

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 563**

**Representative Ghanbari**

---

**A BILL**

To amend sections 149.43, 3701.17, and 3727.99 and  
to enact sections 3707.11, 3707.111, 3727.80,  
and 3727.801 of the Revised Code to require  
prompt notification of an emergency medical  
services worker who has treated or transported a  
patient who is presumptively positive for a  
contagious or infectious disease and to declare  
an emergency.

1  
2  
3  
4  
5  
6  
7  
8

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

**Section 1.** That sections 149.43, 3701.17, and 3727.99 be  
amended and sections 3707.11, 3707.111, 3727.80, and 3727.801 of  
the Revised Code be enacted to read as follows:

9  
10  
11

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

12

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

13  
14  
15  
16  
17  
18  
19

mean any of the following:	20
(a) Medical records;	21
(b) Records pertaining to probation and parole	22
proceedings, to proceedings related to the imposition of	23
community control sanctions and post-release control sanctions,	24
or to proceedings related to determinations under section	25
2967.271 of the Revised Code regarding the release or maintained	26
incarceration of an offender to whom that section applies;	27
(c) Records pertaining to actions under section 2151.85	28
and division (C) of section 2919.121 of the Revised Code and to	29
appeals of actions arising under those sections;	30
(d) Records pertaining to adoption proceedings, including	31
the contents of an adoption file maintained by the department of	32
health under sections 3705.12 to 3705.124 of the Revised Code;	33
(e) Information in a record contained in the putative	34
father registry established by section 3107.062 of the Revised	35
Code, regardless of whether the information is held by the	36
department of job and family services or, pursuant to section	37
3111.69 of the Revised Code, the office of child support in the	38
department or a child support enforcement agency;	39
(f) Records specified in division (A) of section 3107.52	40
of the Revised Code;	41
(g) Trial preparation records;	42
(h) Confidential law enforcement investigatory records;	43
(i) Records containing information that is confidential	44
under section 2710.03 or 4112.05 of the Revised Code;	45
(j) DNA records stored in the DNA database pursuant to	46

section 109.573 of the Revised Code; 47

(k) Inmate records released by the department of 48  
rehabilitation and correction to the department of youth 49  
services or a court of record pursuant to division (E) of 50  
section 5120.21 of the Revised Code; 51

(l) Records maintained by the department of youth services 52  
pertaining to children in its custody released by the department 53  
of youth services to the department of rehabilitation and 54  
correction pursuant to section 5139.05 of the Revised Code; 55

(m) Intellectual property records; 56

(n) Donor profile records; 57

(o) Records maintained by the department of job and family 58  
services pursuant to section 3121.894 of the Revised Code; 59

(p) Designated public service worker residential and 60  
familial information; 61

(q) In the case of a county hospital operated pursuant to 62  
Chapter 339. of the Revised Code or a municipal hospital 63  
operated pursuant to Chapter 749. of the Revised Code, 64  
information that constitutes a trade secret, as defined in 65  
section 1333.61 of the Revised Code; 66

(r) Information pertaining to the recreational activities 67  
of a person under the age of eighteen; 68

(s) In the case of a child fatality review board acting 69  
under sections 307.621 to 307.629 of the Revised Code or a 70  
review conducted pursuant to guidelines established by the 71  
director of health under section 3701.70 of the Revised Code, 72  
records provided to the board or director, statements made by 73  
board members during meetings of the board or by persons 74

participating in the director's review, and all work products of 75  
the board or director, and in the case of a child fatality 76  
review board, child fatality review data submitted by the board 77  
to the department of health or a national child death review 78  
database, other than the report prepared pursuant to division 79  
(A) of section 307.626 of the Revised Code; 80

(t) Records provided to and statements made by the 81  
executive director of a public children services agency or a 82  
prosecuting attorney acting pursuant to section 5153.171 of the 83  
Revised Code other than the information released under that 84  
section; 85

(u) Test materials, examinations, or evaluation tools used 86  
in an examination for licensure as a nursing home administrator 87  
that the board of executives of long-term services and supports 88  
administers under section 4751.15 of the Revised Code or 89  
contracts under that section with a private or government entity 90  
to administer; 91

(v) Records the release of which is prohibited by state or 92  
federal law; 93

(w) Proprietary information of or relating to any person 94  
that is submitted to or compiled by the Ohio venture capital 95  
authority created under section 150.01 of the Revised Code; 96

(x) Financial statements and data any person submits for 97  
any purpose to the Ohio housing finance agency or the 98  
controlling board in connection with applying for, receiving, or 99  
accounting for financial assistance from the agency, and 100  
information that identifies any individual who benefits directly 101  
or indirectly from financial assistance from the agency; 102

(y) Records listed in section 5101.29 of the Revised Code; 103

(z) Discharges recorded with a county recorder under 104  
section 317.24 of the Revised Code, as specified in division (B) 105  
(2) of that section; 106

(aa) Usage information including names and addresses of 107  
specific residential and commercial customers of a municipally 108  
owned or operated public utility; 109

(bb) Records described in division (C) of section 187.04 110  
of the Revised Code that are not designated to be made available 111  
to the public as provided in that division; 112

(cc) Information and records that are made confidential, 113  
privileged, and not subject to disclosure under divisions (B) 114  
and (C) of section 2949.221 of the Revised Code; 115

(dd) Personal information, as defined in section 149.45 of 116  
the Revised Code; 117

(ee) The confidential name, address, and other personally 118  
identifiable information of a program participant in the address 119  
confidentiality program established under sections 111.41 to 120  
111.47 of the Revised Code, including the contents of any 121  
application for absent voter's ballots, absent voter's ballot 122  
identification envelope statement of voter, or provisional 123  
ballot affirmation completed by a program participant who has a 124  
confidential voter registration record, and records or portions 125  
of records pertaining to that program that identify the number 126  
of program participants that reside within a precinct, ward, 127  
township, municipal corporation, county, or any other geographic 128  
area smaller than the state. As used in this division, 129  
"confidential address" and "program participant" have the 130  
meaning defined in section 111.41 of the Revised Code. 131

(ff) Orders for active military service of an individual 132

serving or with previous service in the armed forces of the 133  
United States, including a reserve component, or the Ohio 134  
organized militia, except that, such order becomes a public 135  
record on the day that is fifteen years after the published date 136  
or effective date of the call to order; 137

(gg) The name, address, contact information, or other 138  
personal information of an individual who is less than eighteen 139  
years of age that is included in any record related to a traffic 140  
accident involving a school vehicle in which the individual was 141  
an occupant at the time of the accident; 142

(hh) Protected health information, as defined in 45 C.F.R. 143  
160.103, that is in a claim for payment for a health care 144  
product, service, or procedure, as well as any other health 145  
claims data in another document that reveals the identity of an 146  
individual who is the subject of the data or could be used to 147  
reveal that individual's identity; 148

(ii) Any depiction by photograph, film, videotape, or 149  
printed or digital image under either of the following 150  
circumstances: 151

(i) The depiction is that of a victim of an offense the 152  
release of which would be, to a reasonable person of ordinary 153  
sensibilities, an offensive and objectionable intrusion into the 154  
victim's expectation of bodily privacy and integrity. 155

(ii) The depiction captures or depicts the victim of a 156  
sexually oriented offense, as defined in section 2950.01 of the 157  
Revised Code, at the actual occurrence of that offense. 158

(jj) Restricted portions of a body-worn camera or 159  
dashboard camera recording; 160

(kk) In the case of a fetal-infant mortality review board 161

acting under sections 3707.70 to 3707.77 of the Revised Code, 162  
records, documents, reports, or other information presented to 163  
the board or a person abstracting such materials on the board's 164  
behalf, statements made by review board members during board 165  
meetings, all work products of the board, and data submitted by 166  
the board to the department of health or a national infant death 167  
review database, other than the report prepared pursuant to 168  
section 3707.77 of the Revised Code. 169

(ll) Records, documents, reports, or other information 170  
presented to the pregnancy-associated mortality review board 171  
established under section 3738.01 of the Revised Code, 172  
statements made by board members during board meetings, all work 173  
products of the board, and data submitted by the board to the 174  
department of health, other than the biennial reports prepared 175  
under section 3738.08 of the Revised Code; 176

(mm) Telephone numbers for a victim, as defined in section 177  
2930.01 of the Revised Code, a witness to a crime, or a party to 178  
a motor vehicle accident subject to the requirements of section 179  
5502.11 of the Revised Code that are listed on any law 180  
enforcement record or report; 181

(nn) Any record of a verbal notification made to an 182  
emergency medical services worker or the worker's employer under 183  
section 3707.11 or 3727.80 of the Revised Code. 184

A record that is not a public record under division (A) (1) 185  
of this section and that, under law, is permanently retained 186  
becomes a public record on the day that is seventy-five years 187  
after the day on which the record was created, except for any 188  
record protected by the attorney-client privilege, a trial 189  
preparation record as defined in this section, a statement 190  
prohibiting the release of identifying information signed under 191

section 3107.083 of the Revised Code, a denial of release form 192  
filed pursuant to section 3107.46 of the Revised Code, or any 193  
record that is exempt from release or disclosure under section 194  
149.433 of the Revised Code. If the record is a birth 195  
certificate and a biological parent's name redaction request 196  
form has been accepted under section 3107.391 of the Revised 197  
Code, the name of that parent shall be redacted from the birth 198  
certificate before it is released under this paragraph. If any 199  
other section of the Revised Code establishes a time period for 200  
disclosure of a record that conflicts with the time period 201  
specified in this section, the time period in the other section 202  
prevails. 203

(2) "Confidential law enforcement investigatory record" 204  
means any record that pertains to a law enforcement matter of a 205  
criminal, quasi-criminal, civil, or administrative nature, but 206  
only to the extent that the release of the record would create a 207  
high probability of disclosure of any of the following: 208

(a) The identity of a suspect who has not been charged 209  
with the offense to which the record pertains, or of an 210  
information source or witness to whom confidentiality has been 211  
reasonably promised; 212

(b) Information provided by an information source or 213  
witness to whom confidentiality has been reasonably promised, 214  
which information would reasonably tend to disclose the source's 215  
or witness's identity; 216

(c) Specific confidential investigatory techniques or 217  
procedures or specific investigatory work product; 218

(d) Information that would endanger the life or physical 219  
safety of law enforcement personnel, a crime victim, a witness, 220



or a confidential information source. 221

(3) "Medical record" means any document or combination of 222  
documents, except births, deaths, and the fact of admission to 223  
or discharge from a hospital, that pertains to the medical 224  
history, diagnosis, prognosis, or medical condition of a patient 225  
and that is generated and maintained in the process of medical 226  
treatment. 227

(4) "Trial preparation record" means any record that 228  
contains information that is specifically compiled in reasonable 229  
anticipation of, or in defense of, a civil or criminal action or 230  
proceeding, including the independent thought processes and 231  
personal trial preparation of an attorney. 232

(5) "Intellectual property record" means a record, other 233  
than a financial or administrative record, that is produced or 234  
collected by or for faculty or staff of a state institution of 235  
higher learning in the conduct of or as a result of study or 236  
research on an educational, commercial, scientific, artistic, 237  
technical, or scholarly issue, regardless of whether the study 238  
or research was sponsored by the institution alone or in 239  
conjunction with a governmental body or private concern, and 240  
that has not been publicly released, published, or patented. 241

(6) "Donor profile record" means all records about donors 242  
or potential donors to a public institution of higher education 243  
except the names and reported addresses of the actual donors and 244  
the date, amount, and conditions of the actual donation. 245

(7) "Designated public service worker" means a peace 246  
officer, parole officer, probation officer, bailiff, prosecuting 247  
attorney, assistant prosecuting attorney, correctional employee, 248  
county or multicounty corrections officer, community-based 249

correctional facility employee, youth services employee, 250  
firefighter, EMT, medical director or member of a cooperating 251  
physician advisory board of an emergency medical service 252  
organization, state board of pharmacy employee, investigator of 253  
the bureau of criminal identification and investigation, judge, 254  
magistrate, or federal law enforcement officer. 255

(8) "Designated public service worker residential and 256  
familial information" means any information that discloses any 257  
of the following about a designated public service worker: 258

(a) The address of the actual personal residence of a 259  
designated public service worker, except for the following 260  
information: 261

(i) The address of the actual personal residence of a 262  
prosecuting attorney or judge; and 263

(ii) The state or political subdivision in which a 264  
designated public service worker resides. 265

(b) Information compiled from referral to or participation 266  
in an employee assistance program; 267

(c) The social security number, the residential telephone 268  
number, any bank account, debit card, charge card, or credit 269  
card number, or the emergency telephone number of, or any 270  
medical information pertaining to, a designated public service 271  
worker; 272

(d) The name of any beneficiary of employment benefits, 273  
including, but not limited to, life insurance benefits, provided 274  
to a designated public service worker by the designated public 275  
service worker's employer; 276

(e) The identity and amount of any charitable or 277

employment benefit deduction made by the designated public 278  
service worker's employer from the designated public service 279  
worker's compensation, unless the amount of the deduction is 280  
required by state or federal law; 281

(f) The name, the residential address, the name of the 282  
employer, the address of the employer, the social security 283  
number, the residential telephone number, any bank account, 284  
debit card, charge card, or credit card number, or the emergency 285  
telephone number of the spouse, a former spouse, or any child of 286  
a designated public service worker; 287

(g) A photograph of a peace officer who holds a position 288  
or has an assignment that may include undercover or plain 289  
clothes positions or assignments as determined by the peace 290  
officer's appointing authority. 291

(9) As used in divisions (A) (7) and (15) to (17) of this 292  
section: 293

"Peace officer" has the meaning defined in section 109.71 294  
of the Revised Code and also includes the superintendent and 295  
troopers of the state highway patrol; it does not include the 296  
sheriff of a county or a supervisory employee who, in the 297  
absence of the sheriff, is authorized to stand in for, exercise 298  
the authority of, and perform the duties of the sheriff. 299

"Correctional employee" means any employee of the 300  
department of rehabilitation and correction who in the course of 301  
performing the employee's job duties has or has had contact with 302  
inmates and persons under supervision. 303

"County or multicounty corrections officer" means any 304  
corrections officer employed by any county or multicounty 305  
correctional facility. 306

"Youth services employee" means any employee of the 307  
department of youth services who in the course of performing the 308  
employee's job duties has or has had contact with children 309  
committed to the custody of the department of youth services. 310

"Firefighter" means any regular, paid or volunteer, member 311  
of a lawfully constituted fire department of a municipal 312  
corporation, township, fire district, or village. 313

"EMT" means EMTs-basic, EMTs-I, and paramedics that 314  
provide emergency medical services for a public emergency 315  
medical service organization. "Emergency medical service 316  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 317  
meanings defined in section 4765.01 of the Revised Code. 318

"Investigator of the bureau of criminal identification and 319  
investigation" has the meaning defined in section 2903.11 of the 320  
Revised Code. 321

"Federal law enforcement officer" has the meaning defined 322  
in section 9.88 of the Revised Code. 323

(10) "Information pertaining to the recreational 324  
activities of a person under the age of eighteen" means 325  
information that is kept in the ordinary course of business by a 326  
public office, that pertains to the recreational activities of a 327  
person under the age of eighteen years, and that discloses any 328  
of the following: 329

(a) The address or telephone number of a person under the 330  
age of eighteen or the address or telephone number of that 331  
person's parent, guardian, custodian, or emergency contact 332  
person; 333

(b) The social security number, birth date, or 334  
photographic image of a person under the age of eighteen; 335

(c) Any medical record, history, or information pertaining 336  
to a person under the age of eighteen; 337

(d) Any additional information sought or required about a 338  
person under the age of eighteen for the purpose of allowing 339  
that person to participate in any recreational activity 340  
conducted or sponsored by a public office or to use or obtain 341  
admission privileges to any recreational facility owned or 342  
operated by a public office. 343

(11) "Community control sanction" has the meaning defined 344  
in section 2929.01 of the Revised Code. 345

(12) "Post-release control sanction" has the meaning 346  
defined in section 2967.01 of the Revised Code. 347

(13) "Redaction" means obscuring or deleting any 348  
information that is exempt from the duty to permit public 349  
inspection or copying from an item that otherwise meets the 350  
definition of a "record" in section 149.011 of the Revised Code. 351

(14) "Designee," "elected official," and "future official" 352  
have the meanings defined in section 109.43 of the Revised Code. 353

(15) "Body-worn camera" means a visual and audio recording 354  
device worn on the person of a peace officer while the peace 355  
officer is engaged in the performance of the peace officer's 356  
duties. 357

(16) "Dashboard camera" means a visual and audio recording 358  
device mounted on a peace officer's vehicle or vessel that is 359  
used while the peace officer is engaged in the performance of 360  
the peace officer's duties. 361

(17) "Restricted portions of a body-worn camera or 362  
dashboard camera recording" means any visual or audio portion of 363

a body-worn camera or dashboard camera recording that shows, 364  
communicates, or discloses any of the following: 365

(a) The image or identity of a child or information that 366  
could lead to the identification of a child who is a primary 367  
subject of the recording when the law enforcement agency knows 368  
or has reason to know the person is a child based on the law 369  
enforcement agency's records or the content of the recording; 370

(b) The death of a person or a deceased person's body, 371  
unless the death was caused by a peace officer or, subject to 372  
division (H)(1) of this section, the consent of the decedent's 373  
executor or administrator has been obtained; 374

(c) The death of a peace officer, firefighter, paramedic, 375  
or other first responder, occurring while the decedent was 376  
engaged in the performance of official duties, unless, subject 377  
to division (H)(1) of this section, the consent of the 378  
decedent's executor or administrator has been obtained; 379

(d) Grievous bodily harm, unless the injury was effected 380  
by a peace officer or, subject to division (H)(1) of this 381  
section, the consent of the injured person or the injured 382  
person's guardian has been obtained; 383

(e) An act of severe violence against a person that 384  
results in serious physical harm to the person, unless the act 385  
and injury was effected by a peace officer or, subject to 386  
division (H)(1) of this section, the consent of the injured 387  
person or the injured person's guardian has been obtained; 388

(f) Grievous bodily harm to a peace officer, firefighter, 389  
paramedic, or other first responder, occurring while the injured 390  
person was engaged in the performance of official duties, 391  
unless, subject to division (H)(1) of this section, the consent 392

of the injured person or the injured person's guardian has been 393  
obtained; 394

(g) An act of severe violence resulting in serious 395  
physical harm against a peace officer, firefighter, paramedic, 396  
or other first responder, occurring while the injured person was 397  
engaged in the performance of official duties, unless, subject 398  
to division (H) (1) of this section, the consent of the injured 399  
person or the injured person's guardian has been obtained; 400

(h) A person's nude body, unless, subject to division (H) 401  
(1) of this section, the person's consent has been obtained; 402

(i) Protected health information, the identity of a person 403  
in a health care facility who is not the subject of a law 404  
enforcement encounter, or any other information in a health care 405  
facility that could identify a person who is not the subject of 406  
a law enforcement encounter; 407

(j) Information that could identify the alleged victim of 408  
a sex offense, menacing by stalking, or domestic violence; 409

(k) Information, that does not constitute a confidential 410  
law enforcement investigatory record, that could identify a 411  
person who provides sensitive or confidential information to a 412  
law enforcement agency when the disclosure of the person's 413  
identity or the information provided could reasonably be 414  
expected to threaten or endanger the safety or property of the 415  
person or another person; 416

(l) Personal information of a person who is not arrested, 417  
cited, charged, or issued a written warning by a peace officer; 418

(m) Proprietary police contingency plans or tactics that 419  
are intended to prevent crime and maintain public order and 420  
safety; 421

(n) A personal conversation unrelated to work between 422  
peace officers or between a peace officer and an employee of a 423  
law enforcement agency; 424

(o) A conversation between a peace officer and a member of 425  
the public that does not concern law enforcement activities; 426

(p) The interior of a residence, unless the interior of a 427  
residence is the location of an adversarial encounter with, or a 428  
use of force by, a peace officer; 429

(q) Any portion of the interior of a private business that 430  
is not open to the public, unless an adversarial encounter with, 431  
or a use of force by, a peace officer occurs in that location. 432

As used in division (A) (17) of this section: 433

"Grievous bodily harm" has the same meaning as in section 434  
5924.120 of the Revised Code. 435

"Health care facility" has the same meaning as in section 436  
1337.11 of the Revised Code. 437

"Protected health information" has the same meaning as in 438  
45 C.F.R. 160.103. 439

"Law enforcement agency" has the same meaning as in 440  
section 2925.61 of the Revised Code. 441

"Personal information" means any government-issued 442  
identification number, date of birth, address, financial 443  
information, or criminal justice information from the law 444  
enforcement automated data system or similar databases. 445

"Sex offense" has the same meaning as in section 2907.10 446  
of the Revised Code. 447

"Firefighter," "paramedic," and "first responder" have the 448



same meanings as in section 4765.01 of the Revised Code. 449

(B) (1) Upon request and subject to division (B) (8) of this 450  
section, all public records responsive to the request shall be 451  
promptly prepared and made available for inspection to any 452  
person at all reasonable times during regular business hours. 453  
Subject to division (B) (8) of this section, upon request by any 454  
person, a public office or person responsible for public records 455  
shall make copies of the requested public record available to 456  
the requester at cost and within a reasonable period of time. If 457  
a public record contains information that is exempt from the 458  
duty to permit public inspection or to copy the public record, 459  
the public office or the person responsible for the public 460  
record shall make available all of the information within the 461  
public record that is not exempt. When making that public record 462  
available for public inspection or copying that public record, 463  
the public office or the person responsible for the public 464  
record shall notify the requester of any redaction or make the 465  
redaction plainly visible. A redaction shall be deemed a denial 466  
of a request to inspect or copy the redacted information, except 467  
if federal or state law authorizes or requires a public office 468  
to make the redaction. 469

(2) To facilitate broader access to public records, a 470  
public office or the person responsible for public records shall 471  
organize and maintain public records in a manner that they can 472  
be made available for inspection or copying in accordance with 473  
division (B) of this section. A public office also shall have 474  
available a copy of its current records retention schedule at a 475  
location readily available to the public. If a requester makes 476  
an ambiguous or overly broad request or has difficulty in making 477  
a request for copies or inspection of public records under this 478  
section such that the public office or the person responsible 479

for the requested public record cannot reasonably identify what 480  
public records are being requested, the public office or the 481  
person responsible for the requested public record may deny the 482  
request but shall provide the requester with an opportunity to 483  
revise the request by informing the requester of the manner in 484  
which records are maintained by the public office and accessed 485  
in the ordinary course of the public office's or person's 486  
duties. 487

(3) If a request is ultimately denied, in part or in 488  
whole, the public office or the person responsible for the 489  
requested public record shall provide the requester with an 490  
explanation, including legal authority, setting forth why the 491  
request was denied. If the initial request was provided in 492  
writing, the explanation also shall be provided to the requester 493  
in writing. The explanation shall not preclude the public office 494  
or the person responsible for the requested public record from 495  
relying upon additional reasons or legal authority in defending 496  
an action commenced under division (C) of this section. 497

(4) Unless specifically required or authorized by state or 498  
federal law or in accordance with division (B) of this section, 499  
no public office or person responsible for public records may 500  
limit or condition the availability of public records by 501  
requiring disclosure of the requester's identity or the intended 502  
use of the requested public record. Any requirement that the 503  
requester disclose the requester's identity or the intended use 504  
of the requested public record constitutes a denial of the 505  
request. 506

(5) A public office or person responsible for public 507  
records may ask a requester to make the request in writing, may 508  
ask for the requester's identity, and may inquire about the 509

intended use of the information requested, but may do so only 510  
after disclosing to the requester that a written request is not 511  
mandatory, that the requester may decline to reveal the 512  
requester's identity or the intended use, and when a written 513  
request or disclosure of the identity or intended use would 514  
benefit the requester by enhancing the ability of the public 515  
office or person responsible for public records to identify, 516  
locate, or deliver the public records sought by the requester. 517

(6) If any person requests a copy of a public record in 518  
accordance with division (B) of this section, the public office 519  
or person responsible for the public record may require that 520  
person to pay in advance the cost involved in providing the copy 521  
of the public record in accordance with the choice made by the 522  
person requesting the copy under this division. The public 523  
office or the person responsible for the public record shall 524  
permit that person to choose to have the public record 525  
duplicated upon paper, upon the same medium upon which the 526  
public office or person responsible for the public record keeps 527  
it, or upon any other medium upon which the public office or 528  
person responsible for the public record determines that it 529  
reasonably can be duplicated as an integral part of the normal 530  
operations of the public office or person responsible for the 531  
public record. When the person requesting the copy makes a 532  
choice under this division, the public office or person 533  
responsible for the public record shall provide a copy of it in 534  
accordance with the choice made by that person. Nothing in this 535  
section requires a public office or person responsible for the 536  
public record to allow the person requesting a copy of the 537  
public record to make the copies of the public record. 538

(7) (a) Upon a request made in accordance with division (B) 539  
of this section and subject to division (B) (6) of this section, 540

a public office or person responsible for public records shall 541  
transmit a copy of a public record to any person by United 542  
States mail or by any other means of delivery or transmission 543  
within a reasonable period of time after receiving the request 544  
for the copy. The public office or person responsible for the 545  
public record may require the person making the request to pay 546  
in advance the cost of postage if the copy is transmitted by 547  
United States mail or the cost of delivery if the copy is 548  
transmitted other than by United States mail, and to pay in 549  
advance the costs incurred for other supplies used in the 550  
mailing, delivery, or transmission. 551

(b) Any public office may adopt a policy and procedures 552  
that it will follow in transmitting, within a reasonable period 553  
of time after receiving a request, copies of public records by 554  
United States mail or by any other means of delivery or 555  
transmission pursuant to division (B) (7) of this section. A 556  
public office that adopts a policy and procedures under division 557  
(B) (7) of this section shall comply with them in performing its 558  
duties under that division. 559

(c) In any policy and procedures adopted under division 560  
(B) (7) of this section: 561

(i) A public office may limit the number of records 562  
requested by a person that the office will physically deliver by 563  
United States mail or by another delivery service to ten per 564  
month, unless the person certifies to the office in writing that 565  
the person does not intend to use or forward the requested 566  
records, or the information contained in them, for commercial 567  
purposes; 568

(ii) A public office that chooses to provide some or all 569  
of its public records on a web site that is fully accessible to 570

and searchable by members of the public at all times, other than 571  
during acts of God outside the public office's control or 572  
maintenance, and that charges no fee to search, access, 573  
download, or otherwise receive records provided on the web site, 574  
may limit to ten per month the number of records requested by a 575  
person that the office will deliver in a digital format, unless 576  
the requested records are not provided on the web site and 577  
unless the person certifies to the office in writing that the 578  
person does not intend to use or forward the requested records, 579  
or the information contained in them, for commercial purposes. 580

(iii) For purposes of division (B) (7) of this section, 581  
"commercial" shall be narrowly construed and does not include 582  
reporting or gathering news, reporting or gathering information 583  
to assist citizen oversight or understanding of the operation or 584  
activities of government, or nonprofit educational research. 585

(8) A public office or person responsible for public 586  
records is not required to permit a person who is incarcerated 587  
pursuant to a criminal conviction or a juvenile adjudication to 588  
inspect or to obtain a copy of any public record concerning a 589  
criminal investigation or prosecution or concerning what would 590  
be a criminal investigation or prosecution if the subject of the 591  
investigation or prosecution were an adult, unless the request 592  
to inspect or to obtain a copy of the record is for the purpose 593  
of acquiring information that is subject to release as a public 594  
record under this section and the judge who imposed the sentence 595  
or made the adjudication with respect to the person, or the 596  
judge's successor in office, finds that the information sought 597  
in the public record is necessary to support what appears to be 598  
a justiciable claim of the person. 599

(9) (a) Upon written request made and signed by a 600

journalist, a public office, or person responsible for public 601  
records, having custody of the records of the agency employing a 602  
specified designated public service worker shall disclose to the 603  
journalist the address of the actual personal residence of the 604  
designated public service worker and, if the designated public 605  
service worker's spouse, former spouse, or child is employed by 606  
a public office, the name and address of the employer of the 607  
designated public service worker's spouse, former spouse, or 608  
child. The request shall include the journalist's name and title 609  
and the name and address of the journalist's employer and shall 610  
state that disclosure of the information sought would be in the 611  
public interest. 612

(b) Division (B) (9) (a) of this section also applies to 613  
journalist requests for: 614

(i) Customer information maintained by a municipally owned 615  
or operated public utility, other than social security numbers 616  
and any private financial information such as credit reports, 617  
payment methods, credit card numbers, and bank account 618  
information; 619

(ii) Information about minors involved in a school vehicle 620  
accident as provided in division (A) (1) (gg) of this section, 621  
other than personal information as defined in section 149.45 of 622  
the Revised Code. 623

(c) As used in division (B) (9) of this section, 624  
"journalist" means a person engaged in, connected with, or 625  
employed by any news medium, including a newspaper, magazine, 626  
press association, news agency, or wire service, a radio or 627  
television station, or a similar medium, for the purpose of 628  
gathering, processing, transmitting, compiling, editing, or 629  
disseminating information for the general public. 630

(10) Upon a request made by a victim, victim's attorney, 631  
or victim's representative, as that term is used in section 632  
2930.02 of the Revised Code, a public office or person 633  
responsible for public records shall transmit a copy of a 634  
depiction of the victim as described in division (A) (1) (gg) of 635  
this section to the victim, victim's attorney, or victim's 636  
representative. 637

(C) (1) If a person allegedly is aggrieved by the failure 638  
of a public office or the person responsible for public records 639  
to promptly prepare a public record and to make it available to 640  
the person for inspection in accordance with division (B) of 641  
this section or by any other failure of a public office or the 642  
person responsible for public records to comply with an 643  
obligation in accordance with division (B) of this section, the 644  
person allegedly aggrieved may do only one of the following, and 645  
not both: 646

(a) File a complaint with the clerk of the court of claims 647  
or the clerk of the court of common pleas under section 2743.75 648  
of the Revised Code; 649

(b) Commence a mandamus action to obtain a judgment that 650  
orders the public office or the person responsible for the 651  
public record to comply with division (B) of this section, that 652  
awards court costs and reasonable attorney's fees to the person 653  
that instituted the mandamus action, and, if applicable, that 654  
includes an order fixing statutory damages under division (C) (2) 655  
of this section. The mandamus action may be commenced in the 656  
court of common pleas of the county in which division (B) of 657  
this section allegedly was not complied with, in the supreme 658  
court pursuant to its original jurisdiction under Section 2 of 659  
Article IV, Ohio Constitution, or in the court of appeals for 660

the appellate district in which division (B) of this section 661  
allegedly was not complied with pursuant to its original 662  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 663

(2) If a requester transmits a written request by hand 664  
delivery, electronic submission, or certified mail to inspect or 665  
receive copies of any public record in a manner that fairly 666  
describes the public record or class of public records to the 667  
public office or person responsible for the requested public 668  
records, except as otherwise provided in this section, the 669  
requester shall be entitled to recover the amount of statutory 670  
damages set forth in this division if a court determines that 671  
the public office or the person responsible for public records 672  
failed to comply with an obligation in accordance with division 673  
(B) of this section. 674

The amount of statutory damages shall be fixed at one 675  
hundred dollars for each business day during which the public 676  
office or person responsible for the requested public records 677  
failed to comply with an obligation in accordance with division 678  
(B) of this section, beginning with the day on which the 679  
requester files a mandamus action to recover statutory damages, 680  
up to a maximum of one thousand dollars. The award of statutory 681  
damages shall not be construed as a penalty, but as compensation 682  
for injury arising from lost use of the requested information. 683  
The existence of this injury shall be conclusively presumed. The 684  
award of statutory damages shall be in addition to all other 685  
remedies authorized by this section. 686

The court may reduce an award of statutory damages or not 687  
award statutory damages if the court determines both of the 688  
following: 689

(a) That, based on the ordinary application of statutory 690



law and case law as it existed at the time of the conduct or 691  
threatened conduct of the public office or person responsible 692  
for the requested public records that allegedly constitutes a 693  
failure to comply with an obligation in accordance with division 694  
(B) of this section and that was the basis of the mandamus 695  
action, a well-informed public office or person responsible for 696  
the requested public records reasonably would believe that the 697  
conduct or threatened conduct of the public office or person 698  
responsible for the requested public records did not constitute 699  
a failure to comply with an obligation in accordance with 700  
division (B) of this section; 701

(b) That a well-informed public office or person 702  
responsible for the requested public records reasonably would 703  
believe that the conduct or threatened conduct of the public 704  
office or person responsible for the requested public records 705  
would serve the public policy that underlies the authority that 706  
is asserted as permitting that conduct or threatened conduct. 707

(3) In a mandamus action filed under division (C) (1) of 708  
this section, the following apply: 709

(a) (i) If the court orders the public office or the person 710  
responsible for the public record to comply with division (B) of 711  
this section, the court shall determine and award to the relator 712  
all court costs, which shall be construed as remedial and not 713  
punitive. 714

(ii) If the court makes a determination described in 715  
division (C) (3) (b) (iii) of this section, the court shall 716  
determine and award to the relator all court costs, which shall 717  
be construed as remedial and not punitive. 718

(b) If the court renders a judgment that orders the public 719

office or the person responsible for the public record to comply 720  
with division (B) of this section or if the court determines any 721  
of the following, the court may award reasonable attorney's fees 722  
to the relator, subject to division (C) (4) of this section: 723

(i) The public office or the person responsible for the 724  
public records failed to respond affirmatively or negatively to 725  
the public records request in accordance with the time allowed 726  
under division (B) of this section. 727

(ii) The public office or the person responsible for the 728  
public records promised to permit the relator to inspect or 729  
receive copies of the public records requested within a 730  
specified period of time but failed to fulfill that promise 731  
within that specified period of time. 732

(iii) The public office or the person responsible for the 733  
public records acted in bad faith when the office or person 734  
voluntarily made the public records available to the relator for 735  
the first time after the relator commenced the mandamus action, 736  
but before the court issued any order concluding whether or not 737  
the public office or person was required to comply with division 738  
(B) of this section. No discovery may be conducted on the issue 739  
of the alleged bad faith of the public office or person 740  
responsible for the public records. This division shall not be 741  
construed as creating a presumption that the public office or 742  
the person responsible for the public records acted in bad faith 743  
when the office or person voluntarily made the public records 744  
available to the relator for the first time after the relator 745  
commenced the mandamus action, but before the court issued any 746  
order described in this division. 747

(c) The court shall not award attorney's fees to the 748  
relator if the court determines both of the following: 749

(i) That, based on the ordinary application of statutory 750  
law and case law as it existed at the time of the conduct or 751  
threatened conduct of the public office or person responsible 752  
for the requested public records that allegedly constitutes a 753  
failure to comply with an obligation in accordance with division 754  
(B) of this section and that was the basis of the mandamus 755  
action, a well-informed public office or person responsible for 756  
the requested public records reasonably would believe that the 757  
conduct or threatened conduct of the public office or person 758  
responsible for the requested public records did not constitute 759  
a failure to comply with an obligation in accordance with 760  
division (B) of this section; 761

(ii) That a well-informed public office or person 762  
responsible for the requested public records reasonably would 763  
believe that the conduct or threatened conduct of the public 764  
office or person responsible for the requested public records 765  
would serve the public policy that underlies the authority that 766  
is asserted as permitting that conduct or threatened conduct. 767

(4) All of the following apply to any award of reasonable 768  
attorney's fees awarded under division (C) (3) (b) of this 769  
section: 770

(a) The fees shall be construed as remedial and not 771  
punitive. 772

(b) The fees awarded shall not exceed the total of the 773  
reasonable attorney's fees incurred before the public record was 774  
made available to the relator and the fees described in division 775  
(C) (4) (c) of this section. 776

(c) Reasonable attorney's fees shall include reasonable 777  
fees incurred to produce proof of the reasonableness and amount 778

of the fees and to otherwise litigate entitlement to the fees. 779

(d) The court may reduce the amount of fees awarded if the 780  
court determines that, given the factual circumstances involved 781  
with the specific public records request, an alternative means 782  
should have been pursued to more effectively and efficiently 783  
resolve the dispute that was subject to the mandamus action 784  
filed under division (C) (1) of this section. 785

(5) If the court does not issue a writ of mandamus under 786  
division (C) of this section and the court determines at that 787  
time that the bringing of the mandamus action was frivolous 788  
conduct as defined in division (A) of section 2323.51 of the 789  
Revised Code, the court may award to the public office all court 790  
costs, expenses, and reasonable attorney's fees, as determined 791  
by the court. 792

(D) Chapter 1347. of the Revised Code does not limit the 793  
provisions of this section. 794

(E) (1) To ensure that all employees of public offices are 795  
appropriately educated about a public office's obligations under 796  
division (B) of this section, all elected officials or their 797  
appropriate designees shall attend training approved by the 798  
attorney general as provided in section 109.43 of the Revised 799  
Code. A future official may satisfy the requirements of this 800  
division by attending the training before taking office, 801  
provided that the future official may not send a designee in the 802  
future official's place. 803

(2) All public offices shall adopt a public records policy 804  
in compliance with this section for responding to public records 805  
requests. In adopting a public records policy under this 806  
division, a public office may obtain guidance from the model 807

public records policy developed and provided to the public 808  
office by the attorney general under section 109.43 of the 809  
Revised Code. Except as otherwise provided in this section, the 810  
policy may not limit the number of public records that the 811  
public office will make available to a single person, may not 812  
limit the number of public records that it will make available 813  
during a fixed period of time, and may not establish a fixed 814  
period of time before it will respond to a request for 815  
inspection or copying of public records, unless that period is 816  
less than eight hours. 817

The public office shall distribute the public records 818  
policy adopted by the public office under this division to the 819  
employee of the public office who is the records custodian or 820  
records manager or otherwise has custody of the records of that 821  
office. The public office shall require that employee to 822  
acknowledge receipt of the copy of the public records policy. 823  
The public office shall create a poster that describes its 824  
public records policy and shall post the poster in a conspicuous 825  
place in the public office and in all locations where the public 826  
office has branch offices. The public office may post its public 827  
records policy on the internet web site of the public office if 828  
the public office maintains an internet web site. A public 829  
office that has established a manual or handbook of its general 830  
policies and procedures for all employees of the public office 831  
shall include the public records policy of the public office in 832  
the manual or handbook. 833

(F) (1) The bureau of motor vehicles may adopt rules 834  
pursuant to Chapter 119. of the Revised Code to reasonably limit 835  
the number of bulk commercial special extraction requests made 836  
by a person for the same records or for updated records during a 837  
calendar year. The rules may include provisions for charges to 838

be made for bulk commercial special extraction requests for the 839  
actual cost of the bureau, plus special extraction costs, plus 840  
ten per cent. The bureau may charge for expenses for redacting 841  
information, the release of which is prohibited by law. 842

(2) As used in division (F)(1) of this section: 843

(a) "Actual cost" means the cost of depleted supplies, 844  
records storage media costs, actual mailing and alternative 845  
delivery costs, or other transmitting costs, and any direct 846  
equipment operating and maintenance costs, including actual 847  
costs paid to private contractors for copying services. 848

(b) "Bulk commercial special extraction request" means a 849  
request for copies of a record for information in a format other 850  
than the format already available, or information that cannot be 851  
extracted without examination of all items in a records series, 852  
class of records, or database by a person who intends to use or 853  
forward the copies for surveys, marketing, solicitation, or 854  
resale for commercial purposes. "Bulk commercial special 855  
extraction request" does not include a request by a person who 856  
gives assurance to the bureau that the person making the request 857  
does not intend to use or forward the requested copies for 858  
surveys, marketing, solicitation, or resale for commercial 859  
purposes. 860

(c) "Commercial" means profit-seeking production, buying, 861  
or selling of any good, service, or other product. 862

(d) "Special extraction costs" means the cost of the time 863  
spent by the lowest paid employee competent to perform the task, 864  
the actual amount paid to outside private contractors employed 865  
by the bureau, or the actual cost incurred to create computer 866  
programs to make the special extraction. "Special extraction 867

costs" include any charges paid to a public agency for computer 868  
or records services. 869

(3) For purposes of divisions (F) (1) and (2) of this 870  
section, "surveys, marketing, solicitation, or resale for 871  
commercial purposes" shall be narrowly construed and does not 872  
include reporting or gathering news, reporting or gathering 873  
information to assist citizen oversight or understanding of the 874  
operation or activities of government, or nonprofit educational 875  
research. 876

(G) A request by a defendant, counsel of a defendant, or 877  
any agent of a defendant in a criminal action that public 878  
records related to that action be made available under this 879  
section shall be considered a demand for discovery pursuant to 880  
the Criminal Rules, except to the extent that the Criminal Rules 881  
plainly indicate a contrary intent. The defendant, counsel of 882  
the defendant, or agent of the defendant making a request under 883  
this division shall serve a copy of the request on the 884  
prosecuting attorney, director of law, or other chief legal 885  
officer responsible for prosecuting the action. 886

(H) (1) Any portion of a body-worn camera or dashboard 887  
camera recording described in divisions (A) (17) (b) to (h) of 888  
this section may be released by consent of the subject of the 889  
recording or a representative of that person, as specified in 890  
those divisions, only if either of the following applies: 891

(a) The recording will not be used in connection with any 892  
probable or pending criminal proceedings; 893

(b) The recording has been used in connection with a 894  
criminal proceeding that was dismissed or for which a judgment 895  
has been entered pursuant to Rule 32 of the Rules of Criminal 896

Procedure, and will not be used again in connection with any 897  
probable or pending criminal proceedings. 898

(2) If a public office denies a request to release a 899  
restricted portion of a body-worn camera or dashboard camera 900  
recording, as defined in division (A)(17) of this section, any 901  
person may file a mandamus action pursuant to this section or a 902  
complaint with the clerk of the court of claims pursuant to 903  
section 2743.75 of the Revised Code, requesting the court to 904  
order the release of all or portions of the recording. If the 905  
court considering the request determines that the filing 906  
articulates by clear and convincing evidence that the public 907  
interest in the recording substantially outweighs privacy 908  
interests and other interests asserted to deny release, the 909  
court shall order the public office to release the recording. 910

**Sec. 3701.17.** (A) As used in this section: 911

(1) "Prosecutor" has the same meaning as in section 912  
2935.01 of the Revised Code. 913

(2) "Protected health information" means information, in 914  
any form, including oral, written, electronic, visual, 915  
pictorial, or physical that describes an individual's past, 916  
present, or future physical or mental health status or 917  
condition, receipt of treatment or care, or purchase of health 918  
products, if either of the following applies: 919

(a) The information reveals the identity of the individual 920  
who is the subject of the information. 921

(b) The information could be used to reveal the identity 922  
of the individual who is the subject of the information, either 923  
by using the information alone or with other information that is 924  
available to predictable recipients of the information. 925



(B) Protected health information reported to or obtained 926  
by the director of health, the department of health, or a board 927  
of health of a city or general health district is confidential 928  
and shall not be released without the written consent of the 929  
individual who is the subject of the information unless the 930  
information is released pursuant to division (C) of this section 931  
or one of the following applies: 932

(1) The release of the information is necessary to provide 933  
treatment to the individual and the information is released 934  
pursuant to a written agreement that requires the recipient of 935  
the information to comply with the confidentiality requirements 936  
established under this section. 937

(2) The release of the information is necessary to ensure 938  
the accuracy of the information and the information is released 939  
pursuant to a written agreement that requires the recipient of 940  
the information to comply with the confidentiality requirements 941  
established under this section. 942

(3) The information is released pursuant to a search 943  
warrant or subpoena issued by or at the request of a grand jury 944  
or prosecutor in connection with a criminal investigation or 945  
prosecution. 946

(4) The director determines the release of the information 947  
is necessary, based on an evaluation of relevant information, to 948  
avert or mitigate a clear threat to an individual or to the 949  
public health. Information may be released pursuant to this 950  
division only to those persons or entities necessary to control, 951  
prevent, or mitigate disease. 952

(5) The information is released to an emergency medical 953  
services worker or that worker's employer pursuant to section 954

3707.11 of the Revised Code.

955

(C) Information that does not identify an individual is  
not protected health information and may be released in summary,  
statistical, or aggregate form. Information that is in a  
summary, statistical, or aggregate form and that does not  
identify an individual is a public record under section 149.43  
of the Revised Code and, upon request, shall be released by the  
director.

956  
957  
958  
959  
960  
961  
962

(D) Except for information released pursuant to division  
(B) (4) of this section, any disclosure pursuant to this section  
shall be in writing and accompanied by a written statement that  
includes the following or substantially similar language: "This  
information has been disclosed to you from confidential records  
protected from disclosure by state law. If this information has  
been released to you in other than a summary, statistical, or  
aggregate form, you shall make no further disclosure of this  
information without the specific, written, and informed release  
of the individual to whom it pertains, or as otherwise permitted  
by state law. A general authorization for the release of medical  
or other information is not sufficient for the release of  
information pursuant to this section."

963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975

Sec. 3707.11. (A) As used in this section and section  
3707.111 of the Revised Code:

976  
977

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

978  
979  
980

(2) "Contagious or infectious disease" means COVID-19 or  
any other disease classified as a class A disease pursuant to  
rules adopted under section 3701.23 of the Revised Code.

981  
982  
983

<u>(3) "Emergency medical services worker" means all of the</u>	984
<u>following:</u>	985
<u>(a) A peace officer;</u>	986
<u>(b) An employee of an emergency medical service</u>	987
<u>organization as defined in section 4765.01 of the Revised Code;</u>	988
<u>(c) A firefighter employed by a political subdivision;</u>	989
<u>(d) A volunteer firefighter, emergency operator, or rescue</u>	990
<u>operator;</u>	991
<u>(e) An employee of a private organization that renders</u>	992
<u>rescue services, emergency medical services, or emergency</u>	993
<u>medical transportation to accident victims and persons suffering</u>	994
<u>serious illness or injury.</u>	995
<u>(4) "Peace officer" has the same meaning as in division</u>	996
<u>(A) of section 109.71 of the Revised Code, except that it also</u>	997
<u>includes a sheriff and the superintendent and troopers of the</u>	998
<u>state highway patrol.</u>	999
<u>(5) "Presumptive positive case" means at least one</u>	1000
<u>specimen taken from a patient has tested positive for the virus,</u>	1001
<u>bacterium, or other microorganism that causes a contagious or</u>	1002
<u>infectious disease.</u>	1003
<u>(B) A board of health that becomes aware of a patient's</u>	1004
<u>presumptive positive case for a contagious or infectious disease</u>	1005
<u>shall promptly determine whether the patient was treated,</u>	1006
<u>handled, or transported for medical care by an emergency medical</u>	1007
<u>services worker in the thirty days prior to becoming aware of</u>	1008
<u>the presumptive positive case. If the patient was treated,</u>	1009
<u>handled, or transported by one or more emergency medical</u>	1010
<u>services workers under those circumstances, the board of health</u>	1011

shall promptly provide verbal notification of the presumptive 1012  
positive case to each emergency medical services worker involved 1013  
with the patient's treatment, handling, or transportation, as 1014  
well as that worker's employer. 1015

(C) Using the procedure set forth in section 3701.248 of 1016  
the Revised Code, an emergency medical services worker who 1017  
received verbal notification under division (B) of this section 1018  
may request to be notified of the results of any test performed 1019  
on the patient to determine the presence of a contagious or 1020  
infectious disease. 1021

(D) No person or government entity shall knowingly fail to 1022  
comply with division (B) of this section. 1023

(E) Any record of a verbal notification made under 1024  
division (B) of this section is not a public record under 1025  
section 149.43 of the Revised Code. 1026

**Sec. 3707.111.** (A) As used in this section, "violation" 1027  
means an occasion of noncompliance involving a single injured 1028  
individual. 1029

(B) A local board of health that knowingly violates 1030  
division (B) of section 3707.11 of the Revised Code may be found 1031  
liable in a civil action, which may be brought by any individual 1032  
injured by the violation. Except as otherwise provided in 1033  
division (C) of this section, the court may award compensatory 1034  
damages and any equitable relief, including injunctive relief, 1035  
it finds appropriate. If an award is made in favor of the 1036  
plaintiff, the judge may award reasonable attorney's fees to the 1037  
plaintiff after a hearing to determine the amount of the fees. 1038

(C) A local board of health that acts in good faith in 1039  
accordance with section 3707.11 of the Revised Code is not 1040

liable for damages in a civil action brought pursuant to this 1041  
section. 1042

(D) A civil action under this section is barred unless the 1043  
action is commenced within one year after the cause of action 1044  
accrued. 1045

(E) The remedies in this section are the exclusive civil 1046  
remedies for an individual injured by noncompliance with section 1047  
3707.11 of the Revised Code. 1048

**Sec. 3727.80.** (A) As used in this section and section 1049  
3727.801 of the Revised Code: 1050

(1) "Contagious or infectious disease" means COVID-19 or 1051  
any other disease classified as a class A disease pursuant to 1052  
rules adopted under section 3701.23 of the Revised Code. 1053

(2) "Emergency medical services worker" means all of the 1054  
following: 1055

(a) A peace officer; 1056

(b) An employee of an emergency medical service 1057  
organization as defined in section 4765.01 of the Revised Code; 1058

(c) A firefighter employed by a political subdivision; 1059

(d) A volunteer firefighter, emergency operator, or rescue 1060  
operator; 1061

(e) An employee of a private organization that renders 1062  
rescue services, emergency medical services, or emergency 1063  
medical transportation to accident victims and persons suffering 1064  
serious illness or injury. 1065

(3) "Peace officer" has the same meaning as in division 1066  
(A) of section 109.71 of the Revised Code, except that it also 1067

includes a sheriff and the superintendent and troopers of the 1068  
state highway patrol. 1069

(4) "Presumptive positive case" means at least one 1070  
specimen taken from a patient has tested positive for the virus, 1071  
bacterium, or other microorganism that causes a contagious or 1072  
infectious disease. 1073

(B) A hospital that becomes aware of a patient's 1074  
presumptive positive case for a contagious or infectious disease 1075  
shall promptly determine whether the patient was treated, 1076  
handled, or transported for medical care by an emergency medical 1077  
services worker in the thirty days prior to becoming aware of 1078  
the presumptive positive case. If the patient was treated, 1079  
handled, or transported by one or more emergency medical 1080  
services workers under those circumstances, the hospital shall 1081  
promptly provide verbal notification of the presumptive positive 1082  
case to each emergency medical services worker involved with the 1083  
patient's treatment, handling, or transportation, as well as 1084  
that worker's employer. 1085

(C) Using the procedure in section 3701.248 of the Revised 1086  
Code, an emergency medical services worker who received verbal 1087  
notification under division (B) of this section may request to 1088  
be notified of the results of any test performed on the patient 1089  
to determine the presence of a contagious or infectious disease. 1090

(D) No person shall knowingly fail to comply with division 1091  
(B) of this section. 1092

(E) Any record of a verbal notification made under 1093  
division (B) of this section is not a public record under 1094  
section 149.43 of the Revised Code. 1095

**Sec. 3727.801. (A) As used in this section, "violation"** 1096

means an occasion of noncompliance involving a single injured 1097  
individual. 1098

(B) A person or government entity that knowingly violates 1099  
division (B) of section 3727.80 of the Revised Code may be found 1100  
liable in a civil action, which may be brought by any individual 1101  
injured by the violation. Except as otherwise provided in 1102  
division (C) of this section, the court may award compensatory 1103  
damages and any equitable relief, including injunctive relief, 1104  
it finds appropriate. If an award is made in favor of the 1105  
plaintiff, the judge may award reasonable attorney's fees to the 1106  
plaintiff after a hearing to determine the amount of the fees. 1107

(C) A person who acts in good faith in accordance with 1108  
section 3727.80 of the Revised Code is not liable for damages in 1109  
a civil action brought pursuant to this section. 1110

(D) A civil action under this section is barred unless the 1111  
action is commenced within one year after the cause of action 1112  
accrued. 1113

(E) The remedies in this section are the exclusive civil 1114  
remedies for an individual injured by noncompliance with section 1115  
3727.80 of the Revised Code. 1116

**Sec. 3727.99.** Whoever violates division (A) of section 1117  
3727.02 of the Revised Code is guilty of a misdemeanor of the 1118  
first degree and shall be liable for an additional penalty of 1119  
one thousand dollars for each day of operation in violation of 1120  
such division. 1121

Whoever violates division (D) of section 3727.80 of the 1122  
Revised Code is guilty of a minor misdemeanor on a first 1123  
offense; on each subsequent offense, the person is guilty of a 1124  
misdemeanor of the fourth degree. 1125

**Section 2.** That existing sections 149.43, 3701.17, and 1126  
3727.99 of the Revised Code are hereby repealed. 1127

**Section 3.** This act is hereby declared to be an emergency 1128  
measure necessary for the immediate preservation of the public 1129  
peace, health, and safety. The reason for such necessity is that 1130  
immediate action is crucial to protecting public health during 1131  
the ongoing COVID-19 pandemic. Therefore, the act shall go into 1132  
immediate effect. 1133