

706.03 ABORTION OF VIABLE FETUS.

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- Skip to main content
- Search
- Sitemap
- Login
- Select Language
- Resources
- Skip to code content (skip section selection)
- 2025-04 (current)
- Sheffield Lake Overview
- Codified Ordinances of Sheffield Lake, OH
- CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- CERTIFICATION
- ROSTER OF OFFICIALS
- ADOPTING ORDINANCE NO. 116-84
- COMPARATIVE SECTION TABLE
- TABLES OF SPECIAL ORDINANCES OF SHEFFIELD LAKE
- CHARTER

PART ONE - ADMINISTRATIVE CODE

PART THREE - TRAFFIC CODE

PART FIVE - GENERAL OFFENSES CODE

PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 706 Abortions

706.01 DEFINITIONS.

706.02 STANDARDS AND PROCEDURES.

706.03 ABORTION OF VIABLE FETUS.

706.04 INSURANCE.

706.05 SEPARABILITY.

706.99 PENALTY.

CHAPTER 709 Adult Foster Care

CHAPTER 712 Amusements

CHAPTER 718 Fire Protection/Fighting Equipment

CHAPTER 724 Frozen Desserts

CHAPTER 730 Garage Sales

CHAPTER 748 Mechanical Amusement Devices

CHAPTER 750 Computerized Internet Sweepstakes Cafes

CHAPTER 760 Nursing and Boarding Care Homes

CHAPTER 761 Private Investigators and Security Guards

CHAPTER 772 Peddlers, Solicitors and Canvassers

CHAPTER 780 Snow Plowing

CHAPTER 784 Taxicabs

CHAPTER 790 Fair Housing

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

PART ELEVEN - PLANNING AND ZONING CODE

PART THIRTEEN - BUILDING CODE

PART FIFTEEN - FIRE PREVENTION CODE

OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

706.03 ABORTION OF VIABLE FETUS.

PART SEVEN - BUSINESS REGULATION CODE

706.01 DEFINITIONS.

As used in this chapter:

(a) "Physician" means a person licensed to practice medicine and surgery or osteopathic medicine and surgery pursuant to Ohio R.C. 4731.14 or 4731.29.

(b) "Hospital" means a general hospital, or a special hospital devoted to gynecology and obstetrics, which is accredited as a hospital by the Joint Commission on Accreditation of Hospitals of the American College of Physicians, The American College of Surgeons, The American Hospital Association and The American Medical Association, or which is accredited as a hospital by The Accreditation Committee of the Office of Hospital Affairs of the American Osteopathic Association.

(Ord. 16-75. Passed 3-3-75.)

706.02 STANDARDS AND PROCEDURES.

An abortion otherwise permitted by law shall be performed only in a hospital or by a licensed physician in a facility which provides the following standards and procedures which must be met

and adhered to:

(a) Written verification by two physicians, one of whom may be the physician performing the abortion, of the diagnosis of pregnancy and duration of pregnancy shall be made. Both physicians shall be qualified for diagnosis of such condition and shall verify that they have thoroughly examined the patient at least once prior to the performance of the abortion.

(b) There shall be a recorded pre-operative history and physical examination particularly directed to identification of pre-existing or concurrent illnesses or drug sensitivities that may have a bearing on the operative procedures or the anesthesia.

(c) Laboratory procedures as are usually required for a hospital admission, including blood type and Rh factor, shall be followed.

(d) A receiving facility where the patient may be prepared and receive necessary pre-operative medication and observation prior to the procedure shall be provided.

(e) An operating room shall be provided which is properly equipped to safely conduct the abortion procedure and to assure the availability on the premises of adequate blood, oxygen, anesthesia, resuscitation equipment and standby ambulance service to handle complications and emergency situations which could occur during the procedure. Proper anesthesia service shall be administered by a licensed physician.

(g) A recovery facility shall be provided which is staffed with at least one Registered Nurse in attendance at all times, in which the patient shall be observed for a twenty-four hour post-operative period. Adequate blood transfusion facilities must be so available that an emergency transfusion can be given in this facility at any time within this twenty-four hour period.

(h) The facility shall provide pre-operative and post-operative psychological counseling by an individual appropriately qualified in the field of psychology. Written verification shall be submitted of both the pre-operative and post-operative counseling sessions and shall include the patient's reasons for desiring the abortion and alternatives presented to the patient. Such report shall be kept in the permanent records.

(i) Written post-operative instructions shall be given the patient and arrangements shall be made for a post-operative follow-up examination within one month after the abortion. Examination by a certified pathologist of all pathological specimens shall be made. Human remains shall be disposed of in a humanitarian, legal and dignified manner.

(j) Adequate permanent records shall be kept and a report shall be made to the Lorain County Health Department of the need for administration of antibiotics, blood transfusion, prolongation of the patient's stay, hospital admission and other complications. The physician performing the abortion must file with the Lorain County Health Department an abortion report form for each abortion, which form shall contain a pathological diagnosis of the estimated age of gestation and the height and weight (in grams) of the fetus. This registry shall be maintained by the Health Department and shall include recording by code numbers, the patients who have been aborted and any complications which resulted.

(k) The usual informed consent, including the operative permit signed by the pregnant woman and her parents if she is a legal minor, shall be obtained.

(l) The external identification and promotion of such facility shall conform to the provisions of the code of ethics of the national professional organizations of those physicians performing services within the facility.

(m) All such facilities shall permit periodic inspection by the Lorain County Health Department.

(n) The facility shall meet the standards of the Joint Commission on Accreditation of Hospitals which apply to the areas set forth in this section.

(Ord. 16-75. Passed 3-3-75.)

706.03 ABORTION OF VIABLE FETUS.

No person shall perform or participate in the performance or induction of an abortion of a viable fetus unless such abortion is performed by a physician in a hospital and unless two physicians, one of whom may be the physician performing the abortion, certify in writing that the abortion is necessary to preserve the life or health of the mother.

(Ord. 16-75. Passed 3-3-75.)

706.04 INSURANCE.

An abortion service providing or performing abortions within the City shall furnish a liability policy or copy thereof to the City, with minimum limits of three hundred thousand/ five hundred thousand dollars (\$300,000/\$500,000), naming the City as an insured and protecting patients of such abortion service against any and all acts of misfeasance or malfeasance by such abortion service or its employees.

(Ord. 16-75. Passed 3-3-75.)

706.05 SEPARABILITY.

The provisions of this chapter are hereby declared to be separable. If any provision, sentence, clause, section or part thereof, is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter or their application to other persons and circumstances.

(Ord. 16-75. Passed 3-3-75.)

706.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. 16-75. Passed 3-3-75.)

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- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- Ord. 16-75
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