



## Ohio Revised Code

### Section 2919.13 Abortion manslaughter; failure to render medical care to an infant born alive; civil action.

Effective: March 23, 2022

Legislation: Senate Bill 157 - 134th General Assembly

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- (A) No person shall purposely take the life of a child born by attempted abortion who is alive when removed from the uterus of the pregnant woman.
- (B) No person who performs an abortion shall purposely fail to take the measures required by the exercise of medical judgment in light of the attending circumstances to preserve the health or life of a child who is alive when removed from the uterus of the pregnant woman.
- (C)(1) Whoever violates division (A) of this section is guilty of abortion manslaughter, a felony of the first degree.
- (2) Whoever violates division (B) of this section and the child dies as a result of the person's failure to take the measures described in that division is guilty of abortion manslaughter, a felony of the first degree.
- (3) Whoever violates division (B) of this section and the child survives notwithstanding the person's failure to take the measures described in that division is guilty of failure to render medical care to an infant born alive, a felony of the first degree.
- (D)(1) A woman on whom an abortion is performed or attempted may file a civil action for the wrongful death of the woman's child against a person who violates division (A) of this section.
- (2) A woman on whom an abortion is performed or attempted may file a civil action for injury, death, or loss to person or property against a person who violates division (B) of this section.
- (3) A woman who prevails in an action filed under division (D)(1) or (2) of this section shall receive both of the following from the person who committed the act:



- (a) Compensatory and exemplary damages in an amount determined by the trier of fact;
  - (b) Court costs and reasonable attorney's fees.
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