

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 434**

**Representative Crawley**

**Cosponsors: Representatives Weinstein, Brent, Boyd, Sobecki, Smith, K., Lepore-Hagan, Sykes, Ingram, Boggs, West, Blair, Russo, Leland**

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**A BILL**

To amend sections 149.43, 3738.01, 3738.03, 1  
3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and 2  
3738.09; to amend, for the purpose of adopting 3  
new section numbers as indicated in parentheses, 4  
sections 3738.05 (3738.06), 3738.06 (3738.07), 5  
3738.07 (3738.08), 3738.08 (3738.09), and 6  
3738.09 (3738.11); and to enact sections 5.266, 7  
3701.954, 3702.35, 3727.25, 3738.05, 3738.10, 8  
and 3738.99 of the Revised Code to modify the 9  
laws governing the Pregnancy-Associated 10  
Mortality Review Board and to designate May as 11  
"Maternal Mortality Awareness Month." 12

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

**Section 1.** That sections 149.43, 3738.01, 3738.03, 13  
3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and 3738.09 be 14  
amended; sections 3738.05 (3738.06), 3738.06 (3738.07), 3738.07 15  
(3738.08), 3738.08 (3738.09), and 3738.09 (3738.11) be amended 16  
for the purpose of adopting new section numbers as indicated in 17  
parentheses; and sections 5.266, 3701.954, 3702.35, 3727.25, 18

3738.05, 3738.10, and 3738.99 of the Revised Code be enacted to 19  
read as follows: 20

Sec. 5.266. The month of May is designated as "Maternal 21  
Mortality Awareness Month." 22

**Sec. 149.43.** (A) As used in this section: 23

(1) "Public record" means records kept by any public 24  
office, including, but not limited to, state, county, city, 25  
village, township, and school district units, and records 26  
pertaining to the delivery of educational services by an 27  
alternative school in this state kept by the nonprofit or for- 28  
profit entity operating the alternative school pursuant to 29  
section 3313.533 of the Revised Code. "Public record" does not 30  
mean any of the following: 31

(a) Medical records; 32

(b) Records pertaining to probation and parole 33  
proceedings, to proceedings related to the imposition of 34  
community control sanctions and post-release control sanctions, 35  
or to proceedings related to determinations under section 36  
2967.271 of the Revised Code regarding the release or maintained 37  
incarceration of an offender to whom that section applies; 38

(c) Records pertaining to actions under section 2151.85 39  
and division (C) of section 2919.121 of the Revised Code and to 40  
appeals of actions arising under those sections; 41

(d) Records pertaining to adoption proceedings, including 42  
the contents of an adoption file maintained by the department of 43  
health under sections 3705.12 to 3705.124 of the Revised Code; 44

(e) Information in a record contained in the putative 45  
father registry established by section 3107.062 of the Revised 46

Code, regardless of whether the information is held by the 47  
department of job and family services or, pursuant to section 48  
3111.69 of the Revised Code, the office of child support in the 49  
department or a child support enforcement agency; 50

(f) Records specified in division (A) of section 3107.52 51  
of the Revised Code; 52

(g) Trial preparation records; 53

(h) Confidential law enforcement investigatory records; 54

(i) Records containing information that is confidential 55  
under section 2710.03 or 4112.05 of the Revised Code; 56

(j) DNA records stored in the DNA database pursuant to 57  
section 109.573 of the Revised Code; 58

(k) Inmate records released by the department of 59  
rehabilitation and correction to the department of youth 60  
services or a court of record pursuant to division (E) of 61  
section 5120.21 of the Revised Code; 62

(l) Records maintained by the department of youth services 63  
pertaining to children in its custody released by the department 64  
of youth services to the department of rehabilitation and 65  
correction pursuant to section 5139.05 of the Revised Code; 66

(m) Intellectual property records; 67

(n) Donor profile records; 68

(o) Records maintained by the department of job and family 69  
services pursuant to section 3121.894 of the Revised Code; 70

(p) Designated public service worker residential and 71  
familial information; 72

(q) In the case of a county hospital operated pursuant to 73

Chapter 339. of the Revised Code or a municipal hospital 74  
operated pursuant to Chapter 749. of the Revised Code, 75  
information that constitutes a trade secret, as defined in 76  
section 1333.61 of the Revised Code; 77

(r) Information pertaining to the recreational activities 78  
of a person under the age of eighteen; 79

(s) In the case of a child fatality review board acting 80  
under sections 307.621 to 307.629 of the Revised Code or a 81  
review conducted pursuant to guidelines established by the 82  
director of health under section 3701.70 of the Revised Code, 83  
records provided to the board or director, statements made by 84  
board members during meetings of the board or by persons 85  
participating in the director's review, and all work products of 86  
the board or director, and in the case of a child fatality 87  
review board, child fatality review data submitted by the board 88  
to the department of health or a national child death review 89  
database, other than the report prepared pursuant to division 90  
(A) of section 307.626 of the Revised Code; 91

(t) Records provided to and statements made by the 92  
executive director of a public children services agency or a 93  
prosecuting attorney acting pursuant to section 5153.171 of the 94  
Revised Code other than the information released under that 95  
section; 96

(u) Test materials, examinations, or evaluation tools used 97  
in an examination for licensure as a nursing home administrator 98  
that the board of executives of long-term services and supports 99  
administers under section 4751.15 of the Revised Code or 100  
contracts under that section with a private or government entity 101  
to administer; 102

(v) Records the release of which is prohibited by state or federal law;	103 104
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	105 106 107
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	108 109 110 111 112 113
(y) Records listed in section 5101.29 of the Revised Code;	114
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	115 116 117
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	118 119 120
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	121 122 123
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	124 125 126
(dd) Personal information, as defined in section 149.45 of the Revised Code;	127 128
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address	129 130

confidentiality program established under sections 111.41 to 131  
111.47 of the Revised Code, including the contents of any 132  
application for absent voter's ballots, absent voter's ballot 133  
identification envelope statement of voter, or provisional 134  
ballot affirmation completed by a program participant who has a 135  
confidential voter registration record, and records or portions 136  
of records pertaining to that program that identify the number 137  
of program participants that reside within a precinct, ward, 138  
township, municipal corporation, county, or any other geographic 139  
area smaller than the state. As used in this division, 140  
"confidential address" and "program participant" have the 141  
meaning defined in section 111.41 of the Revised Code. 142

(ff) Orders for active military service of an individual 143  
serving or with previous service in the armed forces of the 144  
United States, including a reserve component, or the Ohio 145  
organized militia, except that, such order becomes a public 146  
record on the day that is fifteen years after the published date 147  
or effective date of the call to order; 148

(gg) The name, address, contact information, or other 149  
personal information of an individual who is less than eighteen 150  
years of age that is included in any record related to a traffic 151  
accident involving a school vehicle in which the individual was 152  
an occupant at the time of the accident; 153

(hh) Protected health information, as defined in 45 C.F.R. 154  
160.103, that is in a claim for payment for a health care 155  
product, service, or procedure, as well as any other health 156  
claims data in another document that reveals the identity of an 157  
individual who is the subject of the data or could be used to 158  
reveal that individual's identity; 159

(ii) Any depiction by photograph, film, videotape, or 160

printed or digital image under either of the following 161  
circumstances: 162

(i) The depiction is that of a victim of an offense the 163  
release of which would be, to a reasonable person of ordinary 164  
sensibilities, an offensive and objectionable intrusion into the 165  
victim's expectation of bodily privacy and integrity. 166

(ii) The depiction captures or depicts the victim of a 167  
sexually oriented offense, as defined in section 2950.01 of the 168  
Revised Code, at the actual occurrence of that offense. 169

(jj) Restricted portions of a body-worn camera or 170  
dashboard camera recording; 171

(kk) In the case of a fetal-infant mortality review board 172  
acting under sections 3707.70 to 3707.77 of the Revised Code, 173  
records, documents, reports, or other information presented to 174  
the board or a person abstracting such materials on the board's 175  
behalf, statements made by review board members during board 176  
meetings, all work products of the board, and data submitted by 177  
the board to the department of health or a national infant death 178  
review database, other than the report prepared pursuant to 179  
section 3707.77 of the Revised Code. 180

(ll) Records, documents, reports, or other information 181  
presented to the pregnancy-associated mortality review board 182  
established under section 3738.01 of the Revised Code, 183  
statements made by board members during board meetings, all work 184  
products of the board, and data submitted by the board to the 185  
department of health, other than the ~~biennial~~ reports prepared 186  
under ~~section 3738.08~~ sections 3738.09 and 3738.10 of the 187  
Revised Code; 188

(mm) Telephone numbers for a victim, as defined in section 189

2930.01 of the Revised Code, a witness to a crime, or a party to 190  
a motor vehicle accident subject to the requirements of section 191  
5502.11 of the Revised Code that are listed on any law 192  
enforcement record or report. 193

A record that is not a public record under division (A) (1) 194  
of this section and that, under law, is permanently retained 195  
becomes a public record on the day that is seventy-five years 196  
after the day on which the record was created, except for any 197  
record protected by the attorney-client privilege, a trial 198  
preparation record as defined in this section, a statement 199  
prohibiting the release of identifying information signed under 200  
section 3107.083 of the Revised Code, a denial of release form 201  
filed pursuant to section 3107.46 of the Revised Code, or any 202  
record that is exempt from release or disclosure under section 203  
149.433 of the Revised Code. If the record is a birth 204  
certificate and a biological parent's name redaction request 205  
form has been accepted under section 3107.391 of the Revised 206  
Code, the name of that parent shall be redacted from the birth 207  
certificate before it is released under this paragraph. If any 208  
other section of the Revised Code establishes a time period for 209  
disclosure of a record that conflicts with the time period 210  
specified in this section, the time period in the other section 211  
prevails. 212

(2) "Confidential law enforcement investigatory record" 213  
means any record that pertains to a law enforcement matter of a 214  
criminal, quasi-criminal, civil, or administrative nature, but 215  
only to the extent that the release of the record would create a 216  
high probability of disclosure of any of the following: 217

(a) The identity of a suspect who has not been charged 218  
with the offense to which the record pertains, or of an 219



information source or witness to whom confidentiality has been 220  
reasonably promised; 221

(b) Information provided by an information source or 222  
witness to whom confidentiality has been reasonably promised, 223  
which information would reasonably tend to disclose the source's 224  
or witness's identity; 225

(c) Specific confidential investigatory techniques or 226  
procedures or specific investigatory work product; 227

(d) Information that would endanger the life or physical 228  
safety of law enforcement personnel, a crime victim, a witness, 229  
or a confidential information source. 230

(3) "Medical record" means any document or combination of 231  
documents, except births, deaths, and the fact of admission to 232  
or discharge from a hospital, that pertains to the medical 233  
history, diagnosis, prognosis, or medical condition of a patient 234  
and that is generated and maintained in the process of medical 235  
treatment. 236

(4) "Trial preparation record" means any record that 237  
contains information that is specifically compiled in reasonable 238  
anticipation of, or in defense of, a civil or criminal action or 239  
proceeding, including the independent thought processes and 240  
personal trial preparation of an attorney. 241

(5) "Intellectual property record" means a record, other 242  
than a financial or administrative record, that is produced or 243  
collected by or for faculty or staff of a state institution of 244  
higher learning in the conduct of or as a result of study or 245  
research on an educational, commercial, scientific, artistic, 246  
technical, or scholarly issue, regardless of whether the study 247  
or research was sponsored by the institution alone or in 248

conjunction with a governmental body or private concern, and 249  
that has not been publicly released, published, or patented. 250

(6) "Donor profile record" means all records about donors 251  
or potential donors to a public institution of higher education 252  
except the names and reported addresses of the actual donors and 253  
the date, amount, and conditions of the actual donation. 254

(7) "Designated public service worker" means a peace 255  
officer, parole officer, probation officer, bailiff, prosecuting 256  
attorney, assistant prosecuting attorney, correctional employee, 257  
county or multicounty corrections officer, community-based 258  
correctional facility employee, youth services employee, 259  
firefighter, EMT, medical director or member of a cooperating 260  
physician advisory board of an emergency medical service 261  
organization, state board of pharmacy employee, investigator of 262  
the bureau of criminal identification and investigation, judge, 263  
magistrate, or federal law enforcement officer. 264

(8) "Designated public service worker residential and 265  
familial information" means any information that discloses any 266  
of the following about a designated public service worker: 267

(a) The address of the actual personal residence of a 268  
designated public service worker, except for the following 269  
information: 270

(i) The address of the actual personal residence of a 271  
prosecuting attorney or judge; and 272

(ii) The state or political subdivision in which a 273  
designated public service worker resides. 274

(b) Information compiled from referral to or participation 275  
in an employee assistance program; 276

(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;

(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;

(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;

(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;

(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.

(9) As used in divisions (A) (7) and (15) to (17) of this  
section:

"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

sheriff of a county or a supervisory employee who, in the 306  
absence of the sheriff, is authorized to stand in for, exercise 307  
the authority of, and perform the duties of the sheriff. 308

"Correctional employee" means any employee of the 309  
department of rehabilitation and correction who in the course of 310  
performing the employee's job duties has or has had contact with 311  
inmates and persons under supervision. 312

"County or multicounty corrections officer" means any 313  
corrections officer employed by any county or multicounty 314  
correctional facility. 315

"Youth services employee" means any employee of the 316  
department of youth services who in the course of performing the 317  
employee's job duties has or has had contact with children 318  
committed to the custody of the department of youth services. 319

"Firefighter" means any regular, paid or volunteer, member 320  
of a lawfully constituted fire department of a municipal 321  
corporation, township, fire district, or village. 322

"EMT" means EMTs-basic, EMTs-I, and paramedics that 323  
provide emergency medical services for a public emergency 324  
medical service organization. "Emergency medical service 325  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 326  
meanings defined in section 4765.01 of the Revised Code. 327

"Investigator of the bureau of criminal identification and 328  
investigation" has the meaning defined in section 2903.11 of the 329  
Revised Code. 330

"Federal law enforcement officer" has the meaning defined 331  
in section 9.88 of the Revised Code. 332

(10) "Information pertaining to the recreational 333

activities of a person under the age of eighteen" means 334  
information that is kept in the ordinary course of business by a 335  
public office, that pertains to the recreational activities of a 336  
person under the age of eighteen years, and that discloses any 337  
of the following: 338

(a) The address or telephone number of a person under the 339  
age of eighteen or the address or telephone number of that 340  
person's parent, guardian, custodian, or emergency contact 341  
person; 342

(b) The social security number, birth date, or 343  
photographic image of a person under the age of eighteen; 344

(c) Any medical record, history, or information pertaining 345  
to a person under the age of eighteen; 346

(d) Any additional information sought or required about a 347  
person under the age of eighteen for the purpose of allowing 348  
that person to participate in any recreational activity 349  
conducted or sponsored by a public office or to use or obtain 350  
admission privileges to any recreational facility owned or 351  
operated by a public office. 352

(11) "Community control sanction" has the meaning defined 353  
in section 2929.01 of the Revised Code. 354

(12) "Post-release control sanction" has the meaning 355  
defined in section 2967.01 of the Revised Code. 356

(13) "Redaction" means obscuring or deleting any 357  
information that is exempt from the duty to permit public 358  
inspection or copying from an item that otherwise meets the 359  
definition of a "record" in section 149.011 of the Revised Code. 360

(14) "Designee," "elected official," and "future official" 361

have the meanings defined in section 109.43 of the Revised Code. 362

(15) "Body-worn camera" means a visual and audio recording 363  
device worn on the person of a peace officer while the peace 364  
officer is engaged in the performance of the peace officer's 365  
duties. 366

(16) "Dashboard camera" means a visual and audio recording 367  
device mounted on a peace officer's vehicle or vessel that is 368  
used while the peace officer is engaged in the performance of 369  
the peace officer's duties. 370

(17) "Restricted portions of a body-worn camera or 371  
dashboard camera recording" means any visual or audio portion of 372  
a body-worn camera or dashboard camera recording that shows, 373  
communicates, or discloses any of the following: 374

(a) The image or identity of a child or information that 375  
could lead to the identification of a child who is a primary 376  
subject of the recording when the law enforcement agency knows 377  
or has reason to know the person is a child based on the law 378  
enforcement agency's records or the content of the recording; 379

(b) The death of a person or a deceased person's body, 380  
unless the death was caused by a peace officer or, subject to 381  
division (H)(1) of this section, the consent of the decedent's 382  
executor or administrator has been obtained; 383

(c) The death of a peace officer, firefighter, paramedic, 384  
or other first responder, occurring while the decedent was 385  
engaged in the performance of official duties, unless, subject 386  
to division (H)(1) of this section, the consent of the 387  
decedent's executor or administrator has been obtained; 388

(d) Grievous bodily harm, unless the injury was effected 389  
by a peace officer or, subject to division (H)(1) of this 390

section, the consent of the injured person or the injured 391  
person's guardian has been obtained; 392

(e) An act of severe violence against a person that 393  
results in serious physical harm to the person, unless the act 394  
and injury was effected by a peace officer or, subject to 395  
division (H)(1) of this section, the consent of the injured 396  
person or the injured person's guardian has been obtained; 397

(f) Grievous bodily harm to a peace officer, firefighter, 398  
paramedic, or other first responder, occurring while the injured 399  
person was engaged in the performance of official duties, 400  
unless, subject to division (H)(1) of this section, the consent 401  
of the injured person or the injured person's guardian has been 402  
obtained; 403

(g) An act of severe violence resulting in serious 404  
physical harm against a peace officer, firefighter, paramedic, 405  
or other first responder, occurring while the injured person was 406  
engaged in the performance of official duties, unless, subject 407  
to division (H)(1) of this section, the consent of the injured 408  
person or the injured person's guardian has been obtained; 409

(h) A person's nude body, unless, subject to division (H) 410  
(1) of this section, the person's consent has been obtained; 411

(i) Protected health information, the identity of a person 412  
in a health care facility who is not the subject of a law 413  
enforcement encounter, or any other information in a health care 414  
facility that could identify a person who is not the subject of 415  
a law enforcement encounter; 416

(j) Information that could identify the alleged victim of 417  
a sex offense, menacing by stalking, or domestic violence; 418

(k) Information, that does not constitute a confidential 419

law enforcement investigatory record, that could identify a 420  
person who provides sensitive or confidential information to a 421  
law enforcement agency when the disclosure of the person's 422  
identity or the information provided could reasonably be 423  
expected to threaten or endanger the safety or property of the 424  
person or another person; 425

(l) Personal information of a person who is not arrested, 426  
cited, charged, or issued a written warning by a peace officer; 427

(m) Proprietary police contingency plans or tactics that 428  
are intended to prevent crime and maintain public order and 429  
safety; 430

(n) A personal conversation unrelated to work between 431  
peace officers or between a peace officer and an employee of a 432  
law enforcement agency; 433

(o) A conversation between a peace officer and a member of 434  
the public that does not concern law enforcement activities; 435

(p) The interior of a residence, unless the interior of a 436  
residence is the location of an adversarial encounter with, or a 437  
use of force by, a peace officer; 438

(q) Any portion of the interior of a private business that 439  
is not open to the public, unless an adversarial encounter with, 440  
or a use of force by, a peace officer occurs in that location. 441

As used in division (A) (17) of this section: 442

"Grievous bodily harm" has the same meaning as in section 443  
5924.120 of the Revised Code. 444

"Health care facility" has the same meaning as in section 445  
1337.11 of the Revised Code. 446



"Protected health information" has the same meaning as in 447  
45 C.F.R. 160.103. 448

"Law enforcement agency" has the same meaning as in 449  
section 2925.61 of the Revised Code. 450

"Personal information" means any government-issued 451  
identification number, date of birth, address, financial 452  
information, or criminal justice information from the law 453  
enforcement automated data system or similar databases. 454

"Sex offense" has the same meaning as in section 2907.10 455  
of the Revised Code. 456

"Firefighter," "paramedic," and "first responder" have the 457  
same meanings as in section 4765.01 of the Revised Code. 458

(B) (1) Upon request and subject to division (B) (8) of this 459  
section, all public records responsive to the request shall be 460  
promptly prepared and made available for inspection to any 461  
person at all reasonable times during regular business hours. 462  
Subject to division (B) (8) of this section, upon request by any 463  
person, a public office or person responsible for public records 464  
shall make copies of the requested public record available to 465  
the requester at cost and within a reasonable period of time. If 466  
a public record contains information that is exempt from the 467  
duty to permit public inspection or to copy the public record, 468  
the public office or the person responsible for the public 469  
record shall make available all of the information within the 470  
public record that is not exempt. When making that public record 471  
available for public inspection or copying that public record, 472  
the public office or the person responsible for the public 473  
record shall notify the requester of any redaction or make the 474  
redaction plainly visible. A redaction shall be deemed a denial 475

of a request to inspect or copy the redacted information, except 476  
if federal or state law authorizes or requires a public office 477  
to make the redaction. 478

(2) To facilitate broader access to public records, a 479  
public office or the person responsible for public records shall 480  
organize and maintain public records in a manner that they can 481  
be made available for inspection or copying in accordance with 482  
division (B) of this section. A public office also shall have 483  
available a copy of its current records retention schedule at a 484  
location readily available to the public. If a requester makes 485  
an ambiguous or overly broad request or has difficulty in making 486  
a request for copies or inspection of public records under this 487  
section such that the public office or the person responsible 488  
for the requested public record cannot reasonably identify what 489  
public records are being requested, the public office or the 490  
person responsible for the requested public record may deny the 491  
request but shall provide the requester with an opportunity to 492  
revise the request by informing the requester of the manner in 493  
which records are maintained by the public office and accessed 494  
in the ordinary course of the public office's or person's 495  
duties. 496

(3) If a request is ultimately denied, in part or in 497  
whole, the public office or the person responsible for the 498  
requested public record shall provide the requester with an 499  
explanation, including legal authority, setting forth why the 500  
request was denied. If the initial request was provided in 501  
writing, the explanation also shall be provided to the requester 502  
in writing. The explanation shall not preclude the public office 503  
or the person responsible for the requested public record from 504  
relying upon additional reasons or legal authority in defending 505  
an action commenced under division (C) of this section. 506

(4) Unless specifically required or authorized by state or 507  
federal law or in accordance with division (B) of this section, 508  
no public office or person responsible for public records may 509  
limit or condition the availability of public records by 510  
requiring disclosure of the requester's identity or the intended 511  
use of the requested public record. Any requirement that the 512  
requester disclose the requester's identity or the intended use 513  
of the requested public record constitutes a denial of the 514  
request. 515

(5) A public office or person responsible for public 516  
records may ask a requester to make the request in writing, may 517  
ask for the requester's identity, and may inquire about the 518  
intended use of the information requested, but may do so only 519  
after disclosing to the requester that a written request is not 520  
mandatory, that the requester may decline to reveal the 521  
requester's identity or the intended use, and when a written 522  
request or disclosure of the identity or intended use would 523  
benefit the requester by enhancing the ability of the public 524  
office or person responsible for public records to identify, 525  
locate, or deliver the public records sought by the requester. 526

(6) If any person requests a copy of a public record in 527  
accordance with division (B) of this section, the public office 528  
or person responsible for the public record may require that 529  
person to pay in advance the cost involved in providing the copy 530  
of the public record in accordance with the choice made by the 531  
person requesting the copy under this division. The public 532  
office or the person responsible for the public record shall 533  
permit that person to choose to have the public record 534  
duplicated upon paper, upon the same medium upon which the 535  
public office or person responsible for the public record keeps 536  
it, or upon any other medium upon which the public office or 537

person responsible for the public record determines that it 538  
reasonably can be duplicated as an integral part of the normal 539  
operations of the public office or person responsible for the 540  
public record. When the person requesting the copy makes a 541  
choice under this division, the public office or person 542  
responsible for the public record shall provide a copy of it in 543  
accordance with the choice made by that person. Nothing in this 544  
section requires a public office or person responsible for the 545  
public record to allow the person requesting a copy of the 546  
public record to make the copies of the public record. 547

(7) (a) Upon a request made in accordance with division (B) 548  
of this section and subject to division (B) (6) of this section, 549  
a public office or person responsible for public records shall 550  
transmit a copy of a public record to any person by United 551  
States mail or by any other means of delivery or transmission 552  
within a reasonable period of time after receiving the request 553  
for the copy. The public office or person responsible for the 554  
public record may require the person making the request to pay 555  
in advance the cost of postage if the copy is transmitted by 556  
United States mail or the cost of delivery if the copy is 557  
transmitted other than by United States mail, and to pay in 558  
advance the costs incurred for other supplies used in the 559  
mailing, delivery, or transmission. 560

(b) Any public office may adopt a policy and procedures 561  
that it will follow in transmitting, within a reasonable period 562  
of time after receiving a request, copies of public records by 563  
United States mail or by any other means of delivery or 564  
transmission pursuant to division (B) (7) of this section. A 565  
public office that adopts a policy and procedures under division 566  
(B) (7) of this section shall comply with them in performing its 567  
duties under that division. 568

(c) In any policy and procedures adopted under division 569  
(B) (7) of this section: 570

(i) A public office may limit the number of records 571  
requested by a person that the office will physically deliver by 572  
United States mail or by another delivery service to ten per 573  
month, unless the person certifies to the office in writing that 574  
the person does not intend to use or forward the requested 575  
records, or the information contained in them, for commercial 576  
purposes; 577

(ii) A public office that chooses to provide some or all 578  
of its public records on a web site that is fully accessible to 579  
and searchable by members of the public at all times, other than 580  
during acts of God outside the public office's control or 581  
maintenance, and that charges no fee to search, access, 582  
download, or otherwise receive records provided on the web site, 583  
may limit to ten per month the number of records requested by a 584  
person that the office will deliver in a digital format, unless 585  
the requested records are not provided on the web site and 586  
unless the person certifies to the office in writing that the 587  
person does not intend to use or forward the requested records, 588  
or the information contained in them, for commercial purposes. 589

(iii) For purposes of division (B) (7) of this section, 590  
"commercial" shall be narrowly construed and does not include 591  
reporting or gathering news, reporting or gathering information 592  
to assist citizen oversight or understanding of the operation or 593  
activities of government, or nonprofit educational research. 594

(8) A public office or person responsible for public 595  
records is not required to permit a person who is incarcerated 596  
pursuant to a criminal conviction or a juvenile adjudication to 597  
inspect or to obtain a copy of any public record concerning a 598

criminal investigation or prosecution or concerning what would 599  
be a criminal investigation or prosecution if the subject of the 600  
investigation or prosecution were an adult, unless the request 601  
to inspect or to obtain a copy of the record is for the purpose 602  
of acquiring information that is subject to release as a public 603  
record under this section and the judge who imposed the sentence 604  
or made the adjudication with respect to the person, or the 605  
judge's successor in office, finds that the information sought 606  
in the public record is necessary to support what appears to be 607  
a justiciable claim of the person. 608

(9) (a) Upon written request made and signed by a 609  
journalist, a public office, or person responsible for public 610  
records, having custody of the records of the agency employing a 611  
specified designated public service worker shall disclose to the 612  
journalist the address of the actual personal residence of the 613  
designated public service worker and, if the designated public 614  
service worker's spouse, former spouse, or child is employed by 615  
a public office, the name and address of the employer of the 616  
designated public service worker's spouse, former spouse, or 617  
child. The request shall include the journalist's name and title 618  
and the name and address of the journalist's employer and shall 619  
state that disclosure of the information sought would be in the 620  
public interest. 621

(b) Division (B) (9) (a) of this section also applies to 622  
journalist requests for: 623

(i) Customer information maintained by a municipally owned 624  
or operated public utility, other than social security numbers 625  
and any private financial information such as credit reports, 626  
payment methods, credit card numbers, and bank account 627  
information; 628

(ii) Information about minors involved in a school vehicle 629  
accident as provided in division (A) (1) (gg) of this section, 630  
other than personal information as defined in section 149.45 of 631  
the Revised Code. 632

(c) As used in division (B) (9) of this section, 633  
"journalist" means a person engaged in, connected with, or 634  
employed by any news medium, including a newspaper, magazine, 635  
press association, news agency, or wire service, a radio or 636  
television station, or a similar medium, for the purpose of 637  
gathering, processing, transmitting, compiling, editing, or 638  
disseminating information for the general public. 639

(10) Upon a request made by a victim, victim's attorney, 640  
or victim's representative, as that term is used in section 641  
2930.02 of the Revised Code, a public office or person 642  
responsible for public records shall transmit a copy of a 643  
depiction of the victim as described in division (A) (1) (gg) of 644  
this section to the victim, victim's attorney, or victim's 645  
representative. 646

(C) (1) If a person allegedly is aggrieved by the failure 647  
of a public office or the person responsible for public records 648  
to promptly prepare a public record and to make it available to 649  
the person for inspection in accordance with division (B) of 650  
this section or by any other failure of a public office or the 651  
person responsible for public records to comply with an 652  
obligation in accordance with division (B) of this section, the 653  
person allegedly aggrieved may do only one of the following, and 654  
not both: 655

(a) File a complaint with the clerk of the court of claims 656  
or the clerk of the court of common pleas under section 2743.75 657  
of the Revised Code; 658

(b) Commence a mandamus action to obtain a judgment that 659  
orders the public office or the person responsible for the 660  
public record to comply with division (B) of this section, that 661  
awards court costs and reasonable attorney's fees to the person 662  
that instituted the mandamus action, and, if applicable, that 663  
includes an order fixing statutory damages under division (C) (2) 664  
of this section. The mandamus action may be commenced in the 665  
court of common pleas of the county in which division (B) of 666  
this section allegedly was not complied with, in the supreme 667  
court pursuant to its original jurisdiction under Section 2 of 668  
Article IV, Ohio Constitution, or in the court of appeals for 669  
the appellate district in which division (B) of this section 670  
allegedly was not complied with pursuant to its original 671  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 672

(2) If a requester transmits a written request by hand 673  
delivery, electronic submission, or certified mail to inspect or 674  
receive copies of any public record in a manner that fairly 675  
describes the public record or class of public records to the 676  
public office or person responsible for the requested public 677  
records, except as otherwise provided in this section, the 678  
requester shall be entitled to recover the amount of statutory 679  
damages set forth in this division if a court determines that 680  
the public office or the person responsible for public records 681  
failed to comply with an obligation in accordance with division 682  
(B) of this section. 683

The amount of statutory damages shall be fixed at one 684  
hundred dollars for each business day during which the public 685  
office or person responsible for the requested public records 686  
failed to comply with an obligation in accordance with division 687  
(B) of this section, beginning with the day on which the 688  
requester files a mandamus action to recover statutory damages, 689



up to a maximum of one thousand dollars. The award of statutory 690  
damages shall not be construed as a penalty, but as compensation 691  
for injury arising from lost use of the requested information. 692  
The existence of this injury shall be conclusively presumed. The 693  
award of statutory damages shall be in addition to all other 694  
remedies authorized by this section. 695

The court may reduce an award of statutory damages or not 696  
award statutory damages if the court determines both of the 697  
following: 698

(a) That, based on the ordinary application of statutory 699  
law and case law as it existed at the time of the conduct or 700  
threatened conduct of the public office or person responsible 701  
for the requested public records that allegedly constitutes a 702  
failure to comply with an obligation in accordance with division 703  
(B) of this section and that was the basis of the mandamus 704  
action, a well-informed public office or person responsible for 705  
the requested public records reasonably would believe that the 706  
conduct or threatened conduct of the public office or person 707  
responsible for the requested public records did not constitute 708  
a failure to comply with an obligation in accordance with 709  
division (B) of this section; 710

(b) That a well-informed public office or person 711  
responsible for the requested public records reasonably would 712  
believe that the conduct or threatened conduct of the public 713  
office or person responsible for the requested public records 714  
would serve the public policy that underlies the authority that 715  
is asserted as permitting that conduct or threatened conduct. 716

(3) In a mandamus action filed under division (C) (1) of 717  
this section, the following apply: 718

(a) (i) If the court orders the public office or the person 719  
responsible for the public record to comply with division (B) of 720  
this section, the court shall determine and award to the relator 721  
all court costs, which shall be construed as remedial and not 722  
punitive. 723

(ii) If the court makes a determination described in 724  
division (C) (3) (b) (iii) of this section, the court shall 725  
determine and award to the relator all court costs, which shall 726  
be construed as remedial and not punitive. 727

(b) If the court renders a judgment that orders the public 728  
office or the person responsible for the public record to comply 729  
with division (B) of this section or if the court determines any 730  
of the following, the court may award reasonable attorney's fees 731  
to the relator, subject to division (C) (4) of this section: 732

(i) The public office or the person responsible for the 733  
public records failed to respond affirmatively or negatively to 734  
the public records request in accordance with the time allowed 735  
under division (B) of this section. 736

(ii) The public office or the person responsible for the 737  
public records promised to permit the relator to inspect or 738  
receive copies of the public records requested within a 739  
specified period of time but failed to fulfill that promise 740  
within that specified period of time. 741

(iii) The public office or the person responsible for the 742  
public records acted in bad faith when the office or person 743  
voluntarily made the public records available to the relator for 744  
the first time after the relator commenced the mandamus action, 745  
but before the court issued any order concluding whether or not 746  
the public office or person was required to comply with division 747

(B) of this section. No discovery may be conducted on the issue 748  
of the alleged bad faith of the public office or person 749  
responsible for the public records. This division shall not be 750  
construed as creating a presumption that the public office or 751  
the person responsible for the public records acted in bad faith 752  
when the office or person voluntarily made the public records 753  
available to the relator for the first time after the relator 754  
commenced the mandamus action, but before the court issued any 755  
order described in this division. 756

(c) The court shall not award attorney's fees to the 757  
relator if the court determines both of the following: 758

(i) That, based on the ordinary application of statutory 759  
law and case law as it existed at the time of the conduct or 760  
threatened conduct of the public office or person responsible 761  
for the requested public records that allegedly constitutes a 762  
failure to comply with an obligation in accordance with division 763  
(B) of this section and that was the basis of the mandamus 764  
action, a well-informed public office or person responsible for 765  
the requested public records reasonably would believe that the 766  
conduct or threatened conduct of the public office or person 767  
responsible for the requested public records did not constitute 768  
a failure to comply with an obligation in accordance with 769  
division (B) of this section; 770

(ii) That a well-informed public office or person 771  
responsible for the requested public records reasonably would 772  
believe that the conduct or threatened conduct of the public 773  
office or person responsible for the requested public records 774  
would serve the public policy that underlies the authority that 775  
is asserted as permitting that conduct or threatened conduct. 776

(4) All of the following apply to any award of reasonable 777

attorney's fees awarded under division (C) (3) (b) of this 778  
section: 779

(a) The fees shall be construed as remedial and not 780  
punitive. 781

(b) The fees awarded shall not exceed the total of the 782  
reasonable attorney's fees incurred before the public record was 783  
made available to the relator and the fees described in division 784  
(C) (4) (c) of this section. 785

(c) Reasonable attorney's fees shall include reasonable 786  
fees incurred to produce proof of the reasonableness and amount 787  
of the fees and to otherwise litigate entitlement to the fees. 788

(d) The court may reduce the amount of fees awarded if the 789  
court determines that, given the factual circumstances involved 790  
with the specific public records request, an alternative means 791  
should have been pursued to more effectively and efficiently 792  
resolve the dispute that was subject to the mandamus action 793  
filed under division (C) (1) of this section. 794

(5) If the court does not issue a writ of mandamus under 795  
division (C) of this section and the court determines at that 796  
time that the bringing of the mandamus action was frivolous 797  
conduct as defined in division (A) of section 2323.51 of the 798  
Revised Code, the court may award to the public office all court 799  
costs, expenses, and reasonable attorney's fees, as determined 800  
by the court. 801

(D) Chapter 1347. of the Revised Code does not limit the 802  
provisions of this section. 803

(E) (1) To ensure that all employees of public offices are 804  
appropriately educated about a public office's obligations under 805  
division (B) of this section, all elected officials or their 806

appropriate designees shall attend training approved by the 807  
attorney general as provided in section 109.43 of the Revised 808  
Code. A future official may satisfy the requirements of this 809  
division by attending the training before taking office, 810  
provided that the future official may not send a designee in the 811  
future official's place. 812

(2) All public offices shall adopt a public records policy 813  
in compliance with this section for responding to public records 814  
requests. In adopting a public records policy under this 815  
division, a public office may obtain guidance from the model 816  
public records policy developed and provided to the public 817  
office by the attorney general under section 109.43 of the 818  
Revised Code. Except as otherwise provided in this section, the 819  
policy may not limit the number of public records that the 820  
public office will make available to a single person, may not 821  
limit the number of public records that it will make available 822  
during a fixed period of time, and may not establish a fixed 823  
period of time before it will respond to a request for 824  
inspection or copying of public records, unless that period is 825  
less than eight hours. 826

The public office shall distribute the public records 827  
policy adopted by the public office under this division to the 828  
employee of the public office who is the records custodian or 829  
records manager or otherwise has custody of the records of that 830  
office. The public office shall require that employee to 831  
acknowledge receipt of the copy of the public records policy. 832  
The public office shall create a poster that describes its 833  
public records policy and shall post the poster in a conspicuous 834  
place in the public office and in all locations where the public 835  
office has branch offices. The public office may post its public 836  
records policy on the internet web site of the public office if 837

the public office maintains an internet web site. A public 838  
office that has established a manual or handbook of its general 839  
policies and procedures for all employees of the public office 840  
shall include the public records policy of the public office in 841  
the manual or handbook. 842

(F) (1) The bureau of motor vehicles may adopt rules 843  
pursuant to Chapter 119. of the Revised Code to reasonably limit 844  
the number of bulk commercial special extraction requests made 845  
by a person for the same records or for updated records during a 846  
calendar year. The rules may include provisions for charges to 847  
be made for bulk commercial special extraction requests for the 848  
actual cost of the bureau, plus special extraction costs, plus 849  
ten per cent. The bureau may charge for expenses for redacting 850  
information, the release of which is prohibited by law. 851

(2) As used in division (F) (1) of this section: 852

(a) "Actual cost" means the cost of depleted supplies, 853  
records storage media costs, actual mailing and alternative 854  
delivery costs, or other transmitting costs, and any direct 855  
equipment operating and maintenance costs, including actual 856  
costs paid to private contractors for copying services. 857

(b) "Bulk commercial special extraction request" means a 858  
request for copies of a record for information in a format other 859  
than the format already available, or information that cannot be 860  
extracted without examination of all items in a records series, 861  
class of records, or database by a person who intends to use or 862  
forward the copies for surveys, marketing, solicitation, or 863  
resale for commercial purposes. "Bulk commercial special 864  
extraction request" does not include a request by a person who 865  
gives assurance to the bureau that the person making the request 866  
does not intend to use or forward the requested copies for 867

surveys, marketing, solicitation, or resale for commercial 868  
purposes. 869

(c) "Commercial" means profit-seeking production, buying, 870  
or selling of any good, service, or other product. 871

(d) "Special extraction costs" means the cost of the time 872  
spent by the lowest paid employee competent to perform the task, 873  
the actual amount paid to outside private contractors employed 874  
by the bureau, or the actual cost incurred to create computer 875  
programs to make the special extraction. "Special extraction 876  
costs" include any charges paid to a public agency for computer 877  
or records services. 878

(3) For purposes of divisions (F) (1) and (2) of this 879  
section, "surveys, marketing, solicitation, or resale for 880  
commercial purposes" shall be narrowly construed and does not 881  
include reporting or gathering news, reporting or gathering 882  
information to assist citizen oversight or understanding of the 883  
operation or activities of government, or nonprofit educational 884  
research. 885

(G) A request by a defendant, counsel of a defendant, or 886  
any agent of a defendant in a criminal action that public 887  
records related to that action be made available under this 888  
section shall be considered a demand for discovery pursuant to 889  
the Criminal Rules, except to the extent that the Criminal Rules 890  
plainly indicate a contrary intent. The defendant, counsel of 891  
the defendant, or agent of the defendant making a request under 892  
this division shall serve a copy of the request on the 893  
prosecuting attorney, director of law, or other chief legal 894  
officer responsible for prosecuting the action. 895

(H) (1) Any portion of a body-worn camera or dashboard 896

camera recording described in divisions (A) (17) (b) to (h) of 897  
this section may be released by consent of the subject of the 898  
recording or a representative of that person, as specified in 899  
those divisions, only if either of the following applies: 900

(a) The recording will not be used in connection with any 901  
probable or pending criminal proceedings; 902

(b) The recording has been used in connection with a 903  
criminal proceeding that was dismissed or for which a judgment 904  
has been entered pursuant to Rule 32 of the Rules of Criminal 905  
Procedure, and will not be used again in connection with any 906  
probable or pending criminal proceedings. 907

(2) If a public office denies a request to release a 908  
restricted portion of a body-worn camera or dashboard camera 909  
recording, as defined in division (A) (17) of this section, any 910  
person may file a mandamus action pursuant to this section or a 911  
complaint with the clerk of the court of claims pursuant to 912  
section 2743.75 of the Revised Code, requesting the court to 913  
order the release of all or portions of the recording. If the 914  
court considering the request determines that the filing 915  
articulates by clear and convincing evidence that the public 916  
interest in the recording substantially outweighs privacy 917  
interests and other interests asserted to deny release, the 918  
court shall order the public office to release the recording. 919

Sec. 3701.954. (A) As used in this section, "severe 920  
maternal morbidity" has the same meaning as in section 3738.01 921  
of the Revised Code. 922

(B) Not later than sixty days after the effective date of 923  
this section, the director of health shall adopt rules to do 924  
both of the following: 925



(1) Specify data on severe maternal morbidity that each 926  
hospital and freestanding birthing center in this state shall 927  
report to the director annually under sections 3702.35 and 928  
3727.25 of the Revised Code; 929

(2) Prescribe the manner in which the data described in 930  
division (B) (1) of this section shall be reported. 931

(C) All rules adopted under this section shall be adopted 932  
in accordance with Chapter 119. of the Revised Code. 933

**Sec. 3702.35.** (A) "Severe maternal morbidity" has the same 934  
meaning as in section 3738.01 of the Revised Code. 935

(B) Annually, each freestanding birthing center shall 936  
report to the director of health the data regarding severe 937  
maternal morbidity that the director specifies in rules adopted 938  
under section 3701.954 of the Revised Code. The data shall be 939  
reported in the manner prescribed by the director. 940

**Sec. 3727.25.** (A) As used in this section, "severe 941  
maternal morbidity" has the same meaning as in section 3738.01 942  
of the Revised Code. 943

(B) Annually, each hospital shall report to the director 944  
of health the data regarding severe maternal morbidity that the 945  
director specifies in rules adopted under section 3701.954 of 946  
the Revised Code. The data shall be reported in the manner 947  
prescribed by the director. 948

**Sec. 3738.01.** (A) As used in this ~~section and sections~~ 949  
~~3738.02 to 3738.09 of the Revised Code, "pregnancy-associated~~ 950  
~~chapter:~~ 951

(1) "PAMR board" means the pregnancy-associated mortality 952  
review board established under division (B) of this section. 953

(2) "Pregnancy-associated death" means the death of a 954  
woman while pregnant or anytime within one year of pregnancy 955  
regardless of cause. 956

(3) "Severe maternal morbidity" means unexpected outcomes 957  
of pregnancy, labor, or delivery that result in significant 958  
short-term or long-term consequences to a woman's health. 959

(B) There is hereby established in the department of 960  
health a pregnancy-associated mortality review ~~(PAMR)~~ board to 961  
identify and review all pregnancy-associated deaths statewide 962  
for the purpose of reducing the incidence of those deaths. 963

**Sec. 3738.03.** All of the following apply with respect to 964  
the membership and administration of the PAMR board: 965

(A) The executive director of the commission on minority 966  
health or the executive director's designee shall be a member of 967  
the board. The director of health shall appoint the board's 968  
remaining members. In ~~doing so~~ appointing members of the board, 969  
all of the following apply to the director: 970

(1) The director shall make a good faith effort to ~~select~~ 971  
appoint members by selecting individuals who represent all 972  
regions of the state and ~~multiple areas of expertise and~~ 973  
~~constituencies concerned with the care of pregnant and~~ 974  
~~postpartum women~~ the racial and ethnic backgrounds of families 975  
affected by severe maternal morbidity. At least eighty per cent 976  
of the board's members must represent the following 977  
constituencies or areas of expertise: anesthesiology, emergency 978  
medicine, family medicine, forensic pathology, maternal-fetal 979  
medicine, obstetrics and gynecology, pediatrics, nursing, mental 980  
health, addiction and other substance use disorders, child 981  
fatality review, intimate partner violence, epidemiology, public 982

health, human trafficking, and hospital risk management. 983

(2) The director shall appoint as a member an individual 984  
who is either a lay midwife who possesses the certified 985  
professional midwife credential issued by the north American 986  
registry of midwives or a doula certified by an organization 987  
identified in rules adopted under section 3738.11 of the Revised 988  
Code. 989

(3) The director shall appoint as members two women who 990  
have experienced a delivery hospitalization with severe maternal 991  
morbidity. 992

(4) The director shall appoint as members individuals who 993  
represent women and mothers in areas of this state that are 994  
considered to be medically underserved areas or areas with a 995  
disproportionately high incidence of delivery hospitalizations 996  
involving severe maternal morbidity. 997

(B) The board, by a majority vote of a quorum of its 998  
members, shall select an individual to serve as its chairperson. 999  
The board may replace a chairperson in the same manner. 1000

(C) An appointed member shall hold office until a 1001  
successor is appointed. The director of health shall fill a 1002  
vacancy as soon as practicable. 1003

(D) ~~A member~~ The board members who are not employed as 1004  
health care professionals or who do not serve on the board as 1005  
part of their regular duties of employment shall receive 1006  
reimbursement for actual and necessary expenses incurred in the 1007  
performance of official duties and, if requested, a per diem 1008  
compensation established in rules adopted under section 3738.09 1009  
of the Revised Code. Each of the other members shall receive 1010  
reimbursement for actual and necessary expenses incurred in the 1011

performance of official duties, but otherwise each such member 1012  
shall not receive any serve without compensation for, and shall 1013  
not be paid for any expenses incurred pursuant to, fulfilling 1014  
the member's duties on the board, except to the extent that 1015  
serving on the board is considered part of the member's regular 1016  
duties of employment. 1017

(E) The board shall meet four times each calendar year 1018  
and, in addition to those meetings, shall meet at the call of 1019  
the board's chairperson as often as the chairperson ~~determines~~ 1020  
considers necessary for timely completion of pregnancy- 1021  
associated death reviews. ~~The reviews shall be conducted in~~ 1022  
~~accordance with rules adopted under section 3738.09 of the~~ 1023  
~~Revised Code.~~ 1024

(F) The department of health shall provide meeting space, 1025  
staff services, and other technical assistance required by the 1026  
board in carrying out its duties. 1027

**Sec. 3738.04.** The PAMR board shall seek to reduce the 1028  
incidence of pregnancy-associated deaths in this state by doing 1029  
all of the following: 1030

(A) Promoting cooperation, collaboration, and 1031  
communication ~~between among~~ all groups, professions, agencies, 1032  
and entities that serve pregnant and postpartum women and 1033  
families; 1034

(B) Identifying all pregnancy-associated deaths in this 1035  
state, conducting reviews of the deaths in accordance with rules 1036  
adopted under section 3738.11 of the Revised Code, determining 1037  
causes and factors that contributed to the deaths, and 1038  
determining which actions could have been taken to prevent the 1039  
deaths; 1040

(C) Identifying and making recommendations to ameliorate 1041  
gaps in care and systemic care delivery issues, including risk 1042  
of pregnancy-associated deaths resulting from deficiencies in 1043  
insurance coverage, as well as racial and other disparities; 1044

(D) Identifying adverse outcomes resulting from the 1045  
differences in quality of care that may be experienced by women 1046  
of various geographic areas, races, ethnicities, and 1047  
socioeconomic circumstances that may contribute to pregnancy- 1048  
associated deaths; 1049

(E) Recommending and developing plans for implementing 1050  
service and program changes, as well as changes to the groups, 1051  
professions, agencies, and entities that serve pregnant and 1052  
postpartum women and families; 1053

~~(C)~~ (F) Providing the department of health with aggregate 1054  
data, trends, and patterns regarding pregnancy-associated deaths 1055  
using data and other relevant information specified in rules 1056  
adopted under section ~~3738.09~~ 3738.11 of the Revised Code; 1057

~~(D)~~ (G) Developing effective interventions to reduce the 1058  
mortality of pregnant and postpartum women and disseminating 1059  
information about the interventions. 1060

**Sec. 3738.05.** (A) The department of health shall use all 1061  
resources available to it to identify pregnancy-associated 1062  
deaths in this state, including maternal death certificates, the 1063  
international classification of diseases (ICD) obstetric cause 1064  
of death codes, and linking death certificates to live birth and 1065  
fetal death certificates. 1066

(B) As soon as practicable after identifying a pregnancy- 1067  
associated death, but not later than thirty days after 1068  
identifying the death, the department shall submit a written 1069

request to any person or government entity the department has 1070  
reason to believe could have information on the circumstances of 1071  
the death, including physicians, hospitals, coroners or medical 1072  
examiners, emergency medical service personnel, law enforcement 1073  
agencies, mental health and addiction professionals, and family 1074  
members of the deceased. The request shall specify the 1075  
information being sought, which may include medical records; 1076  
police, incident, or crash reports; coroner or medical examiner 1077  
reports; pathology reports, including toxicology screenings or 1078  
autopsy records; descriptions of medical interventions; and 1079  
event timelines. 1080

(C) The department also may request and obtain data and 1081  
other information from any source with which the department has 1082  
a data sharing agreement, including the department of medicaid, 1083  
the WIC program as defined in section 3701.132 of the Revised 1084  
Code, the Ohio opiate death registry, the Ohio violent death 1085  
reporting system established under section 3701.93 of the 1086  
Revised Code, and the department of health child death review 1087  
database or national child death review database described in 1088  
section 307.626 of the Revised Code. 1089

**Sec. 3738.05 3738.06.** (A) Notwithstanding section 3701.243 1090  
and any other section of the Revised Code pertaining to 1091  
confidentiality, and except as provided in division (B) or (C) 1092  
of this section, ~~an individual, government entity, agency that~~ 1093  
~~provides services specifically to individuals or families, law~~ 1094  
~~enforcement agency, health care provider, or other public or~~ 1095  
~~private entity that provided services to a woman whose death is~~ 1096  
~~being reviewed by the PAMR board shall submit to the board a~~ 1097  
~~copy of any record it possesses that the board requests~~ a person 1098  
or government entity that receives a written request from the 1099  
department of health under section 3738.05 of the Revised Code 1100

shall provide the information specified in the request not later 1101  
than sixty days after being informed of the pregnancy-associated 1102  
death. In addition, such ~~an individual~~ a person or entity may 1103  
make available to the board additional information, documents, 1104  
or reports that could be useful to the board's ~~investigation~~ 1105  
review of a pregnancy-associated death. 1106

(B) No person, government entity, law enforcement agency, 1107  
or prosecuting attorney shall provide any information regarding 1108  
a pregnancy-associated death to the department while an 1109  
investigation of the death or prosecution of a person for 1110  
causing the death is pending unless the prosecuting attorney 1111  
~~agrees~~ has agreed pursuant to section 3738.02 of the Revised 1112  
Code to allow the review of the death. If the provision of 1113  
information is to be denied for this reason, the person, 1114  
government entity, law enforcement agency, or prosecuting 1115  
attorney shall notify the department in writing of the 1116  
circumstances. 1117

(C) A family member of the deceased may decline to 1118  
participate in an interview that is proposed to be conducted as 1119  
part of the ~~review process of reviewing a pregnancy-associated~~ 1120  
death. ~~In that case~~ If the family member declines, the review of 1121  
the death shall continue without the family member's 1122  
participation. 1123

**Sec. 3738.06 3738.07.** (A) Any record, document, report, or 1124  
other information presented to the PAMR board, as well as all 1125  
statements made by board members during board meetings, all work 1126  
products of the board, and data submitted to the department of 1127  
health by the board, other than the ~~biennial reports described~~ 1128  
~~in section 3738.08~~ required by sections 3738.09 and 3738.10 of 1129  
the Revised Code, are confidential and not a public record under 1130

section 149.43 of the Revised Code. Such materials shall be used 1131  
by the board and department only in the exercise of the proper 1132  
functions of the board and department. 1133

(B) No person shall knowingly permit or encourage the 1134  
unauthorized dissemination of confidential information described 1135  
in division (A) of this section. 1136

~~(C) Whoever violates division (B) of this section is~~ 1137  
~~guilty of a misdemeanor of the second degree.~~ 1138

**Sec. ~~3738.07~~ 3738.08.** (A) An individual or public or 1139  
private entity providing records, documents, reports, or other 1140  
information to the PAMR board is immune from any civil liability 1141  
for injury, death, or loss to person or property that otherwise 1142  
might be incurred or imposed as a result of providing the 1143  
records, documents, reports, or information to the board. 1144

(B) Each PAMR board member is immune from any civil 1145  
liability for injury, death, or loss to person or property that 1146  
might otherwise be incurred or imposed as a result of the 1147  
member's participation on the board. 1148

**Sec. ~~3738.08~~ 3738.09.** (A) The PAMR board shall prepare a 1149  
~~biennial~~ an annual report that does all of the following: 1150

(1) Summarizes the board's findings from the pregnancy- 1151  
associated death reviews completed in the immediately preceding 1152  
~~two calendar years~~ year, including any trends or patterns 1153  
identified by the board; 1154

(2) Identifies the actual and potential causes of, and 1155  
factors contributing to, pregnancy-associated deaths that 1156  
occurred in the immediately preceding calendar year, including 1157  
whether gaps in availability and quality of care, systemic care 1158  
delivery issues, demographics, deficiencies in insurance 1159



coverage, and racial and other disparities played a role in such 1160  
deaths; 1161

(3) Makes ~~recommendations on how~~ determinations regarding 1162  
the preventability of pregnancy-associated deaths ~~may and~~ 1163  
recommendations on how such deaths could be prevented, including 1164  
changes that should be made to recommendations regarding whether 1165  
changes to any of the following would reduce pregnancy- 1166  
associated deaths: services and programs that serve pregnant and 1167  
postpartum women; the groups, professions, agencies, and 1168  
entities that serve pregnant and postpartum women and families; 1169  
and policies and laws; 1170

~~(3)-(4)~~ (4) Assesses the board's progress on implementing 1171  
prior board recommendations; 1172

(5) Includes any other information related to pregnancy- 1173  
associated ~~mortality deaths~~ the board considers useful. 1174

(B) A report shall include data that is disaggregated by 1175  
the insurance coverage, race, and ethnicity, as well as other 1176  
categories identified by the director of health, of the women 1177  
who experienced pregnancy-associated death. To the extent 1178  
possible, the data shall be delineated to show differences 1179  
between population subgroups within each category. A report 1180  
shall not contain individually identifiable information 1181  
regarding any woman whose death was reviewed by the board. 1182

(C) The board shall submit a copy of each report to the 1183  
director of health, the general assembly, and the governor. The 1184  
copy to the general assembly shall be submitted in accordance 1185  
with section 101.68 of the Revised Code. ~~The~~ 1186

~~The~~ initial report shall be submitted not later than ~~March~~ 1187  
~~1, 2020, with subsequent reports submitted not later than March~~ 1188

~~1 every two years thereafter~~ one year after the effective date 1189  
of this amendment and shall cover pregnancy-associated deaths 1190  
that occurred in the immediately preceding calendar year and 1191  
prior years. Each subsequent report shall be submitted not later 1192  
than the first day of December of each year beginning with the 1193  
December that occurs in the calendar year immediately following 1194  
the date on which the initial report was submitted. Each 1195  
subsequent report shall cover pregnancy-associated deaths that 1196  
occurred in the immediately preceding calendar year. 1197

The director shall make a copy of each report available on 1198  
the department of health's web site. 1199

(D) Reports prepared under this section are public records 1200  
under section 149.43 of the Revised Code. 1201

**Sec. 3738.10.** Using data reported under sections 3702.35 1202  
and 3727.25 of the Revised Code and any other pertinent data 1203  
available, the department of health shall prepare an annual 1204  
report that evaluates trends and patterns on severe maternal 1205  
morbidity in this state. 1206

Each report shall include data that is disaggregated by 1207  
the insurance coverage, race, and ethnicity, as well as other 1208  
categories identified by the director of health, of women 1209  
affected by severe maternal morbidity. To the extent possible, 1210  
the data shall be delineated to show differences between 1211  
population subgroups within each category. 1212

Each report shall be submitted with and in the same manner 1213  
as the annual reports required by section 3738.09 of the Revised 1214  
Code. 1215

**Sec. 3738.09 3738.11.** ~~The~~ (A) Subject to division (B) of 1216  
this section, the director of health shall adopt rules that are 1217

as the director considers necessary for the implementation of 1218  
sections 3738.01 to 3738.08 of the Revised Code, including rules 1219  
this chapter. All rules adopted under this section shall be 1220  
adopted in accordance with Chapter 119. of the Revised Code. 1221

(B) The rules adopted under this section shall include 1222  
provisions that do all of the following: 1223

~~(A)~~ (1) Establish a procedure for the PAMR board to follow 1224  
in conducting pregnancy-associated death reviews; 1225

~~(B)~~ (2) Specify the data and other relevant information 1226  
the board must use when conducting pregnancy-associated death 1227  
reviews; 1228

~~(C)~~ (3) Establish guidelines for the board to follow to 1229  
prevent an unauthorized dissemination of confidential 1230  
information in violation of division (B) of section ~~3738.06~~ 1231  
3738.07 of the Revised Code; 1232

(4) Identify the organizations that certify doulas who may 1233  
be appointed to the board under section 3738.03 of the Revised 1234  
Code; 1235

(5) Specify the per diem compensation for board members 1236  
who are eligible to receive the compensation, if requested, as 1237  
described in section 3738.03 of the Revised Code. 1238

~~The rules shall be adopted in accordance with Chapter 119.~~ 1239  
~~of the Revised Code.~~ 1240

**Sec. 3738.99.** Whoever violates division (B) of section 1241  
3738.07 of the Revised Code is guilty of a misdemeanor of the 1242  
second degree. 1243

**Section 2.** That existing sections 149.43, 3738.01, 1244  
3738.03, 3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and 1245

3738.09 of the Revised Code are hereby repealed.

1246