
Disclaimer: This state profile has been prepared by Family Watch International and the Protect Child Health Coalition. While the information provided is as accurate as possible and is updated annually, *laws can change with each legislative session and laws are subject to interpretation. Therefore, it is advised that you verify and confirm all information posted on this website.*



OHIO STATUTES AND LAWS

This profile provides an overview of sex education laws in Ohio including:

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- III. [Sex Education Laws](#)
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Ohio legislative session convened on 1/7/19 and adjourned on 12/31/20. The [Ohio Codes](#) have been updated on the [Ohio Legislative website](#) for 2019.

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What should I know about [navigating sex ed terms](#)?

I. SEX-ED REQUIREMENTS QUICK CHART				
LEGISLATIVE REQUIREMENTS	YES	NO	NOT INDICATED	LEGISLATIVE CODES
Sex education required	X			(see codes) §3313.60 , §3313.6011
Sex education optional				
If/When Provided, Sexual Education Must/May:				
Be medically accurate			X	
Be evidence based			X	
Be age appropriate	X			§3313.60(e)
Be culturally appropriate/ unbiased			X	
Reference/stress abstinence*	X			§3313.6011(B) & (C.1)
Include HIV/AIDS education	X			
Be LGBTQ inclusive			X	
Include safety against sexual abuse			X	
Parental Role in Sexual Education:				
Parental notification			X	
Parental involvement	X			§3313.212
Opt-in			X	
Opt-out/withdraw	X			§3313.60(5c,d)
Access to/review curriculum	X			§3313.60 , §3313.60(G) , §3313.212
Other				
Student Questionnaire/survey				§3313.60(G.1,3)
Public Review				§3301.0718
<p>*Warning: While statutes might say “abstinence based” or require materials to “stress abstinence” as the standard, many CSE programs only mention abstinence in passing; they do not establish abstinence as the expected standard and fail to emphasize abstinence as the only sure way to protect against pregnancy and sexually transmitted diseases, including AIDS. See harmful elements of CSE here.</p>				

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II. PARENTAL RIGHTS LAWS

What should I know about [parental rights laws](#)?

The following laws and guidelines apply to sex education and how it is taught according to [Ohio Education Code](#).

[§3313.60](#) Prescribed curriculum.

(A) The board of education of each city, exempted village, and local school district and the board of each cooperative education school district established, pursuant to section [3311.521](#) of the Revised Code, shall prescribe a curriculum for all schools under its control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

- (1) The language arts, including reading, writing, spelling, oral and written English, and literature;
- (2) Geography,
- (3) Mathematics;
- (4) Natural science, including instruction in the conservation of natural resources;
- (5) Health education, which shall include instruction in:
 - (c) **Venereal disease education**, except that upon written request of the student's parent or guardian, a **student shall be excused** from taking instruction in venereal disease education;
 - (d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a **student shall be excused** from taking instruction in personal safety and assault prevention;
 - (e) In grades seven through twelve, **age-appropriate** instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.

In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.

If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall **allow the parent or guardian to examine those materials** at that school.

(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the **parent or guardian to promptly examine**, with respect to the parent's or guardian's own child:

- (1) Any **survey or questionnaire**, prior to its administration to the child;

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- (2) Any **textbook, workbook, software, video, or other instructional materials being used** by the district in connection with the instruction of the child;
- (3) Any completed and graded **test taken or survey or questionnaire** filled out by the child;

- (4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

§3313.212 Parental review of instructional materials, etc.

The board of education of each school district shall provide an opportunity for **parents to review** the selection of textbooks and reading lists, instructional materials, and the academic curriculum used by schools in the district. The board shall establish a **parental advisory committee** or another method for review, as determined appropriate by the board, to meet this requirement.

Added by 130th General Assembly File No. TBD, HB 487, §1, eff. 9/17/2014.

§3301.0718 Standards and curricula for computer literacy, fine arts, foreign language - health or physical education provisions.

The state board of education shall not adopt or revise any standards or curriculum in the area of health unless, by concurrent resolution, the standards, curriculum, or revisions are approved by both houses of the general assembly. Before the house of representatives or senate votes on a concurrent resolution approving health standards, curriculum, or revisions, its standing committee having jurisdiction over education legislation shall conduct at least one **public hearing** on the standards, curriculum, or revisions.

Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 10/16/2009.

Effective Date: 09-11-2001; 2007 HB119 09-29-2007

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III. SEX EDUCATION LAWS

What should I know about [sex education laws](#)?

The following laws and guidelines apply to sex education and how it is taught according to [Ohio Education Codes](#).

[§3313.6011](#) Instruction in venereal disease education emphasizing abstinence.

(A) As used in this section, "sexual activity" has the same meaning as in section [2907.01](#) of the Revised Code.

(B) Instruction in venereal disease education pursuant to division (A)(5)(c) of section [3313.60](#) of the Revised Code shall emphasize that **abstinence** from sexual activity is the only protection that is one hundred percent effective against unwanted pregnancy, sexually transmitted disease, and the sexual transmission of a virus that causes **acquired immunodeficiency syndrome**.

(C) In adopting minimum standards under section [3301.07](#) of the Revised Code, the state board of education shall require course material and instruction in venereal disease education courses taught pursuant to division (A)(5)(c) of section [3313.60](#) of the Revised Code to do all of the following:

- (1) Stress that students should **abstain** from sexual activity until after marriage;
- (2) Teach the potential physical, psychological, emotional, and social side effects of participating in sexual activity outside of marriage;
- (3) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;
- (4) Stress that sexually transmitted diseases are serious possible hazards of sexual activity;
- (5) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;
- (6) Advise students of the circumstances under which it is criminal to have sexual contact with a person **under the age of sixteen** pursuant to section [2907.04](#) of the Revised Code;
- (7) Emphasize adoption as an option for unintended pregnancies.

(D) Any model education program for health education the state board of education adopts shall conform to the requirements of this section.

(E) On and after March 18, 1999, and notwithstanding section [3302.07](#) of the Revised Code, the superintendent of public instruction shall not approve, pursuant to section [3302.07](#) of the Revised Code, any waiver of any requirement of this section or of any rule adopted by the state board of education pursuant to this section.

Effective Date: 09-11-2001; 2008 HB7 04-07-2009.

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IV. CONSENT LAWS

What should I know about [consent and informed consent laws](#)?

[Age of Majority](#) = Based on Ohio Code [§3109.01](#) , anyone under the age of 18 is considered a minor, while those 18 years old and older are considered adults.

[Age of Consent](#) = Based on Ohio Code [§2907.04](#), the age when children can legally consent or agree to sex is 16.

Warning! Most CSE programs put parental rights at risk by either encouraging or requiring that parents not be notified and/or by instructing children how to access such things as abortion, contraception and other so-called health services **without parental notification or consent**. It is particularly dangerous to encourage students in this way, particularly considering the fact the laws often support what is being taught in CSE programs. For example:

- **Without notifying or receiving consent from their parents**, minor children in Ohio may consent to
 - [§3701.242](#) Informed consent to HIV test required.
 - [§3709.241](#) Minor may give consent for diagnosis or treatment of venereal disease.
 - [§3701-3-11](#) Requirements related to human immunodeficiency virus testing.
- See “State Laws that address High-Impact HIV Prevention Efforts” at cdc.gov

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V. OBSCENITY LAWS

What should I know about [obscenity laws](#)?

Ohio recodified its criminal law based in part on the ALI-MPC in 1974.

Ohio Rev. Code Ann. [§ 2907.31](#) Disseminating matter harmful to juveniles

(A) No person, with knowledge of its character or content, shall recklessly do any of the following:

(1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

(B) The following are affirmative defenses to a charge under this section that involves material or a performance that is harmful to juveniles but not obscene:

(1) The defendant is the parent, guardian, or spouse of the juvenile involved.

(2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile's parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.

(3) The juvenile exhibited to the defendant or to the defendant's agent or employee a draft card, driver's license, birth record, marriage license, or other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.

(C) (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial, or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge, or other proper person.

(2) Except as provided in division (B)(3) of this section, mistake of age is not a defense to a

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charge under this section.

VI. STATE DEPARTMENT OF EDUCATION POLICIES

What should I know about [school policies](#)?

The following policies and guidelines apply to sex education and how it is taught, according to [Ohio Department of Education](#)

“[Ohio law](#) does not permit the State Board of Education to adopt Health Education Standards in Ohio. [Ohio law](#) does direct schools and districts to include health education and other related topics at various times throughout its K-12 curriculum. This webpage provides legislative requirements and numerous resources to help support the development of a school’s or district’s health curriculum.” ~ *Ohio DOE website*

[Overall Requirements](#)

- [Grades K-6](#)
- [Grades 7-8](#)
- [Grades 9-12](#)

Compare [state laws](#) with [DOE policies](#) for alignment.

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