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Representatives Lanese, Liston

Cosponsors: Representatives Riedel, Patterson, Roemer, Scherer, Crawley, Ryan, Carfagna, Leland, Brown, West, Hambley, Galonski, Baldrige, Boggs, Boyd, Brent, Butler, Carruthers, Clites, Cross, Crossman, Cupp, Denson, DeVitis, Edwards, Ghanbari, Ginter, Green, Greenspan, Hicks-Hudson, Hillyer, Holmes, A., Holmes, G., Hoops, Howse, Ingram, Jones, Kent, Koehler, LaTourette, Lepore-Hagan, Lightbody, Manning, D., Manning, G., Miller, A., Miller, J., Miranda, O'Brien, Perales, Plummer, Reineke, Richardson, Rogers, Russo, Schaffer, Sheehy, Smith, K., Sobecki, Stein, Stoltzfus, Sykes, Upchurch, Vitale, Weinstein

Senators Coley, Gavarone, Brenner, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, McColley, Peterson, Roegner, Wilson

A BILL

To amend sections 149.43 and 5913.01 and to enact 1
sections 107.22 and 3701.25 of the Revised Code 2
to include forensic mental health providers, 3
mental health evaluation providers, regional 4
psychiatric hospital employees, emergency 5
service telecommunicators, and certain Ohio 6
National Guard members as individuals whose 7
residential and familial information is exempt 8
from disclosure under the Public Records Law and 9
to address matters related to contact tracing. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 149.43 and 5913.01 be amended and 11
sections 107.22 and 3701.25 of the Revised Code be enacted to 12

read as follows:

Sec. 107.22. If one or more infections of a contagious disease are observed in this state, the governor shall be subject to the following conditions when adopting or issuing an order regarding efforts to trace and monitor contacts of individuals infected with the contagious disease:

(A) The order shall not require an individual to comply with the tracing and monitoring efforts.

(B) The order shall require the acquisition of oral, written, electronic, or telephonic consent from each individual contacted for participation in the tracing and monitoring efforts before the next step in the process may proceed.

(C) The order shall not establish or authorize penalties for an individual's refusal to participate in the tracing and monitoring process, including withholding medical treatment from the individual based on the refusal.

(D) The order shall acknowledge all of the following:

(1) That participation in the tracing and monitoring efforts is voluntary;

(2) That any record created during the tracing and monitoring process is not a public record under section 149.43 of the Revised Code;

(3) That disclosure of protected health information by a covered entity, as defined in section 3798.01 of the Revised Code, during the tracing and monitoring process is subject to section 3798.04 of the Revised Code;

(4) That disclosure of protected health information by the director of health, the department of health, a board of health

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of a city or general health district, or a person or government 41
entity under contract with any of the foregoing is subject to 42
section 3701.17 of the Revised Code. 43

Sec. 149.43. (A) As used in this section: 44

(1) "Public record" means records kept by any public 45
office, including, but not limited to, state, county, city, 46
village, township, and school district units, and records 47
pertaining to the delivery of educational services by an 48
alternative school in this state kept by the nonprofit or for- 49
profit entity operating the alternative school pursuant to 50
section 3313.533 of the Revised Code. "Public record" does not 51
mean any of the following: 52

(a) Medical records; 53

(b) Records pertaining to probation and parole 54
proceedings, to proceedings related to the imposition of 55
community control sanctions and post-release control sanctions, 56
or to proceedings related to determinations under section 57
2967.271 of the Revised Code regarding the release or maintained 58
incarceration of an offender to whom that section applies; 59

(c) Records pertaining to actions under section 2151.85 60
and division (C) of section 2919.121 of the Revised Code and to 61
appeals of actions arising under those sections; 62

(d) Records pertaining to adoption proceedings, including 63
the contents of an adoption file maintained by the department of 64
health under sections 3705.12 to 3705.124 of the Revised Code; 65

(e) Information in a record contained in the putative 66
father registry established by section 3107.062 of the Revised 67
Code, regardless of whether the information is held by the 68
department of job and family services or, pursuant to section 69

3111.69 of the Revised Code, the office of child support in the	70
department or a child support enforcement agency;	71
(f) Records specified in division (A) of section 3107.52	72
of the Revised Code;	73
(g) Trial preparation records;	74
(h) Confidential law enforcement investigatory records;	75
(i) Records containing information that is confidential	76
under section 2710.03 or 4112.05 of the Revised Code;	77
(j) DNA records stored in the DNA database pursuant to	78
section 109.573 of the Revised Code;	79
(k) Inmate records released by the department of	80
rehabilitation and correction to the department of youth	81
services or a court of record pursuant to division (E) of	82
section 5120.21 of the Revised Code;	83
(l) Records maintained by the department of youth services	84
pertaining to children in its custody released by the department	85
of youth services to the department of rehabilitation and	86
correction pursuant to section 5139.05 of the Revised Code;	87
(m) Intellectual property records;	88
(n) Donor profile records;	89
(o) Records maintained by the department of job and family	90
services pursuant to section 3121.894 of the Revised Code;	91
(p) Designated public service worker residential and	92
familial information;	93
(q) In the case of a county hospital operated pursuant to	94
Chapter 339. of the Revised Code or a municipal hospital	95
operated pursuant to Chapter 749. of the Revised Code,	96

information that constitutes a trade secret, as defined in	97
section 1333.61 of the Revised Code;	98
(r) Information pertaining to the recreational activities	99
of a person under the age of eighteen;	100
(s) In the case of a child fatality review board acting	101
under sections 307.621 to 307.629 of the Revised Code or a	102
review conducted pursuant to guidelines established by the	103
director of health under section 3701.70 of the Revised Code,	104
records provided to the board or director, statements made by	105
board members during meetings of the board or by persons	106
participating in the director's review, and all work products of	107
the board or director, and in the case of a child fatality	108
review board, child fatality review data submitted by the board	109
to the department of health or a national child death review	110
database, other than the report prepared pursuant to division	111
(A) of section 307.626 of the Revised Code;	112
(t) Records provided to and statements made by the	113
executive director of a public children services agency or a	114
prosecuting attorney acting pursuant to section 5153.171 of the	115
Revised Code other than the information released under that	116
section;	117
(u) Test materials, examinations, or evaluation tools used	118
in an examination for licensure as a nursing home administrator	119
that the board of executives of long-term services and supports	120
administers under section 4751.15 of the Revised Code or	121
contracts under that section with a private or government entity	122
to administer;	123
(v) Records the release of which is prohibited by state or	124
federal law;	125

(w) Proprietary information of or relating to any person	126
that is submitted to or compiled by the Ohio venture capital	127
authority created under section 150.01 of the Revised Code;	128
(x) Financial statements and data any person submits for	129
any purpose to the Ohio housing finance agency or the	130
controlling board in connection with applying for, receiving, or	131
accounting for financial assistance from the agency, and	132
information that identifies any individual who benefits directly	133
or indirectly from financial assistance from the agency;	134
(y) Records listed in section 5101.29 of the Revised Code;	135
(z) Discharges recorded with a county recorder under	136
section 317.24 of the Revised Code, as specified in division (B)	137
(2) of that section;	138
(aa) Usage information including names and addresses of	139
specific residential and commercial customers of a municipally	140
owned or operated public utility;	141
(bb) Records described in division (C) of section 187.04	142
of the Revised Code that are not designated to be made available	143
to the public as provided in that division;	144
(cc) Information and records that are made confidential,	145
privileged, and not subject to disclosure under divisions (B)	146
and (C) of section 2949.221 of the Revised Code;	147
(dd) Personal information, as defined in section 149.45 of	148
the Revised Code;	149
(ee) The confidential name, address, and other personally	150
identifiable information of a program participant in the address	151
confidentiality program established under sections 111.41 to	152
111.47 of the Revised Code, including the contents of any	153

application for absent voter's ballots, absent voter's ballot 154
identification envelope statement of voter, or provisional 155
ballot affirmation completed by a program participant who has a 156
confidential voter registration record, and records or portions 157
of records pertaining to that program that identify the number 158
of program participants that reside within a precinct, ward, 159
township, municipal corporation, county, or any other geographic 160
area smaller than the state. As used in this division, 161
"confidential address" and "program participant" have the 162
meaning defined in section 111.41 of the Revised Code. 163

(ff) Orders for active military service of an individual 164
serving or with previous service in the armed forces of the 165
United States, including a reserve component, or the Ohio 166
organized militia, except that, such order becomes a public 167
record on the day that is fifteen years after the published date 168
or effective date of the call to order; 169

(gg) The name, address, contact information, or other 170
personal information of an individual who is less than eighteen 171
years of age that is included in any record related to a traffic 172
accident involving a school vehicle in which the individual was 173
an occupant at the time of the accident; 174

(hh) Protected health information, as defined in 45 C.F.R. 175
160.103, that is in a claim for payment for a health care 176
product, service, or procedure, as well as any other health 177
claims data in another document that reveals the identity of an 178
individual who is the subject of the data or could be used to 179
reveal that individual's identity; 180

(ii) Any depiction by photograph, film, videotape, or 181
printed or digital image under either of the following 182
circumstances: 183

(i) The depiction is that of a victim of an offense the	184
release of which would be, to a reasonable person of ordinary	185
sensibilities, an offensive and objectionable intrusion into the	186
victim's expectation of bodily privacy and integrity.	187
(ii) The depiction captures or depicts the victim of a	188
sexually oriented offense, as defined in section 2950.01 of the	189
Revised Code, at the actual occurrence of that offense.	190
(jj) Restricted portions of a body-worn camera or	191
dashboard camera recording;	192
(kk) In the case of a fetal-infant mortality review board	193
acting under sections 3707.70 to 3707.77 of the Revised Code,	194
records, documents, reports, or other information presented to	195
the board or a person abstracting such materials on the board's	196
behalf, statements made by review board members during board	197
meetings, all work products of the board, and data submitted by	198
the board to the department of health or a national infant death	199
review database, other than the report prepared pursuant to	200
section 3707.77 of the Revised Code.	201
(ll) Records, documents, reports, or other information	202
presented to the pregnancy-associated mortality review board	203
established under section 3738.01 of the Revised Code,	204
statements made by board members during board meetings, all work	205
products of the board, and data submitted by the board to the	206
department of health, other than the biennial reports prepared	207
under section 3738.08 of the Revised Code;	208
(mm) Telephone numbers for a victim, as defined in section	209
2930.01 of the Revised Code, a witness to a crime, or a party to	210
a motor vehicle accident subject to the requirements of section	211
5502.11 of the Revised Code that are listed on any law	212

enforcement record or report. 213

A record that is not a public record under division (A) (1) 214
of this section and that, under law, is permanently retained 215
becomes a public record on the day that is seventy-five years 216
after the day on which the record was created, except for any 217
record protected by the attorney-client privilege, a trial 218
preparation record as defined in this section, a statement 219
prohibiting the release of identifying information signed under 220
section 3107.083 of the Revised Code, a denial of release form 221
filed pursuant to section 3107.46 of the Revised Code, or any 222
record that is exempt from release or disclosure under section 223
149.433 of the Revised Code. If the record is a birth 224
certificate and a biological parent's name redaction request 225
form has been accepted under section 3107.391 of the Revised 226
Code, the name of that parent shall be redacted from the birth 227
certificate before it is released under this paragraph. If any 228
other section of the Revised Code establishes a time period for 229
disclosure of a record that conflicts with the time period 230
specified in this section, the time period in the other section 231
prevails. 232

(2) "Confidential law enforcement investigatory record" 233
means any record that pertains to a law enforcement matter of a 234
criminal, quasi-criminal, civil, or administrative nature, but 235
only to the extent that the release of the record would create a 236
high probability of disclosure of any of the following: 237

(a) The identity of a suspect who has not been charged 238
with the offense to which the record pertains, or of an 239
information source or witness to whom confidentiality has been 240
reasonably promised; 241

(b) Information provided by an information source or 242

witness to whom confidentiality has been reasonably promised, 243
which information would reasonably tend to disclose the source's 244
or witness's identity; 245

(c) Specific confidential investigatory techniques or 246
procedures or specific investigatory work product; 247

(d) Information that would endanger the life or physical 248
safety of law enforcement personnel, a crime victim, a witness, 249
or a confidential information source. 250

(3) "Medical record" means any document or combination of 251
documents, except births, deaths, and the fact of admission to 252
or discharge from a hospital, that pertains to the medical 253
history, diagnosis, prognosis, or medical condition of a patient 254
and that is generated and maintained in the process of medical 255
treatment. 256

(4) "Trial preparation record" means any record that 257
contains information that is specifically compiled in reasonable 258
anticipation of, or in defense of, a civil or criminal action or 259
proceeding, including the independent thought processes and 260
personal trial preparation of an attorney. 261

(5) "Intellectual property record" means a record, other 262
than a financial or administrative record, that is produced or 263
collected by or for faculty or staff of a state institution of 264
higher learning in the conduct of or as a result of study or 265
research on an educational, commercial, scientific, artistic, 266
technical, or scholarly issue, regardless of whether the study 267
or research was sponsored by the institution alone or in 268
conjunction with a governmental body or private concern, and 269
that has not been publicly released, published, or patented. 270

(6) "Donor profile record" means all records about donors 271

or potential donors to a public institution of higher education 272
except the names and reported addresses of the actual donors and 273
the date, amount, and conditions of the actual donation. 274

(7) "Designated public service worker" means a peace 275
officer, parole officer, probation officer, bailiff, prosecuting 276
attorney, assistant prosecuting attorney, correctional employee, 277
county or multicounty corrections officer, community-based 278
correctional facility employee, designated Ohio national guard 279
member, youth services employee, firefighter, EMT, medical 280
director or member of a cooperating physician advisory board of 281
an emergency medical service organization, state board of 282
pharmacy employee, investigator of the bureau of criminal 283
identification and investigation, forensic mental health 284
provider, mental health evaluation provider, regional 285
psychiatric hospital employee, emergency service 286
telecommunicator, judge, magistrate, or federal law enforcement 287
officer. 288

(8) "Designated public service worker residential and 289
familial information" means any information that discloses any 290
of the following about a designated public service worker: 291

(a) The address of the actual personal residence of a 292
designated public service worker, except for the following 293
information: 294

(i) The address of the actual personal residence of a 295
prosecuting attorney or judge; and 296

(ii) The state or political subdivision in which a 297
designated public service worker resides. 298

(b) Information compiled from referral to or participation 299
in an employee assistance program; 300

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker; 301
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(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer; 306
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(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law; 310
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(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker; 315
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(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority. 321
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(9) As used in divisions (A) (7) and (15) to (17) of this section: 325
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"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the 327
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sheriff of a county or a supervisory employee who, in the 330
absence of the sheriff, is authorized to stand in for, exercise 331
the authority of, and perform the duties of the sheriff. 332

"Correctional employee" means any employee of the 333
department of rehabilitation and correction who in the course of 334
performing the employee's job duties has or has had contact with 335
inmates and persons under supervision. 336

"County or multicounty corrections officer" means any 337
corrections officer employed by any county or multicounty 338
correctional facility. 339

"Designated Ohio national guard member" means a member of 340
the Ohio national guard who is participating in duties related 341
to remotely piloted aircraft, including but not limited to, 342
pilots, sensor operators, and mission intelligence personnel, 343
duties related to special forces operations, or duties related 344
to cybersecurity, and is designated by the adjutant general as a 345
designated public service worker for those purposes. 346

"Youth services employee" means any employee of the 347
department of youth services who in the course of performing the 348
employee's job duties has or has had contact with children 349
committed to the custody of the department of youth services. 350

"Firefighter" means any regular, paid or volunteer, member 351
of a lawfully constituted fire department of a municipal 352
corporation, township, fire district, or village. 353

"EMT" means EMTs-basic, EMTs-I, and paramedics that 354
provide emergency medical services for a public emergency 355
medical service organization. "Emergency medical service 356
organization," "EMT-basic," "EMT-I," and "paramedic" have the 357
meanings defined in section 4765.01 of the Revised Code. 358

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code. 359
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"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code. 362
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"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition. 369
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"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction services who, in the course of performing the employee's duties, has contact with patients committed to the department of mental health and addiction services by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code. 375
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"Emergency service telecommunicator" has the meaning defined in section 4742.01 of the Revised Code. 382
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"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code. 384
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(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means 386
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information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.

(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.

(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured

person's guardian has been obtained; 445

(e) An act of severe violence against a person that 446
results in serious physical harm to the person, unless the act 447
and injury was effected by a peace officer or, subject to 448
division (H)(1) of this section, the consent of the injured 449
person or the injured person's guardian has been obtained; 450

(f) Grievous bodily harm to a peace officer, firefighter, 451
paramedic, or other first responder, occurring while the injured 452
person was engaged in the performance of official duties, 453
unless, subject to division (H)(1) of this section, the consent 454
of the injured person or the injured person's guardian has been 455
obtained; 456

(g) An act of severe violence resulting in serious 457
physical harm against a peace officer, firefighter, paramedic, 458
or other first responder, occurring while the injured person was 459
engaged in the performance of official duties, unless, subject 460
to division (H)(1) of this section, the consent of the injured 461
person or the injured person's guardian has been obtained; 462

(h) A person's nude body, unless, subject to division (H) 463
(1) of this section, the person's consent has been obtained; 464

(i) Protected health information, the identity of a person 465
in a health care facility who is not the subject of a law 466
enforcement encounter, or any other information in a health care 467
facility that could identify a person who is not the subject of 468
a law enforcement encounter; 469

(j) Information that could identify the alleged victim of 470
a sex offense, menacing by stalking, or domestic violence; 471

(k) Information, that does not constitute a confidential 472
law enforcement investigatory record, that could identify a 473

person who provides sensitive or confidential information to a 474
law enforcement agency when the disclosure of the person's 475
identity or the information provided could reasonably be 476
expected to threaten or endanger the safety or property of the 477
person or another person; 478

(l) Personal information of a person who is not arrested, 479
cited, charged, or issued a written warning by a peace officer; 480

(m) Proprietary police contingency plans or tactics that 481
are intended to prevent crime and maintain public order and 482
safety; 483

(n) A personal conversation unrelated to work between 484
peace officers or between a peace officer and an employee of a 485
law enforcement agency; 486

(o) A conversation between a peace officer and a member of 487
the public that does not concern law enforcement activities; 488

(p) The interior of a residence, unless the interior of a 489
residence is the location of an adversarial encounter with, or a 490
use of force by, a peace officer; 491

(q) Any portion of the interior of a private business that 492
is not open to the public, unless an adversarial encounter with, 493
or a use of force by, a peace officer occurs in that location. 494

As used in division (A) (17) of this section: 495

"Grievous bodily harm" has the same meaning as in section 496
5924.120 of the Revised Code. 497

"Health care facility" has the same meaning as in section 498
1337.11 of the Revised Code. 499

"Protected health information" has the same meaning as in 500

45 C.F.R. 160.103. 501

"Law enforcement agency" has the same meaning as in 502
section 2925.61 of the Revised Code. 503

"Personal information" means any government-issued 504
identification number, date of birth, address, financial 505
information, or criminal justice information from the law 506
enforcement automated data system or similar databases. 507

"Sex offense" has the same meaning as in section 2907.10 508
of the Revised Code. 509

"Firefighter," "paramedic," and "first responder" have the 510
same meanings as in section 4765.01 of the Revised Code. 511

(B) (1) Upon request and subject to division (B) (8) of this 512
section, all public records responsive to the request shall be 513
promptly prepared and made available for inspection to any 514
person at all reasonable times during regular business hours. 515
Subject to division (B) (8) of this section, upon request by any 516
person, a public office or person responsible for public records 517
shall make copies of the requested public record available to 518
the requester at cost and within a reasonable period of time. If 519
a public record contains information that is exempt from the 520
duty to permit public inspection or to copy the public record, 521
the public office or the person responsible for the public 522
record shall make available all of the information within the 523
public record that is not exempt. When making that public record 524
available for public inspection or copying that public record, 525
the public office or the person responsible for the public 526
record shall notify the requester of any redaction or make the 527
redaction plainly visible. A redaction shall be deemed a denial 528
of a request to inspect or copy the redacted information, except 529

if federal or state law authorizes or requires a public office 530
to make the redaction. 531

(2) To facilitate broader access to public records, a 532
public office or the person responsible for public records shall 533
organize and maintain public records in a manner that they can 534
be made available for inspection or copying in accordance with 535
division (B) of this section. A public office also shall have 536
available a copy of its current records retention schedule at a 537
location readily available to the public. If a requester makes 538
an ambiguous or overly broad request or has difficulty in making 539
a request for copies or inspection of public records under this 540
section such that the public office or the person responsible 541
for the requested public record cannot reasonably identify what 542
public records are being requested, the public office or the 543
person responsible for the requested public record may deny the 544
request but shall provide the requester with an opportunity to 545
revise the request by informing the requester of the manner in 546
which records are maintained by the public office and accessed 547
in the ordinary course of the public office's or person's 548
duties. 549

(3) If a request is ultimately denied, in part or in 550
whole, the public office or the person responsible for the 551
requested public record shall provide the requester with an 552
explanation, including legal authority, setting forth why the 553
request was denied. If the initial request was provided in 554
writing, the explanation also shall be provided to the requester 555
in writing. The explanation shall not preclude the public office 556
or the person responsible for the requested public record from 557
relying upon additional reasons or legal authority in defending 558
an action commenced under division (C) of this section. 559

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person requesting the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or

person responsible for the public record determines that it 591
reasonably can be duplicated as an integral part of the normal 592
operations of the public office or person responsible for the 593
public record. When the person requesting the copy makes a 594
choice under this division, the public office or person 595
responsible for the public record shall provide a copy of it in 596
accordance with the choice made by that person. Nothing in this 597
section requires a public office or person responsible for the 598
public record to allow the person requesting a copy of the 599
public record to make the copies of the public record. 600

(7) (a) Upon a request made in accordance with division (B) 601
of this section and subject to division (B) (6) of this section, 602
a public office or person responsible for public records shall 603
transmit a copy of a public record to any person by United 604
States mail or by any other means of delivery or transmission 605
within a reasonable period of time after receiving the request 606
for the copy. The public office or person responsible for the 607
public record may require the person making the request to pay 608
in advance the cost of postage if the copy is transmitted by 609
United States mail or the cost of delivery if the copy is 610
transmitted other than by United States mail, and to pay in 611
advance the costs incurred for other supplies used in the 612
mailing, delivery, or transmission. 613

(b) Any public office may adopt a policy and procedures 614
that it will follow in transmitting, within a reasonable period 615
of time after receiving a request, copies of public records by 616
United States mail or by any other means of delivery or 617
transmission pursuant to division (B) (7) of this section. A 618
public office that adopts a policy and procedures under division 619
(B) (7) of this section shall comply with them in performing its 620
duties under that division. 621

(c) In any policy and procedures adopted under division 622
(B) (7) of this section: 623

(i) A public office may limit the number of records 624
requested by a person that the office will physically deliver by 625
United States mail or by another delivery service to ten per 626
month, unless the person certifies to the office in writing that 627
the person does not intend to use or forward the requested 628
records, or the information contained in them, for commercial 629
purposes; 630

(ii) A public office that chooses to provide some or all 631
of its public records on a web site that is fully accessible to 632
and searchable by members of the public at all times, other than 633
during acts of God outside the public office's control or 634
maintenance, and that charges no fee to search, access, 635
download, or otherwise receive records provided on the web site, 636
may limit to ten per month the number of records requested by a 637
person that the office will deliver in a digital format, unless 638
the requested records are not provided on the web site and 639
unless the person certifies to the office in writing that the 640
person does not intend to use or forward the requested records, 641
or the information contained in them, for commercial purposes. 642

(iii) For purposes of division (B) (7) of this section, 643
"commercial" shall be narrowly construed and does not include 644
reporting or gathering news, reporting or gathering information 645
to assist citizen oversight or understanding of the operation or 646
activities of government, or nonprofit educational research. 647

(8) A public office or person responsible for public 648
records is not required to permit a person who is incarcerated 649
pursuant to a criminal conviction or a juvenile adjudication to 650
inspect or to obtain a copy of any public record concerning a 651

criminal investigation or prosecution or concerning what would 652
be a criminal investigation or prosecution if the subject of the 653
investigation or prosecution were an adult, unless the request 654
to inspect or to obtain a copy of the record is for the purpose 655
of acquiring information that is subject to release as a public 656
record under this section and the judge who imposed the sentence 657
or made the adjudication with respect to the person, or the 658
judge's successor in office, finds that the information sought 659
in the public record is necessary to support what appears to be 660
a justiciable claim of the person. 661

(9) (a) Upon written request made and signed by a 662
journalist, a public office, or person responsible for public 663
records, having custody of the records of the agency employing a 664
specified designated public service worker shall disclose to the 665
journalist the address of the actual personal residence of the 666
designated public service worker and, if the designated public 667
service worker's spouse, former spouse, or child is employed by 668
a public office, the name and address of the employer of the 669
designated public service worker's spouse, former spouse, or 670
child. The request shall include the journalist's name and title 671
and the name and address of the journalist's employer and shall 672
state that disclosure of the information sought would be in the 673
public interest. 674

(b) Division (B) (9) (a) of this section also applies to 675
journalist requests for: 676

(i) Customer information maintained by a municipally owned 677
or operated public utility, other than social security numbers 678
and any private financial information such as credit reports, 679
payment methods, credit card numbers, and bank account 680
information; 681

(ii) Information about minors involved in a school vehicle 682
accident as provided in division (A) (1) (gg) of this section, 683
other than personal information as defined in section 149.45 of 684
the Revised Code. 685

(c) As used in division (B) (9) of this section, 686
"journalist" means a person engaged in, connected with, or 687
employed by any news medium, including a newspaper, magazine, 688
press association, news agency, or wire service, a radio or 689
television station, or a similar medium, for the purpose of 690
gathering, processing, transmitting, compiling, editing, or 691
disseminating information for the general public. 692

(10) Upon a request made by a victim, victim's attorney, 693
or victim's representative, as that term is used in section 694
2930.02 of the Revised Code, a public office or person 695
responsible for public records shall transmit a copy of a 696
depiction of the victim as described in division (A) (1) (gg) of 697
this section to the victim, victim's attorney, or victim's 698
representative. 699

(C) (1) If a person allegedly is aggrieved by the failure 700
of a public office or the person responsible for public records 701
to promptly prepare a public record and to make it available to 702
the person for inspection in accordance with division (B) of 703
this section or by any other failure of a public office or the 704
person responsible for public records to comply with an 705
obligation in accordance with division (B) of this section, the 706
person allegedly aggrieved may do only one of the following, and 707
not both: 708

(a) File a complaint with the clerk of the court of claims 709
or the clerk of the court of common pleas under section 2743.75 710
of the Revised Code; 711

(b) Commence a mandamus action to obtain a judgment that 712
orders the public office or the person responsible for the 713
public record to comply with division (B) of this section, that 714
awards court costs and reasonable attorney's fees to the person 715
that instituted the mandamus action, and, if applicable, that 716
includes an order fixing statutory damages under division (C) (2) 717
of this section. The mandamus action may be commenced in the 718
court of common pleas of the county in which division (B) of 719
this section allegedly was not complied with, in the supreme 720
court pursuant to its original jurisdiction under Section 2 of 721
Article IV, Ohio Constitution, or in the court of appeals for 722
the appellate district in which division (B) of this section 723
allegedly was not complied with pursuant to its original 724
jurisdiction under Section 3 of Article IV, Ohio Constitution. 725

(2) If a requester transmits a written request by hand 726
delivery, electronic submission, or certified mail to inspect or 727
receive copies of any public record in a manner that fairly 728
describes the public record or class of public records to the 729
public office or person responsible for the requested public 730
records, except as otherwise provided in this section, the 731
requester shall be entitled to recover the amount of statutory 732
damages set forth in this division if a court determines that 733
the public office or the person responsible for public records 734
failed to comply with an obligation in accordance with division 735
(B) of this section. 736

The amount of statutory damages shall be fixed at one 737
hundred dollars for each business day during which the public 738
office or person responsible for the requested public records 739
failed to comply with an obligation in accordance with division 740
(B) of this section, beginning with the day on which the 741
requester files a mandamus action to recover statutory damages, 742

up to a maximum of one thousand dollars. The award of statutory 743
damages shall not be construed as a penalty, but as compensation 744
for injury arising from lost use of the requested information. 745
The existence of this injury shall be conclusively presumed. The 746
award of statutory damages shall be in addition to all other 747
remedies authorized by this section. 748

The court may reduce an award of statutory damages or not 749
award statutory damages if the court determines both of the 750
following: 751

(a) That, based on the ordinary application of statutory 752
law and case law as it existed at the time of the conduct or 753
threatened conduct of the public office or person responsible 754
for the requested public records that allegedly constitutes a 755
failure to comply with an obligation in accordance with division 756
(B) of this section and that was the basis of the mandamus 757
action, a well-informed public office or person responsible for 758
the requested public records reasonably would believe that the 759
conduct or threatened conduct of the public office or person 760
responsible for the requested public records did not constitute 761
a failure to comply with an obligation in accordance with 762
division (B) of this section; 763

(b) That a well-informed public office or person 764
responsible for the requested public records reasonably would 765
believe that the conduct or threatened conduct of the public 766
office or person responsible for the requested public records 767
would serve the public policy that underlies the authority that 768
is asserted as permitting that conduct or threatened conduct. 769

(3) In a mandamus action filed under division (C) (1) of 770
this section, the following apply: 771

(a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C) (3) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C) (4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division

(B) of this section. No discovery may be conducted on the issue 801
of the alleged bad faith of the public office or person 802
responsible for the public records. This division shall not be 803
construed as creating a presumption that the public office or 804
the person responsible for the public records acted in bad faith 805
when the office or person voluntarily made the public records 806
available to the relator for the first time after the relator 807
commenced the mandamus action, but before the court issued any 808
order described in this division. 809

(c) The court shall not award attorney's fees to the 810
relator if the court determines both of the following: 811

(i) That, based on the ordinary application of statutory 812
law and case law as it existed at the time of the conduct or 813
threatened conduct of the public office or person responsible 814
for the requested public records that allegedly constitutes a 815
failure to comply with an obligation in accordance with division 816
(B) of this section and that was the basis of the mandamus 817
action, a well-informed public office or person responsible for 818
the requested public records reasonably would believe that the 819
conduct or threatened conduct of the public office or person 820
responsible for the requested public records did not constitute 821
a failure to comply with an obligation in accordance with 822
division (B) of this section; 823

(ii) That a well-informed public office or person 824
responsible for the requested public records reasonably would 825
believe that the conduct or threatened conduct of the public 826
office or person responsible for the requested public records 827
would serve the public policy that underlies the authority that 828
is asserted as permitting that conduct or threatened conduct. 829

(4) All of the following apply to any award of reasonable 830

attorney's fees awarded under division (C) (3) (b) of this 831
section: 832

(a) The fees shall be construed as remedial and not 833
punitive. 834

(b) The fees awarded shall not exceed the total of the 835
reasonable attorney's fees incurred before the public record was 836
made available to the relator and the fees described in division 837
(C) (4) (c) of this section. 838

(c) Reasonable attorney's fees shall include reasonable 839
fees incurred to produce proof of the reasonableness and amount 840
of the fees and to otherwise litigate entitlement to the fees. 841

(d) The court may reduce the amount of fees awarded if the 842
court determines that, given the factual circumstances involved 843
with the specific public records request, an alternative means 844
should have been pursued to more effectively and efficiently 845
resolve the dispute that was subject to the mandamus action 846
filed under division (C) (1) of this section. 847

(5) If the court does not issue a writ of mandamus under 848
division (C) of this section and the court determines at that 849
time that the bringing of the mandamus action was frivolous 850
conduct as defined in division (A) of section 2323.51 of the 851
Revised Code, the court may award to the public office all court 852
costs, expenses, and reasonable attorney's fees, as determined 853
by the court. 854

(D) Chapter 1347. of the Revised Code does not limit the 855
provisions of this section. 856

(E) (1) To ensure that all employees of public offices are 857
appropriately educated about a public office's obligations under 858
division (B) of this section, all elected officials or their 859

appropriate designees shall attend training approved by the 860
attorney general as provided in section 109.43 of the Revised 861
Code. A future official may satisfy the requirements of this 862
division by attending the training before taking office, 863
provided that the future official may not send a designee in the 864
future official's place. 865

(2) All public offices shall adopt a public records policy 866
in compliance with this section for responding to public records 867
requests. In adopting a public records policy under this 868
division, a public office may obtain guidance from the model 869
public records policy developed and provided to the public 870
office by the attorney general under section 109.43 of the 871
Revised Code. Except as otherwise provided in this section, the 872
policy may not limit the number of public records that the 873
public office will make available to a single person, may not 874
limit the number of public records that it will make available 875
during a fixed period of time, and may not establish a fixed 876
period of time before it will respond to a request for 877
inspection or copying of public records, unless that period is 878
less than eight hours. 879

The public office shall distribute the public records 880
policy adopted by the public office under this division to the 881
employee of the public office who is the records custodian or 882
records manager or otherwise has custody of the records of that 883
office. The public office shall require that employee to 884
acknowledge receipt of the copy of the public records policy. 885
The public office shall create a poster that describes its 886
public records policy and shall post the poster in a conspicuous 887
place in the public office and in all locations where the public 888
office has branch offices. The public office may post its public 889
records policy on the internet web site of the public office if 890

the public office maintains an internet web site. A public 891
office that has established a manual or handbook of its general 892
policies and procedures for all employees of the public office 893
shall include the public records policy of the public office in 894
the manual or handbook. 895

(F) (1) The bureau of motor vehicles may adopt rules 896
pursuant to Chapter 119. of the Revised Code to reasonably limit 897
the number of bulk commercial special extraction requests made 898
by a person for the same records or for updated records during a 899
calendar year. The rules may include provisions for charges to 900
be made for bulk commercial special extraction requests for the 901
actual cost of the bureau, plus special extraction costs, plus 902
ten per cent. The bureau may charge for expenses for redacting 903
information, the release of which is prohibited by law. 904

(2) As used in division (F) (1) of this section: 905

(a) "Actual cost" means the cost of depleted supplies, 906
records storage media costs, actual mailing and alternative 907
delivery costs, or other transmitting costs, and any direct 908
equipment operating and maintenance costs, including actual 909
costs paid to private contractors for copying services. 910

(b) "Bulk commercial special extraction request" means a 911
request for copies of a record for information in a format other 912
than the format already available, or information that cannot be 913
extracted without examination of all items in a records series, 914
class of records, or database by a person who intends to use or 915
forward the copies for surveys, marketing, solicitation, or 916
resale for commercial purposes. "Bulk commercial special 917
extraction request" does not include a request by a person who 918
gives assurance to the bureau that the person making the request 919
does not intend to use or forward the requested copies for 920

surveys, marketing, solicitation, or resale for commercial 921
purposes. 922

(c) "Commercial" means profit-seeking production, buying, 923
or selling of any good, service, or other product. 924

(d) "Special extraction costs" means the cost of the time 925
spent by the lowest paid employee competent to perform the task, 926
the actual amount paid to outside private contractors employed 927
by the bureau, or the actual cost incurred to create computer 928
programs to make the special extraction. "Special extraction 929
costs" include any charges paid to a public agency for computer 930
or records services. 931

(3) For purposes of divisions (F) (1) and (2) of this 932
section, "surveys, marketing, solicitation, or resale for 933
commercial purposes" shall be narrowly construed and does not 934
include reporting or gathering news, reporting or gathering 935
information to assist citizen oversight or understanding of the 936
operation or activities of government, or nonprofit educational 937
research. 938

(G) A request by a defendant, counsel of a defendant, or 939
any agent of a defendant in a criminal action that public 940
records related to that action be made available under this 941
section shall be considered a demand for discovery pursuant to 942
the Criminal Rules, except to the extent that the Criminal Rules 943
plainly indicate a contrary intent. The defendant, counsel of 944
the defendant, or agent of the defendant making a request under 945
this division shall serve a copy of the request on the 946
prosecuting attorney, director of law, or other chief legal 947
officer responsible for prosecuting the action. 948

(H) (1) Any portion of a body-worn camera or dashboard 949

camera recording described in divisions (A) (17) (b) to (h) of 950
this section may be released by consent of the subject of the 951
recording or a representative of that person, as specified in 952
those divisions, only if either of the following applies: 953

(a) The recording will not be used in connection with any 954
probable or pending criminal proceedings; 955

(b) The recording has been used in connection with a 956
criminal proceeding that was dismissed or for which a judgment 957
has been entered pursuant to Rule 32 of the Rules of Criminal 958
Procedure, and will not be used again in connection with any 959
probable or pending criminal proceedings. 960

(2) If a public office denies a request to release a 961
restricted portion of a body-worn camera or dashboard camera 962
recording, as defined in division (A) (17) of this section, any 963
person may file a mandamus action pursuant to this section or a 964
complaint with the clerk of the court of claims pursuant to 965
section 2743.75 of the Revised Code, requesting the court to 966
order the release of all or portions of the recording. If the 967
court considering the request determines that the filing 968
articulates by clear and convincing evidence that the public 969
interest in the recording substantially outweighs privacy 970
interests and other interests asserted to deny release, the 971
court shall order the public office to release the recording. 972

Sec. 3701.25. (A) As used in this section: 973

(1) "Board of health" means the board of health of a city 974
or general health district or the authority having the duties of 975
a board of health under section 3709.05 of the Revised Code. 976

(2) "Department" or "division" have the same meanings as 977
in section 121.01 of the Revised Code. 978

(B) If a department, division, board of health, or a person or government entity under contract with any of the foregoing, including a health care facility, engages in efforts to trace and monitor the contacts of individuals infected with a contagious disease, all of the following apply: 979
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(1) No individual shall be required to comply with tracing and monitoring efforts. 984
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(2) Each individual contacted for participation in tracing and monitoring efforts must provide oral, written, electronic, or telephonic consent before the next step in the process may proceed. 986
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(3) No penalty shall be imposed on an individual for refusing to participate in the tracing and monitoring process, including withholding medical treatment from the individual based on the refusal. 990
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(4) Any record created during the tracing and monitoring process is not a public record under section 149.43 of the Revised Code. The department, division, board of health, or person or government entity under contract with any of the foregoing is subject to section 3701.17 of the Revised Code with respect to the disclosure of protected health information collected during the tracing and monitoring process. 994
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Sec. 5913.01. (A) The adjutant general is the commander and administrative head of the Ohio organized militia. The adjutant general shall: 1001
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(1) Be provided offices and shall keep them open during usual business hours; 1004
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(2) Have and maintain custody of all military records, correspondence, and other documents of the Ohio organized 1006
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militia;	1008
(3) Superintend the preparation of all returns and reports	1009
required by the United States from the state on military	1010
matters;	1011
(4) Keep a roster of all officers of the Ohio organized	1012
militia, including retired officers;	1013
(5) Whenever necessary, cause the military provisions of	1014
the Revised Code and the orders, regulations, pamphlets,	1015
circulars, and memorandums of the adjutant general's department	1016
to be printed and distributed to the organizations of the Ohio	1017
organized militia;	1018
(6) Prepare and issue all necessary Ohio organized militia	1019
forms and attest to all commissions issued to officers of the	1020
Ohio organized militia;	1021
(7) Have a seal, and all copies of orders, records, and	1022
papers in the adjutant general's office certified and	1023
authenticated with that seal shall be competent evidence in like	1024
manner as if the originals were produced. All orders issued from	1025
the adjutant general's office shall bear a duplicate of the	1026
seal.	1027
(8) Keep and preserve the arms, ordnance, equipment, and	1028
all other military property belonging to the state or issued to	1029
the state by the federal government and issue any regulations	1030
necessary to keep, preserve, and repair the property as	1031
conditions demand;	1032
(9) Issue adjutant general's property to the units of the	1033
Ohio organized militia as the necessity of the service or	1034
organizational or allowance tables requires;	1035

(10) Submit an annual report to the governor at such time 1036
as the governor requires of the transaction of the adjutant 1037
general's department, setting forth the strength and condition 1038
of the Ohio organized militia and other matters that the 1039
adjutant general chooses; 1040

(11) Designate members of the Ohio national guard, who are 1041
participating in duties related to remotely piloted aircraft, 1042
including but not limited to, pilots, sensor operators, and 1043
mission intelligence personnel, duties related to special forces 1044
operations, or duties related to cybersecurity, as designated 1045
public service workers under section 149.43 of the Revised Code; 1046

(12) Command the joint force headquarters of the Ohio 1047
national guard. 1048

(B) The adjutant general shall issue and distribute all 1049
orders issued in the name of the governor as the commander in 1050
chief of the Ohio organized militia and perform the duties that 1051
the governor directs and other duties prescribed by law. 1052

(C) The adjutant general may enter into cooperative 1053
agreements, contractual arrangements, or agreements for the 1054
acceptance of grants with the United States or any agency or 1055
department of the United States, other states, any department or 1056
political subdivision of this state, or any person or body 1057
politic, to accomplish the purposes of the adjutant general's 1058
department. The adjutant general shall cooperate with, and not 1059
infringe upon, the rights of other state departments, divisions, 1060
boards, commissions, and agencies, political subdivisions, and 1061
other public officials and public and private agencies when the 1062
interests of the adjutant general's department and those other 1063
entities overlap. 1064

The funds made available by the United States for the 1065
exclusive use of the department shall be expended only by the 1066
department and only for the purposes for which the federal funds 1067
were appropriated. In accepting federal funds, the department 1068
agrees to abide by the terms and conditions of the grant or 1069
cooperative agreement and further agrees to expend the federal 1070
funds in accordance with the laws and regulations of the United 1071
States. 1072

Section 2. That existing sections 149.43 and 5913.01 of 1073
the Revised Code are hereby repealed. 1074