, in the doctor's reasonable medical judgment, the abortion is designed or intended to prevent the death of the pregnant individual or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant individual.
  - The doctor must document their reasoning in a written document why the medical procedure was necessary to the best of their reasonable medical judgment. Must specifically state what the medical condition is and the rationale. Must be placed in the pregnant individual's medical records. Must keep a copy for at least 7 years.