

Sub. H.B. 427  
L-132-1882-5

**Topic:** Drug overdose fatality review committees

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "To" insert "amend sections 121.22, 149.43, and 4731.22 and to enact"; after "sections" insert "307.631, 307.632, 307.633, 307.634, 307.635, 307.636, 307.637, 307.638, 307.639, 3701.049,"

In line 4 of the title, after the comma insert "to provide for the establishment of drug overdose fatality review committees,"

In line 6, after "sections" insert "121.22, 149.43, and 4731.22 be amended and sections 307.631, 307.632, 307.633, 307.634, 307.635, 307.636, 307.637, 307.638, 307.639, 3701.049,"

Between lines 7 and 8, insert:

**"Sec. 121.22.** (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.

(B) As used in this section:

(1) "Public body" means any of the following:

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority,

and any legislative authority or board, commission, committee, 20  
 council, agency, authority, or similar decision-making body of any 21  
 county, township, municipal corporation, school district, or other 22  
 political subdivision or local public institution; 23

(b) Any committee or subcommittee of a body described in 24  
 division (B)(1)(a) of this section; 25

(c) A court of jurisdiction of a sanitary district organized 26  
 wholly for the purpose of providing a water supply for domestic, 27  
 municipal, and public use when meeting for the purpose of the 28  
 appointment, removal, or reappointment of a member of the board of 29  
 directors of such a district pursuant to section 6115.10 of the 30  
 Revised Code, if applicable, or for any other matter related to 31  
 such a district other than litigation involving the district. As 32  
 used in division (B)(1)(c) of this section, "court of 33  
 jurisdiction" has the same meaning as "court" in section 6115.01 34  
 of the Revised Code. 35

(2) "Meeting" means any prearranged discussion of the public 36  
 business of the public body by a majority of its members. 37

(3) "Regulated individual" means either of the following: 38

(a) A student in a state or local public educational 39  
 institution; 40

(b) A person who is, voluntarily or involuntarily, an inmate, 41  
 patient, or resident of a state or local institution because of 42  
 criminal behavior, mental illness, an intellectual disability, 43  
 disease, disability, age, or other condition requiring custodial 44  
 care. 45

(4) "Public office" has the same meaning as in section 46  
 149.011 of the Revised Code. 47

(C) All meetings of any public body are declared to be public 48

meetings open to the public at all times. A member of a public  
body shall be present in person at a meeting open to the public to  
be considered present or to vote at the meeting and for purposes  
of determining whether a quorum is present at the meeting.

The minutes of a regular or special meeting of any public  
body shall be promptly prepared, filed, and maintained and shall  
be open to public inspection. The minutes need only reflect the  
general subject matter of discussions in executive sessions  
authorized under division (G) or (J) of this section.

(D) This section does not apply to any of the following:

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or  
independent certified public accountants with officials of the  
public office that is the subject of the audit;

(3) The adult parole authority when its hearings are  
conducted at a correctional institution for the sole purpose of  
interviewing inmates to determine parole or pardon;

(4) The organized crime investigations commission established  
under section 177.01 of the Revised Code;

(5) Meetings of a child fatality review board established  
under section 307.621 of the Revised Code, meetings related to a  
review conducted pursuant to guidelines established by the  
director of health under section 3701.70 of the Revised Code, and  
meetings conducted pursuant to sections 5153.171 to 5153.173 of  
the Revised Code;

(6) The state medical board when determining whether to  
suspend a certificate without a prior hearing pursuant to division  
(G) of either section 4730.25 or 4731.22 of the Revised Code;

(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;

(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;

(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;

(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;

(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;

(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code;

(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;

(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing

pursuant to division (E) of section 4755.47 of the Revised Code;	106
(15) The athletic trainers section of the occupational	107
therapy, physical therapy, and athletic trainers board when	108
determining whether to suspend a license without a hearing	109
pursuant to division (D) of section 4755.64 of the Revised Code;	110
<u>(16) Meetings of a drug overdose fatality review committee</u>	111
<u>established under section 307.631 of the Revised Code.</u>	112
(E) The controlling board, the tax credit authority, or the	113
minority development financing advisory board, when meeting to	114
consider granting assistance pursuant to Chapter 122. or 166. of	115
the Revised Code, in order to protect the interest of the	116
applicant or the possible investment of public funds, by unanimous	117
vote of all board or authority members present, may close the	118
meeting during consideration of the following information	119
confidentially received by the authority or board from the	120
applicant:	121
(1) Marketing plans;	122
(2) Specific business strategy;	123
(3) Production techniques and trade secrets;	124
(4) Financial projections;	125
(5) Personal financial statements of the applicant or members	126
of the applicant's immediate family, including, but not limited	127
to, tax records or other similar information not open to public	128
inspection.	129
The vote by the authority or board to accept or reject the	130
application, as well as all proceedings of the authority or board	131
not subject to this division, shall be open to the public and	132
governed by this section.	133

(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(G) Except as provided in divisions (G)(8) and (J) of this section, the members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an

executive session for the discipline of an elected official for 164  
conduct related to the performance of the elected official's 165  
official duties or for the elected official's removal from office. 166  
If a public body holds an executive session pursuant to division 167  
(G)(1) of this section, the motion and vote to hold that executive 168  
session shall state which one or more of the approved purposes 169  
listed in division (G)(1) of this section are the purposes for 170  
which the executive session is to be held, but need not include 171  
the name of any person to be considered at the meeting. 172

(2) To consider the purchase of property for public purposes, 173  
the sale of property at competitive bidding, or the sale or other 174  
disposition of unneeded, obsolete, or unfit-for-use property in 175  
accordance with section 505.10 of the Revised Code, if premature 176  
disclosure of information would give an unfair competitive or 177  
bargaining advantage to a person whose personal, private interest 178  
is adverse to the general public interest. No member of a public 179  
body shall use division (G)(2) of this section as a subterfuge for 180  
providing covert information to prospective buyers or sellers. A 181  
purchase or sale of public property is void if the seller or buyer 182  
of the public property has received covert information from a 183  
member of a public body that has not been disclosed to the general 184  
public in sufficient time for other prospective buyers and sellers 185  
to prepare and submit offers. 186

If the minutes of the public body show that all meetings and 187  
deliberations of the public body have been conducted in compliance 188  
with this section, any instrument executed by the public body 189  
purporting to convey, lease, or otherwise dispose of any right, 190  
title, or interest in any public property shall be conclusively 191  
presumed to have been executed in compliance with this section 192  
insofar as title or other interest of any bona fide purchasers, 193  
lessees, or transferees of the property is concerned. 194

(3) Conferences with an attorney for the public body	195
concerning disputes involving the public body that are the subject	196
of pending or imminent court action;	197
(4) Preparing for, conducting, or reviewing negotiations or	198
bargaining sessions with public employees concerning their	199
compensation or other terms and conditions of their employment;	200
(5) Matters required to be kept confidential by federal law	201
or regulations or state statutes;	202
(6) Details relative to the security arrangements and	203
emergency response protocols for a public body or a public office,	204
if disclosure of the matters discussed could reasonably be	205
expected to jeopardize the security of the public body or public	206
office;	207
(7) In the case of a county hospital operated pursuant to	208
Chapter 339. of the Revised Code, a joint township hospital	209
operated pursuant to Chapter 513. of the Revised Code, or a	210
municipal hospital operated pursuant to Chapter 749. of the	211
Revised Code, to consider trade secrets, as defined in section	212
1333.61 of the Revised Code;	213
(8) To consider confidential information related to the	214
marketing plans, specific business strategy, production	215
techniques, trade secrets, or personal financial statements of an	216
applicant for economic development assistance, or to negotiations	217
with other political subdivisions respecting requests for economic	218
development assistance, provided that both of the following	219
conditions apply:	220
(a) The information is directly related to a request for	221
economic development assistance that is to be provided or	222
administered under any provision of Chapter 715., 725., 1724., or	223



1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 224  
 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 225  
 the Revised Code, or that involves public infrastructure 226  
 improvements or the extension of utility services that are 227  
 directly related to an economic development project. 228

(b) A unanimous quorum of the public body determines, by a 229  
 roll call vote, that the executive session is necessary to protect 230  
 the interests of the applicant or the possible investment or 231  
 expenditure of public funds to be made in connection with the 232  
 economic development project. 233

If a public body holds an executive session to consider any 234  
 of the matters listed in divisions (G)(2) to (8) of this section, 235  
 the motion and vote to hold that executive session shall state 236  
 which one or more of the approved matters listed in those 237  
 divisions are to be considered at the executive session. 238

A public body specified in division (B)(1)(c) of this section 239  
 shall not hold an executive session when meeting for the purposes 240  
 specified in that division. 241

(H) A resolution, rule, or formal action of any kind is 242  
 invalid unless adopted in an open meeting of the public body. A 243  
 resolution, rule, or formal action adopted in an open meeting that 244  
 results from deliberations in a meeting not open to the public is 245  
 invalid unless the deliberations were for a purpose specifically 246  
 authorized in division (G) or (J) of this section and conducted at 247  
 an executive session held in compliance with this section. A 248  
 resolution, rule, or formal action adopted in an open meeting is 249  
 invalid if the public body that adopted the resolution, rule, or 250  
 formal action violated division (F) of this section. 251

(I)(1) Any person may bring an action to enforce this 252  
 section. An action under division (I)(1) of this section shall be 253

brought within two years after the date of the alleged violation 254  
or threatened violation. Upon proof of a violation or threatened 255  
violation of this section in an action brought by any person, the 256  
court of common pleas shall issue an injunction to compel the 257  
members of the public body to comply with its provisions. 258

(2)(a) If the court of common pleas issues an injunction 259  
pursuant to division (I)(1) of this section, the court shall order 260  
the public body that it enjoins to pay a civil forfeiture of five 261  
hundred dollars to the party that sought the injunction and shall 262  
award to that party all court costs and, subject to reduction as 263  
described in division (I)(2) of this section, reasonable 264  
attorney's fees. The court, in its discretion, may reduce an award 265  
of attorney's fees to the party that sought the injunction or not 266  
award attorney's fees to that party if the court determines both 267  
of the following: 268

(i) That, based on the ordinary application of statutory law 269  
and case law as it existed at the time of violation or threatened 270  
violation that was the basis of the injunction, a well-informed 271  
public body reasonably would believe that the public body was not 272  
violating or threatening to violate this section; 273

(ii) That a well-informed public body reasonably would 274  
believe that the conduct or threatened conduct that was the basis 275  
of the injunction would serve the public policy that underlies the 276  
authority that is asserted as permitting that conduct or 277  
threatened conduct. 278

(b) If the court of common pleas does not issue an injunction 279  
pursuant to division (I)(1) of this section and the court 280  
determines at that time that the bringing of the action was 281  
frivolous conduct, as defined in division (A) of section 2323.51 282  
of the Revised Code, the court shall award to the public body all 283

court costs and reasonable attorney's fees, as determined by the court. 284  
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(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section. 286  
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(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general. 289  
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(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing: 294  
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(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code; 298  
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(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code; 300  
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(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code. 302  
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(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance. 305  
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(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

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

(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 mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;

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

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

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of

job and family services or, pursuant to section 3111.69 of the	341
Revised Code, the office of child support in the department or a	342
child support enforcement agency;	343
(f) Records specified in division (A) of section 3107.52 of	344
the Revised Code;	345
(g) Trial preparation records;	346
(h) Confidential law enforcement investigatory records;	347
(i) Records containing information that is confidential under	348
section 2710.03 or 4112.05 of the Revised Code;	349
(j) DNA records stored in the DNA database pursuant to	350
section 109.573 of the Revised Code;	351
(k) Inmate records released by the department of	352
rehabilitation and correction to the department of youth services	353
or a court of record pursuant to division (E) of section 5120.21	354
of the Revised Code;	355
(l) Records maintained by the department of youth services	356
pertaining to children in its custody released by the department	357
of youth services to the department of rehabilitation and	358
correction pursuant to section 5139.05 of the Revised Code;	359
(m) Intellectual property records;	360
(n) Donor profile records;	361
(o) Records maintained by the department of job and family	362
services pursuant to section 3121.894 of the Revised Code;	363
(p) Peace officer, parole officer, probation officer,	364
bailiff, prosecuting attorney, assistant prosecuting attorney,	365
correctional employee, community-based correctional facility	366
employee, youth services employee, firefighter, EMT, investigator	367
of the bureau of criminal identification and investigation, or	368

federal law enforcement officer residential and familial	369
information;	370
(q) In the case of a county hospital operated pursuant to	371
Chapter 339. of the Revised Code or a municipal hospital operated	372
pursuant to Chapter 749. of the Revised Code, information that	373
constitutes a trade secret, as defined in section 1333.61 of the	374
Revised Code;	375
(r) Information pertaining to the recreational activities of	376
a person under the age of eighteen;	377
(s) In the case of a child fatality review board acting under	378
sections 307.621 to 307.629 of the Revised Code or a review	379
conducted pursuant to guidelines established by the director of	380
health under section 3701.70 of the Revised Code, records provided	381
to the board or director, statements made by board members during	382
meetings of the board or by persons participating in the	383
director's review, and all work products of the board or director,	384
and in the case of a child fatality review board, child fatality	385
review data submitted by the board to the department of health or	386
a national child death review database, other than the report	387
prepared pursuant to division (A) of section 307.626 of the	388
Revised Code;	389
(t) Records provided to and statements made by the executive	390
director of a public children services agency or a prosecuting	391
attorney acting pursuant to section 5153.171 of the Revised Code	392
other than the information released under that section;	393
(u) Test materials, examinations, or evaluation tools used in	394
an examination for licensure as a nursing home administrator that	395
the board of executives of long-term services and supports	396
administers under section 4751.04 of the Revised Code or contracts	397
under that section with a private or government entity to	398

administer;	399
(v) Records the release of which is prohibited by state or federal law;	400 401
(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;	402 403 404
(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;	405 406 407 408 409 410
(y) Records listed in section 5101.29 of the Revised Code;	411
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	412 413 414
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	415 416 417
(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;	418 419 420
(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;	421 422 423
(dd) Personal information, as defined in section 149.45 of the Revised Code;	424 425
(ee) The confidential name, address, and other personally	426

identifiable information of a program participant in the address 427  
 confidentiality program established under sections 111.41 to 428  
 111.47 of the Revised Code, including the contents of any 429  
 application for absent voter's ballots, absent voter's ballot 430  
 identification envelope statement of voter, or provisional ballot 431  
 affirmation completed by a program participant who has a 432  
 confidential voter registration record, and records or portions of 433  
 records pertaining to that program that identify the number of 434  
 program participants that reside within a precinct, ward, 435  
 township, municipal corporation, county, or any other geographic 436  
 area smaller than the state. As used in this division, 437  
 "confidential address" and "program participant" have the meaning 438  
 defined in section 111.41 of the Revised Code. 439

(ff) Orders for active military service of an individual 440  
 serving or with previous service in the armed forces of the United 441  
 States, including a reserve component, or the Ohio organized 442  
 militia, except that, such order becomes a public record on the 443  
 day that is fifteen years after the published date or effective 444  
 date of the call to order; 445

(gg) In the case of a drug overdose fatality review committee 446  
acting under sections 307.631 to 307.639 of the Revised Code, 447  
information, documents, or reports presented to the committee, 448  
statements made by committee members during meetings of the 449  
committee, all work products of the committee, and data submitted 450  
by the committee to the department of health, other than the 451  
report prepared pursuant to section 307.636 of the Revised Code. 452

(2) "Confidential law enforcement investigatory record" means 453  
 any record that pertains to a law enforcement matter of a 454  
 criminal, quasi-criminal, civil, or administrative nature, but 455  
 only to the extent that the release of the record would create a 456



- high probability of disclosure of any of the following: 457
- (a) The identity of a suspect who has not been charged with 458  
the offense to which the record pertains, or of an information 459  
source or witness to whom confidentiality has been reasonably 460  
promised; 461
- (b) Information provided by an information source or witness 462  
to whom confidentiality has been reasonably promised, which 463  
information would reasonably tend to disclose the source's or 464  
witness's identity; 465
- (c) Specific confidential investigatory techniques or 466  
procedures or specific investigatory work product; 467
- (d) Information that would endanger the life or physical 468  
safety of law enforcement personnel, a crime victim, a witness, or 469  
a confidential information source. 470
- (3) "Medical record" means any document or combination of 471  
documents, except births, deaths, and the fact of admission to or 472  
discharge from a hospital, that pertains to the medical history, 473  
diagnosis, prognosis, or medical condition of a patient and that 474  
is generated and maintained in the process of medical treatment. 475
- (4) "Trial preparation record" means any record that contains 476  
information that is specifically compiled in reasonable 477  
anticipation of, or in defense of, a civil or criminal action or 478  
proceeding, including the independent thought processes and 479  
personal trial preparation of an attorney. 480
- (5) "Intellectual property record" means a record, other than 481  
a financial or administrative record, that is produced or 482  
collected by or for faculty or staff of a state institution of 483  
higher learning in the conduct of or as a result of study or 484  
research on an educational, commercial, scientific, artistic, 485

technical, or scholarly issue, regardless of whether the study or 486  
 research was sponsored by the institution alone or in conjunction 487  
 with a governmental body or private concern, and that has not been 488  
 publicly released, published, or patented. 489

(6) "Donor profile record" means all records about donors or 490  
 potential donors to a public institution of higher education 491  
 except the names and reported addresses of the actual donors and 492  
 the date, amount, and conditions of the actual donation. 493

(7) "Peace officer, parole officer, probation officer, 494  
 bailiff, prosecuting attorney, assistant prosecuting attorney, 495  
 correctional employee, community-based correctional facility 496  
 employee, youth services employee, firefighter, EMT, investigator 497  
 of the bureau of criminal identification and investigation, or 498  
 federal law enforcement officer residential and familial 499  
 information" means any information that discloses any of the 500  
 following about a peace officer, parole officer, probation 501  
 officer, bailiff, prosecuting attorney, assistant prosecuting 502  
 attorney, correctional employee, community-based correctional 503  
 facility employee, youth services employee, firefighter, EMT, 504  
 investigator of the bureau of criminal identification and 505  
 investigation, or federal law enforcement officer: 506

(a) The address of the actual personal residence of a peace 507  
 officer, parole officer, probation officer, bailiff, assistant 508  
 prosecuting attorney, correctional employee, community-based 509  
 correctional facility employee, youth services employee, 510  
 firefighter, EMT, an investigator of the bureau of criminal 511  
 identification and investigation, or federal law enforcement 512  
 officer, except for the state or political subdivision in which 513  
 the peace officer, parole officer, probation officer, bailiff, 514  
 assistant prosecuting attorney, correctional employee, 515

community-based correctional facility employee, youth services	516
employee, firefighter, EMT, investigator of the bureau of criminal	517
identification and investigation, or federal law enforcement	518
officer resides;	519
(b) Information compiled from referral to or participation in	520
an employee assistance program;	521
(c) The social security number, the residential telephone	522
number, any bank account, debit card, charge card, or credit card	523
number, or the emergency telephone number of, or any medical	524
information pertaining to, a peace officer, parole officer,	525
probation officer, bailiff, prosecuting attorney, assistant	526
prosecuting attorney, correctional employee, community-based	527
correctional facility employee, youth services employee,	528
firefighter, EMT, investigator of the bureau of criminal	529
identification and investigation, or federal law enforcement	530
officer;	531
(d) The name of any beneficiary of employment benefits,	532
including, but not limited to, life insurance benefits, provided	533
to a peace officer, parole officer, probation officer, bailiff,	534
prosecuting attorney, assistant prosecuting attorney, correctional	535
employee, community-based correctional facility employee, youth	536
services employee, firefighter, EMT, investigator of the bureau of	537
criminal identification and investigation, or federal law	538
enforcement officer by the peace officer's, parole officer's,	539
probation officer's, bailiff's, prosecuting attorney's, assistant	540
prosecuting attorney's, correctional employee's, community-based	541
correctional facility employee's, youth services employee's,	542
firefighter's, EMT's, investigator of the bureau of criminal	543
identification and investigation's, or federal law enforcement	544
officer's employer;	545

(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's employer from the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's compensation unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer;

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

As used in divisions (A)(7) and (B)(9) of this section, 576  
 "peace officer" has the same meaning as in section 109.71 of the 577  
 Revised Code and also includes the superintendent and troopers of 578  
 the state highway patrol; it does not include the sheriff of a 579  
 county or a supervisory employee who, in the absence of the 580  
 sheriff, is authorized to stand in for, exercise the authority of, 581  
 and perform the duties of the sheriff. 582

As used in divisions (A)(7) and (B)(9) of this section, 583  
 "correctional employee" means any employee of the department of 584  
 rehabilitation and correction who in the course of performing the 585  
 employee's job duties has or has had contact with inmates and 586  
 persons under supervision. 587

As used in divisions (A)(7) and (B)(9) of this section, 588  
 "youth services employee" means any employee of the department of 589  
 youth services who in the course of performing the employee's job 590  
 duties has or has had contact with children committed to the 591  
 custody of the department of youth services. 592

As used in divisions (A)(7) and (B)(9) of this section, 593  
 "firefighter" means any regular, paid or volunteer, member of a 594  
 lawfully constituted fire department of a municipal corporation, 595  
 township, fire district, or village. 596

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 597  
 means EMTs-basic, EMTs-I, and paramedics that provide emergency 598  
 medical services for a public emergency medical service 599  
 organization. "Emergency medical service organization," 600  
 "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 601  
 section 4765.01 of the Revised Code. 602

As used in divisions (A)(7) and (B)(9) of this section, 603  
 "investigator of the bureau of criminal identification and 604  
 investigation" has the meaning defined in section 2903.11 of the 605

Revised Code. 606

As used in divisions (A)(7) and (B)(9) of this section, 607  
 "federal law enforcement officer" has the meaning defined in 608  
 section 9.88 of the Revised Code. 609

(8) "Information pertaining to the recreational activities of 610  
 a person under the age of eighteen" means information that is kept 611  
 in the ordinary course of business by a public office, that 612  
 pertains to the recreational activities of a person under the age 613  
 of eighteen years, and that discloses any of the following: 614

(a) The address or telephone number of a person under the age 615  
 of eighteen or the address or telephone number of that person's 616  
 parent, guardian, custodian, or emergency contact person; 617

(b) The social security number, birth date, or photographic 618  
 image of a person under the age of eighteen; 619

(c) Any medical record, history, or information pertaining to 620  
 a person under the age of eighteen; 621

(d) Any additional information sought or required about a 622  
 person under the age of eighteen for the purpose of allowing that 623  
 person to participate in any recreational activity conducted or 624  
 sponsored by a public office or to use or obtain admission 625  
 privileges to any recreational facility owned or operated by a 626  
 public office. 627

(9) "Community control sanction" has the same meaning as in 628  
 section 2929.01 of the Revised Code. 629

(10) "Post-release control sanction" has the same meaning as 630  
 in section 2967.01 of the Revised Code. 631

(11) "Redaction" means obscuring or deleting any information 632  
 that is exempt from the duty to permit public inspection or 633

copying from an item that otherwise meets the definition of a 634  
 "record" in section 149.011 of the Revised Code. 635

(12) "Designee" and "elected official" have the same meanings 636  
 as in section 109.43 of the Revised Code. 637

(B)(1) Upon request and subject to division (B)(8) of this 638  
 section, all public records responsive to the request shall be 639  
 promptly prepared and made available for inspection to any person 640  
 at all reasonable times during regular business hours. Subject to 641  
 division (B)(8) of this section, upon request, a public office or 642  
 person responsible for public records shall make copies of the 643  
 requested public record available at cost and within a reasonable 644  
 period of time. If a public record contains information that is 645  
 exempt from the duty to permit public inspection or to copy the 646  
 public record, the public office or the person responsible for the 647  
 public record shall make available all of the information within 648  
 the public record that is not exempt. When making that public 649  
 record available for public inspection or copying that public 650  
 record, the public office or the person responsible for the public 651  
 record shall notify the requester of any redaction or make the 652  
 redaction plainly visible. A redaction shall be deemed a denial of 653  
 a request to inspect or copy the redacted information, except if 654  
 federal or state law authorizes or requires a public office to 655  
 make the redaction. 656

(2) To facilitate broader access to public records, a public 657  
 office or the person responsible for public records shall organize 658  
 and maintain public records in a manner that they can be made 659  
 available for inspection or copying in accordance with division 660  
 (B) of this section. A public office also shall have available a 661  
 copy of its current records retention schedule at a location 662  
 readily available to the public. If a requester makes an ambiguous 663

or overly broad request or has difficulty in making a request for  
copies or inspection of public records under this section such  
that the public office or the person responsible for the requested  
public record cannot reasonably identify what public records are  
being requested, the public office or the person responsible for  
the requested public record may deny the request but shall provide  
the requester with an opportunity to revise the request by  
informing the requester of the manner in which records are  
maintained by the public office and accessed in the ordinary  
course of the public office's or person's duties.

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

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

(5) A public office or person responsible for public records  
may ask a requester to make the request in writing, may ask for



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

(6) If any person chooses to obtain a copy of a public record  
in accordance with division (B) of this section, the public office  
or person responsible for the public record may require that  
person to pay in advance the cost involved in providing the copy  
of the public record in accordance with the choice made by the  
person seeking the copy under this division. The public office or  
the person responsible for the public record shall permit that  
person to choose to have the public record duplicated upon paper,  
upon the same medium upon which the public office or person  
responsible for the public record keeps it, or upon any other  
medium upon which the public office or person responsible for the  
public record determines that it reasonably can be duplicated as  
an integral part of the normal operations of the public office or  
person responsible for the public record. When the person seeking  
the copy makes a choice under this division, the public office or  
person responsible for the public record shall provide a copy of  
it in accordance with the choice made by the person seeking the  
copy. Nothing in this section requires a public office or person  
responsible for the public record to allow the person seeking a  
copy of the public record to make the copies of the public record.

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

public office or person responsible for public records shall 725  
transmit a copy of a public record to any person by United States 726  
mail or by any other means of delivery or transmission within a 727  
reasonable period of time after receiving the request for the 728  
copy. The public office or person responsible for the public 729  
record may require the person making the request to pay in advance 730  
the cost of postage if the copy is transmitted by United States 731  
mail or the cost of delivery if the copy is transmitted other than 732  
by United States mail, and to pay in advance the costs incurred 733  
for other supplies used in the mailing, delivery, or transmission. 734

(b) Any public office may adopt a policy and procedures that 735  
it will follow in transmitting, within a reasonable period of time 736  
after receiving a request, copies of public records by United 737  
States mail or by any other means of delivery or transmission 738  
pursuant to division (B)(7) of this section. A public office that 739  
adopts a policy and procedures under division (B)(7) of this 740  
section shall comply with them in performing its duties under that 741  
division. 742

(c) In any policy and procedures adopted under division 743  
(B)(7) of this section: 744

(i) A public office may limit the number of records requested 745  
by a person that the office will physically deliver by United 746  
States mail or by another delivery service to ten per month, 747  
unless the person certifies to the office in writing that the 748  
person does not intend to use or forward the requested records, or 749  
the information contained in them, for commercial purposes; 750

(ii) A public office that chooses to provide some or all of 751  
its public records on a web site that is fully accessible to and 752  
searchable by members of the public at all times, other than 753  
during acts of God outside the public office's control or 754

maintenance, and that charges no fee to search, access, download, 755  
 or otherwise receive records provided on the web site, may limit 756  
 to ten per month the number of records requested by a person that 757  
 the office will deliver in a digital format, unless the requested 758  
 records are not provided on the web site and unless the person 759  
 certifies to the office in writing that the person does not intend 760  
 to use or forward the requested records, or the information 761  
 contained in them, for commercial purposes. 762

(iii) For purposes of division (B)(7) of this section, 763  
 "commercial" shall be narrowly construed and does not include 764  
 reporting or gathering news, reporting or gathering information to 765  
 assist citizen oversight or understanding of the operation or 766  
 activities of government, or nonprofit educational research. 767

(8) A public office or person responsible for public records 768  
 is not required to permit a person who is incarcerated pursuant to 769  
 a criminal conviction or a juvenile adjudication to inspect or to 770  
 obtain a copy of any public record concerning a criminal 771  
 investigation or prosecution or concerning what would be a 772  
 criminal investigation or prosecution if the subject of the 773  
 investigation or prosecution were an adult, unless the request to 774  
 inspect or to obtain a copy of the record is for the purpose of 775  
 acquiring information that is subject to release as a public 776  
 record under this section and the judge who imposed the sentence 777  
 or made the adjudication with respect to the person, or the 778  
 judge's successor in office, finds that the information sought in 779  
 the public record is necessary to support what appears to be a 780  
 justiciable claim of the person. 781

(9)(a) Upon written request made and signed by a journalist 782  
 on or after December 16, 1999, a public office, or person 783  
 responsible for public records, having custody of the records of 784

the agency employing a specified peace officer, parole officer, 785  
probation officer, bailiff, prosecuting attorney, assistant 786  
prosecuting attorney, correctional employee, community-based 787  
correctional facility employee, youth services employee, 788  
firefighter, EMT, investigator of the bureau of criminal 789  
identification and investigation, or federal law enforcement 790  
officer shall disclose to the journalist the address of the actual 791  
personal residence of the peace officer, parole officer, probation 792  
officer, bailiff, prosecuting attorney, assistant prosecuting 793  
attorney, correctional employee, community-based correctional 794  
facility employee, youth services employee, firefighter, EMT, 795  
investigator of the bureau of criminal identification and 796  
investigation, or federal law enforcement officer and, if the 797  
peace officer's, parole officer's, probation officer's, bailiff's, 798  
prosecuting attorney's, assistant prosecuting attorney's, 799  
correctional employee's, community-based correctional facility 800  
employee's, youth services employee's, firefighter's, EMT's, 801  
investigator of the bureau of criminal identification and 802  
investigation's, or federal law enforcement officer's spouse, 803  
former spouse, or child is employed by a public office, the name 804  
and address of the employer of the peace officer's, parole 805  
officer's, probation officer's, bailiff's, prosecuting attorney's, 806  
assistant prosecuting attorney's, correctional employee's, 807  
community-based correctional facility employee's, youth services 808  
employee's, firefighter's, EMT's, investigator of the bureau of 809  
criminal identification and investigation's, or federal law 810  
enforcement officer's spouse, former spouse, or child. The request 811  
shall include the journalist's name and title and the name and 812  
address of the journalist's employer and shall state that 813  
disclosure of the information sought would be in the public 814  
interest. 815

(b) Division (B)(9)(a) of this section also applies to 816  
journalist requests for customer information maintained by a 817  
municipally owned or operated public utility, other than social 818  
security numbers and any private financial information such as 819  
credit reports, payment methods, credit card numbers, and bank 820  
account information. 821

(c) As used in division (B)(9) of this section, "journalist" 822  
means a person engaged in, connected with, or employed by any news 823  
medium, including a newspaper, magazine, press association, news 824  
agency, or wire service, a radio or television station, or a 825  
similar medium, for the purpose of gathering, processing, 826  
transmitting, compiling, editing, or disseminating information for 827  
the general public. 828

(C)(1) If a person allegedly is aggrieved by the failure of a 829  
public office or the person responsible for public records to 830  
promptly prepare a public record and to make it available to the 831  
person for inspection in accordance with division (B) of this 832  
section or by any other failure of a public office or the person 833  
responsible for public records to comply with an obligation in 834  
accordance with division (B) of this section, the person allegedly 835  
aggrieved may do only one of the following, and not both: 836

(a) File a complaint with the clerk of the court of claims or 837  
the clerk of the court of common pleas under section 2743.75 of 838  
the Revised Code; 839

(b) Commence a mandamus action to obtain a judgment that 840  
orders the public office or the person responsible for the public 841  
record to comply with division (B) of this section, that awards 842  
court costs and reasonable attorney's fees to the person that 843  
instituted the mandamus action, and, if applicable, that includes 844  
an order fixing statutory damages under division (C)(2) of this 845

section. The mandamus action may be commenced in the court of 846  
 common pleas of the county in which division (B) of this section 847  
 allegedly was not complied with, in the supreme court pursuant to 848  
 its original jurisdiction under Section 2 of Article IV, Ohio 849  
 Constitution, or in the court of appeals for the appellate 850  
 district in which division (B) of this section allegedly was not 851  
 complied with pursuant to its original jurisdiction under Section 852  
 3 of Article IV, Ohio Constitution. 853

(2) If a requester transmits a written request by hand 854  
 delivery or certified mail to inspect or receive copies of any 855  
 public record in a manner that fairly describes the public record 856  
 or class of public records to the public office or person 857  
 responsible for the requested public records, except as otherwise 858  
 provided in this section, the requester shall be entitled to 859  
 recover the amount of statutory damages set forth in this division 860  
 if a court determines that the public office or the person 861  
 responsible for public records failed to comply with an obligation 862  
 in accordance with division (B) of this section. 863

The amount of statutory damages shall be fixed at one hundred 864  
 dollars for each business day during which the public office or 865  
 person responsible for the requested public records failed to 866  
 comply with an obligation in accordance with division (B) of this 867  
 section, beginning with the day on which the requester files a 868  
 mandamus action to recover statutory damages, up to a maximum of 869  
 one thousand dollars. The award of statutory damages shall not be 870  
 construed as a penalty, but as compensation for injury arising 871  
 from lost use of the requested information. The existence of this 872  
 injury shall be conclusively presumed. The award of statutory 873  
 damages shall be in addition to all other remedies authorized by 874  
 this section. 875

The court may reduce an award of statutory damages or not 876  
 award statutory damages if the court determines both of the 877  
 following: 878

(a) That, based on the ordinary application of statutory law 879  
 and case law as it existed at the time of the conduct or 880  
 threatened conduct of the public office or person responsible for 881  
 the requested public records that allegedly constitutes a failure 882  
 to comply with an obligation in accordance with division (B) of 883  
 this section and that was the basis of the mandamus action, a 884  
 well-informed public office or person responsible for the 885  
 requested public records reasonably would believe that the conduct 886  
 or threatened conduct of the public office or person responsible 887  
 for the requested public records did not constitute a failure to 888  
 comply with an obligation in accordance with division (B) of this 889  
 section; 890

(b) That a well-informed public office or person responsible 891  
 for the requested public records reasonably would believe that the 892  
 conduct or threatened conduct of the public office or person 893  
 responsible for the requested public records would serve the 894  
 public policy that underlies the authority that is asserted as 895  
 permitting that conduct or threatened conduct. 896

(3) In a mandamus action filed under division (C)(1) of this 897  
 section, the following apply: 898

(a)(i) If the court orders the public office or the person 899  
 responsible for the public record to comply with division (B) of 900  
 this section, the court shall determine and award to the relator 901  
 all court costs, which shall be construed as remedial and not 902  
 punitive. 903

(ii) If the court makes a determination described in division 904  
 (C)(3)(b)(iii) of this section, the court shall determine and 905

award to the relator all court costs, which shall be construed as remedial and not punitive. 906  
907

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to the provisions of division (C)(4) of this section: 908  
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(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section. 914  
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(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time. 918  
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(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the 923  
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mandamus action, but before the court issued any order described 936  
 in this division. 937

(c) The court shall not award attorney's fees to the relator 938  
 if the court determines both of the following: 939

(i) That, based on the ordinary application of statutory law 940  
 and case law as it existed at the time of the conduct or 941  
 threatened conduct of the public office or person responsible for 942  
 the requested public records that allegedly constitutes a failure 943  
 to comply with an obligation in accordance with division (B) of 944  
 this section and that was the basis of the mandamus action, a 945  
 well-informed public office or person responsible for the 946  
 requested public records reasonably would believe that the conduct 947  
 or threatened conduct of the public office or person responsible 948  
 for the requested public records did not constitute a failure to 949  
 comply with an obligation in accordance with division (B) of this 950  
 section; 951

(ii) That a well-informed public office or person responsible 952  
 for the requested public records reasonably would believe that the 953  
 conduct or threatened conduct of the public office or person 954  
 responsible for the requested public records would serve the 955  
 public policy that underlies the authority that is asserted as 956  
 permitting that conduct or threatened conduct. 957

(4) All of the following apply to any award of reasonable 958  
 attorney's fees awarded under division (C)(3)(b) of this section: 959

(a) The fees shall be construed as remedial and not punitive. 960

(b) The fees awarded shall not exceed the total of the 961  
 reasonable attorney's fees incurred before the public record was 962  
 made available to the relator and the fees described in division 963  
 (C)(4)(c) of this section. 964

(c) Reasonable attorney's fees shall include reasonable fees 965  
incurred to produce proof of the reasonableness and amount of the 966  
fees and to otherwise litigate entitlement to the fees. 967

(d) The court may reduce the amount of fees awarded if the 968  
court determines that, given the factual circumstances involved 969  
with the specific public records request, an alternative means 970  
should have been pursued to more effectively and efficiently 971  
resolve the dispute that was subject to the mandamus action filed 972  
under division (C)(1) of this section. 973

(5) If the court does not issue a writ of mandamus under 974  
division (C) of this section and the court determines at that time 975  
that the bringing of the mandamus action was frivolous conduct as 976  
defined in division (A) of section 2323.51 of the Revised Code, 977  
the court may award to the public office all court costs, 978  
expenses, and reasonable attorney's fees, as determined by the 979  
court. 980

(D) Chapter 1347. of the Revised Code does not limit the 981  
provisions of this section. 982

(E)(1) To ensure that all employees of public offices are 983  
appropriately educated about a public office's obligations under 984  
division (B) of this section, all elected officials or their 985  
appropriate designees shall attend training approved by the 986  
attorney general as provided in section 109.43 of the Revised 987  
Code. In addition, all public offices shall adopt a public records 988  
policy in compliance with this section for responding to public 989  
records requests. In adopting a public records policy under this 990  
division, a public office may obtain guidance from the model 991  
public records policy developed and provided to the public office 992  
by the attorney general under section 109.43 of the Revised Code. 993  
Except as otherwise provided in this section, the policy may not 994

limit the number of public records that the public office will  
make available to a single person, may not limit the number of  
public records that it will make available during a fixed period  
of time, and may not establish a fixed period of time before it  
will respond to a request for inspection or copying of public  
records, unless that period is less than eight hours.

(2) The public office shall distribute the public records  
policy adopted by the public office under division (E)(1) of this  
section to the employee of the public office who is the records  
custodian or records manager or otherwise has custody of the  
records of that office. The public office shall require that  
employee to acknowledge receipt of the copy of the public records  
policy. The public office shall create a poster that describes its  
public records policy and shall post the poster in a conspicuous  
place in the public office and in all locations where the public  
office has branch offices. The public office may post its public  
records policy on the internet web site of the public office if  
the public office maintains an internet web site. A public office  
that has established a manual or handbook of its general policies  
and procedures for all employees of the public office shall  
include the public records policy of the public office in the  
manual or handbook.

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

- (2) As used in division (F)(1) of this section: 1026
- (a) "Actual cost" means the cost of depleted supplies, 1027  
 records storage media costs, actual mailing and alternative 1028  
 delivery costs, or other transmitting costs, and any direct 1029  
 equipment operating and maintenance costs, including actual costs 1030  
 paid to private contractors for copying services. 1031
- (b) "Bulk commercial special extraction request" means a 1032  
 request for copies of a record for information in a format other 1033  
 than the format already available, or information that cannot be 1034  
 extracted without examination of all items in a records series, 1035  
 class of records, or database by a person who intends to use or 1036  
 forward the copies for surveys, marketing, solicitation, or resale 1037  
 for commercial purposes. "Bulk commercial special extraction 1038  
 request" does not include a request by a person who gives 1039  
 assurance to the bureau that the person making the request does 1040  
 not intend to use or forward the requested copies for surveys, 1041  
 marketing, solicitation, or resale for commercial purposes. 1042
- (c) "Commercial" means profit-seeking production, buying, or 1043  
 selling of any good, service, or other product. 1044
- (d) "Special extraction costs" means the cost of the time 1045  
 spent by the lowest paid employee competent to perform the task, 1046  
 the actual amount paid to outside private contractors employed by 1047  
 the bureau, or the actual cost incurred to create computer 1048  
 programs to make the special extraction. "Special extraction 1049  
 costs" include any charges paid to a public agency for computer or 1050  
 records services. 1051
- (3) For purposes of divisions (F)(1) and (2) of this section, 1052  
 "surveys, marketing, solicitation, or resale for commercial 1053  
 purposes" shall be narrowly construed and does not include 1054  
 reporting or gathering news, reporting or gathering information to 1055

assist citizen oversight or understanding of the operation or 1056  
 activities of government, or nonprofit educational research. 1057

(G) A request by a defendant, counsel of a defendant, or any 1058  
 agent of a defendant in a criminal action that public records 1059  
 related to that action be made available under this section shall 1060  
 be considered a demand for discovery pursuant to the Criminal 1061  
 Rules, except to the extent that the Criminal Rules plainly 1062  
 indicate a contrary intent. The defendant, counsel of the 1063  
 defendant, or agent of the defendant making a request under this 1064  
 division shall serve a copy of the request on the prosecuting 1065  
 attorney, director of law, or other chief legal officer 1066  
 responsible for prosecuting the action. 1067

Sec. 307.631. A board of county commissioners may appoint a 1068  
health commissioner of the board of health of a city or general 1069  
health district that is entirely or partially located in the 1070  
county in which the board of county commissioners is located to 1071  
establish a drug overdose fatality review committee to review drug 1072  
overdose deaths and opioid-involved deaths. The boards of county 1073  
commissioners of two or more counties may, by adopting a joint 1074  
resolution passed by a majority of the members of each 1075  
participating board of county commissioners, create a regional 1076  
drug overdose fatality review committee to serve all participating 1077  
counties. The joint resolution shall appoint, for each county 1078  
participating as part of the regional review committee, one health 1079  
commissioner from a board of health of a city or general health 1080  
district located at least in part in each county. The health 1081  
commissioners appointed shall select one of their number as the 1082  
health commissioner to establish the regional review committee. 1083  
The regional review committee may be established in the same 1084  
manner as provided for single county review committees. 1085

In any county that has a body acting as a drug overdose fatality review committee on the effective date of this section, the board of county commissioners of that county, in lieu of having a health commissioner establish a drug overdose fatality review committee, may appoint that body to function as the drug overdose fatality review committee for the county. The body shall have the same duties, obligations, and protections as a drug overdose fatality review committee appointed by a health commissioner. The board of county commissioners or an individual designated by the board shall convene the body as required by section 307.634 of the Revised Code.

**Sec. 307.632.** (A) If a health commissioner of the board of health of a city or a general health district is appointed under section 307.631 of the Revised Code to establish a drug overdose fatality review committee, the commissioner shall select five members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(1) A county coroner or designee;

(2) The chief of police of a police department or the sheriff that serves the greatest population in the county or region or a designee of the chief or sheriff;

(3) A public health official or designee;

(4) The executive director of a board of alcohol, drug addiction, and mental health services or designee;

(5) A physician who holds a certificate issued pursuant to Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery.

(B) The majority of the members of a review committee may

invite additional members to serve on the committee. The 1114  
additional members invited under this division shall serve for a 1115  
period of time determined by a majority of the members described 1116  
in division (A) of this section. An additional member shall have 1117  
the same authority, duties, and responsibilities as members 1118  
described in division (A) of this section. 1119

(C) A vacancy in a drug overdose review committee shall be 1120  
filled in the same manner as the original appointment. 1121

(D) A drug overdose fatality review committee member shall 1122  
not receive any compensation for, and shall not be paid for any 1123  
expenses incurred pursuant to, fulfilling the member's duties on 1124  
the committee unless compensation for, or payment for expenses 1125  
incurred pursuant to, those duties is received pursuant to a 1126  
member's regular employment. 1127

**Sec. 307.633.** The purpose of a drug overdose fatality review 1128  
committee established under section 307.631 of the Revised Code is 1129  
to decrease the incidence of preventable overdose deaths by doing 1130  
all of the following: 1131

(A) Promoting cooperation, collaboration, and communication 1132  
between all groups, professions, agencies, or entities engaged in 1133  
drug abuse prevention, education, or treatment efforts; 1134

(B) Maintaining a comprehensive database of all overdose 1135  
deaths that occur in the county or region served by the review 1136  
committee in order to develop an understanding of the causes and 1137  
incidence of those deaths; 1138

(C) Recommending and developing plans for implementing local 1139  
service and program changes and changes to the groups, 1140  
professions, agencies, or entities that serve local residents that 1141  
might prevent overdose deaths; 1142

(D) Advising the department of health of aggregate data, 1143  
trends, and patterns concerning overdose deaths. 1144

Sec. 307.634. If a drug overdose fatality review committee is 1145  
established under section 307.631 of the Revised Code, the board 1146  
of county commissioners, or if a regional drug overdose fatality 1147  
review committee is established, the group of health commissioners 1148  
appointed to select the health commissioner to establish the 1149  
regional review committee, shall designate either the health 1150  
commissioner that establishes the review committee or a 1151  
representative of the health commissioner to convene meetings and 1152  
be the chairperson of the review committee. If a regional review 1153  
committee includes a county with more than one health district, 1154  
the regional review committee meeting shall be convened in that 1155  
county. If more than one of the counties participating on the 1156  
regional review committee has more than one health district, the 1157  
person convening the meeting shall select one of the counties with 1158  
more than one health district as the county in which to convene 1159  
the meeting. 1160

Sec. 307.635. A drug overdose fatality review committee may 1161  
not conduct a review of a death while an investigation of the 1162  
death or prosecution of a person for causing the death is pending 1163  
unless the prosecuting attorney agrees to allow the review. The 1164  
law enforcement agency conducting the criminal investigation, on 1165  
the conclusion of the investigation, and the prosecuting attorney 1166  
prosecuting the case, on the conclusion of the prosecution, shall 1167  
notify the chairperson of the review committee of the conclusion. 1168

Sec. 307.636. (A) A drug overdose fatality review committee 1169  
shall establish a system for collecting and maintaining 1170



information necessary for the review of drug overdose or 1171  
opioid-involved deaths in the county or region. In an effort to 1172  
ensure confidentiality, each committee shall do all of the 1173  
following: 1174

(1) Maintain all records in a secure location; 1175

(2) Develop security measures to prevent unauthorized access 1176  
to records containing information that could reasonably identify 1177  
any person; 1178

(3) Develop a system for storing, processing, indexing, 1179  
retrieving, and destroying information obtained in the course of 1180  
reviewing a drug overdose or opioid-involved death. 1181

(B) For each drug overdose or opioid-involved death reviewed 1182  
by a committee, the committee shall collect all of the following: 1183

(1) Demographic information of the deceased, including age, 1184  
sex, race, and ethnicity; 1185

(2) The year in which the death occurred; 1186

(3) The geographic location of the death; 1187

(4) The cause of death; 1188

(5) Any factors contributing to the death; 1189

(6) Any other information the committee considers relevant. 1190

(C) By the first day of April of each year, the person 1191  
convening a drug overdose fatality review committee shall prepare 1192  
and submit to the Ohio department of health in the manner and 1193  
format prescribed by the department a report that includes all of 1194  
the following information for the previous calendar year: 1195

(1) The total number of drug overdose or opioid-involved 1196  
deaths in the county or region; 1197

<u>(2) The total number of drug overdose or opioid-involved deaths reviewed by the committee;</u>	1198
	1199
<u>(3) A summary of demographic information for the deaths reviewed, including age, sex, race, and ethnicity;</u>	1200
	1201
<u>(4) A summary of any trends or patterns identified by the committee.</u>	1202
	1203
<u>The report shall specify the number of drug overdose or opioid-involved deaths that were not reviewed during the previous calendar year.</u>	1204
	1205
	1206
<u>The report shall include recommendations for actions that might prevent other deaths, as well as any other information the review board determines should be included.</u>	1207
	1208
	1209
<u>(D) Reports prepared under division (C) of this section shall be considered public records under section 149.43 of the Revised Code.</u>	1210
	1211
	1212
<b><u>Sec. 307.637.</u></b> <u>(A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, any individual, law enforcement agency, or other public or private entity that provided services to a person whose death is being reviewed by a drug overdose fatality review committee, on the request of the review committee, shall submit to the review committee a summary sheet of information.</u>	1213
	1214
	1215
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	1219
<u>(1) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the person's medical record created by the health care entity.</u>	1220
	1221
	1222
	1223
<u>(2) With respect to a request made to any other individual or entity, the summary shall contain only information available and</u>	1224
	1225

reasonably drawn from any record involving the person that the 1226  
individual or entity develops in the normal course of business. 1227

(3) On the request of the review committee, an individual or 1228  
entity may, at the individual or entity's discretion, make any 1229  
additional information, documents, or reports available to the 1230  
review committee. 1231

(B) Notwithstanding division (A) of this section, no person, 1232  
entity, law enforcement agency, or prosecuting attorney shall 1233  
provide any information regarding the death of a person to a drug 1234  
overdose fatality review committee while an investigation of the 1235  
death or prosecution of a person for causing the death is pending 1236  
unless the prosecuting attorney has agreed pursuant to section 1237  
307.635 of the Revised Code to allow review of the death. 1238

**Sec. 307.638.** (A) An individual or public or private entity 1239  
providing information, documents, or reports to a drug overdose 1240  
fatality review committee is immune from any civil liability for 1241  
injury, death, or loss to person or property that otherwise might 1242  
be incurred or imposed as a result of providing the information, 1243  
documents, or reports to the review committee. 1244

(B) Each member of a review committee is immune from any 1245  
civil liability for injury, death, or loss to person or property 1246  
that might otherwise be incurred or imposed as a result of the 1247  
member's participation on the review committee. 1248

**Sec. 307.639.** Any information, document, or report presented 1249  
to a drug overdose fatality review committee, all statements made 1250  
by review committee members during meetings of the review 1251  
committee, all work products of the review committee, and data 1252  
submitted by the review committee to the department of health, 1253

other than the report prepared pursuant to section 307.636 of the Revised Code, are confidential and shall be used by the review committee, its members, and the department of health only in the exercise of the proper functions of the review committee and the department.

**Sec. 3701.049.** The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for county or regional drug overdose fatality review committees to follow in conducting a review of an overdoes death. The rules shall do all of the following:

(A) Establish the format for the annual reports required by section 307.636 of the Revised Code;

(B) Establish guidelines for a county or regional review committee to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(C) Establish guidelines for a county or regional review committee to follow in creating and maintaining the comprehensive database of overdose deaths required by section 307.633 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(D) Establish guidelines for reporting drug overdose fatality review data to the department of health, which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(E) Establish guidelines, materials, and training to help educate members of county or regional review committees about the purpose of the review process and the confidentiality of the information described in section 307.639 of the Revised Code and

to make them aware that such information is not a public record 1283  
under section 149.43 of the Revised Code." 1284

Between lines 22 and 23, insert: 1285

"**Sec. 4731.22.** (A) The state medical board, by an affirmative 1286  
vote of not fewer than six of its members, may limit, revoke, or 1287  
suspend a license or certificate to practice or certificate to 1288  
recommend, refuse to grant a license or certificate, refuse to 1289  
renew a license or certificate, refuse to reinstate a license or 1290  
certificate, or reprimand or place on probation the holder of a 1291  
license or certificate if the individual applying for or holding 1292  
the license or certificate is found by the board to have committed 1293  
fraud during the administration of the examination for a license 1294  
or certificate to practice or to have committed fraud, 1295  
misrepresentation, or deception in applying for, renewing, or 1296  
securing any license or certificate to practice or certificate to 1297  
recommend issued by the board. 1298

(B) The board, by an affirmative vote of not fewer than six 1299  
members, shall, to the extent permitted by law, limit, revoke, or 1300  
suspend a license or certificate to practice or certificate to 1301  
recommend, refuse to issue a license or certificate, refuse to 1302  
renew a license or certificate, refuse to reinstate a license or 1303  
certificate, or reprimand or place on probation the holder of a 1304  
license or certificate for one or more of the following reasons: 1305

(1) Permitting one's name or one's license or certificate to 1306  
practice to be used by a person, group, or corporation when the 1307  
individual concerned is not actually directing the treatment 1308  
given; 1309

(2) Failure to maintain minimal standards applicable to the 1310  
selection or administration of drugs, or failure to employ 1311

acceptable scientific methods in the selection of drugs or other 1312  
 modalities for treatment of disease; 1313

(3) Except as provided in section 4731.97 of the Revised 1314  
 Code, selling, giving away, personally furnishing, prescribing, or 1315  
 administering drugs for other than legal and legitimate 1316  
 therapeutic purposes or a plea of guilty to, a judicial finding of 1317  
 guilt of, or a judicial finding of eligibility for intervention in 1318  
 lieu of conviction of, a violation of any federal or state law 1319  
 regulating the possession, distribution, or use of any drug; 1320

(4) Willfully betraying a professional confidence. 1321

For purposes of this division, "willfully betraying a 1322  
 professional confidence" does not include providing any 1323  
 information, documents, or reports under sections 307.621 to 1324  
 307.629 of the Revised Code to a child fatality review board; does 1325  
not include providing any information, documents, or reports under 1326  
sections 307.631 to 307.639 of the Revised Code to a drug overdose 1327  
fatality review committee; does not include providing any 1328  
 information, documents, or reports to the director of health 1329  
 pursuant to guidelines established under section 3701.70 of the 1330  
 Revised Code; does not include written notice to a mental health 1331  
 professional under section 4731.62 of the Revised Code; and does 1332  
 not include the making of a report of an employee's use of a drug 1333  
 of abuse, or a report of a condition of an employee other than one 1334  
 involving the use of a drug of abuse, to the employer of the 1335  
 employee as described in division (B) of section 2305.33 of the 1336  
 Revised Code. Nothing in this division affects the immunity from 1337  
 civil liability conferred by section 2305.33 or 4731.62 of the 1338  
 Revised Code upon a physician who makes a report in accordance 1339  
 with section 2305.33 or notifies a mental health professional in 1340  
 accordance with section 4731.62 of the Revised Code. As used in 1341

this division, "employee," "employer," and "physician" have the 1342  
same meanings as in section 2305.33 of the Revised Code. 1343

(5) Making a false, fraudulent, deceptive, or misleading 1344  
statement in the solicitation of or advertising for patients; in 1345  
relation to the practice of medicine and surgery, osteopathic 1346  
medicine and surgery, podiatric medicine and surgery, or a limited 1347  
branch of medicine; or in securing or attempting to secure any 1348  
license or certificate to practice issued by the board. 1349

As used in this division, "false, fraudulent, deceptive, or 1350  
misleading statement" means a statement that includes a 1351  
misrepresentation of fact, is likely to mislead or deceive because 1352  
of a failure to disclose material facts, is intended or is likely 1353  
to create false or unjustified expectations of favorable results, 1354  
or includes representations or implications that in reasonable 1355  
probability will cause an ordinarily prudent person to 1356  
misunderstand or be deceived. 1357

(6) A departure from, or the failure to conform to, minimal 1358  
standards of care of similar practitioners under the same or 1359  
similar circumstances, whether or not actual injury to a patient 1360  
is established; 1361

(7) Representing, with the purpose of obtaining compensation 1362  
or other advantage as personal gain or for any other person, that 1363  
an incurable disease or injury, or other incurable condition, can 1364  
be permanently cured; 1365

(8) The obtaining of, or attempting to obtain, money or 1366  
anything of value by fraudulent misrepresentations in the course 1367  
of practice; 1368

(9) A plea of guilty to, a judicial finding of guilt of, or a 1369  
judicial finding of eligibility for intervention in lieu of 1370  
conviction for, a felony; 1371

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	1372 1373 1374
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	1375 1376 1377
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	1378 1379 1380
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	1381 1382 1383
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	1384 1385 1386
(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;	1387 1388
(16) Failure to pay license renewal fees specified in this chapter;	1389 1390
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	1391 1392 1393 1394
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies	1395 1396 1397 1398 1399 1400



of the codes of ethics of the various national professional 1401  
organizations. The individual whose license or certificate is 1402  
being suspended or revoked shall not be found to have violated any 1403  
provision of a code of ethics of an organization not appropriate 1404  
to the individual's profession. 1405

For purposes of this division, a "provision of a code of 1406  
ethics of a national professional organization" does not include 1407  
any provision that would preclude the making of a report by a 1408  
physician of an employee's use of a drug of abuse, or of a 1409  
condition of an employee other than one involving the use of a 1410  
drug of abuse, to the employer of the employee as described in 1411  
division (B) of section 2305.33 of the Revised Code. Nothing in 1412  
this division affects the immunity from civil liability conferred 1413  
by that section upon a physician who makes either type of report 1414  
in accordance with division (B) of that section. As used in this 1415  
division, "employee," "employer," and "physician" have the same 1416  
meanings as in section 2305.33 of the Revised Code. 1417

(19) Inability to practice according to acceptable and 1418  
prevailing standards of care by reason of mental illness or 1419  
physical illness, including, but not limited to, physical 1420  
deterioration that adversely affects cognitive, motor, or 1421  
perceptive skills. 1422

In enforcing this division, the board, upon a showing of a 1423  
possible violation, may compel any individual authorized to 1424  
practice by this chapter or who has submitted an application 1425  
pursuant to this chapter to submit to a mental examination, 1426  
physical examination, including an HIV test, or both a mental and 1427  
a physical examination. The expense of the examination is the 1428  
responsibility of the individual compelled to be examined. Failure 1429  
to submit to a mental or physical examination or consent to an HIV 1430

test ordered by the board constitutes an admission of the 1431  
 allegations against the individual unless the failure is due to 1432  
 circumstances beyond the individual's control, and a default and 1433  
 final order may be entered without the taking of testimony or 1434  
 presentation of evidence. If the board finds an individual unable 1435  
 to practice because of the reasons set forth in this division, the 1436  
 board shall require the individual to submit to care, counseling, 1437  
 or treatment by physicians approved or designated by the board, as 1438  
 a condition for initial, continued, reinstated, or renewed 1439  
 authority to practice. An individual affected under this division 1440  
 shall be afforded an opportunity to demonstrate to the board the 1441  
 ability to resume practice in compliance with acceptable and 1442  
 prevailing standards under the provisions of the individual's 1443  
 license or certificate. For the purpose of this division, any 1444  
 individual who applies for or receives a license or certificate to 1445  
 practice under this chapter accepts the privilege of practicing in 1446  
 this state and, by so doing, shall be deemed to have given consent 1447  
 to submit to a mental or physical examination when directed to do 1448  
 so in writing by the board, and to have waived all objections to 1449  
 the admissibility of testimony or examination reports that 1450  
 constitute a privileged communication. 1451

(20) Except as provided in division (F)(1)(b) of section 1452  
 4731.282 of the Revised Code or when civil penalties are imposed 1453  
 under section 4731.225 of the Revised Code, and subject to section 1454  
 4731.226 of the Revised Code, violating or attempting to violate, 1455  
 directly or indirectly, or assisting in or abetting the violation 1456  
 of, or conspiring to violate, any provisions of this chapter or 1457  
 any rule promulgated by the board. 1458

This division does not apply to a violation or attempted 1459  
 violation of, assisting in or abetting the violation of, or a 1460  
 conspiracy to violate, any provision of this chapter or any rule 1461

adopted by the board that would preclude the making of a report by 1462  
 a physician of an employee's use of a drug of abuse, or of a 1463  
 condition of an employee other than one involving the use of a 1464  
 drug of abuse, to the employer of the employee as described in 1465  
 division (B) of section 2305.33 of the Revised Code. Nothing in 1466  
 this division affects the immunity from civil liability conferred 1467  
 by that section upon a physician who makes either type of report 1468  
 in accordance with division (B) of that section. As used in this 1469  
 division, "employee," "employer," and "physician" have the same 1470  
 meanings as in section 2305.33 of the Revised Code. 1471

(21) The violation of section 3701.79 of the Revised Code or 1472  
 of any abortion rule adopted by the director of health pursuant to 1473  
 section 3701.341 of the Revised Code; 1474

(22) Any of the following actions taken by an agency 1475  
 responsible for authorizing, certifying, or regulating an 1476  
 individual to practice a health care occupation or provide health 1477  
 care services in this state or another jurisdiction, for any 1478  
 reason other than the nonpayment of fees: the limitation, 1479  
 revocation, or suspension of an individual's license to practice; 1480  
 acceptance of an individual's license surrender; denial of a 1481  
 license; refusal to renew or reinstate a license; imposition of 1482  
 probation; or issuance of an order of censure or other reprimand; 1483

(23) The violation of section 2919.12 of the Revised Code or 1484  
 the performance or inducement of an abortion upon a pregnant woman 1485  
 with actual knowledge that the conditions specified in division 1486  
 (B) of section 2317.56 of the Revised Code have not been satisfied 1487  
 or with a heedless indifference as to whether those conditions 1488  
 have been satisfied, unless an affirmative defense as specified in 1489  
 division (H)(2) of that section would apply in a civil action 1490  
 authorized by division (H)(1) of that section; 1491

(24) The revocation, suspension, restriction, reduction, or 1492  
 termination of clinical privileges by the United States department 1493  
 of defense or department of veterans affairs or the termination or 1494  
 suspension of a certificate of registration to prescribe drugs by 1495  
 the drug enforcement administration of the United States 1496  
 department of justice; 1497

(25) Termination or suspension from participation in the 1498  
 medicare or medicaid programs by the department of health and 1499  
 human services or other responsible agency for any act or acts 1500  
 that also would constitute a violation of division (B)(2), (3), 1501  
 (6), (8), or (19) of this section; 1502

(26) Impairment of ability to practice according to 1503  
 acceptable and prevailing standards of care because of habitual or 1504  
 excessive use or abuse of drugs, alcohol, or other substances that 1505  
 impair ability to practice. 1506

For the purposes of this division, any individual authorized 1507  
 to practice by this chapter accepts the privilege of practicing in 1508  
 this state subject to supervision by the board. By filing an 1509  
 application for or holding a license or certificate to practice 1510  
 under this chapter, an individual shall be deemed to have given 1511  
 consent to submit to a mental or physical examination when ordered 1512  
 to do so by the board in writing, and to have waived all 1513  
 objections to the admissibility of testimony or examination 1514  
 reports that constitute privileged communications. 1515

If it has reason to believe that any individual authorized to 1516  
 practice by this chapter or any applicant for licensure or 1517  
 certification to practice suffers such impairment, the board may 1518  
 compel the individual to submit to a mental or physical 1519  
 examination, or both. The expense of the examination is the 1520  
 responsibility of the individual compelled to be examined. Any 1521

mental or physical examination required under this division shall 1522  
 be undertaken by a treatment provider or physician who is 1523  
 qualified to conduct the examination and who is chosen by the 1524  
 board. 1525

Failure to submit to a mental or physical examination ordered 1526  
 by the board constitutes an admission of the allegations against 1527  
 the individual unless the failure is due to circumstances beyond 1528  
 the individual's control, and a default and final order may be 1529  
 entered without the taking of testimony or presentation of 1530  
 evidence. If the board determines that the individual's ability to 1531  
 practice is impaired, the board shall suspend the individual's 1532  
 license or certificate or deny the individual's application and 1533  
 shall require the individual, as a condition for initial, 1534  
 continued, reinstated, or renewed licensure or certification to 1535  
 practice, to submit to treatment. 1536

Before being eligible to apply for reinstatement of a license 1537  
 or certificate suspended under this division, the impaired 1538  
 practitioner shall demonstrate to the board the ability to resume 1539  
 practice in compliance with acceptable and prevailing standards of 1540  
 care under the provisions of the practitioner's license or 1541  
 certificate. The demonstration shall include, but shall not be 1542  
 limited to, the following: 1543

(a) Certification from a treatment provider approved under 1544  
 section 4731.25 of the Revised Code that the individual has 1545  
 successfully completed any required inpatient treatment; 1546

(b) Evidence of continuing full compliance with an aftercare 1547  
 contract or consent agreement; 1548

(c) Two written reports indicating that the individual's 1549  
 ability to practice has been assessed and that the individual has 1550  
 been found capable of practicing according to acceptable and 1551

prevailing standards of care. The reports shall be made by 1552  
individuals or providers approved by the board for making the 1553  
assessments and shall describe the basis for their determination. 1554

The board may reinstate a license or certificate suspended 1555  
under this division after that demonstration and after the 1556  
individual has entered into a written consent agreement. 1557

When the impaired practitioner resumes practice, the board 1558  
shall require continued monitoring of the individual. The 1559  
monitoring shall include, but not be limited to, compliance with 1560  
the written consent agreement entered into before reinstatement or 1561  
with conditions imposed by board order after a hearing, and, upon 1562  
termination of the consent agreement, submission to the board for 1563  
at least two years of annual written progress reports made under 1564  
penalty of perjury stating whether the individual has maintained 1565  
sobriety. 1566

(27) A second or subsequent violation of section 4731.66 or 1567  
4731.69 of the Revised Code; 1568

(28) Except as provided in division (N) of this section: 1569

(a) Waiving the payment of all or any part of a deductible or 1570  
copayment that a patient, pursuant to a health insurance or health 1571  
care policy, contract, or plan that covers the individual's 1572  
services, otherwise would be required to pay if the waiver is used 1573  
as an enticement to a patient or group of patients to receive 1574  
health care services from that individual; 1575

(b) Advertising that the individual will waive the payment of 1576  
all or any part of a deductible or copayment that a patient, 1577  
pursuant to a health insurance or health care policy, contract, or 1578  
plan that covers the individual's services, otherwise would be 1579  
required to pay. 1580

(29) Failure to use universal blood and body fluid	1581
precautions established by rules adopted under section 4731.051 of	1582
the Revised Code;	1583
(30) Failure to provide notice to, and receive acknowledgment	1584
of the notice from, a patient when required by section 4731.143 of	1585
the Revised Code prior to providing nonemergency professional	1586
services, or failure to maintain that notice in the patient's	1587
medical record;	1588
(31) Failure of a physician supervising a physician assistant	1589
to maintain supervision in accordance with the requirements of	1590
Chapter 4730. of the Revised Code and the rules adopted under that	1591
chapter;	1592
(32) Failure of a physician or podiatrist to enter into a	1593
standard care arrangement with a clinical nurse specialist,	1594
certified nurse-midwife, or certified nurse practitioner with whom	1595
the physician or podiatrist is in collaboration pursuant to	1596
section 4731.27 of the Revised Code or failure to fulfill the	1597
responsibilities of collaboration after entering into a standard	1598
care arrangement;	1599
(33) Failure to comply with the terms of a consult agreement	1600
entered into with a pharmacist pursuant to section 4729.39 of the	1601
Revised Code;	1602
(34) Failure to cooperate in an investigation conducted by	1603
the board under division (F) of this section, including failure to	1604
comply with a subpoena or order issued by the board or failure to	1605
answer truthfully a question presented by the board in an	1606
investigative interview, an investigative office conference, at a	1607
deposition, or in written interrogatories, except that failure to	1608
cooperate with an investigation shall not constitute grounds for	1609
discipline under this section if a court of competent jurisdiction	1610

has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	1611 1612
(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	1613 1614 1615
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	1616 1617 1618
(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	1619 1620
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	1621 1622
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	1623 1624 1625
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	1626 1627 1628
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	1629 1630 1631 1632
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	1633 1634 1635 1636
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of	1637 1638



pharmacy no longer maintains a drug database pursuant to section	1639
4729.75 of the Revised Code;	1640
(44) Failure to comply with the requirements of section	1641
2919.171, 2919.202, or 2919.203 of the Revised Code or failure to	1642
submit to the department of health in accordance with a court	1643
order a complete report as described in section 2919.171 or	1644
2919.202 of the Revised Code;	1645
(45) Practicing at a facility that is subject to licensure as	1646
a category III terminal distributor of dangerous drugs with a pain	1647
management clinic classification unless the person operating the	1648
facility has obtained and maintains the license with the	1649
classification;	1650
(46) Owning a facility that is subject to licensure as a	1651
category III terminal distributor of dangerous drugs with a pain	1652
management clinic classification unless the facility is licensed	1653
with the classification;	1654
(47) Failure to comply with the requirement regarding	1655
maintaining notes described in division (B) of section 2919.191 of	1656
the Revised Code or failure to satisfy the requirements of section	1657
2919.191 of the Revised Code prior to performing or inducing an	1658
abortion upon a pregnant woman;	1659
(48) Failure to comply with the requirements in section	1660
3719.061 of the Revised Code before issuing for a minor a	1661
prescription for an opioid analgesic, as defined in section	1662
3719.01 of the Revised Code;	1663
(49) Failure to comply with the requirements of section	1664
4731.30 of the Revised Code or rules adopted under section	1665
4731.301 of the Revised Code when recommending treatment with	1666
medical marijuana;	1667

(50) Practicing at a facility, clinic, or other location that 1668  
 is subject to licensure as a category III terminal distributor of 1669  
 dangerous drugs with an office-based opioid treatment 1670  
 classification unless the person operating that place has obtained 1671  
 and maintains the license with the classification; 1672

(51) Owning a facility, clinic, or other location that is 1673  
 subject to licensure as a category III terminal distributor of 1674  
 dangerous drugs with an office-based opioid treatment 1675  
 classification unless that place is licensed with the 1676  
 classification. 1677

(C) Disciplinary actions taken by the board under divisions 1678  
 (A) and (B) of this section shall be taken pursuant to an 1679  
 adjudication under Chapter 119. of the Revised Code, except that 1680  
 in lieu of an adjudication, the board may enter into a consent 1681  
 agreement with an individual to resolve an allegation of a 1682  
 violation of this chapter or any rule adopted under it. A consent 1683  
 agreement, when ratified by an affirmative vote of not fewer than 1684  
 six members of the board, shall constitute the findings and order 1685  
 of the board with respect to the matter addressed in the 1686  
 agreement. If the board refuses to ratify a consent agreement, the 1687  
 admissions and findings contained in the consent agreement shall 1688  
 be of no force or effect. 1689

A telephone conference call may be utilized for ratification 1690  
 of a consent agreement that revokes or suspends an individual's 1691  
 license or certificate to practice or certificate to recommend. 1692  
 The telephone conference call shall be considered a special 1693  
 meeting under division (F) of section 121.22 of the Revised Code. 1694

If the board takes disciplinary action against an individual 1695  
 under division (B) of this section for a second or subsequent plea 1696  
 of guilty to, or judicial finding of guilt of, a violation of 1697

section 2919.123 of the Revised Code, the disciplinary action 1698  
shall consist of a suspension of the individual's license or 1699  
certificate to practice for a period of at least one year or, if 1700  
determined appropriate by the board, a more serious sanction 1701  
involving the individual's license or certificate to practice. Any 1702  
consent agreement entered into under this division with an 1703  
individual that pertains to a second or subsequent plea of guilty 1704  
to, or judicial finding of guilt of, a violation of that section 1705  
shall provide for a suspension of the individual's license or 1706  
certificate to practice for a period of at least one year or, if 1707  
determined appropriate by the board, a more serious sanction 1708  
involving the individual's license or certificate to practice. 1709

(D) For purposes of divisions (B)(10), (12), and (14) of this 1710  
section, the commission of the act may be established by a finding 1711  
by the board, pursuant to an adjudication under Chapter 119. of 1712  
the Revised Code, that the individual committed the act. The board 1713  
does not have jurisdiction under those divisions if the trial 1714  
court renders a final judgment in the individual's favor and that 1715  
judgment is based upon an adjudication on the merits. The board 1716  
has jurisdiction under those divisions if the trial court issues 1717  
an order of dismissal upon technical or procedural grounds. 1718

(E) The sealing of conviction records by any court shall have 1719  
no effect upon a prior board order entered under this section or 1720  
upon the board's jurisdiction to take action under this section 1721  
if, based upon a plea of guilty, a judicial finding of guilt, or a 1722  
judicial finding of eligibility for intervention in lieu of 1723  
conviction, the board issued a notice of opportunity for a hearing 1724  
prior to the court's order to seal the records. The board shall 1725  
not be required to seal, destroy, redact, or otherwise modify its 1726  
records to reflect the court's sealing of conviction records. 1727

(F)(1) The board shall investigate evidence that appears to 1728  
 show that a person has violated any provision of this chapter or 1729  
 any rule adopted under it. Any person may report to the board in a 1730  
 signed writing any information that the person may have that 1731  
 appears to show a violation of any provision of this chapter or 1732  
 any rule adopted under it. In the absence of bad faith, any person 1733  
 who reports information of that nature or who testifies before the 1734  
 board in any adjudication conducted under Chapter 119. of the 1735  
 Revised Code shall not be liable in damages in a civil action as a 1736  
 result of the report or testimony. Each complaint or allegation of 1737  
 a violation received by the board shall be assigned a case number 1738  
 and shall be recorded by the board. 1739

(2) Investigations of alleged violations of this chapter or 1740  
 any rule adopted under it shall be supervised by the supervising 1741  
 member elected by the board in accordance with section 4731.02 of 1742  
 the Revised Code and by the secretary as provided in section 1743  
 4731.39 of the Revised Code. The president may designate another 1744  
 member of the board to supervise the investigation in place of the 1745  
 supervising member. No member of the board who supervises the 1746  
 investigation of a case shall participate in further adjudication 1747  
 of the case. 1748

(3) In investigating a possible violation of this chapter or 1749  
 any rule adopted under this chapter, or in conducting an 1750  
 inspection under division (E) of section 4731.054 of the Revised 1751  
 Code, the board may question witnesses, conduct interviews, 1752  
 administer oaths, order the taking of depositions, inspect and 1753  
 copy any books, accounts, papers, records, or documents, issue 1754  
 subpoenas, and compel the attendance of witnesses and production 1755  
 of books, accounts, papers, records, documents, and testimony, 1756  
 except that a subpoena for patient record information shall not be 1757  
 issued without consultation with the attorney general's office and 1758

approval of the secretary and supervising member of the board. 1759

(a) Before issuance of a subpoena for patient record 1760  
information, the secretary and supervising member shall determine 1761  
whether there is probable cause to believe that the complaint 1762  
filed alleges a violation of this chapter or any rule adopted 1763  
under it and that the records sought are relevant to the alleged 1764  
violation and material to the investigation. The subpoena may 1765  
apply only to records that cover a reasonable period of time 1766  
surrounding the alleged violation. 1767

(b) On failure to comply with any subpoena issued by the 1768  
board and after reasonable notice to the person being subpoenaed, 1769  
the board may move for an order compelling the production of 1770  
persons or records pursuant to the Rules of Civil Procedure. 1771

(c) A subpoena issued by the board may be served by a 1772  
sheriff, the sheriff's deputy, or a board employee designated by 1773  
the board. Service of a subpoena issued by the board may be made 1774  
by delivering a copy of the subpoena to the person named therein, 1775  
reading it to the person, or leaving it at the person's usual 1776  
place of residence, usual place of business, or address on file 1777  
with the board. When serving a subpoena to an applicant for or the 1778  
holder of a license or certificate issued under this chapter, 1779  
service of the subpoena may be made by certified mail, return 1780  
receipt requested, and the subpoena shall be deemed served on the 1781  
date delivery is made or the date the person refuses to accept 1782  
delivery. If the person being served refuses to accept the 1783  
subpoena or is not located, service may be made to an attorney who 1784  
notifies the board that the attorney is representing the person. 1785

(d) A sheriff's deputy who serves a subpoena shall receive 1786  
the same fees as a sheriff. Each witness who appears before the 1787  
board in obedience to a subpoena shall receive the fees and 1788

mileage provided for under section 119.094 of the Revised Code. 1789

(4) All hearings, investigations, and inspections of the 1790  
board shall be considered civil actions for the purposes of 1791  
section 2305.252 of the Revised Code. 1792

(5) A report required to be submitted to the board under this 1793  
chapter, a complaint, or information received by the board 1794  
pursuant to an investigation or pursuant to an inspection under 1795  
division (E) of section 4731.054 of the Revised Code is 1796  
confidential and not subject to discovery in any civil action. 1797

The board shall conduct all investigations or inspections and 1798  
proceedings in a manner that protects the confidentiality of 1799  
patients and persons who file complaints with the board. The board 1800  
shall not make public the names or any other identifying 1801  
information about patients or complainants unless proper consent 1802  
is given or, in the case of a patient, a waiver of the patient 1803  
privilege exists under division (B) of section 2317.02 of the 1804  
Revised Code, except that consent or a waiver of that nature is 1805  
not required if the board possesses reliable and substantial 1806  
evidence that no bona fide physician-patient relationship exists. 1807

The board may share any information it receives pursuant to 1808  
an investigation or inspection, including patient records and 1809  
patient record information, with law enforcement agencies, other 1810  
licensing boards, and other governmental agencies that are 1811  
prosecuting, adjudicating, or investigating alleged violations of 1812  
statutes or administrative rules. An agency or board that receives 1813  
the information shall comply with the same requirements regarding 1814  
confidentiality as those with which the state medical board must 1815  
comply, notwithstanding any conflicting provision of the Revised 1816  
Code or procedure of the agency or board that applies when it is 1817  
dealing with other information in its possession. In a judicial 1818

proceeding, the information may be admitted into evidence only in  
accordance with the Rules of Evidence, but the court shall require  
that appropriate measures are taken to ensure that confidentiality  
is maintained with respect to any part of the information that  
contains names or other identifying information about patients or  
complainants whose confidentiality was protected by the state  
medical board when the information was in the board's possession.  
Measures to ensure confidentiality that may be taken by the court  
include sealing its records or deleting specific information from  
its records.

(6) On a quarterly basis, the board shall prepare a report  
that documents the disposition of all cases during the preceding  
three months. The report shall contain the following information  
for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged  
violation;

(b) The type of license or certificate to practice, if any,  
held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the  
complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and  
shall be prepared in a manner that protects the identity of each  
person involved in each case. The report shall be a public record  
under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine both of  
the following, they may recommend that the board suspend an  
individual's license or certificate to practice or certificate to  
recommend without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(9), (11), or



(13) of this section and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition of that nature and supporting court documents, the board shall reinstate the individual's license or certificate to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of an opportunity for a hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act or if no hearing is requested, the board may order any of the sanctions identified under division (B) of this section.

(I) The license or certificate to practice issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date of the individual's second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code. In addition, the license or certificate to practice or certificate to recommend issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault,

kidnapping, rape, sexual battery, gross sexual imposition, 1909  
 aggravated arson, aggravated robbery, or aggravated burglary. 1910  
 Continued practice after suspension shall be considered practicing 1911  
 without a license or certificate. 1912

The board shall notify the individual subject to the 1913  
 suspension by certified mail or in person in accordance with 1914  
 section 119.07 of the Revised Code. If an individual whose license 1915  
 or certificate is automatically suspended under this division 1916  
 fails to make a timely request for an adjudication under Chapter 1917  
 119. of the Revised Code, the board shall do whichever of the 1918  
 following is applicable: 1919

(1) If the automatic suspension under this division is for a 1920  
 second or subsequent plea of guilty to, or judicial finding of 1921  
 guilt of, a violation of section 2919.123 of the Revised Code, the 1922  
 board shall enter an order suspending the individual's license or 1923  
 certificate to practice for a period of at least one year or, if 1924  
 determined appropriate by the board, imposing a more serious 1925  
 sanction involving the individual's license or certificate to 1926  
 practice. 1927

(2) In all circumstances in which division (I)(1) of this 1928  
 section does not apply, enter a final order permanently revoking 1929  
 the individual's license or certificate to practice. 1930

(J) If the board is required by Chapter 119. of the Revised 1931  
 Code to give notice of an opportunity for a hearing and if the 1932  
 individual subject to the notice does not timely request a hearing 1933  
 in accordance with section 119.07 of the Revised Code, the board 1934  
 is not required to hold a hearing, but may adopt, by an 1935  
 affirmative vote of not fewer than six of its members, a final 1936  
 order that contains the board's findings. In that final order, the 1937  
 board may order any of the sanctions identified under division (A) 1938

or (B) of this section. 1939

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board. 1940-1948

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate. 1949-1959

(M) Notwithstanding any other provision of the Revised Code, all of the following apply: 1960-1961

(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or certificate 1962-1968

surrendered to the board requires an affirmative vote of not fewer than six members of the board.	1969 1970
(2) An application for a license or certificate made under the provisions of this chapter may not be withdrawn without approval of the board.	1971 1972 1973
(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.	1974 1975 1976 1977 1978 1979
(4) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked.	1980 1981 1982 1983
(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows:	1984 1985 1986
(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.	1987 1988 1989 1990 1991
(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.	1992 1993 1994
(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program	1995 1996 1997

designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program."

In line 130, after "2." insert "That existing sections 121.22, 149.43, and 4731.22 of the Revised Code are hereby repealed.

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**Section 3.**" 2027

In line 141, delete "3" and insert "4" 2028

In line 160, delete "4" and insert "5" 2029

After line 170, insert: 2030

"**Section 6.** Section 121.22 of the Revised Code is presented 2031  
in this act as a composite of the section as amended by both Sub. 2032  
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly. The 2033  
General Assembly, applying the principle stated in division (B) of 2034  
section 1.52 of the Revised Code that amendments are to be 2035  
harmonized if reasonably capable of simultaneous operation, finds 2036  
that the composite is the resulting version of the section in 2037  
effect prior to the effective date of the section as presented in 2038  
this act." 2039

The motion was \_\_\_\_\_ agreed to.