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H.B. 291
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. T. Smith

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SUMMARY

- Generally provides that a peer recovery supporter cannot testify concerning a communication received from a fellow first responder who receives peer recovery services from the peer recovery supporter, or the supporter's advice to the first responder.
- Specifies the circumstances in which the above testimonial privilege does not apply.
- Defines "peer recovery supporter," "first responder," and "peer recovery services."

DETAILED ANALYSIS

Privileged testimonial communications

The bill provides that subject to specified exceptions, a "peer recovery supporter" cannot testify concerning a communication received from a "first responder" who receives "peer recovery services" from the peer recovery supporter, or the peer recovery supporter's advice to the first responder.¹

Definitions

The bill defines the following:²

"Peer recovery supporter" means a first responder who is further certified as a peer recovery supporter by the Department of Mental Health and Addiction Services pursuant to rules adopted by the Department.

¹ R.C. 2317.02(M)(1).

² R.C. 2317.02(M)(3).

“**Peer recovery services**” means services provided by a peer recovery supporter to another first responder when the supporter recognizes signs of distress or trauma in the other first responder, in order to promote the other first responder’s recovery and well-being and to assist that first responder in receiving additional support resources.

“**First responder**” means an individual who holds a current, valid certificate issued by the State Board of Emergency Medical, Fire, and Transportation Services to practice as a first responder upon the applicant’s meeting all of the following conditions:³

- Is a volunteer for a nonprofit emergency medical service organization or a nonprofit fire department, except that the State Board may waive this requirement if the applicant meets other requirements in the Board’s rules relative to a person’s eligibility to practice as a first responder;
- Holds the appropriate certificate of completion of continuing education requirements;
- Passes the appropriate examination for certification to practice as a first responder;
- Is not in violation of any provision of the Division of Emergency Medical Services Law or the rules adopted under it;
- Meets any other certification requirements established in rules adopted by the State Board of Emergency Medical, Fire, and Transportation Services.

Exceptions to privileged communications

The bill provides that the testimonial privilege described above does not apply if any of the following are true:⁴

- The communication or advice indicates clear and present danger to the first responder who receives peer recovery services or to other persons.
- The first responder who received peer recovery services gives express consent to the testimony.
- If the first responder who received peer recovery services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased first responder gives express consent.
- The first responder who received peer recovery services voluntarily testifies, in which case the peer recovery supporter may be compelled to testify on the same subject.
- The court in camera determines that the information communicated by the first responder who received peer recovery services is not germane to the relationship between the first responder and the peer recovery supporter.
- The communication or advice pertains or is related to any criminal act.

³ By reference to R.C. 4765.01(A) and 4765.30, not in the bill.

⁴ R.C. 2315.02(M)(2).

HISTORY

Action	Date
Introduced	06-19-19
