

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 326

Senators Kunze, Antonio

Cosponsors: Senators Thomas, Maharath, Lehner, Fedor, Yuko, Craig

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 new section 7
3738.05 and sections 5.266, 3701.954, 3702.35, 8
3727.25, 3738.10, and 3738.99 of the Revised 9
Code to modify the laws governing the Pregnancy- 10
Associated Mortality Review Board and to 11
designate May as "Maternal Mortality Awareness 12
Month." 13

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

Section 1. That sections 149.43, 3738.01, 3738.03, 14
3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and 3738.09 be 15
amended; sections 3738.05 (3738.06), 3738.06 (3738.07), 3738.07 16
(3738.08), 3738.08 (3738.09), and 3738.09 (3738.11) be amended 17
for the purpose of adopting new section numbers as indicated in 18
parentheses; and new section 3738.05 and sections 5.266, 19

3701.954, 3702.35, 3727.25, 3738.10, and 3738.99 of the Revised 20
Code be enacted to read as follows: 21

Sec. 5.266. The month of May is designated as "Maternal 22
Mortality Awareness Month." 23

Sec. 149.43. (A) As used in this section: 24

(1) "Public record" means records kept by any public 25
office, including, but not limited to, state, county, city, 26
village, township, and school district units, and records 27
pertaining to the delivery of educational services by an 28
alternative school in this state kept by the nonprofit or for- 29
profit entity operating the alternative school pursuant to 30
section 3313.533 of the Revised Code. "Public record" does not 31
mean any of the following: 32

(a) Medical records; 33

(b) Records pertaining to probation and parole 34
proceedings, to proceedings related to the imposition of 35
community control sanctions and post-release control sanctions, 36
or to proceedings related to determinations under section 37
2967.271 of the Revised Code regarding the release or maintained 38
incarceration of an offender to whom that section applies; 39

(c) Records pertaining to actions under section 2151.85 40
and division (C) of section 2919.121 of the Revised Code and to 41
appeals of actions arising under those sections; 42

(d) Records pertaining to adoption proceedings, including 43
the contents of an adoption file maintained by the department of 44
health under sections 3705.12 to 3705.124 of the Revised Code; 45

(e) Information in a record contained in the putative 46
father registry established by section 3107.062 of the Revised 47

Code, regardless of whether the information is held by the 48
department of job and family services or, pursuant to section 49
3111.69 of the Revised Code, the office of child support in the 50
department or a child support enforcement agency; 51

(f) Records specified in division (A) of section 3107.52 52
of the Revised Code; 53

(g) Trial preparation records; 54

(h) Confidential law enforcement investigatory records; 55

(i) Records containing information that is confidential 56
under section 2710.03 or 4112.05 of the Revised Code; 57

(j) DNA records stored in the DNA database pursuant to 58
section 109.573 of the Revised Code; 59

(k) Inmate records released by the department of 60
rehabilitation and correction to the department of youth 61
services or a court of record pursuant to division (E) of 62
section 5120.21 of the Revised Code; 63

(l) Records maintained by the department of youth services 64
pertaining to children in its custody released by the department 65
of youth services to the department of rehabilitation and 66
correction pursuant to section 5139.05 of the Revised Code; 67

(m) Intellectual property records; 68

(n) Donor profile records; 69

(o) Records maintained by the department of job and family 70
services pursuant to section 3121.894 of the Revised Code; 71

(p) Designated public service worker residential and 72
familial information; 73

(q) In the case of a county hospital operated pursuant to 74

Chapter 339. of the Revised Code or a municipal hospital 75
operated pursuant to Chapter 749. of the Revised Code, 76
information that constitutes a trade secret, as defined in 77
section 1333.61 of the Revised Code; 78

(r) Information pertaining to the recreational activities 79
of a person under the age of eighteen; 80

(s) In the case of a child fatality review board acting 81
under sections 307.621 to 307.629 of the Revised Code or a 82
review conducted pursuant to guidelines established by the 83
director of health under section 3701.70 of the Revised Code, 84
records provided to the board or director, statements made by 85
board members during meetings of the board or by persons 86
participating in the director's review, and all work products of 87
the board or director, and in the case of a child fatality 88
review board, child fatality review data submitted by the board 89
to the department of health or a national child death review 90
database, other than the report prepared pursuant to division 91
(A) of section 307.626 of the Revised Code; 92

(t) Records provided to and statements made by the 93
executive director of a public children services agency or a 94
prosecuting attorney acting pursuant to section 5153.171 of the 95
Revised Code other than the information released under that 96
section; 97

(u) Test materials, examinations, or evaluation tools used 98
in an examination for licensure as a nursing home administrator 99
that the board of executives of long-term services and supports 100
administers under section 4751.15 of the Revised Code or 101
contracts under that section with a private or government entity 102
to administer; 103

(v) Records the release of which is prohibited by state or federal law;	104 105
(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;	106 107 108
(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;	109 110 111 112 113 114
(y) Records listed in section 5101.29 of the Revised Code;	115
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	116 117 118
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	119 120 121
(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;	122 123 124
(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;	125 126 127
(dd) Personal information, as defined in section 149.45 of the Revised Code;	128 129
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address	130 131

confidentiality program established under sections 111.41 to 132
111.47 of the Revised Code, including the contents of any 133
application for absent voter's ballots, absent voter's ballot 134
identification envelope statement of voter, or provisional 135
ballot affirmation completed by a program participant who has a 136
confidential voter registration record, and records or portions 137
of records pertaining to that program that identify the number 138
of program participants that reside within a precinct, ward, 139
township, municipal corporation, county, or any other geographic 140
area smaller than the state. As used in this division, 141
"confidential address" and "program participant" have the 142
meaning defined in section 111.41 of the Revised Code. 143

(ff) Orders for active military service of an individual 144
serving or with previous service in the armed forces of the 145
United States, including a reserve component, or the Ohio 146
organized militia, except that, such order becomes a public 147
record on the day that is fifteen years after the published date 148
or effective date of the call to order; 149

(gg) The name, address, contact information, or other 150
personal information of an individual who is less than eighteen 151
years of age that is included in any record related to a traffic 152
accident involving a school vehicle in which the individual was 153
an occupant at the time of the accident; 154

(hh) Protected health information, as defined in 45 C.F.R. 155
160.103, that is in a claim for payment for a health care 156
product, service, or procedure, as well as any other health 157
claims data in another document that reveals the identity of an 158
individual who is the subject of the data or could be used to 159
reveal that individual's identity; 160

(ii) Any depiction by photograph, film, videotape, or 161

printed or digital image under either of the following 162
circumstances: 163

(i) The depiction is that of a victim of an offense the 164
release of which would be, to a reasonable person of ordinary 165
sensibilities, an offensive and objectionable intrusion into the 166
victim's expectation of bodily privacy and integrity. 167

(ii) The depiction captures or depicts the victim of a 168
sexually oriented offense, as defined in section 2950.01 of the 169
Revised Code, at the actual occurrence of that offense. 170

(jj) Restricted portions of a body-worn camera or 171
dashboard camera recording; 172

(kk) In the case of a fetal-infant mortality review board 173
acting under sections 3707.70 to 3707.77 of the Revised Code, 174
records, documents, reports, or other information presented to 175
the board or a person abstracting such materials on the board's 176
behalf, statements made by review board members during board 177
meetings, all work products of the board, and data submitted by 178
the board to the department of health or a national infant death 179
review database, other than the report prepared pursuant to 180
section 3707.77 of the Revised Code. 181

(ll) Records, documents, reports, or other information 182
presented to the pregnancy-associated mortality review board 183
established under section 3738.01 of the Revised Code, 184
statements made by board members during board meetings, all work 185
products of the board, and data submitted by the board to the 186
department of health, other than the ~~biennial~~ reports prepared 187
under ~~section 3738.08~~ sections 3738.09 and 3738.10 of the 188
Revised Code; 189

(mm) Telephone numbers for a victim, as defined in section 190

2930.01 of the Revised Code, a witness to a crime, or a party to 191
a motor vehicle accident subject to the requirements of section 192
5502.11 of the Revised Code that are listed on any law 193
enforcement record or report. 194

A record that is not a public record under division (A) (1) 195
of this section and that, under law, is permanently retained 196
becomes a public record on the day that is seventy-five years 197
after the day on which the record was created, except for any 198
record protected by the attorney-client privilege, a trial 199
preparation record as defined in this section, a statement 200
prohibiting the release of identifying information signed under 201
section 3107.083 of the Revised Code, a denial of release form 202
filed pursuant to section 3107.46 of the Revised Code, or any 203
record that is exempt from release or disclosure under section 204
149.433 of the Revised Code. If the record is a birth 205
certificate and a biological parent's name redaction request 206
form has been accepted under section 3107.391 of the Revised 207
Code, the name of that parent shall be redacted from the birth 208
certificate before it is released under this paragraph. If any 209
other section of the Revised Code establishes a time period for 210
disclosure of a record that conflicts with the time period 211
specified in this section, the time period in the other section 212
prevails. 213

(2) "Confidential law enforcement investigatory record" 214
means any record that pertains to a law enforcement matter of a 215
criminal, quasi-criminal, civil, or administrative nature, but 216
only to the extent that the release of the record would create a 217
high probability of disclosure of any of the following: 218

(a) The identity of a suspect who has not been charged 219
with the offense to which the record pertains, or of an 220

information source or witness to whom confidentiality has been 221
reasonably promised; 222

(b) Information provided by an information source or 223
witness to whom confidentiality has been reasonably promised, 224
which information would reasonably tend to disclose the source's 225
or witness's identity; 226

(c) Specific confidential investigatory techniques or 227
procedures or specific investigatory work product; 228

(d) Information that would endanger the life or physical 229
safety of law enforcement personnel, a crime victim, a witness, 230
or a confidential information source. 231

(3) "Medical record" means any document or combination of 232
documents, except births, deaths, and the fact of admission to 233
or discharge from a hospital, that pertains to the medical 234
history, diagnosis, prognosis, or medical condition of a patient 235
and that is generated and maintained in the process of medical 236
treatment. 237

(4) "Trial preparation record" means any record that 238
contains information that is specifically compiled in reasonable 239
anticipation of, or in defense of, a civil or criminal action or 240
proceeding, including the independent thought processes and 241
personal trial preparation of an attorney. 242

(5) "Intellectual property record" means a record, other 243
than a financial or administrative record, that is produced or 244
collected by or for faculty or staff of a state institution of 245
higher learning in the conduct of or as a result of study or 246
research on an educational, commercial, scientific, artistic, 247
technical, or scholarly issue, regardless of whether the study 248
or research was sponsored by the institution alone or in 249

conjunction with a governmental body or private concern, and 250
that has not been publicly released, published, or patented. 251

(6) "Donor profile record" means all records about donors 252
or potential donors to a public institution of higher education 253
except the names and reported addresses of the actual donors and 254
the date, amount, and conditions of the actual donation. 255

(7) "Designated public service worker" means a peace 256
officer, parole officer, probation officer, bailiff, prosecuting 257
attorney, assistant prosecuting attorney, correctional employee, 258
county or multicounty corrections officer, community-based 259
correctional facility employee, youth services employee, 260
firefighter, EMT, medical director or member of a cooperating 261
physician advisory board of an emergency medical service 262
organization, state board of pharmacy employee, investigator of 263
the bureau of criminal identification and investigation, judge, 264
magistrate, or federal law enforcement officer. 265

(8) "Designated public service worker residential and 266
familial information" means any information that discloses any 267
of the following about a designated public service worker: 268

(a) The address of the actual personal residence of a 269
designated public service worker, except for the following 270
information: 271

(i) The address of the actual personal residence of a 272
prosecuting attorney or judge; and 273

(ii) The state or political subdivision in which a 274
designated public service worker resides. 275

(b) Information compiled from referral to or participation 276
in an employee assistance program; 277

(c) The social security number, the residential telephone 278
number, any bank account, debit card, charge card, or credit 279
card number, or the emergency telephone number of, or any 280
medical information pertaining to, a designated public service 281
worker; 282

(d) The name of any beneficiary of employment benefits, 283
including, but not limited to, life insurance benefits, provided 284
to a designated public service worker by the designated public 285
service worker's employer; 286

(e) The identity and amount of any charitable or 287
employment benefit deduction made by the designated public 288
service worker's employer from the designated public service 289
worker's compensation, unless the amount of the deduction is 290
required by state or federal law; 291

(f) The name, the residential address, the name of the 292
employer, the address of the employer, the social security 293
number, the residential telephone number, any bank account, 294
debit card, charge card, or credit card number, or the emergency 295
telephone number of the spouse, a former spouse, or any child of 296
a designated public service worker; 297

(g) A photograph of a peace officer who holds a position 298
or has an assignment that may include undercover or plain 299
clothes positions or assignments as determined by the peace 300
officer's appointing authority. 301

(9) As used in divisions (A) (7) and (15) to (17) of this 302
section: 303

"Peace officer" has the meaning defined in section 109.71 304
of the Revised Code and also includes the superintendent and 305
troopers of the state highway patrol; it does not include the 306

sheriff of a county or a supervisory employee who, in the 307
absence of the sheriff, is authorized to stand in for, exercise 308
the authority of, and perform the duties of the sheriff. 309

"Correctional employee" means any employee of the 310
department of rehabilitation and correction who in the course of 311
performing the employee's job duties has or has had contact with 312
inmates and persons under supervision. 313

"County or multicounty corrections officer" means any 314
corrections officer employed by any county or multicounty 315
correctional facility. 316

"Youth services employee" means any employee of the 317
department of youth services who in the course of performing the 318
employee's job duties has or has had contact with children 319
committed to the custody of the department of youth services. 320

"Firefighter" means any regular, paid or volunteer, member 321
of a lawfully constituted fire department of a municipal 322
corporation, township, fire district, or village. 323

"EMT" means EMTs-basic, EMTs-I, and paramedics that 324
provide emergency medical services for a public emergency 325
medical service organization. "Emergency medical service 326
organization," "EMT-basic," "EMT-I," and "paramedic" have the 327
meanings defined in section 4765.01 of the Revised Code. 328

"Investigator of the bureau of criminal identification and 329
investigation" has the meaning defined in section 2903.11 of the 330
Revised Code. 331

"Federal law enforcement officer" has the meaning defined 332
in section 9.88 of the Revised Code. 333

(10) "Information pertaining to the recreational 334

activities of a person under the age of eighteen" means 335
information that is kept in the ordinary course of business by a 336
public office, that pertains to the recreational activities of a 337
person under the age of eighteen years, and that discloses any 338
of the following: 339

(a) The address or telephone number of a person under the 340
age of eighteen or the address or telephone number of that 341
person's parent, guardian, custodian, or emergency contact 342
person; 343

(b) The social security number, birth date, or 344
photographic image of a person under the age of eighteen; 345

(c) Any medical record, history, or information pertaining 346
to a person under the age of eighteen; 347

(d) Any additional information sought or required about a 348
person under the age of eighteen for the purpose of allowing 349
that person to participate in any recreational activity 350
conducted or sponsored by a public office or to use or obtain 351
admission privileges to any recreational facility owned or 352
operated by a public office. 353

(11) "Community control sanction" has the meaning defined 354
in section 2929.01 of the Revised Code. 355

(12) "Post-release control sanction" has the meaning 356
defined in section 2967.01 of the Revised Code. 357

(13) "Redaction" means obscuring or deleting any 358
information that is exempt from the duty to permit public 359
inspection or copying from an item that otherwise meets the 360
definition of a "record" in section 149.011 of the Revised Code. 361

(14) "Designee," "elected official," and "future official" 362

have the meanings defined in section 109.43 of the Revised Code. 363

(15) "Body-worn camera" means a visual and audio recording 364
device worn on the person of a peace officer while the peace 365
officer is engaged in the performance of the peace officer's 366
duties. 367

(16) "Dashboard camera" means a visual and audio recording 368
device mounted on a peace officer's vehicle or vessel that is 369
used while the peace officer is engaged in the performance of 370
the peace officer's duties. 371

(17) "Restricted portions of a body-worn camera or 372
dashboard camera recording" means any visual or audio portion of 373
a body-worn camera or dashboard camera recording that shows, 374
communicates, or discloses any of the following: 375

(a) The image or identity of a child or information that 376
could lead to the identification of a child who is a primary 377
subject of the recording when the law enforcement agency knows 378
or has reason to know the person is a child based on the law 379
enforcement agency's records or the content of the recording; 380

(b) The death of a person or a deceased person's body, 381
unless the death was caused by a peace officer or, subject to 382
division (H)(1) of this section, the consent of the decedent's 383
executor or administrator has been obtained; 384

(c) The death of a peace officer, firefighter, paramedic, 385
or other first responder, occurring while the decedent was 386
engaged in the performance of official duties, unless, subject 387
to division (H)(1) of this section, the consent of the 388
decedent's executor or administrator has been obtained; 389

(d) Grievous bodily harm, unless the injury was effected 390
by a peace officer or, subject to division (H)(1) of this 391

section, the consent of the injured person or the injured 392
person's guardian has been obtained; 393

(e) An act of severe violence against a person that 394
results in serious physical harm to the person, unless the act 395
and injury was effected by a peace officer or, subject to 396
division (H)(1) of this section, the consent of the injured 397
person or the injured person's guardian has been obtained; 398

(f) Grievous bodily harm to a peace officer, firefighter, 399
paramedic, or other first responder, occurring while the injured 400
person was engaged in the performance of official duties, 401
unless, subject to division (H)(1) of this section, the consent 402
of the injured person or the injured person's guardian has been 403
obtained; 404

(g) An act of severe violence resulting in serious 405
physical harm against a peace officer, firefighter, paramedic, 406
or other first responder, occurring while the injured person was 407
engaged in the performance of official duties, unless, subject 408
to division (H)(1) of this section, the consent of the injured 409
person or the injured person's guardian has been obtained; 410

(h) A person's nude body, unless, subject to division (H) 411
(1) of this section, the person's consent has been obtained; 412

(i) Protected health information, the identity of a person 413
in a health care facility who is not the subject of a law 414
enforcement encounter, or any other information in a health care 415
facility that could identify a person who is not the subject of 416
a law enforcement encounter; 417

(j) Information that could identify the alleged victim of 418
a sex offense, menacing by stalking, or domestic violence; 419

(k) Information, that does not constitute a confidential 420

law enforcement investigatory record, that could identify a 421
person who provides sensitive or confidential information to a 422
law enforcement agency when the disclosure of the person's 423
identity or the information provided could reasonably be 424
expected to threaten or endanger the safety or property of the 425
person or another person; 426

(l) Personal information of a person who is not arrested, 427
cited, charged, or issued a written warning by a peace officer; 428

(m) Proprietary police contingency plans or tactics that 429
are intended to prevent crime and maintain public order and 430
safety; 431

(n) A personal conversation unrelated to work between 432
peace officers or between a peace officer and an employee of a 433
law enforcement agency; 434

(o) A conversation between a peace officer and a member of 435
the public that does not concern law enforcement activities; 436

(p) The interior of a residence, unless the interior of a 437
residence is the location of an adversarial encounter with, or a 438
use of force by, a peace officer; 439

(q) Any portion of the interior of a private business that 440
is not open to the public, unless an adversarial encounter with, 441
or a use of force by, a peace officer occurs in that location. 442

As used in division (A) (17) of this section: 443

"Grievous bodily harm" has the same meaning as in section 444
5924.120 of the Revised Code. 445

"Health care facility" has the same meaning as in section 446
1337.11 of the Revised Code. 447

"Protected health information" has the same meaning as in 448
45 C.F.R. 160.103. 449

"Law enforcement agency" has the same meaning as in 450
section 2925.61 of the Revised Code. 451

"Personal information" means any government-issued 452
identification number, date of birth, address, financial 453
information, or criminal justice information from the law 454
enforcement automated data system or similar databases. 455

"Sex offense" has the same meaning as in section 2907.10 456
of the Revised Code. 457

"Firefighter," "paramedic," and "first responder" have the 458
same meanings as in section 4765.01 of the Revised Code. 459

(B) (1) Upon request and subject to division (B) (8) of this 460
section, all public records responsive to the request shall be 461
promptly prepared and made available for inspection to any 462
person at all reasonable times during regular business hours. 463
Subject to division (B) (8) of this section, upon request by any 464
person, a public office or person responsible for public records 465
shall make copies of the requested public record available to 466
the requester at cost and within a reasonable period of time. If 467
a public record contains information that is exempt from the 468
duty to permit public inspection or to copy the public record, 469
the public office or the person responsible for the public 470
record shall make available all of the information within the 471
public record that is not exempt. When making that public record 472
available for public inspection or copying that public record, 473
the public office or the person responsible for the public 474
record shall notify the requester of any redaction or make the 475
redaction plainly visible. A redaction shall be deemed a denial 476

of a request to inspect or copy the redacted information, except 477
if federal or state law authorizes or requires a public office 478
to make the redaction. 479

(2) To facilitate broader access to public records, a 480
public office or the person responsible for public records shall 481
organize and maintain public records in a manner that they can 482
be made available for inspection or copying in accordance with 483
division (B) of this section. A public office also shall have 484
available a copy of its current records retention schedule at a 485
location readily available to the public. If a requester makes 486
an ambiguous or overly broad request or has difficulty in making 487
a request for copies or inspection of public records under this 488
section such that the public office or the person responsible 489
for the requested public record cannot reasonably identify what 490
public records are being requested, the public office or the 491
person responsible for the requested public record may deny the 492
request but shall provide the requester with an opportunity to 493
revise the request by informing the requester of the manner in 494
which records are maintained by the public office and accessed 495
in the ordinary course of the public office's or person's 496
duties. 497

(3) If a request is ultimately denied, in part or in 498
whole, the public office or the person responsible for the 499
requested public record shall provide the requester with an 500
explanation, including legal authority, setting forth why the 501
request was denied. If the initial request was provided in 502
writing, the explanation also shall be provided to the requester 503
in writing. The explanation shall not preclude the public office 504
or the person responsible for the requested public record from 505
relying upon additional reasons or legal authority in defending 506
an action commenced under division (C) of this section. 507

(4) Unless specifically required or authorized by state or 508
federal law or in accordance with division (B) of this section, 509
no public office or person responsible for public records may 510
limit or condition the availability of public records by 511
requiring disclosure of the requester's identity or the intended 512
use of the requested public record. Any requirement that the 513
requester disclose the requester's identity or the intended use 514
of the requested public record constitutes a denial of the 515
request. 516

(5) A public office or person responsible for public 517
records may ask a requester to make the request in writing, may 518
ask for the requester's identity, and may inquire about the 519
intended use of the information requested, but may do so only 520
after disclosing to the requester that a written request is not 521
mandatory, that the requester may decline to reveal the 522
requester's identity or the intended use, and when a written 523
request or disclosure of the identity or intended use would 524
benefit the requester by enhancing the ability of the public 525
office or person responsible for public records to identify, 526
locate, or deliver the public records sought by the requester. 527

(6) If any person requests a copy of a public record in 528
accordance with division (B) of this section, the public office 529
or person responsible for the public record may require that 530
person to pay in advance the cost involved in providing the copy 531
of the public record in accordance with the choice made by the 532
person requesting the copy under this division. The public 533
office or the person responsible for the public record shall 534
permit that person to choose to have the public record 535
duplicated upon paper, upon the same medium upon which the 536
public office or person responsible for the public record keeps 537
it, or upon any other medium upon which the public office or 538

person responsible for the public record determines that it 539
reasonably can be duplicated as an integral part of the normal 540
operations of the public office or person responsible for the 541
public record. When the person requesting the copy makes a 542
choice under this division, the public office or person 543
responsible for the public record shall provide a copy of it in 544
accordance with the choice made by that person. Nothing in this 545
section requires a public office or person responsible for the 546
public record to allow the person requesting a copy of the 547
public record to make the copies of the public record. 548

(7) (a) Upon a request made in accordance with division (B) 549
of this section and subject to division (B) (6) of this section, 550
a public office or person responsible for public records shall 551
transmit a copy of a public record to any person by United 552
States mail or by any other means of delivery or transmission 553
within a reasonable period of time after receiving the request 554
for the copy. The public office or person responsible for the 555
public record may require the person making the request to pay 556
in advance the cost of postage if the copy is transmitted by 557
United States mail or the cost of delivery if the copy is 558
transmitted other than by United States mail, and to pay in 559
advance the costs incurred for other supplies used in the 560
mailing, delivery, or transmission. 561

(b) Any public office may adopt a policy and procedures 562
that it will follow in transmitting, within a reasonable period 563
of time after receiving a request, copies of public records by 564
United States mail or by any other means of delivery or 565
transmission pursuant to division (B) (7) of this section. A 566
public office that adopts a policy and procedures under division 567
(B) (7) of this section shall comply with them in performing its 568
duties under that division. 569

(c) In any policy and procedures adopted under division 570
(B) (7) of this section: 571

(i) A public office may limit the number of records 572
requested by a person that the office will physically deliver by 573
United States mail or by another delivery service to ten per 574
month, unless the person certifies to the office in writing that 575
the person does not intend to use or forward the requested 576
records, or the information contained in them, for commercial 577
purposes; 578

(ii) A public office that chooses to provide some or all 579
of its public records on a web site that is fully accessible to 580
and searchable by members of the public at all times, other than 581
during acts of God outside the public office's control or 582
maintenance, and that charges no fee to search, access, 583
download, or otherwise receive records provided on the web site, 584
may limit to ten per month the number of records requested by a 585
person that the office will deliver in a digital format, unless 586
the requested records are not provided on the web site and 587
unless the person certifies to the office in writing that the 588
person does not intend to use or forward the requested records, 589
or the information contained in them, for commercial purposes. 590

(iii) For purposes of division (B) (7) of this section, 591
"commercial" shall be narrowly construed and does not include 592
reporting or gathering news, reporting or gathering information 593
to assist citizen oversight or understanding of the operation or 594
activities of government, or nonprofit educational research. 595

(8) A public office or person responsible for public 596
records is not required to permit a person who is incarcerated 597
pursuant to a criminal conviction or a juvenile adjudication to 598
inspect or to obtain a copy of any public record concerning a 599

criminal investigation or prosecution or concerning what would 600
be a criminal investigation or prosecution if the subject of the 601
investigation or prosecution were an adult, unless the request 602
to inspect or to obtain a copy of the record is for the purpose 603
of acquiring information that is subject to release as a public 604
record under this section and the judge who imposed the sentence 605
or made the adjudication with respect to the person, or the 606
judge's successor in office, finds that the information sought 607
in the public record is necessary to support what appears to be 608
a justiciable claim of the person. 609

(9) (a) Upon written request made and signed by a 610
journalist, a public office, or person responsible for public 611
records, having custody of the records of the agency employing a 612
specified designated public service worker shall disclose to the 613
journalist the address of the actual personal residence of the 614
designated public service worker and, if the designated public 615
service worker's spouse, former spouse, or child is employed by 616
a public office, the name and address of the employer of the 617
designated public service worker's spouse, former spouse, or 618
child. The request shall include the journalist's name and title 619
and the name and address of the journalist's employer and shall 620
state that disclosure of the information sought would be in the 621
public interest. 622

(b) Division (B) (9) (a) of this section also applies to 623
journalist requests for: 624

(i) Customer information maintained by a municipally owned 625
or operated public utility, other than social security numbers 626
and any private financial information such as credit reports, 627
payment methods, credit card numbers, and bank account 628
information; 629

(ii) Information about minors involved in a school vehicle 630
accident as provided in division (A) (1) (gg) of this section, 631
other than personal information as defined in section 149.45 of 632
the Revised Code. 633

(c) As used in division (B) (9) of this section, 634
"journalist" means a person engaged in, connected with, or 635
employed by any news medium, including a newspaper, magazine, 636
press association, news agency, or wire service, a radio or 637
television station, or a similar medium, for the purpose of 638
gathering, processing, transmitting, compiling, editing, or 639
disseminating information for the general public. 640

(10) Upon a request made by a victim, victim's attorney, 641
or victim's representative, as that term is used in section 642
2930.02 of the Revised Code, a public office or person 643
responsible for public records shall transmit a copy of a 644
depiction of the victim as described in division (A) (1) (gg) of 645
this section to the victim, victim's attorney, or victim's 646
representative. 647

(C) (1) If a person allegedly is aggrieved by the failure 648
of a public office or the person responsible for public records 649
to promptly prepare a public record and to make it available to 650
the person for inspection in accordance with division (B) of 651
this section or by any other failure of a public office or the 652
person responsible for public records to comply with an 653
obligation in accordance with division (B) of this section, the 654
person allegedly aggrieved may do only one of the following, and 655
not both: 656

(a) File a complaint with the clerk of the court of claims 657
or the clerk of the court of common pleas under section 2743.75 658
of the Revised Code; 659

(b) Commence a mandamus action to obtain a judgment that 660
orders the public office or the person responsible for the 661
public record to comply with division (B) of this section, that 662
awards court costs and reasonable attorney's fees to the person 663
that instituted the mandamus action, and, if applicable, that 664
includes an order fixing statutory damages under division (C) (2) 665
of this section. The mandamus action may be commenced in the 666
court of common pleas of the county in which division (B) of 667
this section allegedly was not complied with, in the supreme 668
court pursuant to its original jurisdiction under Section 2 of 669
Article IV, Ohio Constitution, or in the court of appeals for 670
the appellate district in which division (B) of this section 671
allegedly was not complied with pursuant to its original 672
jurisdiction under Section 3 of Article IV, Ohio Constitution. 673

(2) If a requester transmits a written request by hand 674
delivery, electronic submission, or certified mail to inspect or 675
receive copies of any public record in a manner that fairly 676
describes the public record or class of public records to the 677
public office or person responsible for the requested public 678
records, except as otherwise provided in this section, the 679
requester shall be entitled to recover the amount of statutory 680
damages set forth in this division if a court determines that 681
the public office or the person responsible for public records 682
failed to comply with an obligation in accordance with division 683
(B) of this section. 684

The amount of statutory damages shall be fixed at one 685
hundred dollars for each business day during which the public 686
office or person responsible for the requested public records 687
failed to comply with an obligation in accordance with division 688
(B) of this section, beginning with the day on which the 689
requester files a mandamus action to recover statutory damages, 690

up to a maximum of one thousand dollars. The award of statutory 691
damages shall not be construed as a penalty, but as compensation 692
for injury arising from lost use of the requested information. 693
The existence of this injury shall be conclusively presumed. The 694
award of statutory damages shall be in addition to all other 695
remedies authorized by this section. 696

The court may reduce an award of statutory damages or not 697
award statutory damages if the court determines both of the 698
following: 699

(a) That, based on the ordinary application of statutory 700
law and case law as it existed at the time of the conduct or 701
threatened conduct of the public office or person responsible 702
for the requested public records that allegedly constitutes a 703
failure to comply with an obligation in accordance with division 704
(B) of this section and that was the basis of the mandamus 705
action, a well-informed public office or person responsible for 706
the requested public records reasonably would believe that the 707
conduct or threatened conduct of the public office or person 708
responsible for the requested public records did not constitute 709
a failure to comply with an obligation in accordance with 710
division (B) of this section; 711

(b) That a well-informed public office or person 712
responsible for the requested public records reasonably would 713
believe that the conduct or threatened conduct of the public 714
office or person responsible for the requested public records 715
would serve the public policy that underlies the authority that 716
is asserted as permitting that conduct or threatened conduct. 717

(3) In a mandamus action filed under division (C) (1) of 718
this section, the following apply: 719

(a) (i) If the court orders the public office or the person 720
responsible for the public record to comply with division (B) of 721
this section, the court shall determine and award to the relator 722
all court costs, which shall be construed as remedial and not 723
punitive. 724

(ii) If the court makes a determination described in 725
division (C) (3) (b) (iii) of this section, the court shall 726
determine and award to the relator all court costs, which shall 727
be construed as remedial and not punitive. 728

(b) If the court renders a judgment that orders the public 729
office or the person responsible for the public record to comply 730
with division (B) of this section or if the court determines any 731
of the following, the court may award reasonable attorney's fees 732
to the relator, subject to division (C) (4) of this section: 733

(i) The public office or the person responsible for the 734
public records failed to respond affirmatively or negatively to 735
the public records request in accordance with the time allowed 736
under division (B) of this section. 737

(ii) The public office or the person responsible for the 738
public records promised to permit the relator to inspect or 739
receive copies of the public records requested within a 740
specified period of time but failed to fulfill that promise 741
within that specified period of time. 742

(iii) The public office or the person responsible for the 743
public records acted in bad faith when the office or person 744
voluntarily made the public records available to the relator for 745
the first time after the relator commenced the mandamus action, 746
but before the court issued any order concluding whether or not 747
the public office or person was required to comply with division 748

(B) of this section. No discovery may be conducted on the issue 749
of the alleged bad faith of the public office or person 750
responsible for the public records. This division shall not be 751
construed as creating a presumption that the public office or 752
the person responsible for the public records acted in bad faith 753
when the office or person voluntarily made the public records 754
available to the relator for the first time after the relator 755
commenced the mandamus action, but before the court issued any 756
order described in this division. 757

(c) The court shall not award attorney's fees to the 758
relator if the court determines both of the following: 759

(i) That, based on the ordinary application of statutory 760
law and case law as it existed at the time of the conduct or 761
threatened conduct of the public office or person responsible 762
for the requested public records that allegedly constitutes a 763
failure to comply with an obligation in accordance with division 764
(B) of this section and that was the basis of the mandamus 765
action, a well-informed public office or person responsible for 766
the requested public records reasonably would believe that the 767
conduct or threatened conduct of the public office or person 768
responsible for the requested public records did not constitute 769
a failure to comply with an obligation in accordance with 770
division (B) of this section; 771

(ii) That a well-informed public office or person 772
responsible for the requested public records reasonably would 773
believe that the conduct or threatened conduct of the public 774
office or person responsible for the requested public records 775
would serve the public policy that underlies the authority that 776
is asserted as permitting that conduct or threatened conduct. 777

(4) All of the following apply to any award of reasonable 778

attorney's fees awarded under division (C) (3) (b) of this 779
section: 780

(a) The fees shall be construed as remedial and not 781
punitive. 782

(b) The fees awarded shall not exceed the total of the 783
reasonable attorney's fees incurred before the public record was 784
made available to the relator and the fees described in division 785
(C) (4) (c) of this section. 786

(c) Reasonable attorney's fees shall include reasonable 787
fees incurred to produce proof of the reasonableness and amount 788
of the fees and to otherwise litigate entitlement to the fees. 789

(d) The court may reduce the amount of fees awarded if the 790
court determines that, given the factual circumstances involved 791
with the specific public records request, an alternative means 792
should have been pursued to more effectively and efficiently 793
resolve the dispute that was subject to the mandamus action 794
filed under division (C) (1) of this section. 795

(5) If the court does not issue a writ of mandamus under 796
division (C) of this section and the court determines at that 797
time that the bringing of the mandamus action was frivolous 798
conduct as defined in division (A) of section 2323.51 of the 799
Revised Code, the court may award to the public office all court 800
costs, expenses, and reasonable attorney's fees, as determined 801
by the court. 802

(D) Chapter 1347. of the Revised Code does not limit the 803
provisions of this section. 804

(E) (1) To ensure that all employees of public offices are 805
appropriately educated about a public office's obligations under 806
division (B) of this section, all elected officials or their 807

appropriate designees shall attend training approved by the 808
attorney general as provided in section 109.43 of the Revised 809
Code. A future official may satisfy the requirements of this 810
division by attending the training before taking office, 811
provided that the future official may not send a designee in the 812
future official's place. 813

(2) All public offices shall adopt a public records policy 814
in compliance with this section for responding to public records 815
requests. In adopting a public records policy under this 816
division, a public office may obtain guidance from the model 817
public records policy developed and provided to the public 818
office by the attorney general under section 109.43 of the 819
Revised Code. Except as otherwise provided in this section, the 820
policy may not limit the number of public records that the 821
public office will make available to a single person, may not 822
limit the number of public records that it will make available 823
during a fixed period of time, and may not establish a fixed 824
period of time before it will respond to a request for 825
inspection or copying of public records, unless that period is 826
less than eight hours. 827

The public office shall distribute the public records 828
policy adopted by the public office under this division to the 829
employee of the public office who is the records custodian or 830
records manager or otherwise has custody of the records of that 831
office. The public office shall require that employee to 832
acknowledge receipt of the copy of the public records policy. 833
The public office shall create a poster that describes its 834
public records policy and shall post the poster in a conspicuous 835
place in the public office and in all locations where the public 836
office has branch offices. The public office may post its public 837
records policy on the internet web site of the public office if 838

the public office maintains an internet web site. A public 839
office that has established a manual or handbook of its general 840
policies and procedures for all employees of the public office 841
shall include the public records policy of the public office in 842
the manual or handbook. 843

(F) (1) The bureau of motor vehicles may adopt rules 844
pursuant to Chapter 119. of the Revised Code to reasonably limit 845
the number of bulk commercial special extraction requests made 846
by a person for the same records or for updated records during a 847
calendar year. The rules may include provisions for charges to 848
be made for bulk commercial special extraction requests for the 849
actual cost of the bureau, plus special extraction costs, plus 850
ten per cent. The bureau may charge for expenses for redacting 851
information, the release of which is prohibited by law. 852

(2) As used in division (F) (1) of this section: 853

(a) "Actual cost" means the cost of depleted supplies, 854
records storage media costs, actual mailing and alternative 855
delivery costs, or other transmitting costs, and any direct 856
equipment operating and maintenance costs, including actual 857
costs paid to private contractors for copying services. 858

(b) "Bulk commercial special extraction request" means a 859
request for copies of a record for information in a format other 860
than the format already available, or information that cannot be 861
extracted without examination of all items in a records series, 862
class of records, or database by a person who intends to use or 863
forward the copies for surveys, marketing, solicitation, or 864
resale for commercial purposes. "Bulk commercial special 865
extraction request" does not include a request by a person who 866
gives assurance to the bureau that the person making the request 867
does not intend to use or forward the requested copies for 868

surveys, marketing, solicitation, or resale for commercial 869
purposes. 870

(c) "Commercial" means profit-seeking production, buying, 871
or selling of any good, service, or other product. 872

(d) "Special extraction costs" means the cost of the time 873
spent by the lowest paid employee competent to perform the task, 874
the actual amount paid to outside private contractors employed 875
by the bureau, or the actual cost incurred to create computer 876
programs to make the special extraction. "Special extraction 877
costs" include any charges paid to a public agency for computer 878
or records services. 879

(3) For purposes of divisions (F) (1) and (2) of this 880
section, "surveys, marketing, solicitation, or resale for 881
commercial purposes" shall be narrowly construed and does not 882
include reporting or gathering news, reporting or gathering 883
information to assist citizen oversight or understanding of the 884
operation or activities of government, or nonprofit educational 885
research. 886

(G) A request by a defendant, counsel of a defendant, or 887
any agent of a defendant in a criminal action that public 888
records related to that action be made available under this 889
section shall be considered a demand for discovery pursuant to 890
the Criminal Rules, except to the extent that the Criminal Rules 891
plainly indicate a contrary intent. The defendant, counsel of 892
the defendant, or agent of the defendant making a request under 893
this division shall serve a copy of the request on the 894
prosecuting attorney, director of law, or other chief legal 895
officer responsible for prosecuting the action. 896

(H) (1) Any portion of a body-worn camera or dashboard 897

camera recording described in divisions (A) (17) (b) to (h) of 898
this section may be released by consent of the subject of the 899
recording or a representative of that person, as specified in 900
those divisions, only if either of the following applies: 901

(a) The recording will not be used in connection with any 902
probable or pending criminal proceedings; 903

(b) The recording has been used in connection with a 904
criminal proceeding that was dismissed or for which a judgment 905
has been entered pursuant to Rule 32 of the Rules of Criminal 906
Procedure, and will not be used again in connection with any 907
probable or pending criminal proceedings. 908

(2) If a public office denies a request to release a 909
restricted portion of a body-worn camera or dashboard camera 910
recording, as defined in division (A) (17) of this section, any 911
person may file a mandamus action pursuant to this section or a 912
complaint with the clerk of the court of claims pursuant to 913
section 2743.75 of the Revised Code, requesting the court to 914
order the release of all or portions of the recording. If the 915
court considering the request determines that the filing 916
articulates by clear and convincing evidence that the public 917
interest in the recording substantially outweighs privacy 918
interests and other interests asserted to deny release, the 919
court shall order the public office to release the recording. 920

Sec. 3701.954. (A) As used in this section, "severe 921
maternal morbidity" has the same meaning as in section 3738.01 922
of the Revised Code. 923

(B) Not later than sixty days after the effective date of 924
this section, the director of health shall adopt rules to do 925
both of the following: 926

(1) Specify data on severe maternal morbidity that each 927
hospital and freestanding birthing center in this state shall 928
report to the director annually under sections 3702.35 and 929
3727.25 of the Revised Code; 930

(2) Prescribe the manner in which the data described in 931
division (B) (1) of this section shall be reported. 932

(C) All rules adopted under this section shall be adopted 933
in accordance with Chapter 119. of the Revised Code. 934

Sec. 3702.35. (A) "Severe maternal morbidity" has the same 935
meaning as in section 3738.01 of the Revised Code. 936

(B) Annually, each freestanding birthing center shall 937
report to the director of health the data regarding severe 938
maternal morbidity that the director specifies in rules adopted 939
under section 3701.954 of the Revised Code. The data shall be 940
reported in the manner prescribed by the director. 941

Sec. 3727.25. (A) As used in this section, "severe 942
maternal morbidity" has the same meaning as in section 3738.01 943
of the Revised Code. 944

(B) Annually, each hospital shall report to the director 945
of health the data regarding severe maternal morbidity that the 946
director specifies in rules adopted under section 3701.954 of 947
the Revised Code. The data shall be reported in the manner 948
prescribed by the director. 949

Sec. 3738.01. (A) As used in this ~~section and sections~~ 950
~~3738.02 to 3738.09 of the Revised Code, "pregnancy-associated~~ 951
~~chapter:~~ 952

(1) "PAMR board" means the pregnancy-associated mortality 953
review board established under division (B) of this section. 954

(2) "Pregnancy-associated death" means the death of a 955
woman while pregnant or anytime within one year of pregnancy 956
regardless of cause. 957

(3) "Severe maternal morbidity" means unexpected outcomes 958
of pregnancy, labor, or delivery that result in significant 959
short-term or long-term consequences to a woman's health. 960

(B) There is hereby established in the department of 961
health a pregnancy-associated mortality review ~~(PAMR)~~ board to 962
identify and review all pregnancy-associated deaths statewide 963
for the purpose of reducing the incidence of those deaths. 964

Sec. 3738.03. All of the following apply with respect to 965
the membership and administration of the PAMR board: 966

(A) The executive director of the commission on minority 967
health or the executive director's designee shall be a member of 968
the board. The director of health shall appoint the board's 969
remaining members. In ~~doing so~~ appointing members of the board, 970
all of the following apply to the director: 971

(1) The director shall make a good faith effort to ~~select~~ 972
appoint members by selecting individuals who represent all 973
regions of the state and ~~multiple areas of expertise and~~ 974
~~constituencies concerned with the care of pregnant and~~ 975
~~postpartum women~~ the racial and ethnic backgrounds of families 976
affected by severe maternal morbidity. At least eighty per cent 977
of the board's members must represent the following 978
constituencies or areas of expertise: anesthesiology, emergency 979
medicine, family medicine, forensic pathology, maternal-fetal 980
medicine, obstetrics and gynecology, pediatrics, nursing, mental 981
health, addiction and other substance use disorders, child 982
fatality review, intimate partner violence, epidemiology, public 983

health, human trafficking, and hospital risk management. 984

(2) The director shall appoint as a member an individual 985
who is either a lay midwife who possesses the certified 986
professional midwife credential issued by the north American 987
registry of midwives or a doula certified by an organization 988
identified in rules adopted under section 3738.11 of the Revised 989
Code. 990

(3) The director shall appoint as members two women who 991
have experienced a delivery hospitalization with severe maternal 992
morbidity. 993

(4) The director shall appoint as members individuals who 994
represent women and mothers in areas of this state that are 995
considered to be medically underserved areas or areas with a 996
disproportionately high incidence of delivery hospitalizations 997
involving severe maternal morbidity. 998

(B) The board, by a majority vote of a quorum of its 999
members, shall select an individual to serve as its chairperson. 1000
The board may replace a chairperson in the same manner. 1001

(C) An appointed member shall hold office until a 1002
successor is appointed. The director of health shall fill a 1003
vacancy as soon as practicable. 1004

(D) ~~A member~~ The board members who are not employed as 1005
health care professionals or who do not serve on the board as 1006
part of their regular duties of employment shall receive 1007
reimbursement for actual and necessary expenses incurred in the 1008
performance of official duties and, if requested, a per diem 1009
compensation established in rules adopted under section 3738.09 1010
of the Revised Code. Each of the other members shall receive 1011
reimbursement for actual and necessary expenses incurred in the 1012

performance of official duties, but otherwise each such member 1013
shall not receive any serve without compensation for, and shall 1014
not be paid for any expenses incurred pursuant to, fulfilling 1015
the member's duties on the board, except to the extent that 1016
serving on the board is considered part of the member's regular 1017
duties of employment. 1018

(E) The board shall meet four times each calendar year 1019
and, in addition to those meetings, shall meet at the call of 1020
the board's chairperson as often as the chairperson ~~determines~~ 1021
considers necessary for timely completion of pregnancy- 1022
associated death reviews. ~~The reviews shall be conducted in~~ 1023
~~accordance with rules adopted under section 3738.09 of the~~ 1024
~~Revised Code.~~ 1025

(F) The department of health shall provide meeting space, 1026
staff services, and other technical assistance required by the 1027
board in carrying out its duties. 1028

Sec. 3738.04. The PAMR board shall seek to reduce the 1029
incidence of pregnancy-associated deaths in this state by doing 1030
all of the following: 1031

(A) Promoting cooperation, collaboration, and 1032
communication ~~between among~~ all groups, professions, agencies, 1033
and entities that serve pregnant and postpartum women and 1034
families; 1035

(B) Identifying all pregnancy-associated deaths in this 1036
state, conducting reviews of the deaths in accordance with rules 1037
adopted under section 3738.11 of the Revised Code, determining 1038
causes and factors that contributed to the deaths, and 1039
determining which actions could have been taken to prevent the 1040
deaths; 1041

(C) Identifying and making recommendations to ameliorate 1042
gaps in care and systemic care delivery issues, including risk 1043
of pregnancy-associated deaths resulting from deficiencies in 1044
insurance coverage, as well as racial and other disparities; 1045

(D) Identifying adverse outcomes resulting from the 1046
differences in quality of care that may be experienced by women 1047
of various geographic areas, races, ethnicities, and 1048
socioeconomic circumstances that may contribute to pregnancy- 1049
associated deaths; 1050

(E) Recommending and developing plans for implementing 1051
service and program changes, as well as changes to the groups, 1052
professions, agencies, and entities that serve pregnant and 1053
postpartum women and families; 1054

~~(C)~~ (F) Providing the department of health with aggregate 1055
data, trends, and patterns regarding pregnancy-associated deaths 1056
using data and other relevant information specified in rules 1057
adopted under section ~~3738.09~~ 3738.11 of the Revised Code; 1058

~~(D)~~ (G) Developing effective interventions to reduce the 1059
mortality of pregnant and postpartum women and disseminating 1060
information about the interventions. 1061

Sec. 3738.05. (A) The department of health shall use all 1062
resources available to it to identify pregnancy-associated 1063
deaths in this state, including maternal death certificates, the 1064
international classification of diseases (ICD) obstetric cause 1065
of death codes, and linking death certificates to live birth and 1066
fetal death certificates. 1067

(B) As soon as practicable after identifying a pregnancy- 1068
associated death, but not later than thirty days after 1069
identifying the death, the department shall submit a written 1070

request to any person or government entity the department has 1071
reason to believe could have information on the circumstances of 1072
the death, including physicians, hospitals, coroners or medical 1073
examiners, emergency medical service personnel, law enforcement 1074
agencies, mental health and addiction professionals, and family 1075
members of the deceased. The request shall specify the 1076
information being sought, which may include medical records; 1077
police, incident, or crash reports; coroner or medical examiner 1078
reports; pathology reports, including toxicology screenings or 1079
autopsy records; descriptions of medical interventions; and 1080
event timelines. 1081

(C) The department also may request and obtain data and 1082
other information from any source with which the department has 1083
a data sharing agreement, including the department of medicaid, 1084
the WIC program as defined in section 3701.132 of the Revised 1085
Code, the Ohio opiate death registry, the Ohio violent death 1086
reporting system established under section 3701.93 of the 1087
Revised Code, and the department of health child death review 1088
database or national child death review database described in 1089
section 307.626 of the Revised Code. 1090

Sec. 3738.05 3738.06. (A) Notwithstanding section 3701.243 1091
and any other section of the Revised Code pertaining to 1092
confidentiality, and except as provided in division (B) or (C) 1093
of this section, ~~an individual, government entity, agency that~~ 1094
~~provides services specifically to individuals or families, law~~ 1095
~~enforcement agency, health care provider, or other public or~~ 1096
~~private entity that provided services to a woman whose death is~~ 1097
~~being reviewed by the PAMR board shall submit to the board a~~ 1098
~~copy of any record it possesses that the board requests~~ a person 1099
or government entity that receives a written request from the 1100
department of health under section 3738.05 of the Revised Code 1101

shall provide the information specified in the request not later 1102
than sixty days after being informed of the pregnancy-associated 1103
death. In addition, such ~~an individual~~ a person or entity may 1104
make available to the board additional information, documents, 1105
or reports that could be useful to the board's ~~investigation~~ 1106
review of a pregnancy-associated death. 1107

(B) No person, government entity, law enforcement agency, 1108
or prosecuting attorney shall provide any information regarding 1109
a pregnancy-associated death to the department while an 1110
investigation of the death or prosecution of a person for 1111
causing the death is pending unless the prosecuting attorney 1112
~~agrees~~ has agreed pursuant to section 3738.02 of the Revised 1113
Code to allow the review of the death. If the provision of 1114
information is to be denied for this reason, the person, 1115
government entity, law enforcement agency, or prosecuting 1116
attorney shall notify the department in writing of the 1117
circumstances. 1118

(C) A family member of the deceased may decline to 1119
participate in an interview that is proposed to be conducted as 1120
part of the ~~review process of reviewing a pregnancy-associated~~ 1121
death. ~~In that case~~ If the family member declines, the review of 1122
the death shall continue without the family member's 1123
participation. 1124

Sec. 3738.06 3738.07. (A) Any record, document, report, or 1125
other information presented to the PAMR board, as well as all 1126
statements made by board members during board meetings, all work 1127
products of the board, and data submitted to the department of 1128
health by the board, other than the ~~biennial reports described~~ 1129
~~in section 3738.08~~ required by sections 3738.09 and 3738.10 of 1130
the Revised Code, are confidential and not a public record under 1131

section 149.43 of the Revised Code. Such materials shall be used 1132
by the board and department only in the exercise of the proper 1133
functions of the board and department. 1134

(B) No person shall knowingly permit or encourage the 1135
unauthorized dissemination of confidential information described 1136
in division (A) of this section. 1137

~~(C) Whoever violates division (B) of this section is~~ 1138
~~guilty of a misdemeanor of the second degree.~~ 1139

Sec. ~~3738.07~~ 3738.08. (A) An individual or public or 1140
private entity providing records, documents, reports, or other 1141
information to the PAMR board is immune from any civil liability 1142
for injury, death, or loss to person or property that otherwise 1143
might be incurred or imposed as a result of providing the 1144
records, documents, reports, or information to the board. 1145

(B) Each PAMR board member is immune from any civil 1146
liability for injury, death, or loss to person or property that 1147
might otherwise be incurred or imposed as a result of the 1148
member's participation on the board. 1149

Sec. ~~3738.08~~ 3738.09. (A) The PAMR board shall prepare a 1150
~~biennial~~an annual report that does all of the following: 1151

(1) Summarizes the board's findings from the pregnancy- 1152
associated death reviews completed in the immediately preceding 1153
~~two calendar years~~year, including any trends or patterns 1154
identified by the board; 1155

(2) Identifies the actual and potential causes of, and 1156
factors contributing to, pregnancy-associated deaths that 1157
occurred in the immediately preceding calendar year, including 1158
whether gaps in availability and quality of care, systemic care 1159
delivery issues, demographics, deficiencies in insurance 1160

coverage, and racial and other disparities played a role in such 1161
deaths; 1162

(3) Makes ~~recommendations on how~~ determinations regarding 1163
the preventability of pregnancy-associated deaths ~~may and~~ 1164
recommendations on how such deaths could be prevented, including 1165
changes that should be made to recommendations regarding whether 1166
changes to any of the following would reduce pregnancy- 1167
associated deaths: services and programs that serve pregnant and 1168
postpartum women; the groups, professions, agencies, and 1169
entities that serve pregnant and postpartum women and families; 1170
and policies and laws; 1171

~~(3)-(4)~~ Assesses the board's progress on implementing 1172
prior board recommendations; 1173

(5) Includes any other information related to pregnancy- 1174
associated ~~mortality deaths~~ the board considers useful. 1175

(B) A report shall include data that is disaggregated by 1176
the insurance coverage, race, and ethnicity, as well as other 1177
categories identified by the director of health, of the women 1178
who experienced pregnancy-associated death. To the extent 1179
possible, the data shall be delineated to show differences 1180
between population subgroups within each category. A report 1181
shall not contain individually identifiable information 1182
regarding any woman whose death was reviewed by the board. 1183

(C) The board shall submit a copy of each report to the 1184
director of health, the general assembly, and the governor. The 1185
copy to the general assembly shall be submitted in accordance 1186
with section 101.68 of the Revised Code. ~~The~~ 1187

The initial report shall be submitted not later than ~~March~~ 1188
~~1, 2020, with subsequent reports submitted not later than March~~ 1189

~~1 every two years thereafter~~ one year after the effective date 1190
of this amendment and shall cover pregnancy-associated deaths 1191
that occurred in the immediately preceding calendar year and 1192
prior years. Each subsequent report shall be submitted not later 1193
than the first day of December of each year beginning with the 1194
December that occurs in the calendar year immediately following 1195
the date on which the initial report was submitted. Each 1196
subsequent report shall cover pregnancy-associated deaths that 1197
occurred in the immediately preceding calendar year. 1198

The director shall make a copy of each report available on 1199
the department of health's web site. 1200

(D) Reports prepared under this section are public records 1201
under section 149.43 of the Revised Code. 1202

Sec. 3738.10. Using data reported under sections 3702.35 1203
and 3727.25 of the Revised Code and any other pertinent data 1204
available, the department of health shall prepare an annual 1205
report that evaluates trends and patterns on severe maternal 1206
morbidity in this state. 1207

Each report shall include data that is disaggregated by 1208
the insurance coverage, race, and ethnicity, as well as other 1209
categories identified by the director of health, of women 1210
affected by severe maternal morbidity. To the extent possible, 1211
the data shall be delineated to show differences between 1212
population subgroups within each category. 1213

Each report shall be submitted with and in the same manner 1214
as the annual reports required by section 3738.09 of the Revised 1215
Code. 1216

Sec. 3738.09 3738.11. ~~The~~ (A) Subject to division (B) of 1217
this section, the director of health shall adopt rules that are 1218

as the director considers necessary for the implementation of 1219
sections 3738.01 to 3738.08 of the Revised Code, including rules 1220
this chapter. All rules adopted under this section shall be 1221
adopted in accordance with Chapter 119. of the Revised Code. 1222

(B) The rules adopted under this section shall include 1223
provisions that do all of the following: 1224

~~(A)~~ (1) Establish a procedure for the PAMR board to follow 1225
in conducting pregnancy-associated death reviews; 1226

~~(B)~~ (2) Specify the data and other relevant information 1227
the board must use when conducting pregnancy-associated death 1228
reviews; 1229

~~(C)~~ (3) Establish guidelines for the board to follow to 1230
prevent an unauthorized dissemination of confidential 1231
information in violation of division (B) of section ~~3738.06~~ 1232
3738.07 of the Revised Code; 1233

(4) Identify the organizations that certify doulas who may 1234
be appointed to the board under section 3738.03 of the Revised 1235
Code; 1236

(5) Specify the per diem compensation for board members 1237
who are eligible to receive the compensation, if requested, as 1238
described in section 3738.03 of the Revised Code. 1239

~~The rules shall be adopted in accordance with Chapter 119.~~ 1240
~~of the Revised Code.~~ 1241

Sec. 3738.99. Whoever violates division (B) of section 1242
3738.07 of the Revised Code is guilty of a misdemeanor of the 1243
second degree. 1244

Section 2. That existing sections 149.43, 3738.01, 1245
3738.03, 3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and 1246

3738.09 of the Revised Code are hereby repealed.

1247