



Ohio Administrative Code Rule 3701-74-01 Choose life fund.

Effective: March 22, 2018

(A) For purposes of this rule:

(1) "Choose life fund" means the fund created in the state treasury pursuant to section 3701.65 of the Revised Code consisting of voluntary contributions deposited as provided in section 4503.81 of the Revised Code, investment earnings of the fund and monies returned to the fund pursuant to paragraph (F)(4) of this rule.

(2) "Director" means the director of health or his designee.

(3) "Eligible organization" means any organization that applies for funding and meets all of the requirements set forth in paragraph (B) of this rule.

(B) Organizations that wish to obtain funding from the choose life fund shall apply by June first for annual distribution of the funds using a form prescribed by the director. The form shall inform the organization of the conditions for receiving and using the funds. To be eligible, the organization must meet all of the following requirements:

(1) Is a private, nonprofit organization;

(2) Is committed to counseling pregnant women about the option of adoption;

(3) Provides services within the state of Ohio to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women;

(4) Does not charge pregnant women for any services received;

(5) Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising;



(6) Does not discriminate in its provision of any service on the basis of race, religion, color, marital status, national origin, handicap, gender, or age;

(7) If the organization is applying for funding in a county in which it is not located, provides services for pregnant women residing in that county; and

(8) If the organization received choose life funds during the previous year, the organization shall submit with the application an audited financial statement verifying its compliance with this rule regarding the use of funds distributed to the organization during the previous year.

(C) No later than August fifteenth of each year, the director shall distribute the money in the choose life fund in accordance with paragraph (E) of this rule to any organization that applies for funding and meets the requirements set forth in paragraph (B) of this rule.

(D) The director shall not distribute funds to an organization that fails to provide verifiable evidence of compliance with all of the requirements of paragraph (B) of this rule and shall not provide additional funds to any organization that fails to comply with the requirements regarding the receipt and use of such funds as set forth in paragraph (F) or this rule.

(E) At least annually, the director of health shall distribute the money in the fund to any private, nonprofit organization that is eligible to receive funds and that applies for funding under paragraph (B) of this rule.

(F) Organizations seeking funds may apply for distribution of the funds based on the county in which the organization is located. An organization also may apply for funding in a county in which it is not located if it demonstrates that it provides services for pregnant women residing in that county.

(G) The director shall allocate the funds to each county in proportion to the number of "choose life" license plates issued during the preceding year to vehicles registered in each county. The director shall distribute funds allocated for a county as follows:



- (1) To one or more eligible organizations located within the county;
 - (2) If no eligible organization located within the county applies for funding, to one or more eligible organizations located in contiguous counties;
 - (3) If no eligible organization located within the county or a contiguous county applies for funding, to one or more eligible organizations within any other county.
- (H) The director shall ensure that any funds allocated for a county are distributed equally among eligible organizations that apply for funding within the county.
- (I) An eligible organization receiving funds from the choose life fund shall do all of the following:
- (1) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants awaiting placement with adoptive parents, including clothing, housing, medical care, food, utilities, and transportation;
 - (2) Use not more than forty per cent of the funds distributed to it for counseling, training, or advertising;
 - (3) Not use any of the funds distributed to it for administrative expenses, legal expenses, or capital expenditures;
 - (4) Return to the department of health no later than July first any unused money that exceeds ten percent of the money distributed to the eligible organization during the previous year; and
 - (5) Submit to the director of health no later than June first an audited financial statement verifying its compliance with this rule regarding the use of funds distributed to the eligible organization the previous year. If the organization does not traditionally have an audited financial statement and to have one would create a hardship, the organization may submit replacement documentation chosen by the director of health.
- (J) If funds that have been allocated to a county for any previous year have not been distributed to



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one or more eligible organizations, the director may distribute those funds in accordance with this rule.