

NOTICE OF PUBLIC RULES HEARING

DATE: Thursday, December 2, 2021
TIME: 1:30 p.m.
LOCATION: Via Electronic Teleconference
CALL-IN INFO: **Microsoft Teams meeting**
Join on your computer or mobile app
[Click here to join the meeting](#)
Join with a video conferencing device
682042763@t.plcm.vc
Video Conference ID: 117 651 040 3
[Alternate VTC instructions](#)
Or call in (audio only)
[+1 614-721-2972,,817584745#](#) United States, Columbus
Phone Conference ID: 817 584 745#

In accordance with *Chapter 119* of the Revised Code (R.C.), the Director of the Ohio Department of Health announces a Public Hearing at the date and time listed above to hear comments regarding the following action:

Ohio Revised Code (O.A.C.) Chapter 3701-46-01, -02 – Disposition of Fetal Remains from a Surgical Abortion

The rules set forth in Chapter 3701-46 of the Ohio Administrative Code (“OAC”) establish requirements for facilities that perform surgical abortions and the disposition of fetal remains. Specifically, the rules require the Department to create a form informing a pregnant woman of her right to determine whether final disposition of remains will be by interment or cremation and the location of the final disposition, and a supplemental form allowing her to make those determinations. The second rule requires the Department to create a consent form to be used if a pregnant woman is under 18 years of age, which is not required to be used under certain statutory authorizations or court orders.

Information regarding rule package proposed:

This rule package consists of two new rules. The draft rules were submitted to the CSI Office on August 19, 2021, and the public comment period was open through September 20, 2021.

Ohio Administrative Code (OAC) Chapter 3701-46 impact facilities that perform surgical abortions. Impacts may include the cost of providing required forms to patients, at a paper cost of \$4.87 to \$6.99 per 500 forms. Impacts may also include costs to print these forms including \$15 to \$100 for printer ink cartridges, and \$14 to \$300 for copier ink. Furthermore, impacted facilities may incur administrative costs for printing and distribution time and the time necessary for physicians to sign required forms, estimated at 15 minutes each. The Department states that the proposed rules are required to fulfill its statutory obligations in ORC 3726.14.

Hearing and Contact Information:

Information about the hearing, people affected by the proposed action may appear via teleconference and be heard or in tandem with an attorney. They may present their positions, arguments, or contentions orally or in writing;

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may offer witnesses; and may present evidence showing that the proposed rule, if adopted or effectuated, will be unreasonable or unlawful.

To aid in getting the call to be organized and go as smooth as possible, any persons intending to testify on the tele-Public Hearing or planning to observe are encouraged to email Alicyn.Carrel@odh.ohio.gov immediately. Please include in the subject of your email – TESTIFYING IN PUBLIC HEARING and the DATE of the Public Hearing in which you are testifying.

Copies of the proposed rules will be available on the Register of Ohio website: <http://www.registerofohio.state.oh.us/rules/search> approximately one day after the rule is filed, or from the Office of the General Counsel, Ohio Department of Health (<https://odh.ohio.gov/wps/portal/gov/odh/about-us/offices-bureaus-and-departments/Office-of-General-Counsel/laws-and-rules/>).

Please e-mail any written comments or RSVP if you are planning on testifying to Alicyn.Carrel@odh.ohio.gov by 5:00 p.m. on Wednesday, December 1, 2021.