

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 326**

**Senators Kunze, Antonio**

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

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**A BILL**

To amend sections 149.43, 3738.01, 3738.03, 1  
3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and 2  
3738.09; to amend, for the purpose of adopting 3  
new section numbers as indicated in parentheses, 4  
sections 3738.05 (3738.06), 3738.06 (3738.07), 5  
3738.07 (3738.08), 3738.08 (3738.09), and 6  
3738.09 (3738.11); and to enact new section 7  
3738.05 and sections 5.266, 3701.954, 3702.35, 8  
3727.25, 3738.10, and 3738.99 of the Revised 9  
Code to modify the laws governing the Pregnancy- 10  
Associated Mortality Review Board and to 11  
designate May as "Maternal Mortality Awareness 12  
Month." 13

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

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

3701.954, 3702.35, 3727.25, 3738.10, and 3738.99 of the Revised 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	48
department of job and family services or, pursuant to section	49
3111.69 of the Revised Code, the office of child support in the	50
department or a child support enforcement agency;	51
(f) Records specified in division (A) of section 3107.52	52
of the Revised Code;	53
(g) Trial preparation records;	54
(h) Confidential law enforcement investigatory records;	55
(i) Records containing information that is confidential	56
under section 2710.03 or 4112.05 of the Revised Code;	57
(j) DNA records stored in the DNA database pursuant to	58
section 109.573 of the Revised Code;	59
(k) Inmate records released by the department of	60
rehabilitation and correction to the department of youth	61
services or a court of record pursuant to division (E) of	62
section 5120.21 of the Revised Code;	63
(l) Records maintained by the department of youth services	64
pertaining to children in its custody released by the department	65
of youth services to the department of rehabilitation and	66
correction pursuant to section 5139.05 of the Revised Code;	67
(m) Intellectual property records;	68
(n) Donor profile records;	69
(o) Records maintained by the department of job and family	70
services pursuant to section 3121.894 of the Revised Code;	71
(p) Designated public service worker residential and	72
familial information;	73
(q) In the case of a county hospital operated pursuant to	74

Chapter 339. of the Revised Code or a municipal hospital	75
operated pursuant to Chapter 749. of the Revised Code,	76
information that constitutes a trade secret, as defined in	77
section 1333.61 of the Revised Code;	78
(r) Information pertaining to the recreational activities	79
of a person under the age of eighteen;	80
(s) In the case of a child fatality review board acting	81
under sections 307.621 to 307.629 of the Revised Code or a	82
review conducted pursuant to guidelines established by the	83
director of health under section 3701.70 of the Revised Code,	84
records provided to the board or director, statements made by	85
board members during meetings of the board or by persons	86
participating in the director's review, and all work products of	87
the board or director, and in the case of a child fatality	88
review board, child fatality review data submitted by the board	89
to the department of health or a national child death review	90
database, other than the report prepared pursuant to division	91
(A) of section 307.626 of the Revised Code;	92
(t) Records provided to and statements made by the	93
executive director of a public children services agency or a	94
prosecuting attorney acting pursuant to section 5153.171 of the	95
Revised Code other than the information released under that	96
section;	97
(u) Test materials, examinations, or evaluation tools used	98
in an examination for licensure as a nursing home administrator	99
that the board of executives of long-term services and supports	100
administers under section 4751.15 of the Revised Code or	101
contracts under that section with a private or government entity	102
to administer;	103

(v) Records the release of which is prohibited by state or federal law;	104 105
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	106 107 108
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	109 110 111 112 113 114
(y) Records listed in section 5101.29 of the Revised Code;	115
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	116 117 118
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	119 120 121
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	122 123 124
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	125 126 127
(dd) Personal information, as defined in section 149.45 of the Revised Code;	128 129
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address	130 131

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

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

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

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

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

printed or digital image under either of the following	162
circumstances:	163
(i) The depiction is that of a victim of an offense the	164
release of which would be, to a reasonable person of ordinary	165
sensibilities, an offensive and objectionable intrusion into the	166
victim's expectation of bodily privacy and integrity.	167
(ii) The depiction captures or depicts the victim of a	168
sexually oriented offense, as defined in section 2950.01 of the	169
Revised Code, at the actual occurrence of that offense.	170
(jj) Restricted portions of a body-worn camera or	171
dashboard camera recording;	172
(kk) In the case of a fetal-infant mortality review board	173
acting under sections 3707.70 to 3707.77 of the Revised Code,	174
records, documents, reports, or other information presented to	175
the board or a person abstracting such materials on the board's	176
behalf, statements made by review board members during board	177
meetings, all work products of the board, and data submitted by	178
the board to the department of health or a national infant death	179
review database, other than the report prepared pursuant to	180
section 3707.77 of the Revised Code.	181
(ll) Records, documents, reports, or other information	182
presented to the pregnancy-associated mortality review board	183
established under section 3738.01 of the Revised Code,	184
statements made by board members during board meetings, all work	185
products of the board, and data submitted by the board to the	186
department of health, other than the <del>biennial</del> reports prepared	187
under <del>section 3738.08</del> <u>sections 3738.09 and 3738.10</u> of the	188
Revised Code;	189
(mm) Telephone numbers for a victim, as defined in section	190

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

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

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

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

information source or witness to whom confidentiality has been	221
reasonably promised;	222
(b) Information provided by an information source or	223
witness to whom confidentiality has been reasonably promised,	224
which information would reasonably tend to disclose the source's	225
or witness's identity;	226
(c) Specific confidential investigatory techniques or	227
procedures or specific investigatory work product;	228
(d) Information that would endanger the life or physical	229
safety of law enforcement personnel, a crime victim, a witness,	230
or a confidential information source.	231
(3) "Medical record" means any document or combination of	232
documents, except births, deaths, and the fact of admission to	233
or discharge from a hospital, that pertains to the medical	234
history, diagnosis, prognosis, or medical condition of a patient	235
and that is generated and maintained in the process of medical	236
treatment.	237
(4) "Trial preparation record" means any record that	238
contains information that is specifically compiled in reasonable	239
anticipation of, or in defense of, a civil or criminal action or	240
proceeding, including the independent thought processes and	241
personal trial preparation of an attorney.	242
(5) "Intellectual property record" means a record, other	243
than a financial or administrative record, that is produced or	244
collected by or for faculty or staff of a state institution of	245
higher learning in the conduct of or as a result of study or	246
research on an educational, commercial, scientific, artistic,	247
technical, or scholarly issue, regardless of whether the study	248
or research was sponsored by the institution alone or in	249

conjunction with a governmental body or private concern, and	250
that has not been publicly released, published, or patented.	251
(6) "Donor profile record" means all records about donors	252
or potential donors to a public institution of higher education	253
except the names and reported addresses of the actual donors and	254
the date, amount, and conditions of the actual donation.	255
(7) "Designated public service worker" means a peace	256
officer, parole officer, probation officer, bailiff, prosecuting	257
attorney, assistant prosecuting attorney, correctional employee,	258
county or multicounty corrections officer, community-based	259
correctional facility employee, youth services employee,	260
firefighter, EMT, medical director or member of a cooperating	261
physician advisory board of an emergency medical service	262
organization, state board of pharmacy employee, investigator of	263
the bureau of criminal identification and investigation, judge,	264
magistrate, or federal law enforcement officer.	265
(8) "Designated public service worker residential and	266
familial information" means any information that discloses any	267
of the following about a designated public service worker:	268
(a) The address of the actual personal residence of a	269
designated public service worker, except for the following	270
information:	271
(i) The address of the actual personal residence of a	272
prosecuting attorney or judge; and	273
(ii) The state or political subdivision in which a	274
designated public service worker resides.	275
(b) Information compiled from referral to or participation	276
in an employee assistance program;	277

(c) The social security number, the residential telephone 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; 278  
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(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; 283  
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(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; 287  
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(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; 292  
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(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. 298  
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(9) As used in divisions (A) (7) and (15) to (17) of this section: 302  
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"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 304  
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sheriff of a county or a supervisory employee who, in the 307  
absence of the sheriff, is authorized to stand in for, exercise 308  
the authority of, and perform the duties of the sheriff. 309

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

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

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

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

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

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

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

(10) "Information pertaining to the recreational 334

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section, the consent of the injured person or the injured person's guardian has been obtained; 392  
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(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; 394  
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(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; 399  
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(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; 405  
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(h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained; 411  
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(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; 413  
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(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence; 418  
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(k) Information, that does not constitute a confidential 420

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) (i) If the court orders the public office or the person 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 749  
of the alleged bad faith of the public office or person 750  
responsible for the public records. This division shall not be 751  
construed as creating a presumption that the public office or 752  
the person responsible for the public records acted in bad faith 753  
when the office or person voluntarily made the public records 754  
available to the relator for the first time after the relator 755  
commenced the mandamus action, but before the court issued any 756  
order described in this division. 757

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

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

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

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

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

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

(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. 783  
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(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. 787  
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(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. 790  
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(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. 796  
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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 803  
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(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 805  
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appropriate designees shall attend training approved by the 808  
attorney general as provided in section 109.43 of the Revised 809  
Code. A future official may satisfy the requirements of this 810  
division by attending the training before taking office, 811  
provided that the future official may not send a designee in the 812  
future official's place. 813

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Specify data on severe maternal morbidity that each 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; 927  
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(2) Prescribe the manner in which the data described in division (B)(1) of this section shall be reported. 931  
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(C) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. 933  
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Sec. 3702.35. (A) "Severe maternal morbidity" has the same meaning as in section 3738.01 of the Revised Code. 935  
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(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. 937  
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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. 942  
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(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. 945  
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Sec. 3738.01. (A) As used in this ~~section and sections~~ 3738.02 to 3738.09 of the Revised Code, "~~pregnancy associated~~ chapter:" 950  
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(1) "PAMR board" means the pregnancy-associated mortality review board established under division (B) of this section. 953  
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(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~~ appoint 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 per cent 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. 984

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3738.09 of the Revised Code are hereby repealed.

1247