As Introduced

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H. B. No. 434

Representative Crawley

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

A BILL

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

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

Section 1. That sections 149.43, 3738.01, 3738.03, 3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and 3738.09 be amended; sections 3738.05 (3738.06), 3738.06 (3738.07), 3738.07 (3738.08), 3738.08 (3738.09), and 3738.09 (3738.11) be amended for the purpose of adopting new section numbers as indicated in parentheses; and sections 5.266, 3701.954, 3702.35, 3727.25,
3738.05, 3738.10, and 3738.99 of the Revised Code be enacted to
read as follows:

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

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, to proceedings related to the imposition of
community control sanctions and post-release control sanctions,
or to proceedings related to determinations under section
2967.271 of the Revised Code regarding the release or maintained
incarceration of an offender to whom that section applies;

(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 Revised Code, the office of child support in the department or a child support enforcement agency;

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

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

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

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

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

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

(m) Intellectual property records;

(n) Donor profile records;

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

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

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

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

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

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

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;
(v) Records the release of which is prohibited by state or federal law;

(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;

(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;

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

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

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

(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;

(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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Information compiled from referral to or participation in an employee assistance program;
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.

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

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

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

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

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

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous 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, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person requesting the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or
person responsible for the public record determines that it 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 requesting 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 that person. Nothing in this section requires a public office or person responsible for the public record to allow the person requesting 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 transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

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

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

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

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

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

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

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

(i) Customer information maintained by a municipally owned
or operated public utility, other than social security numbers
and any private financial information such as credit reports,
payment methods, credit card numbers, and bank account
information;
(ii) Information about minors involved in a school vehicle accident as provided in division (A)(1)(gg) of this section, other than personal information as defined in section 149.45 of the Revised Code.

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

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

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

(a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section 2743.75 of the Revised Code;
(b) Commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(2) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

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

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

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

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

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

(3) In a mandamus action filed under division (C)(1) of this section, the following apply:
(a)(i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

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

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

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

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

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division
(B) of this section. No discovery may be conducted on the issue 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 mandamus action, but before the court issued any order described in this division.

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

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

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

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

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

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

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

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

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

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

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

(2) All public offices shall adopt a public records policy
in compliance with this section for responding to public records
requests. In adopting a public records policy under this
division, a public office may obtain guidance from the model
public records policy developed and provided to the public
office by the attorney general under section 109.43 of the
Revised Code. Except as otherwise provided in this section, the
policy may not 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.

The public office shall distribute the public records
policy adopted by the public office under this division 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:

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

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

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

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

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

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

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

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

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

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

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

(B) Not later than sixty days after the effective date of this section, the director of health shall adopt rules to do both of the following:
(1) Specify data on severe maternal morbidity that each hospital and freestanding birthing center in this state shall report to the director annually under sections 3702.35 and 3727.25 of the Revised Code;

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

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

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

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

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

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

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

(1) "PAMR board" means the pregnancy-associated mortality review board established under division (B) of this section.
(2) "Pregnancy-associated death" means the death of a woman while pregnant or anytime within one year of pregnancy regardless of cause.

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

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

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

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

(1) The director shall make a good faith effort to select members by selecting individuals who represent all regions of the state and multiple areas of expertise and constituencies concerned with the care of pregnant and postpartum women, the racial and ethnic backgrounds of families affected by severe maternal morbidity. At least eighty percent of the board's members must represent the following constituencies or areas of expertise: anesthesiology, emergency medicine, family medicine, forensic pathology, maternal-fetal medicine, obstetrics and gynecology, pediatrics, nursing, mental health, addiction, and other substance use disorders, child fatality review, intimate partner violence, epidemiology, public
health, human trafficking, and hospital risk management.

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

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

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

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

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

(D) A member who is not employed as a health care professional or who do not serve on the board as part of their regular duties of employment shall receive reimbursement for actual and necessary expenses incurred in the performance of official duties and, if requested, a per diem compensation established in rules adopted under section 3738.09 of the Revised Code. Each of the other members shall receive reimbursement for actual and necessary expenses incurred in the
performance of official duties, but otherwise each such member shall not receive any serve without compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the board, except to the extent that serving on the board is considered part of the member's regular duties of employment.

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

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

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

(A) Promoting cooperation, collaboration, and communication among all groups, professions, agencies, and entities that serve pregnant and postpartum women and families;

(B) Identifying all pregnancy-associated deaths in this state, conducting reviews of the deaths in accordance with rules adopted under section 3738.11 of the Revised Code, determining causes and factors that contributed to the deaths, and determining which actions could have been taken to prevent the deaths;
(C) Identifying and making recommendations to ameliorate gaps in care and systemic care delivery issues, including risk of pregnancy-associated deaths resulting from deficiencies in insurance coverage, as well as racial and other disparities;

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

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

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

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

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

(B) As soon as practicable after identifying a pregnancy-associated death, but not later than thirty days after identifying the death, the department shall submit a written
request to any person or government entity the department has reason to believe could have information on the circumstances of the death, including physicians, hospitals, coroners or medical examiners, emergency medical service personnel, law enforcement agencies, mental health and addiction professionals, and family members of the deceased. The request shall specify the information being sought, which may include medical records; police, incident, or crash reports; coroner or medical examiner reports; pathology reports, including toxicology screenings or autopsy records; descriptions of medical interventions; and event timelines.

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

Sec. 3738.05 3738.06. (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, and except as provided in division (B) or (C) of this section, an individual, government entity, agency that provides services specifically to individuals or families, law enforcement agency, health care provider, or other public or private entity that provided services to a woman whose death is being reviewed by the PAMR board shall submit to the board a copy of any record it possesses that the board requests a person or government entity that receives a written request from the department of health under section 3738.05 of the Revised Code.
shall provide the information specified in the request not later than sixty days after being informed of the pregnancy-associated death. In addition, such an individual a person or entity may make available to the board additional information, documents, or reports that could be useful to the board's investigation review of a pregnancy-associated death.

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

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

Sec. 3738.06 3738.07. (A) Any record, document, report, or other information presented to the PAMR board, as well as all statements made by board members during board meetings, all work products of the board, and data submitted to the department of health by the board, other than the biennial reports described in section 3738.05 required by sections 3738.09 and 3738.10 of the Revised Code, are confidential and not a public record under
section 149.43 of the Revised Code. Such materials shall be used by the board and department only in the exercise of the proper functions of the board and department.

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

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

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

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

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

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

(2) Identifies the actual and potential causes of, and factors contributing to, pregnancy-associated deaths that occurred in the immediately preceding calendar year, including whether gaps in availability and quality of care, systemic care delivery issues, demographics, deficiencies in insurance
coverage, and racial and other disparities played a role in such
dDeaths;

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

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

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

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

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

The initial report shall be submitted not later than March
1, 2020, with subsequent reports submitted not later than March
every two years thereafter one year after the effective date of this amendment and shall cover pregnancy-associated deaths that occurred in the immediately preceding calendar year and prior years. Each subsequent report shall be submitted not later than the first day of December of each year beginning with the December that occurs in the calendar year immediately following the date on which the initial report was submitted. Each subsequent report shall cover pregnancy-associated deaths that occurred in the immediately preceding calendar year.

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

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

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

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

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

Sec. 3738.09 3738.11. The (A) Subject to division (B) of this section, the director of health shall adopt rules that are
as the director considers necessary for the implementation of sections 3738.01 to 3738.08 of the Revised Code, including rules in this chapter. All rules adopted under this section shall be adopted in accordance with Chapter 119 of the Revised Code.

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

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

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

(C) Establish guidelines for the board to follow to prevent an unauthorized dissemination of confidential information in violation of division (B) of section 3738.06 of the Revised Code;

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

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

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

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

Section 2. That existing sections 149.43, 3738.01, 3738.03, 3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and
3738.09 of the Revised Code are hereby repealed.